

APPENDIX A: AGENCY COORDINATION LETTERS

March 6, 2009 – State Clearinghouse Responses

April 24, 2009 – NC State Historic Preservation Office (email)

May 14, 2009 – U.S. Fish and Wildlife Service (email)

July 7, 2009 – NC Department of Environment and Natural Resources



North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Britt Cobb, Secretary

March 6, 2009

Ms. Meghan Carfioli
U.S. Dept. of the Interior
National Park Service
Outer Banks Group
1401 National Park Drive
Manteo, NC 27954

Re: SCH File # 09-E-0000-0204; SCOPING; Highway improvements on 5.28 miles of NC 12 from Whalebone Junction to Bodie Island District Ranger Station, at Cape Hatteras National Seashore, Dare County. View info at <http://parkplanning.nps.gov/caha>

Dear Ms. Carfioli:

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,

Valerie W. McMillan (S76)

Valerie W. McMillan, Director
State Environmental Policy Act

Attachments

cc: Region R

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 valerie.w.mcmillan@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Dee Freeman, Secretary



MEMORANDUM

TO: Valerie McMillan
State Clearinghouse

FROM: Melba McGee ✓
Environmental Review Coordinator

RE: 09-0204 Scoping, Cape Hatteras NPS/Federal Highway
Administration in Dare County

DATE: March 4, 2009

The Department of Environment and Natural Resources has reviewed the proposed project. The attached comments are for the applicant's consideration. More specific comments will be provided during the environmental review process.

Thank you for the opportunity to respond. If during the preparation of the environmental document, additional information is needed, the applicant is encouraged to notify our respective divisions.

Attachments



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

February 24, 2009

Melba McGee
Environmental Coordinator
Office of Legislative & Intergovernmental Affairs
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

SUBJECT: Improvements to North Carolina Route 12, Cape Hatteras National Seashore, Dare County, North Carolina (SCH#09-0204 and DCM#20090010)

Dear Ms. McGee:

Thank you for the opportunity to review the scoping request of the US National Park Service concerning a proposed environmental assessment for planned improvements to North Carolina Route 12 at the Cape Hatteras National Seashore in Dare County North Carolina. The proposed project would affect 5.28 miles of NC 12 from Whalebone Junction to the Bodie Island District Ranger Station at the Coquina Beach Access Road. The proposed project to be evaluated in the environmental assessment includes rehabilitation of the roadway, replacement of existing culverts, and an expansion of the existing 2-foot paved shoulder to a paved 5-foot shoulder. The purpose of this review by the North Carolina Division of Coastal Management (DCM) is to identify the environmental and regulatory issues that the proposed environmental assessment should evaluate. Below are the comments of the North Carolina Division of Coastal Management.

- The proposed project will require a consistency submission to DCM. Pursuant to 15 CFR 930.37 a NEPA document may be used as "*a vehicle*" in an agency's consistency submission. Though not required, we recommend that the environmental assessment comply with consistency submission guidelines specified in 15 CFR 930.39.
- We recommend that the environmental assessment review the land-use plan and zoning code of Dare County to determine if the proposed road improvements would be consistent the local land use plan. This also requires analyzing resource issues of the land use plan such as, but not limited, to wetlands, stormwater, and public access.

- We recommend that the environmental assessment evaluate the practicality of implementing the following conditions that is often included on transportation projects that are within the State's coastal area.

All pipe and culvert inverts shall be buried at least one foot below normal bed elevation to allow for passage of water and aquatic life when they are placed within the Public Trust Area of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by the Coastal Area management Act (CAMA). Culverts placed in wetlands are not subject to this requirement.

- We recommend that the environmental assessment contain graphics showing the project limits and the limits of the various AECs that are within the project vicinity.
- The addition of a bike-trail would be an important public amenity providing access to the coast. Due to noise and safety issues for bike riders we recommend that alternative locations for the bike trail that are not "attached" to NC 12 be investigated and analyzed.
- The proposed project location is an area where the road could easily be damaged by storm events. We recommend that the road be designed in such a manner that minimizes its construction costs yet allows it to be easily rebuilt. For example, don't design a road for a fifty year life period if its estimated life period, due to storm events, is five years. Additionally, if possible, we recommend that the material used for the road, to a degree, be biodegradable to allow road debris resulting from a storm event to decompose.
- The proposed project may affect a variety of natural resources and could potentially conflict with moratorium periods. We recommend that the environmental assessment evaluate the proposed projects impacts on all natural resources and moratorium periods. We recommend that construction activities be undertaken when biological activity is considered "low", during the winter months.
- The proposed project is in an area that will be subject to storm damage. We recommend that the environmental assessment map and evaluate factors such as: erosion rates, the first line of stable natural vegetation, and coastal dunes. Please see 15A NCAC 07H .0300 of the Coastal Area Management Act for more details.

Please see the attached comments, which more fully describe some of the comments made above. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,



Stephen Rynas, AICP
Federal Consistency Coordinator

cc: Doug Huggett, Division of Coastal Management
Frank Jennings, Division of Coastal Management
Charlan Owens, Division of Coastal Management
Cathy Brittingham, Division of Coastal Management



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

February 9, 2009

RECEIVED
DIVISION OF COASTAL MANAGEMENT
FEB 10 2009
Morehead City NC
RALEIGH

TO: Cathy Brittingham
Division of Coastal Management - Raleigh
1638 Mail Service Center
Raleigh, NC 27699-1638

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Request for Comments on a Planned Environmental Document for Proposed Road Improvements to NC 12. (DCM#20090010)

LOCATION: NC 12 From Whalebone Junction to Coquina Beach, Cape Hatteras National Seashore, Dare County, North Carolina

This document is being circulated for environmental review and comment by February 20, 2009. This is a scoping request where the applicant is requesting comments concerning the environmental and regulatory issues that the planned environmental document should evaluate. This includes, but is not limited to, the proposed project's anticipated conformance with: the local land use plan, CAMA, the Dredge and Fill law, Stormwater, Water Quality, or any other State law. Please provide comments on any environmental and regulatory issues that the proposed environmental document should evaluate. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or by email at Stephen.Rynas@ncmail.net

REPLY: No Comment.
 Comments to this project are attached.

Signed: Cathy Brittingham Date: 2/17/09

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue, Governor

James H. Gregson, Director

Dee Freeman, Secretary

MEMORANDUM

RECEIVED

FEB 17 2009

Manteo City DCM

TO: Stephen Rynas

FROM: Cathy Brittingham

DATE: February 17, 2009

SUBJECT: Request for Comments on a Planned Environmental Document for Proposed Road Improvements to NC 12 (DCM#20090010).

LOCATION: NC 12 from Whalebone Junction to Coquina Beach, Cape Hatteras National Seashore, Dare County, North Carolina

It is recommended that the environmental document evaluate those environmental and regulatory issues that are routine for a road improvement project in a beach community and environment. Documents prepared for similar projects in oceanfront areas by the N.C. Department of Transportation may serve as an example.

The environmental document should also evaluate the practicality of implementing the following condition that is often implemented on transportation projects in the 20 coastal counties of North Carolina:

“All pipe and culvert inverts shall be buried at least one foot below normal bed elevation to allow for passage of water and aquatic life when they are placed within the Public Trust Area of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by the Coastal Area Management Act (CAMA). Culverts placed in wetlands are not subject to this requirement.”

1638 Mail Service Center, Raleigh, North Carolina 27699-1638
Phone: 919-733-2293 \ FAX: 919-733-1495 \ Internet: www.nccoastalmanagement.net

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled \ 10% Post Consumer Paper



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

February 9, 2009

RECEIVED
FEB 10 2009

Morehead City DCM

TO: Charlan Owens
Division of Coastal Management - Elizabeth City
1367 US 17 South
Elizabeth City, NC 27909-7634

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Request for Comments on a Planned Environmental Document for Proposed Road Improvements to NC 12. (DCM#20090010)

LOCATION: NC 12 From Whalebone Junction to Coquina Beach, Cape Hatteras National Seashore, Dare County, North Carolina

This document is being circulated for **environmental** review and comment by **February 20, 2009**. This is a scoping request where the applicant is requesting comments concerning the environmental and regulatory issues that the planned environmental document should evaluate. This includes, but is not limited to, the proposed project's anticipated conformance with: the local land use plan, CAMA, the Dredge and Fill law, Stormwater, Water Quality, or any other State law. Please provide comments on any environmental and regulatory issues that the proposed environmental document should evaluate. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or by email at Stephen.Rynas@ncmail.net

REPLY: No Comment.
 Comments to this project are attached.

Signed:  Date: 2-18-09

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

TO: Stephen Rynas, AICP, DCM Federal Consistency Coordinator
FROM: Charlan Owens, AICP, NE DCM District Planner
SUBJECT: Review of Scoping Request submitted by the National Park Service (NPS) for proposed improvements to a 5.28 mile length of NC Highway 12 within the Cape Hatteras National Seashore, on Bodie Island, in Dare County.

Date: February 18, 2009

Consistency Determination: Additional information concerning, wetland, stormwater, and public access impacts will be needed in the Environmental Assessment (EA) in order to determine consistency with the Dare County 1994 Land Use Plan.

Overview: The Cape Hatteras National Seashore consists of more than 30,000 acres distributed along 62 miles of shoreline. Federal ownership in the seashore extends from ocean to sound across three (3) barrier islands-Ocracoke, Hatteras, and Bodie-spanning Dare and Hyde counties. Hatteras and Bodie Island are located in Dare County. Within the National Seashore on Bodie Island, NC Highway 12 runs from the Seashore's northern terminus at Whalebone Junction at the Town of Nags Head, to Bodie Island's southern terminus at the Ocracoke Inlet, approximately 9.75 miles to the south. Existing culverts under NC 12 connect a series of canals and abutting wetlands on the east and west sides of NC 12. These connect to the Roanoke Sound along the west side of Bodie Island. Designated overlook areas are located just off the NC 12 right-of-way.

A 5.28 mile length of NC Highway 12 from Whalebone Junction to the Bodie Island District Ranger Station at the Coquina Beach access road is to be improved and widened. The existing roadway will be rehabilitated, existing culverts will be replaced, and the existing 2 foot wide paved shoulder will be expanded to a 5 foot wide paved shoulder.

Anticipated impacts: The improvements will remedy existing safety hazards and improve the conditions for motorists, bicyclists, and pedestrians using this segment of NC 12.

Wetland and stormwater impacts and impacts to public access have not been indicated.

Basis for Determination:

The Dare County 1994 Land Use Plan Land Classification Map identifies the Cape Hatteras National Seashore as "Conservation". The following LUP policies may be applicable to this request:

Coastal Wetlands:

Policy 2.1.2 (a), Page 52:

"Dare County advocates the use of existing state and federal regulatory programs as adequate measures for protecting and preserving coastal wetland areas of environmental concern."

Public Trust Areas:

Policy 2.1.2 (c-1), Page 54:

"Dare County supports the preservation and protection of the public's right to access and use of the Public Trust Areas and Waters."

Estuarine Shorelines:

Policy 2.1.2 (d-1), Page 55:

"Estuarine shoreline development should continue to be managed to protect and preserve the natural resources along the estuarine shoreline."

Freshwater Swamps and Marshes:

Policy 2.1.2 (h-1), Page 60:

"Dare County supports the Coastal Resources Commission's policy to mitigate losses of coastal resources for those projects shown to be in the public interest as defined by the standards in 15NCAC7M.0700 et. seq. and only after all other means of avoiding or minimizing such losses have been exhausted."

(Implementation Strategy

1. In instances when improvements to publicly-owned or managed facilities conflict with freshwater wetland protection programs, an alternatives analysis should be conducted in an effort to avoid wetland loss or alteration... However, should the analysis determine that there is no practicable alternative, a mitigation permit proposal shall be implemented. Mitigation activities and improvements designed as compensation for wetland loss occurring in Dare County shall be located, whenever possible, in Dare County and in proximity to the loss.")

Stormwater Management:

Policy 2.1.5 (b), Page 65:

"Stormwater runoff should be managed to the greatest possible degree to protect the quality of water in all water bodies surrounding Dare County."

Wildlife Resources:

Policy 2.2.6, Page 74:

"Dare County supports the maintenance of several preserve areas for wildlife habitat and access by the public to these areas for managed wildlife harvesting and observation."

Tourism:

Policy 2.3.9-b, Page 87:

"Dare County supports the concept of combining natural resources and tourism to promote the area's ecological values, also known as 'eco-tourism'."

Bikeways/Walkways/Greenways:

Policy 2.3.13, Page 92:

"Dare County supports the development of sidewalks, bike paths, greenways, and walking/jogging trails to provide a safe setting for these types of outdoor recreation in unincorporated Dare County."

Federal and State Support:

Policy 2.3.14-b, Page 93:

"State and Federally funded water and highway transportation projects shall receive the highest level of support, in light of their potential impact on the public safety and the economic health of the area."

Department of Environment and Natural Resources
Office of Legislative and Intergovernmental Affairs
Project Review Form

Project Number 09-0204	County Dare	Date Received 2/4/09	Date Response Due (firm deadline) 2/27/09
SEE WEBSITE ON BACK OF CARD.			

This project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review
<input type="checkbox"/> Asheville	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Soil & Water <input checked="" type="checkbox"/> Marine Fisheries
<input type="checkbox"/> Fayetteville	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Coastal Management
<input type="checkbox"/> Mooresville	<input type="checkbox"/> Aquifer Protection	<input checked="" type="checkbox"/> Wildlife DOT
<input type="checkbox"/> Raleigh	<input checked="" type="checkbox"/> Land Quality Engineer	<input type="checkbox"/> Forest Resources _____
<input checked="" type="checkbox"/> Washington		<input type="checkbox"/> Water Resources <input type="checkbox"/> Environmental Health
<input type="checkbox"/> Wilmington		<input checked="" type="checkbox"/> Parks & Recreation <input type="checkbox"/> Solid Waste Mgmt
<input type="checkbox"/> Winston-Salem		<input checked="" type="checkbox"/> Water Quality DOT <input type="checkbox"/> Radiation Protection
		<input type="checkbox"/> Air Quality <input type="checkbox"/> Other
Manager Sign-Off/Region:		Date:
		In-House Reviewer/Agency:

<p>Response (check all applicable)</p> <p><input type="checkbox"/> No objection to project as proposed</p> <p><input type="checkbox"/> No comment</p> <p><input type="checkbox"/> Insufficient information to complete review</p> <p><input type="checkbox"/> Other (specify or attach comments)</p>
--

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



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

February 10, 2009

MEMORANDUM

To: Melba McGee

From: David Wainwright, ^{DW} NC Division of Water Quality

Subject: Scoping comments on proposed improvements to NC 12 from Whalebone Junction to Bodie Island District Ranger Station in Dare County.
SCH# 09-204

Reference your news release dated January 30, 2009 in which you requested comments for the aforementioned project. Based on the information reviewed, preliminary analysis of the project reveals the potential for multiple impacts to perennial streams and jurisdictional wetlands in the project area. More specifically, impacts to:

Stream Name	River Basin	Stream Classifications	Stream Index Number
Several Unnamed Tributaries to Roanoke Sound	Pasquotank River	SA/HQW	03-01-56

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 National Park Service consider the following environmental issues for the proposed project:

Project Specific Comments:

1. Review of the project reveals the presence of surface waters classified as SA;High Quality Waters (HQW) of the State in the project study area. This is one of the highest classifications for water quality. Pursuant to 15A NCAC 2H .1006 and 15A NCAC 2B .0224, the NPS may be required to obtain a State Stormwater Permit prior to construction.

General Project Comments:

2. Any environmental documentation 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

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604
Phone: 919-733-1786 \ FAX: 919-733-6893
Internet: <http://h2o.enr.state.nc.us/ncwetlands/>

An Equal Opportunity \ Affirmative Action Employer

One
North Carolina
Naturally

3. 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.
4. 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. 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.
5. 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.
6. DWQ is very concerned with sediment and erosion impacts that could result from this project. The NPS 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.
7. 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.
8. If temporary access roads or detours are constructed, the site should 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.
9. Placement of culverts and other structures in waters, streams, and wetlands should 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 should 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 the NC DWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
10. 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.

11. 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.
12. 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.
13. Sediment and erosion control measures should not be placed in wetlands and streams.
14. Borrow/waste areas should avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas could precipitate compensatory mitigation.
15. While the use of National Wetland Inventory (NWI) maps, NC Coastal Region Evaluation of Wetland Significance (NC-CREWS) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.
16. 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.
17. When necessary, the DWQ typically 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.
18. 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 NPS 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 David Wainwright at (919) 715-3415.


cc: Bill Biddlecome, US Army Corps of Engineers, Washington Field Office
Chris Militscher, Environmental Protection Agency (electronic copy)
Travis Wilson, NC Wildlife Resources Commission (electronic copy)
Gary Jordan, US Fish and Wildlife Service (electronic copy)
Cathy Brittingham, Division of Coastal Management
Garcy Ward, DWQ Washington Regional Office
File Copy



☒ North Carolina Wildlife Resources Commission ☒

MEMORANDUM

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

FROM: Travis Wilson, Highway Project Coordinator
Habitat Conservation Program 

DATE: February 23, 2009

SUBJECT: Response to the start of study notification for the National Park Service proposed improvements to NC 12, Dare County, North Carolina.

Biologists on the staff of the N. C. Wildlife Resources Commission (NCWRC) have reviewed the proposed improvements. 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).

At this time we do not have any specific concerns related to this project. To help facilitate document preparation and the review process, our general informational needs are outlined below:

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

NC Natural Heritage Program
Dept. of Environment & Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601.
WWW.ncnhp.org

and,

NCDA Plant Conservation Program
P. O. Box 27647

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

Raleigh, N. C. 27611
(919) 733-3610

2. Description of any streams or wetlands affected by the project. The need for channelizing or relocating portions of streams crossed and the extent of such activities.
3. Cover type maps showing wetland acreages impacted by the project. Wetland acreages should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (COE). If the COE is not consulted, the person delineating wetlands should be identified and criteria listed.
4. Cover type maps showing acreages of upland wildlife habitat impacted by the proposed project. Potential borrow sites should be included.
5. The extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).
6. Mitigation for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.
7. A cumulative impact assessment section which analyzes the environmental effects of highway construction and quantifies the contribution of this individual project to environmental degradation.
8. A discussion of the probable impacts on natural resources which will result from secondary development facilitated by the improved road access.
9. If construction of this facility is to be coordinated with other state, municipal, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

Thank you for the opportunity to provide input in the early planning stages for this project. If we can further assist your office, please contact me at (919) 528-9886.



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

Division of Marine Fisheries

Dr. Louis B. Daniel III, Director

MEMORANDUM:

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

THROUGH: Anne Deaton, Chief Habitat Section *AD*

FROM: Sara E. Winslow, Northern District Manager *SEW*

SUBJECT: Project #09-0204 – Cape Hatteras NPS/Federal Highway Administration Public Scoping

DATE: February 12, 2009

The North Carolina Division of Marine Fisheries submits the following comments pursuant to General Statute 113-131.

The proposed improvements are to rehabilitate the roadway, replace existing culverts and expand the existing paved shoulder to a total width of 5 ft from Whalebone Junction to the Coquina Beach Access Road (5.28 miles).

The tidal creek/channels that flow through the existing culverts serve as nursery areas for a host of estuarine dependent species. Depending on the time period for culvert replacement this agency may request a turbidity curtain be installed to reduce increased levels of turbidity in the system. This agency would also be concerned with any loss/impacts to wetlands associated with the culvert replacements.

If you have any questions please contact me (252-264-3911).

State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: Washington

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 09-0204 Due Date: 2-27-09

After review of this project it has been determined that the ENR permits 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)
<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. 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)
<input type="checkbox"/>	Water Use Permit	Pre-application 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. Pre-application conference usual. Filing 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 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input checked="" type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input checked="" type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900		
<input type="checkbox"/>	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.	N/A	60 days (90 days)
<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 \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (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.		(30 days)
<input type="checkbox"/>	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 acre 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 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 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)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<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 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 \$2000 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)

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	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
<input type="checkbox"/>	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
<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	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 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, NC 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 211.1000 (Coastal Stormwater Rules) is required		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required		
* 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
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4500

Mooreville Regional Office
610 East Center Avenue, Suite 301
Mooreville, 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 Woughtown 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

RECEIVED
FEB 5 2009

HISTORIC PRESERVATION OFFICE

STATE NUMBER: 09-E-0000-0204 F02

DATE RECEIVED: 02/03/2009

AGENCY RESPONSE: 02/26/2009

REVIEW CLOSED: 03/03/2009

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORD
DEPT OF CUL RESOURCES
ARCHIVES-HISTORY BLDG - MSC 4617
RALEIGH NC

REVIEW DISTRIBUTION
ALBEMARLE REG PLANNING COMM
CC&PS - DEM, GTMO
DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: U.S. Dept. of the Interior
TYPE: National Environmental Policy Act
ERD: Scoping

DESC: Highway improvements on 5.28 miles of NC 12 from Whalebone Junction to Bodie Island District Ranger Station, at Cape Hatteras National Seashore, Dare County. View information at <http://parkplanning.nps.gov/caha>.

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.

Secretary's Office
DOA
FEB 17 2009
RECEIVED

ER 05-0168

A - (NC) 2/9/09
LEA

S -

Due 2/19/09

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

NO COMMENT

COMMENTS ATTACHED *letter of Nov. 28, 2005*

SIGNED BY: Renee Gledhill-Earley

DATE: 2-10-09

FEB 06 2009



North Carolina Department of Cultural Resources
State Historic Preservation Office

Peter B. Sandbeck, Administrator

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

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

November 28, 2005

MEMORANDUM

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

FROM: Peter Sandbeck *PSS for Peter Sandbeck*

SUBJECT: Historic Architectural Survey Report and Additional Maps, Proposed Improvements to NC 12 South of Oregon Inlet and Proposed Improvements to NC 12 @ Canal Areas in Northern Pea Island, R-3116E, R-3116F, Dare County, ER 05-0168

Thank you for your letters of January 27, 2005, and September 13, 2005, transmitting the survey report and additional maps by Marvin A. Brown of URS Corporation, for the above project.

For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following property is listed in the National Register of Historic Places:

Oregon Inlet Coast Guard Station, located in the Northern Pea Island/Canal Area

For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following properties are not eligible for listing in the National Register of Historic Places:

Former New Inlet Bridges, Old Sandbag Area
Potential Avon Historic District
Potential Buxton Historic District

For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following properties are eligible for listing in the National Register of Historic Places under the criterion cited:

No. 24, Emma Miller and Jarvis Gray House, 40116 Harbor Road, Avon, is eligible for the National Register under Criterion C for architecture. The house and lot retain a high degree of integrity. The dwelling is a good representative of the I-house form retaining architectural details. The property includes a now rare in-situ cistern. We concur with the National Register boundaries as defined and delineated in the survey report.

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

No. 32, Henrietta Scarborough and Issac T. Meekins House, is eligible for the National Register under Criterion C for architecture. The property retains a high degree of integrity, exhibiting original architectural details and is an excellent example of the story-and-a-jump form, an early vernacular form on Hatteras Island. We concur with the National Register boundaries as defined and delineated in the survey report.

No. 34, Zion Scarborough Cemetery, located between C.C. Gray Road and Harbor Road, Avon, is eligible for the National Register under Criterion A and Criterion Consideration D for its association with the early history and settlement of Avon. The cemetery meets Criterion Consideration D because it is believed to be significant for its association with historic events. We concur with the National Register boundaries as defined and delineated in the survey report.

No. 41, Thomas and Joseph Ann Gray Gray House, 40185 Methodist Church Road, Avon, is eligible for the National Register under Criterion C for architecture. The house retains a high degree of architectural integrity and is an excellent example of the traditional I-house form. We concur with the National Register boundaries as defined and delineated in the survey report.

No. 7, W. Rocky and Cynthia Tolson Rollinson House, 47402 Rocky Rollison Road, Buxton, is eligible for the National Register under Criterion C for architecture. The property is comprised of the house and well and is sited on a wooded lot that is relatively long and extends to Pamlico Sound. The setting retains a high degree of integrity. The house is a good representative of the I-house form. Although the house's original siding has been covered in vinyl, this alteration does not detract from the setting. We concur with the National Register boundaries as defined and delineated in the survey report.

No. 8, Urias O. and Caddie Midgett Gaskins House and Cemetery, is eligible for the National Register under Criterion C and Criterion Consideration D for architecture as a good representative example of the I-house form retaining original details. In addition, the property retains a representative example of a Hatteras Island-family cemetery. We concur with the National Register boundaries as defined and delineated in the survey report.

Please note that the Pea Island National Wildlife Refuge was determined eligible for listing in the National Register on September 17, 2003. It's proposed National Register boundaries encompass the entire national refuge property.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763. In all future communication concerning this project, please cite the above-referenced tracking number.

cc: Mary Pope Furr, NCDOT
Marvin A. Brown, URS Corporation

bc: Southern/McBride
County

"Gledhill-earley,
Renee" To: "Doug
Stover (Doug Stover)" <Doug_Stover@nps.gov>
<renee.gledhill-earley cc: "Shearin,
Renee" <renee.shearin@ncdcr.gov>
<renee.gledhill-earley Subject:
@ncdcr.gov>
Improvements to NC 12 from Whalebone Junction to 5.28 miles South

04/24/2009 03:54 PM
AST

Doug:

Sorry that it has taken me a while to get back to your April 8, 2009, email explaining that the letter we attached to the State Clearinghouse scoping form was for the wrong NC 12 project. I hope you will use this email as our comments on the project referenced in the Subject line.

We have reviewed the proposed 5.82 miles of improvements on NC 12 from Whalebone Junction and determined that there are no historic properties that are likely to be affected by the project as proposed including the widening of paved shoulders, replacement of culverts, and overlay.

I'll copy these comments into our database so there is a permanent record of our correcting the comments provided to the Clearinghouse.

Renee G-E

--

Renee Gledhill-Earley
Environmental Review Coordinator
NC State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617
Phone: 919-807-6579 Fax: 919-807-6599
<http://www.hpo.dcr.state.nc.us>

Special Notice: The State Historic Preservation Office has moved to 109 E.

Jones Street. However, our mailing address remains the same.

This message does not necessarily represent the policy of the Department of Cultural Resources. E-Mail to and from me, in connection with the transaction of public business, is subject to the North Carolina Public Records Law (N.C.G.S. 132) and may be disclosed to third parties.

From: Gary_Jordan@fws.gov [mailto:Gary_Jordan@fws.gov]
Sent: Thursday, May 14, 2009 1:55 PM
To: Landers, Lisa
Cc: Travis.Wilson@ncwildlife.org
Subject: Re: Cape Hatteras National Seashore NC 12 Roadway Improvements

Ms. Landers,

Due to the absence of suitable habitat for any of the listed species in Dare County, the USFWS concurs with your determination that the project will have no effect on federally threatened or endangered species under our purview. Please note that the shortnose sturgeon (*Acipenser brevirostrum*) is under the purview of the National Marine Fisheries Service.

Gary Jordan
US Fish and Wildlife Service
PO Box 33726
Raleigh, NC 27636-3726

Phone (919) 856-4520 ext. 32
Fax (919) 856-4556
gary_jordan@fws.gov



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

July 7, 2009

Ms. Lisa Landers
Federal Highway Administration
Eastern Federal Lands Highway Division
21400 Ridgetop Circle
Sterling, VA 20166

2009 JUL 13 PM 12:09
RECEIVED

Subject: Bodie Island Entrance Road Shoulder Widening; Cape Hatteras National Seashore; Dare County

Dear Ms. Landers:

The Natural Heritage Program has several records of rare species, significant natural communities, significant natural heritage areas, and conservation/managed areas in the project area.

The most significant feature in the project area is the Bodie Island Roadside Ponds and Marshes significant natural heritage area, of Regional significance. This natural area is also a Registered Natural Heritage Area, protected by a signed agreement between the National Park Service and the N.C. Department of Environment and Natural Resources. Several rare animals – the State Special Concern black rail (*Laterallus jamaicensis*) and the State Significantly Rare marsh killifish (*Fundulus confluentus*) – are known from the site. The site's most important features are the wetlands – the natural fresh to slightly brackish marshes and the numerous man-made ponds, which provide habitat for waterfowl and other waterbirds. Though the eastern boundary of the Registered Natural Heritage Area is NC 12 – technically, the western edge of the road right-of-way, it is highly unlikely that the addition of 3' of pavement to the western side of NC 12 will impact the wetlands, as there is an existing grassy upland right-of-way between the pavement and the wetlands. Nonetheless, it is important that sedimentation from construction of the project not reach these wetlands, nor should any expansion of the right-of-way be extended westward into the wetlands.

In addition, there is a somewhat vague record of the State Significantly Rare sand heather (*Hudsonia tomentosa*) from "Bodie Island: in dunes near northern Park Service boundary", dated Sept. 13, 1985. As there are scattered, tiny sandy openings amid the maritime shrub thickets alongside NC 12 within a mile of Whalebone Junction (US 64), especially along the eastern side of NC 12, this species may well occur in these openings. As stated above, there is a grassy right-of-way alongside NC 12, and paving an additional 3' likely will not impact this plant. Nonetheless, a survey for this plant is recommended. It is easily visible and identifiable for most of the year. Our Program would appreciate any results from a survey for this species, in order to update this record.

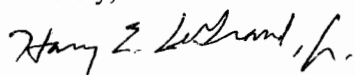
You may wish to check the Natural Heritage Program database website at www.ncnhp.org for a listing of rare plants and animals and significant natural communities in the county and on the quad map. Our Program also has a new website that allows users to obtain information on element occurrences and significant natural heritage areas within two miles of a given location:

<http://nhpweb.enr.state.nc.us/nhis/public/gmap75_main.phtml>. The user name is "public" and the password is "heritage". You may want to click "Help" for more information.

NC OneMap now provides digital Natural Heritage data online for free. This service provides site specific information on GIS layers with Natural Heritage Program rare species occurrences and Significant Natural Heritage Areas. The NC OneMap 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 and access, visit <www.nconemap.com>, then click on "FTP Data Download", and then "nheo.zip" [to the right of "Natural Heritage Element Occurrences"]. You may also e-mail NC OneMap at <dataq@ncmail.net> for more information.

Please do not hesitate to contact me at 919-715-8697 if you have questions or need further information.

Sincerely,



Harry E. LeGrand, Jr., Zoologist
Natural Heritage Program

Enclosure

cc: staff, Cape Hatteras National Seashore