

North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

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

November 8, 2012

Andy Henry
Transportation Planner
Durham-Chapel Hill-Carrboro MPO
City of Durham – Transportation Department
101 City Hall Plaza, 4th Floor
Durham, NC 27701

Re: Durham-Chapel Hill-Carrboro MPO Long Range Transportation Plan, Durham and Orange Counties,
ER 12-1853

Dear Mr. Henry:

Thank you for your email of October 11, 2012, transmitting the GIS shape files for the proposed transportation plan cited above.

Unfortunately, the Office of State Archaeology does not currently have the technology necessary to use GIS shape files. As a consequence, we are unable to review your transportation plan for its potential effects to archaeological resources. In addition, the map attached to your email is not printable. If possible, could you forward the project information and locations to us on maps, preferably USGS quadrangle maps?

We apologize for any inconvenience this may cause. You will be pleased to know that we are in the process of acquiring the needed GIS technology and should be able to accept future shape files in about one year.

We have conducted a search of our maps and files and located the following properties of historical or architectural importance within the general project area. Please be aware, only currently identified historic properties are given. New resources will be identified in the future and historic architectural survey work may be required for some projects.

2020 MTP

Hopson Road (Project ID #202), from Davis Drive to NC 54

- O'Briant Farm Complex (DH 2505)* DOE
Aerial photographs show the house and outbuildings were demolished circa 2006.

NC 55 (75), from NC 147 to NC 98

- Golden Belt Historic District (DH 0522) NR
- East Durham Historic District (DH 2184) NR
- Wright's Automotive Machinery Company (DH 1916) NR/Local Landmark
- Branson (Asbury Temple) Methodist Church (DH 1642) DOE/SL

- Mill Park Service Station/Pure Oil Gas Station (DH 1596) DOE/SL
- Holloway St. Historic District Boundary Expansion (DH 2662) DOE

Roxboro/Latta/Infinity Intersection (92.1)

- West Point on the Eno (DH 0519) NR

South Columbia Street (98), from NC 54 to Erwin Road

- West Chapel Hill Historic District (OR 1439) NR
- Merritt's Store (OR 1252) SL
- Cameron-McCauley Historic District (OR 1258) Local District

2030 MTP

Estes Drive (17.1), from Seawell School Road to Greensboro Road

- Weaver House (OR 0272) DOE/SL

Fayetteville Road (23), from Woodcroft Parkway to Cornwallis Road

- Berea Baptist Church and Cemetery (DH 2171) SL

I-40/NC 54 Interchange (203)

- Leigh Farm (DH 0006) NR
- Walter Curtis Hudson Farm and Store (DH 2373) SL

Jack Bennet Road/Lystra Road (50.11), from US 15-501 to Farrington Mill/Point Road

- Evander Rigsbee House (CH 0237)* DOE
Aerial photographs show that the house was demolished circa 2010.

NC 54/US 15-501 Bypass (73), from NC 54 to US 15-501

- Rocky Ridge Historic District (OR 0303) and Boundary Expansion (OR 1748) NR
- Merritt's Store (OR 1252) SL

Orange Grove Connector (89.3), from Orange Grove Road to US 70

- Hillsborough Historic District (OR 0077) NR

Roxboro Road (92), from Duke Street to Goodwin Road

- West Point on the Eno (DH 0519) NR

2040 MTP

Fayetteville Road (22.1), from Renaissance Parkway to NC 751

- Massey's Chapel United Methodist Church (OR 2447) Local Landmark

I-40 Managed Lanes (45), from I-85 to US 70

- Leigh Farm (DH 0006) NR
- Walter Curtis Hudson Farm and Store (DH 2373) SL

NC 54 Superstreet (70.3), from Burning Tree to Meadowmont Drive

- Dubose Staff (Meadowmont) Tenant Complex (OR 0335)* DOE
Much of the site has been developed since it was determined eligible in 1994, but at least one structure

appears to remain along NC 54.

NC 751 (77.3), from Renaissance Parkway to O’Kelly Chapel Road

- O’Kelly’s Chapel (OR 0247) NR

Northern Durham Parkway (84), from I-85 North to Old Oxford Highway

- George Clements Farm (DH 2235) SL

Northern Durham Parkway (85), from Old Oxford Highway to Roxboro Road

- Bennahan-Cameron Historic District (DH 2169) DOE
- George Clements Farm (DH 2235) SL

Old NC 86 (87), from Lafayette Drive to US 70 Business

- Hillsborough Historic District (OR 0077) NR

CTP

Alston Avenue Extension (5), from Holloway Street to Old Oxford/Roxboro

- East Durham Historic District (DH 2184) NR
- Wright’s Automatic Machinery Company (DH 1916) NR/Local Landmark
- Holloway St. Historic District Boundary Expansion (DH 2662) DOE
- City Stables (DH 0813) SL

Hillandale Road (31), from Carver to Horton Road

- Croasdaile Tenant Farm #2 (DH 2272) SL

Midland Terrace (61), from Dearborn to Old Oxford Road/Hamlin Road

- Catsburg Store and Cat Belvin House (DH 2223) SL
- Thompson House (DH 2129) SL

NC 147 Managed Lanes and General Purpose Widening (64 and 64.11), from Alston Avenue to East End Connector

- Durham Cotton Mills Village Historic District (DH 1709) NR

NC 751 (76), from US 64 (MAB) to O’Kelly Chapel Road

- O’Kelly’s Chapel (CH 0274) NR

O’Kelly Chapel Road (85.2), from NC 751 to Wake County line

- O’Kelly’s Chapel (CH 0274) NR

Old Oxford Road (88), from Roxboro Road to Northern Durham Parkway

- Catsburg Store and Cat Belvin House (DH 2223) SL
- Thompson House (DH 2129) SL
- George Clements Farm (DH 2235) SL

Roxboro Street South (94.1), from Summit to East Lakewood

- Forest Hills Historic District (DH 0830) NR
- Hillside High School (Whitted School) (DH 2591) SL

US 70 Bypass (117), from NC 86 to I-85 (exit 170)

- | | |
|--|-------------|
| ▪ Occoneechee Speedway (OR 1542) | NR |
| ▪ Montrose (OR 0050) | NR |
| ▪ Ayr Mount (OR 0002) | NR |
| ▪ Hillsborough Historic District (OR 0077) | NR/Local HD |

NR: *Listed in the National Register*

DOE: *Determined eligible for listing in the National Register*

SL: *Placed on the State Study List, a preliminary step in the review of a potential nomination to the National Register*

The above comments are advisory only and do not satisfy the requirements of Section 106 of the National Historic Preservation Act. Environmental review for each project will be required at the appropriate time. At this time we have no comments on any other projects proposed in the draft MTP or CTP.

The locations of the above historic properties are available on our GIS website, [HPO WEB](#). Please let us know if you would like shapefiles of our GIS data or records from our historic properties database. For properties listed in the National Register, the nominations and select photographs are available on our [website](#). Projects affecting local historic districts and/or landmarks may require additional consultation with the appropriate local historic commission.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above-referenced tracking number.

Sincerely,



for Ramona M. Bartos

cc: Ellen Beckmann, City of Durham/Transportation Department, ellen.beckmann@durhamnc.gov
 Mary Pope Furr, NCDOT, mfurr@ncdot.gov
 Lisa Miller, Durham Historic Preservation Commission, lisa.miller@durhamnc.gov
 Kendal Brown, Chapel Hill Historic District Commission, kbrown@townofchapelhill.org
 Stephanie Trueblood, Hillsborough HDC, stephanie.trueblood@hillsboroughnc.org
 Rich Shaw, Orange County Historic Preservation Commission, rshaw@co.orange.nc.us

From: Milazzo II, Joe <Joe@letsgetmoving.org>
Sent: Wednesday, November 14, 2012 4:08 PM
To: Henry, Andrew
Cc: Beckmann, Ellen; Ahrendsen, Mark; Milazzo II, Joe
Subject:RTA comments on draft DCHC MTP

Andy,

See below for RTA comments for the Durham-Chapel Hill-Carrboro MPO portion of the draft MTP.

In summary:

- Group 1 offers support for several projects in the draft MTP of regional importance.
- Group 2 request consideration of an interchange on US 70 at Miami (i.e., an acceleration of a portion of the US 70 freeway conversion project)
- Group 3 offers support for an expected acceleration of a managed lane project in the MTP
- Group 4 represents consideration of a requested acceleration of the remainder of the managed lane projects
- Group 5 represents consideration of a focus on intersections to potentially focus and enhance improvement efforts, save costs, and reduce negative impacts

Please let me know if you have questions.

Joe

Joe Milazzo II, PE
Executive Director
Regional Transportation Alliance

Regional Transportation Alliance
Comments on Draft MTP for DCHC MPO as of November 14, 2012

Group 1. We support several projects as they are currently described in the Preferred Option, including the following:

- * MPO project 15, East End Connector in 2020 MTP
- * MPO project 43, I-40 widening, between US 15-501 and NC 86, in 2020 MTP
- * MPO project 44, I-40 widening, between NC 86 and I-85, in 2020 MTP
- * MPO project 45.2, I-40 managed lanes, between NC 147 and US 15-501, in 2040 MTP
- * MPO project 45.1, I-40 managed lanes, between US 15-501 and NC 86, in CTP
- * MPO project 116, US 70 Freeway conversion, between Lynn Rd (Durham) and future Aviation freeway (Wake), in 2030 MTP

NOTE: Given the size of the MPO draft MTP list of priorities, we have selected a few projects of particular regional importance.

Group 2. We request the creation and implementation of this project:

* MPO project "116.1", US 70/Miami Blvd interchange – either initial or ultimate configuration, in 2020 MTP (preferred) or 2030 MTP.

NOTE: This project would represent an acceleration of a small portion of the overall US 70 Freeway conversion (MPO project 116, 2030 MTP).

NOTE: This project would complement the funded East End Connector project (construction FY 2014-17 draft STIP) and US 70/Brier Creek interchange project (construction FY 2017 draft STIP) and leverage these investments.

NOTE: \$35.1m is the estimated cost in Mobility Fund for the ultimate interchange configuration. However, our request is a flexible request – either the ultimate configuration could be built, or a simplified grade separation design with lower impacts that uses square loops, etc.

NOTE: This request could be replaced by or augmented with any combination of lower impact designs at one or more locations (e.g., some combination of Miami, Page, Leesville, Pleasant).

Group 3. We support the anticipated acceleration of the following project:

* MPO project 45, I-40 managed lanes, between Wake County and NC 147, from 2040 MTP to 2030 MTP

Group 4. We request consideration of further acceleration of the following project:

* MPO project "45.3", I-40 managed lanes, between NC 147 and NC 86, from 2040 MTP and CTP to 2030 MTP, perhaps in concert with project 43 (construction FY 2017-20 draft STIP), as an express lanes project.

NOTE: This project represents an acceleration of a portion of projects 45, 45.1, and 45.2.

NOTE: This is a request to see if the upcoming widening project could be augmented by a review of the potential for tolls to accelerate the fourth (managed) lane for all or a portion of the future managed lane corridor.

Group 5. We offer a general request or support for a focus on improving nodes (intersections) before simply widening links (roads between intersections). Two suggested techniques to consider are:

- Interchange and intersection improvements including conversion to interchange, including low impact interchanges involving a simple grade separation and "square loops" for turning roadways.
- High-performance roundabouts at major intersections region wide, including controlled (metered) roundabouts to address peak capacity challenges and limit the number of roundabout

circulating lanes.

NOTE: It is our understanding that the MPO planning model focuses on link capacity and cannot easily discern improvements at nodes (intersections) unless the node or adjacent links are given freeway/limited access attributes. Given that limitation, perhaps the model can help identify problem corridors and prompt a subsequent focus on prioritizing intersection improvements for selected corridors where possible. Identifying intersection improvements in lieu of road widenings can help preserve the character of a selected corridor, reduce impacts to adjacent land use along the roadway, and potentially reduce costs and/or allow more improvements at the intersection itself that can provide benefits all day to travelers of all modes of transportation.

From: Milazzo II, Joe <Joe@letsgetmoving.org>
Sent: Friday, November 16, 2012 9:32 AM
To: Henry, Andrew
Cc: 'Ward, Kyle (Kyle.Ward@campo-nc.us)'; dkward2@yahoo.com; Lukasina, Chris (Chris.Lukasina@campo-nc.us)
Subject: RE: RTA comments on draft DCHC MTP

Andy,

Regarding the RTA request on US 70 from earlier this week for the DCHC draft MTP:

* DCHC MPO project "116.1", US 70/Miami Blvd interchange – either initial or ultimate configuration, in 2020 MTP (preferred) or 2030 MTP. I wanted to let you know that I learned from Kyle Ward (CAMPO) that the draft MTP for the CAMPO area has been revised to include interchanges for both Brier Creek Parkway and TW Alexander Drive. I did not realize that had occurred until Kyle pointed that out to me yesterday morning at their TCC meeting (City of Raleigh request).

So this information would amplify one of the notes for the RTA Miami Blvd interchange request, in that an interim or ultimate interchange at Miami would complement the funded East End Connector project (construction FY 2014-17 draft STIP) and US 70/Brier Creek interchange project (construction FY 2017 draft STIP) and inclusion of US 70/TW Alexander Drive interchange (by FY 2020 in CAMPO draft MTP) and leverage these investments.

Kyle or Chris, please confirm, amplify, or correct the above as necessary.

Thanks,
Joe



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

B. EVERETT JORDAN DAM AND LAKE
POST OFFICE BOX 144
MONCURE, NORTH CAROLINA 27559

November 21, 2012

Ellen Beckmann
City of Durham/Transportation Department
101 City Hall Plaza
Durham, North Carolina 27701

Dear Ms. Beckmann:

This letter is provided in response to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) request for comments on the Draft Comprehensive Transportation Plan Update - 2040 Metropolitan Transportation Plan (MTP) and the Comprehensive Transportation Plan (CTP). We appreciate the Geographic Information System (GIS) data provided to assist in our review and the opportunity to provide comments. A copy of our September 11, 2008 comments on the DCHC-MPO 2035 Regional Long Range Transportation Plan is also enclosed for reference. We have the following comments:

The MTP-CTP Roadway Project List includes a number of proposed projects crossing government property under the stewardship of the US Army Corps of Engineers (USACE) at B Everett Jordan Lake.

Project #'s	Name	Action
230	SW Durham Drive (George King Road)	New Location
5.3	Barbee Chapel Road	Widening
19, 20	Farrington Mill Road	Widening
21	Farrington Road	Widening
45	I-40	Widening
50.11	Jack Bennet/Lystra Road	Widening
69.1, 69.2, 70	NC54	Widening
76, 77.2, 77.3, 78	NC 751	Widening
85.2	O' Kelly Chapel Road	Widening
95.11	Scott King Road	New Location
101	Stage Coach Road	Widening

When proposing a project that may adversely impact public lands at Jordan Lake all practicable alternatives that eliminate the need for the use of government property must be utilized first. Requests for use of government property administered by the USACE are reviewed in compliance the USACE Non-Recreational Outgrant Policy and the National Environmental Policy Act (NEPA). Requests for the expansion of existing road rights of way on government property for "Widening" (Projects 5.3, 19, 20, 21, 45, 50.11, 69.1, 69.2, 70, 76, 77.2, 77.3, 78, and 85.2) may be considered on a case by case basis. Requests for use of

government property for roads on a “New Location” (Projects 230 and 95.11) would not be considered unless the road is designated as regional artery or freeway.

Project 101 includes widening of Stage Coach Road (SR 1107) on government property. Please note that the easement provided by the government to the North Carolina Department of Transportation (NCDOT), DACW-21-2-02-3413 (enclosed), contains the following condition. “Any future improvements or alterations to SR1107 must occur within the right of way granted in this easement. Based on the location of this roadway (SR1107) and potential adverse impacts associated with further widening or raising, the Corps has determined that no further right of way will be authorized for this roadway (SR1107). The NCDOT should work with local transportation planning entities to ensure that consideration of alternatives that do not involve impacts to public lands are prioritized during planning of all future transportation infrastructure.” Any proposal for changes to SR1107 crossing government property must comply with easement conditions.

The MTP-CTP Transit Project List includes a Light Rail Transit project crossing government property along Little Creek. Please reference the enclosed copy of our December 22, 2011 letter regarding this project.

If use of government property is requested, depending on the scope of the proposed action the preparation of an environmental assessment (EA) in compliance with NEPA may be required as part of the USACE review. Please note that given the active protection and conservation of resources on public lands impacts to these resources are typically considered to be of greater severity than impacts to resources not on public lands. If a preferred alternative impacting public lands is presented, the NEPA document would need to clearly demonstrate that the use of public lands would result in less adverse impacts than not using public lands. If an alternative crossing public lands were selected, mitigation would be required for unavoidable adverse impacts. Mitigation for adverse impacts is required whether or not the impacts occur within or outside existing rights of way crossing government property. For road and transit projects the total footprint of the proposed action including any relocation of utilities or other infrastructure must be considered.

The areas of government property that may be impacted by the proposed road and transit crossings are designated as permanent wildlife lands. The areas are leased by the USACE to the State of North Carolina and managed by the North Carolina Wildlife Resource Commission (NCWRC) as part of their game lands program. Coordination with the NCWRC regarding impacts to their activities and programs would be required. Portions of the proposed crossings would also impact areas designated as Significant Natural Areas by the North Carolina Natural Heritage Program (NCNHP). Coordination with the NCNHP regarding impacts to these areas would be required.

The proposed road and transit projects would also impact wetlands and waters of the United States under the jurisdiction of the USACE pursuant to Section 404 of the Clean Water Act. Proposed work in jurisdictional areas, regardless of whether the activity is located on Government property, must be coordinated with the USACE Regulatory Division, Raleigh Regional Field Office, telephone 919-554-4884.

Given the potential for adverse impacts to public lands and resources we ask that coordination regarding the proposed road and transit projects on government property begin as early in the planning process as possible. Request for use of additional government property or notification of actions within existing road rights of way on government property should be provide in writing to my office. Information on requesting use of government property is provided on our District web page at www.saw.usace.army.mil/recreation/LandUse/index.htm.

Thank you for the opportunity to comment. If you require any additional information or clarification please contact Mr. Michael Hosey at 919-542-4501 extension 26 or via e-mail at michael.l.hosey.ii@usace.army.mil.

Sincerely,



R. C. Duckson
Operations Project Manager (Acting)

Enclosures

Copy Furnished:

CESAW-RG-R-Jean Gibby
NCNHP-Linda Pearsall
NCWRC-Chris Dawes
NCWRC-Travis Wilson



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

B. EVERETT JORDAN DAM AND LAKE
POST OFFICE BOX 144
MONCURE, NORTH CAROLINA 27559

September 11, 2008

Mr. Andrew Henry
City of Durham, Transportation Division
101 City Hall Plaza
Durham, NC 27701

Dear Mr. Henry:

Reference the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's (DCHC MPO) request for comments during the evaluation of the 2035 Regional Long Range Transportation Plan. We have the following comment regarding potential adverse impacts to public lands and resources under the stewardship of the US Army Corps of Engineers at B. Everett Jordan Lake.

The various alternative maps depict upgrades of several roadways crossing Federal property at Jordan Lake. It appears that expansion of these roadways may require additional rights of way beyond existing North Carolina Department of Transportation (NCDOT) rights of way crossing Government property and/or force relocation of utilities easements to new locations on Government property. Any proposed expansion of existing roads, widening of rights of way, and/or relocation of utilities should avoid and minimize adverse impacts to public lands. Mitigation will be required for adverse impacts to Government property/resources and programs reliant on those resources. Note that mitigation for adverse impacts will be required whether or not the impacts to Government resources occur within or outside existing rights of way crossing Government property. Items that would be considered during our review of any proposed action include but are not limited to minimization of total footprint, wildlife passage, forest fragmentation, noise, runoff directly into streams, stream flow, flood flow, flood storage capacity, riparian buffers, shading, wetlands, aesthetics, recreational access, marketable timber, cultural and archeological resources, special status species, and impacts to any programs dependant on resources affected. Depending on the scope of the proposed action an environmental assessment in compliance with the National Environmental Policy Act (NEPA) may be required as part of the Corps review of any request for use of Government property.

The areas of Government property crossed by the roadways identified for expansion are leased to the State of North Carolina and managed by the North Carolina Wildlife Resource Commission (NCWRC) as part of their game lands program. Coordination with the NCWRC regarding impacts to their activities and programs will also be required. Impacts to wetlands and/or waters of the United States will require coordination with the Corps of Engineers Raleigh Regulatory Field Office regarding compliance with Section 404 of the Clean Water Act.


One alternative indicates that SR 1107, Stage Coach Road, would be upgraded to a 4 to 5 lane divided roadway crossing Government property. Please note that the easement provided by the Government to the NCDOT (DACW-21-2-02-3413 attached) contains the following condition. "Any future improvements or alterations to SR1102 must occur within the right of way granted in this easement. Based on the location of this roadway (SR1107) and potential adverse impacts associated with further widening or raising, the Corps has determined that no further right of way will be authorized for this roadway (SR1107). The NCDOT should work with local transportation planning entities to insure that consideration of alternatives that do not involve impacts to public lands are prioritized during

planning of all future transportation infrastructure.” Any proposal for changes to SR1107 crossing Government property must comply with easement conditions.

Given the potential for adverse impacts of linear projects traversing forested areas and riparian corridors we ask that coordination regarding any proposed roadway expansion begin as early in the planning process as possible. Any request for use of Government property or notification of actions within an existing easement areas at Jordan Lake should be provide in writing to my office. Information on requesting use of Government property may be found on our land use request web page at <http://www.saw.usace.army.mil/recreation/LandUse/index.htm>.

Thank you for the opportunity to comment on the proposed plan. If you require any additional information or clarification please contact Mr. Michael Hosey at 919-542-4501 extension 26 or via e-mail at michael.l.hosey.ii@usace.army.mil.

Sincerely,



Craig Shoe
Operations Manager

Enclosure

Copy Furnished:

NCWRC - Isaac Harrold
CESAS-RE-N – Curtis Pope
CESAW-RG-R – Jean Manuele



**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

B. EVERETT JORDAN DAM AND LAKE
P.O. Box 144
MONCURE, NORTH CAROLINA 27559

December 22, 2011

DCHC-MPO Transportation Advisory Committee
Attn: Mr. Andy Henry, Transportation Planner
101 City Hall Plaza, 4th Floor
Durham, North Carolina 27701

Dear Mr. Henry:

This letter is in response to the Durham, Chapel Hill, Carrboro - Metropolitan Planning Organization (DCHC-MPO) Transportation Advisory Committee's request for public comments as part of the Locally Preferred Alternative selection process for the proposed Triangle Transit Authority (TTA) Light Rail Transit project. We have reviewed the TTA Durham-Orange County Corridor Alternatives Analysis report.

As depicted in the report Alignment C1 (Sheets C1-03 and 04) and Alignment C2 (Sheet C2-02, 03, and 04) would cross government property under the stewardship of the US Army Corps of Engineers (USACE) at B. Everett Jordan Lake. Alignment C1 is identified as the preferred alternative. The report also depicts an alternative alignment that would not cross government property; the green line shown on Sheet C1-04A. This unnamed alternative does however cross private property on which the government holds a flowage easement. We have not received a request for use of government property from the TTA.

The TTA report refers to the potential for impacts to government property at Jordan Lake but provides no specific information on impacts. If the TTA chooses to submit a request for a right-of-way easement crossing government property the request should clearly demonstrate why alternatives that do not adversely impact government property were not selected. This would include information on the direct, secondary, and cumulative impacts to resources on and off of government property for each alternative. Based on the limited information provided, it appears that Alignment C1 would have more adverse impacts to government property and resources than Alignment C2.

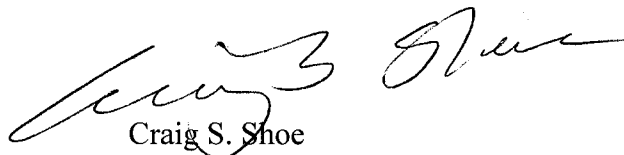
The congressionally authorized purposes of the Jordan Lake project are flood control, water supply, water quality, recreation, and fish and wildlife conservation. In addition to these authorized purposes, the permanent wildlife lands in the area of the proposed crossings serve as mitigation for adverse impacts from construction of Jordan Lake. The area is leased to the State of North Carolina and managed by the North Carolina Wildlife Resource Commission (NCWRC) as part of their game lands program. Portions of a Significant Natural Heritage Area as designated by the NC Natural Heritage Program (NCNHP) are located in the alignments. The alignments are also within the lake's flood storage pool, which is subject to inundation up to elevation 245 feet mean sea level. A route crossing government property must be avoided and

minimize adverse impacts to these resources. Mitigation would be required for unavoidable adverse impacts.

Government property at Jordan Lake is administered by the USACE Wilmington District Operations Division. Requests for use of government property at Jordan Lake should be submitted in writing to my office. Requests are reviewed in compliance with USACE policies for out-granting of government property and the National Environmental Policy Act (NEPA). The determination to approve or deny a requested use would be made after the review process has been completed and the requirements of NEPA have been satisfied. It is our understanding that the Federal Transit Administration (FTA) (based on use of federal funding) and the USACE Regulatory Division (based on possible impacts to jurisdictional wetlands) will also be involved in the route selection process. Coordination to satisfy NEPA requirements among federal agencies will facilitate the process.

We appreciate the efforts by the TTA and DCHC-MPO to address the need for efficient and effective public transportation. Thank you for the opportunity to comment. If you require any additional information please contact Mr. Michael Hosey at 919-542-4501 extension 26.

Sincerely,



Craig S. Shoe
Operations Project Manager
B. Everett Jordan Dam & Lake
Cape Fear River Locks & Dams

Copy Furnished:
NCWRC - Isaac Harrold
NCWRC - Travis Wilson
NCNHP - Linda Pearsall
USACE Regulatory – Jean Gibby
USACE Regulatory – John Thomas

DISTRIBUTION: DATE 6/8/04; CESAS-RE-RM ___; CESAW-OP-FJ ; CESAS-RE-N ___;
NCDOT _____

NO. DACW21-2-03-3413
DEPARTMENT OF THE ARMY
EASEMENT FOR PUBLIC ROAD
LOCATED ON
B. EVERETT JORDAN DAM AND LAKE
DURHAM COUNTY, NORTH CAROLINA

THE SECRETARY OF THE ARMY under and by virtue of the authority vested in the Secretary by Title 10, United States Code, Section 2668, having found that the granting of this easement will not be against the public interest, hereby grants to **STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as the Grantee, an easement for a road, hereinafter referred to as the facilities, over, across, in and upon the lands of the United States as identified in Exhibits A, B, B-1, B-2, B-3, and B-4, attached hereto and made a part hereof, hereinafter referred to as the premises.

THIS EASEMENT is granted subject to the following conditions:

1. TERM

This easement is granted in perpetuity.

2. CONSIDERATION

The Grantee shall pay in advance to the United States the amount of THREE THOUSAND TWENTY FIVE DOLLARS (\$3,025) in full for the administrative fees associated with the processing of this easement agreement. Payment shall be made to the Finance and Accounting Officer, Wilmington District, and delivered to the U.S. Army Corps of Engineers, Savannah District, North Carolina Area Real Estate Office, P.O. Box 350, Moncure, North Carolina 27559.

3. NOTICES

All correspondence and notices to be given pursuant to this easement shall be addressed, if to the Grantee, to the State of North Carolina Department of Transportation, Division of Highways, 1546 Mail Service Center, Raleigh, North Carolina 27699-1546, and if to the United States, to the Commander, U. S. Army Engineer District, Savannah, ATTN: CESAS-RE, 100 West Oglethorpe Avenue, (31401-3640), P. O. Box 889, Savannah, Georgia 31402-0889, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

EASEMENT NO. DACW21-2-03-3413

B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", "Installation Commander", or "said officer" shall include their duly authorized representatives. Any reference to "Grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE DISTRICT ENGINEER

The construction, operation, maintenance, repair or replacement of said facilities, including culverts and other drainage facilities, shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, Wilmington District, hereinafter referred to as said officer. Upon the completion of any of the above activities, the Grantee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The Grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

7. CONDITION OF PREMISES

The Grantee acknowledges that it has inspected the premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The Grantee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.

9. PROTECTION OF GOVERNMENT PROPERTY

The Grantee shall be responsible for any damage that may be caused to property of the United States by the activities of the Grantee under this easement, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all causes. Any property of the United States damaged or destroyed by the Grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Grantee to a

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the Grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with government work, to make inspections, to remove timber or other material, except property of the Grantee, to flood the premises and/or to make any other use of the lands as may be necessary in connection with government purposes, and the Grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. RIGHT TO CONNECT

The United States reserves the right to make such connections between the road or street herein authorized and roads and streets on other Government lands as said officer may from time to time consider necessary, and also reserves to itself rights-of-way for all purposes across, over or under the right-of-way hereby granted; provided that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the Grantee of the right-of-way herein granted.

12. OTHER AGENCY AGREEMENTS

It is understood that the provisions of the conditions on **SUPERVISION BY THE DISTRICT ENGINEER** and **RIGHT TO ENTER** above shall not abrogate or interfere with any agreements or commitments made or entered into between the Grantee and any other agency of the United States with regard to financial aid to the Grantee in connection with the construction, maintenance, or repair of the facilities herein authorized.

13. TERMINATION

This easement may be terminated by the Secretary upon thirty (30) days written notice to the Grantee if the Secretary shall determine that the right-of-way hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Secretary for failure of the Grantee to comply with any or all of the conditions of this easement, or for non-use for a period of two (2) years, or for abandonment.

14. SOIL AND WATER CONSERVATION

The Grantee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

be constructed by the Grantee during the term of this easement, and the Grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the premises resulting from the activities of the Grantee shall be corrected by the Grantee as directed by said officer.

15. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground and water. The Grantee shall comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The Grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state, interstate, and local laws and regulations. The Grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The Grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the Grantee's activities, the Grantee shall be liable to restore the damaged resources.

16. ENVIRONMENTAL BASELINE SURVEY

An Environmental Baseline Survey (EBS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances is attached hereto and made a part hereof as Exhibit "C". Upon expiration, revocation or termination of this easement, another EBS shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the District Engineer in determining any environmental restoration requirements. Any such requirements will be completed by the Grantee in accordance with the condition on **RESTORATION**.

17. HISTORIC PRESERVATION

The Grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the premises, the Grantee shall immediately

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

18. NON-DISCRIMINATION

a. The Grantee shall not discriminate against any person or persons because of race, color, religion, sex, age, handicap, or national origin.

b. The Grantee, by acceptance of this easement, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 195) issued as Department of Defense Directive 5500.11 and 1020.1; and Army Regulation 600-7. This assurance shall be binding on the Grantee, its agents, successors, transferees, and assignees.

19. RESTORATION

On or before the expiration, termination, or revocation of this easement, the Grantee shall, without expense to the United States and within such time as said officer may indicate, restore the premises to the satisfaction of said officer. In the event the Grantee shall fail to restore the premises, at the option of said officer, said improvements shall either become the property of the United States without compensation therefore, or said officer shall have the option to perform the restoration at the expense of the Grantee, and the Grantee shall have no claim for damages against the United States or its officers or agents for such action.

20. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the premises are concerned; and the Grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity for obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344), or any other permit or license which may be required by Federal, state, interstate or local laws in connection with the use of the premises.

21. SPECIAL TERMS AND CONDITIONS:

a. The Grantee shall obtain all necessary local, state, and Federal permits **prior** to commencing activities on property of the United States.

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

b. The Grantee shall coordinate with all utilities impacted by this action to ensure the utilities obtain all real estate instruments required for location of their facilities on property of the United States.

c. The Grantee shall complete all flood storage and wetland mitigation in accordance with NC Department of Transportation Improvement Project (TIP) Number "B-2963, State Project No. 8.2352201, Flood Storage and Wetland Mitigation Plan".

d. The Grantee shall complete compensatory mitigation for impacts to recreational opportunities by the construction of a parking area on the east end of the wildlife sub-impoundment dike located approximately 200 feet north of Stage Coach Road, known as NCSR # 1107, and hereinafter referred to as NCSR #1107. The design and specifications for the construction shall be reviewed and approved by the North Carolina Wildlife Resources Commission (NCWRC).

e. The Grantee will restore and/or stabilize all disturbed areas within this permanent easement to the satisfaction of the US Army Corps of Engineers Falls/Jordan Operations Manager and NCWRC.

f. During construction, public access to the existing wildlife sub-impoundment parking area will not be restricted during waterfowl hunting season. The Grantee will coordinate with the NCWRC concerning hunting schedules/applicable dates.

g. The Grantee is responsible for maintaining existing gates and barriers (which prohibit unauthorized access by motor vehicles) during the period of its construction activities on this site. The Grantee is responsible for installing and maintaining any additional barriers that may become necessary to restrict unauthorized access by vehicles during the period of its construction activities.

h. The Grantee will not interfere with, discourage, or prohibit in any way the public's authorized use of these public lands. Public access to certain areas may be restricted if entrance to the area would pose a public safety hazard. Restriction of public access must be approved in writing by the US Army Corps of Engineers Falls/Jordan Operations Manager and the (NCWRC).

i. The Grantee will avoid and minimize impacts to water quality by implementing soil and erosion control measures for high quality waters, location weep holes in the bridge deck so they do not discharge directly into surface waters, and using grassed slopes instead of concrete gutters on road shoulders.

j. The Grantee will remove all vegetative debris generated by this project from the property of the United States and properly dispose of materials off site.

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

k. The Grantee is responsible for proper removal of all waste generated by its activities on property of the United States. No waste will be stored on property of the United States.

l. Material removed from the approved mitigation site (abandoned NCSR #1726) that is determined by the Grantee to be suitable for use in new construction may be utilized at the NCSR #1107) construction site.

m. The Grantee is responsible for carrying out all measures necessary to avoid, contain, and/or clean up spills of petroleum, oils, lubricants, solvents, hazardous or toxic materials that may occur on property of the United States during its construction and maintenance activities.

n. That maintenance of any powered, mechanical, or other equipment, which may result in a spill of a petroleum, oil, lubricant, fuel, solvent or any other hazardous or toxic material is not allowed on the property of the United States. Minor service of such equipment may be allowed with prior approval of the US Army Corps of Engineers Falls/Jordan Operations Manager.

o. The use of pesticides or herbicides is prohibited unless approved in writing by the US Army Corps of Engineers Falls/Jordan Operations Manager.

p. The Grantee is responsible for the proper marking of any safety hazards associated with its activities on property of the United States, and assumes all liability for accidents or injuries that may result from those activities.

q. The Grantee will reduce current posted speed limit from 55 to 45 miles per hour. Additionally, the Grantee will consider additional future reductions in posted speed limit and other use of traffic calming devices and tactics as necessary to address possible safety concerns generated by anticipated increases in recreational use and installation of additional recreational facilities in the area.

r. The Grantee will install wildlife crossing signs as appropriate along NCSR #1107.

s. The Grantee will install "No Parking" signs as appropriate along the road shoulder of NCSR #1107.

t. Any boundary line markings, markers or signage located on property of the United States that are disturbed by the activities of the Grantee, shall be carefully re-established by the Grantee to the satisfaction of the US Army Corps of Engineers Falls/Jordan Operations Manager and the NCWRC. Any boundary line monuments or corner markers of property of the United States disturbed by the activities of the Grantee, shall be re-established or relocated by a professional land surveyor at the expense of the Grantee. A copy of a certified metes and bounds

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

survey plat and CADD file will be provided to the US Army Corps of Engineers Falls/Jordan Operations Manager.

u. The Grantee shall furnish As-Built Drawing/Plans of the facilities in addition to a CADD file of the plans to the US Army Corps of Engineers Falls/Jordan Operations Manager. These plans shall meet the specifications of the U. S. Army Corps of Engineers, North Carolina Area Real Estate Office.

v. Any future improvements or alterations to NCSR #1107 shall occur within the right-of-way granted herein. Based on the location of this easement right-of-way and potential adverse impacts associated with further widening or raising, the U. S. Army Corps of Engineers has determined that no additional right-of-way will be authorized under this easement. The Grantee should work with local transportation planning entities to insure that consideration of alternatives that do not involve impacts to public lands, are prioritized during planning of all future transportation infrastructure.

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

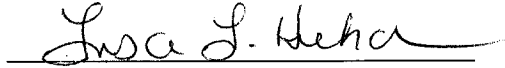
EASEMENT NO. DACW21-2-03-3413
B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this 28th day of May, 2004.



BRUCE A. BRINGMAN
Chief, Management Section
Contracting Officer

Signed and sealed in
the presence of:

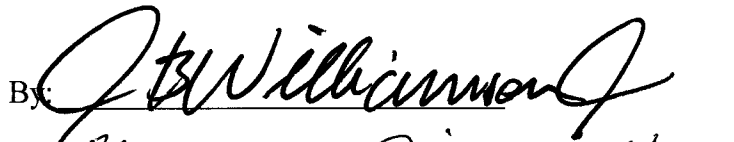


Notary Public

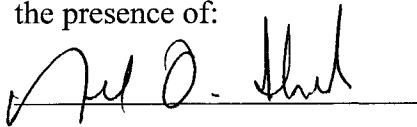
LISA HREHA
Notary Public, Bryan County, GA
My Commission Expires November 12, 2007

THIS EASEMENT is also executed by the Grantee this 5 day of May, 2004.

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

By: 
Title: Managing Director of the

Signed and sealed in
the presence of:



March 29, 2007

EASEMENT NO. DACW21-2-03-3413
B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

CERTIFICATE OF AUTHORITY

I, Tammy Denning, certify that I am the Secretary of the Board for the State of North Carolina Department of Transportation, do hereby certify that J.B. Williamson, Jr. who signed the foregoing instrument on behalf of the Grantee who was then the Manager of Right of Way of the State of North Carolina Department of Transportation. I further certify that the said officer was acting within the scope of powers delegated to this officer by the governing body of the Grantee in executing said instrument.

This 7 day of May, 2004.

Tammy Denning
Authorizing Official
Sec. to the Board
Title

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B. EVERETT JORDAN DAM AND LAKE, NORTH CAROLINA

ACKNOWLEDGMENT

STATE OF GEORGIA)

:SS

COUNTY OF CHATHAM

Before me a Notary Public in and for the County of Chatham, personally appeared BRUCE A. BRINGMAN, to me known to be the identical person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the said instrument by direction of the Assistant Secretary of the Army (I&E) for the purpose therein expressed as the act and deed of the United States of America.

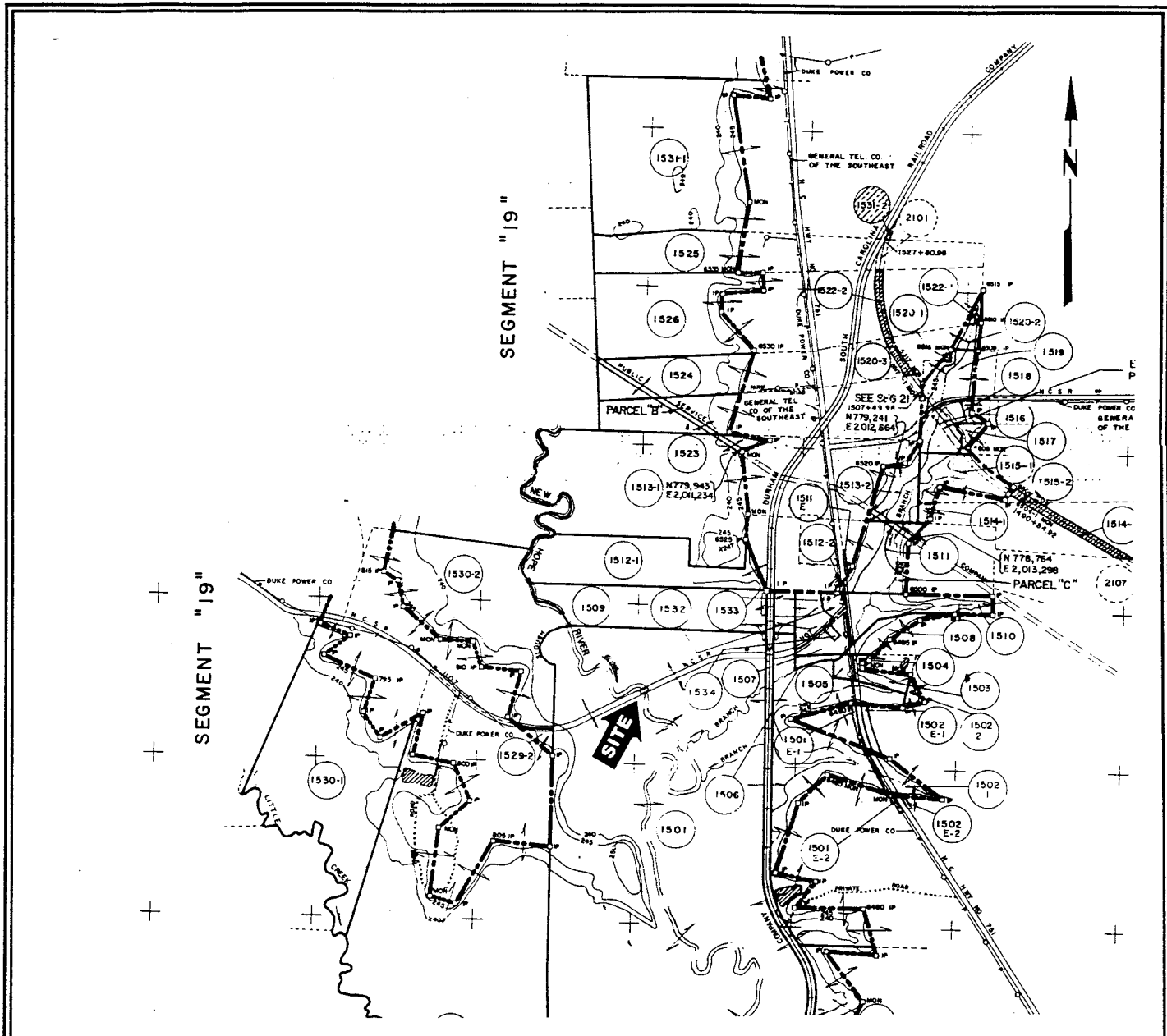
GIVEN under my hand and seal, this day of 28 may, 2009.

Lisa J. Hreha
NOTARY PUBLIC

(SEAL)

My Commission Expires:

LISA HREHA
Notary Public, Bryan County, GA
My Commission Expires November 12, 2007



“THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS “G.S. 47-30 (n)”

DEPARTMENT OF THE ARMY
 OFFICE OF THE SAVANNAH DISTRICT ENGINEER
 SOUTH ATLANTIC DIVISION

B. EVERETT JORDAN LAKE
 EASEMENT NO. DACW21-2-03-3413
 GRANTEE: NCDOT
 BRIDGE REPLACEMENT #111 ON NCSR #1107
 SUBJECT AREA: 1.91 Acres Total

SCALE: NTS DATE: 4/6/2004

EXHIBIT “A”



North Carolina Department of Environment and Natural Resources
Office of Conservation, Planning, and Community Affairs

Beverly Eaves Perdue
Governor

Linda Pearsall
Director

Dee Freeman
Secretary

November 21, 2012

Ms. Ellen Beckmann
City of Durham/Transportation Dept.
101 City Hall Plaza
Durham, NC 27701
Ellen.beckmann@durhamnc.gov

Subject: Review of the draft 2040 Metropolitan Transportation Plan (MTP) and Comprehensive Transportation Plan (CTP) for the DCHC MPO

Dear Ms. Beckman,

Thank you for the opportunity to provide information for long range transportation planning within the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) region.

The NC Natural Heritage Program staff worked with staff of the NC Wildlife Resources Commission to conduct a GIS analysis that identifies important natural resources that may be impacted by the projects listed in the 2040 MTP and CTP (please reference "CTP_Projects_9_27_Natural_Resources.shp"). These resources include rare species, high quality/rare natural communities, Significant Natural Heritage Areas, Managed Areas, wetlands, floodplains, important wildlife habitat/corridors, smoke awareness areas, and Game Land hunting safety areas. A document that provides descriptions of the natural resource data used in the analysis is attached, and the dataset referenced above has been submitted to the MPO by the NC Wildlife Resources Commission.

The analysis conducted by the NC Wildlife Resources Commission is based on CTP project data provided by the MPO intersected with the data described in the attached summary. Please note that the analysis was conducted using an estimate of resources identified within 400 feet of the proposed CTP projects. We recommend that the information in the attached summary be used in conjunction with the analysis provided by the NC Wildlife Resources Commission.

We are glad to provide more detailed comments as necessary and are willing to work with your staff to explain how to interpret this information. You may also find more information on the NC Natural Heritage website (www.ncnhp.org) and the NC Wildlife Resources Commission's Green Growth Toolbox website (<http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox/ConservationData.aspx>).

Mailing address: 1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Location: 217 W. Jones Street, Raleigh NC 27604
Phone: 919-707-8600 Webpage: www.oneNCSNaturally.org
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One
North Carolina
Naturally
Natural Resources Planning and Conservation

Thank you for your consideration of this information. If you have any questions or if we can be of further assistance please contact me or Allison Weakley at 919-707-8629.

Sincerely,

A handwritten signature in cursive script that reads "Linda Pearsall".

Linda Pearsall

LPP/asw

ENCLOSURE

Dear Ms. Beckmann,

The NC Wildlife Resources Commission would like to thank the Durham-Chapel Hill-Carrboro MPO for the opportunity to comment on the draft 2040 DCHC Comprehensive Transportation Plan and the Metropolitan Transportation Plan. Please find our comments and informational materials attached. (all comments and GIS files can be downloaded from

[http://wiggio.com/yui/folder/stream_file.php?doc_key=86GokwianlhJudrzjLT6DJX1lg/EvYBV2r04c2jUM/E=\)](http://wiggio.com/yui/folder/stream_file.php?doc_key=86GokwianlhJudrzjLT6DJX1lg/EvYBV2r04c2jUM/E=)

We thought it most practical and appropriate to provide comments in the form of a GIS analysis that would provide the MPO with information about the likely location of sensitive wildlife habitats and natural resources that could be impacted by future road projects. We coordinated with the NC Natural Heritage Program for this GIS analysis. The purpose of the NCWRC comments is to provide information before the permitting process to improve outcomes for minimizing unnecessary impacts to priority wildlife habitats. Please feel free to call or email me with any questions or further information needs.

We wish you and everyone in your department a happy Thanksgiving and holiday season.

Sincerely,

Kacy

Kacy Cook
Land Conservation Biologist
NC Wildlife Resources Commission
Po Box 314, Star NC 27356
Mobile and office phone: (910) 638-4887
Fax: (910) 428-1001
kacy.cook@ncwildlife.org
www.ncwildlife.org/greengrowth