

APPENDICES



- A. Notice of Intent and Agency Correspondence
- B. GUAMPO Population Projections
- C. Supporting Traffic Information for Chapter 2 - Alternatives Considered
- D. Design Criteria for the Preliminary Engineering Designs
- E. Year 2030 Toll-Scenario Traffic Forecasts for the Detailed Study Alternatives
- F. Relocation Reports
- G. Existing Noise Measurements and 2030 Noise Contour Maps
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- I. Farmland Conversion Impact Ratings Forms
- J. Hazardous Materials Sites
- K. Major Drainage Structures NPDES Permits in the Project Study Area
- L. Section 4(f) Resources
- M. Soils Information
- N. Jurisdictional Stream and Wetland Information
- O. NPDES Dischargers
- P. Matrix of Indirect and Cumulative Effects by DSA

APPENDIX A

NOTICE OF INTENT AND AGENCY CORRESPONDENCE

- A-1. NEPA/404 Merger Process Concurrence Forms**
- A-2. Correspondence with the State Historic Preservation Office**
- A-3. Scoping Letter and Responses**
- A-4. Notice of Intent**
- A-5. Other Agency Correspondence**
- A-6. Local Government Resolutions**
- A-7. Section 6002 Project Coordination Plan**
- A-8. Correspondence Related to Air Quality Conformity**

APPENDIX A-1**NEPA/404 MERGER PROCESS CONCURRENCE FORMS**

- Concurrence Point 1 - Purpose and Need 07/24/02
- Partial Concurrence Point 2 – Non-New Location Alternatives
Carried Forward for Further Study 08/28/02
- Concurrence Point 2 – Detailed Study Alternatives 09/20/05
- Concurrence Point 2a – Bridging and Alignment Decision
TEAC Meeting Minutes 04/08/08
- Concurrence Point 1, 2 and 2a – Purpose and Need, Detailed Study
Alternatives, and Bridging and Alignment Decision 10/07/08

Section 404/NEPA Merger Project Team Meeting Agreement Concurrence Point No.1 - Purpose and Need.

Project No./TIP No./Name/Description:

Federal Project Number: STP-1213(6); State Project Number 8.2812501;

TIP Number: U-3321

Description: Gaston East-West Corridor Study in Gaston and Mecklenburg Counties

Purpose and Need of Proposed Project:

The purpose of the proposed action is to improve east-west transportation mobility in the area around the City of Gastonia, between Gastonia and the Charlotte metropolitan area in general, and particularly to establish direct access between the rapidly growing area of southeast Gaston County and west Mecklenburg County. This project purpose is based on the following:

- Need to improve mobility, access and connectivity within southern Gaston County and between southern Gaston County and Mecklenburg County.
- Need to reduce congestion and improve traffic flow ~~along~~^{on} the sections of I-85, US 29-74 and US 321 in the project study area; improve high-speed, safe regional travel service along the US 29-74 intrastate corridor; and generally improve safety and reduce above average accident rates in the study area.

The project study area consists of the following general boundaries: I-85 to the north, the South Carolina State line to the south, the Charlotte-Douglas International Airport to the east, and the I-85 and US 29-74 junction to the west.

The Project Team concurred on this date of 7/24/02 with the purpose of and need for the proposed project as stated above.

USACE John W. H. ...

NCDOT Jennifer Harris

USEPA Pia ...

USFWS Melissa A. ...

NCDWQ Cynthia F. VanDerWiele

NCWRC Maria ...

NCDCR Renee Heddick-Easley

FHWA Donna H. Dancourse

Section 404/NEPA Merger Team Review Board Agreement
Partial Concurrence Point No. 2 –
Non-New Location Alternatives Carried Forward For Further
Study

Project No./TIP No./Name/Description:

Federal Project Number: STP-1213(6); State Project Number 8.2812501;
TIP Number: U-3321
WBS Number: 34922.1.1
Description: Gaston County East-West Connector Study, Gaston and Mecklenburg
Counties

Non-New Location Alternatives Carried Forward:

None of the following alternatives will be carried forward for detailed study since the data shows that none of these non-new location alternatives meet the project Purpose and Need as agreed to by the merger team July 2002:

1. Transportation System Management (TSM) Alternative(s)
2. Transportation Demand Management (TDM) Alternative(s)
3. The Mass Transit Alternative(s)
4. Multi-Modal Alternative(s)
5. Improve Existing Roadways Alternative(s):
 - *Scenario 2 – Improve I-85 to 8 lanes*
 - *Scenario 3 – Improve US 29-74 to 6 lanes*
 - *Scenario 4 – Improve I-85 to 8 lanes and US 29-74 to 6 lanes*
 - *Scenario 4+ - Improve I-85 to 8 lanes and US 29-74 to 6 lanes with TSM-type measures*
 - *Scenario 4a – Scenario 4+, but improve existing I-85 to 8-10 lanes. Also, provide capacity increases on several road segments that connect I-85 and US 29-74.*
 - *Scenario 8 - Scenario 4a plus capacity improvements to north/south feeder roads*

The Merger Team Review Board concurred on this date of _____ with not carrying forward non-new location alternatives for the proposed project as listed above.

USACE _____

NCDOT _____

NCDENR _____

FHWA _____

Section 404/NEPA Merger Team Review Board Agreement
Partial Concurrence Point No. 2 –
Non-New Location Alternatives Carried Forward For Further Study

Project No./TIP No./Name/Description:

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WBS Number: 34922.1.1
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USACE _____

NCDOT _____

NCDENR _____

FHWA 

Section 404/NEPA Merger Team Review Board Agreement
Partial Concurrence Point No. 2 –
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USACE _____

NCDOT _____

NCDENR  _____

FHWA _____

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Partial Concurrence Point No. 2 –
Non-New Location Alternatives Carried Forward For Further Study

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 - Scenario 8 - Scenario 4a plus capacity improvements to north/south feeder roads

The Merger Team Review Board concurred on this date of _____ with not carrying forward non-new location alternatives for the proposed project as listed above.

* USACE J. Kenneth Jolly NCDOT _____
NCDENR _____ FHWA _____

* See attached memo



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
PO BOX 1890
WILMINGTON NC 28402-1890



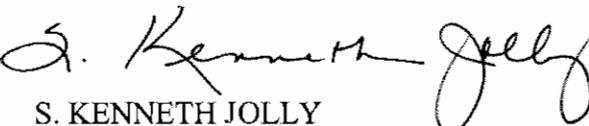
CESAW-RG

28 June 2005

MEMORANDUM FOR RECORD

SUBJECT: Clarification of Partial Concurrence Point 2 for Gaston County East-West Connector Study

1. As I have stated previously, I do not believe that the "Improve Existing Roadways Alternative" fails to meet the project purpose and need, specifically improvements to I-85, US 29-74, and various combinations of improvements to these roads. However, based upon anticipated environmental impacts and engineering issues associated with this alternative, supported by the "Review Board Summary of the Evaluation of Improve Existing Roadways Alternatives" dated 10 June 2005, I do agree that the "Improve Existing Roadways Alternative" is not a reasonable alternative for the project. Accordingly, I concur with elimination of this alternative from further consideration.
2. Please note that the environmental documentation for the project should include the "Review Board Summary of the Evaluation of Improve Existing Roadways Alternatives" dated 10 June 2005, as well as a summary of the elevation decision for Partial Concurrence Point 2.


S. KENNETH JOLLY
Chief, Regulatory Division

Section 404/NEPA Merger Team Meeting Agreement Concurrence Point No. 2 – Detailed Study Alternatives

Project No./TIP No./Name/Description:

Federal Project Number: STP-1213(6); State Project Number 8.2812501;
TIP Number: U-3321
Description: Gaston East-West Connector Study in Gaston and Mecklenburg Counties

Alternatives Carried Forward for Detailed Study:

Non-New Location Alternatives: None to be carried forward for detailed study in accordance with NEPA/404 Merger Process Review Board Decision (see separate signed partial Concurrence Point #2 forms for non-new location alternatives from July 2005).

New Location Alternatives:

Alt #	H Segments	J Segments	K Segments
4	H2A-H3	J4a-J4b-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
5	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
6	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K1D
9	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C
22	H2A-H2B-H2C	J3-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
23	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
24	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K1D
27	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C
58	H1A-H1B-H1C	J1a-JX1-J2d-J5a-J5b	K2A-KX1-K3B-K3C
64	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K1B-K1C-K4A
65	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K1B-K1C-K1D
68	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K3A-K3B-K3C
76	H1A-HX2	J2a-J2b-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
77	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
78	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K1D
81	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C

The Project Team concurred on this date of 9/20/05 with the Detailed Study Alternatives listed above to be carried forward in the Draft EIS for the proposed project.

USACE Steven W. Linn

NCDOT Mark Blaylock

USEPA ABSTAIN

USFWS ABSTAIN Mark Bonick

NCDWQ Felty Despinasse

NCWRC Abstain Mark Chambers

NCDCR Frank J. Griffin

FHWA Robert B. ...

GUMPO _____

MUMPO T. ...

Section 404/NEPA Merger Team Meeting Agreement Concurrence Point No. 2 – Detailed Study Alternatives

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5	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
6	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K1D
9	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C
22	H2A-H2B-H2C	J3-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
23	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
24	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K1D
27	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C
58	H1A-H1B-H1C	J1a-JX1-J2d-J5a-J5b	K2A-KX1-K3B-K3C
64	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K1B-K1C-K4A
65	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K1B-K1C-K1D
68	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K3A-K3B-K3C
76	H1A-HX2	J2a-J2b-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
77	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
78	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K1D
81	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C

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USACE _____

NCDOT _____

USEPA _____

USFWS _____

NCDWQ _____

NCWRC _____

NCDCR _____

FHWA _____

GUMPO James H. Yaha Jr.

MUMPO _____

From: Derrick Weaver [dweaver@dot.state.nc.us]

Sent: Monday, February 27, 2006 5:08 PM

To: Anne Redmond; Gurak, Jill S; Raymond, Louis; Gail Grimes

Subject: [Fwd: Gaston CP 2 Abstention]

See attached message from Chris.

Marla and I have not be able to get together yet to get her signature on CP 2, but I will see her on March 21 and will get her signature then.

----- Original Message -----

Subject: Gaston CP 2 Abstention

Date: Fri, 24 Feb 2006 14:20:47 -0500

From: Militscher.Chris@epamail.epa.gov

To: dweaver@dot.state.nc.us

CC: Mueller.Heinz@epamail.epa.gov,

Govella.Kristi@epamail.epa.gov,bisterfeld.ted@epamail.epa.gov

AS REQUESTED: Derrick: Yes, I (EPA) also agrees with the reasons provided by Marella and Marla on their abstentions. Primarily, EPA abstained because of the announcement prior to identifying the Detailed Study Alternatives to be Carried Forward (CP 2) that the **project was being taken out of Merger** and would be handled by the NCTA. Gail Grimes indicating they were not going to use the Merger 01 Process but some other type of agency coordination process. I heard no formal objections at the meeting from FHWA, DWQ or the ACE on the removal of the project from Merger 01. EPA has formally signed as a partnering agency to the Merger 01 MOU (which requires signed Concurrence forms) and we are unfamiliar with the process that Gail was referring to and the potential need to provide written concurrence on key decision milestones. The request to obtain EPA's written concurrence on a 'half Merger processed' project is silly and not consistent with the spirit and intent of the NEPA/404 MOU. While we agree that of the new location alternatives narrowed down by the team represent the 'best' of the new location alternatives being carried forward, we continue to maintain our concern that a full range of reasonable and feasible alternatives (including a 'improve existing' alternative) are not going to be considered for full evaluation in the NEPA document and for public comment. As a courtesy to NCDOT and other team members who have worked very hard on this project, I remained at the CP 2 meeting and worked with everyone else on developing the best list of new location DSAs available. I feel the Elevation Review Board did not address all of the issues raised by EPA and other team members in their written briefs. If the NCTA (and other agencies) decide that the Gaston project is going back into the Merger 01 Process and will go thru the entire process, EPA will potentially reconsider its abstention on CP 2. Again, thanks for your patience. Christopher A. Militscher, REM, CHMMUSEPA Raleigh Office 919-856-4206

From: Derrick Weaver [dweaver@dot.state.nc.us]
Sent: Tuesday, December 20, 2005 10:10 AM
To: Anne Redmond; Raymond, Louis; Gurak, Jill S; cdeal@hntb.com
Subject: [Fwd: Gaston E-W Connector, TIP U-3321]

----- Original Message -----

Subject: Gaston E-W Connector, TIP U-3321

Date: Mon, 19 Dec 2005 16:21:57 -0500

From: Marella_Buncick@fws.gov

To: dweaver@dot.state.nc.us, militscher.chris@epamail.epa.gov, chambersmj@vnet.net,
steven.w.lund@saw02.usace.army.mil, polly.lespinasse@ncmail.net,
sarah.mcbride@ncmail.net

CC: Brian_Cole@fws.gov, Gary_Jordan@fws.gov

On December 8, 2005, the USFWS abstained from signing Concurrence Point 2 for the Gaston East-West Connector Project, Gaston and Mecklenburg Counties, NC, for the following reasons:

1. According to discussions at the last Merger meeting for this project, U-3321 is being "handed off" to the NC Turnpike Authority. Since this project is now an NC Turnpike Authority study project, we believe it is no longer in the Merger Process. Merger is a process for which decisions are made in a building block fashion, each subsequent step dependent on the previous step. Therefore, we believe it is inappropriate for our Agency to sign off on alternatives when we will not be involved in selecting a LEDPA (CP 3) or in Avoidance and Minimization considerations (CP4). We have provided input that a deciding official can use to help determine an appropriate range of alternatives.

2. Our understanding is that the study of potential turnpike projects will include an analysis of economic considerations to determine a project's feasibility. Thus far, economic considerations beyond the cost to build a project have rarely been discussed relative to the feasibility of a project. If economic viability is to be considered a criterion used to determine feasibility for this particular project, we believe that the current Purpose and Need should be re-visited to include economic considerations.

If, in the future, the NC Turnpike Authority adopts the Merger Process and current merger team members are tasked by NCDOT to participate in another, dual, merger process we will revisit our abstention from this concurrence point decision.

Thank you.

marella buncick
USFWS
160 Zillicoa St.
Asheville, NC 28801
828-258-3939 ext 237

From: Derrick Weaver [dweaver@dot.state.nc.us]

Sent: Tuesday, January 17, 2006 11:04 AM

To: Anne Redmond; Gurak, Jill S; Raymond, Louis; Gail Grimes

Subject: [Fwd: U-3321, Gaston E-W Connector abstention]

Below is Marla Chambers reason for abstaining, she has not signed the form, but will do so on the 26th.

----- Original Message -----

Subject: U-3321, Gaston E-W Connector abstention

Date: Fri, 13 Jan 2006 16:35:28 -0500

From: "Marla J. Chambers" <chambersmj@vnet.net>

To: "'Weaver, Derrick'" <dweaver@dot.state.nc.us>

CC: "'Lund, Steve'" <Steven.W.Lund@saw02.usace.army.mil>,"Lespinasse, Polly"
<polly.lespinasse@ncmail.net>,"Buncick, Marella"
<marella_buncick@fws.gov>,<Militscher.Chris@epamail.epa.gov>,"McBride, Sarah"
<sarah.mcbride@ncmail.net>

Although I have not yet signed a form stating that NCWRC is abstaining from signing the partial Concurrence Point 2 that relates to new location alternatives, I will provide the reasons for abstaining below. I will be glad to sign an abstention form at the next appropriate opportunity. I plan to attend Hydraulics Meetings and the Inter-agency Meeting on January 25th and 26th in Raleigh, if that would be a convenient time.

The Merger Team was informed at the last Concurrence Meeting that this project, TIP No. U-3321, has become a NC Turnpike Authority study project and is being removed from the Merger process. Therefore, we believe that it is not appropriate to sign a Merger Concurrence Point form. Signing a Merger Concurrence Point form advances a project in the Merger process, a process that has well defined expectations and procedures for the subsequent steps. At the last Concurrence Meeting, the process and next steps for the project under the NC Turnpike Authority had not been determined. NCWRC did participate in the meeting, providing input on new location alternatives.

We are concerned that changing this project to a NC Turnpike Authority project may invalidate much of the process that the project has gone through in the Merger process to get to point where it is. The project was not presented or evaluated as a toll road. We expect that traffic projections, economic considerations, and other details would have been considerably different if evaluated as a toll road. We believe that it would be appropriate to re-evaluate the project as a toll road from the Purpose and Need stage (Concurrence Point 1).

Although we have abstained from signing this Concurrence Point, NCWRC is willing to participate in future activities concerning this project.

Sincerely,

Marla J. Chambers

Western NCDOT Permit Coordinator

N.C. Wildlife Resources Comm.

4614 Wilgrove-Mint Hill Rd., Suite M

Charlotte, NC28227

chambersmj@vnet.net

phone: 704-545-3841

fax: 704-545-3812

cell: 704-984-1070

MEETING MINUTES

Date: April 8, 2008
1:30 pm to 3:00 pm
NC Turnpike Authority Office Board Room (Suite 400)

Project: STIP U-3321 Gaston E-W Connector – STP-1213(6)

Gaston E-W Connector Spotlight:

Attendees:

George Hoops, FHWA
Donnie Brew, FHWA
Steve Lund, USACE
Kathy Matthews, USEPA
Chris Militscher, USEPA
Marla Chambers, NCWRC
Dewayne Sykes, NCDOT-Roadway Design

Kristina Solberg, NCDOT - PDEA
Dan Grissom, NCDOT-Division 12
Michael Gloden, EcoScience Corp.
Jennifer Harris, NCTA
Jill Gurak, PBS&J

Via Telephone:

Marella Buncick, USFWS
Polly Lespinasse, NCDENR - DWQ

Presentation Materials: (All materials have been posted on the TEAC website)

- Meeting Agenda
- Memo – Merger Process Concurrence Point 2a Bridging Decision Information – NCTA's Response to Agency Requests from the March 4, 2008 Meeting – This memo addresses action items from the March 4, 2008 TEAC meeting.

Purpose:

Discuss action items from the March 4, 2008 TEAC Meeting (Concurrence Point 2a meeting) in order to achieve agreement/concurrence on the bridging/alignment decisions for streams and wetlands crossed by the Detailed Study Alternatives (DSAs)

General Discussion:

Ms. Harris opened the meeting with introductions. The purpose of the meeting was to complete discussions regarding bridging and alignment decisions for the DSAs (CP2a). She noted that further discussions regarding bridging and permitting will be held again for the Preferred Alternative at CP4a.

A general discussion took place prior to the discussions of the individual crossings. The questions and comments are summarized below.

Minutes from the March 4, 2008 Meeting. Ms. Harris asked if anyone had any comments or revisions to the March 4, 2008 meeting minutes. No one had any comments.

Other Issues. Mr. Militscher stated he could not access the TEAC website, as it was not recognizing his username and password. Ms. Harris stated she would ask the website administrator to follow up with Mr. Militscher.

Ms. Gurak began the discussion of the action items requested at the March 4, 2008 meeting that were summarized in the memo distributed for the April 8 TEAC meeting.

Wildlife Passage Structures

The NCTA agrees to study wildlife passage structures at the following crossings of Stream S156 during final design, if they are part of the Preferred Alternative. This will be included as a commitment in the DEIS.

- Crossing JD6 – crossing of Stream S156 on Detailed Study Alternative (DSA) Segment J1C (west of Robinson Road)
- Crossing JD19 – crossing of Stream S156 on DSA Segment JX1
- Crossing JD31 – crossing of Stream S156 on DSA Segment J2C

The resource agencies asked if this wildlife crossing was unique to any of the alternatives. All DSAs cross Stream 156 once, so all DSAs will include a wildlife passage structure at this stream.

The WRC stated there are numerous resources available to assist in designing wildlife passages. The WRC noted one method of sizing the crossing uses an “openness factor” that takes into account length/height/width of the crossing as well as the types of wildlife anticipated to use the crossing. The equation is metric based. The NCDOT has designed wildlife crossings for bears on the I-26 (A-10) project in western North Carolina. There have also been some successful crossings on projects in eastern North Carolina.

The NCDOT noted that Ted Devens (NCDOT) is working with Virginia Tech on wildlife crossing studies.

USFWS noted that the 2007 conference proceedings from ICOET (International Conference on Ecology and Transportation) would be a good resource for wildlife crossing information.

The WRC stated that during final design for the Preferred Alternative, the bridges at other crossings also should be designed to be wildlife friendly when feasible.

Bridging Beyond What is Required for Hydraulic Conveyance

At the March 4, 2008 meeting, the NCTA agreed to the following bridges to be included in the DSA designs.

- Crossing HD27 – DSA Segment H2A over Bessemer Branch. Change from triple box culvert to a bridge.
- Crossing HD32 – DSA Segment H2C over Stream S70 adjacent to Chapel Grove Road. Extend mainline bridges over Chapel Grove Road to span Stream S70.
- Crossing HD17 – DSA Segment HX2 over Stream S79 adjacent to Camp Rotary Road. Extend mainline bridges over Camp Rotary Road to span Stream S79.
- Crossing HD38 – DSA Segment H3 over Stream S135 (Blackwood Creek). Change from a triple box culvert to a bridge.

The NCTA also agreed to the following bridges to be included in the DSA designs, as requested at the March 4, 2008 TEAC meeting.

- Crossing JB2 – DSA Segment J3 over Crowders Creek. Extend mainline bridges over Crowders Creek to span Wetland 103.
- Crossing JD9 – DSA Segment J1C over Stream S178. Change from a triple box culvert to a bridge.
- Crossing KD3 – DSA Segment K3A over Stream S259 (Catawba Creek). Extend mainline bridges over Catawba Creek to span main body of Wetland W248.

- Crossing KD17 – DSA Segment K1B over Stream S259 (Catawba Creek). Extend mainline bridges over Catawba Creek to span main body of Wetland W248.

The resource agencies agreed to the additional bridges and had no further comments.

Cost Estimate for Bridge at Crossing HB1

At the March 4, 2008 meeting, the resource agencies requested a cost estimate for additional bridges at Crossing HB1 (DSA Segment H1A over Crowders Creek near the US 29-74 interchange). The additional bridges would include extending the mainline bridges over Crowders Creek to span Wetland 12, and constructing bridges over Wetland 12 for the WB Connector off ramp to US 29-74 and the WB Connector on ramp (loop) from US 29-74.

In 2007 dollars, the cost of all these additional bridges would be \$15.5 million. The original cost for the shorter mainline bridges was \$2.1 million. If the interchange is eliminated, the cost of the extended mainline bridges (no ramps) would be \$11.4 million.

The resource agencies requested information on the costs of the Crowders Creek ramp bridges to be included in these minutes. *The costs were calculated post meeting. These two bridges, off ramp from WB Connector to US 29-74 over Crowders Creek and on ramp from US 29-74 to EB Connector over Crowders Creek, would each be about 38 feet wide and 120 feet long. The total cost for the two ramp bridges would be approximately \$1 million.*

There was a question about whether the loop ramp could be extended to shift out of the wetland. If it was extended, it would encroach farther into the floodplain of Crowders Creek and nearer to the creek. It can not be shortened due to sight distance requirements for the toll collection equipment.

The resource agencies would prefer to eliminate the US 29-74 interchange. As discussed at the March 4, 2008 meeting, the NCTA will be considering eliminating the US 29-74 interchange (for all DSAs). The Gaston Urban Area MPO (GUAMPO) is also looking at this issue. The potential elimination of this interchange will be presented to the public for comment at Citizens Informational Workshops planned for this summer.

The resource and regulatory agencies agreed that extending the mainline bridges over Crowders Creek to also span Wetland 12 would not be cost effective. The USFWS pointed out that the area of the wetland crossed by the mainline bridges is forested. This vegetation would be cleared to construct the low bridges. Regrowth of vegetation under the bridges would not be the same as the existing conditions. It may be more effective to restore the eastern part of Wetland 12 and fill the western part.

The USEPA stated that since Crowders Creek is a 303d listed stream, BMP (Best Management Practices) measures such as basins also should be considered to ensure that Crowders Creek would not be impacted by roadside drainage.

In conclusion, it was decided to show the impacts of filling Wetland 12 in the DEIS, but to also discuss the potential elimination of the US 29-74 interchange. If this DSA Segment is part of the Preferred Alternative, mitigation and minimization measures will be revisited at Concurrence Point 4a. The agencies agreed that it was not cost effective to extend the mainline bridges to span Wetland 12.

Mainline Alignment Shift at Crossing HB3 to Avoid Wetland W51

A full discussion of the alignment shift investigation is included in Section 5a of the memo provided as part of the April 8, 2008 meeting. Crossing HB3 is located at Crowders Creek for DSA Segments H3 and H2A near the US 29-74 interchange. At the March 4, 2008 meeting, the resource and regulatory agencies requested that a shift in the Corridor H3 alignment be investigated to move the H3 alignment to the east so the US 29-74 interchange ramps would avoid Wetland 51.

The alignments in this location were placed to minimize relocations and impacts to the three junkyards in the vicinity.

DSA Segment H2A can not be shifted to the east within the corridor boundaries due to curve radii constraints.

The alignment in DSA Segment H3 would need to shift about 240 feet to the east to avoid Wetland 51. This would encroach directly on the Putnam Auto Body junkyard and would increase impacts to Stream S54 from 188 lf to about 575 lf.

The same discussion regarding eliminating the US 29-74 interchange was held for this location. The resource agencies would prefer to eliminate the US 29-74 interchange. As discussed at the March 4, 2008 meeting, the NCTA will be considering eliminating the US 29-74 interchange (for all DSAs). The GUAMPO is looking at this issue. The potential elimination of this interchange will be presented to the public for comment at Citizens Informational Workshops planned for this summer. The NCTA recommended not shifting the alignment at this location, particularly since the elimination of the interchange is being considered. The resource and regulatory agencies conditionally agreed.

The USEPA requested that a cost estimate be provided for bridging Wetland W51 for Corridor Segments H3 and H2A (this would involve bridges only on the ramps). The USEPA stated that they would provide information about potential costs for relocating the Putnam Auto Body junkyard. *The costs were calculated post meeting. For Corridor Segment H3, two bridges are proposed (one for the ramp and one for the loop ramp). These two bridges would be between 37 feet to 50 feet wide, and 470 feet to 560 feet long. The total cost for the two bridges would be approximately \$4.8 million. For Corridor Segment H2, three bridges are proposed (one for the loop ramp and two for the ramps). These three bridges would be between 37 feet to 50 feet wide, and 130 feet to 500 feet long. The total cost for the three bridges on Segment H2 are approximately \$3.3 million.*

Mainline Alignment Shift at Crossing JD17 to Avoid Parallel Impacts to Stream S146

A full discussion of the alignment shift investigation is included in Section 5b of the memo provided as part of the April 8, 2008 meeting.

The NCTA recommends not shifting this alignment. The resource agencies agreed.

Mainline Alignment Shift at Crossing KD17 to Avoid the Easternmost Finger of Wetland W248

A full discussion of the alignment shift investigation is included in Section 5c of the memo provided as part of the April 8, 2008 meeting.

The NCTA recommends not shifting this alignment. The resource agencies agreed.

Y-Line (Cross-Street) Alignment Shift at Crossing KD31 to Avoid Confluence of Beaverdam Creek and Legion Lake Stream

A full discussion of the alignment shift investigation is included in Section 5d of the memo provided as part of the April 8, 2008 meeting.

The NCTA recommends not shifting this alignment at this time. If this corridor is selected as the Preferred Alternative, this crossing will be revisited during final design when more refined mapping is available. The resource agencies agreed.

Conclusions

The resource agencies agreed that discussions for Concurrence Point 2a were complete. Below is an updated table summarizing the final decisions made as part of CP2a for the major hydraulic crossings.

Crossing	Decision	Cost Differential for Crossing
HD26	Revisit this area for minimization measures during CP4a	--
HD27	Change recommended structure from a culvert to a bridge	Savings of \$0.44 million
HB1	The potential elimination of the interchange will be presented for public comment at the next Citizens Informational Workshops. Eliminating the interchange will be evaluated for the Preferred Alternative.	N/A
HB2	The potential elimination of the interchange will be presented for public comment at the next Citizens Informational Workshops. Eliminating the interchange will be evaluated for the Preferred Alternative.	N/A
HB3	The potential elimination of the interchange will be presented for public comment at the next Citizens Informational Workshops. Eliminating the interchange will be evaluated for the Preferred Alternative.	N/A
HD29	No change in the recommended structure – a culvert.	--
HD31	No change in the recommended structure – a culvert.	--
HD59	No change in the recommended structure – a bridge.	--
HD32	Change recommended structure from a culvert to a bridge since a culvert does not appear feasible from a design standpoint at this time.	Increase of \$0.96 million
HD10	No change in the recommended structure – a culvert.	--
HD 17	Change recommended structure from a culvert to a bridge since a culvert does not appear feasible from a design standpoint at this time.	Increase of \$1.27 million
HD35	No change in the recommended structure – a culvert.	--
HD48	Change recommended structure from a culvert to a bridge due to size of Blackwood Creek, floodplain, and proximity to Crowders Creek confluence.	Increase of \$1.75 million
JB2	Extend recommended bridge structure approximately 365 feet to span Wetland W103 in addition to Crowders Creek.	Increase of \$4.1 million
JB1	No change in the recommended structure – a bridge.	--
JD29	No change in the recommended structure – a bridge.	--
JD4	No change in the recommended structure – a bridge.	--
JD17	No change in the recommended structure – a bridge.	--
JD6, JD19 and JD31	No change in the recommended structure – a culvert. However, an additional culvert or other measure will be considered for wildlife passage during final design.	Increase for wildlife passage structures unknown.
JD21	No change in the recommended structure – a culvert.	--
JD9	Change recommended structure from a culvert to a bridge.	Increase of \$0.84 million
JD26	No change in recommended structure – a pipe	--
KD54	No change in the recommended structure – a culvert.	--
KD25	No change in the recommended structure – a bridge.	--

Crossing	Decision	Cost Differential for Crossing
KD3	Extend recommended bridge structure about 395 ft to span Wetland W248 in addition to Catawba Creek.	Increase of \$4.0 million
KD17	Extend recommended bridge structure about 370 ft to span Wetland W248 in addition to Catawba Creek.	Increase of \$4.2 million
KD2	No change in the recommended structure – a culvert.	--
KB3, KB5, KB7	No change in the recommended structures – bridges over the South Fork Catawba River.	--
KB4, KB6	No change in the recommended structures – bridges over the Catawba River.	--
KD7, KD29, KD16	No change in the recommended structure – a culvert.	--
KD31	No change in the recommended structure – a culvert. If this crossing is part of the Preferred Alternative, during final design, NCTA will investigate the feasibility of shifting the alignment of Dixie River Road at this crossing to avoid the confluence of Beaverdam Creek and Legion Lake Stream.	--

Wrap-Up / Next Steps:

- Concurrence Point 2a bridging and alignment decisions are complete. NCTA will incorporate the conclusions of CP2a into the DEIS.

New Action Items

- The agencies requested information on the costs of the Crowders Creek ramp bridges for Corridor Segment H1A to be included in these minutes.

The cost for these ramp bridges is approximately \$1,000,000 (see detailed information in these minutes).

- The agencies requested information on the costs of bridging Wetland W51 along Corridor Segments H3 and H2B.

The cost for the bridges along Segment H3 is approximately \$4,800,000, and the proposed cost for the bridges along Segment H2B is approximately \$3,300,000 (see detailed information in these minutes).

- The USEPA stated they would provide information for a cost estimate for relocating the Putnam Auto Body junkyard located near the US 29-74 interchange for Corridor Segments H3 and H2C.

Previous Action Items:

- NCTA will prepare a cost estimate for Crossing HB1 for providing bridges over Crowders Creek for the mainline and WB off ramp to span Wetland 12.

Cost estimates provided as described in the response memo handed out at the April 8, 2008 TEAC meeting.

- NCTA to consider eliminating the Corridor Segment H1A/US 29-74 interchange ramp that provides access from US 29-74 to WB Connector. This ramp crosses over W12.

NCTA is considering eliminating the US 29-74 interchange for all DSAs. The GUAMPO is evaluating this option. The option will be presented to the public for comment at upcoming workshops this summer.

- NCTA will consider providing wildlife passage structures at JD6, JD19, and JD31.

NCTA agrees to study wildlife passages at JD6, JD19, or JD 31, whichever is included as part of the Preferred Alternative.

- NCTA will consider the additional bridging recommendations made during the meeting. These include changing a culvert to a bridge for Crossing JD9 and extending the bridges at JB2, KD3/KD17 to span high value/high quality wetlands.

NCTA has included bridges for these crossings, as requested by the resource agencies.

- NCTA will investigate the feasibility of shifting alignments at the following locations:
 - Mainline shift at HB3 east to avoid W51
 - Mainline shift at JD17 to avoid parallel impacts to S146
 - Mainline shift at KD3 to avoid the easternmost finger of W248
 - Y-line shift at KD31 to avoid confluence of Beaverdam Creek and Legion Lake Stream

As detailed in the April 8, 2008 memo and these minutes, none of these alignment shifts will be implemented at this time. The Y-line alignment shift at KD31 will be reviewed during final design if it is part of the Preferred Alternative.

Resolutions:

- This concludes the discussion on bridging and alignment decisions for the Gaston E-W Connector. NCTA, NCDOT, FHWA, and the agencies have reached agreement/concurrence on the proposed crossings.

Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point 1 – Purpose and Need
Concurrence Point 2 – Detailed Study Alternatives
Concurrence Point 2a – Bridging and Alignment Decisions

Project No./TIP No./Name/Description:

Federal Project Number: STP-1213(6); State Project Number 8.2812501;

TIP Number: U-3321

Description: Gaston East-West Connector in Gaston and Mecklenburg Counties

CP #1 - Purpose and Need

The purpose of the proposed action is to improve east-west transportation mobility in the area around the City of Gastonia, between Gastonia and the Charlotte metropolitan area, and particularly to establish direct access between the rapidly growing area of southeast Gaston County and west Mecklenburg County. This project purpose is based on the following:

- Need to improve mobility, access and connectivity within southern Gaston County and between southern Gaston County and Mecklenburg County.
- Need to improve traffic flow on the sections of I-85, US 29-74 and US 321 in the project study area and improve high-speed, safe, reliable regional travel service along the I-85 corridor.

CP #2 - Detailed Study Alternatives (DSAs)

Twelve Final Detailed Study Alternatives

Detailed Study Alternative #	West Area – Generally west of US 321	Central Area – Generally east of US 321 and west of NC 279 or the South Fork Catawba River	East Area – Generally east of NC 279 or the South Fork Catawba River
	H Segments	J Segments	K Segments
4	H2A-H3	J4a-J4b-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
5	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
9	H2A-H3	J4a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C
22	H2A-H2B-H2C	J3-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
23	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
27	H2A-H2B-H2C	J3-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C
58	H1A-H1B-H1C	J1a-JX1-J2d-J5a-J5b	K2A-KX1-K3B-K3C
64	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K1B-K1C-K4A
68	H1A-H1B-H1C	J1a-J1b-J1c-J1d-J1e-J1f	K1A-K3A-K3B-K3C
76	H1A-HX2	J2a-J2b-J2c-J2d-J5a-J5b	K2A-KX1-K3B-K3C
77	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K1B-K1C-K4A
81	H1A-HX2	J2a-J2b-J2c-J2d-JX4-J1e-J1f	K1A-K3A-K3B-K3C

CP #2a - Bridging and Alignment Decisions

Wildlife Passage Structures. Wildlife passage structures will be studied at the following crossings of Stream S156 during final design. The crossing location depends on DSA.

- Crossing JD6 – crossing of Stream S156 on Detailed Study Alternative (DSA) Segment J1c (west of Robinson Road) (DSAs 64, 68, and 76).
- Crossing JD19 – crossing of Stream S156 on DSA Segment JX1 (DSA 58)
- Crossing JD31 – crossing of Stream S156 on DSA Segment J2c (DSAs 4, 5, 9, 22, 23, 27, 77, and 81)

Bridging Beyond What is Required for Hydraulic Conveyance. Bridges will be provided at the following locations, depending on DSA.

- Crossing HD27 – DSA Segment H2A over Bessemer Branch (Stream S25). Change from triple box culvert to a bridge. (DSAs 4, 5, 9, 22, 23, and 27)
- Crossing HD32 – DSA Segment H2C over Stream S70 adjacent to Chapel Grove Road. Extend mainline bridges over Chapel Grove Road to span Stream S70. (DSAs 22, 23, and 27)
- Crossing HD17 – DSA Segment HX2 over Stream S79 adjacent to Camp Rotary Road. Extend mainline bridges over Camp Rotary Road to span Stream S79. (DSAs 76, 77, and 81)
- Crossing HD48 – DSA Segment H3 over Stream S135 (Blackwood Creek). Change from a triple box culvert to a bridge. (DSAs 4, 5, and 9)
- Crossing JB2 – DSA Segment J3 and DSA Segment J2a over Crowders Creek. Extend mainline bridges over Crowders Creek to span Wetland 103. (DSAs 22, 23, 27, 76, 77, and 81)
- Crossing JD9 – DSA Segment J1c over Stream S178. Change from a triple box culvert to a bridge. (DSAs 58 and 68)
- Crossing KD3 – DSA Segment K3A over Stream S259 (Catawba Creek). Extend mainline bridges over Catawba Creek to span main body of Wetland W248. (DSAs 9, 27, 68, and 81)
- Crossing KD17 – DSA Segment K1B over Stream S259 (Catawba Creek). Extend mainline bridges over Catawba Creek to span main body of Wetland W248. (DSAs 5, 23, 64, and 77).

Alignments of Preliminary Engineering Designs within the DSAs. The alignments of the preliminary engineering designs dated January 2008 for the DSAs were reviewed and accepted by the NEPA/404 Merger Team at the April 8, 2008 Turnpike Environmental Agency Coordination (TEAC) meeting.

Gaston East-West Connector (STIP U-3321)
Concurrence Form - CP#1, CP#2, CP#2a
October 7, 2008

The Project Team concurred on this date of 10-7-08 with CP #1 - Purpose and Need,
CP#2 - Detailed Study Alternatives, and CP2a - Bridging and Alignment Decisions.

USACE Stewart L. Lenz

FHWA Angela Hays

USFWS Walter C. Bunker

USEPA Chris D.

NCTA Jennifer Harris

NCDOT W. Holberg

NCDWO Polly Despinasse

NCWRC Maia Chambers 10/7/2008

NCDCR Renee McDowell-Easley

GUAMPO James H. Gresham Jr.

MUMPO Robert W. Cook

APPENDIX A-2

CORRESPONDENCE WITH THE STATE HISTORIC PRESERVATION OFFICE

- Letter from SHPO Requesting Survey 09/26/05
- Concurrence Form – Properties Not Eligible for the NRHP 06/12/07
- Letter from SHPO Regarding the Archaeological Survey Report 06/26/07
- Letter from SHPO Regarding the Phase II Historic Architectural Resources Survey Report 04/14/08
- Concurrence Form – Properties Not Eligible for the NRHP 04/21/08
- Concurrence Form – Assessment of Effects 05/16/08
- Concurrence Form Addendum – Assessment of Effects 07/21/08
- Letter from FHWA – *de minimus* Section 4(f) Impact Finding for Wolfe Family Dairy Farm 08/07/08
- Concurrence with Indirect and Cumulative Effects Assessment 10/10/08
- Letter from NCDOT to SHPO – Archaeological Site Form for 31GS337** (Stowe Mill) 12/12/08



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Peter B. Sandbeck, Administrator

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

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

September 26, 2005

MEMORANDUM

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

FROM: Peter Sandbeck 

SUBJECT: Concurrence Point 2 Merger Meeting, Gastonia East-West Connector Study, U-3321,
Gaston and Mecklenburg Counties, ER 02-9723

On September 20, 2005, staff from our office attended the above meeting at the North Carolina Department of Transportation.

At the meeting, the Merger Team selected preliminary alignments to be carried forward. One of the alignment nodes "Northern Alt. K3A-K3B-K3C," contains a historic property identified in the 2003, Phase I Reconnaissance Survey Report.

We understand that the Phase II Intensive Survey Report on the project will be completed after the Merger Team chooses the final alignment. At this juncture, however, we would like to request that the historic property identified in Northern Alt. K3A-K3B-K3C be intensely surveyed before the next concurrence meeting.

We cannot move forward in the merger process until the historic property has been fully evaluated.

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. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Mary Pope Furr, NCDOT
Derrick Weaver, NCDOT

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-4763/733-8653
RESTORATION	515 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6547/715-4801
SURVEY & PLANNING	515 N. Blount Street, Raleigh, NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6545/715-4801

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

Project Description: Gaston E-W Connector

On June 12, 2007 representatives of the

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

Reviewed the subject project at

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

All parties present agreed

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

Signed:

Mary Pope

Representative, NCDOT

June 12, 2007

Date

[Signature]

FHWA, for the Division Administrator, or other Federal Agency

6.12.07

Date

[Signature]

Representative, HPO

6/12/07

Date

[Signature]

State Historic Preservation Officer

6-12-07

Date

If a survey report is prepared, a final copy of this form and the attached list will be included.

Report required 1-18, 21, 26, 54, 82, 91, 135, 140, 145, 148, 171

SECTION 106 ELIGIBILITY MEETING

U-3321 // Gaston East-West Connector

Properties Not Worthy of Further Evaluation

June 12, 2007

The following properties are considered not eligible and not worthy of further evaluation:

19 & 20

22-25

27-53

55-81

83-90

92-134

136-139

141-144

146 & 147

149-170

172-180

A survey report will be prepared that will include intensive evaluations for the following properties:

1-18

21

26

54

82

91

135

140

145

148

171



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

June 26, 2007

MEMORANDUM

To: Matt Wilkerson, Archaeology Supervisor
NCDOT - Office of Human Environment

FROM: Peter Sandbeck *PBS for Peter Sandbeck*

SUBJECT: Archaeological Assessment of Detailed Study Alternatives for the Proposed Gaston East-West Connector, Gaston and Mecklenburg Counties, ER 02-9723

Thank you for your letter of June 4, 2007, transmitting the report for the above project.

For purposes of compliance with Section 106 of the National Historic Preservation Act, we agree with the assessments presented regarding the proposed highway corridor alternatives. We look forward to the selection of a preferred corridor and the opportunity to discuss archaeological field methodology with your office prior to start of fieldwork.

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 considerations. If you have any questions concerning the above comment, please 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.



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

April 14, 2008

Jeff Dayton, PE
NC Turnpike Authority
5400 Glenwood Ave, Ste 400
Raleigh, NC 27612

Re: Phase II Architectural Resources Survey Report, Gaston East-West Connector,
U-3321, Gaston & Mecklenburg Counties, ER 02-9723

Dear Mr. Dayton:

Thank you for your letter of February 20, 2008, transmitting two hard copies and an electronic copy of the above referenced report, which was prepared by Mattson, Alexander and Associates for the North Carolina Turnpike Authority. We have reviewed the report and concur with its findings, with the following exceptions.

Properties Listed in the National Register

#9 Craig Farmstead (William N. Craig Farm – GS 320): We do not recommend the expansion of this National Register-listed property. The acreage on the north side of the road was thoroughly evaluated during the application process in 2006. Due to the presence of the ranch house and lack of compelling argument for the significance of the additional acreage on the other side of the road, we do not concur with the expansion.

Properties Evaluated Intensively & Considered Eligible for the National Register

#1 Jake Long Dairy Barn: A larger boundary to include all the historic buildings as an appropriate setting is recommended. A photograph of the tenant house is needed to assess its integrity.

#5 Stowe-Caldwell-Lowery House: A larger boundary to include the agricultural outbuilding is appropriate for the house.

#8 Union Presbyterian Church: There is no information about the interior of this church. If it is intact, then we concur that the property is eligible for listing.

#13 Rosa McLean House: While a representative house of the time and area the synthetic siding damages the integrity of this house for which there is a better example, the Craig House. Thus, we do not consider it eligible for listing in the National Register.

#17 Griffith-Shoaf House: We believe this property has lost too much of its integrity to be eligible for listing in the National Register. The 1940s remodeling is not significant.

#171 Neagle House: There is no context for determining if this Ranch house is significant in this area of the county. Even though its metal windows are interesting, it appears to be a very typical Ranch house and not eligible for listing.

#145 James Alexander Hoffman House: There is no context to determine whether this bungalow is one of the best representative examples of the style in this quadrant of the county. It appears to be a very typical bungalow and not eligible for listing.

Properties Evaluated Intensively & Considered Not Eligible for the National Register

#19 Wolfe Family Dairy Farm: At least two-thirds of the outbuildings at this farm have good integrity. As such, it should rank higher than the individual dairy farm buildings that were proposed as eligible. Based on the presence of the two farmhouses and the large group of intact outbuildings, we believe it is eligible for the National Register. Boundaries for the property should be developed.

To aid in the use of the information contained in the report, we recommend an addendum in the form of a spreadsheet that lists the 29 properties shown on pages 2 & 3 of the report and includes the following items.

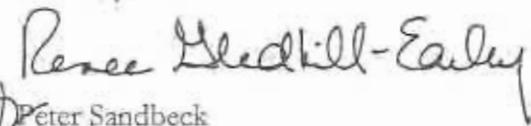
Property Number and Name used in the report
Survey Site Number
Evaluation Status – listed, eligible, or not eligible
Criterion(a) for listing
Number of acres
Concurrence/Non-concurrence

The Survey Site Number is a unique identifier that the consultants should obtain from the existing records or from our office. Survey site numbers and any additional assessment of the 153 properties in Appendix A are not required.

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 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number. We look forward to evaluating the effects of the proposed undertaking with you on April 21, 2008.

Sincerely,



 Peter Sandbeck

cc: Mattson, Alexander & Associates
Mary Pope Furr, NCDOT
Rob Ayers, FHWA

Federal Aid #
34922.1.TA1

TIP # U-3321

County: Gaston and Mecklenburg

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

Project Description: Gaston East-West Connector

On April 21, 2008 representatives of the

- X North Carolina Department of Transportation (NCDOT)
- X Federal Highway Administration (FHWA)
- X North Carolina State Historic Preservation Office (HPO)
- X Other North Carolina Turnpike Authority; PBS&J

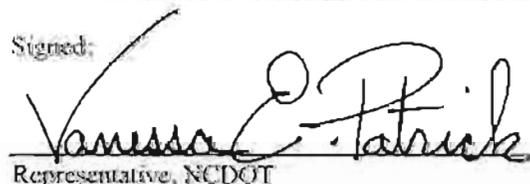
Reviewed the subject project at

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

All parties present agreed

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

Signed:


Representative, NCDOT

5-21-08
Date

FHWA, for the Division Administrator, or other Federal Agency

Date

Representative, HPO

Date


State Historic Preservation Officer

6-2-08
Date

U-3321, Gaston/Mecklenburg Counties

The eligibility discussion on April 21, 2008 considered the 29 properties evaluated in Mattson, Alexander & Associates' intensive study of historic architectural resources in the U-3321 project area. In a letter dated April 14, 2008 (attached), NCHPO expressed particular concerns about the eligibility recommendations for nine of the studied properties. Determinations reached at the meeting are summarized in the attached table.

The following properties are not NR-eligible:

- 13. Rosa McLean House
- 17. Griffith-Shoaf House
- 26. Oates House
- 82. Ferguson-Craig-Falls House
- 91. Bell-Falls-Ferguson House
- 135. J. Condor Armstrong House
- 140. Dixon Dairy Farm
- 145. James A. Hoffman House
- 171. Neagle House
- 182. (former) South Point School

4-21-08

NCDOT, NCTA, and NCHPO agreed to a revised, proposed NR boundary for the William Clarence Wilson House property (#6). See amended Figure 7A attached. 6-2-08

GASTON EAST-WEST CONNECTOR
STIP Project U-3321
SUMMARY OF ELIGIBILITY
FOR THE NATIONAL REGISTER OF HISTORIC PLACES
Historic Architectural Resources in the APE
April 21, 2008

Property No.	Property Name	Site No.	Size (Acres)	Eligibility Determination	Eligibility Criterion	Additional Notes
1	Jake Long Dairy Barn	GS 1320	< 1	Eligible	A and C	Boundary to be expanded to include all historic buildings and clearing as an approp. setting. Need photograph of tenant house to confirm boundary
2	William Wilson Wilson House	GS 00 198 ¹⁹⁸	~ 1	Eligible aprop on study list	C	–
3	William Alexander Falls House	GS 00169	6	Eligible	C	–
4	Mendenhall-Grissom Farm	GS 00173	13	Eligible	A and C	
5	Stowe-Caldwell-Lowery House	GS 00179	~1.5	Eligible	C	Boundaries to include entire parcel.
6	Clarence Wilson Barn and Corn Crib (Wm. Clarence Wilson House)	GS 00341 500341	~1	Eligible	C	Boundary revised 6-2-08.
7	JBF Riddle House	GS 00337	~2	Eligible	C	–
8	Union Presbyterian Church	GS 00340	~3	Eligible	C and Crit. Con. A*	Need to inspect interior of church. If not intact, then eligibility may change.
9	Craig Farmstead	GS 00320	19	On NRHP	C	Current NRHP boundaries only
10	Harrison Family Dairy Farm	GS 1322	~80	Eligible	A	–
11	Thomas Allison House	GS 00316	3.64	Eligible	C	–
12	Dillard-Falls House	GS 1323	3.03	Eligible	C	–
13	Rosa McLean House	GS 00332	2.67	Not Eligible	–	–
14	Byrum-Croft House	MK 2841	5	Eligible	C	–
15	Steele Creek Presbyterian Church and Cemetery	MK 01377	~20	On NRHP	C and Crit. Con. A*	–
16	Steele Creek Presbyterian Church Manse	MK 1378	~7	Eligible	C	–
17	Griffith-Shoaf House	MK 2842	2.51	Not Eligible	–	–
18	Shopton Rural Historic District		~16	Prev. Det. Eligible	A and C	–
19	Wolfe Family Dairy Farm	GS 1327	257.37	Eligible	A and C	Boundaries should include entire tax parcel.
26	Oates House	GS 00369		Not Eligible	–	–
54	Pisgah Associated Reformed Presbyterian Church	GS 00547	~2	Eligible	C and Crit. Con. A*	–
82	Ferguson-Craig-Falls House	GS 00170		Not Eligible	–	–
91	Bell-Falls-Ferguson House	GS 00168		Not Eligible	–	–
135	J Condor Armstrong House	GS 1328		Not Eligible	–	–
140	Dixon Dairy Farm	GS 1329		Not Eligible	–	–
145	James A Hoffman House	GS 1325	0.93	Not Eligible	–	–
171	Neagle House	GS 1324	~2	Not Eligible	–	–
181	Bridge No. 350022	Pending	Bridge footprint	Prev. Det. Eligible	C	–
182	(former) South Point School	GS 1330		Not Eligible	–	–

* - Crit Con A – Criteria Consideration A for religious properties



- Legend**
- Historic Prospectus
 - Preliminary Road Design
 - Right of Way
 - Cut Line
 - Buildings
 - Parcels
 - Streams
 - Lot
 - Contour Lines



South Union County, Inc.
 Madison County
 May 1994 on 15-6-107



0 20 40 Feet

Tennessee Turnpike Authority

STIP PROJECT NO. U-3321

Gaston County and North Carolina

#6 GASTON EAST-WEST CONNECTOR
 WILLIAM CLARENCE WILSON EMERY'S-SORRENTO HOUSE
 SEGMENT J1B1

ACTS 64, 65, 68

Figure 7A

Revised NR boundary 6-2-08
 Existing ROW along Bud Wilson Road constitutes
 NW limits of the historical boundary.

Federal Aid #: **31922.1.TA** | TIP#: **U-3321**

County: **Gaston/Mecklenburg**

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: **Gaston East-West Connector**

On **April 21, 2008** representatives of the

- North Carolina Department of Transportation (NCDOT)
- Federal Highway Administration (FHWA)
- North Carolina State Historic Preservation Office (HPO)
- Other **North Carolina Turnpike Authority; PBS&J**

Reviewed the subject project and agreed

- There are no effects on the National Register-listed property/properties located within the project's area of potential effect and listed on the reverse.
- There are no effects on the National Register-eligible property/properties located within the project's area of potential effect and listed on the reverse.
- There is an effect on the National Register-listed property/properties located within the project's area of potential effect. The property/properties and the effect(s) are listed on the reverse.
- There is an effect on the National Register-eligible property/properties located within the project's area of potential effect. The property/properties and effect(s) are listed on the reverse.

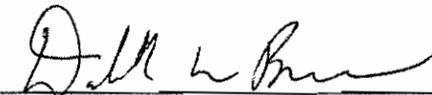
Signed:



Representative, NCDOT

5-16-08

Date



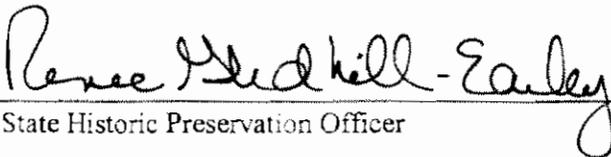
FHWA, for the Division Administrator, or other Federal Agency

5-23-08

Date

Representative, HPO

Date



State Historic Preservation Officer

5-16-08

Date

Federal Aid #:

TIP#: **U-3321**

County: **Gaston/Mecklenburg**

Properties within the area of potential effect for which there is no effect. Indicate if property is National Register-listed (NR) or determined eligible (DE). (# = Property Number - see attached table)

- Jake Long Dairy Barn (#1 - DOE)
- William ~~Q~~ Wilson House (#2 - DOE)
- William Alexander Falls House (#3 - DOE)
- Mendenhall-Grissom Farm (#4 - DOE)
- Stowe-Caldwell-Lowery House (#5 - DOE)
- * Clarence Wilson Barn and Corn Crib (#6 - DOE) - Alts. 4, 5, 9, 22, 23, 27, 58, 76, 77, 81
- J. B. F. Riddle House (#7 - DOE) - Alts. 4, 22, 58, 76
- Union Presbyterian Church (#8 - DOE)
- Craig Farmstead (#9 - NR)
- Harrison Family Dairy Farm (#10 - DOE) - Alts. 4, 22, 58, 76
- Thomas Allison House (#11 - DOE) - Alts. 5, 9, 23, 27, 64, 68, 77, 81
- Dillard Falls House (#12 - DOE)
- Byrum-Crofts House (#14 - DOE)
- Steele Creek Presbyterian Church and Cemetery (#15 - NR)
- Steele Creek Presbyterian Church Manse (#16 - DOE)
- Shopton Rural Historic District (#18 - DOE)
- Wolfe Family Dairy Farm (#19 - DOE) - Alts. 4, 5, 9, 22, 23, 27
- Pisgah Associated Reformed Presbyterian Church (#54 - DOE)
- Bridge No. 22 (#181 - DOE)

Properties within the area of potential effect for which there is an effect. Indicate property status (NR or DE) and describe the effect. (# = Property Number - see attached table)

- * Clarence Wilson Barn and Corn Crib (#6 - DOE) - No adverse effect (Figure 7A attached)
Alts. 64 and 68 - ROW & construction limits intersect existing driveway
- J. B. F. Riddle House (#7 - DOE) - (1) No adverse effect (2) Adverse effect (Figures 8A and 18A attached)
(1) Alts. 64 and 68 - ROW & construction limits abut NE corner of property
(2) Alts. 5, 9, 23, 27, 77, 81 - ROW & slope stakes encroach upon E side of property
- Harrison Family Dairy Farm (#10 - DOE) - No adverse effect (Figure 10A attached)
Alts. 5, 9, 23, 27, 64, 68, 77, 81 - ROW & construction limits intersect existing driveway
- Thomas Allison House (#11 - DOE) - No adverse effect (Figure 12A attached)
Alts. 4, 22, 58, 76 - ROW & construction limits encroach on SE corner of property
- Wolfe Family Dairy Farm (#19 - DOE) - No adverse effect (Figure 21A attached)
Alts. 58, 64, 68, 76, 77, 81 - ROW & construction limits encroach on property at S and E

Reason(s) why the effect is not adverse (if applicable).

- * Clarence Wilson Barn and Corn Crib - commitment: maintain full access to property by reducing length of controlled access on Bud Wilson Road to driveway
- J. B. F. Riddle House - (1) ROW and construction limits do not encroach upon property;
(2) commitment: adverse > no adverse if shoulder reduced and ditch slope increased to pull construction limits off property
- Harrison Family Dairy Farm - commitment: maintain full access to existing driveway
- Thomas Allison House - commitment: minimize drainage and construction limits on property with special ditch
- Wolfe Family Dairy Farm - commitment: create steeper slopes for loop ramp; install plantings along ROW adjacent to fields; fence along ROW

Initialed:

NCDOT

VEP

FHWA

DB

HPO

* William Clarence Wilson House
property includes barn & corn crib

WBS #: 34922.1.TA1

TIP#: U-3321

County: Gaston/Mecklenburg

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: Gaston East-West Connector

*addendum to
5-16-08 form*

On July 21, 2008 representatives of the

- X North Carolina Department of Transportation (NCDOT)
- X Federal Highway Administration (FHWA)
- X North Carolina State Historic Preservation Office (HPO)
- X Other North Carolina Turnpike Authority, PBS&J

Reviewed the subject project and agreed

- There are no effects on the National Register-listed property/properties located within the project's area of potential effect and listed on the reverse.
- There are no effects on the National Register-eligible property/properties located within the project's area of potential effect and listed on the reverse.
- There is an effect on the National Register-listed property/properties located within the project's area of potential effect. The property/properties and the effect(s) are listed on the reverse.

- There is an effect on the National Register-eligible property/properties located within the project's area of potential effect. The property/properties and effect(s) are listed on the reverse.

William Clarence Wilson property

Signed:

Vanessa C. Patrick

Representative, NCDOT

7-21-08

Date

Dale R. R...

FHWA, for the Division Administrator, or other Federal Agency

7-21-08

Date

Representative, HPO

Date

Renee Blodkill-Early
State Historic Preservation Officer

7.21.08

Date

WBS #: 34922.1.TA1

TIP#: U-3321

County: Gaston/Mecklenburg

Properties within the area of potential effect for which there is no effect. Indicate if property is National Register-listed (NR) or determined eligible (DE).

William Clarence - all other alternatives
Wilson property

Properties within the area of potential effect for which there is an effect. Indicate property status (NR or DE) and describe the effect.

William Clarence - no adverse Alt. 64 & 68
Wilson property

Reason(s) why the effect is not adverse (if applicable).

no encroachment on property
& preservation of access to property

Initialed:

NCDOT VEP

FHWA DB

HPO Ray



U.S. Department
of Transportation

**Federal Highway
Administration**

North Carolina Division

August 7, 2008

310 New Bern Avenue, Suite 410
Raleigh, NC 27601

In Reply Refer To:
HDA-NC

Mr. Peter Sandbeck, Deputy State Historic Preservation Officer
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, North Carolina 27699-4617

Dear Mr. Sandbeck:

I refer to the proposed east-west travel improvements between I-85 west of Gastonia in Gaston County and I-485/NC 160 in Mecklenburg County. The project length is approximately 21 to 24 miles in length and the average corridor width is 1,400 feet. The Gaston East-West Connector is designated as Federal Aid No. STP-1213(6), State Project No. 8.2812501, TIP No. U-3321.

FHWA, NCDOT, NCTA (North Carolina Turnpike Agency), and HPO met on April 21, June 2, and July 21, 2008 to discuss effects of the proposed project to National Register-listed and National Register-eligible properties. The potential effects from multiple detailed study alternatives (DSAs) were discussed at the meeting. Permanent incorporation of one National Register-eligible property in the form of ROW or permanent easement was identified. The aforementioned property is the Wolfe Family Dairy Farm. It was determined that the construction action for DSAs 58, 64, 68, 76, 77, and 81, which would require approximately 29 acres of the Wolfe Family Dairy Farm would not adversely impact the historic qualities of the farm as a result of a commitment to install plantings along the ROW, replace fencing, and incorporate steepened slopes on the loop ramp to minimize the project footprint on the site. A determination of "No Adverse Effect" was granted.

This letter serves to inform you of the Federal Highway Administration's intent to make a *de minimis* impact finding on this Section 4(f) property. This is based on your May 16, 2008 concurrence with the "no adverse effect" determination on the Wolfe Family Dairy Farm.

HPO Concurrence: Renee Hedrick-Earley
Deputy State Historic Preservation Officer

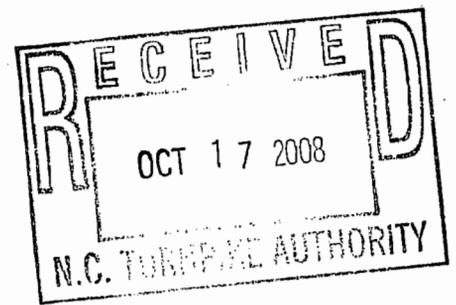
Date: 8-11-08

Sincerely yours,

For John F. Sullivan, III, P.E.
Division Administrator

**MOVING THE
AMERICAN
ECONOMY**





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

October 10, 2008

MEMORANDUM

To: Jennifer Harris, Staff Engineer
NC Turnpike Authority

From: Renee Gledhill-Earley *RGE*
Environmental Review Coordinator

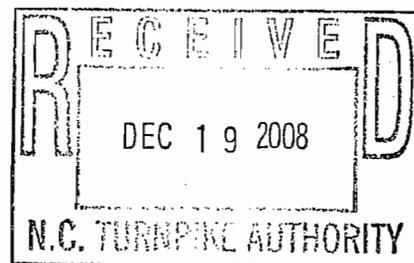
Re: Indirect and Cumulative Effects Assessment, Gaston East-West Connector,
U-3321, Gaston and Mecklenburg Counties, ER02-9723

Thank you for your memorandum of September 2, 2008, transmitting the above referenced document for the proposed undertaking. We have reviewed the assessment and concur with its findings. We would, however, note that while there is a great deal of information about potential effects on the various resources and environmental factors, the treatment of cultural resources is so minimal as to be of little value in decision-making.

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 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Mary Pope Furr, NCDOT
Matt Wilkerson, NCDOT



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

December 12, 2008

Mr. Peter Sandbeck
Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
4617 Mail Service Center
Raleigh, North Carolina 27699-4617

Dear Mr. Sandbeck:

Subject: NC Archaeological Site Form for 31Gs337** associated with an alternative associated with the new location Gaston East-West Connector, TIP # U-3321, Gaston County, NC. ER 02-9723.

Thank you for consulting with our staff on November 21st, 2008, following an inspection of structural remains identified within a possible alternative for the Gaston East-West Connector, TIP # U-3321. The U-shaped stone foundation remains, measuring approximately 45 feet by 15 feet, fall within one of the alternatives under consideration for this new location highway. Staff at the Office of State Archaeology recommended that, if this alternative is selected, additional documentation should be completed. Further investigation, if this location would be impacted, should emphasize the historic context of 19th century textile mills, research of Stowe's Mill business records, if available, and GPS-based mapping of remains supplemented by selective testing. Should the property be determined eligible for the National Register of Historic Places, preservation in-place is unlikely warranted based on available information.

As a result of our discussion, please find attached a NC Archaeological Site Form for the remnant foundation, 31Gs337**. If you have any questions regarding this report, please contact Brian Overton at (919) 715-1556.

Sincerely,

Matt Wilkerson, Archaeology Supervisor
Office of the Human Environment

attachments

cc: Jeff Dayton, NC Turnpike Authority
Jon Babington, property owner
John Mintz, NC Office of State Archaeology
Alan May, PhD, Schiele Museum

NORTH CAROLINA ARCHAEOLOGICAL SITE FORM VI
Office of State Archaeology/Division of Archives & History

1. STATE SITE NUMBER: **31Gs337****
 2. SITE NAME(S): **reportedly associated with "Stowe's Mill or Factory"**
 3. OTHER SITE NUMBER:
 4. INSTITUTION ASSIGNING: **25 -NCDOT**
 5. PROJECT SITE NUMBER: **U-3321-1**
 6. SITE COMPONENT: **4 - Historic, w/ Above-Ground Remains**
 7. QUAD MAP: **Belmont (1993)** MAP CODE: **B-63**
 8. UTM's: ZONE: **17** NORTHING: **0495766** EASTING: **894590**
 9. COUNTY: **Gaston** 10. DATE RECORDED: **9/29/08**
 RECORDED BY: **Brian Overton**
 PROJECT NAME: **Gaston East-West Connector, TIP # U-3321**
 11. RESULT OF COMPLIANCE PROJECT: **1 - Yes**
 12. ER/CH/GRANT#: **ER-02-9723**
 13. CODING DATE: **10/23/08** CODED BY: **Brian Patrick Overton**

14-18. OFFICE OF STATE ARCHAEOLOGY USE ONLY

14. Register Status: 1 DETERMINED ELIGIBLE 2 PLACED ON STUDY 3 APPROVED FOR 4 LISTED IN NRHP 5 REMOVED FROM NRHP 6 NOT ELIGIBLE 7 UNASSESSED 8 NC ARCH REC. PROG	14A. Register Criterion A SIGNIFICANT - CRITERION A B SIGNIFICANT - CRITERION B C SIGNIFICANT - CRITERION C D SIGNIFICANT - CRITERION D
15. Type of Form: 11 SITE FORM VI	16. Recorder Status 1 NCAC MEMBER 2 AMATEUR 3 UNKNOWN 4 OTHER 5 STUDENT
17. Form Reliability: 1 CODING COMPLETE 2 CODING INCOMPLETE 3 CODING UNRELIABLE	18. Locational Reliability: 1 ACCURATE 2 WITHIN 100M RADIUS 3 UNRELIABLE 4 UNKNOWN LOC. 5 W/in 500M RADIUS 6 W/in 1KM RADIUS

DIRECTIONS TO SITE: From I-85 near Belmont in Gaston County take Exit 26, take a right onto Gaither Rd. End at 1408 Gaither Rd.

ATTACH USGS OR OTHER DETAILED SITE MAP

19. RESEARCH POTENTIAL: **Determine association with Stowe's Mill. Investigate and explore the layout of facility, archival research, map comparison, etc.**

20. POTENTIAL IMPACTS ARTIFICIAL: **3 - Moderate**

21. POTENTIAL IMPACTS ENVIRONMENTAL: **2 - Low**

22. EXPLANATION OF IMPACTS: **One alternative of many for a new location highway that would destroy the remaining existing landform.**

23. RECOMMENDATIONS: **99 - Other**

24. EXPLAIN RECOMMENDATIONS: **If site will be impacted by highway construction, complete a historic context and mapping of Stowes Mill remains, if applicable, supplemented by selective testing. Collect and discuss information from Duke University's Special Collections and resources at the Schiele Museum.**

25. DATE ON REGISTER: 26. EXCAVATION DATE:

27. INSTITUTION EXCAVATING:

28. EXCAVATION RESULTS:
 29. PERCENT DESTROYED: 4 - 51-75% 30. DATE DESTROYED:
 31. CAUSES OF DESTRUCTION: 3 - Land Clearing

ENVIRONMENTAL INFORMATION

32. TOPOGRAPHIC SITUATION: 21 - Toe Slope or Ridge Slope
 33. ELEVATION: 590 FT. AMSL
 34. SLOPE PERCENT: 20 % 35. SLOPE FACE DIRECTION: 6 - Southwest
 36. SOIL COMPOSITION:
 37. SCS SOIL TYPE CODE: SERIES NAME: Gaston Sandy Clay Loam
 ASSOCIATION:
 38. MODERN VEGETATION: 6 - Lawn
 39. DISTANCE TO WATER: 50 (Meters) 40. 50 (Yards)
 41. TYPE OF NEAREST PERMANENT WATER: 2 - River, Creek, Stream NAME: South Fork Catawba
 42. STREAM RANK: 3 [Strahler System - 1-6]
 43. DRAINAGE BASIN: 3 - Catawba

SITE EVALUATION AND CONDITION

44. SITE CONDITION NATURAL: 8 - Streambank/Shoreline Erosion (general)
 45. SITE CONDITION ARTIFICIAL: 18 - Light Construction
 46. GROUND VISIBILITY: 5%
 47. COLLECTION MADE: 2 - No
 48. COLLECTION STRATEGY:
 49. AREA COVERED SQ. METERS:
 50. SUBSURFACE TESTING: 2 - No
 51. TESTING METHODS:
 52. SUBSURFACE TEST RESULTS:
 53. SITE SIZE: 4 - 101-600 sq. meters

PREHISTORIC SITE INFORMATION

54. - 66. N/A - NO PREHISTORIC COMPONENT

HISTORIC SITE INFORMATION

67. PERIOD OF OCCUPATION BEGIN: 4 - 19th Century
 68. PERIOD OF OCCUPATION END: 6 - Site Presently Occupied
 69. REFINED DATE FROM: 1850 70. REFINED DATE TO: 1900
 71. HISTORIC CULTURAL AFFILIATIONS: 11 - None in Particular
 72. HISTORIC SITE DEFINITION: 11 - Industrial 1 - Domestic
 73. HISTORIC REMAINS DESCRIPTION: Partial remains of a stone foundation (~2 ft dressed block foundation up to a height of 3-4 feet) has been converted into a metal clad shed with the stone wall serving as the new foundation. What remains is U-shaped, with one 45 l

wall and two side walls at 15 ft each. Dismantled and relocated stone blocks are reused to slow erosion around the property, especially at the river.

74. MAIN STRUCTURE FUNCTION:

48 - Industrial - Manufacturing

associated w/textile mi

75. NUMBER OF OUTBUILDINGS:

76. OUTBUILDING DISTANCE(S):

77. OUTBUILDING FUNCTIONS:

78. OUTBUILDING DESCRIPTION:

ADDITIONAL SITE INFORMATION

89. ARTIFACT INVENTORY:

90. CURATION FACILITY:

91. ACCESSION NUMBER(S):

92. ACCESSION DATE(S):

93. OTHER CURATION FACILITY:

94. OTHER ACCESSION NUMBER(S):

95. OWNER/TENANT INFORMATION:

Mr. and Mrs. Babington: 1408 Gaither Rd, Belmont NC

96. BIBLIOGRAPHIC REFERENCE #'S:

97. COMMENTS/NOTES:

APPENDIX A-3

SCOPING LETTER AND RESPONSES

Scoping Letter sent by NCDOT 04/09/03

Federal Agencies

- US Army Corps of Engineers 05/22/03
- US Environmental Protection Agency 03/01/07
- NCTA Letter to EPA Responding to the 03/01/07 Comments 05/04/07

State Agencies

- NCDENR Division of Soil and Water Conservation 04/25/03
- NCDENR Division of Environmental Health 05/01/03
- NC State Clearinghouse Department of Administration 05/01/03
- NCDOT Rail Division Engineering & Safety Branch 05/12/03
- NC Department of Cultural Resources State Historic Preservation Office 05/14/03
- NCDENR Wildlife Resources Commission 05/15/03
- NCDENR Division of Water Quality 05/21/03
- NC Department of Administration 05/28/03
- NCDOT Traffic Engineering and Safety Systems Branch 05/30/03

Local Agencies

- Town of Dallas 04/25/03
- Gaston County Quality of Natural Resources Commission 05/09/03
- Gaston County Department of Community Development and Technology 05/09/03
- Gaston County Natural Resources Department 05/13/03
- Gaston Urban Area MPO 05/13/03
- Mecklenburg-Union MPO 05/15/03
- Mecklenburg County Land Use and Environmental Services Agency Division of Air Quality 05/15/03
- Charlotte Department of Transportation 05/15/03
- York County, South Carolina Planning and Development Services 05/15/03
- City of Gastonia Engineering Department 05/16/03
- Daniel Stowe Botanical Garden 05/19/03



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

April 9, 2003

«Prefix» «First» «Mid» «Last», «Title»
«Company»
«Company2»
«Address»
«Address2»
«City», «State» «Zip»

Dear «Prefix» «Last»:

SUBJECT: Request for Comments for Gaston East-West Corridor Study,
TIP Project Number U-3321, Federal Aid Project No. STP-1213 (6),
State Project No. 8.2812501.

The North Carolina Department of Transportation (NCDOT) proposes to improve east-west transportation mobility in the area around the City of Gastonia and other municipalities in southern Gaston County and western Mecklenburg County. The Project Development and Environmental Analysis Branch has begun studying the proposed improvements to TIP Project U-3321. The project is included in the 2002-2008 North Carolina Transportation Improvement Program and is scheduled for right of way and construction post years (after 2008).

As part of this action, the NCDOT also proposes to improve mobility, access and connectivity between southern Gaston County and Mecklenburg County, including improving access to the Charlotte/Douglas International Airport, shopping and employment centers, and other destinations in both counties.

The project study area is shown on the attached map. The area has the following general boundaries: I-85 to the north, the South Carolina State line to the south, the Charlotte-Douglas International Airport to the east, and the I-85 and US 29-74 junction to the west.

PBS&J is under contract with the NCDOT to assist in the environmental planning process for this project. General alternatives that will be considered include the No-Build Alternative, Transportation Management Alternatives, Multi-Modal Alternatives, Improve Existing Roadways Alternatives, and New Location Alternatives.

Preliminary alternatives will be evaluated through the preparation of land suitability mapping, a screening evaluation of existing human and natural environments, and an evaluation of the ability of each alternative to meet the project's purpose and need.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

April 9, 2003
TIP Project U-3321
Page 2

Previous alternatives identified through the Gaston Urban Area Metropolitan Planning Organization's (MPO) thoroughfare planning process included several new location alternatives in southern Gaston County. Sensitive environmental issues documented during the development of these new location alternatives included the Daniel Stowe Botanical Garden and crossings of the Catawba River and the South Fork of the Catawba River.

The purpose of this letter is to solicit input concerning the potential impacts of the proposed project upon social, economic, demographic, land use, and environmental conditions in the project study area. Please note there will be no formal interagency scoping meeting for this project. This letter constitutes solicitation for scoping comments regarding this project and notification of start of study.

To allow us to fully evaluate the impacts of the proposed project, please respond in writing by May 16, 2003, concerning any sensitive resources in the project study area and/or beneficial or adverse impacts of the proposed projects relating to the interest of your agency. If applicable, please identify any permits or approvals that may be required by your agency.

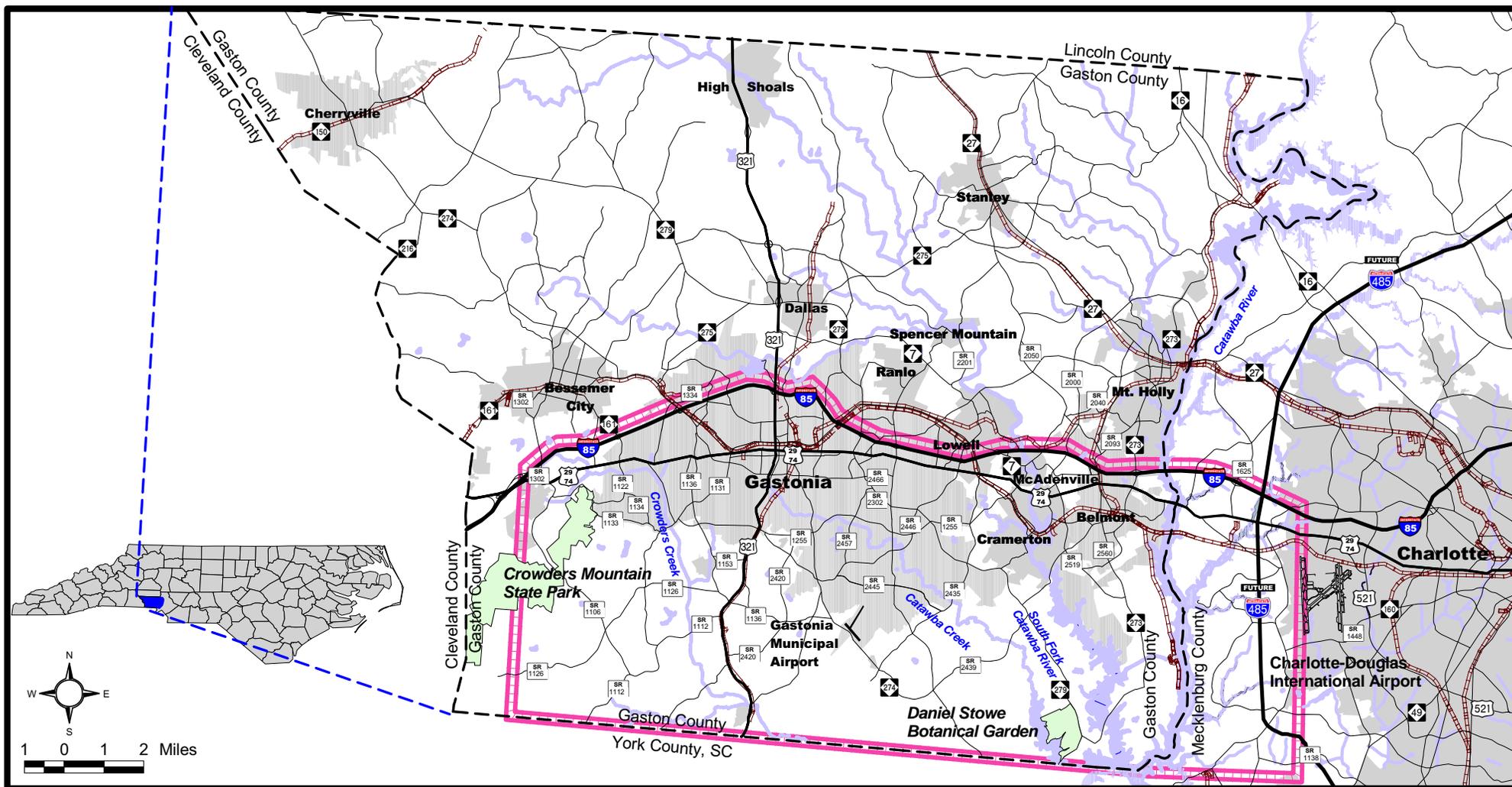
If you have any questions concerning these projects, please contact Ms. Kristina Solberg, P.E. of the Project Development & Environmental Analysis Branch at (919) 733-7844, extension 310 or Ms. Jill Gurak, P.E. of PBS&J at (919) 876-6888.

Sincerely,

Gregory J. Thorpe, Ph.D.
Environmental Management Director
Project Development and Environmental Analysis Branch

Enclosures

cc: Jill Gurak – PBS&J





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

LEGEND

<ul style="list-style-type: none"> Interstate US Route NC Route Railroad County Boundary Hydrology 	<ul style="list-style-type: none"> Municipal Boundary Park Study Area Boundary
--	--

PROJECT LOCATION MAP
U-3321 GASTON and MECKLENBURG
COUNTIES EAST-WEST CORRIDOR STUDY

FIGURE 1

CESAW-RG-A

May 22, 2003



Memorandum For Gregory J. Thorpe, Ph.D., Environmental Management Director,
Project Development and Environmental Analysis Branch, NCDOT

Subject: Gaston East-West Corridor Study, Gaston and Mecklenburg Counties, North
Carolina, TIP Project No. U-3321.

1. This memorandum is in response to your scoping letter request of April 9, 2003, for comments on the subject study.
2. A Department of the Army permit will be required under Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the US, including wetlands, resulting from any new transportation related construction projects created from the study. Impacts to regulated waters must be avoided and minimized to the maximum extent practicable, with compensatory mitigation to be required for all remaining unavoidable impacts. The location of many minor streams and wetlands in the study area is unknown. At the earliest possible time, we recommend that a field-verified determination of jurisdictional streams and wetlands be included in the information gathering phase of the study to serve as a basis for additional planning and design activities.
3. A Department of the Army permit will be required under Section 10 of the Rivers and Harbors Act for the dredging, excavation, discharge of dredged or fill material, or construction in navigable waters of the US, including various reaches and pools of the Catawba River in this region. For example, the Corps' Section 10 regulatory jurisdiction extends to the mean high pool elevation of +570 ft. MSL of Lake Wylie in the study area.
4. A significant element of the study plan should provide for an evaluation of secondary and cumulative impacts of each alternative which is evaluated under TIP Project No. U-3321. A study goal should specify that land use changes and associated urban growth induced by the various alternatives considered must be demonstrated to be consistent with, and not conflict with the purpose and need for U-3321. Providing a comprehensive assessment of secondary and cumulative impacts would be essential to making that demonstration.
5. If you have any questions, please contact me at telephone (828) 271-7980, Ext. 7.

John W. Hendrix


Regulatory Project Manager
Asheville Regulatory Field Office

CF:

Scott McLendon, Chief, CESA W-RG-A

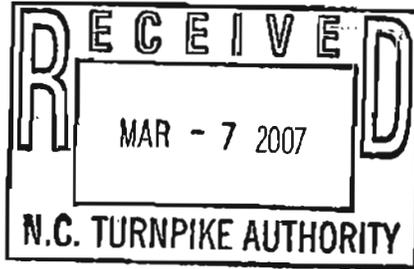
David Franklin, Team Leader, NCDOT Team, CESA W-RG



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

March 1, 2007

Ms. Jennifer Harris, P.E.
North Carolina Turnpike Authority
1578 Mail Service Center
Raleigh, North Carolina 27699-1578



RE: USEPA Comments: Agency Scoping Comments
Gaston East-West Connector Toll Project; From I-85 to Charlotte Outer Loop
Gaston and Mecklenburg Counties; TIP Project Number: U-3321

Dear Ms. Harris:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has reviewed the information dated January 25, 2007, from the North Carolina Turnpike Authority (NCTA) for the proposed Gaston East-West Connector toll project. EPA understands that the proposed facility is expected to be a 4-lane, divided highway that would be connected to Interstate 85 west of Gastonia to the I-485 Charlotte Outer Loop. There are sixteen (16) detailed study alternatives with an estimated 11 to 12 interchanges proposed between the two project termini. The total length of the proposed 4-lane, divided highway is approximately 22.3 miles involving the major crossings at the South Fork of the Catawba River and the Catawba River.

This project had been in the North Carolina Department of Transportation (NCDOT), U.S. Army Corps of Engineers (USACE), North Carolina Department of Environment and Natural Resources (NCDENR), and Federal Highway Administration (FHWA) Section 404/NEPA Merger 01 process. From EPA's viewpoint under NEPA, it is important to provide a historical perspective on this proposed project, as it was the first 'formal elevation' (Conflict/Dispute Resolution) under the Merger process to go to the 4-agency Review Board. As you aware, several resource agencies were concerned that the new locations alternatives by themselves did not meet the primary purpose and need, including the relief of congestion and poor Level of Service (LOS) along major portions of I-85 and US 29/US 74.

EPA potentially has outstanding environmental concerns regarding the proposed project as it relates to the original purpose and need signed by the Merger agencies on May 15, 2002, and the development of reasonable alternatives to meet the purpose and need. EPA recognizes that the NCTA has developed a new (revised) purpose and need statement but has retained the 16 new location alternatives that had been developed while NCDOT was the lead State transportation agency.

EPA's brief to the NCDOT Merger 01 Process Review Board dated September 27, 2004 is an enclosure to this scoping letter. Some of the same issues addressed in the brief are still applicable to the NCTA's project development. However, EPA acknowledges that the estimated cost has increased dramatically from earlier NCDOT's estimates (i.e., between \$600-\$700 million) to NCTA's estimated cost: \$715 million to \$1.525 billion (January 2007 dollars). EPA has not completed its review of the entire Proposed Gaston East-West Connector Preliminary Traffic and Revenue Study, Final Report, dated October 12, 2006. Some follow-up scoping comments may be provided to FHWA and NCTA after the completion of this review. EPA acknowledges that NCTA recommends phasing (3 phases) of the currently proposed project and that toll/no toll options will be considered and addressed in the Draft Environmental Impact Statement (DEIS).

EPA has several primary environmental concerns that were previously identified from past project scoping activities, Merger process information and NCTA's website documents, including: potential direct impacts to waters of the U.S. (Jurisdictional streams and wetlands, water quality), potential air quality impacts including Mobile Source Air Toxics (MSATs), indirect and cumulative impacts to air and water quality from the proposed project and other major regional projects, the potential inability to find compensatory mitigation for jurisdictional impacts, potential impacts to terrestrial forests, prime farmlands and other human and natural environment resources, and an inability of the new facility to reduce congestion (and thereby improving air quality) along the I-85 and US 29/US 74 corridors. Each of these environmental concerns is further discussed below:

Purpose and Need/Detailed Study Alternatives

EPA has reviewed the purpose (and need) statements provided on NCTA's website. EPA is concerned that the needs for some of these purposes have not been clearly established, including the need for improving a high-speed, safe regional travel service along the US 29/US 74 intra-state corridor. The Interstate 85 and US 29/ US 74 corridors generally run parallel throughout the project study area. In some locations, these two major regional facilities are within a ¼ of a mile from each other in Gaston County. From past land use development and the lack of facility access controls, US 29/US 74 no longer serves as a regional, high-speed facility. One of the primary purposes of I-85 multi-lane facility is to serve as the regional, high-speed facility between western Gaston County and the Charlotte area. Without some improvements to I-85 and nearby local connectors, EPA is concerned that the proposed new location Gaston East-West connector will not fully address the congestion and poor LOS along the primary east-west, high-speed route within Gaston County.

The 16 new locations alternatives carried forward from the NCDOT Merger 01 process are the same alternatives being considered by the NCTA and FHWA. For the administrative record, EPA abstained from signing the concurrence form (CP 2) on carrying forward these 16 detailed study alternatives. EPA primarily abstained because NCDOT and FHWA would not consider a combination of alternatives, including new

location alternatives with 'some' (limited) improve existing options along I-85 and US 29/US 74. EPA is requesting that FHWA in close coordination with NCTA and NCDOT reconsider some improvements to the existing regional facilities as a part of this overall regional project.

In the report entitled, 'Review Board Summary of the Evaluation of Improve Existing Roadways Alternatives; Gaston County East-West Connector Study, dated June 10, 2005', there were issues brought forward that are still relevant to the proposed toll facility. In Section 7.0 of this report, there were issues identified that indicated that improving existing roadways (i.e., Scenarios 4, 4+, 4a and 8) would not meet the project's original purposes and needs. However, EPA believes that the report failed to address a combination of alternatives to address regional travel needs, including a new location connector component with additional improvements to I-85, US 29/US 74, and north-south feeder roads. By itself, the new location connector was not forecasted to substantially improve congestion along I-85 and US 29/US 74 in the design year and that a number of critical locations along these existing highways would continue to operate at a LOS F+. The fact that the new connector is proposed as a potential toll facility only reduces the likelihood that regional east-west travel between Gaston and Mecklenburg Counties will substantially improve in the future.

The comprehensive land use plans of both Gaston and Mecklenburg County show that southeast Gaston County and western Mecklenburg County as high growth areas (Section 6.2 of the above referenced report). Nonetheless, the entire area around Charlotte could be equally described as high growth areas, including all the areas around I-485, the Charlotte Outer Loop, east of Charlotte towards Mint Hill, southeast of Charlotte towards Pineville, north of Charlotte towards Lake Norman along the Interstate 77 corridor, etc. The statement that the Catawba River forms a natural barrier between southeastern Gaston County and western Mecklenburg County is true. However, the report does not address any consideration for improvements to the multi-lane bridges over the Catawba River for I-85 or US 29/US 74. EPA's primary concern is that the new connector facility (toll or otherwise) is going to induce uncontrolled growth and development south, southwest and west of Gastonia, induce travel demand, and continue to place unreasonable burdens on local north-south feeder routes. A new east-west connector will not address the poor LOS on a number of these routes, including NC 279, NC 274, and US 321. EPA believes that there is a potential misconception that all of the future travel demand in the region will be between southeastern Gaston County and western Mecklenburg County. While Charlotte is a major employment center, the new east-west connector facility only addresses 'typical commuting travel', and not the numerous local trips to schools, shopping, religious facilities, etc., that will be in the Gastonia area. Local 2-lane roadways such as NC 279 and NC 274 are not designed to handle the future travel demands spurred by the proposed new connector. With a new east-west connector and potentially induced development in the project study area (which is predominantly rural in nature), the capacity of other vital services such as wastewater treatment, water supply, electricity, etc., may also be impacted.

Clean Water Act Sections 401, 402 and 404

EPA requests that FHWA and NCTA fully consider and address in the NEPA document the detailed study alternatives that avoid and minimize water quality impacts, including direct and indirect and cumulative impacts to the streams, wetlands and riparian areas within the project study area. A quantitative ICI analysis would be appropriate for this project as it is expected to induce substantial vehicle travel as well as increase development in rural portions of Gaston County. It is important to consider not only the 'typical' 300-foot right-of-way impacts but also the number and documented need for free-flowing interchanges and toll collection facilities. The NEPA document should also identify the specific traffic need for each of the 11 to 12 proposed interchanges as these expanded right of way facilities typically cause the greatest impacts to streams (and associated wetlands). Alternative design considerations, including Single-point Urban Interchanges (SPUI) and 'compressed clover-leaves' should be identified and discussed in the EIS in order to reduce the right of way and construction footprint impacts. All reasonable avoidance and minimization measures planned by the transportation agencies need to be identified and evaluated in the EIS, including where applicable the reduction of fill slopes and median widths at stream and wetland crossings. According to one of the NCTA meetings, NCTA has identified approximately 300 separate jurisdictional areas within the 16 new location corridors.

According to general file information, EPA understands that there are potential impacts to Crowders Creek, Blackwood Creek, McGill Branch, Catawba Creek, the South Fork of the Catawba River, the Catawba River (Lake Wylie) and numerous unnamed tributaries to these watercourses. NCTA should consider bridging all major stream systems as part of its efforts to avoid and minimize potential impacts to waters of the U.S. Proposed bridge locations and lengths should be identified in the DEIS. From past meeting conversations, EPA understands that the total linear feet of stream impacts for some of the 16 alternatives may exceed 30,000 linear feet. This potential total impact far exceeds a baseline average per mile of stream impact for this area of the state. NCTA should also consider the elimination of interchanges and separate toll collecting plazas (2) as part of its overall avoidance and minimization strategy. The proposed interchange/ramp toll plaza proposed at Dixie River Road in Mecklenburg County near I-485 is an example of an interchange that might be considered for modification or elimination due to its close proximity to a nearby stream. Similarly, the two interchanges/ramp toll plazas proposed between the ones proposed at US 321 and NC 274 and that are located at Wilson Road and Jarmian Road are also close to one another and may need to be considered for elimination (From Figure 1-4, Preliminary Traffic and Revenue Study; 9/5/06). In this area of Gaston County, US 321 and NC 274 are less than 4 miles apart with 4 proposed interchanges (combined with 3 toll plazas) between the two existing roadways.

The EIS should also consider detailed compensatory mitigation for direct impacts to jurisdictional streams and wetlands and provide a 'conceptual plan' that includes opportunities for on-site mitigation. Indirect and cumulative impacts to water quality resulting from a new location facility need to be quantitatively assessed in the DEIS,

including specific provisions and conditions for stormwater control. FHWA regulations and policy allow for full mitigation of all project impacts, including indirect and cumulative impacts. EPA requests that NCTA and FHWA fully explore all possible methods of directly addressing mitigation for indirect and cumulative effects of the proposed project, including long-term impacts to water quality. It should be noted that opportunities for on-site mitigation or even off-site compensatory mitigation within this hydrologic cataloguing unit (HUC) for stream impacts may be very difficult to find.

Considering the width of both the South Fork of the Catawba River and the Catawba River near the eastern termini of the proposed toll facility, the NCTA and FHWA should consider the new crossing alternatives that are perpendicular to these major rivers in order to minimize impacts to the floodplain and associated riparian areas. NCTA will be required to obtain a CWA Section 402 NPDES (National Pollution Discharge Elimination System) stormwater permit as well as the CWA Section 401 water quality certification from NCDWQ.

Clean Air Act

As identified in the NCTA's start of study and scoping meeting notification, the proposed project study area is within the Charlotte-Gastonia-Rock Hill 8-hour non-attainment area for ozone. EPA requests that a detailed analysis and disclosure be conducted regarding air conformity requirements for the combined Gaston East-West Connector project. As part of this analysis, the NCTA may also need to consider the potential cumulative effects to air quality from the Monroe Bypass and Connector projects (R-3329 and R-2559), which is another potentially large NCTA candidate project, as well as other NCDOT TIP projects proposed in Mecklenburg, Union and Gaston counties (e.g., R-2248E, R-2248F, R-4902, R-3101, R-2632A, U-2507, U-3603, U-3633, etc.).

This proposed NCTA project might also be a 'pilot' for a full quantitative analysis for Mobile Source Air Toxics (MSATs) that are required to be analyzed under Section 202 of the Clean Air Act and are more fully addressed in the Final Rule on Controlling Emissions of Hazardous Air Pollutants from Mobile Sources (66 Federal Register 17229; 3/29/2001).

FHWA's recently provided NCTA with a presentation on its interim guidance for MSATs. There are several technical issues that EPA may be in disagreement with FHWA, including the threshold criteria for performing a quantitative assessment and the available methods (i.e., Modeling) for performing an analysis.

Because of proposed expansion plans at Charlotte-Douglas International Airport (CDU), including substantial increased freight capacity, EPA believes that a more 'robust' analysis needs to be conducted, including an MSAT indirect and cumulative impact analysis. It is clear that the proposed east-west connector would service the CDU's proposed expansion plans (Page 14 of the Review Board Summary, 6/10/05). This quantitative MSAT analysis might include the development of an emissions

inventory, obtaining 'near-roadside' baseline monitoring data, an evaluation of the potential health impacts (including cancer risk estimates based upon published values) for the different detailed study alternatives, and the increased emissions projected from additional diesel equipment and aircraft at CDU. The analysis should include the identification of existing and potential 'near-roadside' sensitive receptors, such as day care facilities, nursing homes, hospitals, etc. Please feel free to contact Dr. Kenneth L. Mitchell or one of his staff within the EPA Region 4's Air Toxics Assessment and Implementation Section at mitchell.ken@epa.gov or by telephone at 404-562-9065 for further guidance on performing a technically-sound, project specific analysis for the 21 MSAT compounds that are found for highway projects. Attached to this letter is an alternative method that NCTA and FHWA may want to consider in performing a technically defensible MSAT analysis for this project.

Prime Farmlands

EPA notes NCTA's comment in the start of study letter and also recognizes that the project study area and surrounding areas near Charlotte are going through a land use change from rural/agricultural to suburban. EPA recommends that NCTA perform a full analysis on how the different alternatives (with emphasis on the new location alternatives) will also effect land use changes and conversions of prime agricultural land to non-agricultural uses. The DEIS should also specifically address the direct impacts to prime farmland from potentially 22-miles of new right-of-way (e.g., A new 300-foot ROW facility permanently converts/impacts 36.4 acres per mile of highway, not including interchanges, toll facilities, rest areas, etc., that are typically expanded beyond 300 feet and the ROW can be as much as 1,000 feet at interchanges). This direct loss of agricultural crop production can have a long-term and compounded effect on a regional economy. Furthermore, the 1981 Farmland Protection Policy Act requires that Federal agencies provide for avoidance and minimization measures to prime farmlands {the term in this context refers to prime farmlands which includes prime and unique farmlands as well as farmlands classified as of being of Statewide and locally significant}. FHWA and NCTA should clearly identify what avoidance and minimization measures were considered in the development of detailed study alternatives. In performing a prime farmland analysis, it is also important to consider what prime farmland soils are actually zoned for development uses versus what is planned for development. Generic land use plan designations that change current prime farmlands to development uses need to be considered as part of the prime farmlands impacted by the proposed project.

Historic and Archeological Properties

The DEIS should fully address the eighteen (18) potential historic properties identified along the new location alternatives as well as any archeological sites. EPA understands that the preliminary archeological survey will be completed in the near future and recommends that it be done in close coordination with the NC Dept. of Cultural Resources.

Other Potential NEPA 'Cross-cutters'

The NCTA should consider some of other potential NEPA 'Cross-cutters' in the DEIS, including Executive Order 13112 on Invasive Species and requirements under the Migratory Bird Treaty Reform Act (MBTRA) of 2004. The U.S. Fish and Wildlife Service (FWS) should be consulted regarding an analysis of avian Federal Species of Concern (FSOC) and potential requirements and considerations under MBTRA. Similarly, NCTA and FHWA should consult with FWS regarding Bald eagles (*Haliaeetus leucocephalus*) concerning requirements under the Endangered Species Act of 1973 and the Bald and Golden Eagle Protection Act of 1940, as amended. According to a recent NCTA meeting, Bald eagle nests may be located within the project study area near the Catawba River.

Should you have any questions concerning specific Clean Water Act requirements, including stream and wetland mitigation issues, please feel free to contact Ms. Kathy Matthews at (919) 541-3062. Should you have any other questions about these comments please feel free to contact the EPA Merger Team Representative Christopher Militscher at (919) 856-4206.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office

w/Attachment and Enclosure

Cc: Clarence Coleman, FHWA
Scott McLendon, USACE
John Hennessy, NCDWQ
Brian Cole, USFWS

Attachment
Gaston East-West Connector
Project Scoping Comments
Alternative MSAT Analysis

FHWA and NCTA may wish to consider an alternative approach to performing a technically defensible MSAT analysis using real baseline air sampling data. FHWA's interim guidance includes three general levels of analysis, including "No analysis for projects with no potential for MSAT effects", a "Qualitative analysis for projects with low potential MSAT effects" and a "Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects". Furthermore, FHWA's interim guidance highlights several possible scenarios whereby a proposed project would require a quantitative assessment for projects with higher potential MSAT effects. EPA believes that for a portion of the proposed Gaston East-West Connector facility, there is a higher potential for MSAT effects in eastern Gaston County and western Mecklenburg County, especially in consideration of the Charlotte-Douglas International Airport proposed freight expansion facilities. Increased truck traffic, diesel equipment, aircraft flights and other near road sources of MSATs could present a cumulative impact on air quality considering that the Gaston East-West Connector would service a substantial portion of the increased freight capacity and increased truck and commuter traffic.

While air modeling is an essential tool in performing any type of air quality analysis, air models still require validation and calibration based upon actual concentrations of pollutants, or in this case, MSATs. There is current uncertainty in the regulated community (Lead Federal Agencies such as FHWA, FAA, etc.) on which air models will provide reliable quantitative MSAT results.

EPA has performed reliable and accurate sampling and analysis of MSATs and other toxic air compounds for more than a decade. FHWA and NCTA possess current data on Average Annual Daily Traffic (AADT) volumes as well as potential projected AADT levels for the design year. FHWA and NCTA can also accurately predict what the current and future projected truck traffic increases might be for the new connector facility. By taking baseline air samples for the "primary MSATs" that FHWA has identified at vulnerable populations (e.g., Schools, nursing homes, hospitals, day care facilities, etc.; FHWA Interim Guidance, 2/14/07), along several alternatives, a 'proportional analysis' can be reasonably made. The following proportion can be used to calculate future MSAT concentrations at 'vulnerable' or sensitive receptor location at near roadway (within several hundred feet) conditions:

$$\text{Current AADT} : \text{Baseline Y Concentration for MSAT B} = \text{Future AADT*} : \text{Future Z Concentration for MSAT B}$$

where,

Y is expressed in parts per million (ppm) or parts per billion (ppb) or milligrams or micrograms per cubic meter of air (mg/m³ or ug/m³)¹.

B is the specific air toxic compound sampled and analyzed for at 'near road conditions'.
Z is the future concentration of the air toxic compound expressed in ppm, ppb, mg/m³ or ug/m³

* Future AADTs may be adjusted to account for increased projected percentages of truck traffic.

The future **Z** concentration (for probable or known cancer-causing MSATs: Benzene, 1,3-butadiene, Acetaldehyde, Formaldehyde, Benzo[a]pyrene) can then be compared to EPA published slope cancer risk concentrations to determine the 'probability' of increase (or decrease) in potential near road cancers resulting from the new facility from a particular alternative. Projected increases in cancer exceeding certain probabilities of risk (e.g., 1×10^{-3}) may require the Lead Federal Agency (e.g., FHWA) to consider possible project specific avoidance and minimization measures (e.g., Placing a noise wall near a nursing home – this barrier can potentially carry MSATs above the 'breathing zone') or actual mitigation (e.g., Relocate the nursing home).

Without identifying sensitive (FHWA's vulnerable) receptors and obtaining accurate baseline air sampling data on 'average or worst-case meteorological conditions', air models by themselves may not be the most reliable method of predicting future conditions, especially considering the highly varied localized effects of topography, fixed emissions sources, etc. FHWA has developed sophisticated traffic forecasting models that should reduce a great deal of the "guess work" on what future AADT volumes will be along a given alternative corridor. The proportional calculation as shown above is possibly the most accurate and reliable means available to develop a technically-sound MSAT quantitative analysis.

The National Environmental Policy Act (NEPA) requires that all project impacts be identified that are 'reasonably foreseeable'. The direct, indirect and cumulative impact from the expanded CDU airport freight facility is understood by EPA to be reasonably foreseeable. FHWA, NCDOT and its consultant identified this expanded freight facility in conjunction with the purpose and need for the Gaston East-West Connector facility when NCDOT was the lead state transportation agency. Future EPA regulations or legally enforceable requirements for cleaner fuels, advanced emission control technologies, etc., are not believed by EPA to be 'reasonably foreseeable' as mitigating factors to reduce or minimize MSAT effects to vulnerable populations. Future regulations or market-based voluntary emission reductions from mobile sources may or may not occur within the design life of many proposed highway projects.

Should NCTA have any questions concerning this alternative MSAT quantitative analysis approach and its technical validity, please feel free to contact EPA's Christopher Militscher or FHWA's Mr. Eddie Dancausse at (919) 856-4330 x112.

¹ To convert concentrations in air (at 25°C) from ppm to mg/m³: $\text{mg/m}^3 = (\text{ppm}) \times (\text{molecular weight of the compound})/24.45$; For example, Acrolein: 1 ppm = 2.29 mg/m³



STATE OF NORTH CAROLINA
TURNPIKE AUTHORITY

MICHAEL F. EASLEY
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER
EXECUTIVE DIRECTOR

May 4, 2007

Mr. Heinz J. Mueller
Chief, NEPA Program Office
US Environmental Protection Agency – Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960

RE: Gaston East-West Connector – TIP Project U-3321

Dear Mr. Mueller,

Thank you for your letter dated March 1, 2007 regarding the Gaston East-West Connector project. We have reviewed your comments and offer the following attached table in response.

Please note that at this time, the North Carolina Turnpike Authority has not decided to remove the Gaston East-West Connector project from the Section 404/NEPA Merger 01 process.

If you have additional questions, please contact me at 919-571-3004.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Harris".

Jennifer Harris, P.E.
NC Turnpike Authority

cc: Clarence Coleman – FHWA
Scott McLendon – USACE
John Hennessy – NCDENR-DWQ
Brian Cole - USFWS

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

Page - Paragraph	COMMENT	ACTION/RESPONSE
SECTION 1 OF LETTER (NO HEADING)		
1 - 1	EPA understands that the proposed facility is expected to be a 4-lane, divided highway that would be connected to Interstate 85 west of Gastonia to the I-485 Charlotte Outer Loop.	The ultimate basic number of lanes included in the preliminary roadway designs of the new location alternatives will be determined based on the design year 2030 traffic forecasts. The target LOS for the designs is LOS D or better.
1 - 2	As you are aware, several resource agencies were concerned that the new location alternatives by themselves did not meet the primary purpose and need, including the relief of congestion and poor Level of Service (LOS) along major portions of I-85 and US 29/US 74.	The primary purposes of the project are to improve mobility, access and connectivity in southern Gaston County and between southern Gaston County and Mecklenburg County. The second purpose is to reduce congestion and improve traffic flow on sections of I-85, US 29/US 74 and US 321 in the project study area. Concurrence Point 1 (Purpose and Need) was signed on July 24, 2002. The new location alternatives best meet the project purposes and needs.
1 - 3	EPA recognizes that the NCTA has developed a new (revised) purpose and need statement but has retained the 16 new location alternatives that had been developed while NCDOT was the lead State transportation agency.	The NCTA has not developed a new (revised) purpose and need statement. However, NCTA may update some supporting information in the purpose and need prior to publication in the Draft EIS. However, it is not expected that the primary element regarding the need to improve mobility, access and connectivity in southern Gaston County and between southern Gaston County and Mecklenburg County would change.
2 - 1	EPA acknowledges that the estimated cost has increased dramatically from earlier NCDOT's estimates (i.e. between \$600-\$700 million) to NCTA's estimated cost: \$715 million to \$1.525 billion (January 2007 dollars).	The current estimate of project costs are between \$745 M to \$1,595 M (April 2007 dollars). Project costs are higher than previous NCDOT estimates due to the inclusion of design costs, toll facilities, updated ROW estimates, construction cost increases and construction administration costs.
2 - 1	EPA acknowledges that NCTA recommends phasing (3 phases) of the currently proposed project and that toll/no toll options will be considered and addressed in the Draft Environmental Impact Statement (DEIS).	Phasing relates to construction of the project. The ultimate project from I-85 west of Gastonia to I-485 in Mecklenburg County will be evaluated in the DEIS. Toll options will be considered and addressed in the DEIS.
2 - 2	EPA has several primary environmental concerns....including: potential direct impacts to waters of the U.S. potential air quality impacts including Mobile Source Air Toxics (MSATs) indirect and cumulative impacts to air and water quality	--- Direct impacts to waters of the US will be reported in the DEIS. They will be based on the preliminary engineering designs and field-delineated waters of the US. Air quality impacts will be addressed in accordance with FHWA guidance. An indirect and cumulative effects assessment will be performed for the project and reported in the DEIS.

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

Page - Paragraph	COMMENT	ACTION/RESPONSE
	potential inability to find compensatory mitigation for jurisdictions impacts	NCTA is coordinating with the Ecosystem Enhancement Program regarding mitigation needs. NCTA will obtain all required permits prior to construction.
	potential impacts to terrestrial forests	Direct impacts to biotic communities present within the preliminary design right of way within the Detailed Study Alternatives will be calculated and reported in the DEIS. The indirect and cumulative effects study will address indirect and cumulative impacts to natural resources.
	prime farmlands	The evaluation of impacts to prime farmlands will be conducted in accordance with the Farmland Protection Policy Act (FPPA) and reported in the DEIS.
	inability of the new facility to reduce congestion (and thereby improving air quality) along the I-85 and US 29/US 74 corridors.	<p>A new location facility, designed for LOS D or better in 2030, will provide a less congested alternate route for the I-85 and US 29/US 74 corridors. Improving air quality specifically along the I-85/US 29/US 74 corridor is not a purpose of the proposed project.</p> <p>The region's air quality conformity determination includes the Gaston East-West Connector. The air quality conformity document is titled: <i>Conformity Analysis and Determination Report for the Cabarrus-Rowan MPO, the Gaston Urban Area MPO, and the Mecklenburg-Union MPO 2030 Long Range Transportation Plans and the FY 2004-2010 Transportation Improvement Programs and for Non-MPO Areas of Lincoln County, Iredell County, Gaston County, and Union County areas (8-Hour Ozone, and CO (Mecklenburg County Only) (June 2005).</i></p>
SECTION TITLED - PURPOSE AND NEED/DETAILED STUDY ALTERNATIVES		
2-3	<p>EPA is concerned that the needs for some of these purposes have not been clearly established, including the need for improving a high-speed, safe regional travel service along the US 29/US 74 intra-state corridors...</p> <p>Without some improvements to I-85 and nearby local connectors, EPA is concerned that the proposed new location Gaston East-West connector will not fully address the congestion and poor LOS along the primary east-west, high-speed route within Gaston County.</p>	<p>A new location facility, designed for LOS D or better in 2030, will provide a less congested alternate route for the I-85 and US 29/US 74 corridors.</p> <p>Concurrence Point 1 on purpose and need was signed in July 2002. Several different alternatives that improved existing I-85 and US 29/US 74 were evaluated (Scenarios 4+, 4a, and 8), but were eliminated from detailed study. These included widening I-85 to 8 to 10 lanes. Scenario 8 also included improvements to north-south feeder roads connecting to I-85. These alternatives were eliminated because they could not meet the primary need of providing connectivity in southern Gaston</p>

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

Page - Paragraph	COMMENT	ACTION/RESPONSE
		<p>County and between southern Gaston County and Mecklenburg County. They were also eliminated because they would have environmental and engineering issues that would make them not reasonable for this project and they would not be consistent with local transportation plans.</p>
2-4 and 3-2	<p>EPA primarily abstained [from concurrence point 2] because NCDOT and FHWA would not consider a combination of alternatives, including new location alternatives with 'some' (limited) improve existing options along I-85 and US 29/US 74. EPA is requesting that FHWA in close coordination with NCTA and NCDOT reconsider some improvements to the existing regional facilities as a part of this overall regional project.</p> <p>EPA believes that the report failed to address a combination of alternatives to address regional travel needs, including a new location connector component with additional improvements to I-85, US 29/US 74, and north-south feeder roads. By itself, the new location connector was not forecasted to substantially improve congestion along I-85 and US 29/US 74 in the design year and that a number of critical locations along these existing highways would continue to operate at a LOS F+.</p>	<p>A full range of alternatives was considered. Three Improve Existing Roadway Alternative scenarios were evaluated, including Scenario 8, which involved improvements to I-85, US 29/US 74 and north/south feeder roads. The demand for travel across the Catawba River between Gaston and Mecklenburg Counties is high. According to the travel demand model used during development of the purpose and need and alternatives, year 2025 average daily traffic (ADT) volumes on I-85 under the No-Build scenario were up to 164,000 ADT at the Catawba River crossing. This required widening to at least 10 lanes to achieve LOS D. A review of the potential impacts to this widening concluded it would not be a reasonable alternative for the proposed project.</p> <p>Since that time, a new regional travel demand model, the Metrolina Model, was developed. This model was used to project year 2030 traffic. Using this updated and expanded model, year 2030 traffic volumes on I-85 in the No-Build scenario are projected to be up to 220,000 ADT. A freeway 12 lanes wide would carry this volume of traffic at LOS D/E.</p>
3-2	<p>The fact that the new connector is proposed as a potential toll facility only reduces the likelihood that regional east-west travel between Gaston and Mecklenburg Counties will substantially improve in the future.</p>	<p>A new location facility designed to operate at LOS D or better under 2030 non-toll traffic forecasts will substantially improve east-west travel between Gaston and Mecklenburg Counties regardless of whether it is built as a toll or non-toll facility.</p>
3-3	<p>The statement that the Catawba River forms a natural barrier between southeastern Gaston County and western Mecklenburg county is true. However, the report [Review Board Summary of the Evaluation of Improve Existing Roadways Alternatives, dated June 10, 2005] does not address any consideration for improvements to the multi-lane bridges over the Catawba River for I-85 or US 29/US 74.</p>	<p>The Review Board Summary addressed specific issues that the Review Board requested additional information on. Improve Existing Roadway Alternative Scenarios 4a and 8 included widening of I-85 to 10 lanes from Exit 19 (Ozark Avenue) in Gaston County to Exit 29 (I-485) in Mecklenburg County. The I-85 bridges over the Catawba River currently accommodate 8 lanes, so widening of these bridges was included in Scenarios 4a and 8.</p>

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

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3-3	EPA's primary concern is that the new connector facility (toll or otherwise) is going to induce uncontrolled growth and development south, southwest, and west of Gastonia, induce travel demand, and continue to place unreasonable burdens on local north-south feeder routes.	An indirect and cumulative impact assessment will be prepared for the project. The assessment will be summarized in the DEIS.
3-3	A new east-west connector will not address the poor LOS on a number of these routes, including NC 279, NC 274, and US 321.	The construction of the Gaston East-West Connector will not, nor is it meant to, solve all the transportation needs, issues and problems present or anticipated in Gaston County. The Gaston Urban Area MPO's Long Range Transportation Plan is the document that identifies and prioritizes transportation projects in the MPO area over a 25-year period.
3-3	EPA believes that there is a potential misconception that all of the future travel demand in the region will be between southeastern Gaston County and western Mecklenburg County....the new east-west connector facility only addresses 'typical commuting travel', and not the numerous local trips to schools, shopping, religious facilities, etc., that will be in the Gastonia area.	See previous response directly above.
3-3	Local 2-lane roadways such as NC 279 and NC 274 are not designed to handle the future travel demands spurred by the proposed new connector.	The cross streets at interchanges will be widened through the interchange area to accommodate projected 2030 peak hour traffic. Beyond this area, any additional improvements to the cross street would be performed as separate projects.
3-3	With a new east-west connector and potentially induced development....the capacity of other vital services such as wastewater treatment, water supply, electricity, etc., may also be impacted.	An indirect and cumulative impact assessment will be prepared for the project and summarized in the DEIS.
SECTION TITLED - CLEAN WATER ACT SECTIONS 401, 402, AND 404		
4-1	EPA requests that FHWA and NCTA fully consider and address in the NEPA document the detailed study alternatives that avoid and minimize water quality impacts, including direct and indirect and cumulative impacts to the streams, wetland and riparian areas within the project study area.	In accordance with the NEPA and FHWA guidance, the FHWA and NCTA will consider all alternatives that meet the project's purpose and need and are reasonable and practicable to implement. Direct impacts to water resources from these detailed study alternatives will be minimized, as much as practicable, during preliminary design, and the impacts will be reported in the DEIS. Indirect and cumulative impacts to streams, wetlands, and riparian areas will be evaluated in the indirect and cumulative effects assessment, and will be reported in the DEIS. Any studies required to obtain a Section 401 Water Quality Certification will be conducted at the appropriate time to obtain the certification.

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

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4-1	A quantitative ICI analysis would be appropriate for this project as it is expected to induce substantial vehicle travel as well as increase development in rural portions of Gaston County.	The indirect and cumulative impact assessment that will be prepared for the project and summarized in the DEIS will follow NCDOT and FHWA guidelines for these types of studies. If a quantitative analysis is warranted based on the guidelines, it will be conducted at the appropriate time.
4-1	The NEPA document should also identify the specific traffic need for each of the 11 to 12 interchanges as these....typically cause the greatest impacts to streams (and associated wetlands).	Traffic volumes at each interchange location will be reported in the DEIS. The currently proposed interchange locations were identified by the Gaston Urban Area MPO in their Long Range Transportation Plan. After a Preferred Alternative is selected, these interchanges will be reviewed to determine which, if any, could be eliminated. The FEIS will document this evaluation.
4-1	Alternative design considerations, including Single-point Urban Interchanges (SPUI) and 'compressed clover-leafs' should be identified and discussed in the EIS in order to reduce the right of way and construction footprint impacts.	During the development of the preliminary engineering designs for each Detailed Study Alternative, a preliminary interchange configuration will be selected to be included in the preliminary designs that takes into account traffic projections and traffic operations as well as presence of human and natural resources.
4-1	All reasonable avoidance and minimization measures planned by the transportation agencies need to be identified and evaluated in the EIS, including where applicable the reduction of fill slopes and median widths at stream and wetland crossings.	Avoidance and minimization will be addressed.
4-2	NCTA should consider bridging all major stream systems as part of its efforts to avoid and minimize potential impacts to waters of the U.S.	The NCTA will provide bridges at all stream crossings that require a bridge for hydraulic purposes. Additional bridges will be considered on a case by case basis, with input from the resource agencies during the Turnpike Environmental Agency Coordination Meetings.
4-2	Proposed bridge locations should be identified in the DEIS.	Proposed bridge locations will be identified in the DEIS.
4-2	From past meeting conversations, EPA understands that the total linear feet of stream impacts for some of the 16 alternatives may exceed 30,000 linear feet. This potential total impact far exceeds a baseline average per mile of stream impact for this area of the state.	Previous stream impact calculations were based on available GIS databases. Wetland and stream field delineations for all Detailed Study Alternatives were completed in early March. Those delineations, together with preliminary designs, will be used to calculate wetland and stream impacts. These impact estimates will be reported in the DEIS.

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

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4-2	NCTA should also consider the elimination of interchanges and separate toll collecting plazas (2) as part of its overall avoidance and minimization strategy.	Interchanges (and their potential elimination) and the locations of toll collection facilities will be reviewed in detail for the Preferred Alternative. Based on this review, the preliminary designs will be revised, if necessary, and the revised designs (and revised impacts) will be reported in the Final EIS.
4-2	The proposed interchange/ramp toll plaza proposed at Dixie River Road.....is an example of an interchange that might be considered for modification or elimination due to its close proximity to a nearby stream.	The Dixie River Road interchange is the only service interchange in Mecklenburg County and likely will not be eliminated. During preliminary design for the DEIS, the interchange configuration will be evaluated and impacts minimized where feasible.
4-2	...the two interchanges/ramp toll plazas proposed between the ones proposed at US 321 and NC 274.... are also close to one another and may need to be considered for elimination.	Interchanges (and their potential elimination) and the locations of toll collection facilities will be reviewed in detail for the Preferred Alternative. Based on this review, the preliminary designs will be revised, if necessary, and the revised designs (and revised impacts) will be reported in the Final EIS.
4-3	The EIS should also consider detailed compensatory mitigation for direct impacts to jurisdictional streams and wetlands and provide a 'conceptual plan' that includes opportunities for on-site mitigation.	NCTA is coordinating with the Ecosystem Enhancement Program regarding mitigation needs.
4-3	Indirect and cumulative impacts to water quality resulting from a new location facility need to be quantitatively assessed in the DEIS, including specific provisions and conditions for stormwater control.	The indirect and cumulative impact assessment that will be prepared for the project and summarized in the DEIS will follow NCDOT and FHWA guidelines for these types of studies. If a quantitative analysis is warranted based on the guidelines, it will be conducted at the appropriate time.
5-1	FHWA regulations and policy allow for full mitigation of all project impacts, including indirect and cumulative impacts. EPA requests that NCTA and FHWA fully explore all possible methods of directly addressing mitigation for indirect and cumulative effects of the proposed project, including long-term impacts to water quality.	The indirect and cumulative impact assessment that will be prepared for the project will follow NCDOT and FHWA guidelines for these types of studies. NCTA is following NCDOT's practice on not mitigating for indirect and cumulative impacts.
5-1	It should be noted that opportunities for on-site mitigation or even off-site compensatory mitigation within this hydrologic cataloguing unit (HUC) for stream impacts may be very difficult to find.	Comment noted. The NCTA is coordinating with the EEP on mitigation needs.

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5-2	...the NCTA and FHWA should consider the new crossing alternatives that are perpendicular to these major rivers [Catawba and South Fork Catawba] in order to minimize impacts...	The locations of the major river crossings were a factor in the development of the study corridors. With consideration of other factors such as the presence of tributaries, subdivisions, and other resources, the major river crossings were located to cross as close to perpendicular as possible and in more narrow locations where possible.
5-2	NCTA will be required to obtain a CWA Section 402 NPDES (National Pollutant Discharge Elimination System) stormwater permit as well as the CWA Section 401 water quality certification from NCDWQ.	NCTA will obtain all required permits at the appropriate times in the project development and construction process.
SECTION TITLED – CLEAN AIR ACT		
5-3	EPA requests that a detailed analysis and disclosure be conducted regarding air conformity requirements for the combined Gaston East-West Connector project. As part of this analysis, the NCTA may also need to consider the potential cumulative effects to air quality from the Monroe Bypass and Connector projects...as well as other NCDOT TIP projects proposed in Mecklenburg, Union, and Gaston Counties.	<p>The latest air quality conformity determination for the region (dated June 2005) includes the entire Metrolina nonattainment area (Conformity Analysis and Determination Report for the Cabarrus-Rowan MPO, the Gaston Urban Area MPO, and the Mecklenburg-Union MPO 2030 Long Range Transportation Plans and the FY 2004-2010 Transportation Improvement Programs and for Non-MPO Areas of Lincoln County, Iredell County, Gaston County, and Union County areas (8-Hour Ozone, and CO (Mecklenburg County Only))).</p> <p>The conformity determination “demonstrates that the financially constrained Long Range Transportation Plan and the Transportation Improvement Program (TIP) eliminates or reduces violations of the national ambient air quality standards (NAAQS) in the nonattainment area that includes:</p> <ul style="list-style-type: none"> • The Cabarrus-Rowan Metropolitan Planning Organization (CRMPO); • The Gaston Urban Area Metropolitan Planning Organization (GUAMPO); • The Mecklenburg-Union Metropolitan Planning Organization (MUMPO); • The portion of the Lake Norman Rural Planning Organization in Western Gaston County, Lincoln County, and Southern Iredell County; and • The portion of the Rocky River Rural Planning Organization in Eastern and Southern Union County. <p>The plan accomplishes the intent of the North Carolina State Implementation Plan (SIP). This conformity determination is based on a regional</p>

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

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		emissions analysis that uses the transportation network approved by each of the above-named Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs) for the 2030 long-range transportation plan...”
5-4 5-5 5-6	<p>This proposed NCTA project might also be a ‘pilot’ for a full quantitative analysis for MSATs (mobile source air toxics) that are required to be analyzed under Section 202 of the Clean Air Act.</p> <p>There are several technical issues that EPA may be in disagreement with FHWA, including the threshold criteria for performing a quantitative assessment and the available methods (i.e., Modeling) for performing an analysis.</p> <p>Because of proposed expansion plans at Charlotte-Douglas International Airport (CDU), including substantial increased freight capacity, EPA believes that a more ‘robust’ analysis needs to be conducted, including an MSAT indirect and cumulative impact analysis. It is clear the proposed east-west connector would service the CDU’s proposed expansion plans.</p>	Comment noted. NCTA will follow FHWA guidelines in determining whether the project qualifies as one that requires a full quantitative MSAT analysis.
6-1	Please feel free to contact Dr. Kenneth L. Mitchell or one of his staff within EPA Region 4’s Air Toxics Assessment and Implementation Section....for further guidance on performing a technically-sound, project specific analysis for the 21 MSAT compounds that are found for highway projects.	Contact information noted.
SECTION TITLED – PRIME FARMLANDS		
6-2	EPA recommends that NCTA perform a full analysis on how the different alternatives (with emphasis on the new location alternatives) will also affect land use changes and conversions of prime agricultural land to non-agricultural uses.	An indirect and cumulative impact assessment will be prepared for the project and will assess land use.
6-2	The DEIS should also specifically address the direct impact to prime farmland.	The DEIS will include an estimate of direct impacts to prime farmlands in accordance with the Farmland Protection Policy Act (FPPA), in coordination with the Natural Resources Conservation Service (NRCS).

Responses to Letter from H. Mueller – US EPA – Dated March 1, 2007

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6-2	FHWA and NCTA should clearly identify what avoidance and minimization measures were considered in the development of detailed study alternatives.	Avoidance and minimization measures used during the alternatives development and evaluation process is documented in the alternatives report and this information will be summarized in the DEIS.
6-2	In performing a prime farmland analysis, it is also important to consider what prime farmland soils are actually zoned for development uses versus what is planned for development. Generic land use plan designations that change current prime farmlands to development uses need to be considered as part of the prime farmlands impacted by the proposed project.	NCTA would like further clarification regarding this comment in order to respond.
SECTION TITLED – HISTORIC AND ARCHEOLOGICAL PROPERTIES		
7-1	The DEIS should fully address the eighteen (18) potential historic properties identified along the new location alternatives as well as any archeological sites.	The NCTA and FHWA will coordinate with the State Historic Preservation Office and will address historic and archaeological resources in accordance with Section 106 of the Historic Preservation Act and Section 4(f).
SECTION TITLED – OTHER POTENTIAL NEPA ‘CROSS-CUTTERS’		
7-2	The NCTA should consider... in the DEIS... Executive Order 13112 on Invasive Species and requirements under the Migratory Bird Treaty Reform Act (MBTRA) of 2004.	The NCTA will coordinate with the USFWS regarding the Migratory Bird Treaty Reform Act of 2004. Invasive species will be addressed in the DEIS in compliance with Executive Order 13112 and FHWA Guidance (available at www.fhwa.dot.gov/environment/em_inv.htm)
7-2	The US Fish and Wildlife Service (FWS) should be consulted regarding an analysis of avian Federal Species of Concern (FSOC) and potential requirements and considerations under MBTRA.	The NCTA will coordinate with the USFWS on this issue.
7-2	NCTA and FHWA should consult with FWS regarding Bald eagles.	The NCTA has conducted a survey for bald eagles. No eagle nests were found within one mile of the Detailed Study Alternatives. The NCTA will provide the survey report to the USFWS.

**North Carolina Department of
Environment and Natural Resources
Division of Soil and Water Conservation**



Michael F. Easley, Governor
William G. Ross Jr., Secretary
David S. Vogel, Director

MEMORANDUM:

April 25, 2003

TO: Melba McGee
FROM: David Harrison *D. Harrison*
SUBJECT: Gaston East-west Corridor Study

The NC Department of Transportation is conducting a study to improve east-west transportation mobility in the area around the City of Gastonia including southern Gaston County and western Mecklenburg County.

The environmental assessment should include information on adverse impacts to Prime or Statewide Important Farmland.

The definition of Prime or Statewide Important Farmland is based on the soil series and not on its current land use. Areas that are developed or are within municipal boundaries are exempt from consideration as Prime or Important Farmland.

For additional information, contact the soils specialists with the Natural Resources Conservation Service, USDA, Raleigh, NC at (919) 873-2141.

1614 Mail Service Center, Raleigh, North Carolina 27699-1614

Phone: 919-733-2302 \ FAX: 919-715-3559

Internet: www.enr.state.nc.us/ENR/DSWC/

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DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

Project Number 03-0304
County Gaston

Inter-Agency Project Review Response

Project Name NC DOT Type of Project Gaston East-West Corridor Study

Comments provided by:

RECEIVED
Monroeville Regional Office

30
APR 29 2003

- Regional Program Person.
- Regional Engineer for Public Water Supply Section
- Central Office program person

NC DENR
Public Water Supply

Name: BRETT SETZER Date: 5/1/03

Telephone number: 704 663 1699

Program within Division of Environmental Health:

- Public Water Supply
- Other, Name of Program: _____

Response (check all applicable):

- No objection to project as proposed
- No comment
- Insufficient information to complete review
- Comments attached
- See comments below

THIS AREA HAS TWO SURFACE WATER PLANTS AND NUMEROUS COMMUNITY WELL SYSTEMS. THE RULES GOVERNING PUBLIC WATER SYSTEMS MUST BE FOLLOWED IN REFERENCE TO IMPACT ON THESE SYSTEMS, WHICH INCLUDES TREATMENT FACILITIES AND DISTRIBUTION SYSTEMS. GASTON COUNTY ALSO HAS A WELL HEAD PROTECTION PROGRAM WHICH WILL NEED TO BE INFORMED OF FUTURE PLANS.

Return to:

See Reverse Page 2

Public Water Supply Section
Environmental Review Coordinator
for the
Division of Environmental Health

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 03-E-4220-0304
DATE RECEIVED: 04/23/2003
AGENCY RESPONSE: 05/19/2003
REVIEW CLOSED: 05/23/2003

F02

MR TOM ELLIS
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE
AGRICULTURE BLDG
RALEIGH NC

REVIEW DISTRIBUTION
CC&PS - DEM, NFIP
CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULT RESOURCES
DEPT OF TRANSPORTATION



PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation
TYPE: National Environmental Policy Act
ERD: Scoping
DESC: Gaston East-West Corridor Study: Improvements to east-west transportation mobility in the area around Gastonia and other towns in southern Gaston and western Mecklenburg counties: TIP U-3321

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 1302 Mail Service Center, Raleigh NC 27699-1302. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

NO COMMENT

COMMENTS ATTACHED

SIGNED BY: _____

DATE: _____

5-01-03



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

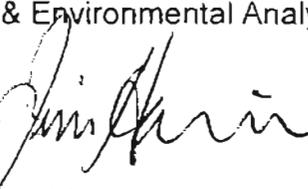
MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 12, 2003

Memorandum

To: Ms. Kristina Solberg, PE
Project Development & Environmental Analysis Branch

From: James B. Harris, PE
Engineering Manager 

Subject: Gaston East – West Corridor Study
TIP Project Number U-3321, Fed. Aid Proj. No. STP-1213(6)
State Project No. 8.2812501

The North Carolina Department of Transportation's (NCDOT) Rail Division is in receipt of your letter of April 9, 2003 on the above subject corridor study and would like to provide comments in regard to rail-related matters that need to be considered in your study.

Of primary rail importance in the study area is Norfolk Southern (NS) Railway's Washington, DC to Atlanta, GA mainline. The NS mainline enters the eastern edge of the study area just north of the Charlotte-Douglas International Airport (Milepost 384.0+/-) and exits the northern edge of the study area between Gastonia and Bessemer City (Milepost 403.0+/-) passing through the towns of Belmont and Gastonia. This NS mainline handles up to 40 freight trains and 2 passenger trains per day with maximum train speeds of 79 mph. This track has also been designated as part of the future Southeast High Speed Rail Corridor from Washington, DC to Atlanta, GA.

Of lesser importance are the NS north-south branch lines from Crowder, NC (Milepost HG 38.0) south of Gastonia northward up to Gastonia (Milepost HG 45.0) and Gastonia northward up to Gebo (Milepost HG 52.0) located just north of Dallas, NC. Maximum train speed on these two lightly used branch lines is 10 mph.

MAILING ADDRESS:
RAIL DIVISION
ENGINEERING & SAFETY BRANCH
1556 MSC
RALEIGH NC 27699-1556

TELEPHONE 919-715-8803
FAX 919-715-8804

WEBSITE: www.bytrain.org

LOCATION:
CAPITAL YARD
862 CAPITAL BOULEVARD
RALEIGH, NC 27603

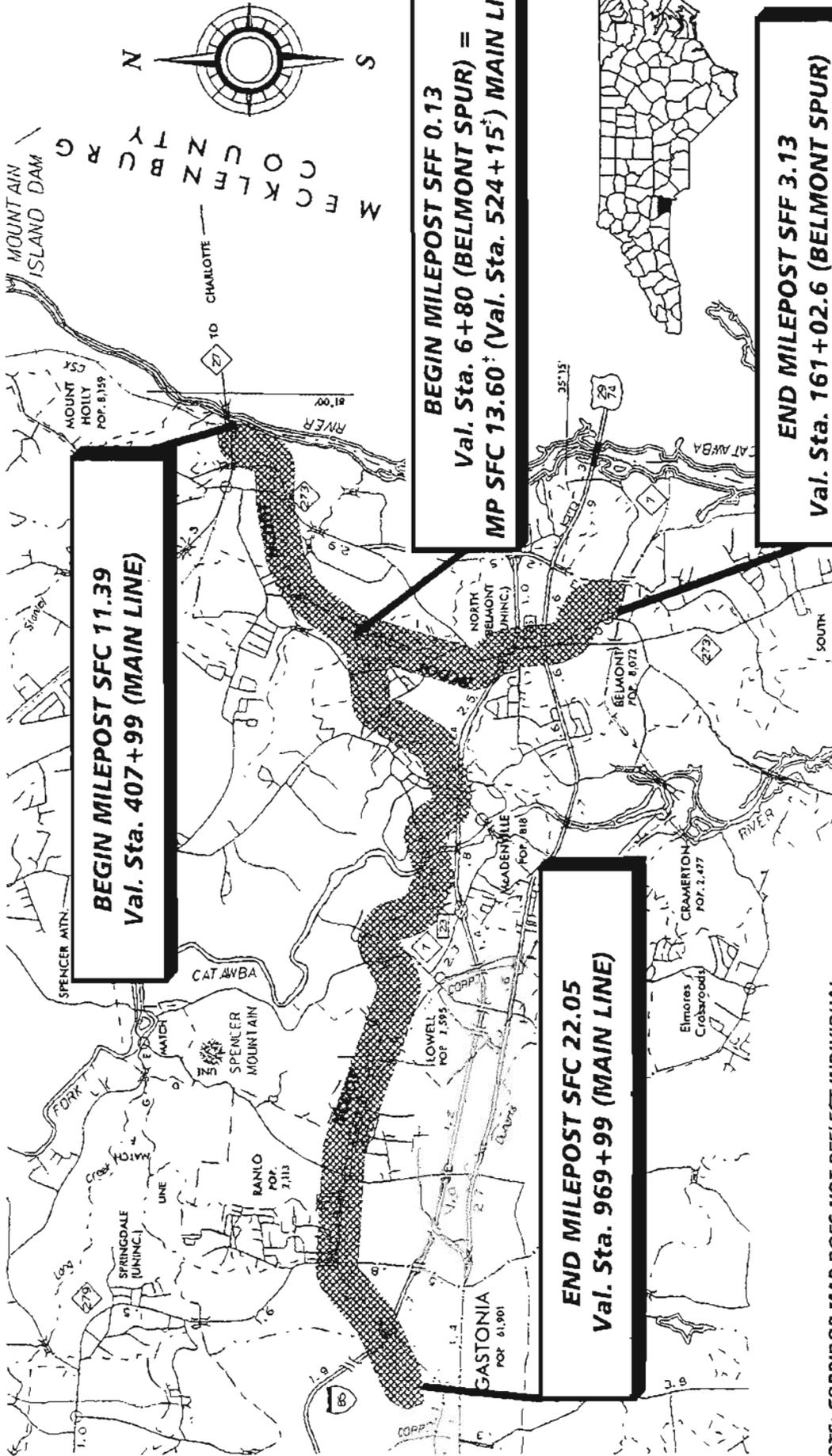
Also of rail importance in the study area is the 12-mile long inactive rail corridor owned by the NCDOT Rail Division that extends from Mount Holly to Gastonia and also consists of a 3-mile long branch line into Belmont. A map is attached that shows the route and milepost markers of the NCDOT preserved rail corridor. At Mount Holly the NCDOT's rail corridor provides potential connection to CSX's mainline track and at Belmont and Gastonia potential connections are provided to NS' mainline track. The NCDOT rail corridor was formerly owned by CSX and was purchased by NCDOT in the early 1990's in order to preserve the rail corridor for future use. CSX still owns the remaining portion of this lightly used duplicate CSX rail line from Mount Holly to Charlotte. The entire rail corridor may one day be used for commuter rail service from Gastonia/Mount Holly/Charlotte. As information, the City of Charlotte is currently planning and designing for commuter rail service that may be extended to Gastonia at some time in the future although the mode of transportation to provide that service is unclear at this time. There are also a number of sites between Mount Holly and Gastonia along the NCDOT rail corridor that are suitable for industrial development. The NCDOT rail corridor could be reactivated to provide rail service to those industries if needed.

Rail traffic nationwide has been on the increase over the past decade. It is therefore difficult to forecast what the rail needs of the rail lines contained in the study area will be in the future. In anticipation of future rail needs, railroads typically require that space be reserved for one future track whenever a highway overpass is constructed over their tracks.

There are many existing highway/railroad grade crossings contained in the study area. These range in size from multi-lane highways on the State and Local roadway system to private unpaved crossings. The protection at these rail crossings ranges from lights and gates to the simple crossbucks. It is the current policy of NCDOT not to create any new at-grade highway/railroad crossings, therefore grade separated highway overpasses or underpasses should be anticipated for any new highways crossing over the rail corridors in the study area. Highway/railroad grade separation structures need to provide the required vertical and horizontal clearances in accordance with current railroad and highway standards.

It is recommended that Norfolk Southern Railway be contacted in regard to your study if any additional information regarding their operations is required.

Please contact me at (919) 715-8744 if you need any additional information in regard to railroad matters in general and particularly in regard to the NCDOT owned rail corridor contained in your study area.



BEGIN MILEPOST SFC 11.39
Val. Sta. 407+99 (MAIN LINE)

BEGIN MILEPOST SFF 0.13
Val. Sta. 6+80 (BELMONT SPUR) =
MP SFC 13.60⁺ (Val. Sta. 524+15⁺) MAIN LINE

END MILEPOST SFC 22.05
Val. Sta. 969+99 (MAIN LINE)

END MILEPOST SFF 3.13
Val. Sta. 161+02.6 (BELMONT SPUR)

NOTE: CORRIDOR MAP DOES NOT REFLECT INDIVIDUAL PARCELS WITHIN THE CORRIDOR NOT OWNED BY NCDOT.



REVISIONS:
 NO. DATE DESCRIPTION:

PREPARED BY: MSW
 CHECKED BY: JBH



NC DEPARTMENT OF
 TRANSPORTATION
RAIL DIVISION

ENGINEERING AND SAFETY BRANCH
 CAPITAL YARD
 PO BOX 7101
 RALEIGH, NC 27611



**PIEDMONT & NORTHERN
 (MT. HOLLY) RR CORRIDOR**
 GASTON COUNTY
 FROM MT. HOLLY TO GASTONIA AND BELMONT

SCALE: NONE
 DATE: 4/02/2001
 DRAWING NO. 4102/2001



K. Solberg



North Carolina Department of Cultural Resources
State Historic Preservation Office
David L. S. Brook, Administrator

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

Division of Environmental Resources
David J. Olson, Director

May 14, 2003

MEMORANDUM

TO: Greg Thorpe, Manager
Project Development and Environmental Analysis Branch
NCDOT Division of Highways

FROM: David Brook *David Brook*

SUBJECT: Gaston County East-West Corridor, U-3321, Gaston and Mecklenburg
Counties, ER02-9723

Thank you for your memorandum of April 9, 2003, concerning the above project. We have reviewed the "Request for Comments" and offer the following comments.

This project has the potential for impacting large portions of Gaston County and Mecklenburg County. In the Survey and Planning Branch, State Historic Preservation Office, we have on record 1,076 surveyed sites in Gaston County and 2,657 sites in Mecklenburg County. There are fourteen Historic Districts in Gastonia. There are fourteen individual properties listed in the National Register in Gaston County and many more in Mecklenburg County.

We recommend that our records be thoroughly searched and a comprehensive survey be conducted to inventory the architectural and historic resources that could potentially be impacted by this large project.

Two copies of the resulting Historic/Architectural survey report should be forwarded to us for review and comment as soon as they are available and well in advance of any construction activities.

In Gaston and Mecklenburg Counties 1,341 archaeological resources are recorded in files at the Office of State Archaeology in Raleigh. Some archaeological sites have been determined eligible for inclusion on the National Register of Historic Places. In the study area specifically, some eligible archaeological sites are located on the Charlotte Douglas Airport property. Other as yet undiscovered archaeological sites are likely to be in the region, especially along drainages, in floodplains and terraces, bluffs, and other areas. Many of the

www.hpo.dcr.state.nc.us

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount St., Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919) 733-4763 • 733-8653
RESTORATION	515 N. Blount St., Raleigh NC	4613 Mail Service Center, Raleigh NC 27699-4613	(919) 733-6547 • 715-4801
SURVEY & PLANNING	515 N. Blount St., Raleigh NC	4618 Mail Service Center, Raleigh NC 27699-4618	(919) 733-6545 • 715-4801

May 14, 2003

Page 2

1,341 reported sites have not been assessed for eligibility for listing on the National Register of Historic Places. Any archaeological resources located within the preferred alternative must be assessed for National Register of Historic Places eligibility.

We recommend that our records be searched for architectural sites, archaeological sites, and cemeteries; and the State Archives and county tax or deed office records be searched for cemeteries reported in the proposed corridor study area. Appointments with the Office of State Archaeology should be made directly at 919/733-7342. The Schiele Museum of Natural History and Planetarium in Gastonia has had an active archaeological program since 1985 reporting many sites in the region. Dr. Alan May, who can be reached at 704/866-6900 for an appointment, is director of that program and is familiar with the regional archaeology.

Many architectural properties listed on the National Register of Historic Places have archaeological components that have not been assessed. When such properties are reevaluated during a federally funded undertaking, archaeological components of such properties must be considered and assessed.

In addition to the records check, we recommend that a comprehensive survey be conducted by an experienced archaeologist to identify and evaluate the significance of archaeological remains that may be damaged or destroyed by the proposed project. Potential effects on unknown resources must be assessed prior to the initiation of construction activities.

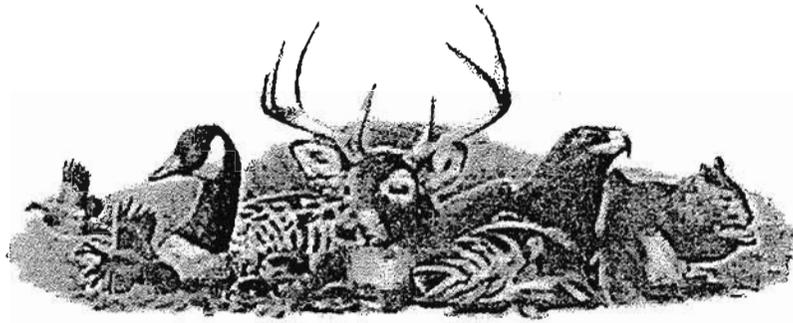
Two copies of the resulting archaeological survey report, as well as one copy of the appropriate site forms, should be forwarded to us for review and comment as soon as they are available and well in advance of any construction activities.

A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at www.arch.dcr.state.nc.us/consults. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey.

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. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Jill Gurak, PBSJ
Mary Pope Furr, DOT
Matt Wilkerson, DOT



☒ North Carolina Wildlife Resources Commission ☒

Charles R. Fullwood, Executive Director

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

FROM: Marla Chambers, Highway Projects Coordinator
Habitat Conservation Program, NCWRC

DATE: May 15, 2003

SUBJECT: Scoping review of proposed Gaston East-West Corridor Study, Gaston and Mecklenburg counties. TIP No. U-3321.

Staff biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the information provided by North Carolina Department of Transportation (NCDOT) and have the following preliminary comments regarding impacts to fish and wildlife resources resulting from the subject project. These comments are provided in accordance with the 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).

The NCDOT proposes to improve east-west transportation mobility in the area around the City of Gastonia and other municipalities in southern Gaston and western Mecklenburg counties. General alternatives they plan to consider include No-Build, Transportation Management, Multi-Modal, Improve Existing Roadways, and New Location alternatives. We suggest, in order to fully investigate Multi-Modal alternatives, that the northern study area boundary include the east-west railroad corridor along I-85 which lies north of the current boundary in places.

The NCWRC is concerned about adverse impacts to wildlife habitat and water resources of the area and the public's enjoyment of them. Lake Wylie, including the Catawba River and South Fork of the Catawba River, as well as Crowders Mountain State Park and Daniel Stowe Botanical Garden are within the study area boundary. The proposed project is in a rapidly growing area of the state; cumulative and secondary impacts are major concerns and should be thoroughly addressed in the environmental document. In addition, to help facilitate document preparation and the review process, our general information needs are outlined below:

1. Description of fishery and wildlife resources within the project area, including a listing of federally or state designated threatened, endangered, or special concern species. Potential borrow areas to be used for project construction should be included in the inventories. A listing of designated plant species can be developed through consultation with the following programs:

The Natural Heritage Program
N. C. Division of Parks and Recreation
1615 Mail Service Center
Raleigh, N. C. 27699-1615
(919) 733-7795

and,

NCDA Plant Conservation Program
P. O. Box 27647
Raleigh, N. C. 27611
(919) 733-3610

2. Description of any streams or wetlands affected by the project. If applicable, include the linear feet of stream that will be channelized or relocated.
3. Cover type maps showing wetland acreage impacted by the project. Wetland acreage should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (USACE). If the USACE is not consulted, the person delineating wetlands should be identified and criteria listed.
4. Cover type maps showing acreage of upland wildlife habitat impacted by the proposed project. Potential borrow sites should be included.
5. Show the extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).
6. Include the mitigation plan for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.
7. Address the overall environmental effects of the project construction and quantify the contribution of this individual project to environmental degradation.
8. Provide a discussion of the probable impacts on natural resources, which will result from secondary development, facilitated by the improved road access.
9. If construction of this facility is to be coordinated with other state, municipal, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

Thank you for the opportunity to provide input in the early planning stages of this project. If you have any questions regarding these comments, please contact me at (704) 485-2384.

cc: Marella Buncick, USFWS
Cynthia Van Der Wiele, NCDWQ



May 21, 2003

MEMORANDUM

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

FROM: Cynthia F. Van Der Wiele, NCDOT Coordinator *cvdw*

SUBJECT: Review of Scoping Sheets for proposed Gaston East-West Corridor Study, Gaston & Mecklenburg Counties, TIP No. U-3321. State Clearinghouse Project No. 03-0304.

In reply to your correspondence dated April 9, 2003 (received April 14, 2003) in which you requested comments for the referenced project, preliminary analysis of the project indicates that the following water resources lie within the study area:

<u>Stream (index)</u>	<u>Water Quality Classification</u>	<u>HU</u>
▪ Crowders Creek and UT's (11-135)	C; on §303(d) list	030837
▪ South Crowders Creek	C	030837
▪ Abernathy Creek	C	030837
▪ Blackwood Creek	C	030837
▪ Catawba Creek and UT's	C; on §303(d) list	030837
▪ Robinwood Lake	B	030837
▪ Anthony Creek	B	030837
▪ Catawba River and UT's	WS-IV & B Critical Area	030834
▪ South Fork Catawba River	WS-V	030836

A *Preliminary Purpose and Need Statement* for this project was published by PBS&J on July 3, 2002. Among the transportation issues to be solved are the congestion and traffic flow issues on Interstate 85, US 29-74 and US 321 (TIP Project U-3806), as well as the need to improve mobility, access and connectivity within southern Gaston County and Mecklenburg County. The 404/401 Merger Team signed a purpose and need concurrence point on July 24, 2002.

NC Division of Water Quality has the following comments:

Alternatives to Be Evaluated

NCDWQ understands that the following alternatives will be studied: No-Build, Transportation Management, Multi-Modal, Improve Existing Roadways, and New Location alternatives (known as the "Garden Parkway"). The Purpose and Need document specifically mentioned that I-85 will be over capacity in the near future; US 29-74 will also be at or near capacity in the near future (page 9). Thus, the "Improve Existing Roadways" alternative may not be reasonable or feasible. NCDWQ understands that a regional study of transit alternatives is being developed and studies as part of a Major Investment Study (MIS) (page 15). Additionally, DWQ understands that transit-oriented development is being planned around US 29-74.

- A. Traffic problems in this area suggest that a comprehensive solution be developed that would perhaps combine modalities (e.g., bus and light rail), since continued widening of both US 29-74 and I-85 may be infeasible.



- B. DWQ recommends that in order to fully investigate the Multi-Modal alternatives as a reasonable and feasible alternative, that the northern study boundary area include the east-west railroad corridor along I-85 (north of the current study boundary).

Environmental Documentation

- A. New Location Alternatives must include *quantitative* analysis of the cumulative and secondary impacts as several impaired waters and water supply critical areas could be impacted.
- B. A detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping must be included.
- C. There should be a discussion on mitigation plans for unavoidable impacts. If mitigation is required, it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation.
- D. Within the project area, sedimentation and stormwater runoff are major concerns. Urbanization often has greater hydrologic effects than any other land use, as native watershed vegetation is replaced with impervious surfaces in the form of paved roads, buildings, parking lots, and residential homes and yards. Urbanization results in increased surface runoff and correspondingly earlier and higher peak flows after storms. Flooding frequency is also increased. Bank scour from these frequent high flow events tends to enlarge urban streams and increase suspended sediment. Scouring also destroys the variety of habitat in streams leading to degradation of benthic macroinvertebrate populations.

Urban runoff also carries a wide variety of contaminants to streams including oil and grease from roads and parking lots, street litter and pollutants from the atmosphere. Generally, there are a larger number of point source discharges in urban areas. Cumulative impacts from habitat alterations, point and nonpoint source pollution can cause severe impairment to urban streams.

Thank you for requesting our input at this time. If you have any questions or require additional information, please contact Cynthia Van Der Wiele at (919) 733.5715.

Attachment

pc: John Hendrix, USACE Asheville Field Office
Chris Militscher, USEPA
Marella Buncick, USFWS
Marla Chambers, NCWRC
File Copy



North Carolina Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

May 28, 2003

Ms. Kristina Solberg
N.C. Department of Transportation
Project Management
Transportation Bldg. - 1548 MSC
Raleigh, NC 27611

Dear Ms. Solberg:

Re: SCH File # 03-E-4220-0304; Scoping; Gaston East-West Corridor Study: Improvements to east-west transportation mobility in the area around Gastonia and other towns in southern Gaston and western Mecklenburg counties; TIP U-3321

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,

A handwritten signature in black ink, appearing to read "Chrys Baggett".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region F

Mailing Address:
1302 Mail Service Center
Raleigh, NC 27699-1302

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



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 30, 2003

TIP Project: U-3321
County: Gaston
Description: Gaston County East-West Corridor Study

MEMORANDUM

TO: Gregory J. Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch
Attention: Kristina Solberg, P.E., Consultant Engineer.

FROM: Nathan K. Phillips, P.E., Plan Review Engineer
Congestion Management Section

SUBJECT: Preliminary Review of TIP Project U-3321

The Plan Review Squad of the Traffic Engineering and Safety Systems Branch has completed a preliminary review of this project for the start of the study phase. We would like to share the following comments:

- ◆ The Regional Traffic Engineer has recommended building a controlled access roadway with access provided only at interchanges or at widely spaced at-grade intersections. He also recommends the new facility to tie into I-85 to the southwest of Gastonia at one end and I-485 in Mecklenburg County at the other end. In the Gastonia area, he recommends the route run south of SR 2446.
- ◆ Our Traffic Operations Group has recommended the inclusion of ITS as a transportation management alternative. There is an existing Freeway Management System in Mecklenburg County. If improvements were made to I-85 as part of the project, this would directly connect to the existing system. If a new location alternative were built, this would be used as an alternate route during incidents on I-85. Cost of the ITS will be provided by the Traffic Operations Engineer once alternatives are identified. The system will require approval from the MPO because it would affect the equity equation.
- ◆ Our Signing Section has offered no comments relating to the project at this time. Similarly our Traffic Control Section and Signals and Geometrics Section have no comments concerning the project at this time.
- ◆ We have not received any comments from the Division relating to the project at present.

Gregory J. Thorpe, Ph.D.
Page 2
05/30/03

At this time, we have no additional comments. If you have any questions, please contact Nasir Siddiqui, Plan Review Project Engineer, or me at 250-4151.

NKP/ns

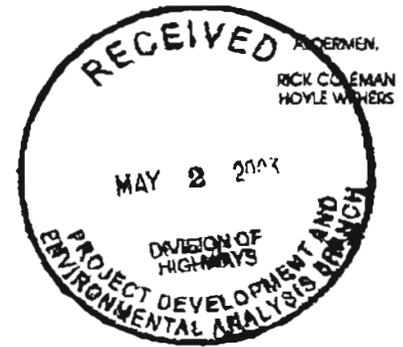
cc: M. L. Holder, P.E. (Attention: Sammy Nichols)
J. A. Bennett, P.E.
D. D. Galloway, P.E.
R. E. Mullinax, P.E.
T. M. Hopkins, P.E. (Attention: J. H. Dunlop, P.E.)
C. L. Evans (Attention: Elizabeth Honeycutt)
J. S. Bourne, P. E.
R. W. King, P.E.

ALDERMEN:
E.F. FRIDAY
JOHN L. BEATY
GREGORY W. CLEMMONS

Town of Dallas

EST. 1863

Mayor Sam C. Rhyne
April 25, 2003



Via US Mail

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

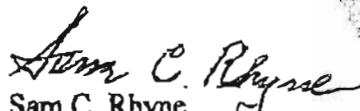
Subject: *Request for Comments for Gaston East-West Corridor Study,
TIP Project Number U-3321, Federal Aid Project No. STP-1213(6)
State Project No. 8.2812501*

The North Carolina Department of Transportation (NCDOT) recently sent out a proposal to improve east-west transportation mobility in the area around the City of Gastonia and other municipalities. The proposal is known locally as the Garden Parkway. It is our understanding that the project will only be completed from Charlotte-Douglas International Airport to I-85 just west of the Hwy 321 inter-change. This proposed study does not include the section between Hwy. 321 and Dallas.

The Town of Dallas would like to formally ask that the study area be expanded to include the northern half of the proposed Garden Parkway. We feel that this would not only make more economical sense but would also allow the municipalities and county to protect the corridor from erosion do to the expansion in subdivision growth this area is seeing. In delaying the start dates for the environmental survey we cannot hope to have a centerline for the project completed at any foreseeable point in the future. This may not only delay any future construction of the Garden Parkway but may also dramatically change the alignment of the proposed Garden Parkway.

I hope that you will take this into consideration and allow for the funding of the Northern leg environmental survey in the near future. As you know the Garden Parkway will be a major economical engine for Gaston County and all of the Municipalities as well.

Sincerely,


Sam C. Rhyne
Mayor Town of Dallas



May 9, 2003

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



Dear Dr. Thorpe:

The Quality of Natural Resources Commission (QNRC) is a diverse citizen stakeholder group appointed by the Gaston County Board of Commissioners to evaluate and make recommendations on natural resource issues that impact Gaston County.

QNRC appreciates the opportunity to respond to your April 9th letter soliciting potential impacts of the proposed east-west corridor of the Garden Parkway (TIP Project U-3321) through southern Gaston County. Below we have described factors that QNRC would like NCDOT to consider in developing this transportation project.

Natural Heritage Sites

According to the Gaston County Natural Heritage Inventory, the natural heritage sites listed below all lie within the project location area (For detailed information on any of these sites contact: David Fogarty, Gaston County Extension Director at 704-922-2130)

<u>Site #</u>	<u>Site Location</u>
A01	Crowder Mountain State Park
A04	Stagecoach Road Granitic Outcrop and Wetland
A05	Armstrong Ford
A07	Kenneth Oates Farm Forest (Area B)
A09	Pinnacle Road
B12	Penegar, Gastonia South
B13	Ferguson Ridge
B14	Ferguson's Knob
B15	Unity Church Road
B16	Catawba Cove
B21	Kenneth Oates Farm Forest (Area A)

CITIZENS PARTICIPATION
RECEIVED
MAY 16 2003

Depending on which route is selected for the thoroughfare, sites A01, A04, A05, B12, and B16 could potentially be impacted by the project. With the current alignment plans for the thoroughfare, no natural heritage sites would be directly impacted. Sites A04 and B12 are both approximately ½ mile from the current alignment and could be impacted if the route were adjusted towards them.

The natural heritage site of most concern is (A4) the Stagecoach Road Granitic Outcrop and Wetland. This site, lying just to the east of the current thoroughfare alignment is a large granite rock outcrop from the Pennsylvanian to Permian (270-230 million years old). Vegetation islands separate the granite exposures. Many of the terraces have shallow pools with thin soils. Noteworthy species include small sedum, fame flower, pine weed, and various mosses. Since the completion of the natural heritage survey, this site has been timbered, except for a 50-foot buffer around the outcrop.

Thoroughfare alignments should be designed to avoid this outcrop and its surrounding buffer, as well as any other identified natural heritage sites.

Stream Impacts

The construction of the Garden Parkway Thoroughfare in Southern Gaston County will inevitably have some negative impact on the water quality and the habitats of creeks and streams throughout the region. QNRC recommends that several steps be taken to minimize stream impacts.

Of particular concern is the section of the proposed thoroughfare heading south from I-85 in the southwestern part of the county. The current alignment takes the thoroughfare south from I-85 along a four-mile path that parallels Crowders Creek. During most of that section, the thoroughfare is within a few hundred feet of Crowders Creek.

QNRC recommends adjusting the alignment of the proposed thoroughfare so that there is a sufficient buffer between the road construction and Crowders Creek to protect the creeks banks and its water quality. A priority of the thoroughfare design should be for NCDOT to minimize the amount of Crowders Creek that would have to be relocated. One possible solution could be to relocate the entire stretch of the thoroughfare to the west side of the creek.

Where any relocation of stream sections are required, the new stream channel should be designed to have slow stream flow and graded banks resulting in a stream with less bank erosion and a healthier ecosystem than the current stream.

Wetland and Stream Mitigation

All disturbed streams and wetlands within the Garden Parkway project are subject to mitigation laws. Under these laws, disturbed areas must be replaced with double the acreage. Restored streams and wetlands must be within the same watershed basin. The Gaston County QNRC encourages NCDOT to work with QNRC and relevant county and municipal agencies in determining how mitigation acreages can be located to fit in with the county's water quality, greenway, and development plans.

Stormwater

Gaston County is a Phase II Stormwater community. All water from the thoroughfare and its bridges must be collected by drains or pipes and discharged into vegetated areas and/or silt basins where pollutants are filtered out naturally before entering streams.

The Gaston County QNRC encourages NCDOT to work with QNRC and relevant county and municipal agencies to determine how stormwater best management practices can be successfully implemented to protect water quality in conjunction with countywide stormwater programs.

Hazardous Spill Controls

Hazardous catch spill basins should be utilized throughout the Garden Parkway Project. These basins should be located at the low areas of the construction and should be manually closed in the event of a hazardous spill to prevent the spill from reaching nearby streams. QNRC recommends that NCDOT also provide Local Emergency Management personnel with information and training on how to operate these basins.

Impacts on Land-Use

In 2002, Gaston County adopted a Comprehensive Plan that includes broad goals for development, transportation, infrastructure, and greenways. QNRC recommends that the NCDOT thoroughfare plans are always consistent with the Gaston County Comprehensive Plan. Copies of the Plan are available on-line at [www.gastoncountync.org](#) or through the Gaston County Planning Department at 704-866-3473.

Design of the thoroughfare near the Daniel Stowe Botanical Gardens should consider noise impacts on the Garden and development plans associated with the Garden. All access points on the thoroughfare should be designed with consideration of the development goals of the County comprehensive plan.

The "Garden Parkway" should be designed as part of an overall countywide plan that includes economic development, environmental, and quality of life factors. QNRC and other organizations can play an important role in making sure that this process occurs.

Greenway Development

The development of the Garden Parkway is an excellent opportunity to move forward the creation of a connected greenway system in Gaston County and neighboring counties. Consistent with the County's Comprehensive Plan, a greenway system should be an integrated part of the overall thoroughfare plan and should include the following features:

- Development of a greenway along the Crowders Creek Corridor as part of the Garden Parkway design
- Allowances for east-west greenway corridors between Gastonia and Crowders Mountain State Park with connections to the Crowders Creek Corridor
- Assurances that thoroughfare development facilitates the Catawba Creek greenway, which is part of the current Connect Gaston Plan.
- Consultations with York and Mecklenburg Counties to facilitate future regional greenway plans as part of the design.
- Bridge designs over the South Fork and Catawba Rivers that incorporate pedestrian and bike transportation.
- Widening of the 300-foot corridor in specific locations to accommodate the inclusion of pedestrian and/or bike transportation routes.

Gaston County QNRC appreciates this opportunity to respond to NCDOT's request for comments on the proposed TIP Project U-3321 through southern Gaston County. We support this project and the transportation and economic development benefits that it can bring to Gaston County. We also strongly feel that these benefits will be greatest if the project is designed with input from citizens and local governments. To this end, QNRC would be willing to sponsor any of the Citizens' Informational workshops that you are planning to hold during the Summer/Fall of 2003.

Sincerely,



Gary Mims, Chairman
Gaston County Quality of Natural Resources Commission

Cc: Gaston County Manager and Board of Commissioners



GASTON COUNTY

Department of Community

Development and Technology

Community Development Division

Mailing Address: P. O. Box 1578, Gastonia, NC 28053-1578
Street Address: 212 West Main Avenue, Gastonia, NC 28052
e-mail: dwilliams@co.gaston.nc.us

Fax: (704) 866-3908
Writer's Direct Number
(704)-866-3473

May 9, 2003

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



Dear Dr. Thorpe:

Gaston County Community Development is in receipt of your letter dated April 9, 2003 requesting comments concerning impacts of the proposed East-West Corridor Study for the 321/74 by-pass or the Garden Parkway. Community Development appreciates the opportunity to provide you with comments as it relates to the impacts on the social, economic, demographic, land use, and environment in the subject project area. Further, Community Development through the County's coordination process is in agreement with previous comments in letters submitted to from the Gaston County's Quality of Natural Resources Commission (QNRC), and the Gaston Urban Area Metropolitan Planning Organization (MPO). Since these two agencies are very familiar with the projects and the potential impacts, Community Development would like to incorporate or mesh their comments with a few additional comments and thoughts as will be listed below. I will attempt not to duplicate comments, however, there may be the casual occasion or some situations where it is simply unavoidable yet important and significant to Gaston County. The comments on the impacts are primarily based from the Gaston County Comprehensive Plan which was adopted in November, 2002. Since the Community Development Department is principally engaged in Land Use Planning, and thus, most of what is expressed is centered around that topic. I would also request that you refer to the respective agencies previously mentioned above pertaining to details surrounding the environment and transportation.

According to the Gaston Comprehensive Plan, the county is located in the south central Piedmont of North Carolina, and is the second largest county in the Charlotte-Mecklenburg metropolitan region. The Catawba River forms the eastern boundary separating Gaston from Mecklenburg County, with Lincoln County to the north, Cleveland County to the west, and York County, SC to the south. Somewhat unique to the region are the 15 municipalities located within the County, with Gastonia as the largest. Most of these towns have their roots in the County's textile history and each has its own character and outlook toward the future. These municipalities represent a significant asset to the community but also pose challenges for the future of Gaston County. The County will also be faced with many external forces that will shape the way the County grows. The County can manage some of these forces, but others may be beyond the County's control. As Gaston County and its 15 municipalities enter the new millennium, they will need to coordinate efforts to guide growth in the direction best suited for the present and future residents of Gaston County. And as it relates to land, "Gaston is part of the Piedmont Plateau, between the

foothills of the Appalachian and the sandhills of the coastal plain. Creeks of the Catawba system carve through the gently rolling is characteristic of the Piedmont, while monadnocks, rocky masses that stand isolated after softer rock surrounding them is eroded away, punctuate the landscape and form part of the County's visual heritage and sense of identity. Despite long reliance on manufacturing as economic base, over 40% of the land area remain in woods or forest, the highest percentage of any neighboring North Carolina Counties. Gaston County soils are mostly variations of the sandy clay loam soils with varying properties that make them generally suited for agriculture and development."

I open with these directly from Gaston's plan to illustrate the growth potential and some of the important features of the natural environment, and the reasons why Community Development request that protection devices and best management practices be used. Still, for environmental and transportation impacts please refer to the QNRC and Gaston MPO recommendations.

Gaston County Community Development submits the following recommendations and comments:

1. As the impacts relates to Land Use, Gaston consists of 15 municipal entities, and one unified school system. Most of the Local Government have some for Community Development would suggest that NCDOT be in concert with their plans for physical development of the all those local governments as well. As for the future construction of for schools, etc., it would be a consideration to verify with Superintendent of Gaston County as any potential impacts to the development of future school facilities.
2. Gaston County Board of Commission adopted a County Wide Comprehensive Plan (enclosed an adopted copy) in November of 2002, to be used as a tool to guide development and act as mechanism to provide ways to better coordinate land use around the County and in the region. Within this plan are goals and object that deal with land use, and so, Community Development would request to refer to those goals and objectives as they plan this project.
3. Gaston Community Development would suggest to protection devices such as access management or other control devices to coincide with the economic development opportunities illustrated in the Comprehensive Plan.
4. As a vast majority of the project is scheduled for the unincorporated area and southern portion of Gaston County, these areas are primarily undeveloped with the primarily development pattern being residential and open space. Presently, the area contains no water and sewer infrastructure. However, this area is projected to see a higher percentage of Gaston's growth over the next 10 - 20 years, especially with plans for infrastructure to include water and extensions services showing high interest in this area. Thus, with consider of the natural and opens space that currently exist which characterizes this area, Community Development would ask NCDOT to consider the overall implications of the project on the current and future planning of this area.
5. As for citizen involvement, Gaston County has a diverse population and therefore, Community Development would further suggest that NCDOT assert or use creative methods to involve the general public in the project development process.
6. As you will note, the Comprehensive Plan calls for the development of an Open Space Plan to incorporate a greenway system which would link land uses around the County. With the length and magnitude of the Parkway corridor, it has been suggested and is also

referenced in the Plan, that some of right-of-way include opportunities for the greenway network. In addition to the regional greenway system and regional ones, provide if possible, opportunities to interconnect with small internal or local networks. For information, Voices and Choices and the Urban Institute are looking at ways to implement a regional greenway system, which may be impacted by the project.

7. Land use patterns can also be impacted within the urban areas of municipalities to include retail, restaurant, and commercial in general with the potential for existing urban commercial development relocate to intersection on Parkway.
8. With this project relative close to the state line, and York County it has the potential to create some pressure on the demographics on the southern portion of the Gaston County.

Again, thank you for the opportunity to submit comments on this project. Should questions arise, feel free to contact me directly.

Thanks,



David L. Williams, MPA, AICP
Administrator, Community Development

cc: Jan Winters, County Manager
Bill Beasley, Assistant County Manager
Larry Hurlocker, Executive Director, CdaT
David Fogarty, Cooperative Extension
Scot Sibert, Gaston MPO

enclosure



Gaston County Natural Resources Department

1303 Cherryville Highway - Dallas, North Carolina 28034
Phone: (704) 922-4181 - Fax: (704) 922-2158

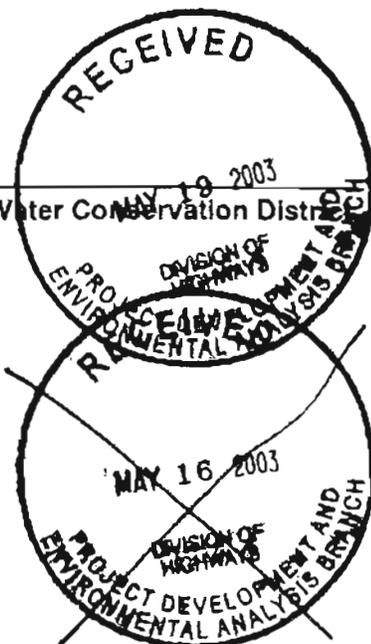
Gaston Soil and Water Conservation District

May 13, 2003

Gregory J. Thorpe, PhD
NC Department of Transportation
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh NC 27699-1548

**CITIZENS PARTICIPATION
RECEIVED**

MAY 16 2003



Dear Dr. Thorpe,

Thank you for the opportunity to provide input on the potential impacts of the east-west corridor of the Garden Parkway in Gaston County. The Gaston Natural Resources Department would like to support the comments and considerations addressed by the Gaston County Quality of Natural Resources Commission (QNRC) in their response letter dated May 9, 2003.

In addition to the items identified by QNRC, we would like to emphasize the importance of several possible natural resources concerns.

Potential impacts to stream and wetland areas are a primary concern. Mitigation laws and stormwater regulations are in place to minimize these impacts. Our department recommends a strong commitment to these rules and regulations. We encourage communication with our department and other local agencies to maximize the effectiveness of mitigation strategies and consistency with local programs.

Many streams in the southern portion of Gaston County are impaired by urban runoff. Culverts and bridges tend to constrict flow and alter floodplain hydraulics; this combined with increased runoff could potentially cause instability and scour. Roadway fill areas located too close to a stream can also trigger instability. Minimizing the number of stream crossings and using natural channel design techniques is suggested to help maintain stream stability. Bridges and culverts should also be designed in a way that maintains floodplain functionality. Potential water quality impacts should also be examined. Erosion and hazardous spills during construction are possible water quality concerns. Untreated stormwater runoff from the proposed parkway could also have long-term impacts on water quality. It is recommended that buffer areas be utilized as a component of the stormwater treatment strategy. Buffers have proven to be an effective tool at treating stormwater runoff and maintaining streambank stability, maximizing the width of these buffers could help minimize impacts to the stream.

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

The Garden Parkway project will likely have a substantial effect on future land use near the project area. We would strongly encourage that plans for the bypass are consistent with the Gaston County Comprehensive Plan. Areas surrounding highway interchanges are especially vulnerable to changes in land use. We recommend that these future impacts be considered when locating interchanges.

Citizen input is an important part of understanding all of the potential impacts of a project this size. Our department has received comments and suggestions about this project. Per your request, in the future these suggestions will be forwarded to Ms. Solberg and Ms. Jurak. One recent concern by Mr. Robert Biggerstaff, a landowner in the project area, is noted in the attached correspondence.

We appreciate being involved in this process and would be glad to assist in any way. If you have any questions, please call our office at (704) 922-4181.

Sincerely,



David R. Freeman
Natural Resources Engineer

cc. Robert Biggerstaff

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

This is to advise that a cove, on the South Fork River, in the vicinity of Bayshore Drive, Belmont, N.C. may be inhabited by the Carolina Heelsplitter (*Lasnigona decorata*) which is listed on the federal and state endangered species list.

This cove is the only known area on the South Fork River and is in the vicinity of the proposed 32 1/74 bypass that does not contain mud and silt and provides the required environment for this mussel.

Should the bypass be constructed along Canal Road to Lakefront Drive and follow portions of Dixon Road to South New Hope Road, the natural water shed from new construction and the immediate area South of the proposed bypass would flow into this cove before reaching the South Fork River.

Our point of contact concerning the location and details thereof may be obtained by contacting the undersigned by mail at 200 Bayshore Drive, Belmont, N.C. 28012 or home telephone 704/829-7803 or business number 704/865-4310.

The Mussels, at the present time, seem to be doing well in this location which is being scheduled for new road construction in the immediate area.

An investigation into this matter and response to the undersigned will be greatly appreciated

sincerely,

ROBERT BIGGERSTAFF
200 Bayshore Drive
Belmont, N.C. 28012

**GASTON URBAN AREA
METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION PLANNING**

*Post Office Box 1748 • Gastonia, North Carolina 28053-1748
Phone (704) 866-6837 • Fax (704) 864-9732*

May 13, 2003

Mr. Gregory J. Thorpe, Ph.D.
Environmental Management Director
Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548



Dear Mr. Thorpe:

Thank you for the opportunity to provide comments on the TIP Project U-3321 (Gaston East-West Corridor Study) in Gaston County. The Gaston MPO and City of Gastonia offer the following comments regarding said project:

1. Catawba Land Conservancy has expressed exploring the feasibility of a total conservation scenario for undeveloped property along the South Fork River and other watersheds. Receiving input for the Catawba Land Conservancy about potential conservation areas are recommended.
2. Due to the Garden Parkway's close proximity to the Charlotte-Douglas International Airport, economic growth is anticipated. Businesses and industries related to airport service and trucking would more than likely develop along the Garden Parkway, along with other service related businesses. The Garden Parkway will become an additional economic development tool for Gaston County in order to lure a greater number of industries and businesses. Since various industrial uses are located along US 321 South, continued and similar industries are likely to develop.

Economic development however, has its downside. Retail centers typically develop and/or relocate from the downtown or current suburban locations to the interchanges. The possibility of shopping centers relocating from their existing locations to new locations along the Parkway could increase the number of vacant "big boxes." This would create blight situations in the current urban areas. When these types of developments locate near the interchanges, indirect impacts on the community and growth patterns occur through the shift in growth, development and facility improvements, as well as potential neglect to the previous locations.

3. Residential growth continues to occur in the southeast corner of Gaston County. Large subdivisions of one-acre or more are being developed; most of these

developments do not have public water and sewer service. The need to provide public services increase in order to reduce the impacts on water and soil quality, but also to provide the ability to build various lot size developments. Inability to provide public services creates pressure and stress on the natural environment due to the need to build wells and septic tanks. Consequently, long-term effects on water and soil quality occur. In addition, municipalities pay a majority of the costs for constructing and maintaining public services to low-density developments.

4. Since the majority of the study area south of Gastonia is undeveloped or underdeveloped, the chance for development shifts and population shifts are high. Indirect growth effects are likely to occur around the interchanges and along the thoroughfares feeding into the Garden Parkway.
5. There are a number of existing neighborhoods within the study area. It is important to prevent isolation within and between neighborhoods to avoid the possibility of neighborhood neglect and social degradation.
6. Increased development, from residential to commercial to retail to industrial, will increase the amount of impervious coverage throughout the study area. Impervious coverage can then drastically increase the impacts on run-off and water quality.
7. Not only will water quality and run-off be impacted by increased development, the level of service on many of the thoroughfares and feeder routes to the Garden Parkway will also be susceptible. The function and level of service of the thoroughfares that feed into the Garden Parkway could decrease, especially if the high trip generation shopping centers and major retailers relocate near interchanges. In addition, circulation patterns and travel times may also change along the feeder routes and thoroughfares within the study area.
8. Daniel Stowe Botanical Gardens is located along the southern portion of New Hope Road (NC 279). There are potential environmental impacts, development potential along the vacant land abutting the Gardens and impacts on the traffic volumes for New Hope Road (a major Thoroughfare). Since an interchange is proposed at New Hope Road, traffic volumes along this thoroughfare would more than likely increase, affecting the current capacity of New Hope Road. If the volume of traffic increases along New Hope Road, traffic congestion would more than likely occur and turning movement opportunities would be reduced, which in turn creates unsafe movements without proper traffic safety mechanisms.
9. Throughout the study area, there are large areas of wetlands and floodplains associated with a number of streams and rivers, such as the: Catawba River, South Fork River, Catawba Creek, and Crowders Creek. Environmental impacts to these important watersheds should be kept to a minimum.
10. There is a strong chance for noise pollution along the potential corridor. Ways to

minimize the noise impacts should be considered, especially with the large number of existing and potential residential neighborhoods within the study area.

11. Transit options have been discussed along the Garden Parkway in order to provide alternative modes to the residents of Gaston County. Modes such as, Bus Rapid or Light Rail have been discussed, but there is no definite mode or corridor selected at this time. The ability to incorporate and provide for an alternative mode of transportation would greatly improve the accessibility between the Charlotte-Douglas International Airport and Gaston and Mecklenburg County. The inability or the unlikely hood of extending transit service within the study area raises concerns on the traffic volumes that will more than likely occur along the thoroughfares and feeder routes. Land use changes would also have to occur to provide the type of and density required to sustain transit.
12. A committee made up of local municipal planning commission members developed a land use recommendation plan to eventually serve as a guide to developing ordinances to provide sound and smart growth patterns. The recommendations incorporate mixed-use developments, limited shopping centers and strip mall locations, farmland preservation, neighborhood service centers and various other districts. Without strong local ordinances and plans, ineffective and detrimental uses could occur within the study area, which in effect could affect the function of the Garden Parkway.
13. Throughout the study area, there are a number of cemeteries and historical sites. Ensuring that minimal impacts to each of those are vital. Information relating to the location of the cemeteries and historical sites can be acquired through the Gaston County Historical Commission.
14. The Gaston County Comprehensive Plan recommends providing a green circuit (greenway network) along the proposed alignment of the Garden Parkway. Providing open space improves the quality of life for Gaston County. Without green space, indirect impacts on the quality of life could trickle down to the neighborhood level and deter growth.

Should you require any additional information regarding this project, please do not hesitate to contact me at 704-854-6604 or scots@cityofgastonia.com.

Sincerely,



Scot Sibert, AICP
Transportation Planner
Gaston Urban Area Metropolitan Planning Organization

M E C K L E N B U R G - U N I O N
METROPOLITAN PLANNING ORGANIZATION

600 East Fourth Street
Charlotte, North Carolina 28202-2853
(704) 336-2205

May 15, 2003



CHARLOTTE
CORNELIUS
DAVIDSON
HUNTERSVILLE
INDIAN TRAIL
MATTHEWS
MECKLENBURG
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MINT HILL
NCDOT
PINEVILLE
STALLINGS
UNION
COUNTY
WEDDINGTON

Gregory J. Thorpe, PhD.
Environmental Management Director
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation

Subject: Gaston East/West Corridor Study, TIP Project U-3321

Dear Mr. Thorpe:

The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) appreciates the opportunity to comment on the proposed Gaston East-West Corridor Study. The MUMPO supports a new crossing of the Catawba River connecting southern Gaston County with western Mecklenburg. The MUMPO Thoroughfare Plan indicates a new facility at this location. Additionally, our Long Range Transportation Plan calls for this project to be constructed between 2010 and 2020. This facility is shown as a toll road in the plan, and requires for funding for the Mecklenburg portion be accomplished through toll revenues.

In general the MUMPO agrees that this new roadway is important to improve the connectivity between the two counties. This project will improve access to the Charlotte-Douglas International Airport. Our primary concern with the proposal is how the facility will function on the Mecklenburg side of the Catawba River. The area between I-485 and the Catawba River is targeted as an economic development area. The plans for this area will be greatly affected by the type of facility that is constructed for this new roadway. We are specifically concerned with the connection of the two thoroughfares in the area, Dixie River Road and Garrison Road (please see attached Thoroughfare Plan map). We also are concerned about the connection to I-485. Due to the glide slope required for the airport runways, it is unlikely that flyovers can be constructed here. If a full movement interchange is constructed, the amount of right-of-way required will severely impair the implementation of the proposed land-use plan.

We also recall that earlier work in discussing and planning this project indicated a potential to provide bicycle (and perhaps pedestrian) accommodation on any bridge structure crossing the Catawba River. West Boulevard has been conceived for a long time as a facility that would include bicycle lanes, and it would be appropriate for these lanes to extend across the river on any structure provided for this project. We would also recommend that any bicycle accommodation should be fully separated from all motor vehicle traffic.

Our specific request is for the MUMPO to be included in the definition of the alternatives and the relationship between those alternatives and local land use objectives. Again we are supportive a new crossing, but we are also very concerned about the effect this project will have on the development of the area on the Mecklenburg side of the Catawba River. If you have any questions, please contact me at 704-336-8643.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Rogers', written in a cursive style.

Danny Rogers, P.E.
MUMPO Secretary

Cc: Lee Myers, MUMPO Chair
Jim Humphrey, P.E., TCC Chair



MECKLENBURG COUNTY
Land Use and Environmental Services Agency
-AIR QUALITY-
May 15, 2003



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

Re: Request for Comments for Gaston East-West Corridor Study
TIP Project Number U-3321, Federal Aid Project No. STP-1213(6)
State Project No. 8.2812501

Dear Dr. Thorpe:

Mecklenburg County Air Quality (MCAQ) appreciates the opportunity to provide input concerning the potential environmental impacts in the proposed study area for the Gaston East-West Corridor. The project area is located within the Charlotte/Gastonia maintenance area for carbon monoxide (CO).

In accordance with 40 CFR 93.116 an "FHWA/FTA project must not cause or contribute to any new localized CO or PM₁₀ violations or increase the frequency or severity of any existing CO or PM₁₀ violations in CO or PM₁₀ nonattainment and maintenance areas. This criterion is satisfied if it is demonstrated that no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project."

We understand this study will be conducted to evaluate preliminary alternatives. Project level conformity determinations are typically made as part of the NEPA process after final project design. MCAQ provides comments on NEPA documents prepared for projects in Mecklenburg County.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Laura P. Cummings".

Laura P. Cummings
Air Hygienist II

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May 15, 2003

Gregory J. Thorpe, PhD.
NCDOT Environmental Management Director
Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh NC 27699-1548

Subject: Gaston East/West Corridor Study, TIP Project # U3321

Dear Mr. Thorpe:

For many years the City of Charlotte and the Mecklenburg Union MPO have supported a new crossing of the Catawba River south of US 29/74 (Wilkinson Boulevard) and north of NC/SC 49 (York Road). Currently, there is no crossing in this 10-mile section of the river. The Mecklenburg Union MPO (MUMPO) Thoroughfare Plan shows a new roadway extending from the I-485 interchange with West Boulevard and crossing the Catawba River at the same point where the Gaston MPO Thoroughfare Plan shows a similar roadway extending from the Catawba River across the South Fork River and into south Gaston County. Also, we clearly understand the dilemma for the citizens in southern Gaston County and southern Gastonia as they attempt to travel northward in order to gain access to I-85 and thereby cross the river at that location. We further see benefit to this connection in that it would provide more direct access to the Charlotte Airport from southern Gaston County and would provide more access to Stowe Botanical Gardens for the residents of a major portion of Mecklenburg County.

We have two specific concerns about the portion of the proposed project in Mecklenburg County (as it currently shown on the Thoroughfare Plans). Both of our concerns involve the portion of Mecklenburg County west of I-485 and east of the Catawba River. We recently developed a new Land Use Plan for this area that defines how the area will develop. We are concerned that the proposed project could both split this area and also cut access to this area. Our Thoroughfare Plan shows two key features that can help ameliorate these concerns. One is a proposed interchange with Dixie River Road (a Major Thoroughfare on the MUMPO Thoroughfare Plan). The other is a simple separation for Garrison Road Extension (a Minor

Gregory J. Thorpe
Catawba East/West Corridor Study
May 15, 2003
Page 2 of 2

Thoroughfare on the MUMPO Thoroughfare Plan). We feel that the degree of access control provided by any roadway in this corridor should be reviewed in the planning process.

We also recall that earlier work in discussing and planning this project indicated a potential to provide bicycle (and perhaps pedestrian) accommodation on any bridge structure crossing the Catawba River. West Boulevard has been conceived for a long time as a facility that would include bicycle lanes, and it would be appropriate for these lanes to extend across the river on any structure provided for this project. We would also recommend that any bicycle accommodation should be fully separated from all motor vehicle traffic.

As you know, the existing interchange for West Boulevard at I-485 is only a simple diamond. A key limiting factor in scoping this project may be the feasible range of alternative interchange configurations that will work with the runway glide slopes for the Airport.

We hope these comments will be helpful as you move forward into the planning phase of this project and we look forward to working with you on this project in the future.

Sincerely,



William B. Finger, P.E.
Assistant Director

c: Jim Humphrey
Danny Rogers



PLANNING & DEVELOPMENT SERVICES

1070 Heckle Boulevard, A-5, Rock Hill, South Carolina 29732-2863
Toll Free: (800) 922-7272 · Fax: (803) 909-7227

May 15, 2003

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director
NC Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548



Building & Codes Division
(803) 909-7200

Planning Division
(803) 909-7220

Zoning Division
(803) 909-7230

Administration
(803) 909-7240

Rè: Comments for Gaston East-West Corridor Study

Dear Dr. Thorpe:

I appreciate the opportunity to provide comments for this study. York County is interested in the future of this project as the New Location Alternative of this project is already identified in the current Gaston MPO Long Range Transportation Plan and comes within two miles of the York County border. Due to a transportation improvement of this scale being considered so close to currently undeveloped land in York County we request the follows comments to be considered as a part of this study. They are as follows:

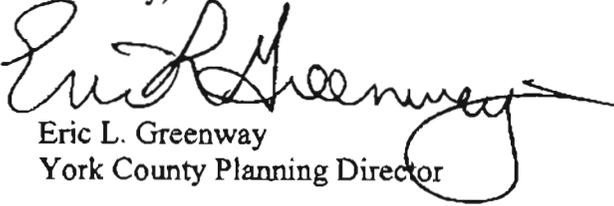
1. York County is currently rewriting its comprehensive plan, with particular attention paid to the land use plan element. This project has the potential of significantly altering residential development dynamics in the western part of York County where such growth is not desired. Any information on the status of this study would be appreciated.
2. As a part of this concern, what are the expected impacts on commuting patterns from York County to Charlotte along SC 49? This is a concern because by locating interchanges along a new road near where the Gaston MPO Long Range Transportation Plan identifies such a corridor could cause York County and the local MPO to unnecessarily improve roads feeding the toll road. By focusing interchanges on US 321, SC 274, and NC 279 the need for additional road widenings will be reduced.
3. What impact is expected on Gaston County population and employment trends in each of the alternatives?
4. What impact is expected on York County residential and employment trends in each of the alternatives?

York County is extremely interested in the results for this study. We would appreciate being involved wherever possible in this study in order to help select a project that meets the needs of North Carolina

and Gaston County without unduly burdening York County and South Carolina with secondary and cumulative impacts.

I thank you for your time and am available to answer any additional questions you may have. Feel free to contact me at (803) 909-7240.

Sincerely,



Eric L. Greenway
York County Planning Director

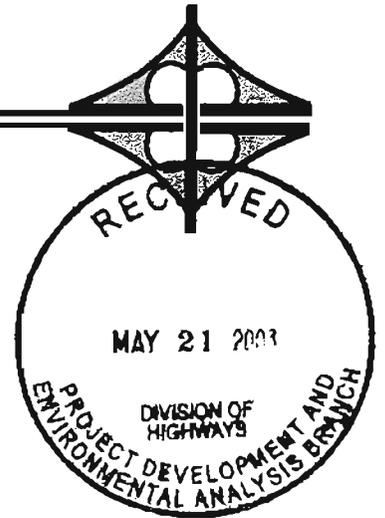
CC: FHWA- SC Office
Jim Edwards, RFATS
SCDOT Planning Office

CITY of GASTONIA

ENGINEERING DEPARTMENT

May 16, 2003

Mr. Gregory J. Thorpe, Ph.D.
Program Development & Environmental Analysis Branch
NCDOT
1548 Mail Service Center
Raleigh, NC 27699-1548



Dear Dr. Thorpe:

In response to your letter dated April 9, 2003, concerning the environmental assessment for the proposed Gaston East-West Corridor Study (Garden Parkway), State Project 8.2812501, (TIP Project No. U-3321), the following information is provided:

- ◆ Construction plans need to conform to all City and FEMA requirements for placement of fill material in the Flood Hazard Area and Floodway. The City of Gastonia ordinance allows no rise in the floodplain.
- ◆ The City may have existing underground utilities in the area that may be affected by the proposed roadway construction.

Any questions concerning the floodway ordinance of the City should be directed to Thorne Martin, Assistant City Engineer, at (704) 866-6895. Other questions or additional information can be directed to me at (704) 866-6765.

Yours very truly,

DONALD K. LOWE
City Traffic Engineer

cc: J. Philip Bombardier PE, Asst. City Manager - Operations
Felix A. Pruitt, PE, PLS, Director of Engineering/City Engineer
Thorne A. Martin, PE, Asst. City Engineer
Debby P. Key, Project Administrator
Joseph E. Bieker, PE, Storm Water Administrator
Matthew W. Jordan, Director of Public Works & Utilities



May 19, 2003

NC Department of Transportation
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: Gaston East-West Corridor Study
TIP Project Number U-3321, Federal Aid Project No. STP-1213 (6),
State Project No. 8.2812501
Attention: Gregory J. Thorpe, PhD,
Environmental Management Director

Dear Mr. Thorpe:

Daniel Stowe Botanical Garden has been in existence for 12 years attracting as many as 30,000 visitors per year before opening our new gardens in 1999 with an investment exceeding \$20 million. Since that time we have been attracting 50,000 – 75,000 visitors per year. We feature 110 acres of meadows, woodland and beautiful garden spaces anchored by a grand visitor pavilion.

The Garden has the beauty of a Master Plan and potential to attract as many as 500,000 visitors per year as the Master Plan is completed.

The current road system, NC-279, would never handle that capacity. In fact, our remote location, while attractively rural, is sometimes a hindrance to visitors according to our surveys.

Our Board and staff are firmly behind the completion of this project called "The Garden Parkway". In its current early design our Garden entrance would be less than a half-mile from the proposed interchange NC-279, South New Hope Road. We are satisfied with this projected location and don't want it any closer. We feel it would adversely impact our visitor's experience at the Garden. We are confident that this completion will be a significant step in the success of Daniel Stowe Botanical Garden as it will afford the easy access of a half million potential visitors in central and south Mecklenburg County.

I can assure you that our Board and staff will do our part in working to see this project complete. I would simply urge that beginning with the early design phase that this project embrace the highest current standards for environmental issues as well as greenspace and beauty. After all, this roadway has an opportunity to set new standards in this part of our state as "The Garden Parkway". Please be aware that the Garden would be willing to cooperate with the design of the New Hope Road interchange as well as consult and review the overall roadway.

Please contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Mike Bush". The signature is written in a cursive style with a large, prominent "M" and "B".

Mike Bush, Executive Director
Daniel Stowe Botanical Garden

APPENDIX A-4
NOTICE OF INTENT

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, May 24, 2006, starting at 8 a.m. at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC, in the Bessie Coleman Conference Center, located on the 2nd Floor. This will be the forty-third meeting of the COMSTAC.

The proposed agenda for the meeting will feature an update on commercial space transportation legislative activities, briefings on national space and security policies, new RLV technology developments, and the Office of Space Commercialization in the Department of Commerce, and an activities report from FAA's Office of Commercial Space Transportation. The 2006 Commercial Space Transportation Forecasts on the geosynchronous and non-geosynchronous markets will also be released at this meeting. An agenda will be posted on the FAA Web site at <http://ast.faa.gov/COMSTAC>. Meetings of the COMSTAC Working Groups (Technology and Innovation, Reusable Launch Vehicle, Risk Management, and Launch Operations and Support) will be held on Tuesday, May 23, 2006. For specific information concerning the times and locations of the working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Brenda Parker (AST-100), Office of the Commercial Space Transportation, 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267-3674; E-mail brenda.parker@faa.dot.gov.

Issued in Washington, DC, April 19, 2006.

Patricia Grace Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. E6-6306 Filed 4-26-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixth Meeting: RTCA Special Committee 207/Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 207 Meeting, Airport Security Access Control Systems.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 207, Airport Security Access Control Systems.

DATES: The meeting will be held May 11, 2006, from 10-5 p.m.

ADDRESSES: The meeting will be held at RTC A, Inc., Conference Rooms, 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833-9339; fax (202) 833-9434; web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 207 meeting. The agenda will include:

- May 11:
 - Opening Plenary Session (Welcome, Introductions, and Administrative Remarks)
 - Agenda Overview
 - Workgroup Reports
 - Workgroup 2: System Performance Requirements
 - Workgroup 3: Subsystem Functional Performance Requirements
 - Workgroup 4: System Verification and validation
 - Workgroup 5: Biometrics
 - Workgroup 6: Credentials
 - Workgroup 7: Perimeter
 - ICAO Update
 - Closing Plenary Session (Other Business, Establish Agenda, Date and Place for Seventh and Eighth Meetings).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may represent oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 18, 2006.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 06-3946 Filed 4-26-06; 8:45am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Butler County, PA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of the notice of intent.

SUMMARY: This notice rescinds the previous Notice of Intent (issued October 3, 2001—Vol. 66, No. 192) to prepare an Environmental Impact Statement for a proposed highway project in Butler County.

FOR FURTHER INFORMATION CONTACT: David W. Cough, P.E., Director of Operations, Federal Highway Administration, Pennsylvania Division Office, 228 Walnut Street, Room 508, Harrisburg, PA 17101-1720, Telephone (717) 221-3411—OR—Brian Allen, Assistant District Engineer for Design, Pennsylvania Department of Transportation, District 10-0, 2550 Oakland Avenue, P.O. Box 429, Indiana, PA, 15701, Telephone (724) 357-2077.

SUPPLEMENTARY INFORMATION: Additional traffic analyses have indicated that all project alternatives can be down-scoped with little or no significant impact to the environment. An Environmental Assessment will be pursued, based on a revised project scoping.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

James A. Cheatham,

FHWA Division Administrator, Harrisburg, PA.

[FR Doc. 06-3988 Filed 4-26-06; 8:45am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental impact statement: Gaston and Mecklenburg Counties, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Gaston and Mecklenburg Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Clarence W. Coleman, P.E., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Ste 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 856-4346.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT) and the North Carolina Turnpike Authority (NCTA), will prepare an environmental impact statement (EIS) addressing proposed improvements to east-west transportation mobility in the area around the City of Gastonia and other municipalities in southern Gaston County. As part of this proposed action, the NCDOT also proposes to improve mobility, access and connectivity between southern Gaston County and Mecklenburg County. The proposed project study area consists of the following general boundaries: I-85 to the north, the South Carolina State line to the south, the Charlotte-Douglas International Airport to the east, and the I-85 and US 29-74 junction to the west. The proposed action is consistent with the thoroughfare plans approved by the Gaston Urban Area Metropolitan Planning Organization (MPO) and the Mecklenburg-Union MPO.

Alternatives to be studied in detail include:

1. No-Build.
2. Construction of a new location highway. Sixteen detailed study alternatives or corridors will be studied in the Draft EIS.

The proposed project is being developed as a candidate toll road. Accordingly, in conjunction with development of the Draft Environmental Impact Statement and other on-going project development activities, NCTA is conducting a study to evaluate the feasibility of developing the proposed highway as a toll road and funding it, in whole or in part, through the issuance of "revenue bonds."

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies. Citizens' informational workshops, meetings with local officials, and a public hearing will be held. Information on the dates, times and locations of the citizens' informational workshops and public hearings will be advertised in the local news media, and newsletters will be

mailed to those on the project mailing list. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 20, 2006.

Clarence W. Coleman,

Operations Engineer, Raleigh, North Carolina.

[FR Doc. 06-3949 Filed 4-26-06; 8:45am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the East Lynn Canal Highway, Alaska Route Number 7, from Echol Cove to Katz Point in the Haines and Juneau Boroughs, State of Alaska. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency action subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 24, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Tim Haugh, Environmental and Right-of-Way Programs Manager, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802-1648; office hours 7 a.m.-4:30 p.m. (AST), phone (907) 586-7418;

e-mail Tim.Haugh@fhwa.dot.gov. You may also contact Reuben Yost, Special Projects Manager, Alaska Department of Transportation and Public Facilities DOT&PF, 6860 Glacier Highway, P.O. Box 112506, Juneau, Alaska 99811-2506; office hours 8 a.m.-5 p.m. (AST), phone (907) 465-1774, e-mail Reuben_Yost@dot.state.ak.us.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of Alaska: FHWA Alaska Division Project Number STP-000S(131) titled the Juneau Access Improvements Project, involves construction of approximately 51 miles of two lane highway from the end of Glacier Highway at Echo cover in the City and Borough of Juneau to a point two miles north of the Katzehin River in the Haines Borough. A ferry terminal will be constructed at the north end of the highway, and new shuttle ferries will be constructed to run from Haines and Skagway. Three major rivers will be bridged as well as several streams. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on January 18, 2006, in the FHWA Record of Decision (ROD) issued on April 3, 2006, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the DOT&PF at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at <http://dot.alaska.gov/juneauaccess> or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws and Executive Orders under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, [42 U.S.C. 7401-7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712]; Magnuson-Stevens

APPENDIX A-5

OTHER AGENCY CORRESPONDENCE

- Letter from NCTA to NCDOT 05/21/07
- Minutes – ICE Scoping Meeting with USFWS and NCWRC 06/29/07
- Minutes – ICE Scoping Meeting with NCDWQ 07/26/07
- Letter from NCDENR Division of Water Quality – Jurisdictional Delineation Verification 08/02/07
- Letter from Duke Energy Corporation regarding Allen Steam Station 08/07/07
- De Minimis Determination for Wolfe Family Dairy Farm 08/11/08
- Email from US Coast Guard – No Permit Required 09/12/08
- Letter from Mecklenburg County Park and Recreation Department regarding Berewick District Park 09/25/08
- Letter from Daniel Stowe Botanical Garden 10/08/08
- Letter to FERC – Invitation to be Participating Agency 02/03/09



STATE OF NORTH CAROLINA
TURNPIKE AUTHORITY

MICHAEL F. EASLEY
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER
EXECUTIVE DIRECTOR

May 21, 2007

Deborah M. Barbour, P.E.
Director of Preconstruction
North Carolina Department of Transportation
1541 Mail Service Center
Raleigh, NC 27699-1541

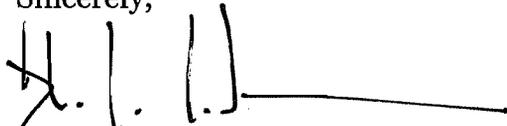
**RE: North Carolina Turnpike Authority: Gaston East-West Connector
TIP Project U-3321**

Dear Ms. Barbour,

Per a conversation between David Joyner of NCTA and Secretary Lyndo Tippet on February 16, 2007, NCTA is now proceeding with only evaluating toll alternatives in the environmental impact statement (EIS) for the Gaston East-West Connector. Non-toll alternatives will not be included in the EIS. This decision will streamline the studies for the EIS and be more cost effective since added studies accounting for the non-toll alternatives will not be needed. This decision was based on the consideration that it would be unlikely for NCDOT to implement the project as a non-toll facility.

Should you see this situation differently, please advise. If you have any questions, or need additional information, please do not hesitate to contact me at (919) 571-3030 or via email at steve.dewitt@ncturnpike.org.

Sincerely,


Steven D. DeWitt, P.E.
Chief Engineer

cc: Jennifer Harris, P.E., NCTA

**GASTON EAST-WEST CONNECTOR – TIP Project U-3321
GASTON AND MECKLENBURG COUNTIES**

MEETING MINUTES

DATE: June 29, 2007

LOCATION: NCTA, 5400 Glenwood Ave. Suite 400, Raleigh, 27612

TIME: 9:30 am -10:30 am

ATTENDEES: Rob Ayers - FHWA
George Hoops – FHWA
Jennifer Harris – NCTA
Bob Deaton – NCDOT
Jeff Dayton- HNTB
Anne Redmond – HNTB
Christy Shumate – HNTB
Ross Andrews - Ecoscience
Jill Gurak – PBS&J
Julie Flesch-Pate – Louis Berger Group

By Phone:

Marella Buncick – US Fish and Wildlife Service
Marla Chambers – NC Wildlife Resources Commission
Susan Fisher - HNTB

Meeting Purpose

The purpose of the meeting was to discuss the scope of the indirect and cumulative effects study for the Gaston East-West Connector, particularly relating to issues of concern to the US Fish and Wildlife Service (USFWS) and the NC Wildlife Resources Commission (NCWRC).

Meeting Minutes

The NCTA is planning on conducting a qualitative ICE analysis for the Gaston East-West Connector Detailed Study Alternatives (DSAs) using the 8-step methodology detailed in the NCDOT's guidance. A quantitative study for the LEDPA is anticipated being needed. Input from resource agencies on issues of concern, identification of critical resources, and study methodologies is needed. In the next several weeks, additional meetings will be held with other resource agencies (including the NC Division of Water Quality).

Ms. Buncick stated there are no designated critical habitats or proposed critical habitats in the study area. There are known bald eagle nests on the Catawba River. Habitat for the Schweinitz's sunflower is a concern since populations exist in the area.

Ms. Gurak stated that based on studies conducted by Earth Tech, bald eagle nests are located to the north and south of the DSAs, greater than one mile from the DSAs.

A question was asked regarding the implications of the recent bald eagle delisting. Ms. Buncick did not know, as there are no internal USFWS policies established yet. The Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act may be applicable.

Mr. Deaton stated that listed plants have been addressed in other projects. For a project in Rutherford County, a qualitative ICE analysis was completed. As the project progressed through permitting, a few small populations of an endangered plant were discovered that were not directly impacted by the project. These populations were planned to potentially be moved. NCDOT typically does not mitigate for indirect and cumulative effects.

Ms. Buncick noted that the Shelby Bypass project is a good example of what should be done to address endangered plant issues. That project went through a Section 7 consultation.

Ms. Buncick stated that concerns regarding the Gaston East-West Connector ICE analysis include water quality (since there are listed aquatic species downstream in South Carolina), wildlife habitat fragmentation, upland habitat loss, and potential habitat for listed plants.

Ms. Chambers stated her concerns include wildlife habitat fragmentation, water quality, upland habitat loss, and additional impacts from improvements to north/south roads. Regarding terrestrial species in general, a road could separate breeding grounds from foraging grounds, having an indirect impact.

Mr. Andrews asked about the Georgia aster. Ms. Buncick stated that there is no legal status for USFWS to consider the aster or other candidate or state-listed species.

Ms. Flesch-Pate asked if there are any models available for evaluating wildlife habitat fragmentation. None of the attendees knew of any specific models.

Clarification on what is included in a qualitative analysis versus a quantitative analysis was provided by Mr. Deaton. A quantitative analysis usually includes water quality modeling for nutrient loading and/or stormwater runoff. If a quantitative analysis of this nature is needed, it is done at the permitting stage for the LEDPA only. This type of analysis is done infrequently.

Qualitative analyses do include a substantial amount of data. Data and numerical evaluations of population, employment, and travel times, among other issues, are included in a qualitative analysis.

Ms. Buncick stated it is helpful to know the directly impacted wildlife resources to be able to comment on indirect effects to these resources.

Ms. Chambers stated she has concerns with impacts to Lake Wylie, regarding whether the project would increase lake development or the rate at which it is occurring. Also, research is needed on whether there are any water quality intakes downstream in South Carolina. Mr. Ayers stated that the ICE study would address water quality in South Carolina in accordance with SC's standards.

Ms. Buncick stated that bog turtles have a high potential for being listed and they may occur in the project area. Therefore, they and their habitat should be addressed on a broad scale in the ICE study. A good contact for bog turtle information is Mr. Dennis Herman at NCDOT. There is the potential to mitigate for bog turtle impacts if it is known early where suitable habitat is located.

Ms. Redmond stated that at this time, NCTA is planning to start the definition of natural resource ICE study boundaries based on 14-digit Hydrologic Unit Codes (HUC) watershed boundaries. The ICE study area is typically larger than the direct impact study area boundary.

Ms. Buncick stated that since the regular project study area boundaries contain different geographies (mountain, foothills, and piedmont), then the ICE study areas for specific plants or other species can be narrowed down.

Ms. Chambers also requested that previous scoping comments be considered in the ICE study.

ACTION ITEMS

- Louis Berger to draft methodology of upland fragmentation analysis for review.
- NCTA to check on any water supply watersheds downstream of the project area in South Carolina.
- USFWS & NCWRC to review previously submitted scoping comments and revise if necessary.
- USFWS to check on implications of delisting the bald eagle.

**GASTON EAST-WEST CONNECTOR – TIP Project U-3321
GASTON AND MECKLENBURG COUNTIES**

MEETING MINUTES

DATE: July 26, 2007

LOCATION: NCTA, 5400 Glenwood Ave. Suite 400, Raleigh, 27612

TIME: 2:00 pm -3:00 pm

ATTENDEES:

VIA TELEPHONE

Rob Ayers - FHWA
George Hoops – FHWA
Polly Lespinasse – NC DWQ
Bob Deaton – NCDOT
Susan Fisher - HNTB
Carl Gibilaro – PBS&J
Kim Bereis – PBS&J

AT THE NCTA OFFICE

Jennifer Harris – NCTA
Anne Redmond - HNTB
Jeff Dayton - HNTB
Ross Andrews - Ecoscience
Mike Gloden - Ecoscience
Jill Gurak – PBS&J
Julie Flesch-Pate – Louis Berger Group

Meeting Purpose

The purpose of the meeting was to discuss the scope of the indirect and cumulative effects study for the Gaston East-West Connector with NC DWQ.

Meeting Minutes

Tentative project schedule:

Preliminary Design October 2007
Toll Scenario Traffic Forecast August 2007
Preliminary Draft EIS June 2008
Community Characteristics Report is underway

DWQ's issues of concern:

High Quality Waters;
Outstanding State Resources;
303d Listed Streams;
Higher quality wetlands and streams identified in the jurisdictional surveys;
Water Supplies (Classifications WS-I/WS-II);
Crowders Creek;
Floodplains.

Berger will research both NC and SC regulations, laws, and policies equally during its ICE assessment, but will emphasize coordination and interviewing efforts in NC.

DWQ agreed with the multi-county approach and ICE study area boundaries based on watersheds.

General triggers identified by DWQ that may indicate the need for investigation beyond the proposed qualitative approach are as follows:

- Stormwater runoff effecting water uses or designations;
- Threatened / Endangered Species and their critical habitat;
- Violations of the Clean Water Act;
- Notable changes in traffic patterns;
- Land use changes; and
- Impacts to impaired waterbodies.

FHWA asked what would trigger analysis of ICE effects beyond the proposed qualitative approach when applying for a Section 401 Water Quality Certification Permit. DWQ was not able to provide a specific trigger but would consider the project as a whole when determining effects.

FHWA also asked what issues DWQ will consider in determining if a 401 Water Quality Certification violation might occur. DWQ responded that stormwater typically is the issue, but also aquatic-related threatened and endangered species can be issues. Indicators that could be used to determine stormwater changes could include direct impacts from the project, changes in land use, changes in traffic patterns, and effects on impaired waters.

Bob Deaton reiterated the need for a tailored qualitative approach that not only leads us to a LEDPA, but sets up areas to focus on should a quantitative assessment of impacts on resources become necessary for the Section 401 Water Quality Certification.

Belmont is in the process of finalizing their land use plan. It includes land use scenarios with and without the Gaston Connector. It is expected to be adopted in August.

GIS layers should be developed in a fashion that is conducive to quantitative modeling in case we need to conduct such modeling in the future.

FHWA questioned if the 16 Detailed Study Alternatives could be considered the only practical alternatives left on the table. DWQ agreed since they were identified through the Merger process as a group effort. She did not know if this would be the case for non-Merger projects.

FHWA asked about how DWQ defines a practical alternative. DWQ was unable to define what it would consider a practical alternative for this project.

ACTION ITEMS

- DWQ to review previously submitted scoping comments and provide additional comments if necessary.
- PBS&J to provide Louis Berger information collected as part of the community characteristics report.



Michael F. Easley, Governor

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

Coleen H. Sullins, Director
Division of Water Quality

August 2, 2007

Ms. Kimberly D. Bereis
PBS&J
5200 – 77 Center Drive, Suite 500
Charlotte, NC 28217

SUBJECT: On-Site Determination for Applicability to the Mitigation Rules [15A NCAC 2H .0506(h)], Gaston East-West Connector, Gaston County

Dear Ms. Bereis:

Polly Lespinasse of the Division of Water Quality (DWQ) and Steve Lund of the U.S. Army Corps of Engineers met with various representatives from The Catena Group, J.H. Carter & Associates, and S&ME on April 12-13, 2007, May 2-3, 2007, May 10-11, 2007, and June 25-26, 2007, in order to provide verification of potential jurisdictional features previously identified by these consulting firms 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 were provided in the final jurisdictional verification package received by this office on July 26, 2007 and the jurisdictional features are approximated on this map.

Due to the size of the project, a selection of sites were identified and visited to represent stream and wetland determinations conducted by the above referenced firms. Several changes were made to the stream determinations, wetland boundaries and wetland quality rating sheets based on the field verifications. These changes were submitted to this agency for review in the jurisdictional determination package received July 26, 2007, and appear to accurately reflect the changes required pursuant to the field verifications.

Based on the site reviews of the jurisdictional determinations made by the consulting firms listed above, DWQ will consider all sites identified in the **revised** jurisdictional verification package as accurate (package revised 07/25/07 and received by this office on 07/26/07).

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 John Hennessy, DWQ 401 Transportation Permitting Unit, 1650 Mail Service Center, Raleigh, NC 27699-1650.

One
North Carolina
Naturally

North Carolina Division of Water Quality
Internet: h2o.enr.state.nc.us

610 East Center Avenue, Suite 301
Mooresville, NC 28115

Phone (704) 663-1699
Fax (704) 663-6040

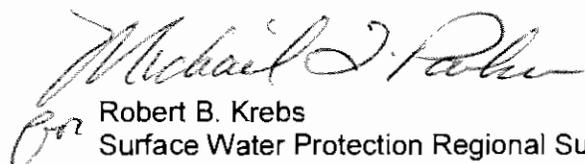
Ms. Kimberly Bereis
Page Two

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. 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,


On Robert B. Krebs
Surface Water Protection Regional Supervisor

cc: Steve Lund, USACE Asheville Field Office
Sonia Gregory, DWQ Wetlands Unit
File Copy



528 Church Street
Charlotte, NC 28202

Mailing Address:
EC10C/PO Box 1008
Charlotte, NC 28202

August 7, 2007

Steve D. DeWitt, P.E.
Chief Engineer
North Carolina Turnpike Authority
1578 Mail Service Center
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

Subject: North Carolina Turnpike Authority: TIP U-3321 Gaston East-West Connector
Allen Steam Station Future Operations

This letter is in response to your July 6, 2007 letter to Mr. Immel requesting information on future operations of the inactive ash basin. Upon review of your map of the proposed alternative segments, it appears that Segment K1D does cross over the retired ash basin. This retired ash basin is bounded by the coal stockpile to the north, the Catawba River to the east and the active ash basin to the south.

The Allen station will be adding new pollution control equipment, flue gas desulfurization – or scrubbers, to comply with the North Carolina Clean Smokestacks Act requirements. See, N.C. Gen. Stat. § 143-215.107D. In conjunction with this modernization, the Allen station is in the process of designing, permitting and constructing a storage area for Coal Combustion Products over the retired ash basin. Initial site investigations have been performed and design work is in progress in preparation for discussions with NCDENR. To obtain the required capacity we are planning to use the entire retired ash basin footprint and rise approximately 150 feet above the current elevation. The storage area will most likely be constructed with a double synthetic liner system with a witness zone between the liners. Construction is currently planned to start in late 2008.

The project team had evaluated several alternatives and sites for the future storage area, however this was the only viable site that provided the required capacity.

I hope I have addressed your request, however if you have any additional questions please feel free to contact me at (704) 382-8691 or e-mail tamanes@duke-energy.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Manes', written over a horizontal line.

Theodore A. Manes
Project Manager

cc: Steve Immel, Plant Allen Station Manager
Tim Gause, Gaston District Manager



U.S. Department
of Transportation

**Federal Highway
Administration**

North Carolina Division

August 7, 2008

310 New Bern Avenue, Suite 410
Raleigh, NC 27601

In Reply Refer To:
HDA-NC

Mr. Peter Sandbeck, Deputy State Historic Preservation Officer
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, North Carolina 27699-4617

Dear Mr. Sandbeck:

I refer to the proposed east-west travel improvements between I-85 west of Gastonia in Gaston County and I-485/NC 160 in Mecklenburg County. The project length is approximately 21 to 24 miles in length and the average corridor width is 1,400 feet. The Gaston East-West Connector is designated as Federal Aid No. STP-1213(6), State Project No. 8.2812501, TIP No. U-3321.

FHWA, NCDOT, NCTA (North Carolina Turnpike Agency), and HPO met on April 21, June 2, and July 21, 2008 to discuss effects of the proposed project to National Register-listed and National Register-eligible properties. The potential effects from multiple detailed study alternatives (DSAs) were discussed at the meeting. Permanent incorporation of one National Register-eligible property in the form of ROW or permanent easement was identified. The aforementioned property is the Wolfe Family Dairy Farm. It was determined that the construction action for DSAs 58, 64, 68, 76, 77, and 81, which would require approximately 29 acres of the Wolfe Family Dairy Farm would not adversely impact the historic qualities of the farm as a result of a commitment to install plantings along the ROW, replace fencing, and incorporate steepened slopes on the loop ramp to minimize the project footprint on the site. A determination of "No Adverse Effect" was granted.

This letter serves to inform you of the Federal Highway Administration's intent to make a *de minimis* impact finding on this Section 4(f) property. This is based on your May 16, 2008 concurrence with the "no adverse effect" determination on the Wolfe Family Dairy Farm.

HPO Concurrence: Renee Hedrick-Earley
Deputy State Historic Preservation Officer

Date: 8-11-08

Sincerely yours,

For John F. Sullivan, III, P.E.
Division Administrator

MOVING THE
AMERICAN
ECONOMY



-----Original Message-----

From: Bill.H.Brazier@uscg.mil [mailto:Bill.H.Brazier@uscg.mil]
Sent: Friday, September 12, 2008 9:21 AM
To: Giugno, Kiersten R
Cc: Gregory, Waverly
Subject: RE: Gaston East-West Connector (Catawba River)

Ms. Giugno,

Following a review of the project area and checking with our legal staff, this project is beyond our area of responsibility and will not require a Coast Guard Bridge Permit. If you should have further questions, please contact me at (757) 398-6422.

Bill H. Brazier

-----Original Message-----

From: KRGiugno@pbsj.com [mailto:KRGiugno@pbsj.com]
Sent: Friday, September 12, 2008 9:01 AM
To: Brazier, Bill
Subject: FW: Gaston East-West Connector (Catawba River)

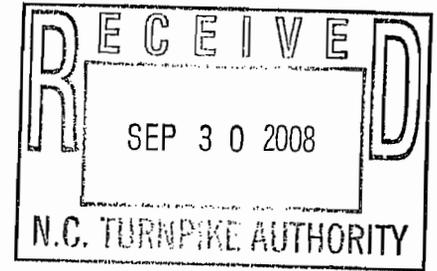
Bill - The North Carolina Turnpike Authority (NCTA) proposes to improve east-west travel through Gaston County by constructing a new toll facility between I-85 west of Gastonia and I-485/NC 160 in western Mecklenburg County. PBS&J is currently preparing the Draft Environmental Impact Statement which includes an evaluation of the impacts of 12 Detailed Study Alternatives on the human and natural environment. This analysis includes the evaluation of potential impacts to navigable waters under the jurisdiction of the USCG. As you can see on the attached map, the Catawba River is located in the eastern portion of the project area. Although this river is dammed in several locations, we have not been able to obtain clarification as to whether or not it is a navigable water.

Per our conversation, could you please identify whether or not the Catawba River qualifies as a Navigable Water and whether or not crossing this river would require a permit from the USCG?

Should you need additional information, please feel free to contact me. Thank you for your assistance with this matter.

Sincerely,

Kiersten R. Giugno | PBS&J | Senior Planner
1616 E. Millbrook Road, Ste. 310 | Raleigh, NC 27609 | 919.431.5290



MECKLENBURG COUNTY
Park and Recreation Department

September 25, 2008

Ms. Jennifer Harris, PE
Staff Engineer- NC Turnpike Authority
1578 Mail Service Center
Raleigh, NC 27699-1578

Subject: Proposed Gaston E-W Connector (STIP Project U-3321)

Dear Ms. Harris:

I have been requested to write a letter to you concerning the proposed Gaston E-W Connector as it impacts a tract of land owned by Mecklenburg County.

On November 6, 2002, Mecklenburg County purchased three tracts of land (Mecklenburg County PINs 14117123, 14117111, and 14117112) totaling 189.44 acres, located north of Dixie River Road (SR 1155) and east of I-485. This land was designated as a future park. Mecklenburg County recently added to these tracts with the purchase of 10 contiguous acres on the northeast side (PIN 14118101) on December 31, 2007.

The current preliminary engineering designs for the project's Detailed Study Alternatives encroach on the fringes of the park property, requiring about 1.6-3.3 acres for right of way, as shown in the attached maps. Based on the current preliminary engineering designs for the Detailed Study Alternatives, this toll facility will not have an impact on the use, function, or development of the proposed park at this location. Furthermore, the impacted acreage is not identified as active or developable space on the adopted park master plan. As such, the portion(s) within the current boundary of the park will be available for purchase as right-of-way when the Gaston E-W Connector project begins the acquisition phase prior to actual roadway construction.

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In closing, Mecklenburg County Park and Recreation encourages the North Carolina Turnpike Authority to minimize the impacted acreage where possible and, as such, notes preference for alignment K3C, as detailed on the attached map. If you have any questions or need additional information please feel free to contact me at (704) 336-8466.

Sincerely,



W. Lee Jones, AIA
Capital Planning Services Division Director

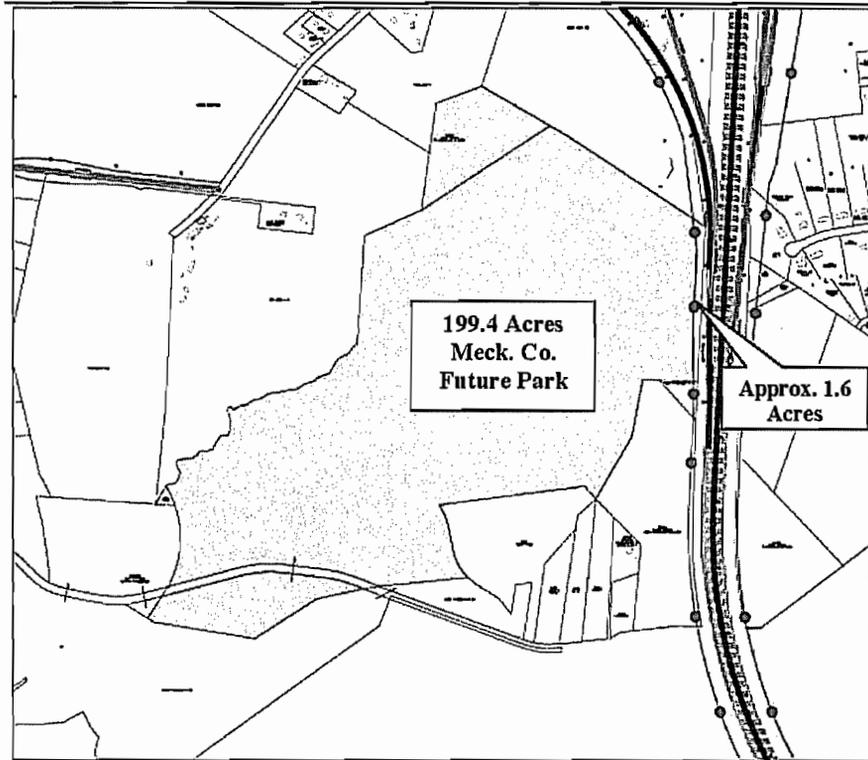
CC : James R. Garges, CPRP, Park and Recreation Director
Blaine Gregory, Senior Park Planner
David Nelson, South Region Park Planner
Nancy Brunnemer, Real Estate Manager
Andra Eaves, Southwest District General Manager
Mike Raible, CMS Director of Facilities Planning

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Gaston East-West Connector (STIP Project U-3321)
Corridor Segment K3C
Preliminary Engineering Designs
April 28, 2008

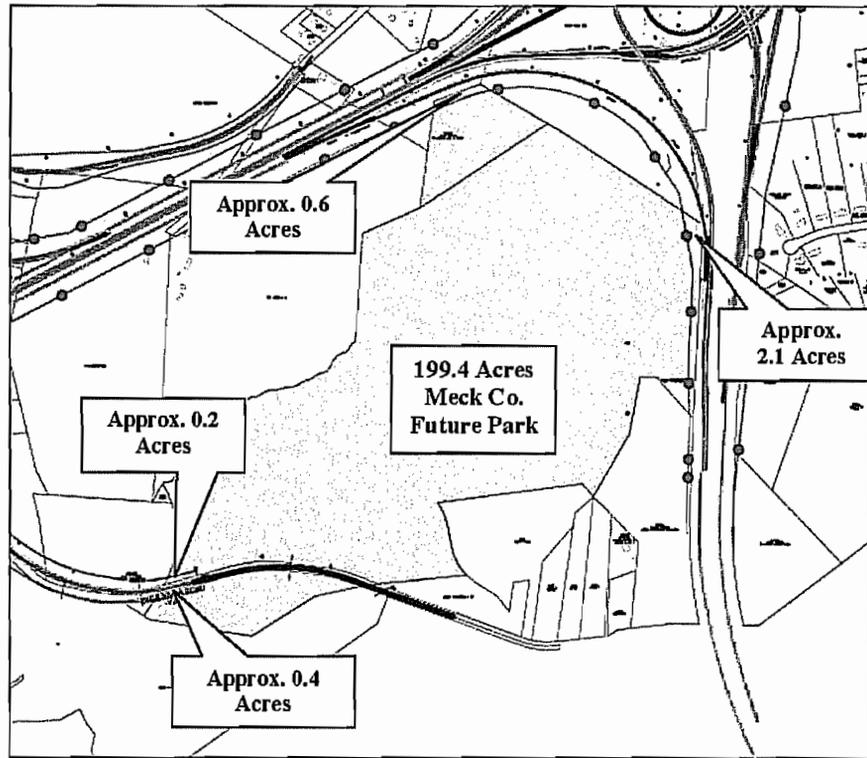


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Gaston East-West Connector (STIP Project U-3321)
Corridor Segment K4A
Preliminary Engineering Designs
April 28, 2008



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DSBG
DANIEL STOWE
BOTANICAL GARDEN

October 8, 2008

Mr. Jeff Dayton
North Carolina Turnpike Authority
1578 Mail Service Center
Raleigh, North Carolina 27699

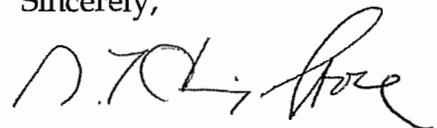
Dear Mr. Dayton,

On behalf of Daniel Stowe Botanical Garden and its Board of Directors, I am thrilled to see plans for the Garden Parkway in Gaston County move forward. The proposed timeline is exciting and offers great insight into what we can expect as the project develops.

As you are now receiving comments from the public, our Board of Directors would like to provide input in that, given an alternative, we would prefer the northern route of the Garden Parkway that crosses over New Hope Road. However, both routes would have a beneficial impact on the Garden, and we welcome development of the project in whatever form it may take. We also encourage you to further explore the completion of the route that would connect Highway 321 and Interstate 85. We understand there is additional research needed to make a final decision, and we will support your efforts in any way possible.

We look forward to seeing future development of the Garden Parkway and continue to pledge our support for this project that will positively impact Gaston County in the coming years.

Sincerely,

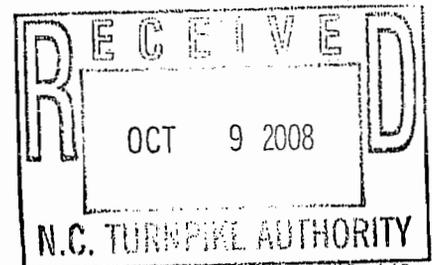


D. Harding Stowe
President

DHS:scs

6500 S. New Hope Rd. • Belmont, NC 28012
PHONE 704-825-4490 • FAX 704-829-1240

www.dsbg.org

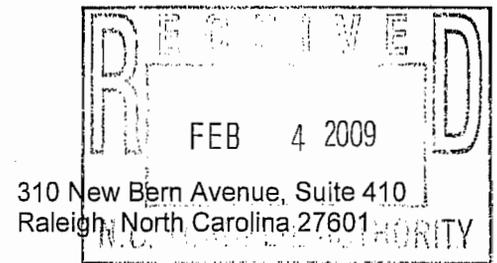




U.S. Department
of Transportation
**Federal Highway
Administration**

North Carolina Division

February 3, 2009



In Reply Refer To:
HDA-NC

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

To Whom It May Concern:

The Federal Highway Administration (FHWA), in cooperation with the North Carolina Turnpike Authority (NCTA) and North Carolina Department of Transportation (NCDOT), is initiating an Environmental Impact Statement (EIS) for a new location facility between I-485 in Mecklenburg County and I-85 in Gaston & Mecklenburg Counties. This project is included in the 2009-2015 North Carolina Transportation Improvement Program as STIP Project U-3321. The purpose of the project, as currently defined, is to improve east-west transportation mobility between southern Gaston County and western Mecklenburg County.

Your agency was identified as an agency that may have an interest in the project. This is based on our coordination with Duke Energy Corporation and the understanding that they will be required to obtain a Federal Energy Regulatory Commission (FERC) license revision because all project alternatives currently under consideration will create changes in hydropower land ownership, use, or development. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the above project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

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AMERICAN
ECONOMY**



A federal agency who does not respond to this letter will automatically be designated as a participating agency. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation to Ms. Jennifer Harris, P.E., NCTA Staff Engineer, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612 by February 27, 2009. Pursuant to SAFETEA-LU Section 6002, any federal agency that chooses to decline the invitation to be a participating agency must specifically state in its response that it:

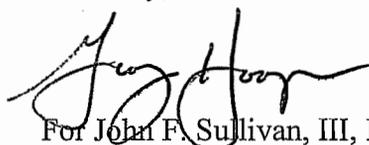
- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

FHWA also requests the participation of the FERC as a cooperating agency in the preparation of the Draft EIS and Final EIS, in accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act. The Draft EIS is scheduled for completion in the 1st Quarter of 2009. A copy of the Draft EIS will be sent to your offices.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022 or Ms. Harris at (919) 571-3004.

Thank you for your cooperation and interest in this project.

Sincerely,



For John F. Sullivan, III, P.E.
Division Administrator

cc: Mr. George Hoops, P.E., FHWA
Ms. Jennifer Harris, P.E., NCTA

APPENDIX A-6
LOCAL GOVERNMENT RESOLUTIONS

- Gaston Urban Area MPO 03/27/07
- Town of Cramerton Board of Commissioners 08/21/08
- City of Belmont 12/17/08

**RESOLUTION ADOPTING AN AMENDMENT TO THE GASTON
URBAN AREA METROPOLITAN PLANNING ORGANIZATION
THOROUGHFARE PLAN MAP TO INCLUDE THE FORMAL
NAME CHANGE OF THE “GASTON EAST-WEST
CONNECTOR” TO “GARDEN PARKWAY”**

WHEREAS, the Transportation Advisory Committee of the Gaston Urban Area Metropolitan Planning Organization previously adopted a Thoroughfare Plan in 1991; and

WHEREAS, the Gaston Urban Area Metropolitan Planning Organization, in cooperation with the Statewide Planning Branch of the North Carolina Department of Transportation, began the process of revising the Thoroughfare Plan in 1997 and worked with all of its member jurisdictions to ensure the development of a Thoroughfare Plan that accurately reflects the needs of the community with regard to present and anticipated volumes of vehicular traffic, in accordance with North Carolina General Statutes 136-66.2; and

WHEREAS, the Transportation Advisory Committee of the Gaston Urban Area Metropolitan Planning Organization adopted the revised Thoroughfare Plan in January 2000 to serve as a guide in the development of the road and highway system in the Gaston Urban Area; and

WHEREAS, the North Carolina General Statutes 136-66.2(d) provides that either a municipality, county or Department of Transportation may propose changes in the adopted plan at any given notice to the other parties, but no change shall be effective until it is adopted by the Department of Transportation, the Transportation Advisory Committee and the municipal and/or county governing boards; and

WHEREAS, the North Carolina Turnpike Authority has requested that the Official Thoroughfare Plan Map be amended to incorporate a formal name change of the Garden Parkway; and

WHEREAS, the proposed amendment would include the two-segment project formally known as the “Garden Parkway” to the “Gaston Loop”; and

WHEREAS, the northern section of the Loop from I-85 to US 321 will be formally named the US 321 Bypass, and the southern section of the Loop from I-85 to I-485 will be formally named the Garden Parkway; and

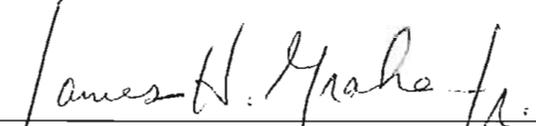
WHEREAS, the Gaston Urban Area MPO held a public meeting on the proposed modifications at the regularly scheduled TAC meeting on Tuesday, March 27, 2007; and

NOW THEREFORE BE IT RESOLVED, that the Transportation Advisory Committee of the Gaston Urban Area Metropolitan Planning Organization adopts the attached amendment (Attachment A) to the Gaston Urban Area MPO Thoroughfare Plan Map for the inclusion of the formal name change of the “Gaston East-West Connector” to “Garden Parkway”.



Jim Long, Chair, Transportation Advisory Committee
Gaston Urban Area Metropolitan Planning Organization

ATTESTED:

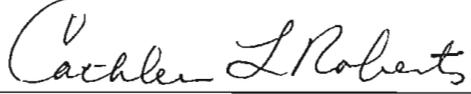

James H. Graham, Jr. AICP, Principal Transportation Planner
Gaston Urban Area Metropolitan Planning Organization

Resolution adopted upon a motion of Joe Carpenter, seconded by Ira L Dixon,
by a vote of the majority of the Gaston Urban Area Transportation Advisory Committee.

North Carolina
Gaston County

I, **Cathleen L. Roberts**, a Notary Public for said County and State, do hereby certify that **Jim Long** personally appeared before me on this the 27th day of March, 2007, and acknowledge the due execution of the foregoing instrument.

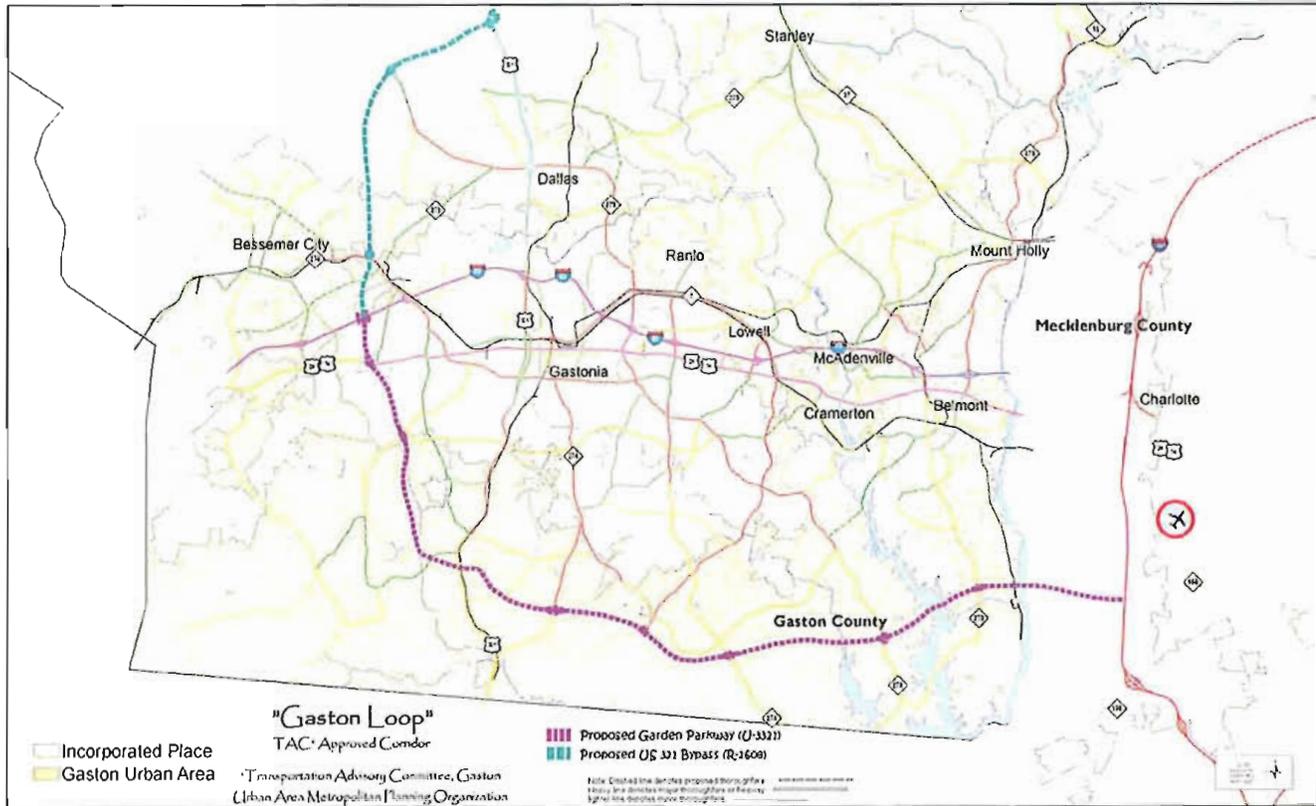
Witness my hand and official seal, this the 27th day of March, 2007.


Cathleen L. Roberts
Notary Public

My Commission Expires 7/6/2010

Thoroughfare Plan Amendment Name Change

..... To "Garden Parkway"



TOWN OF CRAMERTON RESOLUTION SUPPORTING THE MOST NORTHERN PROPOSED ROUTE FOR THE GASTON EAST-WEST CONNECTOR "GARDEN PARKWAY"

WHEREAS, the Town of Cramerton Board of Commissioners considered at their August 21, 2008 meeting whether to support the most Northern route for the Gaston East-West Connector, otherwise known as the "Garden Parkway"; and

WHEREAS, the most Northern route as it relates to Cramerton's jurisdiction area consists of the following combination of individual segments listed on the detailed study alternatives, as shown on the attached map: K3C, K3B, KX1, K2A, J5B, J5A; and

WHEREAS, the proposed Gaston East-West Connector or "Garden Parkway" will significantly impact the Town of Cramerton and Gaston County by reducing traffic on Interstate 85 but will also increase traffic on South New Hope Road; and

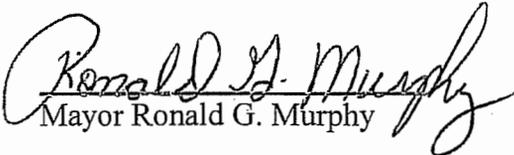
WHEREAS, by selecting the most Northern route there will be less miles of South New Hope Road that need to be widened to four lanes; and

WHEREAS, in order to provide necessary physical infrastructure for the South New Hope Road and Gaston East-West Connector or "Garden Parkway" intersection, the most Northern route is closer to existing infrastructure; and

WHEREAS, the most Northern proposed route appears to be located on more vacant and available land which should reduce the cost associated with the acquisition of necessary right-of-way for the project.

NOW THEREFORE, BE IT RESOLVED that the Town of Cramerton Board of Commissioners, in recognition of the benefits of the Gaston East-West Connector or "Garden Parkway", and hereby formally makes request to the North Carolina Turnpike Authority and the North Carolina Department of Transportation that the most Northern proposed route be specified above utilized for this most important transportation project.

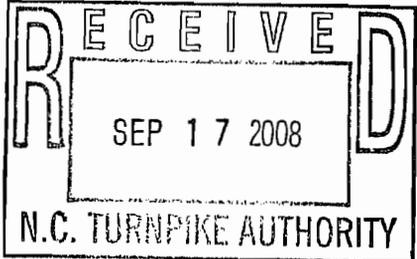
Unanimously adopted this 21st day of August 2008


Mayor Ronald G. Murphy

SEAL

ATTEST:


Wilene L. Cunningham, Town Clerk



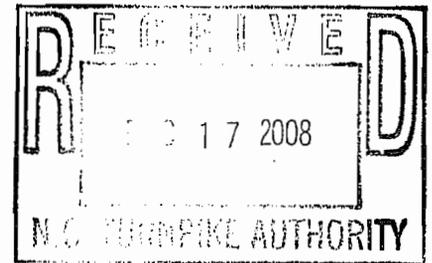


City of Belmont

115 N. MAIN STREET
POST OFFICE BOX 431
BELMONT, N.C. 28012
PHONE (704) 825-5586

December 16, 2008

Ms. Jennifer Harris, PE
NC Turnpike Authority
1578 Mail Service Center
Raleigh, NC 27699-1578



Re: Resolution of the City of Belmont Regarding the Proposed Alignment of the Garden Parkway

Dear Ms. Harris:

The Belmont City Council, meeting in regular session on December 1, 2008, unanimously approved the enclosed Resolution.

Please distribute this to other members of the Turnpike Authority.

Sincerely,

Mozelle Lingafeldt
City Clerk
City of Belmont

Enclosure



City of Belmont

115 N. MAIN STREET
POST OFFICE BOX 431
BELMONT, N.C. 28012
PHONE (704) 825-5586

RESOLUTION OF THE CITY OF BELMONT REGARDING THE PROPOSED ALIGNMENT OF THE GARDEN PARKWAY

WHEREAS, the NC Turnpike Authority has recently presented information on the potential alignments for the Gaston East-West Connector, or Garden Parkway, that remain under consideration at this time; and

WHEREAS, the NC Turnpike Authority has indicated that the preliminary recommendation of a preferred alignment for the Garden Parkway will be made in January, 2009; and

WHEREAS, the City Council of the City of Belmont, following a presentation by the NC Turnpike Authority on the alternative alignments and discussion of the perceived impacts, desires to express its opinion on this issue due to the significance of those impacts on the future of the City and the entire South Point peninsula:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Belmont, North Carolina hereby expresses its opposition to both the northern and southern alignment study alternatives crossing the South Point peninsula that are still under consideration for the following reasons:

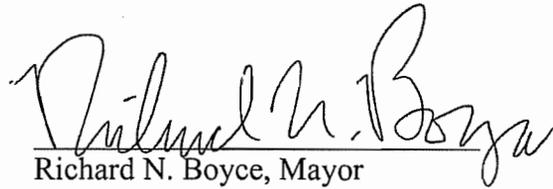
The proposed Northern Alignment (KZ1, K3B), due to its close proximity to the center of Belmont would restrict future planned growth to the south as referenced in the City's Comprehensive Land Use Plan and would, in essence, split the South Point peninsula in an undesirable manner.

The proposed Southern Alignment (K4A) would create numerous and severe hardships for a significant number of the South Point peninsula residents and property owners due to the existing developments that fall within the study corridor for this alignment.

BE IT, THEREFORE, FURTHER RESOLVED, that the City Council of the City of Belmont, North Carolina strongly encourages the NC Turnpike Authority to reconsider its abandonment of the former Middle Alignment (K1D) by further researching a route that, while necessarily avoiding new improvements to Duke Energy's Plant Allen Steam Station, would more closely adhere to the route formally proposed by the Gaston County Citizens Bypass Committee, which was endorsed by the Belmont City Council in 1999.

This route, which preferably would parallel the northern bank of the Plant Allen canal as closely as possible, would provide for one of the narrower crossings of the South Fork River, would provide greater benefit to the future development of the South Point peninsula as envisioned in the City's Comprehensive Land Use Plan, and would lead to less disruption to the existing residents whose homes are presently located in the study area.

Adopted this the 1st day of December, 2008.


Richard N. Boyce, Mayor

ATTEST:


City Clerk

APPENDIX A-7
SECTION 6002 PROJECT COORDINATION PLAN

**Section 6002 Coordination Plan for the Gaston East-West Connector Project
STIP Project U-3321**

COORDINATION PLAN

1. Purpose of Plan.

1.1. Section 6002 Compliance. This plan is intended to satisfy the requirement for a Coordination Plan under Section 6002 of SAFETEA-LU (23 U.S.C § 139) for the Gaston E-W Connector project (STIP No. U-3321).

1.2. Section 404/NEPA Merger 01 Process Information. This study, to the extent possible, will follow an environmental review process consistent with the requirements for “Projects on New Location” as described in the Section 404/NEPA Merger 01 Process Information with the following modifications:

- Agency Meetings. Turnpike Environmental Agency Coordination (TEAC) meetings will be held monthly at NCTA. These meetings serve the purpose of “merger meetings” under Merger 01, but are held more frequently.
- Study Initiation. The Notice of Intent (NOI) for this study was issued on April 27, 2006, after the project had transitioned to NCTA (See Exhibit 1). The NOI described this project as a candidate toll project.
- Development of the Project Team and Agency Roles. Participating and cooperating agencies have been identified and engaged in the study through the monthly TEAC meetings. Agency roles and primary contacts are listed in Table 2. Since agency roles are resolved, invitation letters to participating and cooperating agencies are not needed.
- Opportunity for Involvement in Purpose and Need, Range of Alternatives. The purpose and need (2002) and range of alternatives (2005) were initially developed by NCDOT, before Section 6002 of SAFETEA-LU came into effect and before the project transitioned to NCTA. The NCTA has updated the Purpose and Need Statement with current data and has prepared an Addendum to the Alternatives Development and Analysis Report to address the toll aspect and other updates to the project. NCTA has made the updated Purpose and Need Statement and Addendum to the Alternatives Development and Analysis Report available for review and comment by agencies and the public.
- Concurrence on Purpose and Need and Detailed Study Alternatives Carried Forward (DSA). NCTA intends to seek concurrence from the participating and cooperating agencies, consistent with Merger 01 procedures, on the updated Purpose and Need (Concurrence Point 1) and the Detailed Study Alternatives (Concurrence Point 2).

Bridging decisions and alignment review (Concurrence Point 2A) have also been agreed upon by the project team. Concurrence will be obtained on these three concurrence points (1, 2, 2A) in a single concurrence form.

- Signatures: The signed concurrence form confirms that the project team have participated in the environmental review process and are satisfied with the conclusions reached at each key project milestone. By signing the concurrence form, the signatures indicate that the team members comments on reports and information that are used for achieving a particular concurrence point were adequately addressed and no issues of concern remain on a particular concurrence point. Once concurrence is reached, discussion on that particular concurrence point will not be revisited unless there is significant new information or there are significant changes to the project, the environment, constructability, or laws and regulations.

1.3. Integration of NEPA and Section 404 Requirements. The process established in this Coordination Plan is intended to ensure that the requirements of NEPA and Section 404 of the Clean Water Act can be satisfied as part of a single process. Specifically, this plan is intended ensure that, to the maximum extent practicable,

- there is regular communication and collaborative discussion among all agencies that have information, experience, and/or expertise relevant to issues considered in Section 404 permitting;
- NCDENR can issue Section 401, Riparian Buffer Authorizations, Isolated Wetland Permits, and State Stormwater Permits based on information developed as part of the NEPA process; and
- the USACE can issue a Section 404 permit for the project promptly following the end of the NEPA process, without the need for supplemental NEPA studies; and
- any other required permits or approvals can be obtained without unexpected issues or delays.

1.4. Agency Communication. This plan establishes a framework for regular communication among all of the agencies involved in the environmental review process. This communication will include regular agency coordination meetings. These meetings will provide a forum for open discussion and dialogue among agencies. Meetings with one or more individual agencies also may occur as part of this process. When possible, all Participating Agencies will be informed of a smaller meeting to ensure all appropriate parties are included and will be updated after the meeting.

2. Project Schedule

2.1. Schedule. The NCTA will prepare a project schedule showing projected dates for completing all environmental studies and permitting. The schedule will conform to SAFETEA-LU time frames for comment periods and the FHWA “Vital Few Goal” of

achieving a median time frame of three years for completing an EIS. A draft schedule for the Gaston East-West Connector project is shown in Table 1.

Table 1: Draft Project Schedule

Notice of Intent	April 27, 2006
Identify Purpose and Need and Concurrence Achieved	July 24, 2002
Identify Detailed Study Alternatives and Concurrence Achieved	September 20, 2005
Bridging Decisions & Alignment Review and Concurrence Achieved	April 8, 2008
Reconfirm Concurrence on Purpose and Need, Detailed Study Alternatives, and Bridging Decisions & Alignment Review	October 7, 2008
DEIS	January 2009
Identify Preferred Alternative	June 2009
FEIS	April 2010
ROD	October 2010
Execute Design-Build Contract	December 2010

2.2. Agency Consultation. The schedule will be shared with the agencies and discussed at a TEAC meeting. Agency comments will be considered and the schedule may be revised as appropriate.

2.3. Updating Schedules. The project schedule may be revised from time to time by the lead agencies during the environmental review process. Schedule changes will be communicated to all participating agencies and the public. Under the statute, the schedule may be extended by the lead agencies for good cause, and may be shortened only with the consent of Cooperating Agencies.

3. Agency Roles

3.1. Lead Federal Agency. FHWA will be the lead Federal agency. As lead Federal agency in the Section 6002 process, FHWA is responsible for making certain decisions as specified in Section 6002. In addition, FHWA has an overall responsibility for facilitating the expeditious completion of the environmental review process.

3.2. Joint Lead Agencies. NCTA will be a joint lead agency, and thus will share with FHWA the responsibilities of the “lead agency” under the process defined in Section 6002. NCDOT also will have the status of a joint lead agency; however, NCDOT will primarily have a review/support role in the process, consistent with the Preconstruction Guidelines adopted by NCDOT and NCTA on July 28, 2006.

3.3. Project Team-Participating / Cooperating Agencies. The agencies listed in Table 2 will be participating and/or cooperating agencies in the environmental review process. Primary contacts have been identified by each agency as shown in the table.

Table 2: Agency Roles and Primary Agency Contacts

Agency	Role	Primary Contact
Federal Highway Administration	Joint Lead Agency	George Hoops
NC Department of Transportation	Joint Lead Agency	Kristina Solberg
NC Turnpike Authority	Joint Lead Agency	Jennifer Harris
US Army Corps of Engineers	Participating/Cooperating	Steve Lund
US Environmental Protection Agency	Participating	Chris Militscher
US Fish and Wildlife Service	Participating	Marella Buncick
NC Department of Cultural Resources – Historic Preservation Office	Participating	Renee Gledhill-Earley
NC Department of Environment & Natural Resources		
Division of Water Quality	Participating	Polly Lespinasse
Wildlife Resources Commission	Participating	Marla Chambers
Gaston Urban Area Metropolitan Planning Organization	Participating	Hank Graham
Mecklenburg-Union Metropolitan Planning Organization	Participating	Bob Cook

3.4. Identifying Issues of Concern

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible for identifying as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts that could substantially delay to prevent an agency from granting a permit or other approval that is needed for the project. Each agency’s role in the development of the Gaston East-West Connector project should include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in TEAC and other coordination meetings and field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency’s input during the environmental review process.

4. Turnpike Environmental Agency Coordination (TEAC) Meetings

- 4.1. TEAC Meetings. The principal method for agency coordination on turnpike projects will be Turnpike Environmental Agency Coordination (TEAC) meetings, which will be hosted by NCTA. These meetings will be used as a forum for discussing all turnpike projects. All TEAC meetings will be held at the NCTA office in Raleigh, unless otherwise specified in the meeting invitation.
- 4.2. Meeting Dates. The schedule for the TEAC meetings will be determined by FHWA and NCTA after consultation with NCDOT and the Participating Agencies. This schedule will be established, to the extent possible, for 12-month periods. The schedule will be coordinated with NCDOT interagency meetings to avoid or minimize conflicts and minimize travel. Changes to the schedule will be provided to the Participating Agencies as far in advance as possible. The schedule for 2008 is attached as Exhibit 2.
- 4.3. Meeting Agenda and Objectives. The agenda for each TEAC meeting will be circulated via e-mail to all Participating Agencies. The agenda will identify (a) any specific issues that NCTA would like to resolve at the meeting and (b) any specific issues on which NCTA is seeking comments from the Participating Agencies at the meeting.
- 4.4. Meeting Materials. NCTA will post the agenda and materials for each TEAC meeting on a secure web site accessible to all TEAC members. Guidelines for circulating meeting materials are provided below.
 - 4.4.1. Timing of Circulation. To the greatest extent possible, NCTA will post the agenda and materials at least two weeks in advance of the meeting. In some cases, materials will be provided less than two weeks in advance, or will be circulated in the TEAC meeting itself. NCTA will not seek to resolve issues or obtain Participating Agency comments on materials that the Participating Agencies received less than two weeks in advance of the meeting.
 - 4.4.2. Availability of Paper Copies. In addition to posting documents on the TEAC web site, NCTA will make paper copies of TEAC meeting materials available to all attendees at each TEAC meeting.
 - 4.4.3. Large Documents. Documents that would be difficult or time-consuming for agencies to reproduce (e.g., large maps, lengthy bound documents with color, fold-out pages, etc.) will be made available to Participating Agencies in hard-copy format at a TEAC meeting (or by mail two weeks or more in advance) for discussion at a subsequent TEAC meeting. NCTA will consult with the Participating Agencies to determine when this type of distribution is appropriate.
- 4.5. Meeting Summaries. After each TEAC meeting, the NCTA will prepare a meeting summary. The summary will list the attendees, topics discussed, unresolved issues, and action items. The Meeting Summary will be posted in draft form to the NCTA web site for review and comment two weeks in advance of the next meeting. Meetings may be recorded on audiotape; the recording will be used in preparing the meeting summaries. The meeting summaries will be included in the administrative record.

- 4.6. Attendees. Participating agencies (including cooperating agencies) will designate primary contacts for each turnpike project. These primary contacts will regularly attend TEAC meetings. Attendance may vary from month to month depending on the issues being discussed. Primary contacts for the Gaston East-West Connector project listed above in Table 2.
- 4.7. Issues of Concern. At any time in the process, a Participating Agency may identify an “issue of concern” as defined in SAFETEA-LU, which is an issue that in the agency’s judgment could result in denial of a permit or substantial delay in issuing a permit.
- 4.7.1. Format. Participating agencies will be strongly encouraged to submit any “issues of concern” in writing to FHWA and NCTA on agency letterhead. Issues of concern submitted in other formats (e.g., e-mail) will also be considered.
- 4.7.2. Timing. Participating Agencies are required by statute to identify any issues of concern “as early as practicable” in the environmental review process, but this determination is based on information provided by the lead agencies. In some cases, it may not be practicable to identify an issue of concern until late in the process. The statute does not set a specific deadline for raising these issues.
- 4.7.3. Request for Comment. At any point in the process, the NCTA may ask the Participating Agencies to state in writing whether there are any issues of concern. If such a request is made, NCTA will consult with the Participating Agencies before setting a deadline for a response. If agreed by the Lead and Participating Agencies, a deadline longer than 30 days could be established.
- 4.8. Monitoring and Updating. NCTA will maintain a list of both “general project issues” and “issues of concern” (if any) identified by the participating agencies. Separate meetings may be scheduled to resolve general project issues and/or any issues of concern. Additional issues may be added to the list based on new information or changed circumstances at any point in project development. This list will be posted to the TEAC web site.
- 4.9. Resolving General Project Issues. General project issues that are not resolved among the regular participants in the TEAC meetings can be elevated for consideration by the more senior officials within the relevant agencies. Any agency – lead or participating – can invoke the elevation process. The process is intended to be flexible, with specific procedures determined on a case-by-case basis depending on the nature of the issue. In general, the elevation process will involve the following steps:
- A TEAC member requests elevation on an issue within the jurisdiction of that agency. This request can be made in a TEAC meeting or in a letter or e-mail to the other TEAC members.
 - The request for elevation is placed on the agenda for discussion at a subsequent TEAC meeting.
 - If the issue is not resolved at that subsequent TEAC meeting, the issue is elevated to more senior officials within the TEAC agencies.

- Each TEAC member is responsible for identifying the more senior official(s) within his or her agency who will be directly involved in the elevation.
- The TEAC members will work together to plan the logistics and timing of the elevation process, including any briefing materials or other documents that need to be prepared prior to a resolution of the issue.

4.10. Resolving Issues of Concern. Under the statute, NCTA or the Governor may request a meeting at any time to resolve issues of concern. If such a meeting is requested, FHWA will convene a meeting in accordance with SAFETEA-LU to resolve the specified issues of concern. If an issue of concern is not resolved within 30 days after such a meeting, a report must be submitted to Congress and to the heads of certain agencies, as provided in SAFETEA-LU. If such a meeting is not requested, FHWA and NCTA will seek to address and resolve the agencies' issues of concern as part of normal agency coordination during the environmental review process. NCTA anticipates that this process will be invoked rarely.

Exhibit 1

NOTICE OF INTENT

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, May 24, 2006, starting at 8 a.m. at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC, in the Bessie Coleman Conference Center, located on the 2nd Floor. This will be the forty-third meeting of the COMSTAC.

The proposed agenda for the meeting will feature an update on commercial space transportation legislative activities, briefings on national space and security policies, new RLV technology developments, and the Office of Space Commercialization in the Department of Commerce, and an activities report from FAA's Office of Commercial Space Transportation. The 2006 Commercial Space Transportation Forecasts on the geosynchronous and non-geosynchronous markets will also be released at this meeting. An agenda will be posted on the FAA Web site at <http://ast.faa.gov/COMSTAC>. Meetings of the COMSTAC Working Groups (Technology and Innovation, Reusable Launch Vehicle, Risk Management, and Launch Operations and Support) will be held on Tuesday, May 23, 2006. For specific information concerning the times and locations of the working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Brenda Parker (AST-100), Office of the Commercial Space Transportation, 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267-3674; E-mail brenda.parker@faa.dot.gov.

Issued in Washington, DC, April 19, 2006.

Patricia Grace Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. E6-6306 Filed 4-26-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixth Meeting: RTCA Special Committee 207/Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 207 Meeting, Airport Security Access Control Systems.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 207, Airport Security Access Control Systems.

DATES: The meeting will be held May 11, 2006, from 10-5 p.m.

ADDRESSES: The meeting will be held at RTC A, Inc., Conference Rooms, 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833-9339; fax (202) 833-9434; web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 207 meeting. The agenda will include:

- May 11:
 - Opening Plenary Session (Welcome, Introductions, and Administrative Remarks)
 - Agenda Overview
 - Workgroup Reports
 - Workgroup 2: System Performance Requirements
 - Workgroup 3: Subsystem Functional Performance Requirements
 - Workgroup 4: System Verification and validation
 - Workgroup 5: Biometrics
 - Workgroup 6: Credentials
 - Workgroup 7: Perimeter
 - ICAO Update
 - Closing Plenary Session (Other Business, Establish Agenda, Date and Place for Seventh and Eighth Meetings).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may represent oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 18, 2006.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 06-3946 Filed 4-26-06; 8:45am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Butler County, PA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of the notice of intent.

SUMMARY: This notice rescinds the previous Notice of Intent (issued October 3, 2001—Vol. 66, No. 192) to prepare an Environmental Impact Statement for a proposed highway project in Butler County.

FOR FURTHER INFORMATION CONTACT: David W. Cough, P.E., Director of Operations, Federal Highway Administration, Pennsylvania Division Office, 228 Walnut Street, Room 508, Harrisburg, PA 17101-1720, Telephone (717) 221-3411—OR—Brian Allen, Assistant District Engineer for Design, Pennsylvania Department of Transportation, District 10-0, 2550 Oakland Avenue, P.O. Box 429, Indiana, PA, 15701, Telephone (724) 357-2077.

SUPPLEMENTARY INFORMATION: Additional traffic analyses have indicated that all project alternatives can be down-scoped with little or no significant impact to the environment. An Environmental Assessment will be pursued, based on a revised project scoping.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

James A. Cheatham,

FHWA Division Administrator, Harrisburg, PA.

[FR Doc. 06-3988 Filed 4-26-06; 8:45am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental impact statement: Gaston and Mecklenburg Counties, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Gaston and Mecklenburg Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Clarence W. Coleman, P.E., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Ste 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 856-4346.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT) and the North Carolina Turnpike Authority (NCTA), will prepare an environmental impact statement (EIS) addressing proposed improvements to east-west transportation mobility in the area around the City of Gastonia and other municipalities in southern Gaston County. As part of this proposed action, the NCDOT also proposes to improve mobility, access and connectivity between southern Gaston County and Mecklenburg County. The proposed project study area consists of the following general boundaries: I-85 to the north, the South Carolina State line to the south, the Charlotte-Douglas International Airport to the east, and the I-85 and US 29-74 junction to the west. The proposed action is consistent with the thoroughfare plans approved by the Gaston Urban Area Metropolitan Planning Organization (MPO) and the Mecklenburg-Union MPO.

Alternatives to be studied in detail include:

1. No-Build.
2. Construction of a new location highway. Sixteen detailed study alternatives or corridors will be studied in the Draft EIS.

The proposed project is being developed as a candidate toll road. Accordingly, in conjunction with development of the Draft Environmental Impact Statement and other on-going project development activities, NCTA is conducting a study to evaluate the feasibility of developing the proposed highway as a toll road and funding it, in whole or in part, through the issuance of "revenue bonds."

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies. Citizens' informational workshops, meetings with local officials, and a public hearing will be held. Information on the dates, times and locations of the citizens' informational workshops and public hearings will be advertised in the local news media, and newsletters will be

mailed to those on the project mailing list. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 20, 2006.

Clarence W. Coleman,

Operations Engineer, Raleigh, North Carolina.

[FR Doc. 06-3949 Filed 4-26-06; 8:45am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the East Lynn Canal Highway, Alaska Route Number 7, from Echol Cove to Katz Point in the Haines and Juneau Boroughs, State of Alaska. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency action subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 24, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Tim Haugh, Environmental and Right-of-Way Programs Manager, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802-1648; office hours 7 a.m.-4:30 p.m. (AST), phone (907) 586-7418;

e-mail Tim.Haugh@fhwa.dot.gov. You may also contact Reuben Yost, Special Projects Manager, Alaska Department of Transportation and Public Facilities DOT&PF, 6860 Glacier Highway, P.O. Box 112506, Juneau, Alaska 99811-2506; office hours 8 a.m.-5 p.m. (AST), phone (907) 465-1774, e-mail Reuben_Yost@dot.state.ak.us.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of Alaska: FHWA Alaska Division Project Number STP-000S(131) titled the Juneau Access Improvements Project, involves construction of approximately 51 miles of two lane highway from the end of Glacier Highway at Echo cover in the City and Borough of Juneau to a point two miles north of the Katzehin River in the Haines Borough. A ferry terminal will be constructed at the north end of the highway, and new shuttle ferries will be constructed to run from Haines and Skagway. Three major rivers will be bridged as well as several streams. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on January 18, 2006, in the FHWA Record of Decision (ROD) issued on April 3, 2006, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the DOT&PF at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at <http://dot.alaska.gov/juneauaccess> or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws and Executive Orders under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, [42 U.S.C. 7401-7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712]; Magnuson-Stevens

Exhibit 2

2008 CALENDAR CONCURRENCE, INTERAGENCY AND NCTA MEETINGS



- State and Federal Holidays**
- Interagency Meetings**
- Eastern Concurrence Meetings**
- Western concurrence Meetings**
- Eastern Hydraulics Meetings**
- Western Hydraulics Meetings**
- Board of Transportation Meetings**
- NC Turnpike Authority Meetings**

APPENDIX A-8
**CORRESPONDENCE RELATED TO AIR QUALITY
CONFORMITY**

- Letter from USEPA to NCDENR 11/17/08
- Letter from NCDENR to USEPA 12/19/08
- Letter from USEPA to NCDENR 01/09/09



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

NOV 17 2008

Mr. William G. Ross, Jr., Secretary
North Carolina Department of
Environment and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Dear Secretary Ross:

I am writing to you concerning your State Implementation Plan (SIP) for demonstrating attainment of the 8-hour national ambient air quality standard for ozone in the bi-state Charlotte nonattainment area. The bi-state Charlotte nonattainment area is comprised of several counties in North Carolina and a portion of York County in South Carolina. The York County portion also includes tribal land for the Catawba Indian Tribe. The plan for the North Carolina portion of this area was submitted to the U.S. Environmental Protection Agency (EPA) for review on June 15, 2008. Although our staffs have discussed the contents of this plan, we have not taken formal action to approve or disapprove the SIP.

The Clean Air Act and EPA rules for implementation of the 1997 ozone standard require that the attainment demonstration SIP for a moderate area such as the bi-state Charlotte area contain the State's demonstration that the SIP is capable of providing for attainment of the ozone standard by no later than June 15, 2010. This can only be done by projecting (through modeling and other analysis) that the area will achieve ozone levels consistent with the ozone standard by the end of the 2009 ozone season. Such modeling demonstrations are extremely complex and contain some uncertainty in the predictions.

After areas reach the attainment date, achievement of the standard is determined by assessing actual monitoring data from the most recent three years. Because we are now so close to the attainment date, we now believe that attainment will not be achieved by the required moderate area deadline based on air quality measurements from the summers of 2007 and 2008 that exceed the standard by a sizeable amount. Furthermore, we believe that the area will not meet the requirements for a one-year extension of the attainment date. Therefore, if we are required to take rulemaking action on the SIP, we see no alternative to proposing disapproval of the SIP's attainment demonstration. [Please see Attachment A to this letter, which contains the air quality data which lead EPA to its conclusion.]

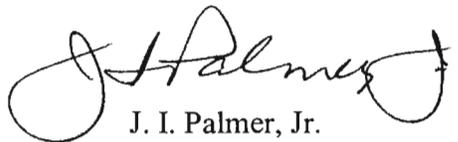
In cases where attainment of the ozone standard cannot be achieved by the required date, the Clean Air Act allows a State to seek a higher classification for the area. Section 181(b)(3) provides for States to request EPA to reclassify a nonattainment area to a higher classification

and requires EPA to grant such a request. Such a reclassification will have the effect of allowing for a new attainment date for the area (based on the new classification), which would be established in the new attainment demonstration. In conjunction with EPA's action on the reclassification request, EPA will establish a date for submission of a new attainment demonstration and any other additional requirements based on the area's new classification. It should be noted, however, that the Clean Air Act requires States to move forward to adopt and implement (to the extent measures are not yet in place) all RACT (Reasonably Available Control Technology) and other control measures needed to attain the 1997 ozone air quality standard as expeditiously as practicable. In particular, measures planned for the 2009 ozone season should not be delayed.

Please consider making a request to reclassify the North Carolina portion of the bi-state Charlotte nonattainment area to a higher classification. I will need a response from you no later than December 8, 2008, if you are going to make such a request. In the absence of a reclassification request for the North Carolina portion of the bi-state Charlotte nonattainment area, I intend to sign a proposed disapproval of your existing attainment demonstration by no later than January 9, 2009. A letter similar to this was sent to South Carolina with this same request.

As always, please feel free to contact me or Beverly Banister in Region 4 at (404) 562-9326, if additional information is needed. I will look forward to hearing from you regarding your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", with a large, stylized flourish at the end.

J. I. Palmer, Jr.
Regional Administrator

Attachment

cc: Bob King, SC DHEC
B. Keith Overcash, NC DENR
Myra Reece, SC DHEC
Don Willard, Mecklenburg County
Marcus Peacock, U.S. EPA
Robert Meyers, U.S. EPA
Beverly Banister, U.S. EPA Region 4

Attachment A

Air Quality Data Which Leads U.S. EPA to Conclude that the Charlotte-Gastonia-Rock Hill, NC-SC Ozone Nonattainment Area Will Not Achieve the Ozone NAAQS (0.08 ppm) by the End of the 2009 Ozone Season

Monitoring Site ID	POC	County	State	Preliminary 2006-2008 Design Value as of November 12, 2008 (ppm)	Did this site meet NAAQS as of November 12, 2008?	Number of Days in 2008 Above the 1997 Standard	2006 4th Maximum Value (ppm)	2007 4th Maximum Value (ppm)	2008 4th Maximum Value as of November 12, 2008 (ppm)	Critical Value in 2009 as of November 12, 2008 (ppm)
371090004	1	Lincoln	North Carolina	0.082	Yes	3	0.082	0.085	0.079	0.091
371190041	1	Mecklenburg	North Carolina	0.089	No	4	0.091	0.093	0.085	0.077
371191005	1	Mecklenburg	North Carolina	0.079	Yes	1	0.078	0.087	0.073	0.095
371191009	1	Mecklenburg	North Carolina	0.094	No	5	0.093	0.096	0.093	0.066
371590021	1	Rowan	North Carolina	0.088	No	3	0.085	0.096	0.084	0.075
371590022	1	Rowan	North Carolina	0.088	No	2	0.089	0.095	0.082	0.078
371790003	1	Union	North Carolina	0.080	Yes	1	0.080	0.082	0.080	0.093

Number of sites exceeding the ozone NAAQS in 2006-2008

4

Source of Data

The 2006 and 2007 monitoring results are based on data already submitted and certified by the respective monitoring agencies to U.S. EPA's Air Quality System data base. The 2008 monitoring result is based on data submitted to the AirNow data system, and is considered preliminary.

The Meaning of "Critical Value"

The critical value shown for 2009 is the magnitude of the 4th highest value in 2009 (given the 2007 and 2008 data) that would result in a conclusion that the monitor shows compliance with the ozone NAAQS for 2007-2009. For the nonattainment area to be found to attain, all monitors' 4th highest readings in 2009 must be below their respective critical values.

Condition for a One-Year Extension

To be eligible for a one-year extension of the attainment date, the 4th highest value at all monitors in the area during 2009 must be less than 0.085 ppm. EPA judges this to be highly unlikely given the concentrations observed at some monitors in 2007 and 2008.



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross, Jr., Secretary

December 19, 2008

J. I. Palmer, Jr.
Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Attainment Demonstration for the North Carolina Portion of the Charlotte-Gastonia-Rock Hill Eight-Hour Ozone Nonattainment Area

Dear Mr. Palmer:

I am in receipt of your letter dated November 17, 2008, which addressed the North Carolina State Implementation Plan (SIP) for demonstrating attainment of the 1997 8-hour national ambient air quality standard for ozone in the bi-state Charlotte-Gastonia-Rock Hill (Metrolina) nonattainment area. The letter stated that the Environmental Protection Agency (EPA) could not approve this SIP since the area is unlikely to attain the 1997 ozone standard by June 15, 2010 or meet the requirements for a one-year extension of the attainment date. The EPA offered North Carolina the option of requesting a reclassification from Moderate to Serious to avoid disapproval of the Metrolina SIP. I have thoroughly considered both options, the proposed disapproval of the SIP and the voluntary reclassification to Serious. Both options present rather negative implications for the State. Therefore, to address EPA's concern over the Metrolina SIP attainment demonstration, North Carolina requests that EPA return the attainment demonstration originally submitted on June 15, 2007, so that the State may improve the demonstration and submit an updated plan.

It is my understanding that the withdrawal of the attainment demonstration for the Metrolina area will result in North Carolina receiving a letter of finding of failure to submit a plan under Section 179 of the Clean Air Act, and that an eighteen month sanction clock will begin, along with a twenty-four month Federal Implementation Plan clock. It is North Carolina's intention to submit a revised attainment demonstration for the Metrolina region by November 2009, which would stop both the sanction and the FIP clocks. I request that EPA work with North Carolina to quickly review and deem adequate the motor vehicle emissions budgets that will be submitted as part of the revised demonstration in November 2009. These budgets are needed so that transportation conformity analyses can be conducted and approved by May of 2010. EPA's cooperation is essential in order for this schedule to be successful.

In arriving at this decision, North Carolina considered the option of reclassification. While EPA believes it is unlikely that the Metrolina area will attain the 1997 ozone standard by its attainment

date, the region may meet the requirements for requesting a one-year extension of the attainment date. The region will achieve additional nitrogen oxide (NO_x) reductions as a result of new controls on utilities and in motor vehicle fleet turnover. North Carolina is in the process of adopting an idle reduction rule for heavy-duty vehicles. This new rule is expected to become effective on May 1, 2009, and will result in additional NO_x emission reductions. It should be noted that in 2004 the region had a 4th highest value of 0.085 parts per million (ppm) and there have been significant reductions in NO_x emissions since that time. Given that the region may qualify for a one-year extension of its attainment date, it is believed that disapproval of the SIP would be premature.

Further, many of the additional control requirements within the Clean Air Act (CAA) of a reclassification to Serious focus on reducing volatile organic compounds (VOCs). While any reduction in air pollution may be considered a positive step, much scientific knowledge has been gained since the 1990 CAA Amendments were promulgated relative to beneficial reductions in the precursor pollutants that contribute to the formation of ozone. The Metrolina region is NO_x limited, so reductions in VOC emissions will not result in the reduction of ozone needed to meet the standard. In these hard economic times, it is unreasonable to require business and industry to go through this resource intensive and burdensome process and implement costly controls when the needed results will not be achieved.

North Carolina has demonstrated leadership by implementing legislation, regulation and voluntary measures to address air pollution. We are committed to develop a SIP that will address the air quality issues for the Metrolina region through partnership with the South Carolina Department of Health and Environmental Control and the Mecklenburg County Air Quality programs. We will review the current controls that will be going in place and determine if there are other controls that could be implemented quickly so that the area can meet the requirements necessary to request a one-year extension and, if necessary, a second one-year extension in 2010. Our projected timeline for developing and submitting a revised attainment demonstration is:

January 2, 2009 – DAQ staff begins updating the area, nonroad mobile and point source inventory so that it reflects a more refined inventory and addresses the CAIR vacatur for other States;

February 27, 2009 – DAQ receives Metrolina transportation partners' data for future year modeling runs;

March 2, 2009 – DAQ begins emissions and air quality modeling runs;

July 1, 2009 – Modeling and quality assurance reviews are completed;

August 1, 2009 – Draft pre-hearing documentation is made available for review by EPA and transportation partners;

September 1, 2009 – Comments on the draft plan are received and addressed by DAQ;

September 21, 2009 – Pre-hearing draft SIP is made available to public;

Jimmy Palmer, Jr.
December 19, 2008
Page 3

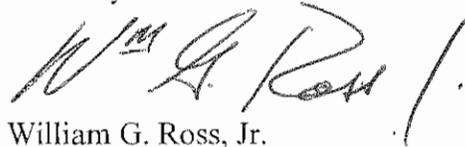
November 1, 2009 – The public comment period ends;

November 30, 2009 –DAQ submits the revised plan to EPA.

If at some point during 2009 ozone season the monitoring data shows that the Metrolina area is not eligible for a one year extension of the attainment date, North Carolina will consider submitting a request to reclassify to Serious instead of waiting for the mandatory reclassification from EPA.

Please feel free to contact Keith Overcash at (919) 715-6290 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm G. Ross, Jr.", written in a cursive style.

William G. Ross, Jr.

cc: B. Keith Overcash, NCDENR
Myra C. Reece, SCDHEC
Don Willard, Mecklenburg County
Marcus Peacock, USEPA
Robert Meyers, USEPA
Beverly Banister, USEPA Region 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JAN - 9 2009

Mr. William G. Ross, Jr., Secretary
North Carolina Department of
Environment and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Dear Secretary Ross:

I am writing to you concerning North Carolina's efforts to comply with Clean Air Act (the Act) requirements for the 1997 8-hour national ambient air quality standard (NAAQS) for ozone. Within three years after the effective date of the U.S. Environmental Protection Agency's (EPA) designations, the Act requires a state with areas designated nonattainment for the ozone NAAQS to submit a State Implementation Plan (SIP) describing how that state will attain and maintain the ozone standard. EPA made designations for the 1997 8-hour ozone standard, effective June 15, 2004; therefore, submissions were due June 15, 2007, for most areas. On June 15, 2007, the North Carolina Department of Environment and Natural Resources (DENR) submitted a plan to show how the Charlotte-Gastonia-Rock Hill (Charlotte) nonattainment area would attain the 1997 8-hour ozone standard by the statutory attainment date of June 15, 2010, and how the North Carolina portion of the bi-state Charlotte nonattainment area would achieve its portion of emission reductions necessary for the area to attain by that date. EPA has since reviewed North Carolina's submission to determine approvability.

On November 17, 2008, we sent you a letter noting that our analysis indicates that North Carolina's attainment demonstration submission is not approvable based on current air quality in the area. In that letter, we requested that DENR consider a voluntary reclassification to serious. We also noted that if a voluntary reclassification request was not made by December 8, 2008, EPA would propose disapproval of North Carolina's attainment demonstration for its portion of the Charlotte area by January 9, 2009. We sent a similar letter to the South Carolina Department of Health and Environmental Control regarding its attainment demonstration for the Charlotte area. On December 19, 2008, we received DENR's letter with a request to withdraw North Carolina's June 15, 2007, attainment demonstration for its portion of the Charlotte area. As such, EPA no longer has the required attainment demonstration submission from North Carolina for the bi-state Charlotte area for the 1997 8-hour ozone standard.

We consider the required SIP elements to be a high priority; therefore, we are notifying you that, pursuant to section 179(a) of the Act, EPA is making a finding of failure to submit the 1997 8-hour ozone attainment demonstration for North Carolina's portion of the bi-state Charlotte area. EPA will soon publish a rule in the Federal Register announcing this finding, which will be effective upon publication. In March 2008, we made similar findings of failure to submit for states that had not yet submitted attainment demonstrations and/or other required elements for the 1997 8-hour ozone standard (see enclosure). In general, findings are made in those cases where a state failed to submit some or all elements of a required SIP, or in this case where the State has withdrawn a required submission. Please be assured that we will continue to work closely with your staff to undertake all necessary efforts to ensure that a revised submittal is made as soon as possible so that we can avoid the implementation of sanctions and the need to promulgate a federal implementation plan (FIP). EPA anticipates ongoing consideration regarding whether any further actions are necessary to ensure that all states continue to make progress towards attainment of the ozone standards as expeditiously as practicable, consistent with the requirements of the Clean Air Act."

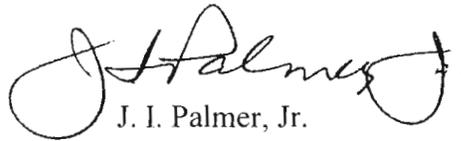
If within 18 months of EPA's finding, EPA has not affirmatively determined that North Carolina has submitted a completed attainment demonstration for the Charlotte area, pursuant to section 179(a) of the Act and 40 Code of Federal Regulations (CFR) section 52.31, the new source offset sanction identified in section 179(b) of the Act will apply in the affected area. If North Carolina still has not made a submission that EPA has determined complete six months after the new source offset sanction is imposed, the highway sanctions will apply in the affected areas in accordance with 40 CFR 52.31. In addition, section 110(c) of the Act requires EPA to promulgate a FIP no later than two years after a finding under section 179(a), if EPA has not approved the plan for which the finding was made.

The 18-month clock will stop and the sanctions will not take effect if, within 18 months after the date of the findings, EPA finds that North Carolina has made a complete submittal. In addition, EPA would no longer be obligated to promulgate a FIP, if the State makes the required SIP submittal and EPA takes final action to approve the submittal within two years of the findings.

As you are aware, there are transportation conformity issues associated with certain aspects of these findings of failure to submit pursuant to EPA's transportation conformity rule (40 CFR 93.120 (b)). The conformity status of the transportation plans and transportation improvement programs in the affected area would lapse on the date that highway sanctions under section 179 of the Act take effect, unless the State makes the required SIP submittal and EPA acknowledges this via a letter. During a conformity lapse, only projects that are exempt from transportation conformity (*e.g.*, road resurfacing, safety projects, reconstruction of bridges without adding travel lanes, bicycle and pedestrian facilities, etc.), transportation control measures that are in the approved SIP, and project phases that were approved prior to the start of the lapse can proceed during the lapse. No new project-level approvals or conformity determinations can be made and no new transportation plan or transportation improvement program may be found to conform until another attainment demonstration SIP is submitted and the motor vehicle emissions budget is found adequate.

EPA appreciates North Carolina's efforts towards compliance with the 1997 8-hour ozone standard. If you have any questions or would like to discuss this matter further, please contact me or have a member of your staff contact Beverly Banister at 404-562-9326. We look forward to working closely with you and your staff to ensure that the Act's requirements are met in a timely manner without adverse consequences.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", written in a cursive style.

J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: Bob King, SC DHEC
B. Keith Overcash, NC DENR
Myra Reece, SC DHEC
Don Willard, Mecklenburg County
Marcus Peacock, U.S. EPA
Bob Meyers, U.S. EPA
Beverly Banister, U.S. EPA Region 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JAN - 9 2009

Mr. Robert W. King, Jr., P.E.
Deputy Commissioner
South Carolina Department of
Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. King:

I am writing to you concerning South Carolina's efforts to comply with Clean Air Act (the Act) requirements for the 1997 8-hour national ambient air quality standard (NAAQS) for ozone. Within three years after the effective date of the U.S. Environmental Protection Agency's (EPA) designations, the Act requires a state with areas designated nonattainment for the ozone NAAQS to submit a State Implementation Plan (SIP) describing how that state will attain and maintain the ozone standard. EPA made designations for the 1997 8-hour ozone standard, effective June 15, 2004; therefore, submissions were due June 15, 2007, for most areas. On August 31, 2007, the South Carolina Department of Health and Environmental Control (DHEC) submitted a plan to show how the Charlotte-Gastonia-Rock Hill (Charlotte) nonattainment area would attain the 1997 8-hour ozone standard by the statutory attainment date of June 15, 2010, and how the York County, South Carolina portion of the bi-state Charlotte nonattainment area would achieve its portion of emission reductions necessary for the area to attain by that date. EPA has since reviewed DHEC's submission to determine approvability.

On November 17, 2008, we sent you a letter noting that our analysis indicates that South Carolina's attainment demonstration submission is not approvable based on current air quality in the area. In that letter, we requested that DHEC consider a voluntary reclassification to serious. We also noted that if a voluntary reclassification request was not made by December 8, 2008, EPA would propose disapproval of South Carolina's attainment demonstration for its portion of the Charlotte area by January 9, 2009. We sent a similar letter to the North Carolina Department of Environment and Natural Resources regarding its attainment demonstration for the Charlotte area. On December 22, 2008, we received DHEC's letter with a request to withdraw South Carolina's August 31, 2007, attainment demonstration for its portion of the Charlotte area. As such, EPA no longer has the required attainment demonstration submission from South Carolina for the bi-state Charlotte area for the 1997 8-hour ozone standard.

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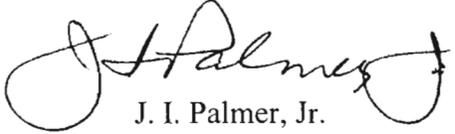
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Sincerely,

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J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: Bill Ross, NC DENR
Myra Reece, SC DHEC
B. Keith Overcash, NC DENR
Don Willard, Mecklenburg County
Marcus Peacock, U.S. EPA
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