

RECORD OF DECISION

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

US 17 IMPROVEMENTS

**Washington and Chocowinity Vicinity
From South of SR 1127 (Possum Track Road)
To North of SR 1418 (Roberson Road)
Beaufort County and Pitt County, North Carolina**

**Federal Aid Project No. MAF-75-3 (26)
State Project No. 8.T150601
FHWA-NC-EIS-02-02-F
T.I.P. Project No. R-2510**

December 2004

1. Decision

This Record of Decision identifies the selected alternative for the proposed US 17 improvements in Beaufort County. In accordance with the National Environmental Policy Act (NEPA) and requirements set for by the Council of Environmental Quality (CEQ) (40 CFR 1505.2), this ROD identifies: 1) the selected alternative; 2) all alternatives considered by the Federal Highway Administration and the factors (e.g. environmental consequences, cost, and social and economic impacts) that were considered during evaluation of the alternatives; 3) measures adopted to avoid and minimize harm; 4) monitoring and enforcement programs for the implementation of mitigation measures; and, 5) comments on the Final Environmental Impact Statement (FEIS).

The proposed action is to improve the 15.5-mile US 17 Corridor in the vicinity of the City of Washington and the Town of Chocowinity in Beaufort County, North Carolina. The study area is approximately 16 miles long and encompasses a portion of Beaufort County centered on the City of Washington and the Tar/Pamlico River, as well as a small tip of Pitt County. The City of Washington, Town of Chocowinity, and crossroad communities of Hackney, Frederick, and Old Ford are located within the study area. The subject section of US 17 from south of SR 1127 (Possum Track Road) to north of SR 1418 (Roberson Road) is to be improved as a four-lane median divided roadway.

Alternative B is the Selected Alternative for the project. Alternative B begins 0.5 mile south of SR 1127 (Possum Track Road) and extends northward along the existing roadway, then goes on new location near SR 1149 (Price Road) south of Chocowinity, crosses NC 33 with an interchange east of Chocowinity, crosses existing US 17 with a grade separation north of Chocowinity, crosses the Tar/Pamlico River approximately 1.1 miles west of the existing crossing, crosses US 264 with an interchange west of SR 1404 (Whispering Pines Road) west of the Washington central business district, connects to existing US 17 north of SR 1404 (Whispering Pines Road), and follows the existing section of US 17 to north of SR 1418 (Roberson Road). The total length is 15 miles and is shown in Figure ROD -1 at the end of this document. The sections on existing location are to be Type II Expressway (as adopted by the

North Carolina Board of Transportation on September 2, 2004) and are to have partial control of access. The sections on new location are to be Freeways (as adopted by the North Carolina Board of Transportation on September 2, 2004) and are to have full control of access.

The North Carolina Department of Transportation (NCDOT) describes Partial Control of Access as "Connections to a facility provided via ramps at interchanges, at-grade intersections, and private driveways. Private driveway connections are normally defined as a maximum of one connection per parcel. One connection is defined as one ingress and one egress point. The use of shared or consolidated connections is highly encouraged. Connections may be restricted or prohibited if alternate access is available through other adjacent public facilities. A control of access fence is placed along the entire length of the facility, except at intersections and driveways, and at a minimum of 1000 feet beyond the ramps terminals on the minor facility at interchanges (if possible)".

The NCDOT describes Full Control of Access as "Connections to a facility provided only via ramps at interchanges. All cross-streets are grade separated. No private driveway connections allowed. A control of access fence is placed along the entire length of the facility and at a minimum of 1000 feet beyond the ramp intersections on the Y lines (minor facility) at interchanges (if possible)". It is not anticipated for this project that control of access fencing will be placed in front of existing development along existing sections of US 17.

A complete description of the anticipated impacts contained in the Draft Environmental Impact Statement (DEIS), dated June 5, 2002, and the Final EIS, dated August 31, 2004, are incorporated by reference (40 CFR 1502.21).

The proposed US 17 Improvement is identified in the North Carolina Department of Transportation (NCDOT) 2004-2010 Transportation Improvement Program (T.I.P.) as Project R-2510. The US 17 Improvement project through Beaufort County is also designated as priority item number one in the Thoroughfare Plan for the City of Washington (2000). Documented reasons for this high priority include "US 17 is the only route east of I-95 that is an alternative for continuous north-south travel and is an essential link in realizing the full potential of the tourism industry in the coastal region of North Carolina." US 17 through Beaufort County is part of the North Carolina Intrastate System which is designed to support statewide growth and

development objectives and to connect to major highways of adjoining states; and is a STRAHNET route developed by the Department of Defense to provide defense access, continuity, and emergency capabilities. Also, the entire US 17 corridor between South Carolina and Virginia is in the North Carolina Department of Transportation's Strategic Corridor System. Strategic corridors are a distinct set of existing roadways that exemplify the long-term potential to serve passenger and freight movement in a high-speed manner, and that upon some level of improvement would substantially increase the mobility and connectivity of travel to destinations within and just outside North Carolina. US 17 is envisioned to eventually be a freeway type facility in the NCDOT Strategic Highway Corridors Vision Plan which was adopted by the North Carolina Board of Transportation on September 2, 2004.

The purpose of this project is to improve safety, increase traffic capacity to meet projected transportation needs, and reduce travel times. Community and regional benefits anticipated by the construction of the proposed roadway include:

- Improved roadway safety and service along the US 17 Intrastate Corridor by increasing capacity, reducing congestion, controlling access, and providing an additional crossing of the Tar/Pamlico River
- Substantially improved monetary user benefits by improving transportation efficiency and safety
- Increased local tax base and increased local revenues as a result of increased development

2. Alternatives Considered

Alternatives considered in the Environmental Impact Statement include the No-Build ("Do Nothing") Alternative, the Mass Transit Alternative, the Transportation Systems Management (TSM) Alternative, the Upgrade Existing US 17 Alternative, and three Build Alternatives. The No-Build, Mass Transit, TSM, and Upgrade Existing Alternatives were determined not to meet the purpose and need for the project.

Planning studies analyzed eleven (11) preliminary alternative corridors. Three were selected for detailed study (Alternatives B, C, and I-G) and are discussed in the Draft Environmental Impact Statement and the Final Environmental Impact Statement. A Public Hearing was held on September 23, 2002 to present the project and to solicit public input. The NEPA - Section 404 Merger Team selected Alternative B as the Least Environmentally Damaging Practicable Alternative on January 22, 2003. NCDOT selected Alternative B as its Preferred Alternative on March 6, 2003. A Public Hearing is to be held on December 9, 2004 to present revisions and updates to the project since the Public Hearing of September 2002.

2.1 Basis for Selection

Alternative B was selected for the following reasons:

- Provides the best service to the US 17 Intrastate System traffic
- Is one of the shortest alternatives studied
- Has the least number of relocatees
- Has no adverse effects on cultural resources, pending review of the underwater survey
- Has the second fewest noise impacts
- Has the second fewest wetland, stream, and buffer impacts
- Has the second lowest total cost
- Is supported by local governments and organizations including the City of Washington, the Town of Chocowinity, the Beaufort County Board of Commissioners, the Beaufort County Economic Development Commission, the Beaufort County Committee of 100, and the Southern Albemarle Association
- Was selected as the Least Environmentally Damaging Practicable Alternative (LEDPA) by the NEPA-Section 404 Merger Team and as the Preferred Alternative by NCDOT

2.2 Description of the Selected Alternative

Alternative B was selected for the improvement of the US 17 Corridor in the vicinity of the City of Washington and the Town of Chocowinity in Beaufort County, North Carolina. The proposed improvement is a four-lane median divided roadway, with sections of Freeway (full control of access) and Type II Expressway (partial control of access). See Appendix C, Figure ROD – 1 for the location of Alternative B.

Alternative B consists of the following typical sections:

(Roadway Typical Sections are shown in Appendix C – Exhibits of the Final EIS)

- From 0.5 mile south of SR 1127 (Possum Track Road) to SR 1149 (Price Road) [length = 4.2 miles] - Widen existing roadway to a four-lane divided expressway facility with a 46-foot median and partial control of access.
- From SR 1149 (Price Road) to south of existing US 17 north of SR 1142 (Bragaw Lane) [length = 1.8 miles] - Four-lane freeway on new location with a 46-foot median and full control of access. An interchange is provided at NC 33 near SR 1142 (Bragaw Lane) east of Chocowinity.
- From south of existing US 17 north of SR 1142 (Bragaw Lane) to north of the Tar River [length = 2.8 miles] - Four-lane freeway bridge on new location with a 10-foot median divided by a barrier and full control of access. The bridge will span existing US 17, the Norfolk-Southern Railway, SR 1165 (Sand Hole Road), the Tar River, Kennedy Creek, and the wetlands adjacent to the Tar/Pamlico River.

- From north of the Tar River to existing US 17 north of SR 1404 (Whispering Pines Road) [length = 1 mile] – Four-lane freeway on new location with a 46-foot median and full control of access. An interchange is provided at US 264 west of SR 1404 (Whispering Pines Road). An at-grade intersection is provided at existing US 17 north of SR 1404. A grade separation is provided at 15th Street.
- From north of SR 1404 (Whispering Pines Road) to 0.2 mile north of SR 1418 (Roberson Road) [length = 5.2 miles] – Widen existing roadway to a four-lane divided expressway facility with a 46-foot median and partial control of access.

Proposed service road locations are presented in Chapter 2 of the Final EIS.

2.3 Roadway Cost Estimates

Cost estimates were presented in the 2004 – 2010 North Carolina Transportation Improvement Program (T.I.P.). The FEIS cost estimates were presented in Table S.1 of the Final EIS and were based upon preliminary design plans for the facility. An updated construction cost estimate was prepared in October 2004 for Alternative B. The results of these cost estimates are shown below in Table 1.

Table 1 - Roadway Cost Estimates for Alternative B			
Cost	T.I.P. (2004-2010)	FEIS	Latest Cost Estimate
Construction	\$180,700,000	\$207,000,000 ¹	\$191,800,000 ²
R/W	\$21,000,000 ³	\$19,500,000 ¹	\$21,000,000 ³
Utility	- ³	1,600,000 ¹	- ³
Total Cost	\$209,275,000 ⁴	\$230,100,000 ⁵	\$223,156,000 ⁶

1. Cost estimates prepared in 2002.
2. Updated cost estimate prepared in October 2004.
3. Utility cost is included in R/W cost.
4. Includes \$7,575,000 in Prior Year costs.
5. Includes \$2,000,000 in Mitigation costs.
6. Includes \$10,356,000 in Mitigation costs.

2.4 Impacts

Evaluation criteria included socioeconomics, archaeology, historic architecture, public parks, topography, geology, soils, utilities, hazardous materials and underground storage tanks, air quality, noise, prime and important farmland, biotic communities, wildlife, aquatic fisheries resources, protected species, and water resources. Adverse impacts to the human and natural environments were minimized for the proposed project through a “suitability mapping” process, two preliminary alternatives studies, and an assessment of the preliminary designs developed for the three Build Alternatives. Impact studies are documented in the Draft EIS and Final EIS, and are summarized in the Summary of the Final EIS.

A summary of impacts associated with Alternative B are shown in Table 2 on the following page.

Table 2 - US 17 Improvements - T.I.P. No. R-2510
Alternative B Impact Summary, Based on Preliminary Design

Evaluation Criteria	Alternative B
Length (mi)	15.0
Interchanges (#)	2
Grade Separations (#)	4
Road Closures (#)	2
Road Relocations	4
Relocations	
Residential (#)	107
Business (#)	14
Church (#)	0
TOTAL (#)	121
Minority Relocations	
Residential (#)	54
Business (#)	4
Church (#)	0
TOTAL (#)	58
Cultural Resources Impacts (Section 106 Historic Architectural)	0 Pending Review
Section 4(f) Impacts	0
Noise Impacts (#)	87
Hazardous Material Sites (#), (pending final studies)	3
Floodplain Impacts (ac)	7.2
Prime and Important Farmland (ac)	29
Wetland Mitigatable Impacts (ac)	9.4
Open Water Impacts (ac)	0.5
Stream Crossings (#)	27
Stream Mitigatable Impacts (ft)	5,977
Tar/Pamlico Riparian Buffer Mitigatable Impacts (ac) Zones 1 & 2	9.3
Costs (\$)	
Right of Way and Utilities	21,000,000
Construction	191,800,000
Natural Systems Mitigation	10,356,000
TOTAL COST (\$)	223,156,000

3. Section 4(f) Statement

The proposed action will not result in the direct or constructive use of land from any public park, recreation area, historic site, wildlife or waterfowl refuge, or wild and scenic river as defined in Section 4(f) of the United States Department of Transportation Act of 1966, as amended.

4. Measures to Minimize Harm

Measures to minimize harm by analysis, coordination, avoidance, minimization, mitigation, and environmental commitments are discussed in detail in the Final EIS in the Summary (S.7 Summary of Impacts) and in Chapter 2 (Section 2.6 Agency Coordination and Section 2.8 Mitigation), and in the Project Commitments (Green Sheets) in Appendix B of this document. Avoidance and minimization measures were discussed and agreed upon by the NEPA - Section 404 Merger Team (Concurrence Point 4A). Measures to minimize harm are summarized below:

4.1 Relocations

The selection of Alternative B was the most effective measure to minimize relocations in the project area. Alternative B impacts 118 total residences (102) and businesses (16), and no churches, less than any other Build Alternative. In addition, total minority relocations (58) are the lowest with the selection of this alternative.

Other actions that were taken to reduce relocations included eliminating interchanges south of Chocowinity and north of Washington, revising the interchange design at NC 33, revising the proposed alignment and right of way along NC 33 west of the interchange, compressing the interchange design at US 264, revising the proposed design at the St. John's Missionary Baptist Church, and minimizing right of way and construction limits where possible.

NCDOT will provide relocation assistance to residences and businesses displaced during acquisition of right of way in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) and the North Carolina Relocation Assistance Act (GS-133-5 through 133-18).

4.2 Cultural Resources

4.2.1 Historic Architecture

Historic resource studies, interchange elimination, alignment shifts, and reductions in right of way and construction limits were made during the initial planning study to avoid and minimize impacts to historic sites as much as possible. Project commitments were also established to avoid or minimize impacts to historic properties. At the J.C. Swanner House a commitment was established to contain all roadway improvements east of the existing treeline and ditch adjacent to US 17. At the Joseph A. Beebe House existing right of way and no change in access are to be maintained and a commitment was established to minimize any tree removal within the existing right of way and to erect a tree-protection fence line during construction of the project. The new bridge across the Tar/Pamlico River is to be designed with "aesthetically pleasing" rails to minimize any visual impacts to the Washington Historic District. The design of the rails is to be determined by NCDOT and coordinated with the State Historic Preservation Office. Scenic easements are also to be considered at the Tar/Pamlico River crossing and adjacent wetlands to minimize visual impacts to the Washington Historic District.

4.2.2 Archaeology

An intensive archaeological survey was conducted for the preferred corridor for the recommended Alternative B. Site 31BF340, a Middle Woodland limited activity location, exhibits qualities that allow it to be recommended as eligible for listing in the National Register. Data recovery is recommended at this site.

NCDOT committed to conducting an underwater archaeology survey of the project crossing of the Tar/Pamlico River. The study is currently in progress. The study will be completed and the results coordinated with the State Historic Preservation Office prior to project construction.

4.3 Natural Resources Impacts

4.3.1 Water Resources

In order to minimize impacts to local water resources all applicable rules and regulations will be implemented including High Quality Water Erosion Control Measures, NCDOT's Guidelines for Best Management Practices for Protection of Surface Waters, Section 401 Water Quality Certification Conditions, Tar/Pamlico Riparian Buffer Rules, and all permit requirements.

4.3.2 Wetlands

Extensive efforts were undertaken during project development to preserve and protect area wetlands in accordance with Executive Order 11990. Wetland avoidance was evaluated by using topographic maps, National Wetland Inventory (NWI) mapping, soil survey maps, wetland delineations, and preliminary design studies. Horizontal and vertical alignments, median widths, cross sections, and side slopes were adjusted to avoid and minimize impacts to wetlands. Extensive bridging and special bridge construction techniques are also being used to minimize impacts to wetlands. Avoidance and mitigation efforts are discussed in the Final EIS under Project Commitments (Green Sheets in front of FEIS) and in Chapter 2 (Section 2.6 Agency Coordination).

A Mitigation Plan for jurisdictional impacts will be developed by NCDOT during the Section 404 / Section 401 permitting process. Once on-site opportunities are exhausted, compensatory mitigation will be provided by the NCDENR Ecosystem Enhancement Program pursuant to the tri-party Memorandum of Agreement between USACE, NCDENR, and NCDOT (July 2003).

4.3.3 Floodplains

Crossings of floodplains will be made at or near a perpendicular angle in order to minimize encroachment into the floodplain and floodway of each stream.

4.3.4 Construction Impacts

Construction related impacts associated with the proposed action will be minimized by adhering to applicable rules, regulations, and permit conditions and by NCDOT's Guidelines for Best Management Practices for Protection of Surface Waters, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, High Quality Waters Erosion Control Guidelines, NCDOT's Stream Crossing Guidelines for Anadromous Fish Passage, a construction moratorium for anadromous fish from February 15 through June 15 for in-water work, Precautionary Guidelines for General Construction in Areas Which May Be Used by the West Indian Manatee in North Carolina, and by special bridge construction techniques to be determined during design and permitting.

5. Monitoring and Enforcement Program

Coordination will be maintained with regulatory and resource agencies during final design, permitting, right of way acquisition, and construction to ensure that the avoidance, minimization, and compensatory mitigation measures will be initiated.

6. Environmental Commitments

Environmental commitments are shown in Appendix B, Project Commitments (Green Sheets).

7. Comments on the Final EIS

The final statement is in conformance with the applicable provisions of 23 CFR 771 and satisfactorily covers the anticipated environmental impacts, including physiographic and cultural effects.

Correspondence was received from the following agencies between the FEIS completion date and the date this Record of Decision was completed. Copies of the agencies letters are included in Appendix A. (The official closing date for agency comments on the Final EIS was November 15, 2004.)

U. S. Environmental Protection Agency, Region 4 (November 5, 2004)

Comment: "The US Environmental Protection Agency Region 4 (EPA) has reviewed the subject document, and is commenting in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Water Act. The North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) are proposing to construct a new four-lane freeway with a 46-foot median from south of SR 1127 (Possum Track Road) to north of SR 1418 (Roberson Road) in Beaufort and Pitt Counties for an approximate distance of 15.5 miles. The Final Environmental Impact Statement (FEIS) identifies Alternative B as NCDOT's preferred alternative and the alternative selected by regulatory agencies as the Least Environmentally Damaging Practicable Alternative (LEDPA)."

"EPA's comments on the DEIS are specifically addressed in the FEIS in Chapter 3, Pages 2 to 15. Generally, EPA's outstanding environmental concerns for the project have been addressed either through the NEPA/Section 404 Merger process or in the responses to the DEIS comments. However, EPA requests clarification on the following issues:"

Response: Comments noted.

Comment: “Other US 17 T.I.P. Projects”

“Table 1.1, Page 5, includes a summary of planned improvements to the US 17 corridor from South Carolina to Virginia. The current status for R-2511 and R-2513 in dictates that the environmental documents for these proposed widening sections are “in progress”. EPA would request that a copy of the scoping notices be provided. EPA is not aware of the Merger status on either of these projects and would appreciate an updated schedule of any future Merger meetings. EPA’s comment #4 covers this issue and NCDOT’s response needs further clarification. EPA understands that the Board of Transportation has identified that the improvements to the US 17 corridor as being a ‘priority’. However, this level of priority is not evident by the current summary of planned improvements from Table 1.1.”

Response: Project R-2511 has a State Environmental Assessment in progress. Project R-2513 currently has planning on an inactive status as the project is scheduled for right of way and construction Post Year (beyond 2010).

US 17 is designated as a “Strategic Highway Corridor” by the North Carolina Board of Transportation. As such it is one of 55 corridors throughout North Carolina that is considered a critical highway facility. The subject US 17 Improvements are part of the overall plan to improve the US 17 Corridor in North Carolina from the South Carolina border to the Virginia border.

Comment: "Indirect and Cumulative impact (ICI) Analysis"

"EPA acknowledges NCDOT's comments and assessment that there is a low level of growth for the project area. The proposed ICI analysis is to be focused on impacts to water resources and is planned to be prepared as part of the Section 404/401 permitting process. EPA would recommend that for future large scale projects, NCDOT begin preparation of the ICI analysis earlier in the NEPA planning process and make such studies available to the public and agencies for review during the DEIS stage. EPA requests that a copy of the ICI analysis be provided to us for review when it becomes available."

Response: Comments noted.

Comment: "Wetlands and Streams"

"EPA staff have been previously involved with NCDOT, the U.S. Army Corps of Engineers and other resource agencies in field evaluating candidate on-site restoration/mitigation sites. Since the site visits in early 2004, EPA has not received any additional information or progress reports from NCDOT's Office of Natural Environment. EPA would request an update of the on-site mitigation opportunities preliminarily identified by NCDOT. Any remaining mitigation for the total of 9.5 acres of wetland impacts and 5,977 linear feet of stream impacts are expected to be proposed through the Ecosystem Enhancement Program (EEP)."

Response: NCDOT is continuing to investigate the potential for on-site restoration/mitigation sites through the NCDOT Office of Natural Environment. As hydraulic plans are developed, more specific impacts will be calculated for purposes of determining mitigation. EPA will be coordinated with through the Merger 01 Process.

Comment: “Hazardous Material Sites”

“EPA acknowledges the comments in Chapter 3, Page 12, EPA comment #18. However, this information (Alternative B: 5 Underground Storage Tank (UST) Sites and 4 other potentially contaminated properties) does not match Table S.1, Build Alternatives Impact Summary Based on Preliminary Design. The hazardous material sites line in the table only lists 3 sites for Alternative B. The Record of Decision (ROD) should correct this information, discuss further design avoidance and minimization efforts by NCDOT, and identify any cost issues associated with site remediation.”

Response: Hazardous material sites noted in Table S.1 are comparative calls based on screening of the three Build Alternatives during preliminary design studies. The sites noted in the response to EPA in Chapter 3 of the Final EIS are the most current assessment of properties based on a field reconnaissance survey conducted in March 2004 for the Preferred Alternative B. As stated in the Final EIS, remediation costs have not been determined, but are not anticipated to be substantial. The potential hazardous material sites are also referenced in Appendix B, Project Commitments (Green Sheets). Final assessments will be completed prior to right of way acquisition.

Comment: "Summary"

"EPA recognizes that NCDOT and FHWA have made substantial commitments towards avoidance, minimization and mitigation of project impacts to both the natural and human environment. EPA expressed a lack of objections to Alternative B (preferred alternative and LEDPA) during the DEIS stage. Also, most of EPA's primary concerns identified in the DEIS have been addressed. However, EPA recognizes that additional efforts to avoid/minimize relocation impacts to minority residences for Alternative B get further attention during final design. EPA also requests that NCDOT address other T.I.P. projects, the ICI analysis, on-site wetland mitigation opportunities, and hazardous material sites prior to finalizing the Record of Decision."

Response: Comments noted.

**N. C. Department of Environment and Natural Resources,
Division of Environmental Health (October 22, 2004)**

Comment: "No objection to project as proposed."

"The Alternative B (Preferred) project has potential to impact several public water systems distribution lines. The Public Water Systems that may be impacted are the City of Washington on the north side of the Pamlico River and the Town of Chocowinity on the south side of the River. Plans and specifications must be submitted to the Public Water Supply Plan Review Section if any modifications occur to the distribution systems."

"If a different Alternative were chosen, the Beaufort County Northside Water System, Beaufort County Water District IV, and the Stokes Water System would have the potential to be impacted."

Response: Comments noted.

**N. C. Department of Environment and Natural Resources,
Division of Water Quality (October 27, 2004)**

Comment (A): "The document does not present any mapping that shows the location of wetlands and streams. In addition, the document does not give any specified amount of anticipated impacts to wetlands and streams. Until the DWQ has a map that clearly displays all the wetlands, streams, and other surface waters located in the project, with the proposed project superimposed onto those resources, we cannot agree that appropriate avoidance and minimization has occurred for this project. As such, issuance of the 401 Water Quality Certification for this project could be delayed until the information is provided to the DWQ for review, and we are convinced that all appropriate avoidance and minimization has occurred for this project."

Response: Wetland and stream impacts were presented in the Draft EIS and the Final EIS. Wetland and stream impacts were discussed in the Draft EIS in the Summary, section S.7 Summary of Impacts; and in Chapter 4.0 Environmental Consequences, section 4.9 Water Quality and section 4.15 Wetland Impacts. Stream locations are shown in the Draft EIS on Exhibits 3.6 a-d, and jurisdictional wetland locations are shown on Exhibits 3.9 a-d. Wetland and stream impacts were discussed in the Final EIS in the Summary, section S.7 Summary of Impacts, and are listed in Table S.1 of the Final EIS.

Avoidance and minimization actions were addressed and agreed by the NEPA – Section 404 Merger Team as documented in the signed Concurrence Point 4A – Avoidance and Minimization Agreement of April 23, 2003. A copy of the concurrence agreement is included in Appendix B of the Final EIS. NCDOT will continue to avoid and minimize impacts to wetlands and streams, and will provide appropriate documentation during the permitting process.

Comment (B): “After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. Based on the impacts described in the document, wetland mitigation will be required for this project in accordance with Environmental Management Commission’s Rules {15A NCAC 2H.0506 (h)(2)}.”

Response: Comments noted.

Comment (C): “In accordance with the Environmental Management Commission’s Rules {15A NCAC 2H.0506 (b)(6)}, 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. In accordance with the Environmental Management Commission’s Rules {15A NCAC 2H.0506 (h)(3)}, the NC Ecosystem Enhancement Program may be available for use as stream mitigation.”

Response: Comments noted. Stream mitigation will continue to be coordinated through the Merger 01 Process as design plans are developed further.

Comment (D): “As part of the 401 Water Quality Certification Application process, NCDOT is respectfully reminded to include specifics for both onsite and offsite plans. If mitigation is required, it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. While NCDWQ realizes that this may not always be practical, it should be noted that for projects requiring mitigation, appropriate mitigation plans will be required in conjunction with the issuance of a 401 Water Quality Certification. We understand that NCDOT will request compensatory mitigation through the NC Ecosystem Enhancement Program for offsite mitigation.”

Response: Comments noted.

Comment (E): "Future documentation and the 401 Water Quality Certification Application must provide the stream data sheets used in determining those streams "exempt" from the Tar-Pamlico Riparian Buffer Rules."

Response: Comments noted.

Comment (F): "Future documentation, including the 401 Water Quality Certification Application, should include an itemized listing of the proposed wetland and stream impacts with corresponding mapping."

Response: Comments noted.

Comment (G): "An analysis of cumulative and secondary impacts anticipated as a result of this project is required. The type and detail of analysis should conform to the NC Division of Water Quality Policy on the assessment of secondary and cumulative impacts dated April 10, 2004. We understand that you have agreed to make this study part of your 401 Water Quality Certification Application."

Response: Comments noted.

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

Response: Comments noted.

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

Response: Comments noted.

Comment (J): "Sediment and erosion control measures should not be placed in wetlands."

Response: Comments noted.

Comment (K): "Borrow/waste areas should avoid wetlands to the maximum extent practicable. Impacts in borrow/waste areas could precipitate compensatory mitigation."

Response: Comments noted.

Comment (L): "The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into the creek. Instead, stormwater should be designed discharge as diffuse flow at non-erosive velocities in compliance with the Tar-Pamlico Buffer Rules."

Response: Comments noted.

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

Response: Comments noted.

**N. C. Department of Environment and Natural Resources,
Natural Heritage Program (October 22, 2004)**

Comment: "The Natural Heritage Program database contains record for rare species of plants in the vicinity of the proposed project."

"Sensitive Jointvetch (*Aeschynomene virginica*), a Federally Threatened and State Endangered species, is present within one mile of the proposed project location, as shown on the enclosed map. Natural Heritage Program Occurrence number 002 is located approximately 1 mile to the east of the proposed project area. It is 0.7 miles east of US 17 on the south side of SR 1166 east of the railroad, in a ditch parallel to the railroad. Two additional historical occurrences (numbers 001 and 008) are documented from the area but have not been relocated in recent surveys. NC Natural Program and NatureServe rank Sensitive Jointvetch critically imperiled globally because of extreme rarity, making it vulnerable to extinction (G2, S1)."

"Rough-leaved Loosestrife (*Lysimachia asperulifolia*), a Federally Endangered and State Endangered plant species was historically found 7 miles south of Washington, but has not been relocated in recent surveys. NC Natural Heritage Program and NatureServe rank Rough-leaved Loosestrife vulnerable to extirpation or extinction (G3, S3)."

"Crowned Beggar-ticks (*Bidens coronata*), a State Significantly Rare plant species was historically found on marshy ground 1 mile south of Washington, but has not been relocated in recent surveys. NC Natural Heritage Program ranks Crowned Beggar-ticks of historical occurrence in NC, not having been verified in the past 20 years, but suspected to still be extant (SH)."

"The proposed location for the new section of US 17 crosses the west end of a Regionally Significant Natural Heritage Area identified in the Regional Inventory for Critical Natural Areas, Wetland Ecosystems, and Endangered Species Habitats of the Albemarle-Pamlico Estuarine Regions (1992) named the Lower Tar River Marshes and Swamp (see enclosed material). This area was identified for the high quality of the Cypress-Gum Swamp and the Tidal Freshwater Marsh. Impacts to this area should be minimized."

"Although our maps do not show records of extant rare plants populations within the project area, the species may yet be present. The area may not have been surveyed recently. 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. Because of the potential for Sensitive Jointvetch to be present, we recommend that a survey be conducted for Sensitive Jointvetch within the project area. If Sensitive Jointvetch is found within the project area, care should be taken to avoid impacting the population. If impacts are anticipated, the US Fish and Wildlife Service and the NC Plant Conservation Program should be consulted."

Response: Comments noted. NCDOT will recheck the project area for Federally Protected Threatened and Endangered species prior to construction.

Species of mammals, birds, amphibians, and plants with the North Carolina status of Endangered, Threatened, and Special Concern receive limited protection under the North Carolina Endangered Species Act (G.S. 113-331 *et seq.*). Species with the status of Candidate, Significantly Rare, Watch List, and Proposed do not receive State protection.

**N. C. Department of Environment and Natural Resources,
Washington Regional Office (October 25, 2004)**

Comment: "Any open burning associated with subject proposal must be in compliance with 15 NCAC 2D.1900."

"Demolition or renovation of structures containing asbestos material must be in compliance with 15 A NCAC 2D.110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group."

"The Sedimentation Pollution Control Unit Act of 1973 must be addressed with respect to the referenced Local Ordinance."

Response: Comments noted.

**North Carolina Wildlife Resources Commission,
Division of Inland Fisheries (October 25, 2004)**

Comment: "We have received the data provided in the FEIS. At this time we concur with the FEIS for this project. Thank you for the opportunity to comment. If we can be of further assistance please call me at (919) 528-9886."

Response: Comments noted.

December 7, 2004

Date

A handwritten signature in black ink, appearing to read "John F. Sullivan III", written over a horizontal line.

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

APPENDIX A

Comments Received on the Final Environmental Impact Statement

Appendix A

Agency and Governmental Correspondence on the Final EIS

*** Copies of Correspondence Since the Approval of the Final EIS (August 31, 2004) Are Attached.**

Federal Agency Correspondence

<u>Date</u>	<u>Agency</u>
11-05-04	U. S. Environmental Protection Agency- Region 4

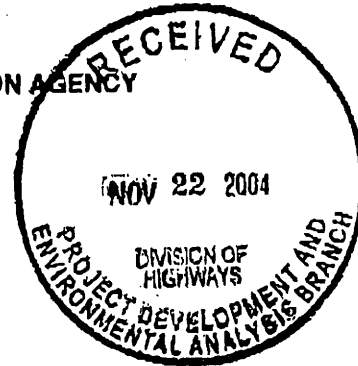
State Agency Correspondence

<u>Date</u>	<u>Agency</u>
10-22-04	N. C. Department of Environment and Natural Resources- Division of Environmental Health
10-27-04	N. C. Department of Environment and Natural Resources- Division of Water Quality
10-22-04	N. C. Department of Environment and Natural Resources- Natural Heritage Program
10-25-04	N. C. Department of Environment and Natural Resources- Washington Regional Office
10-25-04	N. C. Wildlife Resources Commission- Division of Inland Fisheries

E. Imo Vance

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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



November 5, 2004

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

Subject: **US 17 Improvements, Washington Bypass, Beaufort and Pitt Counties, Final Environmental Impact Statement; TIP R-2510, State Project No. 8.T150601, CEQ No.: 040461; FHW-E40795-NC**

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency Region 4 (EPA) has reviewed the subject document, and is commenting in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. The North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) are proposing to construct a new four-lane freeway with a 46-foot median from south of SR 1127 (Possum Track Road) to north of SR 1418 (Roberson Road) in Beaufort and Pitt Counties for an approximate distance of 15.5 miles. The Final Environmental Impact Statement (FEIS) identifies Alternative B as NCDOT's preferred alternative and the alternative selected by regulatory agencies as the Least Environmentally Damaging Practicable Alternative (LEDPA).

EPA's comments on the DEIS are specifically addressed in the FEIS in Chapter 3, Pages 2 to 15. Generally, EPA's outstanding environmental concerns for the project have been addressed either through the NEPA/Section 404 Merger process or in the responses to the DEIS comments. However, EPA requests clarification on the following issues:

Other US 17 T.I.P. Projects

Table 1.1, Page 5, includes a summary of planned improvements to the US 17 corridor from South Carolina to Virginia. The current status for R-2511 and R-2513 indicates that the environmental documents for these proposed widening sections are "in progress". EPA would request that a copy of the scoping notices be provided. EPA is not aware of the Merger status on either of these projects and would appreciate an updated schedule of any future Merger meetings. EPA's comment #4 covers this issue and NCDOT's response needs further clarification.

EPA understands that the Board of Transportation has identified that the improvements to the US 17 corridor as being a 'priority'. However, this level of priority is not evident by the current summary of planned improvements from Table 1.1.

Indirect and Cumulative Impact (ICI) Analysis

EPA acknowledges NCDOT's comments and assessment that there is a low level of growth projected for the project study area. The proposed ICI analysis is to be focused on impacts to water resources and is planned to be prepared as part of the Section 404/Section 401 permitting process. EPA would recommend that for future large scale projects, NCDOT begin preparation of the ICI analysis earlier in the NEPA planning process and make such studies available to the public and agencies for review during the DEIS stage. EPA requests that a copy of the ICI analysis be provided to us for review when it becomes available.

Wetlands and Stream Mitigation

EPA staff have been previously involved with NCDOT, the U.S. Army Corps of Engineers and other resource agencies in field evaluating candidate on-site restoration/mitigation sites. Since the site visits in early 2004, EPA has not received any additional information or progress reports from NCDOT's Office of Natural Environment. EPA would request an update of the on-site mitigation opportunities preliminarily identified by NCDOT. Any remaining mitigation for the total of 9.5 acres of wetland impacts and 5,977 linear feet of stream impacts are expected to be proposed through the Ecosystem Enhancement Program (EEP).

Hazardous Material Sites

EPA acknowledges the comments in Chapter 3, Page 12, EPA comment #18. However, this information (Alternative B: 5 Underground Storage Tank (UST) Sites and 4 other potentially contaminated properties) does not match Table S.1, Build Alternatives Impact Summary Based on Preliminary Design. The hazardous material sites line in the table only lists 3 sites for Alternative B. The Record of Decision (ROD) should correct this information, discuss further design avoidance and minimization efforts by NCDOT, and identify any cost issues associated with site remediation.

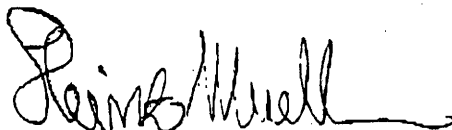
Summary

EPA recognizes that NCDOT and FHWA have made substantial commitments towards avoidance, minimization and mitigation of project impacts to both the natural and human environment. EPA expressed a lack of objections to Alternative B (preferred alternative and LEDPA) during the DEIS stage. Also, most of EPA's primary environmental concerns identified in the DEIS have been addressed. However, EPA recognizes that additional efforts to avoid/minimize relocation impacts to minority residences for Alternative B should get further attention.

during final design. EPA also requests that NCDOT address other T.I.P. projects, the ICI analysis, on-site wetland and stream mitigation opportunities, and hazardous material sites prior to finalizing the Record of Decision.

If you have any questions concerning EPA's comments, please contact Mr. Ted Bisterfeld at (404) 562-9621 or Mr. Christopher Militscher of my staff at (919) 856-4206.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller", with a long horizontal flourish extending to the right.

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

cc: K. Jolly, USACE Wilmington District
J. Sullivan, FHWA, Raleigh



North Carolina Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

November 15, 2004

Mr. Omar. Sultan
NCDOT
Transportation Building
1534 Mail Service Center
Raleigh, NC

Dear Mr. Sultan:

Re: SCH File # 05-E-4220-0093; Final Environmental Impact Statement; US 17 Improvements From south of SR 1127 (Possum Track Road) to North of SR 1418 (Roberson Road); TIP #R-2510.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Chrys Baggett".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region Q

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

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

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

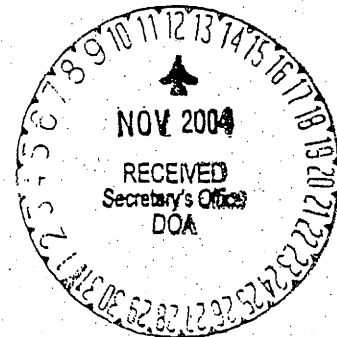
MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee *W*
Environmental Review Coordinator

RE: 05-0093 FEIS US 17 Improvements from Possum Track Road to
Roberson Road in Beaufort and Pitt County

DATE: November 8, 2004



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

Thank you for the opportunity to respond.

Attachments

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

Project # 05-0093
County Beaufort/Pitt

Inter-Agency Project Review Response

Project Name: US DOT Type of Project: Proposed action to improve the roadways of the 15.5 mile US 17 corridor of the City of Washington & the Town of Chocowinity.

Comments provided by:

- ☐ Regional Program Person
- ☒ Regional Supervisor for Public Water Supply Section
- ☐ Central Office program person



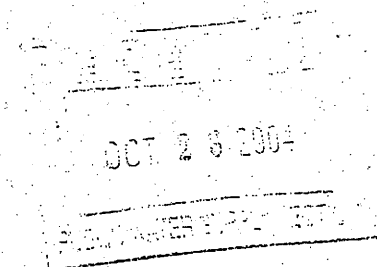
Name: Fred Hill/ Harry Bailey Telephone #: (252) 946-6481 Date: 10/22/04

Program within Division of Environmental Health:

- ☒ Public Water Supply
- ☐ Other, Name of Program _____

Response (check all applicable):

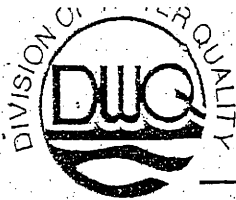
- ☒ No objection to project as proposed
- ☐ No comment
- ☐ Insufficient information to complete review
- ☐ Comments attached
- ☒ See comments below



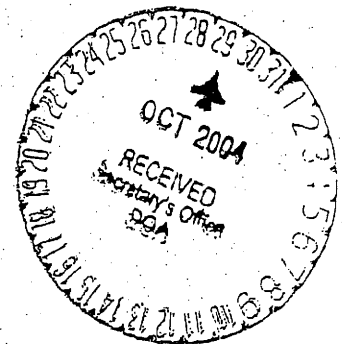
The Alternative B (Preferred) project has the potential to impact several public water systems distribution lines. The Public Water Systems that may be impacted are the City of Washington on the north side of the Pamlico River and the Town of Chocowinity on the south side of the River. Plans and specifications must be submitted to the Public Water Supply Plan Review Section if any modifications occur to the distribution systems.

If a different Alternative were chosen, the Beaufort County Northside Water System, Beaufort County Water District IV, and the Stokes Water System in Pitt County would have the potential to be impacted.

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



October 27, 2004



MEMORANDUM

To: Melba McGee

Through: John Hennessy *JH*

From: Nicole Thomson *NT*

Subject: Comments on the Final Environmental Impact Statement to construct US 17 Improvements from South of SR 1127 (Possum Track Road) to North of SR 1418 (Roberson Road) in Washington and Chocowinity Vicinity Beaufort County and Pitt County, Federal Aid Project MAF-75-3(26), State Project No. 8.T150601, TIP R-2510, DENR Project Number 03E-0012. **05-0095**

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

- A) The document does not present any mapping that shows the location of wetlands and streams. In addition, the document does not give any specified amount of anticipated impacts to wetlands and streams. Until the DWQ has a map that clearly displays all the wetlands, streams, and other surface waters located in the project, with the proposed project superimposed onto those resources, we cannot agree that appropriate avoidance and minimization has occurred for this project. As such, issuance of the 401 Water Quality Certification for this project could be delayed until the information is provided to the DWQ for review, and we are convinced that all appropriate avoidance and minimization has occurred for this project.
- B) After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. Based on the impacts described in the document, wetland mitigation will be required for this project in accordance with Environmental Management Commission's Wetland Rules {15A NCAC 2H.0506 (h)(2)}.
- C) In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(b)(6)}, 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. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506 (h)(3)}, the NC Ecosystem Enhancement Program may be available for use as stream mitigation.
- D) As part of the 401 Water Quality Certification Application process, NC DOT is respectfully reminded to include specifics for both onsite and offsite mitigation plans. If mitigation is required, it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. While NCDWQ realizes that this may not always be practical, it should be noted that for projects requiring mitigation, appropriate mitigation plans will be required in conjunction with the issuance of a 401 Water Quality Certification. We understand that NC DOT will request compensatory mitigation through the NC Ecosystem Enhancement Program for offsite mitigation.

- E) Future documentation and the 401 Water Quality Certification Application must provide the stream data sheets used in determining those streams as "exempt" from the Tar-Pamlico Riparian Buffer Rules.
- F) Future documentation, including the 401 Water Quality Certification Application, should include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
- G) An analysis of cumulative and secondary impacts anticipated as a result of this project is required. The type and detail of analysis should conform to the NC Division of Water Quality Policy on the assessment of secondary and cumulative impacts dated April 10, 2004. We understand that you have agreed to make this study a part of your 401 Water Quality Certification Application.
- H) NC DOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
- I) Where streams must be crossed, the DWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts should be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, DOT should not install the bridge bents in the creek, to the maximum extent practicable.
- J) Sediment and erosion control measures should not be placed in wetlands.
- K) Borrow/waste areas should avoid wetlands to the maximum extent practicable. Impacts to wetlands in borrow/waste areas could precipitate compensatory mitigation.
- L) The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into the creek. Instead, stormwater should be designed discharge as diffuse flow at non-erosive velocities in compliance with the Tar-Pamlico Riparian Buffer Rules.
- M) Based on the information presented in the document, the magnitude of impacts to wetlands and streams will require an Individual Permit application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from the NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.

The NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact Nicole Thomson at (919) 715-3415.

cc: Mr. Mike Bell, US Army Corps of Engineers, Washington Field Office
Mr. Gary Jordan, USFWS
Mr. Travis Wilson, NCWRC
Mr. Mike Thomas, NCDWQ Washington Regional Office
Central Files
File Copy



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

October 22, 2004

MEMORANDUM

To: Melba McGee

Through: Brian Strong

From: Misty Franklin *MF*

Subject: Request for Comments – US 17 Improvements Washington and Chocowinity Vicinity FHWA-NC-IS-02-02-F, Project Number 05-0093; Beaufort and Pitt Counties

The Natural Heritage Program database contains records for rare species of plants in the vicinity of the proposed project.

Sensitive Jointvetch (*Aeschynomene virginica*), a Federally Threatened and State Endangered plant species, is present within one mile of the proposed project location, as shown on the enclosed map. Natural Heritage Program Occurrence number 002 is located approximately 1 mile to the east of the proposed project area. It is 7 miles east of US 17 on the south side of SR 1166 east of the railroad, in a ditch parallel to the railroad. Two additional historical occurrences (numbers 001 and 008) are documented from the area but have not been relocated in recent surveys. NC Natural Heritage Program and NatureServe rank Sensitive Jointvetch critically imperiled globally because of extreme rarity, making it vulnerable to extinction (G2, S1).

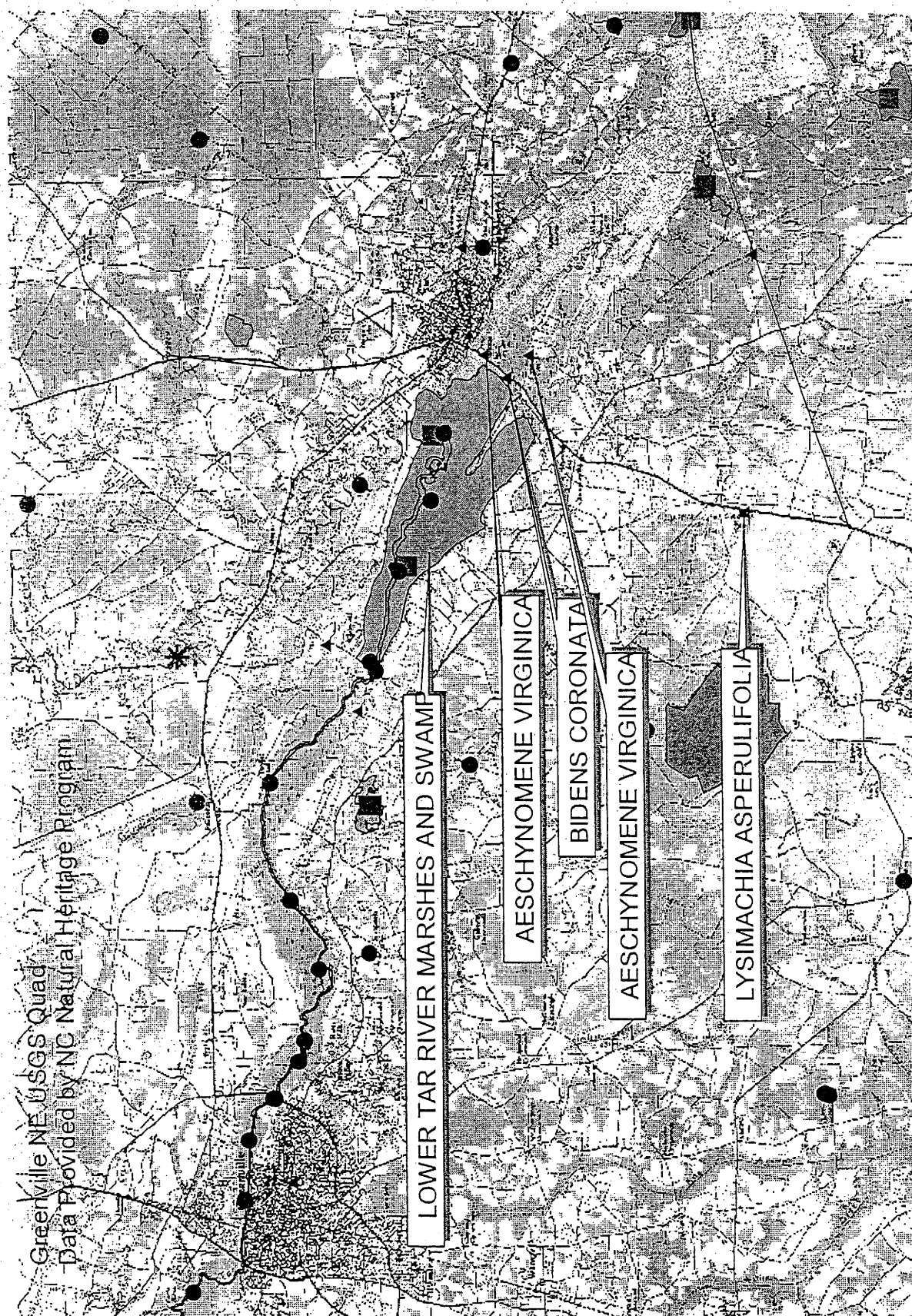
Rough-leaved Loosestrife (*Lysimachia asperulifolia*), a Federally Endangered and State Endangered plant species was historically found 7 miles south of Washington, but has not been relocated in recent surveys. NC Natural Heritage Program and NatureServe rank Rough-leaved Loosestrife vulnerable to extirpation or extinction (G3, S3).

Crowned Beggar-ticks (*Bidens coronata*), a State Significantly Rare plant species was historically found on marshy ground 1 mile south of Washington, but has not been relocated in recent surveys. NC Natural Heritage Program ranks Crowned Beggar-ticks of historical occurrence in NC, not having been verified in the past 20 years, but suspected to still be extant (SH).

The proposed location for the new section of US 17 crosses the west end of a Regionally Significant Natural Heritage area identified in the Regional Inventory for Critical Natural Areas, Wetland Ecosystems, and Endangered Species Habitats of the Albemarle-Pamlico Estuarine Regions (1992) named the Lower Tar River Marshes and Swamp (see enclosed material). This area was identified for the high quality of the Cypress-Gum Swamp and the Tidal Freshwater Marsh. Impacts to this area should be minimized.

though our maps do not show records of extant rare plants populations immediately within the project area, species may yet be present. The area may not have been surveyed recently. 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. Because of the potential for Sensitive Jointvetch to be present, we recommend that a survey be conducted for Sensitive Jointvetch within the project area. If Sensitive Jointvetch is found within the project area, care should be taken to avoid impacting the population. If impacts are anticipated, the US Fish and Wildlife Service and the NC Plant Conservation Program should be consulted.

You may wish to check the Natural Heritage Program database website at www.ncsparks.net/nhp/search.html for a listing of rare plants and animals and significant natural communities in the county and on the topographic road map. Please do not hesitate to contact me at 919-715-8700 if you have questions or need further information.



Rare Species and Significant Natural Heritage Areas in the vicinity of the proposed US 17 Improvement project

SITE NAME: Lower Tar River Marshes and Swamp

SITE NUMBER: PI7

SIZE: about 4700 acres

SITE SIGNIFICANCE: C (Regional)

LOCATION: Eastern portion of Pitt County and western portion of Beaufort County; located in the floodplain of the Tar River, upstream to Grimesland (SR 1565 bridge) and downstream to Washington (US 17 bridge).

QUAD MAPS: Grimesland, Washington

SIGNIFICANT FEATURES:

1. The natural area features a very extensive wetland system dominated by swamp forests; these swamps are nearly 2 miles in width, with the Tar River bisecting the floodplain.

2. The site contains several excellent examples of Tidal Freshwater Marsh natural community, which is rare in the state. Floristic diversity is very high in these marshes, with many species previously unrecorded as far inland as Pitt County.

GENERAL DESCRIPTION:

The floodplain of the Tar River, a brownwater system, is nearly 2 miles wide in the vicinity of Washington, which is at the mouth of the river; it becomes the Pamlico River farther downstream and is embayed by the rising sea level. Along the lower portions of the Tar, especially near the mouths of Bear Creek and Tranters Creek, are a handful of naturally-occurring freshwater marshes. Such marshes are rather rare in the state outside of the Currituck Sound region. Some of the marshes are beginning to be invaded by saplings of red maple (Acer rubrum) and even bald cypress (Taxodium distichum). However, there appears to be an equilibrium, for as the saplings invade from the upland side, the marshes tend to expand river-ward on recently exposed mud or sand. Such alluvial sediments are common in brownwater rivers. Along the immediate water's edge, big cordgrass (Spartina cynosuroides) is the dominant herb. Otherwise, there are no dominant herbs in the marshes. Common species include halberd-leaved tearthumb (Polygonum arifolium), dotted smartweed (Polygonum punctatum), cattails (Typha spp.), arrowheads (Sagittaria spp.), crimson-eyed rose-mallow (Hibiscus moscheutos), and seashore mallow (Kosteletskya virginica). Significant species include a dense stand of American lotus (Nelumbo lutea), halberd-leaved rose-mallow (Hibiscus militaris), sandpaper vervain (Verbena scabra), and seaside goldenrod (Solidago sempervirens), the last species seemingly far inland.

The majority of the swamp is a mature hardwood forest, with no evidence of human development noted along the river except near Grimesland and Washington. Cypress-Gum Swamp Forest, Brownwater subtype is the predominant natural community, as there is very little evidence of natural levees this far downstream. Bald cypress is mixed with water tupelo (Nyssa aquatica), red maple (Acer rubrum), water hickory (Carya aquatica), overcup oak (Quercus lyrata), laurel oak (Q. laurifolia), green ash (Fraxinus pennsylvanica), and other canopy species. Water ash (F. caroliniana) is quite numerous in the understory of the swamp.

Along the banks of the Tar River, particularly within 2 miles of Grimesland, are a series of old dredge spoil "lumps"; these were obviously remnants of dredging of the river in past decades when commercial boats

traversed the river. These dredge lumps have a bizarre plant composition. Overcup oak, laurel oak, and water hickory are surprisingly common on the sandy domes! Otherwise, the species present are very widespread ones such as American beech (Fagus grandifolia), flowering dogwood (Cornus florida), and sassafras (Sassafras albidum). Also present along the banks of the river, on the very poorly defined natural levees, are several clumps of dwarf palmetto (Sabal minor), which is near the northern edge of its range.

OWNERSHIP: Most or all in private ownership

PROTECTION STATUS: None

RECOMMENDATIONS FOR MANAGEMENT OR PROTECTION: Generally speaking, marshes should be burned every 5 to 10 years to maintain them in an herbaceous state; otherwise, shrubs and saplings might overrun the herbs. The wetness of the floodplain has probably prevented fire from reaching these marshes, but they appear to maintain themselves by expanding onto the sand and mud bars as the portions closest to the adjacent forests become overgrown with saplings. No additional management of the natural area is needed. No further development should be allowed along the river, nor should timber be cut in the natural area. Heavy motorboat traffic on the river is disturbing and might be negatively impacting vegetation along the banks of the river.

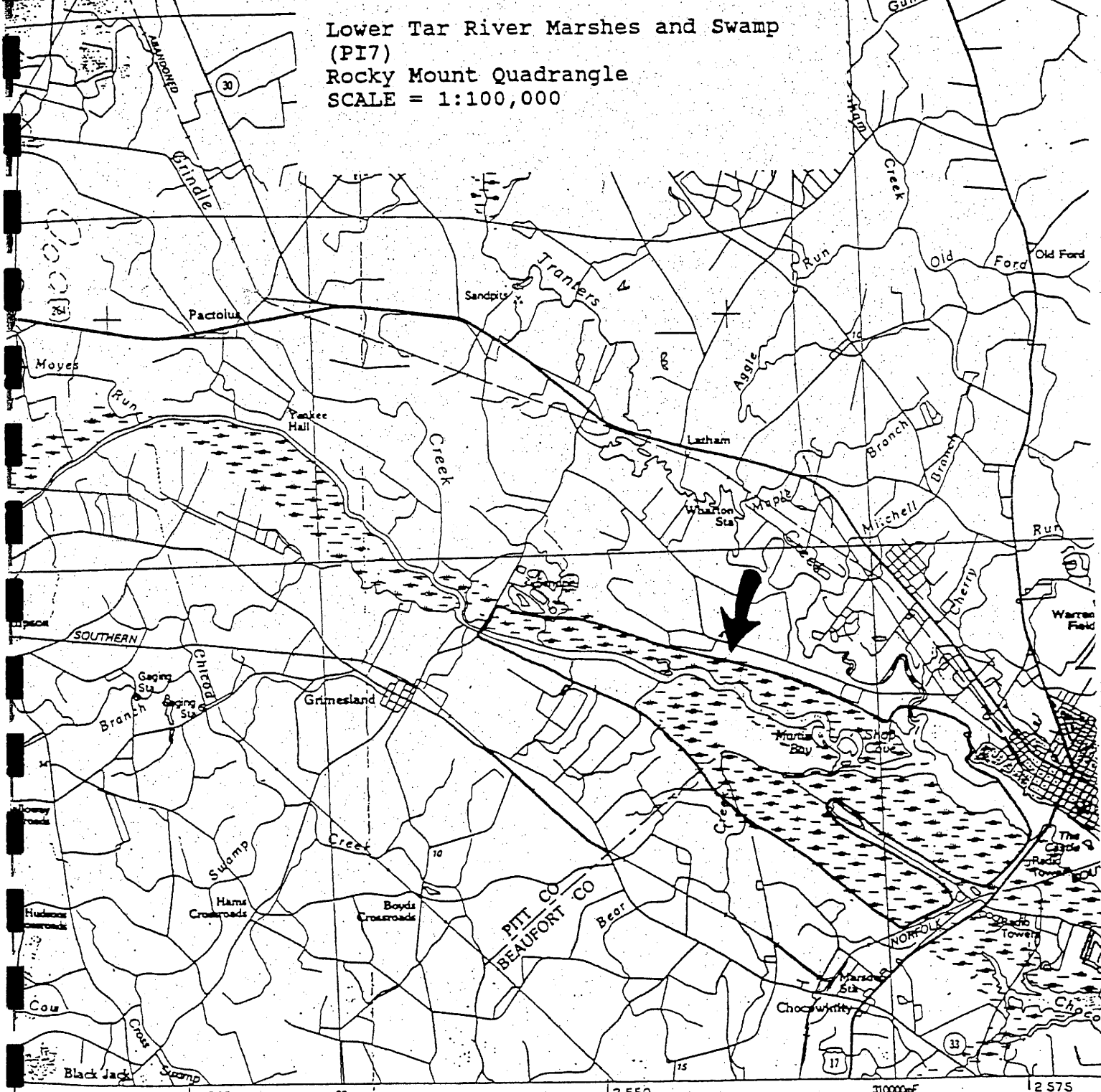
The area is presently unprotected. Acquisition of the floodplain is certainly a protection option, perhaps by a Federal or State agency for preservation of important wetlands and wildlife.

COMMENTS: In addition to numerous dredge lumps along the banks of the river, there is a man-made cut across a peninsula jutting into the Tar River just north of Bear Creek. Although the flora of the marshes was fairly well sampled in this inventory, there was little effort made to explore the swamp forests for vegetation or wildlife data. It is expected that the forests are important habitats for large species of wildlife.

REFERENCES: LeGrand and Frost (1990)



Lower Tar River Marshes and Swamp
(PI7)
Rocky Mount Quadrangle
SCALE = 1:100,000





State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: Wako

Project Number: 05-0093

Due Date: 1D, 25, 04

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

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

PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit)
<input type="checkbox"/> 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)
<input type="checkbox"/> NPDES-permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection preapplication conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90 - 120 days (N/A)
<input type="checkbox"/> Water Use Permit	Preapplication technical conference usually necessary	30 days (N/A)
<input type="checkbox"/> Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/> Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Preapplication conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input checked="" type="checkbox"/> Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-733-0820.		
<input type="checkbox"/> Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/> The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) at least 30 days before beginning activity. A fee of \$50 for the first acre or any part of an acre.		20 days (30 days)
<input checked="" type="checkbox"/> The Sedimentation Pollution Control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		30 days
<input type="checkbox"/> Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		
<input type="checkbox"/> Mining Permit	On-site inspection usual. Surety bond filed with DENR. Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/> North Carolina Burning permit	On-site inspection by N.C. Division of Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/> Special Ground Clearance Burning Permit-22 counties in coastal N.C. with organic soils.	On-site inspection by N.C. Division of Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
		90 - 120 days

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

REGIONAL OFFICES

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

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

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

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

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

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

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

☒ Washington Regional Office
217 Washington Square Mall

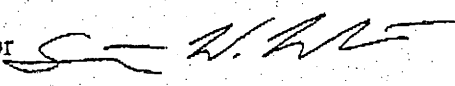


North Carolina Wildlife Resources Commission

Richard B. Hamilton, Executive Director

MEMORANDUM

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

FROM: Travis Wilson, Highway Project Coordinator 
Habitat Conservation Program

DATE: October 25, 2004

SUBJECT: North Carolina Department of Transportation (NCDOT) Final Environmental Impact Statement (FEIS) for the proposed improvements to US 17 in Beaufort and Pitt Counties, North Carolina. TIP No. R-2510, SCH Project No. 05-0093.

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

NCDOT proposes to construct the US 17 improvements as a four-lane, median-divided freeway on existing and new location with both full and partial control of access. The project will begin 0.5 miles south of SR 1127 and extends northward along portions of the existing roadway and partially on new location and again along existing roadway terminating at a point 0.2 mile north of SR 1418. The preferred alternative for this project is 15 miles in length, impacting 5,977 linear feet of jurisdictional streams and 9.5 acres of jurisdictional wetlands.

We have reviewed the data provided in the FEIS. At this time we concur with the FEIS for this project. Thank you for the opportunity to comment. If we can be of any further assistance please call me at (919) 528-9886.

cc: Gary Jordan, U.S. Fish and Wildlife Service, Raleigh
Nicole Thomson, DWQ, Raleigh
Mike Bell, USACE, Washington

APPENDIX B

Project Commitments (Green Sheets)

PROJECT COMMITMENTS

US 17 IMPROVEMENTS

Washington and Chocowinity Vicinity

Beaufort County and Pitt County, North Carolina

**From South of SR 1127 (Possum Track Road) to
North of SR 1418 (Roberson Road)**

**Federal Aid Project No. MAF-75-3 (26)
State Project No. 8.T150601
T.I.P. Project No. R-2510**

In addition to the General Nationwide Permit Conditions, Section 404 Individual Permit (IP) Special Conditions, CAMA Permit, State Stormwater Permit for CAMA Major Projects, Section 401 Water Quality Certification (WQC) Conditions, Regional Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for Protection of Surface Waters, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, and General Certification Conditions, the North Carolina Department of Transportation makes the following environmental commitments regarding the project:

Highway Design Branch / Right of Way Branch

Five underground storage tank (UST) sites and four other potentially contaminated properties were identified during the field reconnaissance survey. NCDOT will make a determination of contamination for these sites prior to right of way acquisition.

Highway Design Branch / Division 2

"High Quality Waters (HQW) Erosion Control Guidelines" will be adhered to throughout construction.

NCDOT's "Stream Crossing Guidelines for Anadromous Fish Passage" will be adhered to for this project.

A construction moratorium for anadromous fish from February 15 through June 15 will be adhered to for in-water work.

Precautionary Guidelines for General Construction in Areas Which May Be Used by the West Indian Manatee in North Carolina will be utilized for this project.

Project Development and Environmental Analysis Branch

An underwater archaeology survey will be conducted prior to construction of the project.

An Indirect and Cumulative Impacts Study will be performed by NCDOT during the Section 404 / Section 401 permitting process.

The project area will be rechecked for Federally Protected Threatened and Endangered species prior to construction.

Project Development and Environmental Analysis Branch / Highway Design Branch / Division 2

All project improvements at the J. C. Swanner House are to be east of the treeline and ditch along US 17.

Tree removal along the right of way in front of the historic Joseph A. Beebe House will be minimized and a tree-protection fence line will be erected during construction of the project.

Bridge rail designs sympathetic with the character of the Washington Historic District will be provided on the new US 17-Washington Bypass Bridge over the Tar/Pamlico River. The NCDOT will coordinate the rails' aesthetic appearance with the State Historic Preservation Office.

An intensive archaeological survey was conducted for the preferred corridor for Alternative B. Site 31BF340, a Middle Woodland limited activity location was determined eligible for listing in the National Register under Criterion D - Data. Data recovery will be undertaken at this site prior to construction.

Six archaeological sites (cemeteries) located within the proposed right of way, (31BF327, 31BF329, 31BF362, 31BF365, 31BF367, and 31BF378) are not considered eligible for the National Register but contain burials that will be avoided during construction activities, if possible.

Bridge construction techniques will be evaluated during final design in order to determine the most appropriate technique for constructing structures in the waters and wetlands of the Tar/Pamlico River. Final construction methods will be selected as part of the permitting process.

A Mitigation Plan for jurisdictional impacts will be developed by NCDOT during the Section 404 / Section 401 permitting process. Once on-site opportunities are exhausted, compensatory mitigation will be provided by the NCDENR Ecosystem Enhancement Program pursuant to the tri-party Memorandum of Agreement between USACOE, NCDENR, and NCDOT (July 2003).

**Project Development and Environmental Analysis Branch /
Highway Design Branch / Construction Branch /
Environmental Enhancement Program**

The acquisition of scenic easements in the waters and wetlands of the Tar/Pamlico River and in the view-shed of the Washington Historic District will be evaluated during final design of the project. Additional acreage along the bridge through the Tar/Pamlico River waters and wetlands may be considered for preservation as mitigation for environmental impacts.

APPENDIX C

Exhibits

