United States Department of the Interior

FISH AND WILDLIFE SERVICE
Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

February 13, 2007

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

Dear Mr. Sullivan:

Subject: Comments on Start of Study and Agency Scoping for the Proposed Monroe Connector/Bypass Project, Mecklenburg and Union Counties, North Carolina. TIP Nos. R-3329 and R-2559.

This letter responds to a request for our review and comments regarding the initiation of scoping for the subject project. Our comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The North Carolina Turnpike Authority (NCTA) has begun study of improvements to US 74 from east of Monroe, North Carolina, to the I-485 Charlotte Outer Loop. The current study combines two projects previously studied separately. The Service was involved in review and comment for both of these projects and complete details of comments and recommendations for these projects as they were developed can be found in the project files. Our past concerns and comments remain valid. Given that the study is starting over, we will limit our comments to general areas of concern and plan to comment more specifically as alternatives are developed and environmental data are updated. We also attended the January 25, 2007, Agency Coordination meeting and will continue to participate in the coordination process as project plans progress.

General Concerns

Given the length of time since environmental documents were initiated or completed for these projects, we strongly recommend a complete reassessment of habitats and where necessary, update surveys, for federally listed species and Federal Species of Concern

(FSC). FSC are not legally protected under the Act and are not subject to any of its provisions, including Section 7, unless they are formally proposed or listed as endangered or threatened. We request your assistance in protecting them where they are found in the vicinity of your project.

We are concerned with the direct impacts to streams, wetlands, fish and wildlife habitat, and sensitive species in the project area. The previously proposed project study corridors contain portions of Richardson Creek, North and South Fork Crooked Creek, Stewart's Creek, and East Fork Stewart's Creek and their tributaries. Richardson Creek supports populations of native freshwater mussels including two FSC, Savannah lilliput (*Toxolasma pullus*), and Carolina creekshell (*Villosa vaughaniana*). South and North Fork Crooked Creek have Savannah lilliput, Carolina creekshell and a third FSC mussel, the Atlantic pigtoe (*Fusconaia masoni*). These populations of the Savannah lilliput are among the few remaining populations of this species in the Yadkin-Pee Dee River basin and are in decline.

Federally Listed Species

The previously proposed project corridors are just south of the Goose Creek basin, which supports one of six remaining populations of the federally listed as endangered Carolina heelsplitter (*Lasmigona decorata*) and is designated as critical habitat for the heelsplitter. This population is considered vital to the continued existence of the species. Although there likely will be no direct effects to the Goose Creek watershed associated with the project, we believe there is the potential for indirect and cumulative impacts from development induced by construction of this highway project. Implementing measures to protect the Goose Creek watershed and its habitat are essential to maintaining the heelsplitter in North Carolina.

We have consistently recommended protection of riparian buffers on perennial and intermittent streams, strict stormwater controls, and comprehensive land use planning that incorporates conservation areas and minimizes the extent of impervious surface in the watershed. We have worked with a number of the local jurisdictions in the watershed to help determine measures to address these recommendations and continue to strongly support adoption of local regulations that would provide appropriate protection for the watershed. Measures to mitigate secondary and cumulative impacts can be found in the North Carolina Wildlife Resources Commission 2002 Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality.

In addition to potential impacts to the Goose Creek watershed, we are concerned about potential impacts to the federally endangered Schweinitz's sunflower (*Helianthus schweinitzii*). A population of this plant has been found within the previous project study area near the city of Monroe. Further analysis and consultation are required in order to determine direct impacts to listed species and appropriate avoidance and minimization measures.

In conclusion, we recommend that the revised environmental document provide a thorough analysis of the direct, indirect and cumulative impacts from this project and include an analysis of the measures local governments have adopted to minimize and mitigate impacts. We appreciate the opportunity to provide comments at this early project planning stage. If you have questions about these 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 4-2-07-132.

Sincerely,

Brian P. Cole

Brian P. Cole
Field Supervisor

CC:
Ms. Marla J. Chambers, Western NCDOT Permit Coordinator, North Carolina Wildlife Resources Commission, 4614 Wilgrove-Mint Hill Road, Suite M, Charlotte, NC 28227
Ms. Polly Lespinasse, NC Division of Water Quality, 610 East Center Avenue, Suite 301, Mooresville, NC 28115
Mr. Steve Lund, Asheville Regulatory Field Office, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006
Mr. Chris Militscher, c/o Federal Highway Administration, U.S. Environmental Protection Agency, Terry Sanford Federal Courthouse, 310 New Bern Avenue, Room 206, Raleigh, NC 27601
Mr. Steve DeWitt, North Carolina Turnpike Authority, 1578 Mail Service Center, Raleigh NC 27699-1578

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

ORIGINAL

REPLY TO ATTENTION OF: CESAW-RG-A

February 13, 2007

MEMORANDUM FOR MS. JENNIFER HARRIS, PE, NORTH CAROLINA TURNPIKE AUTHORITY, 1578 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-1578

SUBJECT: Comments on Monroe Connector/Bypass, TIP Nos. R-3329 and R-2559, Union County

1. Reference your request of January 25, 2007 for our comments on the proposed Study Area, Draft Purpose and Need Statement, Scoping and assessment methods for the subject Turnpike Authority project.

2. There is an apparent disparity in the study area boundary regarding the region's water supply lakes. Lake Twitty to the north of US Highway 74 is excluded while Lake Lee to the south of US Highway 74 has been included. We recommend that the same deference be shown to both lakes.

3. We recommend that the study area boundary on the north be adjusted to include all the preliminary corridors for both R-3329 and R-2559. Applicable information developed as part of the earlier NEPA processes could then by utilized in your EIS process.

4. We believe that the term mobility is not adequately defined in the preliminary draft Purpose and Need Statement. We recommend that it be defined in terms of reduced travel time, increased traffic capacity and improved Level of Service.

5. Use of the terms/phrases "high speed" and "maintaining access to properties" in the Purpose and Need Statement could be interpreted as limiting the range alternatives to be considered in your EIS, particularly the upgrade of existing routes. Since upgrading existing routes typically has the least impact on aquatic resources, we believe that some consideration must be given to this alternative in order to meet the 404(b)(1) Guidelines. Specifically citing property access also raises questions regarding access control on the proposed project. We recommend that these terms be dropped from the final Purpose and Need Statement.

6. Safety could potentially be incorporated as a project purpose by examining safety improvements realized by similar multi-lane facilities in the Charlotte Metropolitan region such as the Southern and Western portions of the Charlotte Outer Loop (I-485). These portions of I-485 have been open to traffic for a number of years.

7. Our previous comments provided for R-3329 and R-2559 regarding the identification, avoidance and minimization of aquatic resources, including waters and wetlands, remain applicable.

8. Field jurisdictional determinations (JDs) have been completed for NCDOT's preferred alternative on R-2559 B/C and for all the detailed study alternatives for R-3329. These JDs were updated in March of 2006 and remain valid. A comparative analysis of any new alternatives or corridors developed as part of this EIS with these existing corridors will have to be accomplished at the same level of detail in order to be valid.

ORIGINAL

9. If you have any questions, please contact me at telephone (828) 271-7980 or by email at steven.w.lund@usace.army.mil.

Steven W. Lund

Steven W. Lund
Project Manager
Asheville Regulatory Field Office

North Carolina
Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

February 12, 2007

Ms. Jennifer Harris
State of N.C. Turnpike Authority
1578 Mail Service Center
Raleigh, NC 27699-1578

Dear Ms. Harris:

Re: SCH File # 07-E-4220-0235; Scoping; Improvements in the Monroe Connector/Bypass from I-485 to US 74 in the vicinity of the Town of Marshville in Union Co. TIP Nos. R-3329 & R-2559

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

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

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

Sincerely,

Chrys Baggett/STG

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region F

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

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

Location Address:
116 West Jones Street
Raleigh, North Carolina

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NCDENR

North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee
Environmental Review Coordinator

SUBJECT: 07-0235 Scoping US 74 Improvements, Marshville in Union County

DATE: February 7, 2007

The Department of Environment and Natural Resources has reviewed the proposed information. The attached comments are for the applicant's information.

Thank you for the opportunity to review.

Attachments

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

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North Carolina Wildlife Resources Commission

Richard B. Hamilton, Executive Director

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

FROM: Marla Chambers, Western NCDOT Permit Coordinator Marla Chambers
Habitat Conservation Program, NCWRC

DATE: February 5, 2007

SUBJECT: Scoping review of the proposed improvements to the US 74 corridor between I-485 in Mecklenburg County and US 74 in the vicinity of the Town of Marshville in Union County (Monroe Bypass and Monroe Connector). TIP No. R-2559 and R-3329. OLIA Project No.: 07-0235, due 02/05/2007.

The North Carolina Turnpike Authority (NCTA) has initiated the project development, environmental, and engineering studies for the for the proposed Monroe Bypass/Connector project, which had previously been analyzed by the North Carolina Department of Transportation (NCDOT) as two separate projects. Staff biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the information provided and are familiar with habitat values in the project area. These comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

NCWRC has provided comments on the two projects to NCDOT throughout the planning process. Our most recent comments were dated August 16, 2002 for the B and C sections of the Monroe Bypass (R-2559) and January 14, 2004 for the Monroe Connector (R-3329). Our concerns and recommendations from these comments remain valid. We agree that these two projects should be considered together as one project. We attended the NCTA scoping meeting on January 25, 2007; at that time a decision had not been made as to what portion of the project would be proposed as a toll road.

The project is located in a very rapidly growing area of the state; Union and Mecklenburg counties grew by 47% and 36%, respectively, from 1990 to 2000, compared to the state's growth

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

rate of 25%. Urban sprawl is a serious concern for the project area. The widen existing alternative (Alternative G) for the Monroe Connector portion of the project has always appeared to be the least environmentally damaging alternative and should receive serious consideration. Existing roads in the project area, such as the two roads running parallel to US 74 – Secrest Shortcut Road (Idlewild Road in Mecklenburg County) to the east and Old Charlotte Highway (Monroe Road in Mecklenburg County) to the west, should be also analyzed as possible alternatives or portions of alternatives. Utilizing existing roads would reduce impacts to the natural community and wildlife resources by crossing streams and wetlands at existing crossings and avoid forested land and open spaces. New location alternatives have the greatest impact on wildlife habitat, wooded areas and open space and habitat fragmentation would be significant. The new location alternatives would tend to promote urban sprawl and have the greatest potential for serious impacts to rare, listed, and Endangered species in the project vicinity.

Streams of concern within the project area include Richardson Creek, North Fork Crooked Creek and South Fork Richardson Creek, all class "C" waters and on the 303(d) list of impaired waters. The Carolina darter (*Etheostoma collis*), Federal Species of Concern (FSC) and state Special Concern (SC), and the following listed mussel species are present in both the South Fork and North Fork of Crooked Creek: Savannah lilliput (*Toxolasma pullus*), FSC and state Endangered (E); Atlantic pigtoe (*Fusconaia masoni*), FSC and state E; and Carolina creekshell (*Villosa vaughaniana*), FSC and state E. The populations of the Savannah lilliput and Atlantic pigtoe are among the few remaining populations of these species within the Yadkin-Pee Dee River basin and all appear to be in decline. Richardson Creek is also inhabited by the Savannah lilliput, as well as the eastern creekshell (*V. delumbis*), state Significantly Rare. The Natural Heritage program has designated portions of these streams as Significant Aquatic Habitats. In addition, Stewarts Creek and East Fork Stewarts Creek, classified WS-III, flow to Lake Twitty, a water supply reservoir for Monroe just east of the project area.

Secondary and cumulative impacts are a very serious concern for this project and have the potential to be much more significant than the direct impacts. Goose Creek, just east of the project, is inhabited by the Carolina heelsplitter (*Lasmigona decorata*), a federal and state Endangered freshwater mussel. Goose Creek supports one of only six populations of this species in the world. Each of these populations is considered essential to the continued existence of the species. Additional listed species observed in Goose and Duck creeks include Atlantic pigtoe; Carolina creekshell; creeper (*Strophitus undulatus*), state Threatened; notched rainbow (*V. constricta*), state SC; and eastern creekshell.

As we have emphasized in previous comments, protection of water quality is essential to the protection of listed species and sensitive habitats in the project study area. We strongly recommend that local authorities adopt regulations and measures that would provide significant protection to the sensitive natural resources in their jurisdiction. This will play a significant role in our concurrence of permits for this project. 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). Appropriate buffers (200 feet for perennial and 100 feet for intermittent), stormwater management, and impervious surface limits are particularly important for this project. We also encourage NCDOT and local authorities to use low impact development techniques to manage

stormwater quantity and quality in developed and developing areas (see www.lowimpactdevelopment.org for information).

We recommend that all portions of the project have full control of access and a wide enough right-of-way be protected to allow for future widenings, preventing the need for future new location roadways to accommodate traffic once the area reaches build-out. Environmental analysis should include a discussion of urban sprawl and a thorough analysis of secondary and cumulative impacts in the project vicinity. Details of protective measures provided by the local governments and expected impacts to all state and federally listed species in and near the project should be included. Habitat fragmentation and impacts to stream channels and water quality should be examined and mitigating measures provided.

Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact me at (704) 545-3841.

Literature Cited:

NCWRC (North Carolina Wildlife Resources Commission). 2002. Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality. NCWRC, Raleigh. Available: http://www.ncwildlife.org/pg07_WildlifeSpeciesCon/pg7c3_impacts.pdf. (February 2003).

cc: Marella Buncick, USFWS
Polly Lespinasse, NCDWQ
Chris Militscher, USEPA
Angie Rodgers, NCNHP

Michael F. Easley, Governor

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

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

January 22, 2007

MEMORANDUM

To: Melba McGee, Environmental Coordinator

From: Polly Lespinasse, NC Division of Water Quality, Mooresville Regional Office

Subject: Scoping Comments on the Proposed Monroe Connector/Bypass Project, Improvements in US 74 Corridor Between I-485 in Mecklenburg County and US 74 in the Vicinity of the Town of Marshville in Union County, North Carolina Turnpike Authority Project, TIPs R-3329 and R-2559, DENR Project No. 07-0235, Project Due Date 02/05/2007

Please reference the correspondence dated January 5, 2007 in which comments were requested for the above referenced project. Preliminary analysis of the project reveals the potential for multiple impacts to jurisdictional streams and wetlands in the project area. More specifically, impacts to:

Stream Name	River Basin	Stream Classification(s)	Stream Index Number
Negro Head Creek (Salem Creek)	Yadkin	C	13-17-36-15
Meadow Branch	Yadkin	C	13-17-36-11
Spring Branch	Yadkin	C	13-17-36-11-1
Middle Branch Rays Fork	Yadkin	C	13-17-36-8-1
Richardson Creek	Yadkin	C	13-17-36-(5)
Bearskin Creek	Yadkin	C	13-17-36-6
Buck Branch	Yadkin	C	13-17-36-15-2
Lick Branch	Yadkin	WS-III	13-17-36-9-3
Stewarts Creek	Yadkin	C	13-17-36-9-(6)
South Fork Crooked Creek	Yadkin	C	13-17-20-2
North Fork Crooked Creek	Yadkin	C	13-17-20-1
Austin Branch	Yadkin	C	13-17-36-15-1
Jacks Branch	Yadkin	C	13-17-36-15-4
Stumplick Branch	Yadkin	WS-III	13-17-36-9-4
Stevens Creek	Yadkin	C	13-17-18-1

Further investigations at a higher resolution should be undertaken to verify the presence of other streams and/or jurisdictional wetlands in the area. In the event that any jurisdictional areas are identified, the Division of Water Quality requests that the North Carolina Turnpike Authority (NCTA) consider the following environmental issues for the proposed project:

General Project Comments:

1 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.

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

3. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the 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 1 acre to wetlands. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.

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

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

6. If a bridge is being replaced with a hydraulic conveyance other than another bridge, DWQ believes the use of a Nationwide Permit may be required. Please contact the US Army Corp of Engineers to determine the required permit(s).

7. If the old bridge is removed, no discharge of bridge material into surface waters is allowed unless otherwise authorized by the US ACOE. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.

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

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

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

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

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

13. Placement of culverts and other structures in waters, streams, and wetlands shall be 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 DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact DWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.

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

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

16. 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.

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

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

19. Borrow/waste areas should avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas could precipitate compensatory mitigation.

20. 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.

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

22. In most cases, the DWQ prefers the replacement of the existing structure at the same location with road closure. If road closure is not feasible, a temporary detour should be designed and located to avoid wetland impacts, minimize the need for clearing and to avoid destabilizing stream banks. If the structure will be on a new alignment, the old structure should be removed and the approach fills removed from the 100-year floodplain. Approach fills should be removed and restored to the natural ground elevation. The area should be stabilized with grass and planted with native tree species. Tall fescue should not be used in riparian areas.

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

Thank you for requesting our input at this time. The NCTA is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact Polly Lespinasse at (704) 663-1699.

cc: Steve Lund, US Army Corps of Engineers, Asheville Field Office
Ron Lucas, Federal Highway Administration
Chris Militscher, Environmental Protection Agency
Marla Chambers, NC Wildlife Resources Commission
Marella Buncick, US Fish and Wildlife Service
Sonia Gregory, DWQ Central Office
File Copy

State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: Mooresville Regional Office

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 07-0235 Due Date: 2/5/07

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

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
☐	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
☐	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
☐	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
☐	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days
☒	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 20.1900	N/A	60 days (90 days)
☐	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
☐	Complex Source Permit required under 15 A NCAC 2D.0800		
☐	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of $30 for the first acre and $2000 for each additional acre or part must accompany the plan.		20 days (30 days)
☐	The Sedimentation Pollution control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		(30 days)
☐	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☐	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
☐	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
☐	Oil Refining Facilities	N/A	90-120 days (N/A)
☐	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction. certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $200.00 must accompany the application. An additional processing fee based on a percentage or the total project cost will be required upon completion.	30 days (60 days)

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
☐	Permit to drill exploratory oil or gas well	File surety bond of $5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
☐	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
☐	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
☐	401 Water Quality Certification	N/A	60 days (130 days)
☐	CAMA Permit for MAJOR development	$250.00 fee must accompany application	55 days (150 days)
☐	CAMA Permit for MINOR development	$50.00 fee must accompany application	22 days (25 days)
☐	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
☐	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
☐	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☐	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
☐	Tar Pamlico or Neuse Riparian Buffer Rules required.		

* Other comments (attach additional pages as necessary, being certain to cite comment authority)

LQ - E&S plan must be submitted by NCDOT Local in Lieu. ZSA 1/18/07

AQ - open burning of land clearing debris must be done in accordance with 2D.1900 MM 1-18-07

REGIONAL OFFICES

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

☐ **Asheville Regional Office**
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4500

☑ **Mooresville Regional Office**
610 East Center Avenue, Suite 301
Mooresville, NC 28115
(704) 663-1699

☐ **Wilmington Regional Office**
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215

☐ **Fayetteville Regional Office**
225 North Green Street, Suite 714
Fayetteville, NC 28301-5043
(910) 433-3300

☐ **Raleigh Regional Office**
3800 Barrett Drive, Suite 101
Raleigh, NC 27609
(919) 791-4200

☐ **Winston-Salem Regional Office**
585 Waughtown Street
Winston-Salem, NC 27107
(336) 771-5000

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

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 07-E-4220-0235 F05
DATE RECEIVED: 01/09/2007
AGENCY RESPONSE: 02/05/2007
REVIEW CLOSED: 02/09/2007

MR PHIL LETSINGER
CLEARINGHOUSE COORD
CC&PS - DEM, NFIP
MSC # 4716
RALEIGH NC

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DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION

FEB 2007 RECEIVED Governor's Office DCA

PROJECT INFORMATION
APPLICANT: State of N.C. Turnpike Authority
TYPE: National Environmental Policy Act
ERD: Scoping
DESC: Improvements in the Monroe Connector/Bypass from I-485 to US 74 in the vicinity of the Town of Marshville in Union Co. TIP Nos. R-3329 & R-2559
CROSS-REFERENCE NUMBER: 02-E-4220-0309 04-E-4220-0332

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

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

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☐ NO COMMENT

☑ COMMENTS ATTACHED

SIGNED BY: Elizabeth Cardwell

DATE: Feb. 8, 2007

Town of Marshville

Mayor Franklin D. Deese
Mayor Pro Tem Dora Bridget
Council Member Margaret Bivens
Council Member Doug High, Jr.
Council Member Gail Kiker
Council Member Ned V. Beachum

Town Administrator Carl Webber
Park Director Jim Chaffin
Chief of Police Mike Gaddy
Public Works Director Bivens Steele
Tax Collector Carolyn Haigler
Finance Officer/Clerk Scott Howard

January 31, 2007

Ms. Jennifer Harris, PE
North Carolina Turnpike Authority
1578 Mail Services Center
Raleigh NC 27699-1578

Re: Start of Study and Agency Scoping Meeting Notification
Monroe Connector/Bypass – from I-485 to US 74
Mecklenburg and Union Counties
TIP Project Numbers R-3329 and R-2559

Dear Ms. Harris:

I have received and reviewed the letter of January 5, 2007 from Steven D. DeWitt, P.E. regarding the captioned projects and wish to submit the following comments:

The Town of Marshville is the eastern terminal community of the proposed Monroe Bypass/Connector. The town has gone on record for many years and in many venues as being supportive of the expeditious completion of this essential project. The Monroe Bypass (NCDOT TIP Project R-2559) is already funded and right of way has already been acquired.

Many residents of eastern Union County were displaced from their homes and businesses approximately 10 years ago during the right of way acquisition for this project. Many of these residents are life-long residents of Union County and had occupied their homes for many decades. Many of the affected businesses were displaced from their established locations entirely, others saw portions of their business properties removed or the future development of those properties prevented in preparation for a project that has yet to be realized.

The Monroe/Union County Chamber of Commerce, The Mecklenburg/Union Metropolitan Planning Organization, The Rocky River Rural Planning Organization, The Town of Marshville, The County of Union, The County of Anson (immediately east of Union County) and other local governments, businesses and organizations have repeatedly identified the completion of the Monroe Bypass/Monroe Connector as being the single most important transportation project in

201 West Main Street Marshville North Carolina Phone 704-624-2515 Fax 704-624-0175 email: marshvilletownhall@alltel.net

MISSION STATEMENT OF THE TOWN OF MARSHVILLE
The Town Government of Marshville shall seek to provide the highest standard of service to its citizens by the efficient and comprehensive efforts of its elected officials and employees. Priorites for service shall promote equality, accessibilty, communication, teamwork, and prudent vision for an ever - changing and diverse community in accordance with the General Statutes of the State of North Carolina.

our region. The completion of this project is essential to the economic vitality to eastern Union County and points east.

Union County is the sixteenth fastest growing county in the United States. Ponder that for just a moment. The impact of that growth is visible on all phases of public infrastructure. The increased traffic congestion on roads in Union County is one immediately apparent condition brought on by growth. That traffic congestion has nothing but negative consequences. As identified in Mr. DeWitt's letter, this project is within the Charlotte, Gastonia, Rock Hill 8-hour ozone nonattainment area. The impact of Mobile Source Emissions (motor vehicles) has been established as a significant cause of that nonattainment status. It can take a commuter up to 2 hours to drive the 35 miles from Marshville to downtown Charlotte during "rush" hour. That equates to an average speed of 17.5 miles per hour with tailpipe emissions present from tens of thousands of vehicles per day. I am aware of the concern over the project's impact on the potential habitat for the federally listed species enumerated in Mr. DeWitt's letter. I am also aware of a growing concern over the impact of fossil fuel emissions on the habitat of Homo Sapiens. The more efficient movement of people, products and goods in our region will result in a reduction of the tailpipe emissions from the inefficient operation of motor vehicles forced to operate at idle or near idle conditions in the traffic congestion I have described.

The economic vitality of our region is also of concern. When faced with vehicular transportation hurdles as described, it is unlikely that new employment opportunities will develop in our region as potential non-residential development relies heavily upon the efficient movement of raw materials and finished product. If our region is unable to present a competitive level of transportation efficiency through interstate or limited access roadways, as proposed in this project, it is unlikely that new employment opportunities will elect to develop in our region including areas east of Marshville. A recent industrial site evaluation on a parcel of land east of Marshville identified our present traffic congestion reality as an item likely to be viewed as a negative attribute. It should be noted here that residential development has not been evenly distributed across Union County. While the western portions of "Sweet Union" have seen the residential growth described above, Marshville and the rest of eastern Union County have experienced very limited growth. The lack of employment opportunities in the east and the lack of an efficient road network to the employment center of Charlotte/Mecklenburg has been a recognizable hindrance to residential development. It should be noted that the rampant residential development in western Union County is in close proximity to many of the species identified in Mr. DeWitt's letter. An efficient roadway improvement, such as the proposed project, could encourage development away from those potential habitat areas. Studies have shown that Union County has been a "donor" county into the highway trust fund for years. That is, Union County has contributed more to that fund than the dollar amount of new road construction in Union County. With the growth experienced in Union County that is no longer an acceptable arrangement. It is time for sufficient funds and other resources to be brought to bear in Union County for the betterment of our county and our region.

All of these points contribute to a level of frustration over the extraordinary delays faced by this project. The Monroe Bypass has been discussed for over 20 years. The right of way for the Bypass was acquired nearly 10 years ago. We have watched the Charlotte region, including western Union County experience unprecedented growth and prosperity and have felt ourselves

increasingly isolated by the failure of our transportation networks to keep up with the level of growth, without valid reasoning.

It is imperative that this project receive the highest priority. The Monroe Bypass (R-2559) should be constructed without unnecessary delay upon the existing right of way. A logical termination point for the Connector (R-3329) which would provide safe, efficient movement of vehicles must be identified without unnecessary delay and all required environmental and engineering studies must be completed in an expeditious manner.

Should you require additional information regarding this issue feel free to contact me.

Sincerely,

Carl Webber,
Town Administrator

North Carolina Department of Crime Control and Public Safety
Division of Emergency Management
Office of Geospatial & Technology Management

Michael F. Easley
Governor

Bryan E. Beatty
Secretary

FEB 2007
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National Flood Insurance Program

February 8, 2007

STATE NUMBER: 07-E-4220-0235
APPLICANT: State of North Carolina Turnpike Authority

DESC: Improvements n the Monroe Connector/Bypass from I-485 to US 74 in the vicinity of the town of Marshville in Union County

Issuance of revised Flood Insurance Rate Map (FIRM) panels for the Yadkin River Basin portion of Union County by the North Carolina Floodplain Mapping Program is currently scheduled for June 2007. The preliminary FIRMs issued at that time will provide Base (100-year) Flood Elevations and either regulatory floodways or non-encroachment areas for rivers and streams currently mapped as approximate Zone A floodplains with no floodways. Any road crossings of rivers or streams with floodplain mapped on the currently effective FIRM panels or revised preliminary FIRM panels that are located in communities that participate in the National Flood Insurance Program (NFIP) require a floodplain development issued by the appropriate county or municipal floodplain administrator. Rivers or streams mapped with floodways or with non-encroachment areas will require submittal of valid No-Impact studies or approved Conditional Letters of Map Revision (CLOMRs) to the county or municipal floodplain administrator whose jurisdictions are affected before floodplain development permits can be issued. Requirements for proposed floodway encroachments are specified in each community's current Flood Damage Prevention Ordinance. The new BFEs and non-encroachment data provided in the Flood Insurance Study report for the revised preliminary FIRM panels are considered best available data for Zone A floodplains. Communities are required to enforce their ordinances in accordance with this data during the interim period until the preliminary maps are adopted and become effective in 2008.

The following communities currently participate in the NFIP:

- Mecklenburg County
- Union County
- Lake Park
- Indian Trail
- Monroe
- Wingate

Hemby Bridge, Marshville, and Unionville do not currently participate in the NFIP.

Please let me know if you have any questions about this.

Edward M. Curtis, P.E., CFM
Division of Emergency Management – NFIP
919-715-8000 extension 3369
ecurtis@ncem.org

FEB 2007
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Secretary's Office
DCA

MAILING ADDRESS:
4713 Mail Service Center
Raleigh, NC 27699-4713

Fax: (919) 715-5408

www.ncem.org

OFFICE LOCATION:
Disaster Recovery Operations Center
1830-B Tillery Place
Raleigh, NC 27604
Telephone: (919)715-8000

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ATLANTA, GEORGIA 30303-8960

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FEB 16 2007
N.C. TURNPIKE AUTHORITY

February 14, 2007

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

RE: USEPA Comments: Start of Study and Agency Scoping Notification
Monroe Connector/Monroe Bypass Toll Project; From I-485 to US 74
Mecklenburg and Union Counties
TIP Project Numbers: R-3329 and R-2559

Dear Ms. Harris:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has reviewed the January 5, 2007, above referenced notification information from the North Carolina Turnpike Authority (NCTA) for the Monroe Connector/Monroe Bypass project. EPA understands that the proposed facility is expected to be a 4-lane, divided highway that would ultimately be re-signed as Interstate 74 between Marshville and I-485 (Charlotte Outer Loop) for an approximate distance of 21 miles.

The start of study notification requests information that EPA may have in assisting NCTA in establishing the project study area, identifying preliminary corridors, evaluating the potential impacts of those corridors, and establishing a viable range of alternatives for consideration. EPA acknowledges that the two TIP projects have been combined by NCTA into a single project and that the new facility will be evaluated in a single Environmental Impact Statement (EIS) by NCTA and the Federal Highway Administration (FHWA).

EPA has three primary environmental concerns that were previously identified from past project scoping activities and NEPA documents, including potential impacts to waters of the U.S. (Jurisdictional streams and wetlands, water quality), potential air quality impacts and potential impacts to prime farmlands. Each of these three primary environmental concerns is further discussed below:

Clean Water Act Sections 401, 402 and 404

EPA requests that Federal Highway Administration (FHWA) and NCTA need to fully consider and address in the NEPA document the detailed study alternatives that avoid and minimize water quality impacts, including direct and indirect and cumulative

impacts to the streams, wetlands and riparian areas within the project study area. It is important to consider not only the 'typical' 300-foot right-of-way impacts but also the number and documented need for free-flowing interchanges and toll collection facilities. Alternative design considerations, including Single-point Urban Interchanges (SPUI) and 'compressed clover-leafs' should be identified and discussed in the EIS in order to potentially reduce the footprint and impacts from the detailed study alternatives. All reasonable avoidance and minimization measures planned by the transportation agencies need to be identified and evaluated in the EIS, including where applicable the reduction of fill slopes and median widths at stream and wetland crossings.

From previous NEPA planning, there were five (5) detailed study alternatives for the R-3329 portion of the project, including Alternatives D2, D3, E2, E3 and G. Several of the wetland systems were considered high to medium quality, including wetland #46, 17, 26, 35, 42, 66 and 70. Impacts to these systems should be avoided and minimized to the extent practicable. Potential impacts to the North Fork Crooked Creek, South Fork Crooked Creek, Fourmile Creek, Stewarts Creek and East Fork Stewarts Creek should also be considered for minimization measures, including bridging where appropriate. The total linear feet of stream impacts for the 5 alternatives ranged between 4,233 linear feet and 8,520 linear feet, which is high for a 10.8-12.4 mile section of the proposed combined project. Numerous interchanges were proposed for this section of the project as well, including new potential interchanges at US 601, North Rocky-River Road, Wesley Chapel-Stouts Road, Indian Trail-Fairview Road and I-485.

Based upon available EPA project file information for R-2559 B/C, the preferred alternative for this 9.1-mile section included 4.26 acres of wetlands impacts, 3.72 acres of open water pond impacts and 6,771 linear feet of stream impacts. EPA does not have the most recent NCDOT design information for the preferred alternative and cannot ascertain what avoidance and minimization measures were considered for this section of the project. The draft EIS should address potential bridging locations and proposed lengths as part of the overall strategy to avoid and minimization impacts. EPA notes that there were potential impacts to Lake Twiddy, Richardson Creek, Spring Branch, Jacks Branch, and Salem Creek.

The NCDT and FHWA need to also consider detailed compensatory mitigation for direct impacts to jurisdictional streams and wetlands in the EIS and provide a 'conceptual plan' in the EIS that includes opportunities for on-site mitigation. Indirect and cumulative impacts to water quality resulting from a new location facility need to be quantatively assessed in the EIS, including specific provisions and conditions for stormwater control. FHWA regulations and policy allow for full mitigation of all project impacts, including indirect and cumulative impacts. EPA would request that NCTA and FHWA fully explore all possible methods of directly addressing mitigation for indirect and cumulative effects of the proposed project, including long-term impacts to water quality. NCTA will be required to obtain a CWA Section 402 NPDES (National Pollution Discharge Elimination System) stormwater permit as well as the CWA Section 401 water quality certification from NCDWQ.

Currently, NCTA is not a signatory agency to the Ecosystem Enhancement Program (EEP) Memorandum of Understanding (MOU) for compensatory mitigation needs. The issue of compensatory mitigation should be fully coordinated with the EEP and other agencies to insure that there are adequate mitigation credits available in the hydrologic cataloguing units (HUCs) where the impacts are occurring. The project is partly located in the Catawba HUC #03050103, which is currently the most difficult watershed in NC to find mitigation sites. This may be particularly difficult in and around the Mecklenburg-Union-Gaston area where other development pressures are reducing potential mitigation opportunities. Please consult with Ms. Kathy Matthews of EPA's Wetlands Section at matthews.kathy@epa.gov.

Clean Air Act

As identified in the NCTA's start of study and scoping meeting notification, the proposed project study area is within the Charlotte-Gastonia-Rock Hill 8-hour non-attainment area for ozone. EPA requests that a detailed analysis and disclosure be conducted regarding air conformity requirements for the combined Monroe Bypass/Monroe Connector projects. As part of this analysis, the NCTA may also need to consider the potential cumulative effects to air quality from the Gaston East-West project (U-3321) which is another potentially large NCTA candidate project, as well as other NCDOT TIP projects proposed in Mecklenburg, Union and Gaston counties (e.g., R-2248E, R-2248F, R-4902, R-3101, R-2632A, U-2507, U-3603, U-3633, etc.).

This proposed NCTA project might also be a 'pilot' for a full quantative analysis for Mobile Source Air Toxics (MSATs) that are required to be analyzed under Section 202 of the Clean Air Act and are more fully addressed in the Final Rule on Controlling Emissions of Hazardous Air Pollutants from Mobile Sources (66 Federal Register 17229; 3/29/2001). Currently, FHWA's interim guidance provides for qualitative analysis and cites that project specific information is unavailable. EPA believes that a more 'robust' analysis needs to be considered, including development of an emissions inventory, obtaining 'near-roadside' baseline monitoring data, and an evaluation of the potential health impacts (including cancer risk estimates based upon published values) for the different detailed study alternatives. The quantitative analysis should include the identification of existing and potential 'near-roadside' sensitive receptors, such as day care facilities, nursing homes, hospitals, etc. Please contact Dr. Kenneth L. Mitchell or one of his staff within the EPA Region 4's Air Toxics Assessment and Implementation Section at mitchell.ken@epa.gov or by telephone at 404-562-9065 for further guidance on performing a technically-sound, project specific analysis for the 21 MSAT compounds that are found for highway projects.

Prime Farmlands

EPA notes NCTA's comment in the start of study letter and also recognizes that the project study area and surrounding areas near Charlotte are going through a land use change from rural/agricultural to suburban. EPA recommends that NCTA perform a full analysis on how the different alternatives (with emphasis on the new location

alternatives) will also effect land use changes and conversions of prime agricultural land to non-agricultural uses. The EIS should also specifically address the direct impacts to prime farmland from potentially 21-miles of new right-of-way (e.g., A new 300-foot ROW facility permanently converts/impacts 36.4 acres per mile of highway, not including interchanges, toll facilities, rest areas, etc., that are typically expanded beyond 300 feet and the ROW can be as much as 1,000 feet at interchanges). This direct loss of agricultural crop production can have a long-term and compounded effect on a regional economy. Furthermore, the 1981 Farmland Protection Policy Act requires that Federal agencies provide for avoidance and minimization measures to prime farmlands {the term in this context refers to prime farmlands which includes prime and unique farmlands as well as farmlands classified as being of Statewide and locally important}. FHWA and NCTA should clearly identify what avoidance and minimization measures were considered in the development of detailed study alternatives with regard to prime farmlands.

Other Potential NEPA 'Cross-cutters' and Recent Project Issues

The NCTA should consider some of other potential NEPA 'Cross-cutters' in the EIS, including Executive Order 13112 on Invasive Species and requirements under the Migratory Bird Treaty Reform Act (MBTRA) of 2004. The U.S. Fish and Wildlife Service should be consulted regarding an analysis of avian Federal Species of Concern (FSOC) and potential requirements and considerations under MBTRA. The NCTA is already aware of the threatened and endangered species issues under the Endangered Species Act (ESA) for the Carolina heelsplitter (*Lasmigona decorata*) as well as the numerous other Federal Species of Concern (FSOC) and State-listed threatened and endangered species within the project study area.

At a recent meeting with the NCTA, EPA learned that there may have been a change to the project study area for the connector portion from what was presented on NCTA's website. Furthermore, local planning officials attending the meeting (i.e., the Mecklenburg-Union Metropolitan Planning Organization–MUMPO) indicated that the new facility would only be partially tolled. The bypass section would not be tolled and the connector would be tolled. EPA has not reviewed the NCTA's preliminary traffic and revenue study and is uncertain how this '½ tolled facility' would work effectively to reduce congestion on existing US 74, which is one of the primary purposes for both the bypass and connector. These specific issues need to be fully analyzed and disclosed in the draft EIS, including the rationale for altering the project study area and changing the project segments to be tolled.

The proposed Purpose and Need statement as provided during the January 25, 2007, TEAC meeting may preclude the "upgrade existing" alternative. In particular, the defined need for "a high-speed regional travel..while maintaining access to properties along existing US 74", may unduly limit the alternatives considered, and FHWA and NCTA's ability to 'balance impacts to the human and natural' environment. The rationale for the need for providing this access along US 74 should be further explained in the draft EIS. The NCTA may also wish to explore the NCDOT's "Superstreet design" that would allow

for continued property access along existing US 74 and improve regional travel conditions. In addition, the NCTA and FHWA should also clearly identify the basis of the need for a high-speed regional travel corridor and the relationship to this proposed corridor and the need to design and built more than 10 interchanges in less than 20 miles, including ones at secondary roads.

EPA appreciates the opportunity for early comments and to highlight some of the issues of environmental concern on this proposed toll facility under SAFETEA-LU Section 6002. Should you have any questions, please feel free to contact me at 404-562-9611 or the EPA Merger Team Representative for NCDOT projects, Christopher Militscher at (919) 856-4206. Thank you.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office

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

Bcc: T. Welborn
R. Mikulak
K. Matthews

NCDENR

North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

January 23, 2007

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JAN 26 2007
N.C. TURNPIKE AUTHORITY

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

Re: Start of Study and Agency Scoping Meeting Notification
Monroe Connector/Bypass - From I-485 to US 74
Mecklenburg and Union Counties
TIP Project Numbers: R-3329 & R-2559

Dear Ms. Harris:

The NC Natural Heritage Program database shows several occurrences of rare plants and animals within the 21 mile study area southeast of Charlotte described in your letter of January 5, 2007. These rare species are generally in two categories: aquatic species and plants adapted for open woodlands and "Piedmont Prairies". These sun-loving plants often thrive on roadsides, if properly managed, and should be carefully considered in any surveys conducted in this area.

Plants:
Thin-Pod White Wild Indigo (*Baptisia albescens*) - NC Significantly Rare
Piedmont Aster (*Eurybia mirabilis*) - US: Federal Species of Concern, NC: Significantly Rare
Indian Physic (*Gillenia stipulata*) - NC: Significantly Rare
Smooth Sunflower (*Helianthus laevigatus*) - NC: Significantly Rare
Schweinitz's Sunflower (*Helianthus schweinitzii*) - US: Endangered, NC: Endangered
Small Wood-bark Moss (*Orthotrichum exiguum*) - NC: Significantly Rare
Georgia Aster (*Aster georgianum or Symphyotrichum georgianum*) - NC: Threatened, US: Candidate

Animals:
Carolina Darter - Central Piedmont Population (*Etheostoma collis pop. 1)* - US: Federal Species of Concern, NC: Special Concern
Loggerhead Shrike (*Lanius ludovicianus*) - NC: Special Concern
Carolina Heelsplitter (*Lasmigona decorata*) - US: Endangered, NC: Endangered
Savannah Lilliput (*Toxolasma pullus*) - US: Federal Species of Concern, NC: Endangered
Eastern Creekshell (*Villosa delumbis*) - NC: Significantly Rare
Notched Rainbow (*Villosa constricta*) - NC: Special Concern
Carolina Creekshell (*Villosa vaughaniana*) - US: Endangered, NC: Federal Species of Concern

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NORTH CAROLINA Natural Heritage Program
SCIENCE GUIDING CONSERVATION

In addition to the species listed above, the study area includes 4 Significant Natural Heritage Areas, which support important populations of rare species and natural communities:
Crooked Creek Aquatic Habitat
East Fork Twelve Mile Creek Aquatic Habitat
Goose Creek/Duck Creek Aquatic Habitat
North Fork Crooked Creek Sunflower Site

We recommend careful surveys and planning to minimize impacts to the many rare species, natural communities, and Significant Natural Heritage that occur within the study area. If rare species are encountered during surveys, we request that information about these occurrences be submitted to NC Natural Heritage Program.

Because of the extreme endangerment of Carolina Heelsplitter and the importance of this study area to Schweinitz's Sunflower, we recommend that the Us Fish and Wildlife Service and NC Wildlife Resources Commission be consulted early in the project, to avoid and mitigate impacts to these protected species. Secondary and cumulative impacts should also be carefully considered, as these impacts will reach far beyond the footprint of the original project.

The use of Natural Heritage Program data should not be substituted for actual field surveys, particularly if the project area contains suitable habitat for rare species, significant natural communities, or priority natural areas.

You may wish to check the Natural Heritage Program database website at www.ncnhp.org for a listing of rare plants and animals and significant natural communities in the county and on the topographic quad map. Alternatively, the NC Center for Geographic Information and Analysis (CGIA) provides digital Natural Heritage data online on a cost recovery basis. Subscribers can get site specific information on GIS layers with Natural Heritage Program rare species occurrences and Significant Natural Heritage Areas. The CGIA website provides Element Occurrence (EO) ID numbers (instead of species name), and the data user is then encouraged to contact the Natural Heritage Program for detailed information. This service allows the user to quickly and efficiently get site specific NHP data without visiting the NHP workroom or waiting for the Information Request to be answered by NHP staff. For more information about data formats, pricing structure and ordering procedures, visit http://www.cgia.state.nc.us/cgdb/datalist.html, or call CGIA Production Services at (919) 733_2090.

Please do not hesitate to contact me at 919-715-8700 if you have questions or need further information

Sincerely,

Misty Franklin

Misty Franklin, Botanist
NC Natural Heritage Program

cc: Dale Suiter, US Fish and Wildlife Service
Marla Chambers ,NC Wildlife Resources Commission

NORTH CAROLINA
Natural Heritage Program
SCIENCE GUIDING CONSERVATION