



# Gaston East-West Connector

Gaston and Mecklenburg Counties

STIP No. U-3321

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## *Preferred Alternative Report*

September 8, 2009

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**1.0 PROJECT DESCRIPTION**

**1.1 Proposed Action**

The North Carolina Turnpike Authority (NCTA) proposes to construct a project known as the Gaston East-West Connector, which would be a controlled-access toll road extending from I-85 west of Gastonia in Gaston County to I-485 near the Charlotte-Douglas International Airport in Mecklenburg County.

The project is included in the North Carolina Department of Transportation (NCDOT) *2009-2015 State Transportation Improvement Program* (STIP) as STIP Project U-3321. The project is known as the “Gaston East-West Connector” and as the “Garden Parkway.” This study refers to the project as the Gaston East-West Connector.

**1.2 Project 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 areas of southeast Gaston County and western Mecklenburg County. The primary needs for the project are summarized below:

- **There is poor transportation connectivity between Gaston County and Mecklenburg County and within southern Gaston County.**
  - Limited crossings of the Catawba River constrain travel between Gaston and Mecklenburg Counties. No crossings are located in southern Gaston County.
  - Projected growth in southern Gaston County and western Mecklenburg County will continue to increase demands for accessibility and connectivity between the two counties.
  - Within southern Gaston County, south of I-85, a lack of connecting east-west roadways makes travel circuitous and limits mobility.
  - The GUAMPO and the MUMPO include a new location roadway running through southern Gaston County and connecting over the Catawba River to Mecklenburg County in their long range transportation plans.
  - The Gaston East-West Connector is a state-designated Strategic Highway Corridor, envisioned as a new freeway facility on the Strategic Highway Corridors Vision Plan.
- **There are existing and projected poor levels of service on the Project Study Area’s major roadways.**
  - Traffic volumes are projected to increase on I-85, I-485, US 29-74 and US 321 in the Project Study Area through 2030.
  - There are existing poor levels of service on segments of I-85 in Gaston County; from Exit 19 (NC 7 [Ozark Avenue]) through Exit 27 (NC 273 [Park Street]).
  - Levels of service on I-85, US 29-74 and US 321 are projected to worsen in the future.

- Congestion and frequent incidents on I-85 inhibit regional travel and diminish the ability of I-85 to function as a Strategic Highway Corridor and Intrastate Corridor.

Several performance measures were used in the first screening of various alternative concepts to evaluate their ability to meet the project’s purpose, including the east-west mobility and direct access components as stated above. To evaluate their ability to meet the purpose and need, alternative concepts were evaluated to determine whether they would:

- Reduce travel distances and/or travel times between representative origin/destination points within southern Gaston County and between southern Gaston County and Mecklenburg County.
- Provide a transportation facility with a mainline that would operate at acceptable levels of service (generally LOS D or better on the mainline) in the design year (2030) for travel between Gaston County and Mecklenburg County.
- Reduce congested vehicle miles traveled and/or congested vehicle hours traveled in Gaston County compared to the No-Build Alternative in 2030.

### 1.3 Project Status

The Draft Environmental Impact Statement for the Gaston East-West Connector (STIP Project U-3321) was signed on April 24, 2009 and made available for public and agency review on NCTA’s website on May 1, 2009. A notice of availability was published in the Federal Register on May 22, 2009 (Vol. 74, No. 98, pg. 24006). The public comment period for the project ended on July 21, 2009. The remainder of the project schedule is as follows:

4 <sup>th</sup> Quarter 2009	Selection of Preferred Alternative
2 <sup>nd</sup> Quarter 2010	Final EIS published
4 <sup>th</sup> Quarter 2010	Record of Decision (ROD) published
1 <sup>st</sup> Quarter 2011	Construction begins
4 <sup>th</sup> Quarter 2014	Project open to traffic

The Gaston East-West Connector project is located in the Charlotte-Gastonia-Rock Hill air quality region (Metrolina region). The Metrolina region continues to face challenges in meeting the requirements of federal air quality laws. These requirements do not prevent ongoing studies from continuing, but they have the potential to delay federal approval of transportation projects in the region, including the Gaston East-West Connector. To prevent such delays, federal and state air quality and transportation agencies are continuing to work together to resolve the air quality issues so that planned transportation projects can move forward. FHWA and NCTA will provide an updated summary of the region’s conformity status in the Final EIS (See also May 20, 2003 FHWA memorandum regarding clarification of conformity requirements).

### 1.4 Detailed Study Alternatives

There are twelve Detailed Study Alternatives (DSAs) considered in the Draft EIS: DSAs 4, 5, 9, 22, 23, 27, 58, 64, 68, 76, 77, and 81. These DSAs are controlled-access toll facilities on new location. **Figure S-1a and S-1b** from the Draft EIS shows the DSAs in detail, and are included in **Appendix A**.

The mainline design speed is 70 miles per hour (mph), with a planned posted speed limit of 65 mph. Each DSA currently is proposed to have 11 to 12 interchanges (depending upon the DSA), as listed below from west to east.

- I-85
- US 29-74
- Linwood Rd (SR 1133)
- Lewis Rd (SR 1126) (DSAs 58, 64, and 68 only)
- US 321
- Robinson Rd (SR 2416)
- Bud Wilson Rd (SR 2423)
- NC 274 (Union Rd)
- NC 279 (South New Hope Rd)
- NC 273 (Southpoint Rd)
- Dixie River Rd (SR 1155)
- I-485

In addition to the twelve new location build DSAs, the No-Build Alternative was retained to provide a baseline for comparison with the DSAs, in accordance with National Environmental Policy Act (NEPA) regulations (40 CFR Part 1502.14(d)) and FHWA guidelines (Technical Advisory T 6640.8A; Section V.E.1). The No-Build Alternative assumes that the transportation systems for Gaston and Mecklenburg counties would evolve as currently planned in their respective Long Range Transportation Plans, but without the Gaston East-West Connector or major capacity improvements to I-85 or to US 29-74. However, the No-Build Alternative would not meet the project's purpose and need.

Each of the build DSAs are toll alternatives and tolls would be collected by an electronic toll collection (ETC) system. There would be no cash toll booths.

## 1.5 Summary of Impacts

The Draft EIS provides detailed discussions of the project's anticipated impacts to the human, physical, cultural, and natural environments. The comprehensive impact summary table from the Draft EIS is included in **Appendix B**.

## 1.6 Recommended Alternative

Based on the information available to date, including the Draft EIS, the FHWA, NCTA, and NCDOT have identified DSA 9 as the Recommended Alternative in the Draft EIS. This alternative is comprised of Corridor Segments H2A-H3-J4a-J4b-J2c-J2d-JX4-J1e-J1f-K1A-K3A-K3B-K3C, as shown in **Figure S-1a-b** in **Appendix A**.

DSA 9 has been identified as the Recommended Alternative based on the following considerations. Please note this list is not in order of importance, but is organized by issues as they are presented in the Draft EIS. Also, this list does not represent all benefits or impacts of DSA 9, just those elements that differentiated DSA 9 when compared to the other DSAs.

### Cost and Design Considerations

- DSA 9 is one of the shortest alternatives at 21.9 miles (all alternatives range from 21.4 to 23.7 miles).
- DSA 9 has the second-lowest median total cost (\$1,282 million) (all alternatives range from \$1,281 million to \$1,378.4 million).

### Human Environment Considerations

- DSA 9 is one of the four DSAs with the fewest numbers of residential relocations at 348 residential relocations (the range being 326 to 384 residential relocations).
- Although DSA 9 is higher in the range of business relocations at 37 (the range being 24 to 40 business relocations), it would avoid impacts to Carolina Specialty Transport (provides transportations services to special needs groups) that would occur under DSAs 58, 64, 68, 76, 77 and 81.
- DSA 9 is in the middle of the range of total neighborhood impacts at 25 impacted neighborhoods (the range being 21 to 31 impacted neighborhoods).
- DSA 9 would have no direct impacts to schools. (DSAs 5, 23, and 27 also avoid direct impacts to schools.)
- DSA 9 would not require relocation of known cemeteries. (DSAs 27, 68, and 81 also would not require relocation of known cemeteries.)
- At Linwood Road, DSA 9 is one of three alternatives (DSAs 4, 5, and 9) that would avoid impacting either the Karyae Park YMCA Outdoor Family Center or the Pisgah Associate Reformed Presbyterian Church (part of the church property is also an historic site eligible for listing on the National Register of Historic Places).
- DSA 9 is one of the three alternatives (DSAs 4, 5, and 9) farthest from Crowders Mountain State Park.
- DSA 9 would avoid right-of-way requirements from Daniel Stowe Botanical Garden. (DSAs 4, 22, 27, 58, 68, 76, and 81 also avoid these right-of-way requirements.)
- DSA 9 would avoid the relocation of Ramoth AME Zion Church and cemetery, which is part of the Garrison Road/Dixie River Road community. (DSAs 4, 22, 27, 58, 68, 76, and 81 also avoid this church.)
- DSA 9 is one of the eight alternatives (DSAs 4, 9, 22, 27, 58, 68, 76, and 81) with the least amount of right of way required from future Berewick District Park in Mecklenburg County.

### Physical Environment Considerations

- DSA 9 is in the middle range of estimated numbers of receptors impacted by traffic noise at 245 receptors (the range being 204 to 309 impacted receptors).
- DSA 9 is one of the alternatives (DSAs 4, 5, 9, 22, 23, and 27) that would impact the least acreage of land in Voluntary Agricultural Districts. DSA 9 also is one that is expected to have the least indirect and cumulative effects to farmlands.
- DSA 9 is one of the alternatives with the fewest power transmission line crossings at 14 crossings (the range being 13 to 18).

### Cultural Resources Considerations

- DSA 9 is one of six alternatives (DSAs 4, 5, 9, 22, 23, and 27) that would not require right of way from the Wolfe Family Dairy Farm historic site. Selection of DSA 9 makes it more likely that, if the US 321 Bypass is constructed at some future time, the project would also avoid the Wolfe Family Dairy Farm historic site.
- DSA 9 is one of four alternatives (DSAs 5, 9, 23, and 27) with low to moderate potential to contain archaeological sites requiring preservation in place or complex/costly mitigation.

## Natural Resources Considerations

- DSA 9 is one of eight alternatives (DSAs 4, 9, 22, 27, 58, 68, 76, and 81) that would cross the South Fork Catawba River and the Catawba River where the rivers have been more affected by siltation and they are less navigable, and water-based recreation would be affected less than with DSAs that cross farther south.
- DSA 9 would impact the least amount of upland forested natural communities at 882 acres (all alternatives range from 882 to 1042 acres).
- DSA 9 is one of the alternatives (DSAs 4, 9, 22, and 76) having the lowest potential to indirectly affect upland wildlife species due to habitat fragmentation.
- DSA 9 is lower in the range of impacts to ponds at 4.1 acres (all alternatives range from 2.1 to 6.3 acres).
- DSA 9 is lower in the range of impacts to wetlands at 7.5 acres (all alternatives range from 6.9 to 13.2 acres).
- DSA 9 is lower in the range of impacts to perennial streams at 38,894 linear feet (all alternatives range from 36,771 to 50,739 linear feet).
- DSA 9 would have the fewest number of stream crossings at 91 (all alternatives range from 91 to 120 crossings).
- DSA 9 is one of eight alternatives (DSAs 5, 9, 23, 27, 64, 68, 77, and 81) that have a biological conclusion of No Effect relating to the federally endangered Schweinitz's sunflower.

## **2.0 Overview of Open Houses and Public Hearings**

Four Pre-Hearing Open Houses and two Corridor Design Public Hearings were held in June 2009. Formal presentations were made at the two Public Hearings by Steve DeWitt of the NCTA (June 23 and June 25) and David Bass of PBS&J (June 23) and Clint Morgan of PBS&J (June 25). Comment sheets were made available at all Pre-Hearing Open Houses and Public Hearings and through the project website. **Table 1** summarizes the public participation for each meeting.

In addition to the activities above, a Local Officials Meeting was held from 1:00 PM to 2:30 PM on June 22, 2009, at the Gaston County Police Department. All Pre-Hearing Open House materials were available for their review and a presentation was made by Steve DeWitt. This meeting was attended by 27 local officials.

**Table 1. Public Participation Summary for Pre-Hearing Open Houses and Public Hearings**

Date	June 22, 2009	June 23, 2009		June 24, 2009	June 25, 2009	
Type of Meeting	Pre-Hearing Open House	Pre-Hearing Open House	Public Hearing	Pre-Hearing Open House	Pre-Hearing Open House	Public Hearing
Components	Workshop and slide presentation	Workshop and slide presentation	Presentation and formal comment period	Workshop and slide presentation	Workshop and slide presentation	Presentation and formal comment period
Location	Gastonia Adult Recreation Center, Gastonia	Forestview High School, Gastonia	Forestview High School, Gastonia	Southpoint High School, Belmont	Olympic High School, Charlotte	Olympic High School, Charlotte
Time	2:30 – 6:30 PM	2:30 – 6:30 PM	7:00 – 10:15 PM	2:30 – 7:30 PM	2:30 – 6:30 PM	7:00 – 8:30 PM
Number of Attendees**	287	352	~700	191	57	85
Number of speakers (verbal comments)	N/A	N/A	53	N/A	N/A	29
Number of written comments received at workshop/hearing	25	59	Included with open house total	28	5	Included with open house total

\*\* Not including NCTA, NCDOT, FHWA and Consulting Staff in attendance. Number of attendees estimated based on those who registered on attendance sheets for the Pre-Hearing Open House and an approximate head count for the Public Hearings.

The Draft EIS comment period was from May 1, 2009 to July 21, 2009. As of midnight, July 22, 2009, a total of 256 written comment forms/letters/emails have been received, along with 7 resolutions and 3 petitions. There were 82 speakers at the Public Hearings (please note that there were seven people who spoke at both Public Hearings). They were counted as individual speakers at each meeting because they provided different comments at each Hearing). Comments are categorized as follows:

- 153 comment forms
- 63 emails
- 14 letters from citizens
- 7 comment letters from interest groups/organizations
  - Catawba Riverkeeper
  - Connect Gaston
  - Gaston Together
  - Ed Eason (citizen with strong interest in air quality)
  - Southeast Connector Coalition
  - Stopthetollroad.com (Mr. Bill Toole)
  - Southern Environmental Law Center
- 19 comment letters from federal, state, and local agencies
- 82 speakers from the two formal Public Hearings.
- 7 resolutions (all supporting the Garden Parkway)

- 3 petitions (*note: the petitions were not reviewed for duplicates or validity of signatures*)
  - Over 7,000 Signatures (Approximate) – Opposed to the Garden Parkway – submitted by Bill Toole of stopthetollroad.com
  - 275 Signatures – Opposed to the Garden Parkway – submitted by the Harrison Family.
  - 109 Signatures – Oppose Segment KX1 due to potential impact to Mt. Pleasant Baptist Church Cemetery– submitted by Barbara Hart. (*Segment KX1 not a part of DSA 9, the Recommended Alternative. However, Segment K3A, which is a part of DSA 9 has the same preliminary design footprint in the area of the Mt. Pleasant Baptist Church cemetery. A memo dated August 15, 2008, was sent to Ms. Hart describing impacts to the Mt. Pleasant Church property. The preliminary engineering designs would not impact the area of the cemetery where there are existing marked gravesites.*)

While selection of a Preferred Alternative is not by popular vote, it is noted that of the 153 comment forms and 63 emails received, 58 were specifically in favor of the project and/or selection of Detailed Study Alternative (DSA) 9, and 129 were specifically opposed to the project overall and/or selection of DSA 9. Please note that most comments received did not state a DSA preference, but the majority was against the project. Generally, of the public comments received, there were twice as many commenters who stated they opposed the project compared to those who supported the project.

Based on a review of the comments, listed below, in no specific order, are general issues that were found to be frequently stated in the comments received.

- A new connection across the river is needed.
- DSA 9 is a reasonable choice.
- The road will encourage needed economic development.
- The project should provide sidewalks at cross streets.
- Ending the project at US 321 will adversely impact traffic on this overcrowded roadway and will bring trucks through the historic York-Chester neighborhood.
- The Garden Parkway will only benefit developers and land owners, especially David Hoyle and Robert Pittenger.
- The Garden Parkway costs too much, and this money should be spent on education.
- The Garden Parkway is not the best use of taxpayer dollars.
- Air quality is bad in the region and this project will not help.
- The Garden Parkway will spur more development and urban sprawl. There will not be enough money to build schools and other facilities associated with development.
- This project will change the rural character of Gaston County that the residents have chosen.
- This road will be another Greenville, South Carolina, Toll Road.

### **3.0 SUMMARY OF PREVIOUS AGENCY COORDINATION MEETINGS**

Agency coordination meetings have been held throughout the project development process to receive comments on project studies, achieve concurrence points, and solicit issues and concerns from the Agency Coordination Team. The North Carolina Department of Transportation (NCDOT) held

meetings with the NEPA/404 Merger Team from 2002 through 2005 to achieve Concurrence Points 1 and 2.

The NCTA initiated regularly scheduled monthly meetings, referred to as Turnpike Environmental Agency Coordination (TEAC) meetings, to review the status of the current NCTA projects, environmental concerns, and permitting requirements. TEAC meetings regarding the Gaston East-West Connector have been held from 2006 through 2008. In addition, NCTA held two meetings to discuss the scope of the indirect and cumulative effects analysis (June 29, 2007, with US Fish and Wildlife Service (USFWS) and NC Wildlife Resources Commission (NCWRC), and July 26, 2007, with NC Division of Water Quality (NCDWQ)).

The first and second screenings of alternatives were originally discussed with the environmental resource and regulatory agencies through the NEPA/404 Merger 01 Process under the administration of the NCDOT. A series of eight meetings regarding project alternatives were held from February 2004 through September 2005, resulting in concurrence on the DSAs on September 20, 2005. At that time, three agencies (US Environmental Protection Agency [USEPA], [USFWS], and [NCWRC]) elected to abstain, rather than expressing concurrence or non-concurrence in the DSAs.

After the initial concurrence was achieved on the DSAs in September 2005, the FHWA and NCTA reevaluated the alternatives screening process in light of the project being determined a candidate toll facility and the receipt of updated travel demand forecasts. The FHWA and NCTA coordinated with the environmental resource and regulatory agencies on this reevaluation at several TEAC meetings held in January, June, and September 2007, and February, July, September and October 2008. The environmental resource and regulatory agencies confirmed concurrence on the DSAs at the October 2008 TEAC meeting, and the concurrence form is included in Appendix A-1 of the Draft EIS. The three agencies that previously had abstained, the USEPA, USFWS and NCWRC, concurred at this stage along with all the other cooperating and participating agencies.

**Table 2** is from Section 9.2 of the Draft EIS and provides summaries of the TEAC meetings held for the Gaston East-West Connector project.

**Table 2: Summary of Agency Coordination Meetings**

Meeting Date	Main Topic	Summary of Meeting
<b>NEPA/404 Merger Team Meetings held by NCDOT</b>		
05/15/02	CP 1 Purpose and Need	The preliminary Purpose and Need Statement was presented for discussion. Additional information was requested.
07/24/02	CP 1 Purpose and Need	The revised Purpose and Need Statement was presented and concurrence was achieved.
02/17/04	Pre-CP 2	Identified new location alternatives for which NCDOT should prepare functional designs prior to the new location CP 2 meeting.
08/17/04	Partial CP 2	The purpose of this meeting was to achieve concurrence on the non-new location alternatives to be carried forward for detailed study. Agreement on eliminating the Improve Existing Roadways Alternatives could not be reached, and the decision was made to follow the process outlined in the NEPA/404 Merger 01 Memorandum of Agreement (MOA) for elevating the decision.
09/14/04	Elevation Meeting #1	The Merger Team members attended. Concurrence was not achieved.
09/29/04	Elevation Meeting #2	The supervisors of the Merger Team members attended. Concurrence was not achieved.

**Table 2: Summary of Agency Coordination Meetings**

Meeting Date	Main Topic	Summary of Meeting
10/27/04	Elevation Meeting #3 (Review Board)	In accordance with the MOA, the Review Board met to discuss the project and the issues that the Merger Team had not reached consensus on. The Review Board consists of designated senior management from FHWA, NCDOT, USACE, and NCDENR.
02/08/05	Elevation Meeting #4 (Review Board)	The Review Board met to continue discussion of project issues.
Late June/Early July 2005	Elevation Meeting #5 (Review Board)	The Review Board met and signed the Partial CP 2 form eliminating all non-new location alternatives from further study.
09/20/05	CP 2 Meeting	The purpose of the meeting was to decide which of the 90 preliminary new location alternatives should be carried forward for further study. The preliminary new location corridors were narrowed to 16 DSAs (later reduced to 12 DSAs). The FHWA, NCDOT, USACE, NCDWQ, SHPO, GUAMPO, and MUMPO signed the CP 2 form. The USEPA, USFWS, and NCWRC chose to abstain from signing. An abstention in the NEPA/404 01 Merger process means an agency does not actively object to a concurrence milestone, but does not wish to sign the concurrence form. The agency agrees not to revisit the concurrence point subject to guidance on revisiting concurrence points contained in the NEPA/404 Merger 01 Memorandum of Agreement. Representatives of these agencies provided emails with their reasons for abstaining. These are included in <b>Appendix A-1</b> .
<b>TEAC Meetings and Indirect and Cumulative Effects (ICE) Scoping Meetings held by NCTA</b>		
12/15/06	TEAC - Project Status Update Meeting	This meeting was held to discuss Section 6002 Coordination Plans and to provide an update on the status of project-related studies.
01/25/07	TEAC - Project Status Update Meeting	The following topics were discussed: Section 6002 Coordination Plans, historic architecture resources, archaeological resources, bald eagle surveys, mussel surveys, wetland and stream surveys and mitigation, preliminary engineering designs, hydraulic studies, traffic operations analysis, geotechnical studies of the Allen Steam Station fly ash basin, schedule for design tasks, status of the project in the NEPA process, DSAs, traffic and revenue study, Charlotte-Douglas International Airport expansion, and mobile source air toxics (MSATs).
03/22/07	TEAC - Project Status Update Meeting	The purpose of this meeting was to provide updates on recently completed/ongoing environmental and technical studies, field verification meetings, and next steps toward Draft EIS. Completed surveys discussed were: bald eagles, wetlands and streams, biotic communities, historic architectural resources, and archaeological resources. The NCTA requested comments, issues, and concerns from the agencies regarding environmental issues related to the recently completed studies and ongoing studies.
06/20/07	TEAC - Project Status Meeting	Issues covered in this meeting included the decision to study toll-only alternatives in the Draft EIS, the completed Phase II historic resource surveys and the archaeological resource surveys, field verification meetings for wetlands, streams, and ponds, and other updates on special technical studies, indirect and cumulative effects assessment, engineering designs, community characteristics, and toll traffic forecasts. NCTA reviewed the GUAMPO's resolution to change the name of STIP Project U-3321 to the Garden Parkway.
06/29/07	Indirect and Cumulative Effects Scoping Meeting	This meeting was held with the USFWS and NCWRC to discuss the scope of the indirect and cumulative effects study.
07/26/07	Indirect and Cumulative Effects Scoping Meeting	This meeting was held with the NCDWQ to discuss the scope of the indirect and cumulative effects study.

**Table 2: Summary of Agency Coordination Meetings**

Meeting Date	Main Topic	Summary of Meeting
09/27/07	TEAC - Project Status Update	This meeting provided updates on recently completed and ongoing environmental technical studies, recent correspondence with Duke Energy Corporation supporting elimination of detailed study corridor segment K1D, and next steps toward the Draft EIS. The NCTA requested comments, issues and concerns from the agencies. Topics covered in the meeting included a summary of draft versions of the <i>Natural Resources Technical Report</i> (NRTR), a summary of findings from the <i>Draft Community Characteristics Report</i> (CCR), toll traffic forecasting studies, and information related to the Duke Power Allen Steam Station fly ash basin. The attendees agreed that DSAs containing Corridor Segment K1D (DSAs 6, 24, 65, and 78) should be eliminated from further study due to interference with critical operations at Allen Steam Station. Attendees included representatives from FHWA, USACE, USEPA, NCDWQ, NCWRC, USFWS, NCDOT, and NCTA.
12/17/07 12/18/07	TEAC - Project Site Visit	The purpose of the site visit was to review the various natural communities represented in the study area at locations requested by the resource agencies. Representatives from FHWA, NCDOT, USACE, USEPA, NCDWQ, and NCWRC attended the field tour over the two-day period.
02/05/08	TEAC - Approach to Discussing CP 2a	The primary purpose of this meeting was to discuss the approach to be taken to discuss CP 2a. The attendees agreed that it was acceptable to move forward with bridging decision discussions. Other items discussed were the Section 6002 Project Coordination Plan, updates to the draft versions of the <i>Purpose and Need Statement</i> and the <i>Alternatives Development and Analysis Report Addendum</i> , and planned Citizens Informational Workshops.
03/04/08	TEAC - CP 2a Discussion	The purpose of the meeting was to discuss information to achieve agreement/concurrence on the bridging decisions for streams and wetlands crossed by the DSAs (CP 2a).
04/08/08	TEAC - CP 2a Agreement	Agreement on bridging and alignment decisions for the DSAs was reached at this meeting. Attendees included representatives from FHWA, USACE, USEPA, USFWS, NCWRC, NCDOT, and NCTA.
07/07/08	TEAC - Indirect and Cumulative Effect Assessment and Other Issues	This meeting covered the analysis and results in the <i>Draft Indirect and Cumulative Effects Assessment (ICE), July 2008</i> . Also presented were the <i>Updated Purpose and Need Statement, June 2008</i> a discussion of items updated and added in the <i>Addendum to the Final Alternatives Development and Evaluation Report, July 2008</i> , an update on the status of the Section 6002 Coordination Plan for the project, and an announcement of upcoming Citizens Informational Workshops scheduled for August 2008.
09/23/08	TEAC - Section 6002 Coordination Plan, Comments on Reports, and Summary of Workshop Series #3 Comments	This meeting was held to provide the attendees a summary of the August 2008 Citizens Informational Workshop Series #3 and to discuss the updated <i>Purpose and Need Statement, June 2008</i> , the <i>Addendum to the Final Alternatives Development and Evaluation Report, July 2008</i> and the <i>Indirect and Cumulative Effects Assessment, July 2008</i> .
10/07/08	TEAC - Section 6002 Coordination Plan, Comments on Reports, and Signatures for CP 1, 2, and 2a	The Agency Coordination Team agreed to sign (or resign) CPs 1, 2, and 2a. There were no abstentions. The Section 6002 Coordination Plan was approved. There were no substantive comments on the <i>Purpose and Need Statement, June 2008</i> , or the <i>Addendum to the Final Alternatives Development and Evaluation Report, July 2008</i> The <i>Indirect and Cumulative Effects Analysis, July 2008</i> was discussed, with additional review time requested by the team.

Notes: CP – Concurrence Point

#### 4.0 MINIMIZATION EFFORTS AND IMPACT REDUCTIONS

The DSAs incorporate measures to avoid and minimize impacts to Waters of the United States and the Catawba River buffers. The horizontal alignment of the preliminary engineering designs was adjusted where possible to minimize or avoid impacts to streams, wetlands, and ponds.

The presence of wetlands and streams, and minimizing or avoiding impacts to these resources, was a factor in considering interchange configurations. Bridge lengths that were extended to maintain roadway and railway access adjacent to the Catawba River and South Fork Catawba River also avoided or minimized encroachment into Catawba River buffer areas.

To further address avoidance and minimization, the NCTA met with the environmental resource and regulatory agencies at TEAC Meetings on February 5, March 4, and April 8, 2008, to discuss bridging and alignment decisions for the DSAs' preliminary engineering designs (Concurrence Point 2a).

As a result of those meetings, there were no changes to the alignments of any of the DSAs. However, the NCTA agreed to include several bridges in the preliminary engineering designs, beyond those required to convey floodwaters, to avoid or minimize stream and wetland impacts. **Table 3** shows locations where bridges are recommended to avoid or minimize stream and wetland impacts, along with the estimated impact reduction associated with each bridge.

Based on the information in the table, the additional bridging along DSA 9 (Recommended Alternative) reduced stream impacts by 940 linear feet and wetland impacts by 1.5 acres.

**Table 3: Impact Reductions Associated with Bridge Crossings**

Crossing	DSA Segment and DSAs	Previously Proposed Structure	Proposed Structure	Impact Acreage (ac)/ Linear Feet (lf) as Previously Proposed
HD27 –Bessemer Branch	H2A DSAs 4, 5, 9, 22, 23, 27	Triple 7x10 ft Box Culvert	Bridge	340 lf
HD32 Stream S70	H2C DSAs 22, 23, 27	Bridge over Chapel Grove Rd	Lengthen Bridge to span stream	374 lf
HD17 Stream S79	HX2 DSAs 76, 77, 81	Bridge over Camp Rotary Rd	Lengthen Bridge to span stream	350 lf
HD48 Blackwood Creek (S135)	H3 DSAs 4, 5, 9	Triple 11x10 ft Box Culvert	Bridge	304 lf – S135 296 lf – S134
JB2 Crowders Creek (S14) and Wetland 103	J3 and J2a DSAs 22, 23, 27, 76, 77, 81	Bridge	Lengthen Bridge to span Wetland 103	1.7 ac (DSAs 22,23, 27) 1.9 ac (DSAs 76, 77, 81)
JD9 Stream S178	J1c DSAs 64, 68	Triple 7x10 Box Culvert	Bridge	478 lf
KD3 Catawba Creek (S259) and its buffers and Wetland W248	K3A 9, 27, 68, 81	Bridge	Lengthen Bridge to span wetland W248 (also avoids buffers on east side of creek)	1.5 ac
KD17 Catawba Creek (S259) and its buffers and Wetland W248	K1B 5, 23, 64, 77	Bridge	Lengthen Bridge to span wetland W248 (also avoids buffers on east side of creek)	1.2 ac

## 5.0 SUMMARY OF COMMENTS RECEIVED RELATED TO THE DRAFT EIS AND SELECTION OF THE PREFERRED ALTERNATIVE

This section discusses substantial as well as other comments relative to the Draft EIS and/or selection of the Preferred Alternative. Comments received from state and federal agencies, local governments, and interest groups and organizations during the comment period for the Draft EIS are included in **Appendices C, D, and E**, respectively. Substantive comments received are grouped under ten categories as listed in **Table 4**.

As of August 5, 2009, no written comments were received from the USACE, a cooperating agency. USACE received four comment letters in response to their Section 404 public notice. Letters were received by the USACE from Mr. John Medlin, Ms. Heather Pierce, Mr. Bill Toole, and the Southern Environmental Law Center (SELC). Comments from these letters are summarized in **Appendix F**. These four commenters also sent letters to the NCTA. The letter from SELC was the same as the letter sent to the NCTA. The letters from Mr. Medlin, Ms. Pierce, and Mr. Toole were slightly different. All relevant comments from these letters are included in **Table 4** below.

**Table 4. Summary of Comments Related to the Draft EIS and Selection of the Preferred Alternative**

Topic	Comments
Purpose and Need (comments received only from the public on this topic)	<ul style="list-style-type: none"> <li>• The project will not improve traffic flow on I-85, US 321, US 29 and US 74, and it may increase congestion in the future.</li> <li>• The stated need to connect southern Gaston County and western Mecklenburg County is not supported by quantifiable data.</li> <li>• The Draft EIS fails to show that an additional bridge over the Catawba River would respond to any existing mobility need south of the existing bridges.</li> <li>• NCTA cannot reconcile its mandate to build specific toll road projects with federal law.</li> <li>• Rather than identifying an underlying purpose that the project might fulfill, the Draft EIS restates the specific project design that meets the NCTA's mandate to build the Garden Parkway toll road. The resulting project purpose is too narrow to support consideration of the reasonable range of alternatives required by NEPA.</li> </ul>
Travel Times and Traffic Forecasts	<ul style="list-style-type: none"> <li>• The Draft EIS traffic projections predict that the new toll highway would cause further traffic congestion on much of I-85 and US 29/74.</li> <li>• The Draft EIS presents inflated estimates of traffic volumes in the project area which make the need for the connector seem greater than it is.</li> <li>• There appears to be little to no change in travel time savings from most of Gaston County and the project study area.</li> </ul>
Range of Alternatives	<ul style="list-style-type: none"> <li>• The Draft EIS disregards the TSM and Mass Transit Alternatives and did not provide a full range of reasonable alternatives.</li> <li>• Objectives could be reached by improvements to I-85 (including widening and HOT lanes), interim TSM approaches to US 29 and US 74, and other combinations of transportation improvements.</li> <li>• The Draft EIS did not consider improvements to the area's transit and freight rail facilities as an alternative.</li> <li>• The Draft EIS does not address how a combination of alternatives might be able to meet purpose and need.</li> <li>• The Draft EIS should have studied ending the project at US 321 if that is an interim phase.</li> <li>• The decision to study only toll alternatives in the EIS is not consistent with the CEQ regulations at 40 CFR 1502.14(a) and (c). The EIS might have also considered a comparison with a freeway.</li> </ul>

**Table 4. Summary of Comments Related to the Draft EIS and Selection of the Preferred Alternative**

Topic	Comments
Air Quality	<ul style="list-style-type: none"> <li>• Prior to issuance of the FEIS and ROD, NCTA should demonstrate that the new location project will be included in an approved SIP and will be in conformity.</li> <li>• The Draft EIS does not address quantitative air quality impacts as they relate to Mobile Source Air Toxics.</li> <li>• The Draft EIS does not offer any mitigation measures to address the project’s impact on air quality, specifically concerning MSAT emissions exposure at schools, hospitals, parks, etc.</li> <li>• The EIS should address greenhouse gas emissions.</li> </ul>
Water Quality and Jurisdictional Resources	<ul style="list-style-type: none"> <li>• Concerns about sediment and erosion impacts that could result from this project. Erosion control measures should adhere to the Design Standards in Sensitive Watersheds.</li> <li>• The possible effects of storm water runoff associated with this project could negatively affect the project area.</li> <li>• Concerns about the amount of mitigation needed and that it will not be available in the area; every effort should be made to further avoid and minimize impacts to streams and wetlands and to provide on-site mitigation. Mitigation should focus on improving degraded streams in the area.</li> <li>• Direct impacts to existing 303(d) listed impaired streams and other waters at risk from further degradation have not been fully addressed from the standpoint of avoidance and minimization (e.g. right of way and median widths, shoulder widths, etc.).</li> <li>• A conceptual mitigation plan should be provided in the Final EIS, with information about on-site mitigation opportunities.</li> </ul>
Indirect and Cumulative Effects	<ul style="list-style-type: none"> <li>• The Draft EIS has no specific discussion of mitigation for indirect and cumulative impacts.</li> <li>• There are no quantitative data presented in the Draft EIS concerning potential ICE to wetlands, streams, water quality and wildlife habitat.</li> <li>• A quantitative ICE analysis should be prepared for the Preferred Alternative.</li> <li>• The Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality should be consulted when developing mitigation measures.</li> </ul>
Wildlife	<ul style="list-style-type: none"> <li>• Negative impacts to terrestrial resources and wildlife, including fragmentation of terrestrial habitat, are a significant concern.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>• The Draft EIS missed the subject of historic Stowesville, Stowes Factory, Gaither Mill, Stowesville Cemetery, and the old Methodist church.</li> </ul>
Community Characteristics	<ul style="list-style-type: none"> <li>• EJ populations would receive a higher percent of impact from the new facility in terms of air quality and noise impacts, but would not necessarily receive a proportionate benefit from the project due to potential toll costs.</li> </ul>
Farmland	<ul style="list-style-type: none"> <li>• The Draft EIS does not offer any potential avoidance and minimization measures to potentially reduce impacts to farmlands.</li> <li>• Concerns about the availability of replacement property for farms that need to be relocated.</li> </ul>

The following additional studies will be completed and discussed with agencies prior to completing the Final EIS:

- Updated traffic forecasts.
- Findings of detailed archaeological field surveys.
- Mainline and crossroad design refinements and associated changes in right of way and impacts in response to comments on the Draft EIS, as well as addition and modification of service roads.
- Additional indirect and cumulative effects analysis, including quantitative land use study for the Preferred Alternative.

- Conceptual mitigation plan, including options for onsite mitigation.
- Update on GUAMPO LRTP and MUMPO LRTP updates and Metrolina region air quality conformity.

## 5.1 Responses to Generalized Comments on Purpose and Need

**Comment:** *The project will not improve traffic flow on I-85, US 321, US 29 and US 74, and it may increase congestion in the future.*

**Response:** Traffic forecasts and operations and regional travel demand statistics are described in detail in Appendix C of the Draft EIS and in Section 2.2.6.3 (Improve Existing Roadways Alternatives) and Section 2.2.7.2 (New Location Alternatives) of the Draft EIS. Appendix C includes forecasts and operations analyses for I-85, US 321, and US 29-74.

As discussed in these sections, the Improve Existing Roadways Alternatives that include widening I-85 would achieve only minimal improvements to traffic flow on I-85. A widened I-85 (widened to 8-10 lanes) would continue to operate at LOS E and F in 2030. Most improvements to traffic flow achieved by increasing capacity would be offset by the increase in traffic volumes attracted to the facility. As shown in Table C-2 of Appendix C of the Draft EIS, an improved I-85 would attract an additional 17 percent more vehicles per hour than the No-Build scenario. On the other hand, a New Location Alternative would reduce traffic volumes on I-85 primarily from NC 279 eastward compared to the No-Build Alternative, although levels of service would remain at LOS E or F in 2030. More importantly, however, the New Location Alternative provides an additional east-west route between Gaston and Mecklenburg Counties that would operate at LOS C or better, which is a traffic flow benefit that cannot be achieved under either the Improve Existing Roadways Alternatives or the No-Build Alternative.

Levels of service along US 29-74 west of McAdenville would primarily be a LOS D or better and fall to LOS F east of McAdenville. This would be true for both the No-Build and New Location Alternatives. Along US 321, levels of service will be similar for all options; however, the New Location Alternative may result in higher traffic volumes along US 321, south of the proposed alignment, as vehicles use US 321 to access the New Location Alternative.

In considering regional statistics, comparisons of congested vehicle miles traveled (VMT) and congested vehicle hours traveled (VHT) between the No-Build Alternative, Improve Existing Roadway Scenario 4, and New Location Alternative (Toll Scenario) are made in Table C-1 of Appendix C of the Draft EIS. The year 2030 congested VMT and congested VHT are highest for the Improve Existing Roadways Alternative. The New Location Alternative (Toll Scenario) and the No-Build Alternative result in about the same congested VMT and VHT, with the New Location Alternative Toll Scenario performing slightly better, even with the expanded mobility and additional roadway capacity provided by the project.

In conclusion, while existing and future deficiencies of I-85 and US 29-74 are acknowledged in the Draft EIS, improving these specific roadways are not identified as purposes for this project. The project purpose 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 western Mecklenburg County. The Draft EIS adequately demonstrates that improving I-85 or other area roadways cannot effectively meet this project purpose.

**Comments:** 1) The stated need to connect southern Gaston County and western Mecklenburg County is not supported by quantifiable data. 2) The Draft EIS fails to show that an additional bridge over the Catawba River would respond to any existing mobility need south of the existing bridges.

**Response:** The need to connect southern Gaston County and western Mecklenburg County is supported by the local land use plans and long range transportation plans and demonstrated by travel demand modeling. Appendix B of the Draft EIS shows the Gaston Urban Area Metropolitan Planning Organization's (GUAMPO's) population projections for 2010, 2020 and 2030 from the 2030 Long Range Transportation Plan (LRTP). These indicate substantial increases in population in the southern half of Gaston County will occur. Mecklenburg County is projected to continue to be the economic and employment center of the region. Residential growth projected in southern Gaston County and residential and employment growth in western Mecklenburg County will continue to increase demand for improved connectivity and east-west mobility since there is a lack of east-west routes in southern Gaston County and a lack of connections to Mecklenburg County.

**Comments:** 1) NCTA cannot reconcile its mandate to build specific toll road projects with federal law. 2) Rather than identifying an underlying purpose that the project might fulfill, the Draft EIS restates the specific project design that meets the NCTA's mandate to build the Garden Parkway toll road. The resulting project purpose is too narrow to support consideration of the reasonable range of alternatives required by NEPA.

**Response:** The project purpose is stated in Section 1.3 of the Draft EIS: "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 western Mecklenburg County."

Criteria used in the alternatives evaluation to determine whether a particular alternative concept would meet the project purpose are listed in Section 2.2.1 of the Draft EIS:

- Reduce travel distance and/or travel times between representative origin/destination points within southern Gaston County and between southern Gaston County and Mecklenburg County.
- Provide a transportation facility that would operate at acceptable levels of service (generally LOS D or better on the mainline) in the design year 2030 for travel between Gaston and Mecklenburg County.
- Reduce congested vehicle miles traveled and/or congested vehicle hours traveled in Gaston County compared to the No-Build Alternative in 2030.

This project purpose does not include any statements that the purpose of the project is to construct a toll facility.

A variety of alternatives could meet the criteria stated above. In accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1502.14) and FHWA guidance and regulations (FHWA Technical Advisory T6640.8A, 1987 and 23 CFR 771.123), a reasonable range of alternatives, including non-toll alternatives, were evaluated in Chapter 2 of the Draft EIS as well as the *Addendum to the Final Alternatives Development and Analysis Report* (October 2008) and eliminated for a variety of reasons, as documented in that chapter.

## 5.2 Responses to Generalized Comments on Travel Times and Traffic Forecasts

**Comments:** 1) *The Draft EIS traffic projections predict that the new toll highway would cause further traffic congestion on much of I-85 and US 29/74, 2) The Draft EIS presents inflated estimates of traffic volumes in the project area which make the need for the connector seem greater than it is, and 3) There appears to be little to no change in travel time savings from most of Gaston County and the project study area.*

**Response:** In response to the first comment, please refer to the first comment/response under Responses to Generalized Comments on Purpose and Need.

The comment regarding inflated traffic volumes in the project area refers to volumes reported for the existing year 2006 in the Draft EIS as compared to traffic counts prepared by the North Carolina Department of Transportation Transportation Planning Branch's Traffic Survey Group. The commenters point out that the traffic volumes reported for I-85, US 321, and US 29-74 in the Draft EIS are sometimes different, usually greater, than actual counts for the years 2006 and 2007.

At the time traffic forecast efforts began, NCTA's consultants obtained the approved Metrolina Travel Demand Model for the 13-county region surrounding Charlotte which was used to develop the traffic forecasts for the project. Traffic forecasting methodologies and results are documented in the *Traffic Forecasting for Toll Alternatives* (MAB – August 2008). The version of the model used to perform the project forecasts was calibrated based on known traffic volumes for the base year 2000, with the model providing forecasts for years 2010, 2020, and 2030. Volumes for the project's base year of 2006 were obtained by interpolating between the calibrated base year 2000 and the forecast year 2010. Since the travel demand model was calibrated to 2000 traffic volumes, it can be expected that actual counts for any given subsequent year could vary at some locations. A comparison of the model's 2006 results (Existing Conditions scenario) with actual 2006 traffic counts along I-85 show that there is reasonably good correlation between the modeled and measured values for most of the study area. Measured volumes are lower by about 7 percent or less west of Exit 26 (Belmont Mount Holly Road), and lower by about 10-11 percent east of Exit 26. The model may have projected more robust growth rates for the period 2000-2010 than what has actually occurred up to 2006, resulting in lower actual traffic counts compared to forecasted values.

In conclusion, it could be expected that variations in economic and other conditions and swings in growth rates would normalize over the course of the 30-year forecast. The majority of the analyses reported in the Draft EIS, in particular those used to compare alternatives, were based on the 2030 forecasts, not the 2006 forecasts, and are reasonable values to use in the planning process.

Regarding travel times, two types of travel times are reported in the Draft EIS. One is the origin and destination travel time estimate, reported in the Draft EIS in Section C.2 of Appendix C. The other type is an average change in travel time and this is discussed in Section 7.5.1 of the Draft EIS. Both are different outputs from the approved Metrolina Regional Travel Demand Model that were used to forecast traffic for the proposed project.

The origin/destination travel time savings estimates are comparisons between the No-Build Alternative for the year 2030 and the New Location Alternative (Toll Scenario) for the year 2030. These travel times would not necessarily correlate to travel times experienced today. As shown in Table C-4 in Appendix C of the Draft EIS, travel time savings under the New Location Alternative for trips within Gaston County are greatest (8-9 minutes) for trips starting and ending in southern

Gaston County, reflecting the increased mobility the proposed project would provide within southern Gaston County. For trips between southern Gaston County and western Mecklenburg County, the travel time savings would be greater, ranging from 9-28 minutes depending on origin and destination (Table C-5 in Appendix C of the Draft EIS). These time savings are representative of these specific trips. Travel times of other trips within the project study area may vary.

The second type of travel time reported is described in Section 7.5.1 of the Draft EIS. This travel time (an output from the Metrolina Regional Travel Demand Model) is an overall travel savings experienced by ALL trips in a particular traffic analysis zone (TAZ), whether those trips actually use the proposed project or not. (*Note: A TAZ is a delineated area used for tabulating traffic-related data often corresponding to US Census tract and block group boundaries. The boundaries typically follow physical features such as streets, rivers, or canals and are updated as part of the decennial census.*) Since this reported value includes many types of trips (through trips, local trips, trips that use the proposed project, trips that do not use the project, home-to-work trips, home-to-shopping trips, etc.), it would not be expected to show such dramatic savings as specific origin/destination pairs. These calculations of average travel time savings provide a basis for assessing the overall effect of the project on travel times in each TAZ and help to show locations that would experience increase mobility. They do not represent travel time savings for specific origin/destination pairs and would be expected to be smaller values. Results from this type of analysis show that average travel time savings would be greatest for areas immediately surrounding the project in Gaston and Mecklenburg Counties, then areas extending south into York County, South Carolina.

In conclusion, the travel time savings in 2030 realized by constructing the proposed project compared to the No-Build Alternative would be substantial for many specific origin/destination pairs, and the project also would have an effect on overall average travel times for trips throughout the project study area.

### 5.3 Responses to Generalized Comments on Range of Alternatives

**Comments:** 1) *The Draft EIS disregards the TSM and Mass Transit Alternatives and did not provide a full range of reasonable alternatives, 2) Objectives could be reached by improvements to I-85 (including widening and HOT lanes), interim TSM approaches to US 29 and US 74, and other combinations of transportation improvements, 3) The Draft EIS does not address how a combination of alternatives might be able to meet purpose and need, and 4) The Draft EIS did not consider improvements to the area's transit and freight rail facilities as an alternative.*

**Response:** In accordance with 40 CFR 1502.14(a), agencies are required to: “*Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated*”. The Draft EIS (Section 2.2) evaluated the full range of alternatives as required by 23 CFR 771.123(c) and as suggested by FHWA Technical Advisory T66430.8.A (October 1987) when considering improvements to the transportation system. The Draft EIS discusses TSM and Mass Transit Alternatives in Draft EIS Sections 2.2.3 and 2.2.5, respectively. Combination alternatives also are addressed in Section 2.2.5.

None of these alternatives were determined to meet the project's purpose and need. TSM and TDM alternatives were eliminated because they would not noticeably improve mobility, access, or connectivity within southern Gaston County, nor between southern Gaston County and western Mecklenburg County. The Mass Transit Alternative, using expanded bus service on existing roadways or expanded rail service on the existing rail line near I-85, was eliminated from further

study because it would not establish direct connectivity within southern Gaston County or between southern Gaston County and western Mecklenburg County. The Mass Transit Alternative including bus rapid transit or light rail on new alignment could provide connectivity within southern Gaston County and between southern Gaston County and west Mecklenburg County and provide shorter travel times or distances for the transit users. However, the Mass Transit Alternative on new alignment would carry a much lower volume of trips than a new highway facility and would be ill-suited to the dispersed low-density land uses in southern Gaston County (resulting in even less trips). The resulting lower volume of trips accommodated would not noticeably reduce vehicle miles traveled and/or congested vehicle hours traveled in Gaston County compared to the No-Build Alternative.

The ability of Improve Existing Roadway Alternatives to meet the project purpose and need are addressed in the Draft EIS Section 2.2.6. See also the first comment under Responses to Generalized Comments on Purpose and Need.

The environmental resource and regulatory agencies and the public were afforded opportunities to review and provide input throughout the alternatives development and screening analysis process. All environmental resource and regulatory agencies participating in the Turnpike Environmental Agency Coordination (TEAC) meetings signed a concurrence form in October 2008 concurring on three points: the Purpose and Need (Concurrence Point 1), Bridging and Alignment Decisions (Concurrence Point 2a) and the Detailed Study Alternatives to be carried forward in the Draft EIS (Concurrence Point 2). This concurrence form is included in Appendix A-1 in the Draft EIS.

Recent work by NCDOT on the Piedmont and Northern Railway corridor, which is a rail corridor north of I-85, was mentioned in a comment. The Piedmont and Northern Railway corridor is located in Gaston and Mecklenburg Counties. At this time, the corridor in Gaston County is inactive. Portions of the corridor in Mecklenburg County are active, except for the Cedar Yard terminus near uptown Charlotte, which is inactive. The corridor is approximately 16 miles long. It begins in downtown Gastonia and runs north of I-85 through Ranlo, Lowell, and Mount Holly. It crosses the Catawba River just south of the NC 27 crossing of the river. The corridor then swings south to end at South Cedar Street, just east of I-77. There is a spur that runs south from the corridor and ties into downtown Belmont. The NCDOT acquired the inactive Piedmont and Northern mainline corridor in 1991.

There has been some interest in reactivating this line for short line freight service. Section 26.1 of Session Law 2008-191 (House Bill 2431) directed NCDOT to study the Piedmont and Northern Railway line in Gaston County to determine the cost to bring the full line into operation. The resulting report to the Joint Legislative Transportation Oversight Committee: *Cost to Reactivate Piedmont and Northern Rail Line* (January 15, 2009) (available for download at [www.bytrain.org/quicklinks/reports/P&N\\_Report\\_15Jan08.pdf](http://www.bytrain.org/quicklinks/reports/P&N_Report_15Jan08.pdf)) describes the improvements that would need to be made to the rail line and corridor in order to provide freight service and also possible future passenger rail service. At this time, “freight service is anticipated only on the 11.6 mile segments from Mount Holly to Gastonia and the northernmost 1.5 miles of the Belmont Spur” as documented in *Cost to Reactivate Piedmont and Northern Rail Line* (January 15, 2009).

Following the report to the legislature, a federal Categorical Exclusion (CE) for reactivation of the Piedmont and Northern Railroad Corridor for freight service was signed by FHWA on July 9, 2009. The proposed action identified in the CE is reactivation of freight rail service between Mount Holly and Gastonia and along the Belmont Spur to the north of Belmont/Mount Holly Road (SR 2093). The CE states: “At the time of this document, there are no plans in the foreseeable future to implement

passenger rail service on any portion of the corridor. Passenger service would be covered under a separate document process if determine feasible.”

Future passenger service on the Piedmont and Northern Rail corridor could provide additional transportation options between Gaston County and Mecklenburg County and could benefit the region’s transportation network, but it would not meet the Gaston East-West Connector purpose and need for the reasons listed for the Mass Transit Alternative in Section 2.2.5.1 of the Draft EIS. It would not improve mobility within southern Gaston County because it is located north of I-85. It would not improve connectivity between southern Gaston County and western Mecklenburg County because the Piedmont and Northern Rail corridor crosses the Catawba River in Mount Holly, just south of NC 27. It also would not reduce congested vehicle miles or congested vehicle hours traveled in Gaston County because it is not anticipated to attract enough trips to make a noticeable difference in traffic volumes on area roadways.

The Final EIS will include an update on the Mass Transit Alternative discussion as it relates to the current status of the Piedmont and Northern Rail corridor studies.

**Comment:** *The Draft EIS should have studied ending the project at US 321 if that is an interim phase.*

**Response:** The proposed project is included in the 2030 LRTP for the GUAMPO area as starting at I-85 and continuing eastward to the Mecklenburg County line. The GUAMPO plans to include the entire proposed project as a toll facility in its next update to the LRTP. US 321 was announced by the NCTA as a potential interim western project terminus during discussions with the public and local officials about funding. Like many large roadway projects in North Carolina, the Gaston East-West Connector would need to be constructed and funded in phases. US 321 was identified as a potential terminus based on information available at the time regarding project costs, potential available funding, and traffic forecasts. The highest travel demand is projected along the eastern segments of the proposed project. The ultimate project extends from I-485 in Mecklenburg County to I-85 west of Gastonia, and this is the project NCTA intends to eventually construct as soon as financing can be obtained. This will be clarified in responses to comments included in the Final EIS.

**Comment:** *The decision to study only toll alternatives in the EIS is not consistent with the CEQ regulations at 40 CFR 1502.14(a) and (c). The EIS might have also considered a comparison with a freeway.*

**Response:** The regulations at 40 CFR 1502.14(a) and (c) are:

In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.

Alternatives for the project were rigorously explored and evaluated, as documented in the *Addendum to the Final Alternatives Development and Evaluation Report for the Gaston East-West Connector* (October 2008) and summarized in Chapter 2 of the Draft EIS. A Mass Transit Alternative, which would not be within the jurisdiction of the FHWA, NCDOT, nor NCTA, was included in the

evaluation. Environmental resource and regulatory agencies signed a concurrence form in October 2008 concurring with the Detailed Study Alternatives identified for the project.

The current NCDOT 2009 – 2015 State Transportation Improvement Program (STIP) includes the project as a toll facility, and traditional (non-toll) transportation funding for this project is not likely in the foreseeable future. GUAMPO, as part of the metropolitan planning process, has decided to allocate the limited available federal and state funds to other projects. In September of 2000, the GUAMPO TAC passed a resolution stating that it supports the use of alternative funding methods, including payment by toll.

Based on preliminary traffic and revenue forecasts, the NCTA determined that the Gaston East-West Connector is financially feasible with the collection of tolls. Using tolls, the NCTA can provide the funding and construct the project many years earlier than with traditional funding sources. Using tolls as the funding mechanism for construction and maintenance allows needed capacity to be added when budget shortfalls would otherwise prevent or delay completion of critical projects.

#### **5.4 Responses to Generalized Comments on Air Quality**

***Comment:** Prior to issuance of the Final EIS and ROD, NCTA should demonstrate that the new location project will be included in an approved SIP and will be in conformity.*

**Response:** On May 8, 2009, USEPA published a Finding of Failure to Submit State Implementation Plans (SIP) for the Charlotte area in the Federal Register. The state has 24 months from this finding to make a SIP submittal and obtain USEPA approval. The NC Department of Environment and Natural Resources Division of Air Quality (NCDENR-DAQ) intends to submit a SIP in November 2009.

Because the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) and the Gaston Urban Area Metropolitan Planning Organization (GUAMPO) did not complete an update to their respective Long Range Transportation Plan (LRTPs) and conformity determinations by May 3, 2009, and June 30, 2009, respectively, and because the region does not have an approved SIP, the Metrolina region is currently in a Conformity Lapse Grace Period (CLGP). In discussions with MUMPO and GUAMPO, it is anticipated that the Metrolina region will be able to avoid moving into a conformity lapse status, which would begin one year after the start of the CLGP.

As explained in the FHWA/FTA memorandum – *Clarification of Transportation Conformity Requirements for FHWA/FTA Projects Requiring Environmental Impact Statements* (May 20, 2003), an approved SIP and a modified LRTP and conformity determination that is consistent with the project as proposed must be in place prior to the issuance of the Record of Decision (ROD) for this project.

FHWA cannot issue a ROD for this project until the LRTPs are updated and there is an approved SIP for the Metrolina region. The absence of either of these events will result in a project delay until these approvals are obtained.

***Comment:** The Draft EIS does not address quantitative air quality impacts as they relate to Mobile Source Air Toxics (MSATs). The Draft EIS does not offer any mitigation measures to address the project's impact on air quality, specifically concerning MSAT emissions exposures at schools, hospitals, parks, etc.*

**Response:** The MSAT analysis was conducted in accordance with the Federal Highway Administration Interim Guidance on Air Toxic Analysis in NEPA Documents dated February 3, 2006. The interim guidance establishes three levels of review:

- No analysis for projects with no potential for meaningful MSAT effects;
- Qualitative analysis for projects with low potential MSAT effects; or
- Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects.

Projects requiring a quantitative analysis include projects that have the potential for meaningful differences among project alternatives. To fall into this category, projects must:

- Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location; or
- Create new or add significant capacity to urban highways such as interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the annual average daily traffic volumes (AADT) are projected to be in the range of 140,000 to 150,000, or greater, by the design year; and also
- Be proposed to be located in proximity to populated areas, or in rural areas in proximity to concentrations of vulnerable populations (i.e., schools, nursing homes, hospitals).

The project would not qualify as requiring a quantitative analysis because it would not significantly alter a major intermodal facility, nor would the AADT be in the range of 140,000 to 150,000.

The overall approach applied in the MSAT guidance characterizes the trend in MSAT emissions and the difference in MSAT emissions between alternatives, but does not attempt to characterize health risks or microscale impacts, due to the uncertainty associated with available analysis tools. In late 2007, the US District Court in the Southern District of Maryland upheld this approach in ruling on a challenge to the Inter-County Connector project, stating that “the Defendants’ methodology was reasonable and should be upheld . . . Defendant’s failure to consider Plaintiffs’ approach to the health effects analysis, which could be ascertained, if at all, only through uncertain modeling techniques, did not preclude informed decision-making under NEPA.”

**Comment:** *The EIS should address greenhouse gas emissions.*

**Response:** From a policy standpoint, FHWA’s current approach on the issue of global warming is as follows. On April 2, 2007, the Supreme Court issued a decision in Massachusetts et al v. USEPA that the USEPA does have authority under the Clean Air Act to establish motor vehicle emissions standards for CO<sub>2</sub> emissions. However, the Court’s decision did not have any direct implications on requirements for developing transportation projects.

On April 24, 2009, in response to the Supreme Court’s decision in Massachusetts et al v. USEPA, the USEPA issued a proposed finding in the Federal Register (Volume 74, No. 78, page 18886) that “atmospheric concentrations of greenhouse gases endanger public health and welfare within the meaning of Section 202(a) of the Clean Air Act.” This finding is proposed specifically for six greenhouse gases that “together constitute the root of the climate change problem: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.” The USEPA also proposed to find that the “combined emissions of carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons from new motor vehicles and new motor vehicle engines are contributing to this

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mix of greenhouse gases in the atmosphere.” However, this finding, if finalized, would not include standard-setting rulemaking to establish standards, criteria, or thresholds regarding greenhouse gas emissions. As of August 25, 2009, the USEPA continues to accept public comment on this proposed finding, even though the public comment period ended June 23, 2009.

FHWA does not believe it is informative at this point to consider greenhouse gas (GHG) emissions in a Draft EIS for an individual road construction project, such as the Gaston East-West Connector. The climate impacts of CO<sub>2</sub> emissions are global in nature. Analyzing how alternatives evaluated in a Draft EIS might vary in their relatively small contribution to a global problem will not better inform decisions. Further, due to the interactions between elements of the transportation system as a whole, emissions analyses would be less informative than ones conducted at regional, state, or national levels. Because of these concerns, FHWA concludes that CO<sub>2</sub> emissions cannot usefully be evaluated in this Draft EIS in the same way that other vehicle emissions are addressed.

FHWA is actively engaged in many other activities with the DOT Center for Climate Change to develop strategies to reduce transportation’s contribution to GHGs—particularly CO<sub>2</sub> emissions—and to assess the risks to transportation systems and services from climate change. FHWA will continue to pursue these efforts as productive steps to address this important issue. FHWA will review and update its approach to climate change at both the project and policy level as more information emerges and as policies and legal requirements evolve.

Lastly, it is important to note that while the Gaston East-West Connector project will provide new road capacity, the new capacity will be priced (tolled), which serves as a demand management tool in addition to providing needed project financing. The traffic forecasting for this project shows that the Gaston East-West Connector project would result in some increases in both vehicle-miles traveled (VMT) and vehicle-hours traveled (VHT) within the project study area. Because VMT and VHT are correlated with GHG emissions, this data suggests that the Gaston East-West Connector project may marginally increase GHG emissions in the project study area. This potential increase in GHG emissions would be insignificant on a global scale, but is noted here for informational purposes in connection with the comments concerning GHG emissions and climate change.

## **5.5 Responses to Generalized Comments on Water Quality and Jurisdictional Resources**

***Comments:** 1) Concerns about sediment and erosion impacts that could result from this project. Erosion control measures should adhere to the Design Standards in Sensitive Watersheds, 2) The possible effects of storm water runoff associated with this project could negatively affect the project area.*

**Response:** As discussed in Draft EIS Section 6.2.4, an erosion and sedimentation plan will be developed for the Preferred Alternative prior to construction in accordance with all applicable regulations and guidance. The FHWA, NCTA, and NCDOT will work with the permitting agencies to determine the appropriate best management practices to implement for the project.

A quantitative indirect and cumulative effects (ICE) analysis also will be prepared for the Preferred Alternative and the land use analysis results will be reported in the Final EIS. The ICE analysis also will address water quality issues for purposes of the required Section 401 Water Quality Certification.

**Comments:** 1) Concerns about the amount of mitigation needed and that it will not be available in the area; every effort should be made to further avoid and minimize impacts to streams and wetlands and to provide on-site mitigation. Mitigation should focus on improving degraded streams in the area, 2) A conceptual mitigation plan should be provided in the Final EIS, with information about on-site mitigation opportunities.

**Response:** The FHWA, NCTA, and NCDOT intend to use the NC Ecosystem Enhancement Program (EEP) for most project mitigation needs. Over the past several years, NCTA has been coordinating with EEP regarding this project and projected mitigation needs. A conceptual mitigation plan will be prepared and described in the Final EIS. The conceptual mitigation plan will include an evaluation of on-site mitigation opportunities.

**Comment:** Direct impacts to existing 303(d) listed impaired streams and other waters at risk from further degradation have not been fully addressed from the standpoint of avoidance and minimization (e.g. right of way and median widths, shoulder widths, etc.).

**Response:** As stated in the Section 6002 Coordination Plan for the Gaston East-West Connector Project, this study, to the extent possible, will follow the environmental review process consistent with the requirements for "Projects on New Location" as described in the Section 404/NEPA Merger 01 Process Information. The Merger process requires Concurrence Point 4a (avoidance and minimization) must be achieved after Concurrence Point 3 (identification of LEDPA). The FHWA, NCTA, and NCDOT will continue working with the environmental resource and regulatory agencies to achieve these concurrence points. The NCTA held a design workshop on August 26, 2009, to consider design changes that would reduce impacts and costs. The environmental resource and regulatory agencies were invited to this meeting.

## 5.6 Responses to Generalized Comments on Indirect and Cumulative Effects and Wildlife

**Comments:** 1) The Draft EIS has no specific discussion of mitigation for indirect and cumulative impacts, 2) There are no quantitative data presented in the Draft EIS concerning potential ICE to wetlands, streams, water quality and wildlife habitat, 3) A quantitative ICE analysis should be prepared for the Preferred Alternative, 4) The Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality should be consulted when developing mitigation measures.

**Response:** In accordance with NCDOT procedure, a Qualitative Indirect and Cumulative Effects (ICE) report was completed and included in the Draft EIS. Several comments on the Draft EIS requested that a Quantitative ICE analysis be performed. NCTA intends to prepare a Quantitative ICE report, consisting of two parts. The first will analyze potential changes in land use and the second will analyze potential changes in water quality. The Quantitative ICE report currently is planned to include analysis of two scenarios: no-build (for a baseline of comparison), and the Preferred Alternative. Prior to commencement of this study, scoping with the agencies will be conducted to ensure the study approach and scope will meet the expectations of the agencies. The land use component of the Quantitative ICE will be included in the Final EIS. The water quality component will be completed as part of the permitting phase of the project.

If the results of the quantitative ICE indicate mitigation measures for indirect and/or cumulative effects should be evaluated, the FHWA, NCTA, and NCDOT will coordinate with the environmental

resource and regulatory agencies on this issue. It should be noted that FHWA, NCTA, and NCDOT would not have any authority over most types of mitigation measures that could be effective at minimizing indirect/cumulative impacts, such as local land use controls and ordinances. However, as stated in NEPA's Forty Most Asked Questions, prepared by CEQ:

*Question 19b. How should an EIS treat the subject of available mitigation measures that are (1) **outside the jurisdiction** of the lead or cooperating agencies, or (2) **unlikely** to be adopted or enforced by the responsible agency?*

*A. All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to [46 FR 18032] alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation.*

*However, to ensure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed. Thus the EIS and the Record of Decision should indicate the likelihood that such measures will be adopted or enforced by the responsible agencies. Sections 1502.16(h), 1505.2. If there is a history of nonenforcement or opposition to such measures, the EIS and Record of Decision should acknowledge such opposition or nonenforcement. If the necessary mitigation measures will not be ready for a long period of time, this fact, of course, should also be recognized.*

NCTA can encourage local governments to adopt regulations and land use plans that would help protect significant natural resources, but FHWA, NCTA, and NCDOT lack any enforcement authority to ensure their adoption or adherence.

Provisions regarding FHWA's legal responsibility and authority for mitigating project impacts are found in FHWA's Environmental Impact and Related Procedures 23 CFR 771.105(d):

*"Measures necessary to mitigate adverse impacts will be incorporated into the action and are eligible for Federal funding when the Administration determines that:*

- 1. The impacts for which the mitigation is proposed actually result from the Administrative action; and*
- 2. The proposed mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. In making this determination, the Administration will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute, Executive Order, or Administration regulation or policy."*

Furthermore, as stated in the *FHWA Position Paper: Secondary and Cumulative Impact Assessment in the Highway Project Development Process*:

*"After the analysis is complete a valid question will remain: If a proposed highway improvement is determined to cause potential secondary and cumulative effects, what can and should be done to mitigate the adverse impacts? This is a difficult question for which there are no simple solutions. Consistent with existing FHWA regulations mitigation proposals*

*must be both reasonable and related to project impacts. However, the opportunities for environmental enhancement that are now available under the highway program may greatly expand our traditional view of mitigation. Changing a proposed transportation improvement to lessen its contribution of indirect impacts may likely result from a combination of mitigation and enhancement measures that address area-wide concerns, not just the immediate influence of the project. Unfortunately, measures that would be appropriate to offset most future developmental impacts in the area of a project often will be beyond the control and funding authority of the highway program. In these situations, the best approach would be to work with local agencies that can influence future growth and promote the benefits of controls that incorporate environmental protection into all planned development."*

**Comment:** *Negative impacts to terrestrial resources and wildlife, including fragmentation of terrestrial habitat, are a significant concern.*

**Response:** The FHWA, NCTA, and NCDOT will include habitat fragmentation in the quantitative ICE study to be prepared for the Preferred Alternative.

## **5.7 Responses to Generalized Comments on Cultural Resources, Community Characteristics, and Farmland**

**Comment:** *The Draft EIS missed the subject of historic Stowesville, Stowes Factory, Gaither Mill, Stowesville Cemetery, and the old Methodist church.*

**Response:** Draft EIS Section 5.3.1.2 discusses the Stowesville site. Additional archaeological research will be conducted for this site and related sites as part of the Phase II archaeological surveys for the Preferred Alternative. The results will be reported in the Final EIS.

**Comment:** *EJ populations would receive a higher percent of impact from the new facility in terms of air quality and noise impacts, but would not necessarily receive a proportionate benefit from the project due to potential toll costs.*

**Response:** Environmental justice issues are discussed in Section 3.2.5 of the Draft EIS. As stated in Section 3.2.5 of the Draft EIS, any of the Gaston East-West Connector DSAs would provide a new, limited-access, east-west route in the region. A result of the project would be reduced traffic on the existing non-toll route, I-85. Completing the project would benefit all motorists, including low-income motorists who may choose not to use the toll facility or may tend to use it less frequently.

Neighborhoods with predominantly minority populations (Matthews Acres/Spring Valley and Garrison Road) are located near I-85 and I-485 within Segments H2A and K3C of DSA 9 (see Figure 3-3 and 3-4 in the Draft EIS). In these areas, there are approximately 40 residences (all assumed to be minority) that are predicted to experience noise impacts under DSA 9 based on FHWA noise abatement criteria.

With respect to low income populations, the specific areas where these populations occur within DSA 9 are not readily known. As such, the following method was used to estimate the approximate percentage of low income populations that could be impacted by increases in noise levels with implementation of DSA 9. The total numbers of noise-impacted receptors along all the DSA 9 corridor segments was multiplied by the percent of population in poverty of the area's corresponding census block. For example: Segment H2A has 32 noise-impacted receptors and its corresponding

Census Tract 318 Block Group 3 has approximately 42.8 percent living below the poverty level. Applying this method to the entire length of DSA 9, it can be estimated that approximately 35-40 impacted receptors may be low income. Total numbers of potentially impacted residences are estimated to be approximately 245. The estimated values for impacted minority and low-income residences represent approximately 15 percent of the impacted receptors.

Preliminary analyses shows noise barriers would be reasonable at twelve locations along DSA 9, including noise barriers for the Spring Valley and Garrison Road neighborhoods (see Figure 4-1 in the Draft EIS). Both of these areas are predominantly minority and also have higher percentages of their populations considered low-income than other areas along the project. Based on these values, it is not expected that minority or low-income populations would have disproportionate high and adverse noise impacts.

Similar to potential noise impacts, populations nearest to DSA 9 have the highest potential to be affected by air quality impacts, and the above method for estimating potential noise impacts on minority and low income populations can also be used in a general consideration of air quality effects. Therefore, it is assumed that the percentage of minority and low income populations that could be potentially impacted by decreased air quality would be similar to those populations potentially impacted by noise. Therefore, it is not expected that minority or low-income populations would have disproportionate high and adverse air quality impacts.

***Comments:** 1) The Draft EIS does not offer any potential avoidance and minimization measures to potentially reduce impacts to farmlands, 2) Concerns about the availability of replacement property for farms that need to be relocated*

**Response:** The locations of farms and voluntary agricultural districts (VADs) were incorporated into the development of the preliminary new location corridors, and these areas were avoided where possible, taking into consideration other resources in the area. No other mitigation is required.

The relocation reports prepared for the proposed project indicate replacement property for farms is available and can be found in Appendix F of the Draft EIS.

At the request of USEPA, farmlands will be a resource evaluated in the quantitative ICE report to be prepared for the Preferred Alternative.

## **6.0 SUMMARY OF DESIGN COMMENTS**

As a result of the public involvement activities associated with the project, several issues were raised regarding the preliminary designs for the DSAs. These issues, described below, were raised by public, local municipalities, interest groups, and agencies. Unless otherwise noted, the comments apply to DSA 9 (Recommended Alternative).

### **6.1 Design Comments Received from the Public and Interest Groups**

These comments and proposed actions were discussed at the Gaston East-West Connector Post-Hearing Meeting held August 4, 2009.

### **Matthews Acres Access Road**

Matthews Acres residents appear to prefer different access to US 29-74 instead of the access to Oates Road shown on the Public Hearing Maps. Some Pre-Hearing Open House attendees suggested connecting to US 29-74 directly south.

NCTA will investigate alternative means of access to the Matthews Acres neighborhood and will coordinate with residents.

### **Pam Drive and Saddlewood Drive (south of Robinson Road interchange)**

Residents were concerned about closing Pam Drive and rerouting their access to Robinson Road via the Saddlewood neighborhood. Concerns included additional driving distance and sight distance at the Saddlewood Road/Robinson Road intersection. Some suggested keeping Pam Drive open and connecting it directly across from the interchange ramp. Residents also were concerned about the visual impacts of an access control fence in front of their neighborhood.

NCTA will review sight distances at the Saddlewood Road/Robinson Road intersection under the proposed designs. Design changes will be made if necessary.

### **Land North of Interchange at Robinson Road**

Property owners on either side of Robinson Road directly north of the interchange commented on the preliminary designs. The property owner on the west (D'Amore family) would have their horse farm facilities impacted. The property owner on the east stated they would agree to moving the ramps to their side of the road. The on-ramp north of the interchange and the proposed access control along Robinson Road would directly impact the D'Amore horse farm riding ring and security entrance gate as well as approaching close to their home.

NCTA will investigate interchange design changes to minimize impacts to the horse farm. These include moving the ramp to a loop on the east side of Robinson Road or shifting the interchange ramps closer to the mainline. Compressing the ramps would allow full movement at the D'Amore driveway approximately 700 feet away.

As a separate issue, the railroad bridge over Robinson Road near US 321 was discussed at the Post-Hearing Meeting (August 4, 2009). This bridge narrows Robinson Road to one lane, and it constrains traffic movements along Robinson Road. The previous traffic forecasts did not account for this condition, but new forecasts being prepared will. Mr. Grissom stated Division 12 would like to replace this bridge, but it is owned by the railroad and costs are prohibitive at this time.

### **Wilson Farm Road just south of Union Road (NC 274)**

Property owners (Margaret and Bob Ferguson) own 140 acres (162 Wilson Farm Rd, Parcel ID 193024). Preliminary designs would result in a narrow strip of land on the north end of the parcel being divided from the rest of the parcel. Owners wanted to know if mainline could be shifted north.

No action is proposed regarding this request. If the mainline is shifted north, it would impact a large wetland area (Wetland 189, shown on Figure 2-9v of the Draft EIS).

### **Carolina Speedway on NC 274 just south of Union-New Hope Road**

The property owners (Charles Harrison and Harriet Harrison Armstrong) asked if DSA 9 could be moved north to avoid the Carolina Speedway and homes. They are concerned with impacts to racetrack parking and pit area.

The mainline alignment for DSA 9 cannot be moved north due to intersection spacing concerns with Union New Hope Road. However, NCTA will investigate measures to minimize impacts to the Carolina Speedway. Mr. Harrison and Ms. Armstrong own a 63-acre parcel to the east of the Speedway. There is a possibility that this additional property could be used to relocate some of the functions/uses that would be encroached on by the proposed designs for DSA 9.

### **Interchange at NC 273**

The property at 2030 Southpoint Road (NC 273) (Rhonda Harmon) is adjacent to the eastbound off ramp. The property owner was concerned about being landlocked. Another property owner in Graystone Estates concerned about providing sidewalks on Southpoint Road for high school students traveling to Southpoint High School.

The NCTA will be conducting a service road study for the Preferred Alternative which will review land-locked properties. Sidewalks will be added to cross streets where appropriate and can be funded. The traffic signals proposed at the interchange ramp termini will provide for gaps in traffic to allow for turning movements onto Southpoint Road.

### **Sunderland Road/Allison Street off of NC 273 south of the proposed interchange**

A resident of Sunderland Road asked if the new access point for Sunderland Road onto NC 273 could be moved north approximately 800 feet. Another resident was concerned that school buses traveling into the neighborhood will not be able to turn around. Currently, school buses do not need to turn around to exit the neighborhood.

The NCTA will investigate modifying the Sunderland Road access to NC 273 and will review the designs to ensure school bus access is provided.

### **Boat Club Road and Access to the Optimist Club/Duke Energy Recreational Fields**

The Optimist Club leases land on Boat Club Road from Duke Power for youth recreational fields. The Optimist Club recently made improvements and expanded the fields. The preliminary engineering designs shown on the Public Hearing Map encroach on the expanded fields. The Optimist Club is concerned about impacts to the fields and provision of access to the fields.

The NCTA has modified the preliminary engineering designs to avoid direct encroachment on the expanded recreational fields. These modified designs also avoided two electric power towers. A letter dated June 18, 2009 was sent from NCTA to Mr. Kelvin Reagan, Optimist Club President, describing the design changes. This memorandum also included a map of the new design. These modifications will be included in the Final EIS. Access to the fields will be investigated as part of the service road study and will include coordination with Duke Power. Duke Power owns the recreational field land and adjacent land to the south. Issues to be explored with Duke Power include moving a gate to allow the recreational field users to use Duke Power's access road that

extends from Boat Club Road to NC 273. This road currently provides access to Duke Power's air pollution control equipment area.

### **I-485 Interchange Area**

Piedmont Natural Gas recently purchased a 50-foot easement along the west side of I-485.

A utility study will be performed prior to construction and utilities will be accommodated in the design of the project.

### **General Pedestrian and Bicycle Access Comments**

Connect Gaston and Gaston Together submitted comments regarding sidewalks and greenways throughout the project.

- Bridges over streams should be constructed in a manner that allows future walking and bike paths to pass beneath them.
- All bridges over roads, and interchanges with roads, be constructed with sidewalks (north-south) that allow access from one side of the thoroughfare to the other.
- All sidewalks should be constructed sufficient in width to allow foot, bike, wheelchair, and stroller traffic to travel in both directions simultaneously.
- Bridges over the South Fork and Catawba Rivers should be constructed with provisions for pedestrians to cross the rivers.
- Bridges at Blackwood Creek, Brandon Creek, Catawba Creek, and an unnamed perennial branch just south of the US 29/74 interchange should be designed to allow greenway construction.
- There is a greenway planned to follow a section of Crowders Creek south of Linwood Road that should be taken into consideration.

During final design, the NCTA will work with local jurisdictions to provide sidewalks and other crossings where appropriate and can be funded.

### **Access to South End of Bay Shore Drive (Corridor Segment K4A – not in the Recommended Alternative DSA 9)**

The access road proposed to provide access to remaining homes on the south end of Bayshore Drive would connect Bayshore Drive to Magnolia Way Lane in Woodland Bay, which would then allow drivers to access South New Hope Road via Woodland Bay Drive. Woodland Bay is a gated community, whose roads are privately owned. This proposed access to join Bayshore Drive to a development that is not part of the Woodland Bay Homeowners Association.

If a Preferred Alternative is identified that includes Segment K4A (DSAs 5, 23, 64, or 77), the service road study would consider this issue.

## **6.2 Design Comments Received from Agencies and Local Governments**

### **US 29-74 Interchange**

The US 29-74 Interchange should be eliminated to reduce impacts to wetlands and Crowders Creek (a 303(d)-listed stream) and its tributaries.

The NCTA, NCDOT, and FHWA will make a decision regarding this interchange prior to the Final EIS, after completing new traffic forecasts. Previous coordination with the GUAMPO had indicated they could agree to the elimination of the US 29-74 interchange.

### **Interchanges at Robinson Road, Bud Wilson Road, NC 274 (Union Rd), NC 273 (Southpoint Road), and I-485**

Single Point Urban Interchanges (SPUIs) or other compressed interchange designs should be considered at Robinson Road, Bud Wilson Road, NC 274 (Union Road), NC 273 (Southpoint Road), and I-485.

As part of final design, the NCTA will review updated traffic forecasts and work with the GUAMPO and MUMPO to determine if any interchanges can be eliminated or deferred. Also during final design, the NCTA will review the listed interchanges to determine if the interchange footprints can be reduced.

### **Bud Wilson Road Interchange**

The GUAMPO has requested that the Bud Wilson Road interchange be removed or relocated to an extension of Beaty Road.

The NCTA, NCDOT and FHWA will make a decision regarding deleting or relocating this interchange prior to publication of the Final EIS

### **Future Belmont-Mt. Holly Loop**

The GUAMPO requests that a grade-separation be provided for the future proposed Belmont-Mt. Holly Loop Road to be located west of Southpoint Road (NC 273).

Since the Belmont-Mt. Holly Loop is a proposed Road, its exact location is not known and its construction would be a separate project. The NCTA would allow grade-separated crossings of the mainline to be funded and constructed by others in the future.

### **Access to Charlotte-Douglas International Airport Area**

The MUMPO and the Charlotte-Douglas International Airport have requested that access be provided east of I-485 to the roadways north of relocated NC 160 (West Boulevard) to accommodate the Airport's runway expansion project and future intermodal facility.

The NCTA will work with the Airport, Charlotte DOT, and MUMPO during final design to ensure access is provided.

## Mainline Typical Section

Agency commenters suggested reviewing the proposed typical sections for ways to reduce the construction footprint. A recommendation was made to maintain the median width, but narrow the footprint for a 4-lane facility to minimize impacts to area resources. A wider right of way could be preserved for possible future widening, but additional impacts to streams and wetland should be avoided until such widening occurs.

The NCTA will review the typical sections during final design. A workshop to discuss potential ways to reduce the costs and impacts of the project is scheduled for August 26, 2009.

## 7.0 TRAFFIC FORECASTS

The April 13, 2006 version of the 2030 Metrolina travel demand model was used for all year 2030 project-related traffic forecasts because this was the current version when the updated forecasting activities began. The 2030 Metrolina travel demand model covers a thirteen-county region (including Gaston County and Mecklenburg County) within a single model. The 2030 Metrolina travel demand model also uses population and land use forecasts that extend out to 2030. The Metrolina travel demand model is updated on a continual basis.

Year 2030 Toll Scenario traffic volumes were developed by modeling three representative DSAs: DSA 4 (the northernmost DSA), DSA 64 (the southernmost), and DSA 77 (a crossover DSA). A review of the Non-Toll Scenario forecasts showed that these three representative alternatives would provide the full range of volumes forecasted along the DSAs, and all DSAs are represented by various portions of these three DSAs. **Table 5** shows the forecasted 2030 Toll Scenario traffic volumes along the mainline for DSAs 4, 64, and 77. The Recommended Alternative, DSA 9, is most closely represented by DSA 4 in the table below.

**Table 5: Year 2030 Traffic Volumes Along the Detailed Study Alternatives**

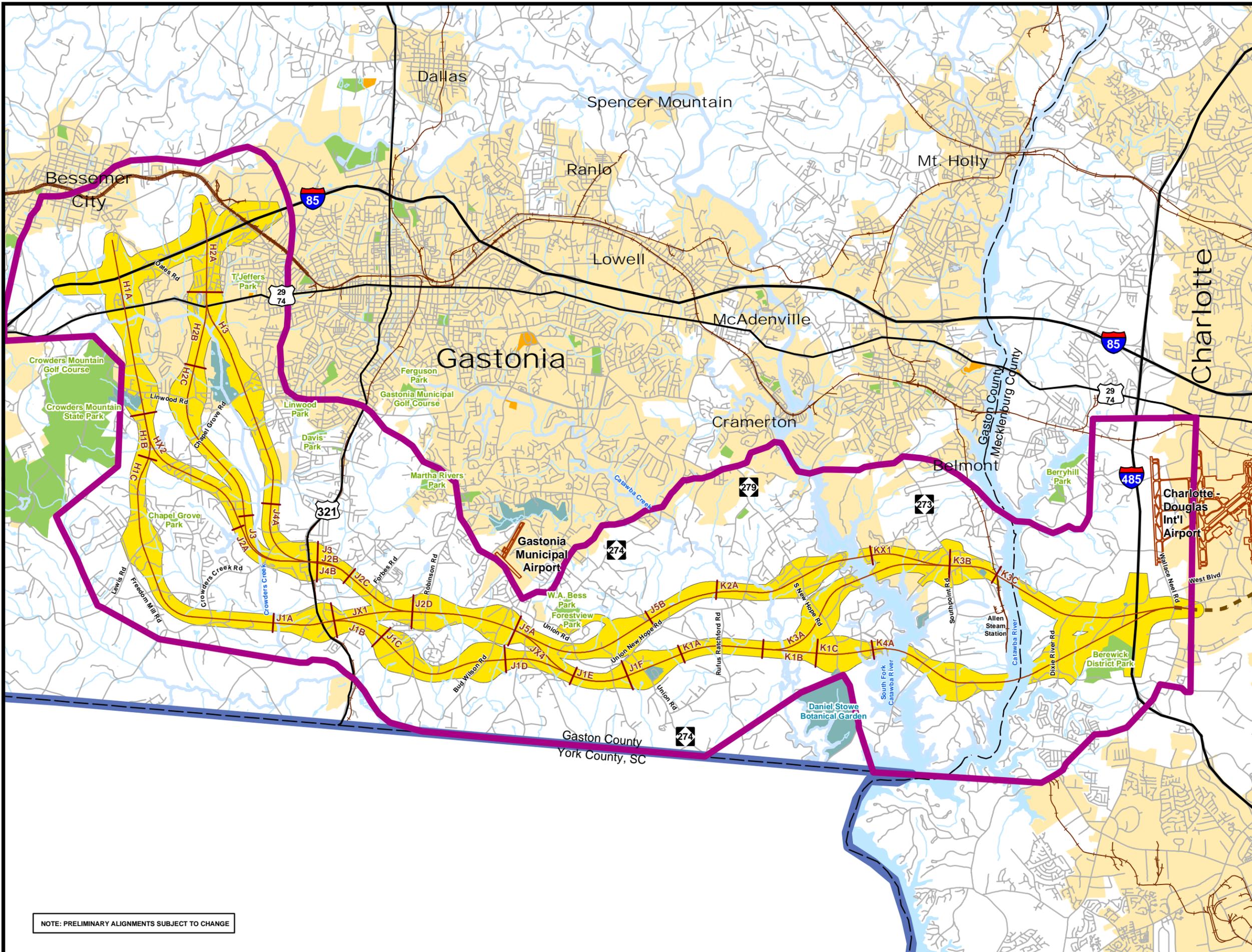
Segment	Modeled Detailed Study Alternative		
	4*	64	77*
I-85 to US 29-74	12,800	10,000	12,200
US 29-74 to Linwood Rd (SR 1133)	20,800	11,400	18,000
Linwood Rd to Lewis Rd (SR 1126)	15,400	9,600	17,400
Lewis Rd to US 321	15,400	14,200	17,400
US 321 to Robinson Rd (SR 2416)	20,000	18,800	21,400
Robinson Rd to Bud Wilson Rd (SR 2423)	29,200	29,400	30,400
Bud Wilson Rd to NC 274 (Union Rd)	28,000	28,600	28,200
NC 274 to NC 279 (S New Hope Rd)	31,600	35,000	34,800
NC 279 to NC 273 (Southpoint Rd)	42,200	44,200	43,400
NC 273 to Dixie River Rd (SR 1155)	58,400	61,800	60,600
Dixie River Rd to I-485	55,400	54,400	53,000

Source: *Gaston East-West Connector - (U-3321) Traffic Forecast for Toll Alternatives* (Martin/Alexiou/Bryson, August 2008)

\* Alternatives 4 and 64 do not have an interchange at Lewis Rd, and therefore the volumes in the 3<sup>rd</sup> and 4<sup>th</sup> rows are repeated. DSA 9 is most similar to DSA 4.

## **APPENDIX A**

Figure S-1a and S-1b



- Legend**
- Refined Study Area Boundary for New Location Alternatives
  - Design Centerline
  - - - Segment Breaks
  - Detailed Study Alternatives
  - - - West Blvd Realignment (Construction by Airport)
  - Parks
  - Private Recreation Facilities and Attractions
  - State Complexes
  - County Lines
  - State Line
  - Interstates
  - US Routes
  - Streets
  - Railroad
  - Hydrography
  - City Limits

Source: Gaston County and Mecklenburg County GIS Map printed April 2009.



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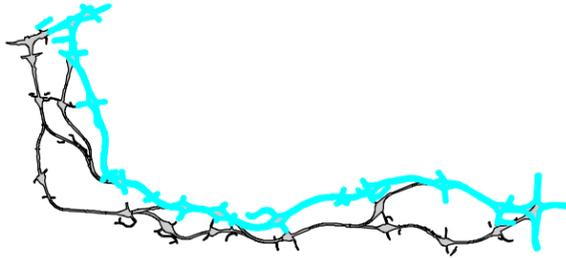
**GASTON EAST-WEST CONNECTOR**

**DETAILED STUDY ALTERNATIVES**

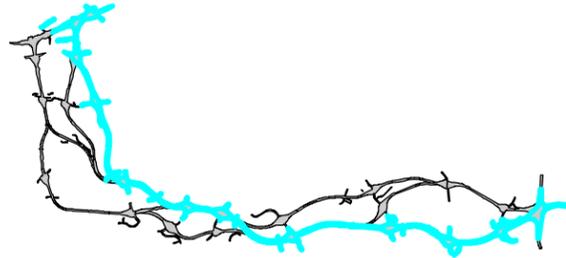
**Figure S-1a**

NOTE: PRELIMINARY ALIGNMENTS SUBJECT TO CHANGE

**Alternative 4**



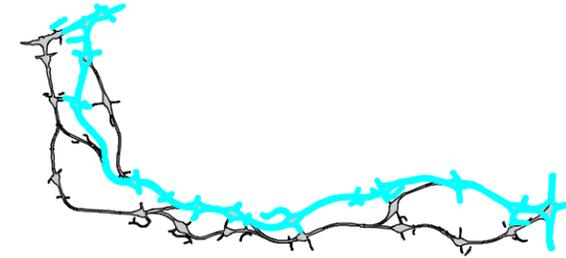
**Alternative 5**



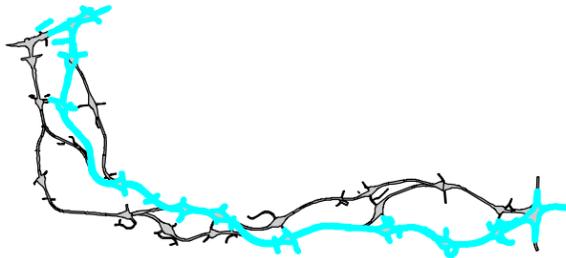
**Alternative 9**  
**RECOMMENDED**



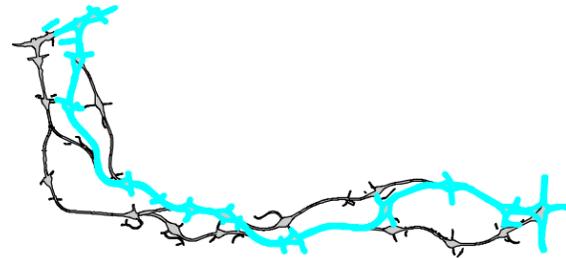
**Alternative 22**



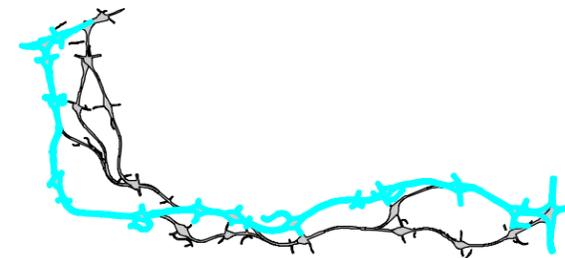
**Alternative 23**



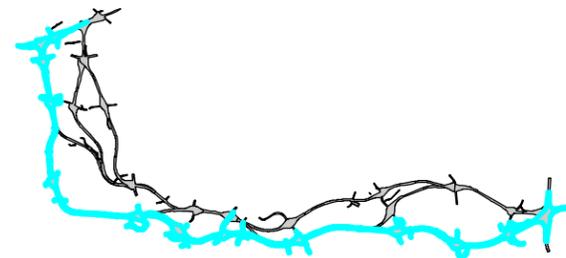
**Alternative 27**



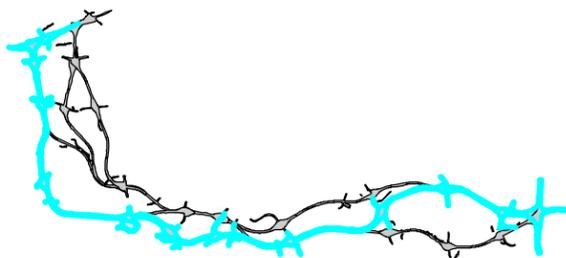
**Alternative 58**



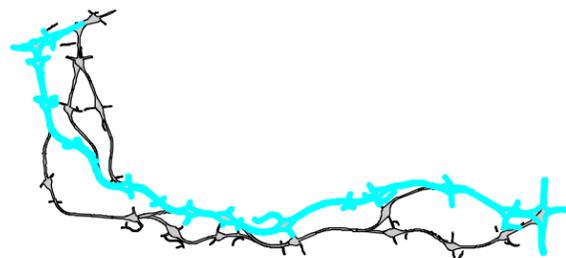
**Alternative 64**



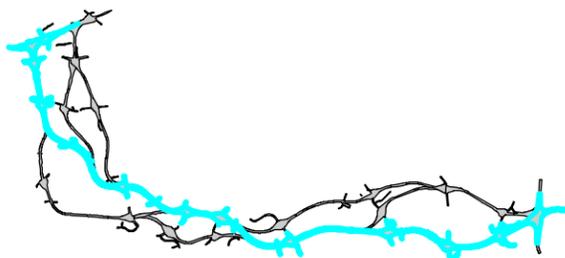
**Alternative 68**



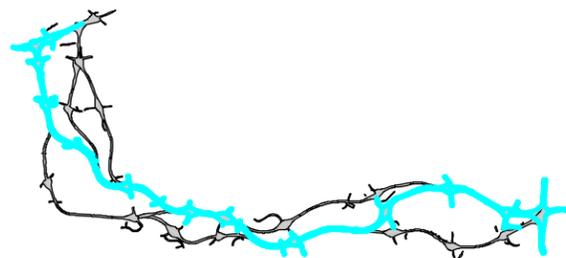
**Alternative 76**



**Alternative 77**



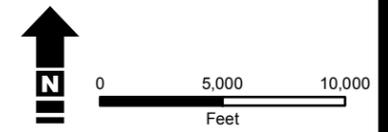
**Alternative 81**



**Legend**

-  Design Right-of-Way
-  Corridor Segments Comprising Each Detailed Study Alternative
-  Recommended Alternative

Source: Gaston County and Mecklenburg Counties GIS. Map Printed April 2009.



STIP PROJECT NO. U-3321

Gaston County and Mecklenburg County

**GASTON EAST-WEST CONNECTOR**

**DETAILED STUDY ALTERNATIVES**

**Figure S-1b**

## **APPENDIX B**

Summary of Environmental Impacts

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE											
	4	5	9	22	23	27	58	64	68	76	77	81
Length (miles)	21.4	21.5	21.9	21.9	22.0	22.4	23.1	23.3	23.7	21.8	21.9	22.2
Construction Costs (millions \$) <sup>1</sup>	955.0-1,140.8	980.2-1,173.2	974.5-1,168.4	999.5-1,195.0	1,022.6-1,228.2	1,019.7-1,221.7	978.2-1,171.3	992.4-1,188.6	986.2-1,180.9	982.1-1,174.0	1,007.4-1,209.6	1,000.5-1,199.7
Right-of-Way Cost (millions \$) <sup>1</sup>	186.7-228.5	199.1-243.0	173.9-213.0	197.0-241.1	208.8-255.5	183.5-224.5	197.3-241.3	215.7-263.2	190.8-233.2	182.4-223.2	194.6-237.6	169.6-207.3
Environmental Mitigation Costs(millions \$) <sup>1</sup>	38.9-41.1	34.8-36.7	32.2-34.0	40.4-42.6	36.4-38.4	33.8-35.7	41.5-43.7	34.3-36.1	31.8-33.5	37.7-39.8	33.2-35.0	31.1-32.8
Total Costs (millions \$) <sup>1</sup>	1,180.6-1,410.4	1,214.1-1,452.9	1,180.6-1,415.4	1,236.9-1,478.7	1,267.9-1,522.0	1,237.1-1,481.9	1,217.0-1,456.3	1,242.4-1,488.0	1,208.7-1,447.6	1,202.1-1,436.9	1,235.2-1,482.3	1,201.2-1,439.8
Median Total Project Cost (millions \$) <sup>1</sup>	1,280.5	1,316.9	1,282.0	1,342.2	1,378.4	1,342.9	1,321.2	1,348.2	1,312.6	1,304.3	1,341.9	1305.0
<b>LAND USE</b>												
Compatible with Land Use Plans	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ICE <sup>2</sup> : Potential for Accelerated Growth and Indirect Effects in Gaston County	High	High	High	High	High	High	High	High	High	High	High	High
<b>RELOCATIONS AND NEIGHBORHOOD IMPACTS</b>												
Residential Relocations	377	358	348	373	354	344	359	336	326	384	365	355
Business Relocations	38	33	37	40	35	39	30	26	30	29	24	28
Named Neighborhoods	21	24	18	19	22	16	17	21	15	18	21	15
Rural Neighborhoods <sup>3</sup>	8	8	7	6	6	5	10	10	9	7	7	6
ICE <sup>2</sup> : Potential for indirect effects due to proximity to neighborhoods	Most	Most	Most	Most	Moderate	Most	Most	Least	Moderate	Most	Least	Moderate
<b>MITIGATION</b>	Conform to Uniform Relocation Act; continue public outreach efforts; meet with neighborhood organization and business community representatives; continue to evaluate design improvements to lessen impacts.											

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE											
	4	5	9	22	23	27	58	64	68	76	77	81
<b>COMMUNITY SERVICES AND FACILITIES IMPACTS</b>												
Public Parks <sup>4</sup>	1	1	1	1	1	1	1	1	1	1	1	1
Private Recreational Facilities <sup>5</sup>	2 <sup>b,d</sup>	3 <sup>b,c,e</sup>	3 <sup>b,c,d</sup>	1 <sup>d</sup>	2 <sup>c,e</sup>	2 <sup>c,d</sup>	2 <sup>a,d</sup>	3 <sup>a,c,e</sup>	3 <sup>a,c,d</sup>	2 <sup>a,d</sup>	3 <sup>a,c,e</sup>	3 <sup>a,c,d</sup>
Schools <sup>6</sup>	1	0	0	1	0	0	2	1	1	2	1	1
Churches with Impacts to Main Buildings	2	3	2	1	2	1	1	2	1	0	1	0
Churches with Impacts to Property and/or Outbuildings Only	3	3	1	4	4	2	2	2	0	2	2	0
Cemeteries Requiring Relocation	1	1	0	1	1	0	1	1	0	1	1	0
<b>MITIGATION</b>	Conform to Uniform Relocation Act; continue public outreach efforts; meet with school district representatives regarding site planning, bus routes and property encroachments; coordinate with church leaders on property encroachments and relocation strategies; continue to evaluate design improvements to lessen impacts.											
<b>NOISE IMPACTS</b>												
Total # of Impacted Receptors	302	271	245	298	267	241	272	231	204	309	278	276
ICE <sup>2</sup> : Overall ambient noise increase	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects	Weak to moderate effects
<b>NOISE MITIGATION</b>												
Total Length of Noise Barriers (ft)	22,162	19,220	20,562	19,922	16,980	18,322	13,926	10,335	11,677	17,967	15,025	16,367
Total # of Noise Barriers <sup>7</sup>	13	11	12	11	9	10	8	6	7	10	8	9
Number of Benefitted Receptors	191	157	169	171	144	149	132	98	110	161	128	139
<b>AIR QUALITY IMPACTS</b>												

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE											
	4	5	9	22	23	27	58	64	68	76	77	81
Transportation Conformity	The LRTPs and air quality conformity determinations for the MUMPO and GUAMPO regions will need to be updated prior to the completion of the Record of Decision so the project design concept and scope are consistent.											
Mobile Source Air Toxics (MSATs)	Qualitative assessment completed. Current tools and science not adequate to quantify the health impacts from MSATs.											
<b>FARMLAND IMPACTS</b>												
VAD <sup>8</sup> Acreage Impacted by right of way	44.7	49.2	49.2	44.7	49.2	49.2	68.8	138.4	138.4	64.0	68.5	68.5
Farm Relocations	0	1	1	0	1	1	0	2	2	0	1	1
ICE <sup>2</sup> : Potential for indirect effects on agriculture and farmland	Least	Least	Least	Least	Least	Least	Moderate	Most	Most	Moderate	Moderate	Moderate
<b>MITIGATION</b>	None required.											
<b>UTILITIES IMPACTS</b>												
Power Transmission Line Crossings <sup>10</sup>	14	13	14	14	13	14	18	17	17	17	15	17
Gas Transmission Pipeline Crossings <sup>11</sup>	4	4	4	4	4	4	4	4	4	4	4	4
Railroad Crossings	2	1	2	2	1	2	2	1	2	2	1	2
<b>MITIGATION</b>	Coordinate temporary and permanent changes in utility lines with each of the utility providers.											
<b>VISUAL IMPACTS</b>												
Changes in the Visual Landscape	Most visual impacts	Most visual impacts	Moderate visual impacts	Moderate visual impacts	Moderate visual impacts	Least visual impacts	Moderate visual impacts	Least visual impacts				
<b>MITIGATION</b>	Implement a landscaping plan for the project. Investigate the feasibility and reasonableness of cost-effective treatments for the bridge sides, piers, and railings to enhance aesthetics.											
<b>HAZARDOUS MATERIALS IMPACTS</b>												

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE											
	4	5	9	22	23	27	58	64	68	76	77	81
Hazardous Materials Sites within DSA Corridor	24	23	24	22	21	22	14	12	13	14	13	14
<b>MITIGATION</b>	A more detailed field reconnaissance will be conducted for the Preferred Alternative.											
<b>FLOODPLAINS/FLOODWAYS IMPACTS</b>												
Floodplain Crossings	12	13	13	12	13	13	11	12	12	10	11	11
Longitudinal Floodplain Encroachment	1	1	1	0	0	0	0	0	0	0	0	0
Floodway Crossings	10	10	10	9	9	9	7	7	7	7	7	7
Number of Major Culverts/Pipes (>72" diameter) <sup>12</sup>	47	43	45	45	41	43	47	42	44	42	39	40
<b>MITIGATION</b>	The effect of all the DSAs can be mitigated through proper sizing and design of hydraulic structures (culverts, bridges, and channel stabilization). A detailed hydrologic and hydraulic analysis will be conducted for the Preferred Alternative.											
<b>CULTURAL RESOURCES IMPACTS</b>												
Historic Resources with No Adverse Effect <sup>13</sup>	1 <sup>a</sup>	2 <sup>b,c</sup>	2 <sup>b,c</sup>	1 <sup>a</sup>	2 <sup>b,c</sup>	2 <sup>b,c</sup>	2 <sup>a,e</sup>	3 <sup>b,d,e</sup>	3 <sup>b,d,e</sup>	2 <sup>a,e</sup>	3 <sup>b,c,e</sup>	3 <sup>b,c,e</sup>
Overall Potential for Archaeological Sites	High	Moderate	Moderate	High	Low	Low	High	Moderate to High	Moderate to High	High	Moderate	Moderate
<b>MITIGATION</b>	During final design of the Preferred Alternative, the designs will be reviewed to ensure the applicable conditions are met to maintain the No Adverse Effect determinations. The Preferred Alternative, once defined, will be surveyed to determine if archaeological sites eligible for listing on the NRHP are present.											

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE												
	4	5	9	22	23	27	58	64	68	76	77	81	
<b>SECTION 4(F)/6(F) RESOURCES IMPACTS</b>													
Section 4(f) Resources with <i>de minimis</i> Impact <sup>14</sup>	1	1	1	1	1	1	2	2	2	2	2	2	
Section 6(f) Resources	0	0	0	0	0	0	0	0	0	0	0	0	
<b>MITIGATION</b>	All applicable conditions must be met in order to maintain the No Adverse Effects determination to cultural resources. The NCTA will continue coordination with local agencies with jurisdiction over park and recreation resources to ensure that right-of-way and construction limits within the property boundaries are minimized to the extent feasible.												
<b>NATURAL COMMUNITIES IMPACTS<sup>15</sup></b>													
Disturbed/Clearcut (acres)	552	561	567	544	553	560	513	535	542	514	523	529	
Agricultural (acres)	121	142	177	121	142	177	153	220	256	128	148	184	
Upland Forested (acres)	913	902	882	982	972	951	1042	1008	987	965	955	935	
Successional (acres)	155	128	114	125	99	85	149	117	102	156	130	115	
Open Water (acres)	22	26	21	22	26	21	22	26	21	22	26	21	
ICE <sup>2</sup> : Effects on wildlife and habitat through habitat fragmentation	Weak to moderate effects	Strong effects	Weak to moderate effects	Weak to moderate effects	Strong effects	Weak to moderate effects	Strong effects	Strong effects					
<b>MITIGATION</b>	An erosion and sedimentation plan will be developed for the Preferred Alternative to prevent runoff, erosion and sedimentation impacts and to minimize impacts to aquatic communities and wildlife in accordance with the NCDENR guidelines and Best Management Practices. The NCTA will coordinate with the USFWS, USEPA, and the NCWRC on the feasibility and design of a wildlife passage at Stream S156 for all DSAs, and on designing bridge crossings to be wildlife friendly when feasible for all DSAs. Control measures will be implemented to reduce the potential for spreading non-native plant species.												

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE											
	4	5	9	22	23	27	58	64	68	76	77	81
<b>JURISDICTIONAL RESOURCES IMPACTS<sup>16</sup></b>												
Pond Impacts (acres)	6.3	5.1	4.1	5.1	3.9	2.9	5.5	3.1	2.1	5.5	6.1	3.3
Wetland Impacts (acres)	7.4	6.9	7.5	8.8	8.2	8.9	12.1	12.5	13.2	9.7	9.1	9.8
Perennial Stream Impacts (linear ft.)	48,296	42,733	38,894	50,100	44,609	40,766	50,739	40,915	37,223	46,105	40,033	36,771
Intermittent Stream Impacts (linear ft.)	9,048	9,501	10,101	8,953	9,406	10,006	9,505	9,537	9,986	9,364	9,678	10,417
Total Stream Crossings	106	99	91	111	105	97	120	112	103	111	105	97
Total Stream Impacts (linear ft.)	57,344	52,234	48,995	59,053	54,015	50,772	60,244	50,452	47,209	55,469	49,711	47,188
Total Impacts to Catawba River Buffers (sq ft) <sup>17</sup>	4,145	22,590	20,615	4,145	22,590	20,615	4,145	22,590	20,615	4,145	22,590	20,615
ICE <sup>2</sup> : Effects on water quality, wetlands, impaired waterways, and watersheds	Very Strong effects	Very Strong effects	Very Strong effects	Very Strong effects	Very Strong effects	Very Strong effects	Strong effects					
<b>MITIGATION</b>	The DSAs incorporate measures to avoid and minimize impacts to Waters of the US and the Catawba River buffers. The NCTA agreed to include several bridges in the preliminary engineering designs, beyond those required to convey floodwaters. In addition, final design efforts will examine all appropriate and practical possibilities of avoiding and minimizing impacts to Waters of the US and Catawba River riparian buffers. Strict adherence to Best Management Practices will assist in minimizing project impacts.											

**TABLE S-2: Summary of Environmental Impacts – Gaston East-West Connector Detailed Study Alternatives**

ISSUE	DETAILED STUDY ALTERNATIVE											
	4	5	9	22	23	27	58	64	68	76	77	81
<b>PROTECTED SPECIES IMPACTS</b>												
Schweinitz’s Sunflower <sup>18</sup>	May Affect/Not Likely to Adversely Affect	No Effect	No Effect	May Affect/Not Likely to Adversely Affect	No Effect	No Effect	May Affect/Not Likely to Adversely Affect	No Effect	No Effect	May Affect/Not Likely to Adversely Affect	No Effect	No Effect
Michaux’s Sumac	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect
Smooth Coneflower	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect
Carolina Heelsplitter	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect	No Effect
<b>MITIGATION</b>	Concurrence needed from US Fish and Wildlife Service on the biological conclusion of May Affect/Not Likely to Adversely Effect. Once the Preferred Alternative is selected, additional surveys will be conducted as needed.											

Notes:

- Source: Gaston Cost Estimate Support Memorandum, HNTB, December 2008
- ICE = Indirect and/or cumulative effect
- Neighborhoods not named/identified in available GIS mapping, but areas containing clusters of homes and considered rural communities
- Berewick District Park (owned by Mecklenburg County)
- a) Karyae YMCA Facility – impact to structures, entrance, and parking; b) Linwood Springs Golf Course - access change only; c) Carolina Speedway – right-of-way encroachment and impact to parking ; d) Duke Energy recreational fields – right-of-way encroachment, e) Daniel Stowe Botanical Garden – minor right-of -way encroachment
- DSAs 4, 22, 58 and 76 encroach on Forestview High School’s property edge and some parking areas. DSAs 58, 64, 68, 76, 77, and 81 encroach on Sadler Elementary School property with no impacts to school use or access.
- Undeveloped lots behind the barrier must have a building permit issued by the Date of Public Knowledge for this barrier to be cost effective.
- VAD – Voluntary Agricultural District
- Acreages are calculated for the preliminary engineering design right of way for each DSA. Areas of prime and statewide important soils already in urban development were not included in the totals.
- There may be one to three individual lines in a power transmission easement. This table reports the numbers of individual transmission line crossings.
- The four gas transmission pipeline crossings are located in the two easements that cross US 321 near Crowders Creek Road.
- Includes all of the multiple pipes/culverts required at interchanges.
- a) Thomas Allison House; b) Harrison Family Dairy Farm; c) JBF Riddle House; d) William Clarence Wilson House; e) Wolfe Family Dairy Farm
- De minimis* impacts on publicly-owned parks are defined as those that do not adversely affect the activities, features and attributes of the Section 4(f) resource. Berewick District Park would be minimally impacted by all DSAs and it appears there are grounds for a *de minimis* finding. *De minimis* impacts related to historic sites are defined as the determination of either "No Adverse Effect" or "No Historic Properties Affected" in compliance with Section 106 of the National Historic Preservation Act (NHPA). The Wolfe Family Dairy Farm would be impacted by DSAs 58, 64, 68, 76, 77, and 81. The State Historic Preservation Office has concurred that these impact would constitute a *de minimis* effect , and FHWA intends to use SHPO’s concurrence as a basis of a *de minimis* finding for this property if DSA 58, 64, 68, 76, 77, or 81 is selected as the Preferred Alternative.
- Acreages calculated within the DSA right-of-way limits.
- These impacts were calculated using the preliminary engineering designs’ construction limits, with an additional 25-foot buffer.
- This includes impacts to buffer zones 1 and 2 for the Catawba River, South Fork Catawba River, and Catawba Creek. Mitigation is not required for impacts of less than one-third acre (14,505 square feet).
- Due to its location on the northern edge of the DSA corridor, it is assumed all impacts to the observed Schweinitz’s sunflower population will be avoided.

## **APPENDIX C**

Comments from State and Federal Agencies

# Gaston East-West Connector

# DEIS - Public Release Comments

Comments received during the DEIS Public Review Period - ending July 21, 2009

Federal and State Agencies

Document Control No.	Comment No.	Comment submitted via	DATE	Agency (as needed)	Last	First	Comment Topic	Comment Secondary Topic	Comments or questions about the DEIS
a001	1	letter	5/14/2009	NRCS Natural Resources Conservation Service	Hinton	Michael	Information Noted		The Natural Resources Conservation Service does not have any comments at this time.
a002	1	letter	7/20/2009	NC Dept. of Administration State Environmental Review Clearinghouse	McMillan	Valerie	Information Noted		The environmental document meets the provisions of the State Environmental Policy Act.
a003	1	letter	7/13/2009	NC Dept. of Environment and Natural Resources (NCDENR)	McGee	Melba	Water Resources	Indirect and Cumulative Effects	There continue to be concerns identified by our commenting agencies in relation to significant secondary and cumulative impacts. The department encourages the Department of Transportation to continue to work with our agencies in order to adequately address project concerns prior to finalizing the environmental document. Addressing these comments during the review process and/or during the NEPA Merger Process will avoid delays.
a004	1	letter	6/30/2009	NCDENR Division of Water Quality (NCDWQ)	Lespinasse	Polly	Water Resources		Abernethy Creek, Crowders Creek and Catawba Creek are Class C, 303(d) Waters of the State. Abernethy Creek, Crowders Creek and Catawba Creek are on the 303(d) list for impaired use for aquatic life due to impaired biological integrity. Crowders Creek is also on the 303(d) list for impaired use for aquatic life due to fecal coliform.
a004	2	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDWQ recommends that the most protective sediment and erosion control BMPs be implemented in accordance with <i>Design Standards in Sensitive Watersheds</i> to reduce the risk of nutrient runoff to Abernethy Creek, Crowders Creek and Catawba Creek.
a004	3	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		NCDWQ requests that road design plans provide treatment of the stormwater runoff through best management practices as detailed in the most recent version of NCDWQ Stormwater Best Management Practices.
a004	4	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		This project is within the Catawba River Basin. Riparian buffer impacts should be avoided and minimized to the greatest extent possible pursuant to 15A NCAC 2B.0243. New development activities located in the protected 50-foot wide riparian areas within the basin shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B.0243. Buffer mitigation may be required for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to NCDWQ prior to approval of the Water Quality Certification.
a004	5	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		The recommended alternative (DSA 9) will impact approximately 7.5 acres of wetlands and 38,894 linear feet of perennial streams. In addition, an additional 10,101 linear feet of intermittent streams will be impacted by this project. NCDWQ is concerned that the required amount of mitigation will not be available in the Hydrologic Cataloguing Unit, adjacent Hydrologic Cataloguing Unit and/or Ecoregion. All efforts to avoid and minimize wetland and stream impacts should be considered during the alternative selection and development process. In addition, efforts should be made to identify on-site mitigation opportunities.
a004	6	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		The document indicates that stormwater runoff effects can be minimized through implementation of local stormwater ordinances. NCDWQ remains concerned regarding the effects of stormwater runoff associated with the construction of this project. Stormwater discharges which are located within the riparian buffer associated with the Catawba River Basin will require the implementation of the appropriate stormwater management facility in accordance with 15A NCAC 28.0243. NCDWQ would recommend that the North Carolina Turnpike Authority (NCTA) consider additional stormwater facilities in other areas of the project where the Catawba River Basin buffer regulations are not applicable, specifically in areas draining to those jurisdictional resources which occur on the 303(d) list (indicated in Item # 1 above).
a004	7	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Indirect and Cumulative Effects	Water Resources	The NCTA should be aware that NCDWQ will require a quantitative Indirect and Cumulative Impacts (ICI) analysis once the preferred alternative is selected.
a004	8	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		The environmental document should provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.

# Gaston East-West Connector

# DEIS - Public Release Comments

Federal and State Agencies

Comments received during the DEIS Public Review Period - ending July 21, 2009

Document Control No.	Comment No.	Comment submitted via	DATE	Agency (as needed)	Last	First	Comment Topic	Comment Secondary Topic	Comments or questions about the DEIS
a004	9	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Environmental impact statement alternatives shall consider design criteria that reduce the impacts to streams and wetlands from stormwater runoff. These alternatives shall include road designs that allow for treatment of the stormwater runoff through best management practices as detailed in the most recent version of NCDWQ's Stormwater Best Management Practices Manual, July 2007, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
a004	10	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCTA is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than one acre to wetlands. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
a004	11	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.
a004	12	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Future documentation, including the 401 Water Quality Certification Application, shall continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
a004	13	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources	Indirect and Cumulative Effects	NCDWQ is very concerned with sediment and erosion impacts that could result from this project. The NCTA shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.
a004	14	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Indirect and Cumulative Effects	Water Resources	An analysis of cumulative and secondary impacts anticipated as a result of this project is required. The type and detail of analysis shall conform to the NC Division of Water Quality Policy on the assessment of secondary and cumulative impacts dated April 10, 2004.
a004	15	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		The NCTA is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
a004	16	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Where streams must be crossed, NCDWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts should be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, the NCTA should not install the bridge bents in the creek, to the maximum extent practicable.
a004	17	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources	Community Characteristics and Resources	Whenever possible, NCDWQ prefers spanning structures. Spanning structures usually do not require work within the stream or grubbing of the stream banks and do not require stream channel realignment. The horizontal and vertical clearances provided by bridges shall allow for human and wildlife passage beneath the structure. Fish passage and navigation by canoeists and boaters shall not be blocked. Bridge supports (bents) should not be placed in the stream when possible.
a004	18	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of NCDWQ's <i>Stormwater Best Management Practices</i> .
a004	19	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Sediment and erosion control measures should not be placed in wetlands or streams.
a004	20	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Borrow/waste areas should avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas will need to be presented in the 401 Water Quality Certification and could precipitate compensatory mitigation.
a004	21	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.

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a004	22	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Based on the information presented in the document, the magnitude of impacts to wetlands and streams will require an Individual Permit (IP) application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection or water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCTA and written concurrence from NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.
a004	23	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources	Hazardous Materials	If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
a004	24	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas shall be seeded or mulched to stabilize the soil and appropriate native woody species shall be planted. When using temporary structures the area shall be cleared but not grubbed. Clearing the area with chainsaws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.
a004	25	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
a004	26	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation, floodplain benches, and/or sills may be required where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
a004	27	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		If foundation test borings are necessary, it shall be noted in the document. Geotechnical work is approved under General 401 Certification Number 3687/Nationwide Permit No.6 for Survey Activities.
a004	28	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250.
a004	29	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.
a004	30	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		While the use of National Wetland Inventory (NWI) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.
a004	31	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources	Hazardous Materials	Heavy equipment should be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment shall be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.
a004	32	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
a004	33	letter	6/30/2009	NCDWQ	Lespinasse	Polly	Water Resources		Riparian vegetation (native trees and shrubs) shall be preserved to the maximum extent possible. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

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a005	1	letter	7/7/2009	NC Wildlife Resources Commission (NCWRC)	Chambers	Marla	Water Resources	Right-Of-Way Acquisition and Relocations	The preliminary engineering designs for the DSAs are for six lanes with a 46-foot median, based on traffic projections from the non-toll scenario. The document indicated that if traffic projections for the toll scenario show four lanes to be sufficient, the footprint of the project would not change, but instead, the median width would be increased. We recommend that the median remain the same width and the footprint be narrowed for a four-lane facility in order to minimize impacts to area resources. A wider right-of-way could be preserved for possible future widening, but additional impacts to streams and wetlands should be avoided until such widening occurs.
a005	2	letter	7/7/2009	NCWRC	Chambers	Marla	Water Resources	Community Characteristics and Resources	The project crosses both main arms of Lake Wylie, the Catawba River and South Fork Catawba River arms. Section S.8.5.2 in the Summary does not clarify that these rivers and Lake Wylie are the same bodies of water, which could cause some confusion, however clarification does occur in later chapters. Lake Wylie is a popular recreational area for boating, fishing and waterskiing. The internationally renowned Bass Masters Classic fishing tournament was held at Lake Wylie in 2004. The most rapidly growing area of Gaston County is area closest to the lake.
a005	3	letter	7/7/2009	NCWRC	Chambers	Marla	Water Resources		Water quality in many project area waterways is degraded, as evidenced by the number of streams on the Final 2006 303(d) list or Draft 2008 303(d) list: South Fork Catawba River, Catawba Creek, McGill Branch, Crowders Creek, and Abernathy Creek. Two additional water resources are on the Final 2006 305(b) list due to not supporting one or more of their designated uses, but not sufficiently degraded to be placed on the 303(d) list: Catawba River/Lake Wylie and Blackwood Creek. Further degradation is likely to occur from direct and indirect impacts to area waterways. Sediment and erosion control measures should adhere to the Design Standards in Sensitive Watersheds and additional measures to manage growth and development will be needed to minimize negative impacts to water quality and the area's natural resources. Mitigation efforts should focus on improving degraded streams in the project area.
a005	4	letter	7/7/2009	NCWRC	Chambers	Marla	Floodplains and Floodways	Protected Species and Wildlife	Negative impacts to terrestrial resources and wildlife are another significant concern, as the road construction and additional development will reduce wildlife habitat and increase habitat fragmentation in the project area. Collisions with wildlife are a serious safety concern for the traveling public, as well. Where significant floodplain fills are proposed, we recommend installing floodplain culverts in the road fill to provide wildlife crossings, reduce flooding and flood damage, restore some hydrological functions of the floodplain, and reduce flood velocities at the stream crossings. We commend NCTA for committing to coordinating with NCWRC, U.S. Fish and Wildlife Service (USFWS), and US Environmental Protection Agency (USEPA) on the feasibility and design of a wildlife passage at stream SI56 and for agreeing to provide several bridges at crossings that were not required to convey floodwaters in order to minimize stream and wetland impacts, which will also enhance wildlife passage.
a005	5	letter	7/7/2009	NCWRC	Chambers	Marla	Protected Species and Wildlife		Bald eagles ( <i>Haliaeetus leucocephalus</i> ), which have been removed from the Endangered Species list, but are still protected under the Bald and Golden Eagle Protection Act, occur around Lake Wylie. Protective measure should be provided. We disagree with the statement in the North Carolina Endangered Species Act paragraph in Section 6.5.1 .2: that indicated state protection of state-listed species does not apply to transportation projects. We believe it is NCDOT's and NCTA's responsibility as state agencies to protect state-listed species in the construction of transportation facilities throughout the state and we request their assistance in protecting these animals. We see nothing in the Article (NCGS Chapter 113, Article 25) that would exempt transportation projects from the Act.
a005	6	letter	7/7/2009	NCWRC	Chambers	Marla	Indirect and Cumulative Effects	Water Resources	Indirect and cumulative impacts are a major concern and have the potential to be even more significant than the direct impacts. According to the DEIS, Gaston County has a high potential for accelerated growth and indirect effects to notable features as a result of the project and Mecklenburg County has a moderate potential. Both counties have a moderate potential to experience cumulative effects related to land use changes. The rural nature of the project area is likely to be lost without additional significant measures in place to manage growth. Urban and suburban sprawl are occurring in portions of the project vicinity. While some stormwater management controls exist to provide some protection of water quality, measures such as placing limits on impervious surfaces and preserving riparian buffers to streams and wetlands are lacking. Numerous studies have shown that when 10--15% of a watershed is converted to impervious surfaces, there is a serious decline in the health of receiving waters (Schueler 1994) and the quality of fish habitat and wetlands are negatively impacted (Booth 1991, Taylor 1993). Measures to mitigate secondary and cumulative impacts can be found in the Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality (NCWRC 2002). We also strongly encourage the use of Low Impact Development (LID) practices. Information on these measures can be found at <a href="http://www.lowimpactdevelopment.org">www.lowimpactdevelopment.org</a> , <a href="http://www.epa.gov/owow/noslidnatl.pdf">http://www.epa.gov/owow/noslidnatl.pdf</a> and <a href="http://www.stormwatercenter.net">http://www.stormwatercenter.net</a> .

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a006	1	letter	6/23/2009	NC DENR Division of Parks and Recreation	Davis	Amin	Alternatives Considered	Protected Species and Wildlife	The North Carolina Division of Parks and Recreation (DPR) has reviewed the above -referenced project information provided by your office. DPR understands that the Recommended Alternative for this project has been identified as DSA 9, which is comprised of segments H2A-H3-J 4a-J4b-J2c-J2d-JX4-J1e-J1f-K1A-K3A-JOB-K3C as shown in DEIS Figure 2-8a-b. DPR supports alignment DSA 9 as the Recommended Alternative for this project to avoid potential impacts to Crowders Mountain State Park, which is owned by the State of North Carolina and managed by DPR. Portions of the Park are classified as "Dedicated Natural Areas" (DNA's). These areas are set aside for the permanent conservation of a natural area, with the primary purpose of the property being the conservation of natural habitat. Potential impacts to DNA's would require further consultation with DPR, the NC Natural Heritage Program, and may require Council of State approval. Please let me know if I can provide further information. DPR appreciates the opportunity to comment on this proposed project. If we can be of further assistance, please do not hesitate to contact me at 919-715-7584 or amin.davis@ncdenr.gov.	
a007	1	letter	5/14/2009	NC DENR Division of Environmental Health	McRight	Jim	Utilities	Water Resources	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Environmental Health, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.	
a008	1	letter	5/20/2009	NC DENR Division of Environmental Health/ Public Water Supply Section	Setzer	Britt	Utilities	Water Resources	The proposed project area will dissect portions of Gaston County that are served predominately by community water supply wells. There are setbacks associated with these wells that must be maintained. Roads and associated right-of-way can't encroach within 100 feet of a public water supply well. There are also NTNC and TNC wells located within the project area that may have encroachment limitations. A thorough evaluation of the area needs to be conducted by Turnpike Authority to determine any potential impacts to the PWS well systems that may be located in these proposed construction corridors.	
a008	2	letter	5/20/2009	NC DENR Division of Environmental Health/ Public Water Supply Section	Setzer	Britt	Utilities	Water Resources	There are many water lines located within this area also. Existing water lines that require relocation will require approval from the PWS Section prior to relocation.	
a009	1	letter	7/13/2009	NC DENR Division of Environmental Health/ Land Quality Section				Water Resources	Erosion and Sedimentation Control Permit required.	
a010	1	letter	7/13/2009	NC DENR Division of Environmental Health/Mooresville Regional Office				Utilities	Water Resources	May need to abandon water supply wells impacted by project.
a011	1	letter	7/13/2009	NC DENR Division of Environmental Health/ Division of Air Quality	Slack	Ron	Air Quality			Open burning that meets regulations is allowed in Gaston County. Air permit for temporary concrete plants may be needed.
a012	1	letter	6/19/2009	NC Dept. of Cultural Resources/ State Historic Preservation Office	Sandbeck	Peter	Cultural Resources			We are in agreement with the statements contained within the Draft Environmental Impact Statement pertaining to archaeological resources. Notably, that once the preferred alternative is chosen, a comprehensive archaeological investigation will be undertaken prior to any earth moving activities. As always, our office will be happy to assist your staff in preparing the archaeological survey methodology should you require our assistance.
a012	2	letter	6/19/2009	NC Dept. of Cultural Resources/ State Historic Preservation Office	Sandbeck	Peter	Cultural Resources			The Determination of Eligibility and Findings of Effects for historic architectural resources match those in our files. 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 36CFR Part 800. Thank you for your cooperation and considerations. If you have any questions concerning the above comments, please contact Renee Gledhill-Earley, Environmental Review Coordinator at 919.807-6579. In all future communications concerning this project, please cite the above referenced tracking number (ER 02-9723).
a013	1	letter	6/8/2009	NC Dept. of Agriculture and Consumer Services/ Agricultural Services	Merrill	Maximilian	Farmland			The North Carolina Turnpike Authority has created another thorough Environmental Impact Statement. This DRAFT EIS adequately states the effects each Alternative would have on the immediate and adjacent farmland of the study area. However, there are a few concerns with this study and project.

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a013	2	letter	6/8/2009	NC Dept. of Agriculture and Consumer Services/ Agricultural Services	Merrill	Maximilian	Farmland		The farmland analysis may be more appropriately located in the section labeled <i>Natural Resources</i> rather than <i>Physical Environment</i> . Farm and forestland is a natural resource and cannot be mitigated for, nor replaced once converted to other uses. This highlights my second point that farms and farm businesses cannot be replaced nor relocated.
a013	3	letter	6/8/2009	NC Dept. of Agriculture and Consumer Services/ Agricultural Services	Merrill	Maximilian	Farmland		This EIS states that all DSAs would require the relocation of farms and convert farms currently in the Voluntary Agricultural District program. Many agencies and organizations have focused considerable resources and man power establishing VADs in each county in order to locate, map and support landowners who want to keep their lands in agriculture and protect their resource for future generations and economy. Transportation authorities should take extreme efforts not to encourage new projects in the areas of VADs and help combat incompatible land uses rising up around our agricultural resources.
a013	4	letter	6/8/2009	NC Dept. of Agriculture and Consumer Services/ Agricultural Services	Merrill	Maximilian	Farmland		As stated earlier, once a farm is converted it is lost forever. The amounts of agricultural products produced from those farms are no longer produced and no longer contribute to the sustainable economy of agriculture. It is estimated that with each 40 acres lost one farm job is lost forever. The most current agricultural census data shows that between 2002 and 2006 NC lost about 600,000 acres of farmland. Much of this was due to the direct, indirect, and cumulative effects of road transportation projects. We need to evaluate Alternatives on the basis of all the factors but it may now be important to give the loss of farm and forestland acres more weight in these decisions. Each Alternative, other than the No Build or Update Alternative, converts over 1,900 acres of farmland (most part of the VAD program) directly and may indirectly convert farmland many miles outside the corridors which would be thousands more acres. The current Farmland Impact Analysis shows scores of 115-122, which is below the threshold to shift any of the Alternatives. Since this project will have such severe affects on farmland how these FIA numbers be so low? It is understood that federal regulations require the Farmland Impact Analysis, however we need to look at our farmland and farm business losses with more scrutiny than this subjective analysis and weigh farm and forestland loss more heavily in project determination. Based on the secondary, cumulative, and direct impacts, this project will have adverse impacts on the agricultural economy and resources of the study area.
a014	1	letter	6/12/2009	United States Department of the Interior Fish and Wildlife Service/ Asheville Field Office	Cole	Brian	Comment Noted	Protected Species and Wildlife	This letter responds to a request for our review and comments on the Draft Environmental Impact Statement (DEIS) for the subject project. Our comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 -667 e ), and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543). The North Carolina Turnpike Authority (NCTA) proposes to provide a new location freeway from 1-85 west of Gastonia to 1-485 near the Charlotte-Douglas International Airport. As part of the North Carolina Department of Transportation's (NCDOT) merger process, we participated as a merger team member and provided comments and recommendations to the NCDOT regarding the project through concurrence point (CP) 2--alternatives to be carried forward. We abstained from signing at CP 2. A copy of our abstention is included in the DEIS, Appendix A. Subsequently, the NCTA chose to follow the merger process for this project, and in 2008 we signed a combined CP 1, 2, and 2a form and have attended agency coordination meetings and provided comments and recommendations at those meetings.
a014	2	letter	6/12/2009	United States Department of the Interior Fish and Wildlife Service/ Asheville Field Office	Cole	Brian	Water Resources		The majority of our concerns for the environmental impacts of this project are the extent of impacts to streams and wetlands and the fragmentation of terrestrial habitat. The recommended alternative will impact a total of 9.3 miles of streams, including 7.4 miles of perennial streams and almost 2 miles of intermittent streams. Wetland impacts are estimated at 7.5 acres. Conservatively, this project will require about 20 miles of stream and 15 acres of wetland compensatory mitigation. We are concerned that this amount of mitigation will not be available, particularly in this area. Every effort should be made to further avoid and minimize impacts to streams and wetlands and to provide on-site mitigation.
a014	3	letter	6/12/2009	United States Department of the Interior Fish and Wildlife Service/ Asheville Field Office	Cole	Brian	Water Resources	Indirect and Cumulative Effects	In addition to direct effects, the indirect and cumulative effects on streams and wetlands from this project and the development that it has the potential to induce will permanently alter the streams in the area and further degrade water quality and habitat. Although the municipalities in the study area are under the National Pollutant Discharge Elimination System's Phase II storm-water rules, these rules do not address the preservation of intact riparian buffers; limits on impervious surface amounts in a given watershed; or other factors critical to maintaining stable, properly functioning streams and aquatic habitat. Measures to mitigate secondary and cumulative impacts can be found in the North Carolina Wildlife Resources Commission's <i>Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality</i> . We strongly encourage the NCTA to work with local governments to adopt protective measures for streams and wetlands in the study area to reduce these impacts.

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a014	4	letter	6/12/2009	United States Department of the Interior Fish and Wildlife Service/ Asheville Field Office	Cole	Brian	Protected Species and Wildlife	Indirect and Cumulative Effects	The fragmentation of terrestrial habitat is also a concern for this project. This new location freeway will bisect a number of farms and other working land and forests that provide habitat and movement corridors for wildlife and migratory birds. There is a brief discussion on page 6-18 regarding impacts to terrestrial wildlife, but there is no analysis specific to the alternatives proposed or the recommended alternative. This discussion also states that the NCTA will consider wildlife passage structures along the corridor, but there is no map to display where these structures may be located or in what habitats. Page 7-9 of the DEIS references a map showing the distribution of habitat in the study area and possible indirect and cumulative impacts to terrestrial wildlife, but this map is in another document that is not provided in the DEIS or its appendices. If large patches of habitat are being fragmented by the various alternatives, measures to avoid or minimize those impacts should be investigated, particularly if habitat or travel corridors for large mammals or migratory birds will be affected.
a014	5	letter	6/12/2009	United States Department of the Interior Fish and Wildlife Service/ Asheville Field Office	Cole	Brian	Protected Species and Wildlife	Alternatives Considered	The only federally listed species known to occur in the project study area is the Schweinitz's sunflower ( <i>Helianthus schweinitzii</i> ). According to the DEIS, there is a population of this sunflower along the western side of Union New Hope Road, and the majority of the alternatives (including the recommended alternative) would have no impact on this population. The DEIS further states that four of the proposed alternatives (Alternatives 4, 22,58, and 76) are near this population but would have no direct impacts. If one of these latter alternatives is chosen, further consultation will be required to determine whether this population will be impacted. We appreciate the opportunity to provide these comments and will continue to participate in the planning process for this project. If you have questions about our comments, please contact Ms. Marella Buncick of our staff at 828/258-3939, Ext. 237. In any future correspondence concerning this project, please reference our Log Number 4-2-02-444.
a015	1	letter	7/17/2009	United States Environmental Protection Agency Region 4 Atlanta Federal Center	Mueller	Heinz	Water Resources	Air Quality	The U.S. Environmental Protection Agency Region 4 (EPA) has reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The North Carolina Turnpike Authority (NCTA) and the Federal Highway Administration (FHWA) are proposing to construct an approximate 22-mile, multi-lane, median-divided toll facility from I-85 west of Gastonia to I-485/NC 160 near Charlotte-Douglas Airport in Mecklenburg and Gaston Counties. The proposed project has been in the NEPA/Section 404 Merger 01 process since 2002 when it was with the North Carolina Department of Transportation (NCDOT) as a freeway. The NCTA reaffirmed several concurrence points with the NEPA/Section 404 Merger 01 process team on October 7, 2008, including Purpose and Need (Concurrence Point - CP 1), Detailed Study Alternatives (DSAs) Carried Forward (CP 2) and Bridging and Alignment Review (CP2A). EPA provided detailed scoping comments in a letter dated March 1, 2007. NCTA's May 4, 2007, responses to EPA's scoping comments are included in Appendix A to the DEIS. EPA has attached detailed technical review comments (See Attachment A). EPA's primary environmental concerns regarding Clean Water Act and Clean Air Act provisions remain unresolved.
a015	2	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Alternatives Considered		EPA has rated the twelve (12) DSAs as 'EO-2', Environmental Objections with additional information being requested for the final document. EPA's review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. The basis for our environmental objections include that the proposed action might violate or be inconsistent with achievement or maintenance of a national environmental standard under the Clean Air Act's National Ambient Air Quality Standards (NAAQS), and where applicable standards may not be violated but there is a potential for significant environmental degradation under the Clean Water Act and Section 404(b)(1) Guidelines. NCTA and FHWA should consider substantial changes to the preferred alternative or consideration of some other project alternatives, including improvements to existing I-85, interim Transportation System Management (TSM) approaches for US 29-74 and connecting roadways and other combinations of transportation improvements. Due to the significance of the unresolved environmental issues, EPA will be unable to concur on the selection of DSA 9 as the Least Environmentally Damaging Practicable Alternative ("LEDPA") at the concurrence point Merger 01 meeting.
a015	3	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality	Water Resources	Prior to the issuance of a Final Environmental Impact Statement (FEIS) and Record of Decision (ROD), NCTA and FHWA should demonstrate that the new location project will be included in an approved State Implementation Plan (SIP) and will be in conformity with Section 176(c) of the Clean Air Act Amendments for the 8-hour ozone standard. Also, NCTA and FHWA need to further demonstrate avoidance, minimization and compensatory mitigation for the environmental impacts to jurisdictional waters of the U.S. and demonstrate that water quality of Section 303(d) impaired streams is not further degraded as a direct result of this project and its associated indirect and cumulative impacts. Specific environmental commitments to protect air quality and water quality need to be included in the FEIS and ROD.
a015	4	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Information Noted		EPA staff, including Mr. Christopher Militscher and Ms. Kathy Matthews of EPA's Wetlands Section will continue to work with you and FHWA and other agencies on the continued environmental coordination and Merger 01 process activities for this project. Please feel free to contact Mr. Militscher of my staff at (919) 856-4206 or Ms. Matthews at (919) 541-3062 should you have specific questions concerning EPA's comments.

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a015	5	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Purpose and Need for Action	Alternatives Considered	EPA has reviewed the proposed project's purpose and need as summarized in Sections 1.2 and 1.3 of the DEIS. The primary needs for the proposed project are: there is poor transportation connectivity between Gaston County and Mecklenburg county and within southern Gaston County; and there are existing and projected poor levels of service (LOS) on the project study area major roadways. The proposed Gaston East-West Connector is also included as a Strategic Highway Corridor (SHC). The typical section is identified as a 4-lane, 70-foot medium divided facility with 300 feet of right of way and 12-foot paved outside shoulders. The DEIS references and includes the May 21, 2007, letter between NCTA and NCDOT regarding the decision by the State transportation agencies to study only toll alternatives in the EIS. EPA does not believe that this is consistent with the Council on Environmental Quality (CEQ) regulations at 40 CFR Section 1502. 14(a) and (c). The Gaston East-West Connector's new location corridors and preliminary study alternatives (utilized by NCTA and included in the DEIS) were developed by the NCDOT when it was proposed as a freeway. FHWA, as the Lead Federal Agency (LFA) under NEPA, might have also considered a comparison of a toll facility with a 'freeway' and their resultant environmental impacts.
a015	6	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Purpose and Need for Action	Land Use and Transportation Planning	EPA notes that the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) has identified sections east of the Catawba River for the Gaston East-West Connector in its Draft 2035 Long-Range Transportation Plan (LRTP). MUMPO on its Draft 2035 LRTP Roadway Ranking Priority List assigned rankings of 85,327,329 and 330 (out of approximately 340 total projects) for the sections where the Gaston East-West Connector is located in Mecklenburg County. EPA notes the Gaston County Future Land Use Map at Figure 1-11. A description of the 'Green Necklace' is not provided and it is noted that there are potentially substantial land use conflicts associated with this plan (e.g., Potential Industrial/Business Park north of Crowder Mountain State Park).
a015	7	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Purpose and Need for Action	Land Use and Transportation Planning	The DEIS includes detailed information regarding traffic volumes and operations for the project study area's major roadways, including 1-85, US 29-74, and US 321. EPA notes that existing level of service (LOS) using 2006 data for 1-85 in Table 1-2 shows 4 exits with LOS F, 2 exits with LOS E and 6 exits with LOS D. For US 29-74, under Table 1-3, 2006 LOS includes 2 intersections with LOS F, 3 intersections with LOS E, 7 intersections with LOS D, 8 intersections with LOS C, and 2 intersections with LOS B. For US 321, under Table 1-4, 2006 LOS includes 1 intersection at LOS F, 1 intersection at LOS E, 2 intersections at LOS D, 6 intersections at LOS C, 2 intersections at LOS B, and 1 intersection at LOS A. Table 1-5 also includes 2006 and 2030 existing and projected traffic volumes and LOS for 1-485 in Mecklenburg County. The 2006 LOS is C at Exit 4 and the 2006 LOS is LOS A at Exit 9. The DEIS tables also identify 2006 and 2030 traffic volumes (in Annual Average Daily Traffic- AADT) along the various major roadways as well as their corresponding segments. In nearly all cases, NCTA and FHWA are projecting significant traffic volume increases along 1-85, US 29-74, and US 321 in the design year. For example, 1-85 and US 29-74 are projected to have between approximately 30-50% increases in AADT by 2030. It is unclear from Section 1.6.2 of the DEIS what assumptions are being made by the planning organizations (GUAMPO and MUMPO) and transportation agencies in estimating future travel demand for these roadways and what development pressure and induced traffic will be added as a result of the new facility. The DEIS cites in several places, that the project study area is mostly suburban and rural in character. EPA notes the estimated population change by U.S. Census block groups from 1990 to 2000 in Figure 3-2.
a015	8	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Community Characteristics and Resources		The DEIS also includes information on minority and low-income demographic information which is depicted in Figures 3-3, 3-4 and 3-5. One of EPA's past and continued concerns has been the construction of a toll facility in an area where there are many block groups characterized as minority and low-income (See comment section on "Environmental Justice" below).
a015	9	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Alternatives Considered		The DEIS addresses the first and second screening methods utilized to develop preliminary study alternatives and further identify DSAs. The DEIS identified the public involvement and agency coordination involved with the alternatives screening process. Page 2-4 of the DEIS states: "Initially, the First Screening focused on the ability to meet Purpose and Need. Several alternatives were eliminated largely or entirely based on their inability to meet the Purpose and Need (TSM, TDM, Mass transit, Multi-modal)." EPA was a concurring agency to carry forward the twelve (12) DSAs. However, the DEIS does not specifically address how a combination of alternatives as referenced above with other transportation improvements to existing major roadways might be able to meet the Purpose and Need. EPA does not agree with the conclusions regarding the mass transit alternative on pages 2-8 and 2-9. NCTA's and FHWA's preferred alternative DSA 9 has an estimated median cost of \$1.282 billion. A primary rationale provided in the DEIS for eliminating the mass transit alternative (e.g., Light rail), is the estimated cost of 'at least \$1.06 billion' for a 22-mile new location rail system. EPA notes the following key statement regarding mass transit on new location: "In addition, there is no program currently in place within North Carolina or in Gaston County to fund such improvements." The DEIS continues to state that the lack of financial feasibility is an additional reason for finding that this alternative is not a reasonable alternative. EPA requested in its March 1, 2007, letter that combinations of alternatives also be further studied and analyzed in the DEIS. Referring to CEQ regulations 40 CFR Section 1502. 14(c), FHW A and NCTA might have considered partnering with the Federal Transit Authority (FTA) to evaluate a combination of alternatives that could potentially meet the project purpose and need. From a public disclosure and analysis standpoint EPA believes that for the eastern portions of the project study area a mass transit alternative is still potentially a 'reasonable' alternative under NEPA in combination with other new location and improve existing options.

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a015	10	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Comment Noted	Indirect and Cumulative Effects	The DEIS includes twelve (12) DSAs including alternatives 4,5,9,22,23,27,58,64,68,76, 77, and 81. For all of the DSAs, the indirect and cumulative effects and potential for accelerated growth and indirect effects in Gaston County are rated 'High' in Table S-2. The NCTA and FHWA have identified DSA 9 as their preferred alternative.
a015	11	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Water Resources		EPA acknowledges that the FHWA and NCTA's recommended (preferred) alternative is DSA 9 and that it has lower wetland and stream impacts than many of the other alternatives considered (with the exception of DSA 68 and 81 for stream impacts). DSA 9 has 48,995 linear feet of total stream impact with 38,894 linear feet of impact to perennial streams. There is an estimated 20,615 square feet of impact to Catawba River riparian buffers. Jurisdictional wetland impacts are 7.5 acres for DSA 9. Based upon tracking records that EPA began in 2002, the proposed project would have 2,237.2 linear feet of stream impact per mile of multi lane new location facility. This is more than double the State-wide average of approximately 1,000 linear feet for a Piedmont or western North Carolina project and potentially the highest impact per mile of any Merger project since 2002. DSA 9 also includes 91 total stream crossings. EPA considers the direct impacts to waters of the U.S. to be very significant.
a015	12	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Land Use and Transportation Planning		The DEIS does not fully address EPA's comments from the March 1, 2007, scoping letter concerning the need to fully consider and address the number and associated impacts for free flowing interchanges and toll collection facilities. EPA requested that full consideration be given to using single point urban interchanges (SPUI) and compressed cloverleaf designs at grade separated locations. The DEIS on page 2-50 discusses the option of removing the intersection at the US 29-74 interchange (depicted on Figures 2-9 d & e) from the project design, but there is no formal conclusion reached on the issue. EPA requested during past Merger meetings that due to the traffic volumes and resources in the area, serious consideration be given to eliminating this interchange. A SPUI or other compressed interchange design might have also reduced stream and wetland impacts at the Robinson Road interchange (Figure 2-9q), Bud Wilson Road interchange (Figure 2-9s), Bradley Trail interchange (Figure 2-9u), NC 273 interchange (Figure 2-9cc) and the 1-485 Interchange (Figures 2-9gg, hh and ii). EPA recognizes the different interchange designs shown in the aforementioned figures. However, the DEIS does not contain a specific discussion or analysis as to the types of interchanges examined. Section 6.4.5.3 under 'Avoidance and Minimization' states that the 'presence of wetlands and streams and minimizing or avoiding impacts to these resources was a factor in considering interchange configurations'. However, there is no detailed discussion as to how important these resources were considered and if SPUIs or other compressed cloverleaf designs were given full consideration. From previous Merger meeting discussions, EPA staff commented that 'high-speed' to 'high-speed' interchange and ramp designs were not necessarily needed at all the potential interchange locations and that 'low-speed' connections at secondary roads should be considered.
a015	13	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Water Resources		The DEIS does not provide details as to how and to what degree the DSAs incorporate measures to avoid and minimize impacts to jurisdictional waters. EPA does recognize the CP 2A bridge field review meeting on avoidance and minimization efforts conducted in December of 2007. EPA technical staff were directly involved in these field investigations. However, direct impacts to existing 303(d) listed impaired streams and other waters at risk from further degradation have not been fully addressed from the standpoint of avoidance and minimization (e.g., proposed median width of 70 feet, 300-foot minimum right of way, 12-foot paved outside shoulders, etc.).
a015	14	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Water Resources		The DEIS does not address our comments on pages 4 and 5 of our March 1, 2007, scoping letter, recommending that NCTA and FHWA provide a conceptual plan in the DEIS which includes opportunities for on-site mitigation. The preferred alternative has approximately 7.5 acres of jurisdictional wetland impacts and 48,995 linear feet of total stream impact. There is no detail provided in the DEIS if there is adequate on-site or off-site mitigation available in the HUC. Although mitigation is discussed in Section 6.4.5.4, no details are provided. Also in this section, the DEIS includes a short statement about off-site mitigation. The paragraph mentions the Memorandum of Agreement (MOA) between NC Department of Transportation (DOT) and the Ecosystem Enhancement Program (EEP). It is unclear whether NCTA is subject to the DOT/EEP MOA (in which case, it is likely that mitigation plans are already underway for these impacts), or if NCTA will pay into the traditional in-lieu fee program run by EEP under a Memorandum of Understanding (MOU) with NC Department of Natural Resources and the Corps. Under the MOU program, EEP may not have any mitigation planned until after NCTA provides payment, typically after the permit is issued. The FEIS should clearly state which program NCTA will utilize for wetland and stream mitigation. EPA recommends that NCTA identify conceptual on-site mitigation opportunities in the FEIS. The Corps and NCDWQ may require mitigation for all intermittent as well as perennial streams. EPA recommends that NCTA propose compensatory-mitigation for all impacts to jurisdictional-resources. The lack of a conceptual mitigation plan for impacts to jurisdictional waters of the U.S. is a significant deficiency in this DEIS.

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a015	15	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Indirect and Cumulative Effects	Water Resources	In the March 1, 2007 letter, EPA also requested that FHWA and NCTA explore methods to directly address mitigation for indirect and cumulative effects of the proposed project, including long-term impacts to water quality. The DEIS has no specific discussion of mitigation for indirect and cumulative effects. EPA is concerned that although we specifically identified significant issues with the use of the North Carolina Wetlands Ratings System (WRS) on this project (forested wetlands labeled as emergent wetlands, forested wetlands adjacent to streams receiving a rating of zero from at least one of the consultant teams), NCTA continues to rely on the WRS scores to describe the wetlands that may be impacted. NCTA should complete a North Carolina Wetland Assessment Method (NCWAM) assessment on all wetland impact sites for the recommended alternative and present the information in the FEIS. EPA does not believe that the WRS provides meaningful information for wetlands permitting decisions.
a015	16	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Land Use and Transportation Planning	Water Resources	In Section 6 of the DEIS, there is a discussion concerning the soils within the project area and states that the entire area underlain by the project is rated moderate or severe for road construction, and may require "special planning, design or maintenance to overcome soil limitations." However, EPA could find no discussion regarding the need for potential borrow sites, and the potential impacts to uplands, wetlands, and streams from these borrow pits. If borrow sites will be necessary, the FEIS should fully explore the amount of borrow needed and potential impacts (quantitative) to natural areas, including terrestrial areas, wetlands, and streams.
a015	17	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Water Resources		Portions of Abernethy Creek, Crowders Creek, McGill Branch, Catawba Creek, and South Fork Catawba River within the project area are on the 303(d) list of impaired waters, due to aquatic life impairments resulting from urban runoff, and storm sewers. Some of the possible causes include non-point sources of pollutants such as sediment from construction sites, stormwater runoff from farms and residential areas, faulty septic tanks, etc. Section 6.2.2.4 of the DEIS lists other possible sources of pollution. NCTA's proposed road construction is a type of activity that is shown to be causing or contributing to the impairment of these receiving waters. Considering the magnitude of the direct impacts, there is the potential that NCTA's activities will cause or contribute to the continued degradation of these water bodies, or prevent them from being restored, contrary to the Clean Water Act. The DEIS provides no information on specific actions that NCTA will take to avoid and minimize impacts (direct and indirect) to 303(d) listed impaired streams. Local ordinances, riparian buffer rules and implementation of past stormwater control initiatives have not proven to be successful in addressing these continued developmental impacts. Moreover, the recommended alternative will directly impact approximately 7.5 acres of jurisdictional wetlands and 48,995 linear feet (approximately 9.3 miles) of streams. Riparian buffers are not specifically protected in many parts of the project study area. NCTA should commit to provide adequate methods of stormwater treatment to remove pollutants and sediment, during construction and afterward.
a015	18	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Water Resources	Hazardous Materials	Specifically, NCTA and FHWA should at a minimum make environmental commitments to provide methods such as wet ponds, created stormwater wetlands, infiltration trenches and wells, sand filters, temporary and permanent retention ponds, level spreaders, retaining walls to reduce fill impacts from steep slopes, and reinforced grassed-swales. During construction, NCTA and FHWA should also restrict clearing and grubbing to the maximum extent possible. More effective soil erosion and turbidity control measures researched by NCDOT and NCSU including Polyacrylamide (PAM), coconut fiber logs, and absorbent wattles should be incorporated into the soil and erosion control plan and included as an environmental commitment (Note: these more costly measures have been shown to drastically reduce turbidity and sedimentation during construction). Permanent stormwater measures (including detention basins/hazardous spill catch basins) should be planned and designed within the proposed facility's right of way to address future development runoff and hydrologic trespass from off-site sources such as residential and commercial developments, toll collection facilities, and parking lots. NCTA and FHWA should consider the use of hazardous spill catch basins/stormwater basins at key locations, including 303(d) listed streams that are already impaired from urban runoff and pollutants.
a015	19	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Indirect and Cumulative Effects	Water Resources	EPA, as well as other agencies, previously requested that FHWA and NCTA explore methods to directly address mitigation for indirect and cumulative effects of the proposed project, including long-term impacts to water quality. FHWA and NCTA are not proposing any mitigation for indirect and cumulative impacts to water quality. According to the Summary of Potential Indirect Impacts (Table S-2), Gaston County is expected to have "High" potential for accelerated growth as a result of the project. Furthermore, this table also cites that the potential effects on water quality, wetlands, impaired waterways, and watersheds as a result of the accelerated growth are "Strong" to "Very Strong."

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a015	20	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Indirect and Cumulative Effects		<p>In the March 1, 2007, scoping letter, EPA also requested that FHWA and NCTA perform a quantitative Indirect and Cumulative Impacts (ICI) analysis for this proposed project. The DEIS does state (i.e., page 7-2) that a quantitative assessment would be conducted on the preferred alternative following the DEIS, if FHWA and NCTA determine that a quantitative analysis is needed. However, the ICI in the DEIS is only qualitative, and does not provide meaningful information concerning potential impacts to wetlands, streams, water quality, air quality, and endangered species. The Indirect and Cumulative Effects Section (Section 7) of the DEIS is not specific, and provides no quantitative data to characterize the existing conditions in the project area (such as percent land use by commercial, agriculture, etc.). There are no quantitative data presented in the DEIS concerning potential indirect and cumulative impacts to wetlands, streams, water quality, and wildlife habitat. In general, the indirect and cumulative effects to water quality are not adequately addressed by the DEIS. Section 6.2.4 (page 6.9) states that indirect and cumulative effects to water quality are discussed in Section 7.5. However, Section 7.5 (page 7-13) states that indirect and cumulative effects are discussed in Section 6.2.4. Neither section fully or adequately addresses the issue. The ICI simply states that cumulative effects can be minimized through implementation of local stormwater ordinances and BMPs. However, local ordinances and implementation of stormwater control initiatives in the past have not proven to be successful in addressing these continued development conditions. EPA continues to recommend that the NCTA develop a quantitative analysis of the indirect and cumulative impacts from the proposed project and recommend appropriate avoidance, minimization and mitigation measures for the anticipated impacts.</p> <p>The FEIS should include more quantitative data on existing conditions and potential impacts to wetlands, streams, water quality, and wildlife habitat from the 'No Build Alternative' and the Preferred Alternative. Existing land use may be estimated using the NWI data or other GIS wetland data and the USGS's North Carolina GAP Analysis Project's land use coverage map. There are also many useful GIS data layers at NC One Map. The FEIS should calculate the acreage of induced growth from the Preferred Alternative, using the No Build as a baseline. The FEIS should also calculate the cumulative amount of potential impervious surfaces added and cumulative increase in percent impervious surface for each watershed resulting from the project and other reasonably foreseeable activities. For instance, the FEIS developed for the I-73 project (TIP 1-4923) utilized NRCS's Urban Hydrology for Small Watershed Basins: 1975 to determine the percent of impervious surfaces for land use type. This FEIS then multiplied the predicted acreage of a type of development (residential, commercial, etc.) by the corresponding percentage (e.g. 85% for commercial development, 72% for industrial development, etc.). Likewise, land use models and available GIS information on wetlands and streams in the project area could be used to develop predictions of indirect and cumulative impacts to wetlands and streams in the watershed.</p> <p>At a minimum, the FEIS should list known areas of impacts (recent and future TIP projects with projected impacts and other permitted or planned activities) along with the estimated amounts and a total estimated impact for each watershed. Further, the water quality impacts could also be estimated using the FHWA's "Constituents of Highway Runoff" to estimate the amount of pollutant that would enter streams after a twenty-day buildup period, assuming there were no structures such as retention basins or ditches to filter sediment. It is understood that stormwater requirements must be met, and that avoidance and minimization efforts may reduce the amount of estimated wetland and stream impacts. It is also understood that the quantitative information is an estimate, and may provide a worst-case scenario. However, the FEIS should provide as much quantitative information as possible.</p>
a015	21	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality		EPA notes the special project commitment ("Green Sheet") regarding air quality and that NCTA will coordinate with GAUMPO and MUMPO to ensure that the air quality conformity determination for the region includes the project's design concept and scope consistent with the 'preferred alternative' prior to the Record of Decision (ROD).
a015	22	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality	Indirect and Cumulative Effects	EPA believes that vehicle miles traveled (VMTs) will substantially increase from the proposed action, particularly in the Gaston County area. EPA further concurs with NCTA and FHWA that the proposed action will significantly induce ("accelerate") development within the project study area. Increased development further from Charlotte and other more urbanized areas will invariably increase vehicle commutation distances and result in increased air pollution emissions. Any congestion management relief along I-85 and other east-west routes will be potentially offset by increased 'development sprawl', greater VMTs in the project study area and, ultimately, increased air pollution emissions.

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	23	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality		<p>Please refer to Appendix A-8 of the DEIS, which includes EPA's letters of November 17, 2008, and January 9, 2009, on the State Implementation Plan (SIP). <u>We wish to emphasize that EPA issued a Final Rule in the Federal Register on May 8, 2009, for the 'Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard: North Carolina and South Carolina.'</u></p> <p>The DEIS states that the Charlotte-Gastonia-Rock Hill air quality region was designated as a 'moderate non-attainment' area on June 15, 2004, for the 1997 8-hour ozone standard. Based upon recent monitoring data, 2007 and 2008 8-hour ozone concentrations averaged approximately 84 micrograms per cubic meter (ug/m<sup>3</sup>). In order to retain the moderate non-attainment status and not be reclassified by EPA as 'serious non-attainment', 2009 monitoring data for the 8-hour ozone standard would have to be 65 ug/m<sup>3</sup>. While still early in the '2009 ozone season', the North Carolina Division of Air Quality (NCDAQ) has already issued several Code Orange ozone alerts for the Charlotte and Piedmont areas as of June 4, 2009. From a CAA perspective, a 'maintenance area for attainment' means that the urban area has exceeded NAAQS levels for one or more pollutants in the past. The 1997 8-hour average ozone standard and the 2008 8-hour average ozone standard are 0.08 and 0.075 parts per million, respectively.</p> <p>Section 4.4.4 of the DEIS outlines substantial information on transportation conformity, regional conformity analysis, project-level ("hot-spot") conformity analysis, conformity determinations for LRTPs and TIPs, potential for conformity lapse grace period, potential for a conformity lapse, implications for the Gaston East-West Connector project, status of the SIP for the 'Metrolina' Region, and the status of the SIP. EPA concurs with most of the information and analysis in this section of the DEIS. The next update for the GUAMPO LRTP is June 30, 2009 and for the MUMPO LRTP it must be approved by May 3, 2009.</p> <p>Referring to EPA's previous letters on the SIP and transportation conformity, EPA believes that it is highly improbable that the Charlotte area will be able to retain its moderate non-attainment status for the 8-hour ozone that is required by June 15, 2010. One of the primary reasons for the 'Environmental Objections' rating for the preferred DSA D alternative is where an action <u>might violate or be inconsistent with achievement or maintenance of a national environmental standard.</u> Under EPA's policy and procedures under Section 309 of the CAA and NEPA, the threshold for rating the environmental impact of the proposed action is based not only on the potential or likelihood to violate a national environmental standard, but also on the proposed mitigation for the project and if that mitigation is adequate to address the potential and significant environmental impacts. NCTA and FHWA did not propose any air quality related mitigation to address the potential direct impact from this 22-mile, new location toll facility or its indirect and cumulative effects. Until the issues involving the SIP, LRTP update, TIP and conformity demonstration are fully resolved, EPA believes that this new location project will continue the pattern of development sprawl in the Charlotte/Metrolina area and further result in air quality degradation and future potential violations of the CAA's 8-hour ozone standard. EPA concurs with NCTA and FHWA that this new location facility will most likely induce development in the project study area. However, EPA does not agree with NCTA and FHWA conclusion that this induced development will not ultimately result in an increase of the VMTs due to the construction of the new location roadway. Our environmental objection rating includes other new location alternatives (DSAs) as well.</p>
a015	24	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality		<p>EPA has reviewed the Mobile Source Air Toxics (MSATs) sections contained at 4.2.3, and Appendix H. EPA acknowledges that a more detailed qualitative analysis was provided in the DEIS. The DEIS states that there is an approximate 12% increase (for Gaston County) in VMTs for the new location alternatives versus the 'No Build Alternative'. However, EPA does not concur with the general regional assessment provided in Section 4.2.3 or Appendix H. EPA does concur with the statement provided on Page H-8 of the DEIS: <i>"In summary, under all DSAs in the design year, it is expected that there will be higher MSAT emissions in the immediate project area, relative to the No Build Alternative, due to increased VMT."</i> EPA's recent technical comments concerning MSATs for the Monroe Bypass/Connector project apply to this project as well. The qualitative analysis provided in the DEIS considers MSATs to be a regional air quality issue and does not address the specific environmental concerns for potential near-roadway exposures to increases in MSATs.</p>
a015	25	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality		<p>The DEIS does not identify any 'local control measures' for MSATs in the project study area. FHWA has asserted that MSATs cannot be accurately modeled and the health effects accurately predicted. EPA requests that FHWA provide the identification of 'local control measures' and how these measures could be assessed against 'uncertain health effects'. Again, please refer to EPA's letter dated June 15, 2009, concerning MSATs and the specific measures to reduce emissions during construction and for the final project design.</p>
a015	26	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Air Quality		<p>The DEIS does identify 4 public schools (Section 2.3.1.4 and Figure 3-7a-b) located near the boundaries of the DSA corridors and no other potential sensitive receptors. Considering the 10,000 to 61,800 AADTs on the new facility and that this is potentially a 'new emission source', the development of a finite period monitoring program would not be inconsistent with other past FHWA actions regarding MSATs. Furthermore, direct data collection by FHWA would address some of the 'uncertainty' that it has expressed in the modeling and baseline estimates for MSATs. There are numerous more recent, peer-reviewed and published health studies and the correlation with near roadway exposures to MSATs that have not been considered or cited in the DEIS. EPA recently provided examples of several local control measures for the Monroe Bypass/Connector project that are applicable for this proposed project as well.</p>

# Gaston East-West Connector

# DEIS - Public Release Comments

Federal and State Agencies

Comments received during the DEIS Public Review Period - ending July 21, 2009

Document Control No.	Comment No.	Comment submitted via	DATE	Agency (as needed)	Last	First	Comment Topic	Comment Secondary Topic	Comments or questions about the DEIS
a015	27	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Community Characteristics and Resources		Section 3.2.5.1 includes the primary issues of EJ under Executive Order 12898. Section 3.2.5.2 of the DEIS includes a discussion on EJ as it relates to the proposed project, including public involvement and outreach conducted by NCTA and FHWA. Table 3-7 provides a general evaluation for the proposed toll facility. EPA does not fully concur with this assessment provided on Pages 3-25 to 3-28. The minority and low-income communities in the project study area would receive the 'higher percent' of impact from the new facility in terms of air quality and noise impacts, but would not necessarily receive a proportionate benefit of access due to the potential toll costs. This evaluation generally considered direct relocation impacts to minority and low-income neighborhoods and did not fully consider the long-term air quality and noise impacts. Using existing 1-85 and other routes does not address the issue that minority and low-income persons would have to drive further and at greater cost than persons who would have access to the new toll facility. DSA 9, the preferred alternative, also has one of the highest percentages of minority relocations of all of the DSAs (26-28 % of the total number of residential relocations).
a015	28	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Noise		Section 4.1 of the DEIS contains detailed information regarding potential noise receptor impacts. For DSA 9, there are an estimated 245 total number of impacted receptors using FHWA Noise Abatement Criteria. FHWA and NCTA are proposing 12 'feasible and reasonable' noise barriers that are 20,562 linear feet in total length that benefit approximately 169 impacted receptors for DSA 9. NCTA and FHWA are not proposing any other forms of potential noise abatement measures within the project study area such as different pavement types, reduced speed limits, earthen berms, or vegetative screens.
a015	29	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Farmland		Section 4.3.4 of the DEIS describes Farmland Impacts. It should be noted that <u>North Carolina lost more than 600,000 acres of farmland from 2002-2007</u> according to a recent census by the U.S. Census of Agriculture. Also in this period, North Carolina lost approximately 1,000 individual farms. A more recent U.S. Department of Agriculture report in 2007 showed that North Carolina lost 1,000 farms in 2006 alone, <u>making it the state with the largest loss of farms in the U.S.</u> These trends are expected to continue as North Carolina continues to promote roadway infrastructure, development and urbanization further from metropolitan center districts. Past State and Federal initiatives to minimize farmland losses appear to be having little effect on these alarming trends. None of the farmlands impacted for the DSAs are considered to meet the Land Evaluation Site Assessment (LESA) criteria under Title 7, CFR Part 658 as being Prime, Unique or of Statewide importance. However, there are approximately 1,109 acres comprising 21 parcels in Gaston County and within the DSA corridors currently participating in local Voluntary Agricultural District (VAD) programs. This program (NCGS Chapter 106, Sections 735-743) authorizes counties to undertake a series of programs to encourage the preservation of qualifying farmland and to foster growth, development and sustainability of family farms. Figure 4-3 depicts the parcels participating in this farmland preservation program and the corresponding locations within the DSAs. Table 4-11 provides impacts to VAD properties and DSA 9 would potentially impact 449.1 acres and 10 properties that are participating in the farmland preservation program. The statement concerning Gaston County planning staff and future land use (i.e., greater suburban development) appears to be inconsistent with the intent of NC General Statute for VADs. EPA also does not concur with the 'relocation assessment' for active farms that will need to be relocated and that there is 'suitable replacement property' available. The DEIS does not offer any potential avoidance and minimization measures (e.g., reduced right of way, keeping to property boundaries, providing access to dissected fields, etc.) to potentially reduce impacts to farmlands.
a015	30	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Comment Noted		The DEIS identifies other human and natural environment impacts for the DSA 9 preferred alternative as well as other DSAs in Table S-2, including 348 residential relocations, 37 business relocations, 18 named neighborhoods impacted, 3 churches impacted, 1 public park, 24 hazardous material sites, 13 floodplain crossings, 2 historic resources with No Adverse Effects, 177 acres in agricultural lands, and 882 acres of terrestrial forests. Potential impacts to archeological sites are considered to be 'Moderate', but final surveys have not been conducted.
a015	31	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Protected Species and Wildlife		Due to the rural nature of a substantial portion of the project study area and the significant impacts to terrestrial forests, the EPA believes that wildlife habitat fragmentation is a potentially significant issue, including safety concerns. EPA believes that further consultation with FWS and WRC is needed to identify wildlife crossings and other minimization measures involving large mammals such as deer, and a new, high-speed, multi-lane facility. EPA notes the comments on page 6-18 of the DEIS concerning the feasibility and design of the wildlife passage at Stream S156.
a015	32	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Indirect and Cumulative Effects		In general, the Indirect and Cumulative Effects (ICE - Section 7) is not specific, and provides no quantitative data to characterize the existing conditions in the project area (such as percent land use by commercial, agriculture, etc.). There are no quantitative data concerning potential impacts to wetlands, streams, water quality, and habitat. Section 7 of the DEIS only provides qualitative statements, and in some cases, subjective conclusions. The DEIS assumes that growth will continue in the corridor regardless of the construction new location roadway, and that the existing local and state requirements will minimize impacts. However, no data is provided to support these conclusions. For this proposed toll facility, the ICE is broken up into 'Districts'. EPA does not concur with numerous subjective statements concerning future development and growth 'without' the proposed project. Interchange locations as identified on pages 7-14 and 7-15 are very likely to develop in the future - but only with the new roadway.

# Gaston East-West Connector

# DEIS - Public Release Comments

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a015	33	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Indirect and Cumulative Effects	Land Use and Transportation Planning	DEIS Figure 7-2 and page 7-12 of the ICI demonstrates the expected travel 'time savings' from the project. More than half of the project area shows little if any (0-5 minutes) 'time savings' in travel from the proposed project. The greatest area of travel time improvement is along the project in the southeast corner of Gaston County, and south to York County. There appears to be little to no change for most of Gaston County and project study area. However, Table 7-2 on page 7-20, which indicates a "High Potential for Project to Improve Mobility, Access, and Connectivity" in both Gaston and Mecklenburg portions of the ICE study area, which is inconsistent with the fact that more than half of Gaston County's portion of the study area is shown with little to no 'time savings', and all of Mecklenburg County's portion of the study area is shown with little to no time savings (Figure 7-2).
a015	34	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Indirect and Cumulative Effects		The FEIS should include more quantitative data on existing conditions and potential impacts to wetlands, streams, water quality, and habitat from the No Build Alternative and the Preferred Alternative. For example, existing land use may be estimated using the NWI data or other GIS wetland data and the USGS's North Carolina GAP Analysis Project's land use coverage map. There are also many useful GIS data layers at NC One Map. The FEIS should calculate the acreage of induced growth from the Preferred Alternative, using the No Build as a baseline. The FEIS should also calculate the cumulative amount of potential impervious surfaces added and cumulative increases in percent impervious surface for each watershed from the proposed project and other reasonably foreseeable activities. For instance, the FEIS developed for the 1-73 project (TIP 1-4923) utilized NRCS' s Urban Hydrology for Small Watershed Basins: 1975 to determine the percent of impervious surfaces for land use type. This FEIS then multiplied the predicted acreage of a type of development (residential, commercial, etc.) by the corresponding percentage (e.g. 85% for commercial development, 72% for industrial development, etc.). Likewise, land use models and available GIS information on wetlands and streams in the project area could be used to develop predictions of indirect and cumulative impacts to wetlands and streams in the watershed. At a minimum, the FEIS should list known areas of impacts (recent and future TIP projects with projected impacts and other permitted or planned activities) along with the estimated amounts and a total estimated impact for each watershed. Further, the water quality impacts could be estimated using the FHWA's "Constituents of Highway Runoff" to estimate the amount of pollutant that would enter streams after a twenty-day buildup period, assuming there were no structures such as retention basins or ditches to filter sediment. It is understood that stormwater requirements must be met, and that avoidance and minimization efforts may reduce the amount of estimated wetland and stream impacts. It is also understood that the quantitative information is an estimate, and may provide a worst-case scenario. However, the FEIS should provide as much quantitative information as possible and EPA is requesting a more 'quantitative' indirect and cumulative impact assessment for the preferred DSA 9 alignment for all the 'Districts'.
a015	35	letter	7/17/2009	US EPA Region 4 Atlanta Federal Center	Mueller	Heinz	Editorial		EPA notes that the DEIS is divided into twelve (12) sections. There is a recommended format for environmental impact statements specified at Title 40 of the Code of Federal Regulations Section 1502.10. EPA recommends that the FEIS for this proposed toll facility be presented in the recommended format contained in the CEQ regulations. Subsections under the basic chapter headings might be used as appropriate.

# **APPENDIX D**

Comments from Local Governments

# Gaston East-West Connector

Comments received during the DEIS Public Review Period - ending July 21, 2009

## DEIS - Public Release Comments

### Local Governments

Document Control No.	Comment No.	Comment submitted via	DATE	Agency (as needed)	Last	First	Comment Topic	Comment Secondary Topic	Comments or questions about the DEIS
g004	1	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning	Air Quality	Page S-16, Section S.9, 4th bullet: The sentence should read: Local LRTPs should be developed to ensure consistency of design concept and scope with the Preferred Alternative (if the preferred alternative is a toll facility).
g004	2	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Page 1-5, Sec. 1.4.2.1: Add the following notations: •2005: The MUMPO 2030 LRTP financial assumptions note that Urban Loop funds will be made available for construction of the Garden Parkway. •2009: Financial assumptions for the 2035 LRTP state that the project will be built as a toll facility.
g004	3	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		Page 1-7, Sec. 1.5.1.1: I-85 begins in Petersburg, Virginia, not Richmond, Virginia. I-485 now extends beyond NC 16 to NC 115 in northeast Mecklenburg County.
g004	4	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Page 1-8, Sec. 1.5.1.1: There is a proposed diamond interchange for I-485 at the West Boulevard Ext. for which the ramps have been graded.
g004	5	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Page 1-9, Section 1.5.1.3: The 2nd paragraph notes 19,000 vpd on US 29-74 in 2006 at the Catawba River while Table 1-3 notes the same location with 45,100 vpd.
g004	6	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Page 1-10, Section 1.5.2.1: There is no CSX line within the study area.
g004	7	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Page 1-21, Section 1.8.2.1: The alignment for the Gaston East-West Connector referred to in Figure 1-9 is also misaligned in Figure 1-10. The intent is for the alignments to match. There may be an error in one of the MPO GIS files that caused this mismatch. If this alignment is corrected on figures 1-9 and 1-10, please remove the sentence referencing the mismatch.
g004	8	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Page 1-23, Section 1.8.2.4: Project U-3411 was not ranked in the 2030 LRTP because it was funded and considered as an Existing & Committed (Funded) project. Delete the sentence about the project not being ranked.
g004	9	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		Figure 1-1: The map should show I-485 being complete north of I-85 to just east of I-77.
g004	10	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Figures 1-9 and 1-10: Both maps show the Connector being offset at the Catawba River (See comments above referencing Page 1-21).
g004	11	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		Page 2-35, Section 2.3.2.2, Exhibit 2-1: Include a larger, color version of the Future Airport Layout map, either as a Figure in Chapter 2 or in the Appendices.
g004	12	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		Figures 2-9 gg, 2-9hh: Charlotte-Durham Int'l Airport should be Charlotte-Douglas International Airport.
g004	13	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		Figures 2-9 gg, 2-9hh, 2-9ii: Show the interchange with I-485 for each alternative on separate maps.
g004	14	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		Figures 2-9ii: The note by the West Boulevard Realignment should either be removed or state "Construction by Others" instead of "Construction by Airport."
g004	15	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		A relocation of Garrison Road, a north-south, minor thoroughfare, is shown on the MUMPO Thoroughfare Plan. The Connector's design should not preclude a future grade separation between it and Garrison Road.

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g004	16	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Editorial		The document should include updated maps of new roadways in the vicinity of the Charlotte-Douglas International Airport, including the Wallace Neel Road Relocation.
g004	17	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		How will traffic from the relocated Wallace Neel Road get to Steele Creek Road once the East-West Connector is open to traffic?
g004	18	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Access will need to be provided to the Charlotte-Douglas International Airport's intermodal facility which will have its primary entrance near the current intersection of Steele Creek Road and Byrum Dr.
g004	19	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Consult Charlotte-Douglas International Airport staff to determine if there are conflicts between the proposed design of the Connector east of the I-485 interchange toward Steele Creek Road.
g004	20	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning	Community Characteristics and Resources	There should be accommodations for bicycle lanes and sidewalks on Dixie River Road and the relocated Garrison Road where they cross the Connector.
g004	21	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		Were the runway approaches from Charlotte Douglas International Airport taken into consideration with the I-485/Gaston East -West Connector interchange design?
g004	22	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning	Community Characteristics and Resources	Will there be provisions for pedestrians and/or bicyclists on the bridge over the Catawba River?
g004	23	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Land Use and Transportation Planning		The Charlotte-Douglas International Airport will be paving the ramps for the West Boulevard Extension interchange with I-485. This interchange will have a simple diamond configuration. The Gaston-East-West Connector should utilize this interchange as much as possible to preserve the existing infrastructure to maximize construction cost savings.
g004	24	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Air Quality		Page S-11, Section S.8.3.2, 2nd paragraph: It is important to note that this project is part of a conforming transportation plan. However, compliance with the ozone and/or CO NAAQS is not demonstrated if the project is included in a conforming transportation plan. Conformity is not equivalent to meeting the NAAQS.
g004	25	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Air Quality		Page 4-16 & 4-17, Section 4.2.2: Starting in the 6th paragraph on page 4-16, an "interim emissions test" in a moderate nonattainment area requires a finding that emissions will be less with the proposed improvements in the LRTP/TIP than they would be without the improvements.
g004	26	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Air Quality		Page 4-18, Section 4.2.2: In the 1st paragraph, an "interim emissions test" in a moderate nonattainment area requires a finding that emissions will be less with the proposed improvements in the LRTP/TIP than they would be without the improvements. In marginal nonattainment areas, the interim emissions test is a "no greater than" test.
g004	27	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Air Quality		Page 4-22, Section 4.2.5.1: In the top paragraph, the sentence beginning with "Therefore, compliance of a project with the ozone NAAQS..." is not correct. Compliance with the ozone NAAQS is not demonstrated if the project is included in a conforming plan. In marginal nonattainment areas, the interim emissions test is a "no greater than" test.
g004	28	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Air Quality		Page 4-24, Section 4.2.5.3: Air quality impacts due to construction can be reduced significantly by following the recommendations in the EPA document, Cleaner Diesels: Low Cost Ways to Reduce Emissions from Construction Equipment (March, 2007). Construction equipment using diesel or gasoline fuel should be no earlier than the 2007 model year, or if older, should be retrofitted with pollution control devices to be equivalent to a 2007 model year. This can result in a 90 percent reduction in NOx and PM emissions.

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g004	29	letter	7/20/2009	Mecklenburg-Union Metropolitan Planning Organization	Cook	Robert	Air Quality		The report does not include an air quality assessment of the Connector. There is no estimate of daily NOx emissions for any of the alternatives for any project completion year. There is also no estimate of what the daily NOx emissions for the no-build scenario. The VMT projections provided in Appendix H do show a difference between building the bypass, and not building the bypass. While the emissions of NOx do not directly indicate how much ozone may be formed, NOx is essential to the formation of ozone.
g008	1	resolution	7/17/2009	City of Belmont	Webb	Barry	Alternatives Considered		WHEREAS, the City Council of the City of Belmont has on two prior occasions (February 1, 1999 and December 1, 2008) adopted resolutions endorsing the selection of what had been previously referred to as the Middle Alignment (KID): NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Belmont, North Carolina hereby reaffirms its position requesting that the NC Turnpike Authority reconsider its abandonment of the former Middle Alignment (KID) 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 original Gaston County Citizens Bypass Committee, preferably paralleling the northern bank of the Plant Allen canal as closely as possible.
g008	2	resolution	7/17/2009	City of Belmont	Webb	Barry	Alternatives Considered		BE IT, THEREFORE, FURTHER RESOLVED, that the City Council of the City of Belmont, North Carolina also affirms its support of another bridge crossing of the Catawba River on the South Point peninsula to alleviate future traffic in this area.
g012	1	resolution	6/3/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		The TAC has deemed the Garden Parkway to be the top priority roadway project for the Gaston Urban Area MPO region as the number of residences in southern Gaston County and western Mecklenburg County has increased by 24% over the last eight years and the limited number of crossings of the Catawba River constrains travel between the two counties.
g012	2	resolution	6/3/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		There is a lack of connecting east-west roadways in southern Gaston County, despite the extant and predicted high rates of growth in this area. This rapid growth, coupled with the already crowded Interstate 85, necessitates a new roadway to help ameliorate traffic congestion and improve regional mobility. The Garden Parkway is a Strategic Highway Corridor and is designated as a new freeway facility within the Strategic Highway Corridors Vision Plan.
g012	3	resolution	6/3/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Air Quality		Additionally, the Garden Parkway project will improve air quality monitoring and emission conditions for the Charlotte Metropolitan region, of which the Gaston Urban Area MPO is a part. This is particularly necessary as this region was designated an 8-hour ozone non-attainment area in 2005, meaning that any road projects that can lessen congestion are extremely important.
g012	4	resolution	6/3/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Alternatives Considered		NOW THEREFORE BE IT RESOLVED, that the Transportation Advisory Committee of the Gaston Urban Area Metropolitan Planning Organization endorses the Draft Environmental Impact Statement conducted by the North Carolina Turnpike Authority.
g016	1	letter	7/27/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		Eliminate construction or move interchange #7 Bud Wilson Road to Beatty Road. Rationale: a) Beatty Rd. will serve new residential and commercial developments (Springhaven & Pressley). b) Projected traffic counts between Bud Wilson and Union Rd. is ~28,000. There are current plans to straighten Union Rd. to lessen the traffic through residential areas and the current Bud Wilson interchange would actually increase traffic. c) Extending and relocating the interchange to Beatty Road would be more feasible from a cost effective and functional standpoint. (See attached functional design for Union/Beatty Rd.)
g016	1	letter	7/27/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		Leave both the Edgewood Road/I-85 and the Gastonia/Bessemer City Hwy/I-85 interchanges open.
g016	1	letter	7/27/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		Provide a more detailed explanation of why projected traffic counts along I-85 continue to remain high even in light of Garden Parkway construction. The project's purpose and need statement, states that the Garden Parkway is to provide an alternative Catawba River crossing between Gaston County and Mecklenburg County.
g016	1	letter	7/27/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Community Characteristics and Resources		Please adjust alignment as to not detrimentally impact the Belmont Optimist Athletic Park.
g016	1	letter	7/27/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		The current Gaston MPO thoroughfare plan includes the proposed Belmont/Mt. Holly loop which intersects the Garden Parkway. Please incorporate a grade separated crossing (over or underpass) for this functional design segment.
g016	1	letter	7/27/2009	Gaston Urban Area Metropolitan Planning Organization	Graham, Jr.	James	Land Use and Transportation Planning		The Gaston MPO strongly supports the new intersection location of Hudson Blvd and the Garden Parkway.



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### Local Governments

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g017	1	letter	7/16/2009	Gaston County Commission	Price	Mickey	Land Use and Transportation Planning		It is my opinion that the Parkway needs to run from I-485 to I-85 near Edgewood Road and NOT terminate at US 321 south of Gastonia. Termination of the Garden Parkway at 321 south of Gastonia will increase traffic on I85 rather than decrease it. It also could impact toll road use and therefore reduce toll fee intake which is proposed for rGarden Parkway road payments.
g017	2	letter	7/16/2009	Gaston County Commission	Price	Mickey	Land Use and Transportation Planning		The Garden Parkway was intended to be the major backbone of Gaston county's highway network to enable quicker access to Charlotte Douglas Airport, relieve congestion on the current US29/74 Bypass, and perform a similar role for I-85 upon its completion.
g018	1	letter	7/27/2009	Mecklenburg County Park and Recreation Department	Jones	W. Lee	Comment Noted	Community Characteristics and Resources	As stated in the report, Mecklenburg County Park and Recreation (MCPR) recognizes the necessity the Turnpike Authority pursuing minor right-of-way acquisition along the edges of publicly-owned property designated as future Berewick Park. MCPR requests only continued diligence in minimizing this impact to public property. Additionally, for the sake of consistency in public documents, please note that the future park has been reclassified and should henceforth be referred to as Berewick Regional Park.
g018	2	letter	7/27/2009	Mecklenburg County Park and Recreation Department	Jones	W. Lee	Community Characteristics and Resources		In chapter 3, Table 3-9 lists the parks and recreational facilities impacts. The column titled "Acres" lists the acreage of the public land and a percentage of that land that will need to be taken. The percentages of land to be taken associated with Berewick Regional Park are incorrect and should read as follows: for segment K3C, 0.81%; for segment K4A, 1.6%.
g018	3	letter	7/27/2009	Mecklenburg County Park and Recreation Department	Jones	W. Lee	Comment Noted	Community Characteristics and Resources	MCPR also recognizes the Turnpike Authority's possible pursuit of a finding of de minimis effect with regard to Berewick Regional Park, as stated in Chapter 5 ( Cultural Resources). MCPR concurs that the identified impacts stemming from the various detailed study alternatives will not adversely affect the use, function, or development of the property as intended.

## **APPENDIX E**

Comments from the Public and Interest Groups and Organizations

## Gaston East-West Connector

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## DEIS - Public Release Comments

### Interest Groups

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					Last	First			
i001	1	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Purpose and Need for Action		The Authority states the following two-fold development purpose for the Gaston East-West Connector: (1) "improve mobility, access, and connectivity within southern Gaston County and between southern Gaston County and western Mecklenburg County" and (2) "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." The Authority also states that a route must provide more than a minor improvement to the typical transportation system user. If an alternative only provides minor improvements, the alternative must be considered not reasonable. The Authority's proposed Gaston East-West Connector does not meet its own project purpose and need guidelines. Specifically, the project will not meet the need to improve traffic flow on I-85 as referenced in The Authority's own preliminary traffic volume analysis. Furthermore, if this Connector is partially built as currently proposed, it will not improve, but impede, traffic flow on US 321.
i001	2	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Purpose and Need for Action		Additionally, the recommended DSA 9 route traverses 21.9 miles. If one travels along current roadway infrastructure from the recommended I-85 interchange of the Gaston East-West Connector to the southeastern corner of Charlotte-Douglas International Airport at West Blvd in Mecklenburg County, the distance traveled is similar, if not equal, to the distance of the recommended Gaston East-West Connector. This fact directly opposes the performance measure emphasizing the need to "reduce travel distances and/or travel times..." as stated in the Draft EIS.
i001	3	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Water Resources	Indirect and Cumulative Effects	The recommended DSA 9 route travels 21.9 miles with a corridor width of 1,400 feet. This calculates to a corridor footprint area of approximately 161,884,800 ft or 3,716 acres. In addition, DSA 9 crosses 91 streams and directly impacts 48,995 feet of Catawba River Basin waterways. A conservative estimate of paved area for this recommended route equals approximately 143,746,900 ft or 3,300 acres. Construction and post-construction of the East-West Connector will result in alterations to the topography in Gaston County which directly affects local water interactions, such as surface water flow regimes and surface-groundwater interactions. For example, soil compaction during construction processes inhibits groundwater and stream recharge in a hydrologic region that has experienced increasing drought conditions over the past decade. Construction of the East-West Connector will replace natural vegetation with impervious materials that will negatively impact water quality in Lake Wylie. According to one study, total runoff volume for a one-acre parking lot is about 16 times higher than the volume of runoff from a meadow. In constructing the East-West Connector, the Authority will be replacing hundreds, possibly thousands, of acres of natural vegetation and farmland with impervious surfaces such as a parking lot. As stormwater runoff volume increases, stormwater velocities are likely also to increase. More impervious road surface will only negatively contribute to stream dehydration and inundation anomalies, also known as "flashy" urban runoff systems, encapsulated in NC Department of Environment and Natural Resource Division of Water Quality's 2006 303(d) list for Catawba Creek and Crowders Creek.
i001	4	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Water Resources	Indirect and Cumulative Effects	Beyond impacts to stream integrity, stormwater runoff contributes to acidification, salinization and thermal warming in local streams. Attenuated releases of stormwater volumes are necessary to counteract these degrading impacts. With the South Fork Catawba River, Catawba Creek, Crowders Creek already federally listed at impaired water bodies, any additional impacts from construction could be imminently deleterious to wildlife and stream functioning. Runoff velocity controls that mimic the natural release of stormwater during and after all types of precipitation events are necessary. If not implemented, stormwater runoff will increase bank instability, bank erosion, stream temperatures, salinity and acidity throughout the Project Area and downstream locations. This will further degrade Clean Water Act Section 303(d) listed impaired streams in Gaston County, such as Catawba Creek, South Fork Catawba River at Lake Wylie, and Crowders Creek. Stormwater runoff from road surfaces will transport further degrading impacts to stream reaches that may not currently be impaired in Gaston County. This conveyance of materials potentially impacts healthy and degraded waterways in York County, SC as well.

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i001	5	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Water Resources		<p>The Authority's Draft EIS recognizes that construction activities undertaken for the installation of the Gaston East-West Connector introduces the potential for soil erosion. However, the Draft EIS states that soil erosion and sedimentation result in short-term impacts on water quality. CRF disagrees that soil erosion and sedimentation is a short-term impact. The NC Division of Water Quality recognizes sediment as the #1 pollutant in state waterways; and for this reason, The Authority cannot and should not consider sediment, a short-term consequence.</p> <p>While The Authority mentions the development of an erosion and sedimentation plan according to NC guidelines, there are no indications that this plan will protect our waterways within the Catawba River Basin from increased sedimentation, some of which are already impaired by sedimentation and turbidity. The Federal Energy Regulatory Commission recently submitted their Draft EIS for the Duke Energy Hydroelectric Project 2232 which identifies road projects as a contributor to increased sedimentation into area reservoirs, including Lake Wylie. The Gaston East-West Connector continues this already acknowledge malignant practice.</p> <p>To ensure no degradation to additional waterways, the Authority should guarantee adherence to measures above those approved under the NC Sedimentation Pollution Control Act, 15A NC Administrative Code 4A.0101 et seq. 2007. The Authority should publish their "stringent erosion-control schedule" as well as implement and maintain BMPs that are designed for the intense (25 year) rainfall events that are ever more frequent in this region. To help prevent offsite sedimentation and mitigate erosion potential, the clearing of more than 50 acres at any given time should not occur. This type of commitment to water quality protection could ensure no impacts to waters of the State.</p>
i001	6	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Floodplains and Floodways		<p>Recommended route, DSA 9, is among the alternative routes with the most floodway and floodplain crossings. The Authority notes that the effects on these hydraulically important areas "can be mitigated effectively through proper sizing and design of hydraulic structures (culverts, bridges, and channel stabilization)." Defined as "to moderate in force or intensity; alleviate" by the American Heritage Dictionary, The Authority's stated "mitigation" is for the road itself and not to alleviate damage or obstructions to the floodway, floodplain and/or creek. The Authority must establish and publicize the locations of local mitigation efforts to offset the development within any critical areas.</p>
i001	7	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Indirect and Cumulative Effects	Visual Resources	<p>Under 40 C.F.R. § 1508.8 of the Council on Environmental Quality NEPA Regulations, The Authority must identify all direct, indirect and cumulative effects in the Draft EIS. The Authority's Draft EIS for the Gaston East-West Connect skirts the indirect and cumulative effects to the surface waters in the Project Area. The 150-page Indirect and Cumulative Impacts Report does not even mention the impacts of increased light pollution in the vicinity of the Gaston East-West Connector.</p>
i001	8	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Indirect and Cumulative Effects	Water Resources	<p>Over time, there could be substantive accumulation and/or deposition of the common pollutants contained in runoff from the Connector area and the subsequently developed area such as, but not limited to, sediment, nutrients, polyaromatic hydrocarbons (petroleum by-products), heavy metals, fecal coliform, pesticides, and herbicides. In addition to greater stormwater volume, stormwater runoff from a residential land-use basin has higher concentrations of nutrients, fecal coliform bacteria, organic compounds, and heavy metals, such as copper, chromium, and lead, than do other land use types. Impervious surfaces prevent the capture of pollutants by natural vegetation, causing them to be washed into streams and lakes during periods of medium and heavy rainfall. The proposed East-West Connector has admitted that it will spur residential developments. These developments will cause large quantities of unfiltered pollutants to drain into Lake Wylie, a 303(d) Federally Impaired Water Body, causing its further impairment. Elevated nutrient levels are already a major concern for Lake Wylie. The 2004 Catawba River Basin wide Water Quality Plan states, "Because of chlorophyll a standard violations, algal blooms and dissolved oxygen percent saturation values greater than 120 percent, Lake Wylie (4,200 acres, NC portion) is impaired by eutrophication." High nutrient levels cause such eutrophication.</p>
i001	9	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Indirect and Cumulative Effects	Water Resources	<p>Construction of residential developments will further diminish this already degraded lake. Nutrient levels found in areas burdened by impervious cover as compared to those areas permitted to remain natural are alarming. Phosphorus in runoff was found to be three times higher from a parking lot than a meadow. Similar results were obtained from a recent study comparing baseline nitrogen and phosphorus levels with nutrient levels collected after construction began in The Palisades development, also located along Lake Wylie. After construction commenced, spring nutrient levels increased significantly over baseline. In the summer, phosphorus levels more than doubled. Winter phosphorus levels increased nearly ten-fold after construction began. In this study, nutrients exceeded water quality criteria more than twice as often during construction.</p> <p>Additionally, construction of high-density residential developments catalyzed by the Gaston East-West Connector will inevitably increase nutrient levels in the lake. This is in complete contrast with the purpose of Lake Wylie's placement on the 303(d) list. Furthermore, urban renewal and enhancement programs for municipalities along the Gaston East-West Connector would be influenced negatively due to the satellite thoroughfare with sprawled development.</p>

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i001	10	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Protected Species and Wildlife		Habitat fragmentation induces the "edge-effect." Edge species such as Chinese privet, Japanese honeysuckle, and kudzu are not native and can choke native plant production. Fragmenting 3,716 acres around this project could increase mortality and morbidity of edge species such as deer. Known as crepuscular organisms, deer and other like species (i.e. bats, opossums, cats, and dogs) are most active during dawn and dusk periods. This activity schedule makes deer and other like organisms non-commuter-friendly, as travel peaks during dawn "to-work" and dusk "to-home."
i001	11	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Comment Noted		In April 1994, the United States E.P.A. put forth guidelines to follow for roadway development. These guidelines follow: Take a "big picture" or ecosystem view Protect communities and ecosystems Minimize fragmentation- promote the natural pattern and connectivity of habitats Promote native species- avoid introducing non-native species Protect rare and ecologically important species Maintain or mimic natural ecosystem processes Maintain or mimic naturally occurring structural diversity Protect genetic diversity Restore ecosystems, communi ties, and species Monitor for biodiversity impacts, knowledge uncertainty, be flexible.
i001	12	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Alternatives Considered	Purpose and Need for Action	Because the proposed Gaston East-West Connector does not meet its own Purpose and Needs as stipulated by The Authority, the recommended DSA 9 should be discarded along with the DSAs discarded by the Draft EIS.
i001	13	letter	7/21/2009	Catawba Riverkeeper Foundation, Inc.	Merryman	C. David	Alternatives Considered	Land Use and Transportation Planning	While the Draft EIS disregards Transportation System Management and Mass Transit Alternatives to the Gaston East-West Connector, CRF believes these options provide more long-term benefits to the people of Gaston and Mecklenburg Counties as well as the Catawba River Basin. Thus, for the purpose of the Gaston East-West Connector, CRF believes a Light/Heavy Rail commuter line along the existing railway connections or other transit corridors (i.e. I-85 or Hwy. 29-74) is most suitable to sustain the growth needs of this region. Although the Authority states that monies are not available currently for such a transit system, the Authority has also stated that monies do not exist to pay the projected \$1.2 billion in costs for the proposed Gaston East-West Connector – thus having payment for a project has not proven to be a deciding factor.
i002	1	letter	7/17/2009		Eason	Ed	Land Use and Transportation Planning		Why are the citizens' of Charlotte & Raleigh metro areas required to pay an additional "toll/tax" to fund their road projects when tax dollars will likely fund the Shelby, Winston-Salem, and the Fayetteville bypasses? The selection of projects that the NCTA is currently pursuing does not specify that an entire corridor be tolled, only in select areas. To only choose a few projects within a corridor is arbitrary and capricious.
i002	2	letter	7/17/2009		Eason	Ed	Purpose and Need for Action		The traffic numbers hardly justify the money and resources to build this facility, not to mention, the devastating effect it will have to the physical and natural environments.
i002	3	letter	7/17/2009		Eason	Ed	Air Quality		The NCTA & FHWA's arguments that the new build DSA "Alternative 9" has no direct or indirect air quality impacts to Sadler, Forest Heights, and WA Bess Elementary and Forestview High School(s) and residential areas are spurious.

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i002	4	letter	7/17/2009		Eason	Ed	Air Quality		<p>Although lengthy, the final technical air quality memorandum appears to primarily focus on enough information necessary to cross any regulatory hurdle it may encounter, but it lacks substance. The FHWA Interim Guidance on MSAT Research Data is not current, as the latest cited research is in 2005 (FHWA Interim Guidance Appendix C, February 2006). EPA will release the official Motor Vehicle Emission Simulator (MOVES) model at the end of 2009, and this model also effectively determines pollutants at the project level. FHWA is faced with a lack of monitoring data in most areas for use in establishing project-specific MSAT background concentrations because air quality agencies avoid placing air monitors near roadways that are used to ascertain the regional air quality for NAAQS. Mobile sources contribute a significant amount of air emissions for the Charlotte area. According to NCDENR/DAQ, "automobiles are the largest contributor to NC's air pollution. Although automobile technology has greatly improved over the years, the total pollution from vehicles is rising. More people are driving, and traveling longer distances than ever. As a result, our air pollution worsens and roads become more congested" (<a href="http://daq.state.nc.us/motor/trans/">http://daq.state.nc.us/motor/trans/</a>). Based on what is contained in the Draft Environmental Impact Statement, I would say that the FHWA/NCTA is not capable of or is unwilling to conduct a comprehensive evaluation of any health impacts at all.</p> <p>Can the FWHA please explain why they view EPA's vehicle and fuel regulations with such certainty while they ignore all health impact studies as inconclusive to make decisions where a highway should be located? The Clean Air Scientific Advisory Committee had this to say about uncertainties in a 2006 letter: "While there is uncertainty associated with the risk assessment for the PM2.5 standard, this very uncertainty suggests a need for a prudent approach to providing an adequate margin of safety." The FWHA/NCTA approach of denial to this complex problem is far from prudent. There have been hundreds of peer reviewed research articles linking proximity to roadways with harmful health effects from the late 1990's to the present.</p>
i002	5	letter	7/17/2009		Eason	Ed	Air Quality		<p>I understand that Gaston and Mecklenburg Counties are currently in attainment for PM2.5, but to my knowledge, Gaston has no monitor for PM2.5 while Mecklenburg's annual standard is 14.9µg/m3. The annual (NAAQS) is currently 15 µg/m3. The FHWA projects that the trucking industry will be responsible for a 75 % increase in freight tonnage by 2020, and the proposed intermodal facility at the Charlotte/Douglas International Airport and expansions at the ports will substantially increase truck traffic on the proposed freeway. As a result, the diesel particulate matter and exhaust organic gases, from truck exhaust, will be closer to existing homes and schools, etc.</p> <p>This proposed federal action does not appear to provide protection to children from environmental health and safety risks under Executive order 13045. As Dr. Samet stated; "While we continue to obtain further evidence, prudent, "no-regret" strategies to reduce exposures merit consideration." The NCTA &amp; FHWA needs to shift the alignment of the preferred alternative away from homes and other sensitive receptors to minimize elevated air pollution levels resulting in adverse health effects.</p>
i002	6	letter	7/17/2009		Eason	Ed	Air Quality		<p>I have to ask if the FHWA developed a pollution control technology preventing ozone formation along individual streets and highways, or is there a proposal to prevent automobiles and trucks on individual streets and highways? Is the FHWA just overly optimistic about EPA's vehicle and fuel regulations? Currently, the Charlotte Metropolitan area cannot meet the 1997 ozone standard at 0.085ppm. Mobile sources contribute a significant amount of pollution for the Charlotte Metro area, and the degree of control to this source, will determine if the (NAAQS) will be met. Will a new conformity determination be made using the official MOVES model prior to a record of decision?</p> <p>I would recommend:</p> <ol style="list-style-type: none"> <li>1. No on-site burning of demolition or construction waste and stringent dust suppression during all phases of construction. Maintain strict clearing limits and tree protection to prevent all incursions beyond the defined clearing limits.</li> <li>2. NCTA designate a construction manager with specific quality assurance and oversight responsibility over the design build contractor and the design build contract include significant penalties, in addition to any State or local regulatory penalties, to deter violations.</li> <li>3. No idling, staging, or refueling of mobile construction equipment within close proximity to homes or sensitive receptors should be allowed.</li> <li>4. Confinement of contractor staging areas and haul routes to the permanent work limits.</li> </ol>
i002	7	letter	7/17/2009		Eason	Ed	Air Quality		<p>I would like to ask that before a Record of Decision, will a project-level and conformity determination be made for the anticipated (annual) particulate matter and ozone standards? In drafting Section 176(c) of the Clean Air Act Amendments of 1990, Congress clearly sought to ensure that the federal government be subject to and comply with the same federal, state, interstate and local requirements, administrative authority and sanctions with respect to the control and abatement of air pollution, in the same manner and to the same extent, as any nongovernmental entity. Federal agencies are to be afforded no special privileges and may do no less than nongovernmental entities.</p>

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i002	8	letter	7/17/2009		Eason	Ed	Air Quality		<p>Why is the FHWA still using the 2006 Interim guidance for MSAT's? Why does the FHWA use 150,000 Annual Average Daily Traffic count to conduct a quantitative MSAT analysis? What criterion was used to come up with that number? Is the FHWA or NCTA going to identify all sensitive receptors? If known human health hazard prevention were a priority, the same unknowns the FHWA points out quite nicely in their prepared Environmental Impact Statements as to why they cannot do a comprehensive quantitative MSATs analysis at the project level in order to quantify the cancer and non-cancer risks should be enough reason to avoid schools and residential areas altogether.</p> <p>The EPA should set a minimum standard for at least the 6 priority MSATs, and they should be included in the transportation conformity process under Title 40 CFR part 51 and 93. Other than pointing out the accomplishments and deficiencies of the EPA in dealing with this complex problem, what actions, if any, are the FHWA and the NCTA going to take to reduce the exposure to citizens who live within close proximity to the proposed freeways? Will the NCTA purchase a 2300 to 3000 foot total right of way? Will the FHWA, and by extension the NCTA, just continue to use 40 CFR 1502.22 a&amp;b to opt out of doing a proper comprehensive risk assessment that will inform citizens of the risk and allow for sound and prudent decisions whether to move forward with a proposed highway alternative or not?</p> <p>Comparing the impact of MSATs against different options within the study area is analogous to not seeing the forest for the trees, and this approach does not give an accurate representation to the impact on sensitive receptors at the project level. After you construct the new freeway, then you will have two major roadways with cumulative pollutants, and the new highway will be close to where large numbers of people reside. The comparison needs to be with the background ambient concentrations from actual monitors along the entire length of the proposed freeway.</p> <p>Were any modeling assessments for NAAQS and MSAT's conducted to include the future lanes that will be added (and vehicles) in the proposed 70 foot grass median? Additional lanes in the 70+ foot median, at a latter date, would contribute to significantly higher MSAT exposure levels than would be stated in the DEIS, FEIS and Record of Decision? What is the purpose of a 70 or 74 foot median? Can the NCTA explain why the proposed median width for a freeway is being designed the same for an interstate? The impacts to businesses (and costs for right of way) could be reduced with a 25 or 35 foot grass median. Cables could provide a sufficient safety barrier, in the future; these will be added at a later date when additional lanes are added. Access roads for businesses should be sufficient. This statute is paramount to a mandate of building a roadway in a new location due to a larger right of way, resulting in self-imposed business impacts. The NCTA &amp; FHWA needs to shift the alignment of the preferred alternative away from homes and other sensitive receptors to minimize elevated air pollution levels resulting in adverse health effects.</p>
i002	9	letter	7/17/2009		Eason	Ed	Air Quality		<p>The EPA Motor Vehicle Emission Simulator (MOVES) model will be released in 2009, and it covers a broad range of pollutants. The (MOVES) model is also effective at determining pollutants at the project level. The official MOVES model is replacing the EPA mobile 6.2 model at the end of 2009. (<a href="http://www.epa.gov/otaq/models/moves/index.htm">http://www.epa.gov/otaq/models/moves/index.htm</a>).</p> <p>The MOVES, Mobile 6.2, HAPEM, and AEROMOD models in conjunction with the land use regression models, are effective dispersion tools, to name a few, that could estimate the changes in time-weighted exposures associated with proximity to roadways for individual pollutants at the project level. Individual monitors, along with actual monitors strategically placed can be used for specific exposure routes, duration and dose. Will the FHWA use these models, along with monitors to conduct a quantitative MSAT analysis/study?</p>
i003	1	letter	7/9/2009	Gaston 2012	Mims	Gary	Community Characteristics and Resources	Land Use and Transportation Planning	All interchanges need to be constructed with sidewalk access from one side of the toll road to the other. Sidewalks must be sufficient in width to accommodate both wheelchairs and foot traffic in both directions.
i003	2	letter	7/9/2009	Gaston 2012	Mims	Gary	Community Characteristics and Resources	Land Use and Transportation Planning	At points where the toll road crosses a road, the span beneath the bridge must be wide enough on either side of the road to allow future greenway construction.
i003	3	letter	7/9/2009	Gaston 2012	Mims	Gary	Community Characteristics and Resources	Land Use and Transportation Planning	These bridges must be constructed with ADA appropriate walkways across the rivers, accessible from both sides of the toll road. These walkways must be separated safely from motor vehicles, and preferably, on a grade separate from that of motor traffic.

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i003	4	letter	7/9/2009	Gaston 2012	Mims	Gary	Community Characteristics and Resources	Land Use and Transportation Planning	There are several points at which the toll road crosses places where greenways have already been planned in the county. At these points, bridges must be constructed in a manner that will allow greenway construction beneath them. These points include: <ul style="list-style-type: none"> <li>• Blackwood Creek</li> <li>• Brandon Creek</li> <li>• Catawba Creek</li> <li>• An unnamed perennial branch just south of the 29-74 interchange</li> </ul> Additionally, there is a greenway planned to follow a section of Crowders Creek, which follows closely along the west side of the proposed toll road route south of Linwood Road. We request that right-of-way acquisitions, etc., take this greenway project into consideration.
i005	1	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action		The DEIS presents inflated estimates of traffic volumes along area roadways, including estimates for recent years that far exceed the traffic volumes actually observed by NCDOT, which skew the analysis of the Project's purpose and alternatives.
i005	2	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action		The DEIS claims that the Project would serve the purpose of relieving congestion on US 29/74, US 321 and 1-85, but the data presented in the DEIS shows that traffic congestion would either grow worse or remain the same along these roadways.
i005	3	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered		Common sense upgrades to the area's highway, transit, and freight rail facilities, which in various combinations could address congestion on 1-85, receive only cursory consideration in the DEIS.
i005	4	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		The DEIS does not analyze air quality impacts, including the project's significant contribution to greenhouse gas emissions, or explain how the project would not hamper achievement and maintenance of air quality standards under the Clean Air Act.
i005	5	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Indirect and Cumulative Effects	Water Resources	The DEIS does not adequately assess how the project -and the development it would induce - will impact already impaired water quality in the area, nor offer any information about the substantial wetlands and stream mitigation that would need to occur within the Catawba River basin.
i005	6	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action		The immense scale of this project, 21.9 miles of new highway into a relatively undeveloped portion of Gaston County at a cost of \$1,282 billion, calls for an especially thorough review under NEPA. The DEIS, however, belies any notion that its authors undertook an objective evaluation, which might have favored a transportation investment at odds with the North Carolina Turnpike Authority's narrow mandate under NCGS 136-176(b)(2): "construction of the Garden Parkway." The numerous and significant shortcomings of the DEIS prevent meaningful review of the Project, its many far-reaching impacts, and potential alternatives. We urge the Transportation Agencies to revise their analysis of alternatives and impacts according to the recommendations set forth herein and to issue a revised Draft Environmental Impact Statement for public review and comment.
i005	7	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action		Given its scale, cost, and regional importance, the Transportation Agencies' evaluation of the Project under NEPA must be equally rigorous. Instead, the Agencies have issued a DEIS that suffers from multiple inaccuracies, omissions and other shortcomings. The DEIS mischaracterizes the conditions in the area that purportedly establish a need for the Project. It provides only a cursory treatment of induced population growth, and it fails to adequately assess the Project's impact on water quality, air quality, and the overall quality of life in the Charlotte area. These shortcomings prevent the meaningful and informed evaluation of the Project as required by NEPA. The Agencies should issue a revised DEIS that fully addresses these impacts and includes careful evaluation of a viable upgrade alternative that responds to demonstrated needs, such as a lack of mobility options for area residents, insufficient freight rail capacity, and traffic bottlenecks at points such as the interchange of I-85 and US 321, and the US 29-74 Catawba River crossing.

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i005	8	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action	Alternatives Considered	The "Purpose and Needs" section of the DEIS is ambiguous, imprecise, and inaccurate. The DEIS fails to justify its focus on connecting "southern Gaston County and western Mecklenburg County," presenting a confusing array of data from variously defined geographic locations. The section presents traffic forecast data that is demonstrably false. In general, rather than identifying an underlying purpose that the project might fulfill, the DEIS restates the specific project design that meets the North Carolina Turnpike Authority's mandate to build the "Garden Parkway" toll road. The resulting project purpose is too narrow to support consideration of the reasonable range of alternatives required by NEPA. Consequently, it is also insufficient to support the identification and permitting of the least damaging practicable alternative that meets the underlying purpose of the project, as required under CWA § 404. The contrived and misleading nature of the DEIS "Purpose and Needs" section offers compelling evidence of the need to put the responsibility for conducting the NEPA process for proposed highway projects in the hands of an agency other than the North Carolina Turnpike Authority. The state legislature has appropriated \$35 million annually to the Turnpike Authority "to pay debt service or related financing expenses on revenue bonds or notes issued for the construction of the Garden Parkway." <sup>2</sup> Without "construction of the Garden Parkway," the Turnpike Authority is not eligible to receive this funding. Not surprisingly, the Turnpike Authority staff and consultants that serve as the primary authors of the DEIS have created a document that is biased in favor of constructing the toll road on which the agency's funding depends.
i005	9	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action	Land Use and Transportation Planning	Much of the DEIS alternatives analysis emphasizes the project's purpose of providing "direct access between the rapidly growing area of southeast Gaston County and western Mecklenburg County." [1-3] Yet the DEIS provides no evidence that connecting the areas actually to be served by the highway will respond to the needs of anyone other than real estate developers. The DEIS reports that "[l]imited crossings of the Catawba River are constraining travel between Gaston and Mecklenburg Counties." [1-2] A textbox in the DEIS emphasizes: "There are only four bridges over the Catawba River between Gaston and Mecklenburg Counties. None are in southern Gaston County." [1-9] The DEIS declines to mention that NC 49 crosses the Catawba river and provides access to Charlotte eleven miles south of the US 29-74 bridge, just over the Gaston County border. And the DEIS declines to explain why "only four bridges" across the Catawba River in Gaston County represents a problem; other North Carolina rivers in other North Carolina counties are spanned by less than four bridges. In general, the DEIS fails to show that an additional bridge over the Catawba River would respond to any existing mobility need south of the existing bridges.
i005	10	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action	Land Use and Transportation Planning	The DEIS claims that the Project must accommodate "rapid growth" in the project area, because this growth will "increase demands for accessibility and connectivity." [1-2] But growth in the project area has concentrated along the I-85 and US 29-74 corridors, in areas that would benefit little from a new toll highway 5-10 miles south of I-85. Indeed, the DEIS traffic projections predict that the new toll highway would cause further traffic congestion on much of I-85 and US 29-74, hampering the mobility of residents in these existing communities. The DEIS suggests that a sizable population currently resides near the planned corridor for the toll highway and that this population is growing rapidly. But the DEIS misleads the reader, referring to different geographic areas depending on whether the analysis relates to population and economic growth, or transportation infrastructure. For example, the DEIS reports that between 2000 and 2008, "the number of residences in southern Gaston County and western Mecklenburg County has increased approximately 24 percent." [1-2] But most of this growth occurred within Mecklenburg County. Gaston County actually grew at a slower rate than the state as a whole during this period - an estimated 8.5% between 2000 and 2008 compared to 14.6% for the state as a whole. <sup>3</sup>
i005	11	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action	Land Use and Transportation Planning	Given the DEIS's emphasis on connecting "southern Gaston County," the Transportation Agencies should give the reader a precise definition of that area's borders. They should make consistent references to the area in question, particularly with respect to economic and population growth on the one hand, and the area's transportation facilities on the other. In reporting that "none" of the county's four bridges "are in southern Gaston County," [1-9] the DEIS implies that "southern Gaston County" lies below the US 29-74 corridor, but the DEIS presents no population or economic growth data for this area. A better approach would be to adopt the Gaston County planners' definition of "southern Gaston County" - a combination of the southeast and southwest Gaston County "Small Areas" - in order to assess what kinds of transportation facilities may be needed to accommodate population and economic growth in that same area. Notably, according to the Gaston County planners' definition, "southern Gaston County" includes much of US 29-74 and I-85, including where they cross the Catawba River, and so the DEIS should consider reducing congestion on these routes as a means of connecting southern Gaston County and western Mecklenburg County. As it is currently presented in the DEIS, the purported need to address "Poor Connectivity Between Gaston County and Mecklenburg County and Within Southern Gaston County" is not coherently defined and the project's ability to meet this need better than other alternatives is unsupported by any quantifiable data. This muddled analysis does not allow the public to meaningfully evaluate this project against a range of reasonable alternatives, as required by NEPA.

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i005	12	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action	Land Use and Transportation Planning	In addition to connectivity, the DEIS articulates a second need for this project: congestion on the project area's major roadways. <sup>4</sup> The DEIS presents traffic forecasts that exaggerate the level of traffic congestion on I-85, US 29-74, and US 321, making the need for improvements seem urgent. Ironically, as discussed in Section III, the DEIS's Alternatives Analysis demonstrates that the Gaston East-West Connector would actually increase traffic volumes and congestion along much of these roadways. But the DEIS interprets that data to support its claim that a new location toll highway "improves traffic flow and some levels of service on I-85, US 29-74, and US 321." This interpretation does not withstand scrutiny. The DEIS Purpose and Need Section presents four tables with "Existing and Projected Traffic Volumes and Levels of Service" for I-85, US 29-74, US 321, and I-485. The "existing" traffic volumes are for the year 2006, yet their source is not the NCDOT Traffic Survey Group, which observes the traffic on these roadways at least biannually with the aid of 40,000 Portable Traffic Count (PTC) Stations. Rather the DEIS cites a consultant's report, the Gaston East-West Connector (U-3321) Traffic Forecasts for Toll Alternatives (Martin / Alexiou / Bryson, August 2008). Despite having authored these "forecasts" in 2008, the consultants who produced them apparently did not take the opportunity to verify the accuracy of their forecasts against the observations of NCDOT's Traffic Survey Group. Had they done so, they would have found that they have inflated virtually every estimate of "existing" traffic levels in 2006, in some cases more than doubling the actual traffic that was contemporaneously observed on these roadways.
i005	13	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Purpose and Need for Action	Alternatives Considered	<p>The Transportation Agencies should issue a new DEIS that contains a clear and unbiased statement of the purpose and need for this project in order to ensure consideration of a reasonable range of alternatives, and the eventual identification of the least damaging practicable alternative. The project purpose should be stated neutrally and without an artificial level of specificity, such as by defining "southern Gaston County" as the land immediately adjacent to the proposed corridor for the Project. In this situation, with the proposed project having to comply with both NEPA and Section 404 of the CWA, it is even more important that the basic project purpose be properly articulated so as not to artificially constrain the Corps from exercising independent judgment in identifying the basic purpose of the project and using it as the touchstone for evaluating the feasibility of the various potential alternatives. As discussed previously, the Agencies have identified the need "to improve mobility ...within southern Gaston County and between southern Gaston County and western Mecklenburg County" and the need "to improve traffic flow on the sections of I-85, US 29-74 and US 321 in the Project Study Area." [1-3] SELC suggests that a statement of the project's purpose focus on the enhancement of mobility in a project area that includes the I-85 and US 29-74 corridors, i.e. "southern Gaston County" as defined by the Gaston County planners. A further refined statement of project purpose might be drafted as follows:</p> <p>"To provide increased mobility to serve residents, businesses, and tourists traveling in or through southern Gaston County and western Mecklenburg County in a manner that protects the environment, provides economic opportunity, and preserves the historic and social setting of the affected region."</p> <p>Such a project purpose would not foreclose the consideration in the EIS and the 404/401 permitting process of other solutions for addressing mobility in the area that do not involve the construction of a toll highway. In its current form, the DEIS "Purpose and Needs" section demonstrates that the North Carolina Turnpike Authority cannot reconcile its narrow mandate to build specific toll road projects with federal law. It also underscores North Carolina's need for an objective, transparent system to prioritize transportation spending based on performance-based criteria.</p>
i005	14	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered	<p>The DEIS does not analyze reasonable alternatives to the proposed action. Rather, it summarily rejects them because they do not comply with the project "purpose" of connecting "southern Gaston County," however that geographic area is defined, to Mecklenburg County. Designating "HOV lanes" on I-85 "would not improve mobility, access, or connectivity within southern Gaston County nor between southern Gaston County and western Mecklenburg County." [2-7] Intersection and ramp improvements on I-85, US 29-74 and US 321 "would not noticeably improve mobility, access, or connectivity within southern Gaston County, nor between southern Gaston County and western Mecklenburg County." Widening the major roadways in the area "would not improve east-west connectivity or mobility within southern Gaston County or between southern Gaston County and western Mecklenburg County. [2-16]</p> <p>As the DEIS explains, "[s]outh of US 29-74, there are no continuous east-west roadways in the southern half of Gaston County," [2-18] and apparently, such a roadway is critical to the oft-cited "connectivity" needed in "southern Gaston County." Only the "No Build" or "no action" alternative to the proposed toll road receives any detailed examination within the DEIS. Almost every other alternative is eliminated because it does not "connect" the ill-defined area of "southern Gaston County." The exception is the "new location mass transit" alternative, which would provide the needed connectivity but which is "not financially feasible" in part because it "would be ill-suited to the dispersed low-density land uses in southern Gaston County," unlike a toll road. [2-10] In other words, not enough people live in "southern Gaston County" to justify transit, but a \$1.3 billion toll road would somehow be cost-effective. The DEIS thus rejects all reasonable alternatives to the proposed toll road on the basis that they do not connect the immediate area surrounding the proposed location of the toll road, even though relatively few people live there. The bulk of the alternatives analysis concerns where exactly in "southern Gaston County" to put the toll road. The DEIS must do more than compare slightly varied routes of the same basic design concept.</p>	

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i005	15	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered		The DEIS does not support its recommended alternative with hard data comparing it to any alternative. Although the DEIS declines to mention it, this lack of analytical rigor motivated several of the resource agencies to abstain during the merger process. <sup>7</sup> The Transportation Agencies have since persuaded EPA, FWS and NCWRC to participate in the context of Turnpike Environmental Agency Coordination (TEAC) meetings. But the resource agencies' objections to the flimsy analysis in the DEIS remain as applicable as ever.
i005	16	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered	Land Use and Transportation Planning	In general, the DEIS adopts a cut and paste approach to the alternatives analysis. Its discussions of the "transportation demand management" or "TDM alternative," the "transportation supply management" or "TSM alternative", the "Mass Transit Alternative," and the "Multi-Modal Alternative," bear a disturbing similarity to a generic discussion of these same "alternatives" for other North Carolina Turnpike Authority projects. <sup>10</sup> These discussions follow the same basic pattern of "analysis." With the exception of a new location metro line through "southern Gaston County," which "would not be financially feasible," [2-8] the DEIS defines project "alternatives" as sets of insignificant half-measures that will yield only "minimal" benefits in the face of the overwhelming traffic volumes predicted to occur. As discussed previously in Section III, the DEIS traffic volume estimates lack credibility and strain credulity. And in light of the Gastonia Rapid Transit Alternatives study, the DEIS should explain how the Transportation Agencies determined that the benefits of these alternatives, alone or in combination, are "minimal."
i005	17	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered	Land Use and Transportation Planning	According to the DEIS, one of the two purposes of this project is "to improve traffic flow on the sections of I-85, US 29-74 and US 321 in the Project Study Area." [1-3] According to the DEIS, "[t]raffic operations would improve on I-85 and on segments of US 29-74 with the New Location [toll road] Alternative ... compared to the No-Build Alternative, since there would be less traffic on I-85 and US 29-74 (Appendix C, Table C-2)." [2-21] But Appendix C shows that traffic would increase along much if not most of the length of I-85, US 29-74, and US 321 under the toll road alternative.
i005	18	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered	Land Use and Transportation Planning	The DEIS traffic forecasts deserve little credence, but even accepting their predictions, the Gaston East-West Connector would at best have no positive impact on traffic congestion in the area. The DEIS traffic forecasts show that a new location alternative would worsen the level of service at which much of I-85, US 29-74 and US 321 operate in the project area. The forecasts show that "congested VMT" would decline by less than one percent. The DEIS cannot claim, on the basis of this data, that the project would meet its identified need "to improve traffic flow on the sections of I-85, US 29-74 and US 321 in the Project Study Area." [1-3] The Transportation Agencies should acknowledge this in a revised DEIS that evaluates a reasonable range of alternatives to address identified transportation needs.
i005	19	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Alternatives Considered	Land Use and Transportation Planning	Just as the DEIS gives commuters and residents little insight into how much this project will improve mobility compared to reasonable alternatives, it gives taxpayers only the dimmest notion of how this project's cost compares to that of potential reasonable alternatives. The DEIS presents no cost information about upgrades to existing highway, rail, and transit facilities. And the DEIS mischaracterizes the revenue potential of tolling, glossing over the substantial public funding that the Project would require. As a result, the DEIS leaves the reader ill-equipped to judge whether the Gaston East-West Connector is a sound investment of public funds or a boondoggle. Even under the Turnpike Authority's most optimistic forecast of toll revenues, the Project will require several hundred million dollars of public funding. The DEIS should therefore analyze potential alternatives with this magnitude as a reference point, including those that carry similar actual price tags.

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i005	20	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Community Characteristics and Resources		<p>Executive Order 12898 mandates "identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects ... on minority populations and low-income populations."<sup>14</sup> Tolling will clearly have a disproportionate impact on low-income residents in the project area, and the DEIS should identify and address these effects.</p> <p>Instead, the DEIS reasons that there is "no potential for disproportionately high and adverse impact," [3-25] on minority and low-income communities because they will be able to use I-85, US 29-74 and the other existing free alternative routes to the toll road. The DEIS discussion of Environmental Justice intimates that the toll road will benefit even those who cannot afford to travel on it because "the DSAs would be diverting traffic from the existing routes." [3-26] The DEIS traffic forecasts, however, show that much of the existing roadways would operate at LOS F with the toll road, and that the toll road would actually increase traffic volumes along much of I-85 and US 29-74.</p> <p>Similarly, the DEIS claims that the project has "no potential" to negatively affect transit service in the project area, but this ignores the link between land use and transportation planning. As the Gastonia Rapid Transit Alternatives Study points out, a successful transit program hinges on "timely action to encourage transit-oriented development along a selected alignment."<sup>15</sup> The Gaston East-West Connector would encourage low density, auto-dependent development that would undermine any concentration of development along a transit corridor to the north. As a result, the mobility of residents in the project area who lack access to a privately owned automobile would decline as a result of this project being built.</p> <p>The DEIS leaves no doubt that the proposed action will not improve the mobility of some residents in the project area. Clearly there is a need to minimize the number of people for whom this is true in order to realize the fullest overall improvement in mobility. The DEIS recognizes no such need, however, nor does it discuss any goals or measures to address it. A revised DEIS should address these issues in order to comply with Executive Order 12898 and NEPA.</p>
i005	21	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		<p>The DEIS reports that EPA effectively disapproved the State Implementation Plan "SIP" submission for Charlotte, causing NCDQAQ to preemptively withdraw it. The DEIS explains that EPA's subsequent "finding of failure to submit" a SIP could result in highway sanctions if NCDQAQ does not submit an appropriate plan within 24 months, although it adds that such sanctions are "unlikely," as the State may simply "bump up" to "serious" nonattainment status instead. At no point does the DEIS address the cost or health implications of the serious nonattainment designation. Nor does the DEIS address how this project would affect the region's efforts to meet the requirements that would be triggered by that designation. The DEIS treats the Charlotte area's smog as if it were completely divorced from major transportation decisions such as the one that this DEIS purports to analyze.</p>
i005	22	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		<p>The Charlotte area's smog problem is not going to go away anytime soon. As the DEIS Air Quality Technical Memorandum acknowledges, the 2007 eight-hour ozone design values measured in Mecklenburg County was .93 ppm, the highest since the 2004 designation year. State authorities have yet to hatch a viable plan for bringing emissions into compliance with the old standard by the 2010 deadline, even without accounting for the Gaston East-West Connector. The new, more stringent standard will require significant reductions in the emission of ozone precursors by 2016. Construction of a 22-mile, twelve intersection, 4-lane toll highway from the urban fringe through rural Gaston County would cause a significant increase in these emissions. The DEIS fails to even acknowledge this impact, much less compare the benefit of adopting an alternative that would help to solve the region's ozone problem rather than exacerbate it.</p>
i005	23	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		<p>The emission of fine particulate matter, also known as PM2.5, is subject to a regulatory regime similar to the one governing ozone. Technically, the project area is in attainment for PM2.5, but as the Air Quality Technical Memorandum to the DEIS discloses: "In 2007, the annual value for the region was 14.9 f!g/m<sup>3</sup>, just under the annual standard of 15 f!g/m<sup>3</sup>. [at 14] The DEIS fails to mention, however, that prior to the issuance of the DEIS, the D.C. Circuit remanded the PM2.5-standard to EPA, agreeing with environmental and other public interest groups that the agency "failed adequately to explain why, in view of the risks posed by short-term exposures and the evidence of morbidity resulting from long-term exposures, its annual standard is sufficient to protect the public health [with] an adequate margin of safety." <i>American Farm Bureau v. EPA</i>, No. 06-1410 (D.C. Cir. February 24,2009), at 14. Based on the Obama administration's pledge to rely on "sound science" and public health experts' previous endorsements of a lower PM2.5 standard, the Charlotte metro area appears likely to slip into nonattainment. This Project will make it more difficult for Charlotte to meet a new, more stringent standard. The DEIS should detail the likely contribution. of the Project, especially truck traffic, to regional PM2.5 pollution, based on transparent, objectively verifiable traffic forecasting. It should also explain how designation of metro Charlotte as a nonattainment area for PM2.5 may affect the viability of the Gaston East-West Connector, and explore alternatives that substantially decrease, rather than increase, PM2.5 emissions in the region.</p>

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i005	24	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		The DEIS makes no mention of Section 109(h) or its implementing regulations. Section 4.2.5.2 of the DEIS primarily disclaims responsibility for analyzing MSATs, explaining that "while much work has been done to assess the overall health risk of air toxics, many questions remain unanswered." It goes on to mention that, in any event, "USEP A has not established regulatory concentration targets" for MSATs. Neither the brief treatment of air toxics within the DEIS, nor the attached "qualitative analysis of MSATs" at Appendix H, addresses mitigation measures to reduce the emission of air pollutants, contrary to the requirements of Section 109(h). The Air Quality Technical Memorandum advances the dubious rationale that while "it is expected there would be slightly higher MSAT emissions in the immediate area of the project, relative to the No-Build Alternative ... current tools and science are not adequate to quantify them," [at 26] or apparently to provide any information other than a hopeful assessment that "EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions" in MSATs. This optimistic analysis fails to provide the basis for a meaningful assessment of this project's environmental impacts, as required by NEPA. The DEIS should catalogue the schools, hospitals, public parks and other locations in the project area where sensitive populations would likely suffer exposure to MSAT generated by the toll road. The DEIS should estimate the likely emissions exposures at these locations using accepted testing methods, relate these estimates to the findings in contemporary, peer-reviewed health studies of MSAT exposures, and discuss specific mitigation measures that could safeguard the identified sensitive populations. Finally, the DEIS should compare these costs with those associated with a plausible alternative that does not involve a new-location toll road, such as upgrades to existing highway, transit, and freight rail facilities in the area.
i005	25	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		The range of air pollutants considered by the DEIS is also inadequate. Section 109 requires the consideration of "possible" adverse environmental effects, including air pollution. 23 U.S.C. § 109. This analysis requires "the gathering and evaluation of evidence on potential pollution hazards." <i>D.C. Fed'n of Civic Ass'ns v. Volpe</i> , 459 F.2d 1231, 1242 (D.C. Cir. 1971). The DEIS's limited analysis of air pollutants only addresses the NAAQS criteria air pollutants and those listed as "priority" MSATs. Section 109 of the Federal Aid Highway Act, however, requires analysis of more than just these pollutants.
i005	26	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		Given the clear link between the MSATs in vehicle exhaust and health impacts, the question is not whether construction of the Gaston East-West Connector including the massive I-485 interchange that will encroach upon Berewick District Park - will have negative health repercussions for those who live nearby. The question is how accurately these health impacts can be predicted. The Agencies may not have a computer model specifically designed for this task and there may be limits on how accurately the health impacts in this area can be predicted. But the purpose of NEPA is to force Agencies to consider and disclose the reasonably foreseeable consequences of their actions; the DEIS focuses instead on justifying its failure to consider these consequences. The Agencies must model the health impacts of the increased MSAT exposure to the extent practicable as evidenced by "theoretical approaches or research methods generally accepted in the scientific community." Failure to do so violates Section 109(h) of the Federal-Aid Highway Act.
i005	27	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		The DEIS traffic forecast predicts that construction of the Gaston East-West Connector will cause VMT in Gaston County to increase by around eleven percent compared to the No Build Alternative. Accepting this forecast, the Gaston East-West Connector would generate tens of thousands of tons of greenhouse gas (GHG) emissions each year. The DEIS ignores these emissions. This failure to even acknowledge GHG emissions is at odds with current environmental planning practices across the nation. For a project of this scale, the Agencies must consider GHG emissions impacts and mitigation strategies. Failure to address this significant environmental impact is a violation of NEPA. Especially for a toll road project that relies on increasing vehicle travel to generate sufficient revenue to finance the project, it is essential that issues related to GHG emissions be disclosed and evaluated.

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i005	28	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		Efforts to reduce GHG emissions must involve transportation. In its final report, the North Carolina Climate Action Plan Advisory Group estimates that the transportation sector accounts for 29% of the State's current GHG emissions. The Group's report "recommends that the State work with its constituents to shift passenger transportation mode choice to lower emitting choices," such as transit or rail instead of driving privately owned vehicles. The report also recommends that the State take steps to better integrate land use planning and transportation, and that it invest more in transit. Construction of the Gaston East-West Connector would undermine all of these recommendations. The Project threatens to explode the western footprint of the Charlotte metro area, open up vast rural areas to sprawl development, cripple the development of transit in Gaston and western Mecklenburg counties, and gobble up public funding that might otherwise finance alternative transportation improvements for decades to come. As the DEIS acknowledges, the Gaston East-West Connector will induce millions of miles of additional vehicle travel each year, creating tens of thousands of tons of GHG pollutants. Therefore, the Project rises above the "significance" threshold established under other existing regulatory regimes. And recent case law trends indicate that a 22-mile, four-lane, new location toll way should satisfy any threshold for significance in judicial review under NEPA. See, e.g., Laidlaw Energy v. Town of Ellicottville, Case No. 1659 CA 08-01183 (N.Y. App. Ct. Feb. 6,2009) (upholding decision to deny a land use approval under the State Environmental Quality Review Act due to concern over carbon emissions and findings that a proposed biomass cogeneration facility would cause "serious increases in harmful emissions" that would result in an "unacceptable adverse impact"); Coalition for Environmental Integrity in Yucca Valley v. Wal-Mart, Case No. CIVBS 810232 (Cal. Sup. Ct. May 14,2009) (holding that state environmental planning documents for Wal-Mart supercenter had to "consider the entire GHG emission output of the Project").
i005	29	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		The further development of climate change regulation will likely have direct effects on transportation in an effort to achieve nationwide benchmarks. One approach would be to tax gasoline or tax drivers on the basis of vehicle miles traveled. Whatever the mechanism, such regulation would render carbon intensive modes of transportation, such as freeways, more costly for users. Because transportation accounts for approximately one third of GHG emissions and is the fastest growing source sector, it can be reasonably anticipated that any future federal regulatory scheme will include a component that encourages less per capita motor vehicle travel. This would affect the toll revenue of the planned Gaston East-West Connector, and possibly undermine the Project's viability entirely. Yet the DEIS neglects to even mention these very relevant issues.
i005	30	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		Some states have formalized requirements to quantify GHG emissions and consider mitigation strategies. In Massachusetts, projects subject to the state environmental policy act (MEPA) 23 that involve significant GHG emissions must identify and quantify those emissions and also "consider a project alternative in the [EIS] that incorporates measures to avoid, minimize, or mitigate such emissions?4 Similarly, since 2003, the New York State Department of Transportation (NYDOT) has been requiring analysis of GHG emissions for major projects, and the New York Department of Environmental Conservation has issued a "Guide for Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements," specifically targeted towards "projects that generate millions of vehicle miles traveled." In other states, consideration of GHG emissions has followed a more informal path. In California, the state attorney general has directed local governments to consider GHG impacts on transportation and land use projects in order to comply with that state's environmental policy act (CEQA), leading private professionals to promulgate an informal handbook on "alternative approaches to analyzing [GHG] emissions and global climate change in CEQ A documents."26 In Washington, the executive of King County, which encompasses Seattle, has adopted a comprehensive order "requiring that adverse climate impacts be described for all projects that must complete State Environmental Protection Act documents, when the county is the lead or is permitting a project in unincorporated King County." These regulatory regimes derive their authority from various sources, which are often particular to the state or region where they apply. They demonstrate, however, that an established methodology for analyzing GHG emissions can be applied to evaluate the impacts of large-scale, GHG intensive projects such as the Gaston East-West Connector.
i005	31	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Air Quality		The DEIS does not consider, or even mention, GHG emissions. At a minimum, the Agencies must model the GHG emissions of a reasonable range of project alternatives and consider whether they could accomplish the purpose and goals of the Project while limiting the GHG emissions. The Agencies must also detail available mitigation measures for limiting the GHG emissions that will result from this Project, and estimate the potential cost of offsetting the Project's GHG emissions impact, for example, based on projected permit prices per ton of carbon dioxide under a future cap and trade regime. Finally, the DEIS must detail how regulation of GHG emissions may affect travel demand and by extension toll revenues, and how this might affect the project's viability. The wholesale failure to consider GHG emissions from the Project is unreasonable, arbitrary and capricious. The Agencies should reissue a DEIS that evaluates the full range of GHG issues related to this Project.

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i005	32	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Water Resources		The DEIS fails to adequately analyze water quality impacts from the proposed project. The DEIS points out that a Draft 2008 303(d) list includes a growing number of water bodies in the Project Study Area, including Abernethy Creek, Crowders Creek, McGill Branch, Catawba Creek, and the South Fork Catawba River. The DEIS explains that these water bodies have "impaired use for aquatic life," and that urban stormwater runoff is most likely to blame for the impairment. [6-6]33 But the DEIS gives little indication of how the Garden Parkway - which would open up some of the least urbanized areas of the Catawba watershed to sprawling development with a greatly increased amount of impervious surfaces-would not significantly magnify these impacts. The DEIS throws out a laundry list of "potential impacts to water quality that could occur under any of the DSAs." [6-9] Yet, the DEIS fails to provide any detailed or quantitative analysis of how these impacts might be avoided, or how they will affect the attainment of water quality standards. It offers only the vague assurance that "impacts from erosion and sedimentation will be minimized by implementing control measures in accordance with NCDENR and NCDOT guidance," and that "an erosion and sedimentation plan will be developed for the Preferred Alternative in accordance with the Erosion and Sediment Control Planning and Design (NCDENR Division of Land Resources, June 2006) and Best Management Practices for the Protection of Surface Waters (NCDOT, March 1997)." [6-10]
i005	33	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Indirect and Cumulative Effects	Water Resources	The DEIS consideration of cumulative effects to water quality is even less informative. It concedes that "water resources having the potential to be cumulatively affected by non-point source pollution include the Catawba River, South Fork Catawba River, Abernethy Creek, Catawba Creek, Crowders Creek, and Blackwood Creek." [7-17] The DEIS does not describe, though, "what non-point source control measures will be needed and how they are to be implemented," ~s required by DWQ policy.34 It does not detail "the nature of the discharge, including cumulative impacts to isolated and non-isolated wetlands," as directed by the North Carolina administrative code 15A NCAC 02H .1302. Instead, the DEIS simply states that "these effects"-whatever they may be - "can be minimized through implementation of local stormwater ordinances and Best Management Practices (BMP)."
i005	34	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Water Resources	Indirect and Cumulative Effects	Failure to examine water quality impacts from all reasonable alternatives is a derogation of the Agencies' duties under NEPA, and by extension, under §§ 404 and 401 of the CWA. NEPA requires that the Agencies "[d]evote substantial treatment to each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits." 40 C.F.R. § 1502.14(b). The superficial disclosure of project impacts in the DEIS falls far short of this standard. The DEIS focuses on relatively inconsequential differences between the myriad "detailed study alternatives,"-route variations of an otherwise identical toll road alternative-instead of meaningfully informing the public about the Project's impacts on the area's water resources, not to mention the resulting burden of waste water treatment, land use, and other regulations that would be needed to offset those impacts.
i005	35	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David	Water Resources		The DEIS fails to acknowledge any lost functions or features of the Catawba watershed that would be degraded by the project, much less identify the specific mitigation measures that could replace them. The brief "Mitigation of Impacts" section in the DEIS reproduces a random list of "examples of Best Management Practices for erosion and sedimentation control." [6-10] Federal courts have held that "the 'mere listing' of mitigation measures and processes, without any analysis, cannot support a cumulative impacts determination" under NEPA. <i>Ohio Valley Envtl. Coalition v. Hurst</i> , 604 F. Supp. 2d 860,887 (S.D. W. Va. 2009) citing <i>Nat'l Parks &amp; Conservation Ass'n v. Babbitt</i> , 241 F.3d 722, 734 (9th Cir. 2001). The hodgepodge of mitigation "examples" offered by the DEIS cannot support such a determination either.
i006	1	letter	6/18/2009	Gaston SouthEast Connector Coalition			Comment Noted		We would like to commend the NCTA on the contents and recommendations contained in the EIS. It is very obvious to us that this reflects an exhaustive effort by a team of professionals who made a genuine effort to do the job right. We are particularly impressed by what appears to be a lack of political influence over the decision making process. From the beginning we were told that would be the case. It is refreshing and reassuring to see that you concentrated on gathering and presenting the facts, then based your recommendation on the facts as presented.
i006	2	letter	6/18/2009	Gaston SouthEast Connector Coalition			Alternatives Considered		After reviewing the EIS, we agree with your recommendation of Alternative #9. We can clearly see where you weighed each of the criteria in an unbiased, fact-based manner before arriving at your conclusion. While each of the 12 alternatives would result in an array of human and environmental consequences, #9 has the least overall impact, and for that reason, it is the best choice moving forward.
i006	3	letter	6/18/2009	Gaston SouthEast Connector Coalition			Land Use and Transportation Planning		There is a definite potential for dangerous fog to form near the South Fork River crossing along the southern route. While state policy seems to favor addressing fog issues after a road is built, we do not believe this is a wise approach to a known problem.
i006	4	letter	6/18/2009	Gaston SouthEast Connector Coalition			Hazardous Materials		Blowing fly ash has been observed and documented in the area near the Catawba River crossing along the southern route. Again, we believe known hazards like this should be avoided before a road is built instead of afterward, when it is too late to do anything about it.
i007	1	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		The Project fails to meet the stated purposes of reducing congestion and substantially improving east-west connectivity. Therefore, the Project has no merit and must be rejected.

## Gaston East-West Connector

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## DEIS - Public Release Comments

### Interest Groups

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i007	2	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		Because the Transportation Agencies have summarily rejected without meaningful analysis practicable alternatives (such as establishing High Occupancy Toll (HOT) lanes on I-85, improving existing transportation facilities, and transportation demand management, or mass transit), the DEIS is defective.
i007	3	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects		The DEIS is similarly defective because it has not analyzed the indirect and cumulative effects deriving from US 321 as the likely western terminus. Moreover, the expected adverse effects of uncontrolled suburban sprawl through agricultural lands that lack municipal water and sewer outweigh the marginal benefits of the Project. For these and additional reasons set out below, the DEIS must be re-written and resubmitted to the public for review and comment.
i007	4	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects	Community Characteristics and Resources	A combination of factors, including the structural economic change away from manufacturing and industrial activity, the price of land, and the failure to connect to I-85 means the Project will not provide the economic stimulus promoters had originally hoped. Project construction "is anticipated to attract more residential development" to Gaston County, and the current expectation is that the Project will stimulate the development of very expensive housing projects, high end retail, and office parks <sup>5</sup> in what is now largely agricultural and pasture land. Local economic development officials have warned that the Project poses the real risk of siphoning retail activity from established retail corridors along I-85 and the municipal downtowns if local leaders are not vigilant. As a practical matter, "Gaston County is likely to see sharp increases in growth with or without the construction of the proposed [P]roject."
i007	5	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action	Land Use and Transportation Planning	A primary purpose of the Project is to improve traffic flow and safe travel on I-85, US 29/74 and US 321 in the Project Study Area. The Project fails to meet the stated purpose of decreasing congestion. Table C-3 of the DEIS shows that traffic would operate at the same or worse level of service on US 29/74 if the Project is completed to I-85, compared to the No-Build scenario. With one exception, table C-2 shows no improvement to the level of service on I-85 if the Project is completed to I-85. The levels of service on US 321 are reported to be similar for all scenarios. The DEIS does not demonstrate the substantial improvement to I-85, US 29/74, or US 321 levels of service that is required to meet the stated Project purpose.
i007	6	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action	Alternatives Considered	The DEIS contains no evaluation at all of the effect of terminating the Project at US 321, which is the likely western terminus. A June 2, 2009 study prepared by the North Carolina Turnpike Authority compares various traffic scenarios at US 321, including that of terminating the Project there. The study shows the following daily traffic counts in the year 2030 and demonstrates that constructing the Project increases traffic on I-85 at US 321. All the scenarios show I-85 operating over capacity. This analysis of the Project clearly shows congestion on I-85 does not improve as a result of constructing the Project.
i007	7	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered	Land Use and Transportation Planning	Notwithstanding the data in Tables C-2 and C-3, and the June 2, 2009 analysis by the North Carolina Turnpike Authority, the DEIS states "[t]raffic operations would improve on I-85 and on segments of US 29-74 with the New Location Alternative (Toll or Non-Toll Scenario) compared to the No-Build Alternative." This statement is demonstrably wrong, yet it formed the basis for the decision to recommend a second screening of the Project at the expense of various other alternatives, including the No-Build alternative.
i007	8	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered	Land Use and Transportation Planning	Similarly, the June 2, 2009 study shows traffic on US 321 increasing if the Project is constructed, compared to the No Build scenario. At some sections, the increase over the No-Build scenario is as much as 87%, and the level of service demonstrably deteriorates in one section if the Project is constructed. This June 2 study demonstrates why it is necessary for the Transportation Agencies to evaluate the effects of terminating the Project at US 321 and provide an opportunity for full public evaluation prior to taking any final agency action.
i007	9	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		Since the conceptual stage of the Project, relieving congestion on I-85 has been a primary purpose of the East-West connector. The 2030 Long Range Transportation Plan by the Gaston Urban Area MPO, for example, states that the purpose of the toll road is to "serve as a bypass to Interstate 85, US 29/74 and US 321" and a "reliever to I-85 and US 29/74." The DEIS declares that the purpose of the toll road is "to improve traffic flow on the sections of I-85, US 29-74 and US 321" in the study area, and to "reduce congested vehicle miles travelled" compared to traffic if the Project is not built. The Updated Final Purpose and Need Statement is equally clear that relieving traffic congestion on I-85, US 29/74 and US 321 is a fundamental purpose of the Project. Despite the statement of purpose and need in the DEIS, numerous supporting documents, and widespread community expectations regarding the Project purpose, the North Carolina Turnpike Authority has stated publicly on numerous occasions that the purpose of the Project "is not to alleviate congestion on I-85." This failure to understand a basic Project purpose means the Transportation Agencies cannot have conducted a proper evaluation determining whether the Project meets the stated purpose. The toll road does not meet the basic purpose of relieving traffic congestion on I-85, US 29/74, or US 321. Consequently, the Project has no merit.

# Gaston East-West Connector

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i007	10	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action	Land Use and Transportation Planning	A second stated purpose of the Project is to improve connectivity within Gaston County, and between Gaston County and Mecklenburg County. The DEIS demonstrates that such connectivity is marginal at best. In many cases, the estimated time savings described in the DEIS appear to be highly inflated. The Transportation Agencies estimate that travel between downtown Gastonia and the Belmont Peninsula (South Point Road/Armstrong Road intersection) on this \$1.2 billion toll road will decrease 2 minutes in 2030. This savings is minimal, is not sufficient to warrant the disruption the Project will cause or its cost, and Gaston County residents are not likely to pay tolls for such minimal time savings. If DEIS estimates are to be believed, in 2030 Belmont Peninsula residents will save 23 minutes travelling from the South Point Road/Armstrong Road intersection to the Charlotte-Douglas Airport by taking the toll bridge. This time savings occurs in part because the No-Build alternative is estimated to take 57 minutes. Currently, Map Quest shows the trip taking 17 minutes. For the proposed travel savings to be connect, traffic must become so congested in twenty years that the trip increases by 40 minutes, an increase of over two hundred percent. This simply is not credible, and estimates of other times savings appear to be equally inflated. The Project provides no meaningful, credible improvement in east-west connectivity, and certainly is not worth the impacts it will cause to the environment and the community. For example, Google Maps shows that at the US 321 terminus there is no development at the US 321/Robinson Road interchange. As such, it is not a travel destination and cannot meet the requirement that a NC DOT Strategic Highway Corridor connect to a "travel destination." The sole effect of the Project is to induce development in a part of the county that is currently rural, not provide connectivity between existing destinations. Opening south Gaston County for development is not a recognized Project purpose. The DEIS concludes that the Project will produce "substantial time savings" for inter-county travel. The facts show otherwise.
i007	11	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Editorial		The DEIS does not meet the minimum standards required of the Transportation Authorities. It depends upon a model that observed data shows to be inaccurate. The evaluation of the available alternatives is cursory and without empirical support. The DEIS conducts no analysis of the impacts deriving from US 321 as the likely western terminus of the Project. Nor does the DEIS adequately evaluate the Project impact upon the region's serious non-attainment status for ozone and the fact that there is no conformity plan in place. For each of these and other reasons set out below, additional work must be conducted and the DEIS re-presented to the public for review and comment.
i007	12	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Land Use and Transportation Planning		The DEIS describes traffic volumes for the base year 2006 as "existing," yet comparison of these figures to traffic volumes observed in 2007 by the NCDOT Traffic Survey Group shows the 2006 figures to be inflated estimates. The DEIS appears to have consistently overestimated the "existing" traffic volume along each of the major roadways in the project area. This leads to inflated traffic congestion projections. The failure to accurately reconcile the 2006 estimates with the 2007 observed data further corrodes the credibility of the long-term model projections.
i007	13	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The DEIS cursorily reviews, then summarily concludes, that a number of alternatives, including High Occupancy Toll (HOT)/High Occupancy Vehicle (HOV) lanes on I-85, expanded mass transit, upgrading the existing road system, or some combination of these, fail to meet or exceed the defined purpose and need. Of course, the Transportation Agencies then fail to apply the same standard of success to the preferred alternative of Project construction.
i007	14	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered	Purpose and Need for Action	For example, the Transportation Agencies summarily reject the Transportation Demand Alternative because "travel times would not be noticeably reduced" and it would not "noticeably improve" congestion on I-85, US 29/74 and US 321. <sup>29</sup> It does not appear the Transportation Agencies reviewed any empirical data. As shown above, the Project does not noticeably reduce travel times, and it actually increases congestion on target roads. The Transportation Agencies seem to have applied a more stringent standard to the Transportation Demand Alternative than to its review of the Project.
i007	15	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered	Land Use and Transportation Planning	The Transportation Agencies concluded that Mass Transit Improvements on Existing Locations (consisting of bus or rail service) would not attract enough trips to noticeably reduce vehicle miles travelled or congestion. The DEIS does not contain any study to support this conclusion. The community experience is that before the economic downturn, demand for the Gastonia Express bus to uptown Charlotte was so great in July 2008 that there was standing room only on each of the four buses for the 7,400 riders. The Transportation Agencies also reject the alternative because buses would travel on roadways operating at poor levels of service E or F. The DEIS fails to apply the same criteria and reject the Project, even though the Project does not improve level of service over the No-Build alternative and actually causes level of service to deteriorate on some portions of the target roadways.
i007	16	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered	Land Use and Transportation Planning	The DEIS analysis of the Improve Existing Roadways Alternative is particularly disheartening. For example, the April 24 DEIS failed to review and consider the Charlotte Region Fast Lanes Study (draft Final Report March 2009) which concluded that a High Occupancy Toll (HOT) lane option was feasible, could be constructed in existing I-85 right of way, would save commuters 19 minutes, and unlike the Project would be self-supporting (construction and O&M) from toll revenues. The DEIS rejected the Improve Existing Roadways Alternative without detailed study and for summary conclusions that are redundant and at direct odds with other professional studies - travel times would not improve compared to the No-Build alternative, failure to provide east west connectivity, and failure to improve level of service.

# Gaston East-West Connector

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i007	17	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The Transportation Agencies have not engaged in an objective evaluation of the reasonable alternatives using empirical data. Compared to their willingness to overlook the same deficiencies with the Project, the Transportation Agencies have not conducted a good faith review of the alternatives. For this reason, the Transportation Agencies must conduct a proper alternatives analysis, reissue the DEIS, and present that alternatives analysis to the public for review and comment.
i007	18	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects	Cultural Resources	Indirect effects are those "caused by the action and ... later in time or farther removed in distance, but ... still reasonably foreseeable." The Transportation Agencies have failed to evaluate the effects of the reasonably foreseeable - indeed probable - reality that the Project will dead-end into US 321 for decades, and perhaps forever. This reality, for example, has the potential to impact two historic neighborhoods located along US 321 and registered with the National Register of Historic Places.
i007	19	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		As the June 2, 2009 study indicates, the dead-ending of the Project into US-321 is a significant change in Project implementation that has the potential to have seriously different impacts from those which have been presented by the Transportation Agencies in the DEIS. The DEIS states that an advantage of the Project is that it would provide an alternative controlled access route when incidents occur on I-85, yet there is no such advantage for so long as the western terminus of the Project is US 321. Federal transportation regulations require the Transportation Agencies to re-evaluate a phased project "if major steps to advance the action ... have not occurred within three years after the approval of the final EIS." Because it is evident that financing will not be available to implement the second phase for decades, the Transportation Agencies have an obligation to evaluate the Project now as if the Project terminates at US 321, as well as based upon the assumption that the Project may terminate at I-85. The public has a need to understand what the potential impacts of this probable termination point are, and the Transportation Agencies have an obligation to provide that information.
i007	20	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Air Quality		The DEIS fails to account for the fact that the withdrawal of the North Carolina State Implementation Plan means the MUMPO and GUAMPO transportation plans have now lapsed into a one year conformity grace period. At no point does the DEIS address the fact that by promoting suburban sprawl, the Project will increase total vehicles and VMT in the area, and substantially increase vehicle emissions of ozone precursors. This cannot help but have an additional negative impact on the region's ozone problem, currently designated "serious" and likely to be designated "severe" at the end of this ozone season. Given the fact that the region has been unable to reduce its baseline ozone levels, it is likely specific enforceable actions and transportation control measures will have to be adopted to control vehicle emissions. The DEIS fails to evaluate the impacts of the Project on an already serious regional ozone problem.
i007	21	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Air Quality		The DEIS provides no evaluation regarding the contributions that the Project will make towards greenhouse gas emissions. Federal law requires that the greenhouse gas emissions must be evaluated in the context of the Project.
i007	22	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Water Resources	Indirect and Cumulative Effects	The DEIS has not adequately evaluated the indirect effects and cumulative effects of the Project upon the impaired streams described on the draft 303(d) list. The Project is a transportation facility designed to promote accelerated suburban sprawl in what is principally agricultural land and pastures. The area to be served by the Project does not have municipal water and sewer, and none is planned for much of the area. Supporting documents to the DEIS state that constructing the Project would increase the speed and magnitude of water quality degradation in the area. The effect on water quality of increased impervious surfaces and atmospheric deposition from increased vehicle emissions "is believed to be substantial." Yet, the DEIS does not empirically evaluate how the suburban sprawl spawned by the Project will impact the impaired streams or meaningfully address how those impacts can be mitigated.
i007	23	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Water Resources		The DEIS indicates that Design Study Alternative 9 will impact an estimated 7.5 acres of wetlands and 48,995 linear feet of streams. The DEIS fails to evaluate how the required wetlands compensatory mitigation will be implemented. In fact, the DEIS states that even a "conceptual mitigation plan" is one of the several "unresolved issues and areas of controversy." Securing suitable compensatory wetland mitigation sites within the lower Catawba River watershed is a well-recognized problem, <sup>42</sup> and the public has a need to understand how the Transportation Agencies propose to address this controversial issue.
i007	24	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects	Land Use and Transportation Planning	The DEIS has not evaluated the impacts that constructing the Project would have on the connector roads at each intersection. Most of these connector roads are two lane facilities. Similarly, the DEIS does not evaluate the effects that promoting suburban development would have on the largely undeveloped areas that are not serviced by municipal water or sewer or the water quality in those areas.
i007	25	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		The Project fails to have local support because the DEIS and other information in the public record demonstrates it fails to meet the stated purpose and need. As an illustration that the Project lacks local support, over 7,000 citizens have signed a petition opposed to the Project as described in the DEIS.

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i007	26	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		Twice in less than a year the Belmont City Council has passed resolutions rejecting DSA 9 because of the decidedly negative impacts DSA 9 would have upon the Town of Belmont. Each time, and consistent with its resolutions dating back to the late 1990' s, Belmont expressed a strong preference for a route that parallels the Allen Steam Plant canal, Route G4/F9. <sup>44</sup> Route G4/F9 most closely reflects the route that is on the Gaston Urban Area 2030 Thoroughfare Plan. The Transportation Agencies eliminated all DSAs that depended upon Route G4/F9 "due to interference with critical operations at Allen Steam Station." DEIS, p. 9-14.
i007	27	letter	7/21/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		Duke Energy did not conclude that Route G4/F9 would interfere with its operations. Route G4/F9 is depicted as passing over the northeast corner of the reactivated fly ash basin. Nothing in the DEIS indicates whether actions were considered to mitigate potential impacts to operation of the fly ash basin. Such actions could include a flyover the basin (particularly relevant since the basin is adjacent to the Catawba River and any bridge spanning the Catawba River must also span the rail line that parallels the Catawba River), sacrificing a small portion of the fly ash basin to the Project just as homeowners are being asked to sacrifice their residences for the Project, or adjusting the route slightly north of the boundary of the fly ash basin. Recommended alternative DSA 9 does not have local support.
i009	1	resolution	6/16/2009	Gaston Regional Chamber	Jackson	Fred	Comment Noted		WHEREAS, the Draft Environmental Impact Study (EIS) conducted by the North Carolina Turnpike Authority recommends construction of the Parkway in Phases; we encourage the NCTA to secure the entire right-of-way to I-85 for the project;
i009	2	resolution	6/16/2009	Gaston Regional Chamber	Jackson	Fred	Comment Noted		NOW THEREFORE BE IT RESOLVED, that Board of Directors of the Gaston Chamber of Commerce endorses the Draft Environmental Impact Study conducted by the North Carolina Turnpike Authority.
i009	3	resolution	6/16/2009	Gaston Regional Chamber	Jackson	Fred	Comment Noted	Land Use and Transportation Planning	WHEREAS, the Transportation Advisory Council has deemed the Garden Parkway to be the top priority roadway project for the Gaston Urban Area Metropolitan Planning Organization region;
i010	1	resolution	6/16/2009	Gaston Together	Hodge	Bruce	Comment Noted	Land Use and Transportation Planning	WHEREAS, the Transportation Action Team of Gaston 2012, Gaston Transportation Advisory Committee and Gaston Urban Metropolitan Planning Organization has deemed the Garden Parkway to be the top priority roadway project;
i010	2	resolution	6/16/2009	Gaston Together	Hodge	Bruce	Comment Noted		NOW THEREFORE BE IT RESOLVED, that Gaston Together endorses the Draft Environmental Impact Statement conducted by the North Carolina Turnpike Authority.
i011	1	resolution		Gaston County Travel and Tourism Advisory Board			Comment Noted		WHEREAS, the Transportation Advisory Council has deemed the Garden Parkway to be the top priority roadway project for the Gaston Urban Metropolitan Planning Organization region;
i011	2	resolution		Gaston County Travel and Tourism Advisory Board			Air Quality	Comment Noted	WHEREAS, in 2005, Gaston County was designated as a 8-hour ozone non-attainment area where this project will improve air quality modeling and emission conditions for the metropolitan region;
i011	3			Gaston County Travel and Tourism Advisory Board			Land Use and Transportation Planning	Right-Of-Way Acquisition and Relocations	WHEREAS, the Draft Environmental Impact Study (EIS) conducted by the North Carolina Turnpike Authority recommends construction of the Parkway in Phases, we encourage the NCTA to secure the entire right-of-way to I-85 for the project;
i011	4	resolution		Gaston County Travel and Tourism Advisory Board			Comment Noted		NOW THEREFORE BE IT RESOLVED, that Gaston County Travel and Tourism Advisory Board endorses the Draft Environmental Impact Study conducted by the North Carolina Turnpike Authority.
i014	1	resolution	7/15/2009	Montcross Area Chamber of Commerce	Hall	Ted	Comment Noted		WHEREAS, the Transportation Advisory Council has deemed the Garden Parkway to be the top priority roadway project for the Gaston Urban Area Metropolitan Planning Organization region;
i014	2	resolution	7/15/2009	Montcross Area Chamber of Commerce	Hall	Ted	Air Quality	Comment Noted	WHEREAS, in 2005, Gaston County was designated as a 8-hour ozone non-attainment area, and this project will improve air quality modeling and emission conditions for the metropolitan region;
i014	3	resolution	7/15/2009	Montcross Area Chamber of Commerce	Hall	Ted	Land Use and Transportation Planning	Right-Of-Way Acquisition and Relocations	WHEREAS, the Draft Environmental Impact Study (EIS) conducted by the North Carolina Turnpike Authority recommends construction of the Parkway in Phases, and we encourage the NCTA to secure the entire right-of-way to I-85 for the project;
i014	4	resolution	7/15/2009	Montcross Area Chamber of Commerce	Hall	Ted	Comment Noted		NOW THEREFORE BE IT RESOLVED, that Board of Directors of the Montcross Area Chamber of Commerce endorses the Draft Environmental Impact Study conducted by the North Carolina Turnpike Authority.



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i015	1	resolution	6/30/2009	Gaston 2012	Harrison	Don	Comment Noted		WHEREAS, the Transportation Action Team of Gaston 2012, Gaston Transportation Advisory Committee and Gaston Urban Metropolitan Planning Organization has deemed the Garden Parkway to be the top priority roadway project;
i015	2	resolution	6/30/2009	Gaston 2012	Harrison	Don	Comment Noted		NOW THEREFORE BE IT RESOLVED, that the Gaston 2012 Strategic Council endorses the Draft Environmental Impact Statement conducted by the North Carolina Turnpike Authority.
i016	1	letter	6/29/2009	Connect Gaston	Hartung	Joyce	Community Characteristics and Resources		Bridges over streams be constructed in a manner that allows future walking and bike paths to pass beneath them
i016	2	letter	6/29/2009	Connect Gaston	Hartung	Joyce	Community Characteristics and Resources		All bridges over roads, and interchanges with roads, be constructed with sidewalks (north-south) that allow access from one side of the thoroughfare to the other.
i016	3	letter	6/29/2009	Connect Gaston	Hartung	Joyce	Community Characteristics and Resources		All sidewalks be constructed sufficient in width to allow foot, bike, wheelchair, and stroller traffic to move in both directions simultaneously.
i016	4	letter	6/29/2009	Connect Gaston	Hartung	Joyce	Community Characteristics and Resources		Bridges over the South Fork and Catawba Rivers be constructed with provisions for pedestrians to cross the rivers.

# **APPENDIX F**

Comments Responding to USACE Public Notice

## Gaston East-West Connector

## Comments Responding to USACE Public Notice

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					Last	First			
u01	1	letter	6/28/2009		Pierce	Heather	Protected Species and Wildlife		My family enjoys the couple of acres we have, especially watching the hawk family in the woods behind our home and seeing a deer or fox run through the yard. Being able to show these beautiful sites of nature to my children is rare in this day and time. This multi-million dollar road would do irreversible damage environmentally to the peninsula. Instead of putting a toll road through Belmont, we all need to be concerned with protecting the delicate ecosystem of the peninsula.
u01	2	letter	6/28/2009		Pierce	Heather	Land Use and Transportation Planning		Sprawl is not good for Belmont or Gaston County. Belmont has seen enough growth, especially on the peninsula. We don't need strip malls and the commercial growth that would come with the road, no matter what part of the county we are talking about. The small town of Belmont does not need another bridge crossing the Catawba River into our borders.
u01	3	letter	6/28/2009		Pierce	Heather	Water Resources		Personally, I do not believe enough thorough, and I do mean thorough, research has been done by the proper authorities regarding environmental research on and around the peninsula of Belmont. Catawba Riverkeeper David Merryman does not support the Garden Parkway, nor does the Lake Wylie Lakekeeper, Ellen Goff.
u01	4	letter	6/28/2009		Pierce	Heather	Indirect and Cumulative Effects	Water Resources	This toll road will make a huge impact on Gaston County environmentally, especially Belmont with the waters of the Catawba River, Lake Wylie, and South Fork River surrounding the peninsula. Erosion of the banks of the waters, water table declining, displacing and killing of wildlife and runoff from road's surfaces will wash sediment downstream.
u01	5	letter	6/28/2009		Pierce	Heather	Air Quality		This region is already in jeopardy of not meeting clean air standards
u01	6	letter	6/28/2009		Pierce	Heather	Alternatives Considered	Cultural Resources	We don't need 2 more bridges built across Belmont for a road that doesn't even connect I-85 and stops at HWY 321 right at the Historic York Chester neighborhood in Gastonia
u02	1	letter	7/17/2009		Medlin	John	Indirect and Cumulative Effects		Applicant's stated purpose is to improve east-west transportation mobility. Specifically, they stat that traffic on I-85 is at critical levels. However, their own publications indicate that projected traffic counts will be worse with the project than without. Because the project does not accomplish it's objective, the impacts to the environment are not justified and it should not be allowed.
u02	2	letter	7/17/2009		Medlin	John	Indirect and Cumulative Effects		In stating the existing conditions and making predictions about the future development of the region ("...much of the rural area shifting toward a more suburban environment."), the applicant fails to reveal that much of that future development is contingent on the construction of this project. Without the project, the development will be significantly delayed. Much of the existing local population is against the project because of the expected growth, and it's affect on adjacent property values. These values will be influenced by the impacts of the project in the form of increased storm water runoff, erosion, and siltation, as well as loss of forest and wetlands, noise pollution, and reduced aesthetic value.
u02	3	letter	7/17/2009		Medlin	John	Air Quality		As predicted by the applicant, total traffic count into and out of the county will increase because of the project. The additional traffic will affect already poor air quality in the region.
u03	1	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		The project fails to meet the stated purposes of reducing congestion and substantially improving east-west connectivity. Therefore, the Project has no merit.
u03	2	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		Because the Transportation Agencies have summarily rejected without meaningful analysis practicable alternatives (such as establishing High Occupancy Toll (HOT) lanes on I-85, improving existing transportation facilities, and transportation demand management, or mass transit) no 404 permit may be issued.
u03	3	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects		The expected adverse effects of uncontrolled suburban sprawl through agricultural lands that lack municipal water and sewer outweigh the marginal benefits of the Project. For these reasons, the Corps must conclude that the Project cannot be approved for a permit under section 404 of the Clean Water Act.
u03	4	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects		The DEIS provides no evaluation reflecting the type of development that would be stimulated by the Project, or the indirect and cumulative impacts of such development upon the existing community.
u03	5	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		A primary purpose of the Project is to improve traffic flow and safe travel on I-85, US 29/74 and US 321 in the Project Study Area. The Project fails to meet the stated purposes of decreasing congestion.
u03	6	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		The DEIS does not demonstrate the substantial improvement to traffic flow on I-85, US 29/74, or US 321 that is required to meet the stated Project purpose.
u03	7	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects		The DEIS contains no evaluation at all of the effect of terminating the Project at US 321, which the North Carolina Turnpike Authority states is the likely western terminus. In response to a substantial number of questions from the community, the North Carolina Turnpike Authority ultimately presented a June 2, 2009 study comparing various traffic scenarios at US 321, including that of terminating the Project there. The study shows the following daily traffic counts in the year 2030 and demonstrates that constructing the Project increases traffic on I-85 at US 321. All scenarios
u03	8	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Purpose and Need for Action		The draft Environmental Impact Statement prepared by the the Turnpike Authority declares that the purpose of the toll road is "to improve traffic flow on the sections of I-85, US 29-74 and US 321" in the study area, and to "reduce congested vehicle miles travelled" compared to traffic if the Project is not built. Because the toll road does not meet the basic purpose of relieving traffic congestion, this Project has no merit.

## Gaston East-West Connector

## Comments Responding to USACE Public Notice

Document Control No.	Comment No.	Comment submitted via	DATE	Agency (as needed)	NAME		Comment Topic	Comment Secondary Topic	Comments or questions about the DEIS
					Last	First			
u03	9	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		If DEIS estimates are to be believed, in 2030 residents on the Belmont Peninsula will save 23 minutes travelling to the Charlotte Douglas Airport by taking the toll bridge. This time savings occurs in part because the No-Build Alternative is estimated to take 57 minutes. Currently, MapQuest shows the trip taking 17 minutes. For the proposed travel savings to be correct, traffic on South Point Road and Wilkinson Boulevard must become so congested that the trip increases by 40 minutes, a two hundred percent increase in 20 years. This simply is not credible.
u03	10	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Land Use and Transportation Planning		It is probable that from the US 321/Robinson Road interchange to the airport would see improved travel times over the toll road. The fact is, however, that Google Maps shows there is no development at the US 321/Robinson Road interchange and it is not a travel destination. The Project provides no meaningful, credible improvement in east-west connectivity, and certainly is not worth the impacts it will cause to the environment and the community.
u03	11	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The DEIS appears to have consistently overestimated the "existing" traffic volume along each of the major roadways in the project area. This leads to inflated traffic congestion projections. The failure to accurately reconcile the 2006 estimates with the 2007 observed data further corrodes the credibility of the long-term model projections.
u03	12	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The DEIS cursorily reviews, then summarily concludes, that a number of alternatives, including High Occupancy Toll (HOT)/High Occupancy Vehicle (HOV) on I-85, expanded mass transit, upgrading the existing road system, or some combination of these, fail to meet or exceed the defined purpose and need. Of course, the Transportation Agencies then fail to apply the same standard of success to their preferred alternative of Project construction.
u03	13	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The Transportation Agencies concluded that Mass Transit Improvements on Existing Locations (consisting of bus or rail service) would not attract enough trips to noticeably reduce vehicle miles travelled or congestion. The DEIS does not contain any study to support this conclusion. T
u03	14	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The DEIS analysis of the Improve Existing Roadways Alternative is particularly disheartening. For example, the April 24 DEIS failed to review and consider the Charlotte Region Fast Lanes Study (draft Final Report March 2009) which concluded that a High Occupancy Toll (HOT) lane option was feasible, could be constructed in existing I-85 right-of-way, would save commuters 19 minutes, and unlike the Project would be fully self-supporting (construction and O&M) from toll revenues. The DEIS rejected the Improve Existing Roadways Alternative without the detailed study and for summary conclusions that are now redundant (and at direct odds with other professional studies) – travel times would not improve compared to the No-Build alternative, failure to provide east-west connectivity, and failure to improve level of service.
u03	15	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Alternatives Considered		The Transportation Agencies have not engaged in an objective evaluation of the alternatives using empirical data. Compared to their willingness to overlook the same deficiencies with the Project, the Transportation Agencies have not conducted a good faith review of the practicable alternatives. For this reason, the Corps must conclude that the Project is not eligible for a 404 permit.
u03	16	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects	Cultural Resources	The Transportation Agencies have failed to evaluate the effects of the reasonably foreseeable - indeed probable - reality that the Project will dead-end into US 321 for decades, and perhaps forever. This reality has the potential to have direct impacts upon two historic neighborhoods located along US 321.
u03	17	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Indirect and Cumulative Effects		The DEIS has not adequately evaluated the indirect effects and cumulative impacts of constructing a transportation facility that is designed to promote suburban sprawl in what is principally agricultural land and pastures. The area to be served by the Project does not municipal water and sewer, and none is planned for much of the area.
u03	18	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Air Quality		The DEIS fails to account for the fact that the withdrawal of the North Carolina State Implementation Plan means the MUMPO and GUAMPO transportation plans have now lapsed into a one year conformity grace period. At no point does the DEIS address the fact that by promoting suburban sprawl, the Project will substantially increase vehicle emissions of ozone precursors and contribute to the region's ozone problem, currently designated "serious". Given the fact that the region has been unable to reduce its baseline ozone levels, it is likely specific enforceable actions and transportation control measures will have to be adopted to control vehicle emissions.
u03	19	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Air Quality		The DEIS fails to evaluate the impacts of the Project on an already serious regional ozone problem.
u03	20	letter	7/17/2009	Stop the Toll Road.com	Toole	William	Water Resources		The DEIS fails to evaluate how the required wetlands compensatory mitigation will be implemented. In fact, the DEIS states that even a "conceptual mitigation plan" is one of the several "unresolved issues and areas of controversy". Securing suitable compensatory wetland mitigation sites within the lower Catawba River watershed is a well-recognized problem, and both the Corps and the public have a need to understand how the Transportation Agencies propose to address this issue.
u04	1	letter	7/21/2009	Southern Environmental Law Center	Farren	J. David			Comments submitted to USACE are identical to comments submitted during DEIS public review period - control number <b>i005</b>