

# *Chapter 8*

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*Comments and Coordination*

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## 8.0 AGENCY COORDINATION AND PUBLIC INVOLVEMENT

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A Draft Environmental Impact Statement (DEIS) that addresses the full range of alternatives and issues important to the selection of a preferred alternative can be accomplished only in consultation with those who have a stake in that decision. This chapter describes the scoping process, agency coordination process, and public involvement activities, as well as the key issues and pertinent information received through these efforts.

### 8.1 AGENCY COORDINATION

#### 8.1.1 Scoping

In December 2000, a Scoping Meeting was held for the proposed Elizabeth Brady Road Extension at the North Carolina Department of Transportation (NCDOT) building. Present at the meeting were NCDOT representatives and representatives from the State Historic Preservation Office (HPO), Orange County Planning Department, the Town of Hillsborough Planning Department, the Mayor of Hillsborough, and a representative from Ayr Mount (an historic property adjacent to the proposed project corridor). The purpose of the meeting was to provide background information to the key project stakeholders and receive feedback related to potential alternatives and environmental impact issues.

The NCDOT Project Engineer acknowledged past concerns related to the project. An overview of the project was presented, including: Statement of Purpose and Need, planning schedule, other State Transportation Improvement Program (STIP) projects in close proximity to the project, existing conditions, a description of the proposed project, and possible constraints. It was noted that the major purpose of the project was to relieve congestion in downtown Hillsborough and, in order to accomplish this, it was important that a detailed study of current and future traffic in the area be completed. This would allow NCDOT to identify the specific problems and potential solutions.

#### 8.1.2 NEPA/404 Merger Team Meetings

A National Environmental Policy Act (NEPA)/Section 404 (of the Clean Water Act) merger process was developed under an agreement between the NCDOT, the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and other state and federal environmental resource and regulatory agencies. NEPA/404 Merger Team meetings are a formal means for early involvement in the project development process for state and federal environmental resource and regulatory agencies that have an interest in the issuance of USACE permits for wetland and stream impacts under the terms of Section 404 of the Clean Water Act. The State Historic Preservation Office (HPO) also participates in these meetings.

The NEPA/404 merger process is a streamlining effort that helps to avoid duplication of effort between the two processes. The USACE must meet the requirements of NEPA in order to issue a dredge and fill permit under the Clean Water Act. The NEPA/404 Merger Team meetings provide an opportunity for participants to concur formally with

key decisions in the NCDOT's and the FHWA's NEPA impact assessment process so that those decisions do not need to be revisited during application for a USACE permit.

The merger process includes the following concurrence points:

1. Concurrence on Statement of Purpose and Need;
2. Concurrence on the alternatives to be evaluated in detail in the environmental document;
- 2A. Concurrence on the approximate length of any proposed bridges to minimize impacts to wetlands and streams and preliminary alignment review for each detailed study alternative;
3. Concurrence on the least environmentally damaging practicable alternative (LEDPA); and
- 4A. Concurrence that all efforts were made to avoid and minimize harm to jurisdictional resources (streams and wetlands) to the maximum extent practicable.

Concurrence points 1, 2, and 2A occur prior to the release of a draft document, and concurrence points 3 and 4A occur after public and agency review of the draft document.

The agencies represented on the NEPA/404 Merger Team are:

- Federal Highway Administration;
- NC Department of Transportation;
- US Army Corps of Engineers;
- US Environmental Protection Agency;
- US Fish and Wildlife Service;
- NC Department of Environment and Natural Resources (NCDENR)-Division of Water Quality;
- NCDENR-Wildlife Resources Commission;
- NC Department of Cultural Resources, State Historic Preservation Office; and
- Durham, Chapel Hill, Carrboro Metropolitan Planning Organization.

The sections that follow describe the concurrence points 1, 2, and 2A meetings for the Elizabeth Brady project.

#### **8.1.2.1 Concurrence Point 1 – June 14, 2001**

The purpose of the first Merger Team meeting was to discuss the Statement of Purpose and Need of the Elizabeth Brady Road Extension project. Concurrence was reached on the project's Statement of Purpose and Need presented in Chapter 1. Participants reached concurrence on the following project purpose:

- Reduce traffic congestion and improve the level-of-service (LOS) in the central business district of the Town of Hillsborough, including Churton Street and St. Mary's Road, and

- Improve traffic safety along Churton Street and NC 86.

The signed concurrence form for Concurrence Point 1 is presented in Appendix A.

#### **8.1.2.2 Concurrence Point 2 – April 14, 2004**

The purpose of the second Merger Team meeting was to discuss the alternative corridors to be carried forward for detailed study in the DEIS. Concurrence was reached on three detailed study corridors, Alternatives 3, 4, and 6. The assessment of corridor alternatives that was the basis for this decision is presented in Section 2.2.2 of Chapter 2. The signed concurrence form for Concurrence Point 2 is presented in Appendix A.

#### **8.1.2.3 Concurrence Point 2A – November 17, 2005**

The purpose of the third Merger Team meeting was to discuss the locations of the alignment of the detailed study alternatives and bridge and culvert lengths. Concurrence was reached on the bridge lengths for Alternatives 3 and 6; however, concern was raised over the amount of fill being placed within the floodplain fringe, outside of the regulatory floodway, for Alternative 4's Eno River bridge. The Merger Team reached concurrence on Alternative 4 for a new bridge with a length of between 310 feet and 500 feet. The final length of the bridge would be determined after a field review by the Merger Team (discussed below). The signed concurrence form for Concurrence Point 2A is presented in Appendix A.

#### **8.1.2.4 Concurrence Point 2A Field Review – January 18, 2006**

The purpose of the Merger Team field review was to look at the proposed Eno River crossing location for Alternative 4 to determine the needed length of the bridge. During the field review, the resource agencies repeated their concern over the amount of fill that would be placed within the floodplain fringe. After the review, NCDOT evaluated the possibility of shifting the alignment further to the east, placing the crossing at a location where the floodplain was narrower. The bridge at this location would have been 500 feet in length and span the width of the floodplain. This possible alignment, however, was rejected because it would require relocation of all of the homes on the west side of Riverside Drive, adjacent to the Eno River.

#### **8.1.2.5 Concurrence Point 1- Revision – February 21, 2008**

The purpose of the fourth Merger Team meeting was consideration of removal of safety as a part of project Statement of Purpose and Need. As a result of changes in the Federal Highway Administration's criteria for determining safety improvements, it was determined that it will be difficult to argue either in favor or against whether a decrease in traffic volumes along Churton Street due to the Elizabeth Brady Extension project would translate into crash reduction or safety benefits and by how much.

The Merger Team reached concurrence on removal of Safety from the project Statement of Purpose and Need with the condition that the following language be added to the Concurrence Form:

- The revisions will not change the alternatives already selected for study.

The signed concurrence form for revised Concurrence Point 1 is presented in Appendix A.

#### **8.1.2.6 Concurrence Point 1 – Revision – April 21, 2009**

The purpose of the third Concurrence Point 1 Merger Team meeting was consideration of removal of LOS language from the project Statement of Purpose and Need. The FHWA commented that the scale for determining LOS is inadequate for measuring the merits of the proposed project. Therefore, any reference to the term “level-of-service” in the Statement of Purpose and Need was eliminated because the proposed project would not show improvement through this measure. Additionally, FHWA reviewers commented that the current Statement of Purpose and Need does not clearly distinguish the NEED (i.e., why the project is needed) from the PURPOSE (i.e., how the project will meet the needs). This prompted the need for rewording and clarifying the Statement of Purpose and Need. In addition to measuring the merits of the proposed project in downtown Hillsborough, it was determined that the DEIS should better explain the merits of the proposed project from a system perspective. Therefore, a new traffic study was prepared to analyze the merits of the proposed project using five new traffic performance measures. The results of the traffic study report prompted the need to broaden the Statement of Purpose and Need.

The Merger Team reached concurrence on the following new Statement of Purpose and Need (see Appendix A):

- Project Need: Growing traffic congestion in terms of traffic delay at intersections and travel time through the Hillsborough central business district on Churton Street.
- Project Purpose: Reduce congestion on Churton Street in the central business district in terms of traffic delay at intersections and travel time for the peak period/peak direction.

#### **8.1.3 Meetings with the State Historic Preservation Office**

In addition to the NEPA/404 Merger Team meetings, the NCDOT coordinated with HPO regarding historic resources within the project area. On July 19, 2005, representatives from the FHWA, the NCDOT, and the HPO met to review properties within the project’s Area of Potential Effects to determine whether any were eligible for listing on the National Register of Historic Places (NRHP). None of the properties discussed at the meeting were eligible for the NRHP. A copy of the concurrence form is presented in Appendix A.

On November 28, 2005, HPO concurred on the findings of the Historic Resources Report. The report recommended that the Hillsborough Historic District and the Occoneechee Speedway remain eligible for the NRHP. The HPO also concurred that one property on St. Mary’s Road, approximately two-tenths of a mile west of US 70 Bypass, was not eligible for the NRHP. A copy of the HPO letter of concurrence is in Appendix A.

On February 15, 2006, representatives from the FHWA, the NCDOT, and the HPO met to discuss an Effects Determination for each of the alternatives. Concurrence was reached on the following:

- Alternative 3 – Adverse Effect on the Occoneechee Speedway and on the Hillsborough Historic District.

- Alternative 4 – No Adverse Effect, with environmental commitments on the Occoneechee Speedway. The HPO’s conditions were: HPO would be able to review the final bridge design, and clearing for the right-of-way near the speedway would be kept to a minimum.
- Alternative 6 – Adverse Effect on the Occoneechee Speedway and on the Hillsborough Historic District.

## 8.2 PUBLIC INVOLVEMENT

### 8.2.1 Citizens Informational Workshops

#### 8.2.1.1 July, 2003

Two Citizens Informational Workshops were conducted for the project. The first workshop was held at the Orange County Court House, in Hillsborough, on July 7, 2003. The primary purposes of the first workshop were to introduce the project to the public and explain the process that was being used to identify and select alternatives to be studied in detail in the EIS; to show the alternatives that were under consideration at the time; and to solicit comments and suggestions from the public.

Attendees were given an information package that described the purpose of the meeting and identified the seven alternatives, including the No-Build Alternative, which were under consideration.

Twenty-three written comments were received in response to the workshop and the newsletter that was distributed prior to the workshop. The comments were representative of the oral comments that were received at the meeting. Opinions regarding the project vary substantially. The majority of the people who provided written comments supported one or more of the build-alternatives (73.9 percent); however, there were a substantial number of people who preferred the No-Build (26.1 percent). Table 8-1 summarizes the general preferences expressed in the comments.

**Table 8-1. Summary of Comments Received at the Two Information Workshops**

Comments Supporting	No-Build	Alt 2	Alt 3	Alt 4	Alt 5	Alt 6	Alt 7	Project in General	Other Alternative <sup>2</sup>
<b>2003</b>									
Number <sup>1</sup>	6	0	10	1	1	2	1	1	1
Percent	26.09%	0.00%	43.48%	4.35%	4.35%	8.70%	4.35%	4.35%	4.35%
<b>2004</b>									
Number <sup>1</sup>	27	-	7	1	-	1	-	1	5
Percent	64.29%	-	16.67%	2.38%	-	2.38%	-	2.38%	11.90%

<sup>1</sup>Numbers do not reflect comments that gave ranked preferences.

<sup>2</sup>Other alternatives were generally recommendations to construct a bypass or loop road around Hillsborough.

Opposition to the project centered on three major points:

- Concerns for impacts to the Eno River and the natural area around the river;
- Concerns for impacts to Ayr Mount and the Occoneechee Speedway; and

- The desire to control growth and preserve the more rural and historic nature of the Hillsborough area.

The comments received during the meeting ranged widely in topic and included:

- A majority of the people attending wanted to see something happen to relieve their traffic problem.
- Several people expressed the opinion that the original alignment for the project was the best alternative.
- Several people commented that none of the present alternatives were desirable.
- Several comments suggested that the Occoneechee Speedway should not be considered historic and that the NCDOT should not reject Alternative 3.
- Several people expressed concerns about impacts to the Eno River. People were particularly concerned over impacts to water quality, sedimentation, and wildlife. Many stated that adding any new river crossings should be avoided.
- Several people expressed concerns about increased flooding as a result of the project and specifically construction of a new bridge.
- There were no comments in support of the widening of Churton Street. There seemed to be a consensus that this alternative should not be given further consideration.
- There was expressed concern for the historic structures along Churton Street and St. Mary's Road.
- Several people felt that the alternatives on the extreme west of the project area or the extreme east (i.e., Lawrence Road) would not meet the Statement of Purpose and Need of the project.

#### **8.2.1.2 September, 2004**

The second Citizens Informational Workshop was held on September 23, 2004 at the Cameron Park Elementary School in Hillsborough. The purpose of the second meeting was to update the community on the status of the project. The specific focus of the workshop was to show the public the alternatives that were selected by the Merger Team for detailed study in the DEIS and to summarize the traffic studies that had been conducted.

Forty-two comments were received at the workshop or shortly afterwards (see Table 8-1). In general, the comments and concerns expressed at the September 2004 workshop were similar to the comments received at the July 2003 workshop. The greatest difference was in the number of people who expressed a desire for the No-Build Alternative. Of the build-alternatives, Alternative 3 received the greatest amount of support (16.67 percent).

Many of the people who supported the No-Build Alternative recommended widening the existing road network. Others recommended a bypass that would be further from town than the proposed alternatives.

## **8.2.2 Public Officials Meetings**

Periodic meetings were held with Town officials (principally the Town's planning staff) in order to collect information from public officials, as well as to provide updates on the status of the project.

In December 2002, the Town of Hillsborough passed a resolution in support of the project. The resolution:

1. Acknowledged the extreme sensitivity of the corridor and requested that the NCDOT employ the highest quality of design standards to the selected option;
2. Requested that the alignment shown in the original plan be included in the 2025 Long Range Transportation Plan; and
3. Recommended that the road configuration include four lanes, unless two lanes are demonstrated to be adequate for the projected traffic volumes in 2025.

On July 7, 2003, a Public Officials Meeting was held to update local officials from the town, county, and state on the status of the project. The meeting was held in the afternoon, immediately prior to the Citizens Informational Workshop. The same information was presented at both meetings.

On March 14, 2005, the Hillsborough Town Board of Commissioners unanimously adopted a priority list for the *2007 – 2013 Transportation Improvement Program*. The Elizabeth Brady Road Extension project was the Town's top priority.

## **8.2.3 Local Neighborhood Meetings**

### **8.2.3.1 Poplar Ridge Neighborhood**

A meeting was held with the Poplar Ridge Neighborhood Association on September 30, 2004, at the request of the community. The purpose of the meeting was to review the history of the project and describe the remaining steps in the process.

### **8.2.3.2 Hillsborough Riverside Council**

A meeting was held with the Hillsborough Riverside Council on April 8, 2009 at the Hillsborough Presbyterian Church. During the meeting, NCDOT provided an overview of the history and current activities associated with the U-3808 Elizabeth Brady Road Extension project and four remaining route options including the No-Build option.

## **8.2.4 Newsletters**

In June 2003, a project newsletter was distributed to everyone on the project mailing list, which included representatives from the NEPA/404 Merger Team, local officials, community groups/organizations, and anyone from the general public that had indicated a desire to be placed on the mailing list. The intent of the newsletters is to provide an update of the project's status and to announce any upcoming public meetings. The first newsletter was distributed approximately four weeks prior to the July 2003 Citizens Informational Workshop.

In July 2004, a second project newsletter was distributed. The newsletter updated the recipients on the status of the project and identified the three detailed study alternatives that were selected by the Merger Team for detailed study in the DEIS.