North Carolina
Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

August 4, 2004

Ms. Ruth Swanek
CH2MHIll
3125 Popular Court
Suite 304
Raleigh, NC 27604

Dear Ms. Swanek:

Re: SCH File # 04-E-0000-0373; Environmental Assessment; Development of the Briar Chapel 1589 acre compact community under the Chatham Co. Compact Community Ordinance requiring environment impact assessment analysis.

The above referenced project has been reviewed through the State Clearinghouse Intergovernmental Review Process. Attached to this letter are comments made by agencies reviewing this document.

Should you have any questions, please do not hesitate to call me at (919) 807-2425.

Sincerely,

Chrys Baggett

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region J

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

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

Location Address:
116 West Jones Street
Raleigh, North Carolina

NCDENR
North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee
Project Review Coordinator

RE: 04-0373 Briar Chapel Housing Development in Chatham County

DATE: August 3, 2004

The Department of Environment and Natural Resources has reviewed the proposed project.

Several areas need further clarification as noted in the attached comments. We ask that the applicant work with our commenting agencies to assure that their concerns are adequately addressed. Addressing these comments prior to submitting the FONSI will avoid delays.

Thank you for the opportunity to comment on this project.

Attachments

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

North Carolina
Department of Environment and
Natural Resources

Michael F. Easley, Governor
William G. Ross Jr., Secretary

North Carolina
Division of Forest Resources

Stanford M. Adams, Director

2411 Old US 70 West
Clayton, NC 27520

July 21, 2004

MEMORANDUM

TO: Melba McGee, Office of Legislative Affairs

FROM: Bill Pickens, NC Division Forest Resources

SUBJECT: Briar Chapel Housing Development

PROJECT #: 04-0373

The North Carolina Division of Forest Resources has reviewed the referenced environmental assessment and provides the following comments on impact issues relating to forest resources.

1. The proposed Briar Chapel project will impact 1589 acres of which 1059 acres are forested. The site is well suited for timber production. The average site quality index for a majority of the tract is 80 (base age 50), a productive site with medium volume potential.
2. The EA did not recognize the permanent loss of the timber resource as a result of the project. We are disappointed that the loss was not addressed at all. Previous to the construction a majority of the tract had the potential to be managed as a working forest. Due to the proposed development all the forest, even those remaining as buffers, open space, or left uncut in individual home sites, are unavailable to be managed as a timber resource.
3. We acknowledge that the loss can be considered insignificant at 0.37 percent of the forested land base. However, we are concerned with what impact continued cumulative loss of our forest land base will have on forest resources. Since 1990 NC has lost 5% of its forest and mostly to urbanization. A great deal of this has occurred in the piedmont region.
4. We applaud the compact housing unit design of the project and recognize the need to encourage low density housing as a way to minimize development of forestlands.
5. We are pleased the Bennett Mountain is being preserved as a natural heritage area.

I appreciate the opportunity to comment on the proposed project and encourage the planners to minimize and avoid impacts to forest resources during the construction phase. I f you have any questions I can be contacted at 919-553-6178 x 233 or bill.pickens@ncmail.net.

Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P. E. Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

August 3, 2004

MEMORANDUM

TO: Melba McGee, Department of Environment and Natural Resources

FROM: Alex Marks, Division of Water Quality

SUBJECT: Briar Chapel Development, SCH #04-0373, DWQ #13437

The Division of Water Quality's Water Quality Section (Section) has reviewed the subject environmental document.

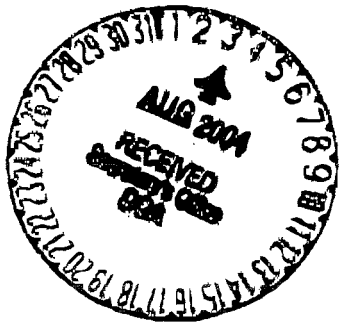
Based upon the description of the project reviewed, a 401Water Quality Certification will be required. Final permit authorization will require formal application by the developer and written concurrence from the Section. Such approval will be contingent upon efforts to avoid and minimize wetland and stream impacts, and provision of mitigation for unavoidable impacts. Stream and wetland mitigation plans will need to be included in the application for required 401/404 permits. Applications lacking fully developed mitigation plans will be placed on hold as incomplete per 15 NCAC 2H. 0506(h).

Questions about the 401 Certification Program as it relates to the project can be directed to Ms. Cyndi Karoly at (919) 733-9721. I may be contacted at (919) 733-5083 extension 555.

Thanks you for the opportunity to comment.

North Carolina Wildlife Resources Commission

Charles R. Fullwood, Executive Director



MEMORANDUM

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

FROM: Shari L. Bryant, Piedmont Region Coordinator
Habitat Conservation Program

DATE: 26 July 2004

SUBJECT: Environmental Impact Assessment (EIA) for Briar Chapel, Chatham County, North Carolina, DENR Project No. 04-0373.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject document and we are familiar with the habitat values of the area. Our comments are provided in accordance with provisions of the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; 1 NCAC 25), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the North Carolina General Statutes (G.S. 113-131 et seq.), and the North Carolina Administrative Code 15A NCAC 10I.0102.

Newland Communities proposes to construct a 1,589 acre master planned community in Chatham County. The project will include residential homes; commercial and office space; county and charter schools; library; fire and EMS stations; and over 900 acres of open space. The project is located off of US 15-501 approximately 5 miles south of Chapel Hill. The applicant proposes to preserve approximately 58% of the site as open space which includes stream buffers, spray irrigation area, storm pond area, water reclamation pond area, a county park and improved recreation areas within the school sites. Approximately 30% of the open space will be protected as undisturbed forested areas along streams, wetlands and project boundaries.

Pokeberry Creek and Wilkinson Creek flow through the site. These streams are tributaries to the Haw River upstream of B.E. Jordan Reservoir in the Cape Fear River basin. There are records for the federal and state endangered Cape Fear shiner (*Notropis mekistocholas*); federal species of concern and state endangered brook floater (*Alasmidonta varicosa*) and yellow lampmussel (*Lampsilis cariosa*); the federal species of concern and state significantly rare Septima's clubtail (*Gomphus septima*) in the Haw River. Additionally, an unnamed tributary to Bush Creek drains the site; Bush Creek is a tributary to the New Hope Creek arm of B.E. Jordan Reservoir. There are records for the federal and state threatened bald eagle (*Haliaeetus leucocephalus*) and the state significantly rare Carolina ladle crayfish (*Cambarus davidi*) in the Bush Creek watershed. B.E. Jordan Reservoir supports a diverse fishery including largemouth bass (*Micropterus salmoides*), crappie (*Pomoxis sp.*), sunfish (*Lepomis sp.*), catfish (*Ictalurus sp.*) and striped bass (*Morone saxatilus*).

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 733-3633 ext. 281 • Fax: (919) 715-7643

26 July 2004
Briar Chapel
DENR Project No. 04-0373

While we appreciate that the applicant is proposing to include several measures, such as riparian buffers, open space and stormwater management facilities, to minimize impacts to aquatic and terrestrial habitats, we have several questions and concerns regarding this project.

There appears to be a discrepancy in the number of linear feet of stream channel to be impacted by the project. Page 13 of the document states there will be 11 stream crossings impacting 1,949 linear feet of stream channel, whereas, page 31 states 2,700 linear feet of stream channel will be impacted. It is unclear whether additional impacts such as stream piping for lot fill or impoundment for stormwater management facilities may result. We ask that the total number of linear feet of stream channel to be impacted, including the type of impact (road crossing, lot fill or impoundment), be clarified. We offer the following recommendations regarding stream crossing, piping and impoundment.

- We recommend bridges for all permanent roadway crossings of streams and associated wetlands to eliminate the need to fill and culvert, where practicable. If culverts must be used, the culvert should be designed to allow passage of aquatic organisms. Generally, this means that the culvert or pipe invert is buried at least one foot below the natural streambed. If multiple cells are required, the second and/or third cells should be placed so that their bottoms are at stream bankfull stage. This will allow sufficient water depth in the culvert or pipe during normal flows to accommodate movements of aquatic organisms. If culverts are long and sufficient slope exists, baffle systems are recommended to trap gravel and provide resting areas for fish and other aquatic organisms. If multiple pipes or cells are used, at least one pipe or box should be designed to remain dry during normal flows to allow for wildlife passage. In addition, culverts or pipes should be situated so that no channel realignment or widening is required. Widening of the stream channel at the inlet or outlet of structures usually causes a decrease in water velocity causing sediment deposition that will require future maintenance. Finally, riprap should not be placed on the streambed.

- We recommend that stream piping for lot fill is avoided. Piping of a stream can result in negative impacts to downstream areas and the elimination of fish and wildlife habitat. Stream piping reduces the infiltration of stormwater and associated pollutants, as well as the dissipation of stream energy. Culverting a stream and placing it underground removes both aquatic and terrestrial habitat.

- We recommend that stormwater management detention ponds are constructed in upland areas. Construction of dams on streams can result in downstream stream bed erosion and degradation caused by outfall waters that are relatively free of sediment (Kondolf 1997). Impounding aquatic resources will remove their natural functionality and will likely result in vegetation shifts and water quality modification with accompanying changes in wildlife and fish species compositions.

The applicant is proposing to treat wastewater from Briar Chapel to State water reuse standards. The effluent will be used to irrigate sprayfields and greenways. We have several questions regarding the proposed land application of wastewater.

- What provisions have been made to prevent wastewater from impacting surface waters should the soils in the irrigation sprayfields become saturated and unable to efficiently or effectively process the wastewater?
- Will the reuse water be sprayed near any stream channels or onto any of the riparian buffer areas? What provisions have been made to avoid direct discharge of reuse water into streams?
- Is it feasible to use only ultraviolet disinfection? If not, will the effluent be dechlorinated prior to land application? If so, what method of dechlorination will be used?

26 July 2004
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- Will the facility have a backup generator in the event of a power outage?
- How will the biosolids be disposed?

While we appreciate that the applicant has included riparian buffers for perennial, intermittent and ephemeral streams, preservation of greater than 50% of the area as open space, no development in the floodplain, preservation of the Bennett Mountain significant natural heritage area, and stormwater management BMP's, we remain concerned about potential impacts to the Cape Fear shiner which has been documented in the Haw River downstream of the project. Although there are no occurrences of the Cape Fear shiner in Pokeberry Creek, this species may use the stream throughout the year or at various times during the year. In our Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality (NCWRC 2002) we provide specific mitigation measures for waters containing federally listed species (http://www.newildlife.org/pg07_WildlifeSpeciesCon/pg7c3_impacts.pdf). Due to the presence of Cape Fear shiner downstream in the Haw River we have the following recommendations.

Insufficient information exists in the literature for the minimum buffer widths necessary to ensure the continued survival of federally endangered and threatened aquatic species. Therefore, the following minimum buffer recommendations are based on the best scientific information available and the opinion of biologists most familiar with the species in the state. A 200-foot native, forested buffer on perennial streams and a 100-foot forested buffer on intermittent streams, or the full extent of the 100-year floodplain, shall be required for new developments. Detailed studies have resulted in recommendations of 200-foot buffers and wider for protection of priority habitats in the U. S. (Knutson and Naef 1997, and references therein; Martin et al. 2000; Richards and Hollingsworth 2000). If wooded buffers do not exist, then these areas shall be revegetated or allowed to naturally revegetate (so long as the area is pervious) to increase the functionality of a forested buffer. (Knutson and Naef 1997, and references therein; 200-foot buffers on Randleman Lake; 200-foot buffers associated with protection of aquatic endangered species habitats required for Buckhorn Reservoir Expansion Project in 1995 – City of Wilson).

Additionally, new development that exceeds 6% imperviousness should include stormwater controls designed to replicate and maintain the hydrographic condition at the site prior to the change in landscape and at a minimum include provisions that satisfy WS II-HQW minimum standards (WSII-HQW waters as precedent; Schueler 1994; Arnold and Gibbons 1996; Doll et al. 2000; Mallin et al. 2000; May and Horner 2000; Stewart et al. 2000). Further, emergency management procedures shall provide for the containment of runoff from fighting residential, commercial, or industrial fires and for the removal and clean up of any hazardous spills that may endanger nearby streams, instead of flushing contaminants into waterways.

The applicant does not discuss the location of sewer, water or utility lines within the project. We recommend that sewer lines, water lines, and other utility infrastructure be kept out of riparian buffer areas (Knutson and Naef 1997; and references therein). All utility crossings should be kept to a minimum, which includes careful routing design and the combination of utility crossings into the same right-of-way (provided there is not a safety issue). Discontiguous buffer segments can impair riparian functions disproportionate to the relative occurrence of the breaks in the buffer (May and Horner 2000; Van Sickle 2000), and multiple crossings can result in cumulative impacts. Due to the presence of the Cape Fear shiner downstream of the project area, the directional bore (installation of utilities beneath the riverbed, avoiding impacts to the stream and buffer) stream crossing method should be used for utility crossings wherever practicable, and the open cut stream crossing method should only be used when water level is low and stream flow is minimal. Manholes or similar access structures should not be allowed within buffer areas. Stream crossings should be near perpendicular (75° to 105°) to stream flow and should be monitored at least every three months for maintenance needs during the first 24 months of the

project and then annually thereafter. Sewer lines associated with crossing areas should be maintained and operated at all times to prevent the discharge to land or surface waters. A minimum 200-foot buffer shall be provided for perennial streams and a 100-foot buffer for intermittent streams to maintain the integrity of the buffer or the full extent of the 100-year floodplain. Insecticides and herbicides shall not be used within 200 feet of streams, floodplains, and associated wetlands (Knutson and Naef 1997; and references therein) except when needed to protect native flora and fauna from exotics and when using appropriately labeled products, such as biopesticides (http://www.epa.gov/pesticides/biopesticides/; accessed November 2003).

We are unable to complete our review of the project due to the additional information needs surrounding the issues of stream impact and type of impact, land application of wastewater, riparian buffers and water, sewer and utility line installation. Thank you for the opportunity to provide input in the early planning stages for this project. We look forward to reviewing the additional information. If we can be of further assistance, please contact our office at (336) 449-7625.

Literature Cited:

Arnold, C. L., and C. J. Gibbons. 1996. Impervious surface coverage—the emergence of a key environmental indicator. Journal of the American Planning Association 62:243–258.

City of Wilson. 1995. EIS for the Buckhorn Reservoir Expansion.

Doll, B. A., D. E. Wise-Frederick, C. M. Buckner, S. D. Wilkerson, W. A. Harman, and R. E. Smith. 2000. Hydraulic geometry relationships for urban streams throughout the piedmont of North Carolina. Pages 299–304 *in* P. J. Wigington, Jr. and R. L. Beschta, eds. Proceedings of the American Water Resources Association International Conference on riparian ecology and management in multi-land use watersheds, Portland, Oregon.

Knutson, K. L., and V. L. Naef. 1997. Management recommendations for Washington's priority habitats: riparian. Washington Department of Fish and Wildlife, Olympia.

Kondolf, G.M. 1997. Hungry water: effects of dams and gravel mining on river channels. Environmental Management 21:533–551.

Mallin, M. A., K. E. Williams, E. C. Esham, and R. P. Lowe. 2000. Effect of human development on bacteriological water quality in coastal watersheds. Ecological Applications 10(4):1047–1056.

Martin, C. O., R. A. Fischer, and H. H. Allen. 2000. Riparian issues on Corps of Engineers and DOD Military Lands. Pages 317–322 *in* P. J. Wigington, Jr. and R. L. Beschta, eds. Proceedings of the American Water Resources Association International Conference on riparian ecology and management in multi-land use watersheds, Portland, Oregon.

May, C. W. and R. R. Horner. 2000. The cumulative impacts of watershed urbanization on stream-riparian ecosystems. Pages 281–286 *in* P. J. Wigington, Jr. and R. L. Beschta, eds. Proceedings of the American Water Resources Association International Conference on riparian ecology and management in multi-land use watersheds, Portland, Oregon.

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and Water Quality. NCWRC, Raleigh. Available: http://www.ncwildlife.org/pg07_WildlifeSpeciesCon/pg7e3_impacts.pdf. (February 2003).

Richards, C., and B. Hollingsworth. 2000. Managing riparian areas for fish. Pages 157–168 *in* E. S. Verry, J. W. Hornbeck, and C. A. Dolloff, eds. Riparian Management in Forests of the Continental Eastern United States, Lewis Publishers, Boca Raton, Florida.

Schueler, T. 1994. The importance of imperviousness. Watershed Protection Techniques. 1(3):100–111.

Stewart, J. S., D. M. Downes, L. Wang, J. A. Wierl, and R. Bannerman. 2000. Influences of riparian corridors on aquatic biota in agricultural watersheds. Pages 209–214 *in* P. J. Wigington, Jr. and R. L. Beschta, eds. Proceedings of the American Water Resources Association International Conference on riparian ecology and management in multi-land use watersheds, Portland, Oregon.

Van Sickle, J. 2000. Modeling variable-width riparian buffers, with an application to woody debris recruitment. Pages 107–112 *in* P. J. Wigington, Jr. and R. L. Beschta, eds. Proceedings of the American Water Resources Association International Conference on riparian ecology and management in multi-land use watersheds, Portland, Oregon.

cc: David Rabon, USFWS
Mark Bowers, USFWS

E-mail: Sarah McRae, NHP
Ryan Heise, WRC
Rob Nichols, WRC
Brian McRae, WRC

State of North Carolina
Department of Environment and Natural Resources

Reviewing Office: _____

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 04-0373 Due Date: ___/___/___

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

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit)
☒	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
☐	NPDES-permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection preapplication conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90 - 120 days (N/A)
☐	Water Use Permit	Preapplication technical conference usually necessary	30 days (N/A)
☐	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Preapplication conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days
☒	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900		
☐	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-733-0820.	N/A	60 days (90 days)
☐	Complex Source Permit required under 15 A NCAC 2D.0800		
☒	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) at least 30 days before beginning activity. A fee of $50 for the first acre or any part of an acre.		20 days (30 days)
☐	The Sedimentation Pollution Control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		30 days
☐	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.		
☐	Mining Permit	On-site inspection usual. Surety bond filed with DENR. Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☐	North Carolina Burning permit	On-site inspection by N.C. Division of Forest Resources if permit exceeds 4 days	1 day (N/A)
☐	Special Ground Clearance Burning Permit-22 counties in coastal N.C. with organic soils.	On-site inspection by N.C. Division of Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
☐	Oil Refining Facilities	N/A	90 - 120 days (N/A)

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit)
☐	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to DENR approved plans. May also require permit under mosquito control program, and a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $200.00 must accompany the application. An additional processing fee based on a percentage or the total project cost will be required upon completion.	30 days (60 days)
☐	Permit to drill exploratory oil or gas well	File surety bond of $5,000 with DENR running to State of N.C. conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DENR rules and regulations.	10 days (N/A)
☐	Geophysical Exploration Permit	Application filed with DENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days (N/A)
☐	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15 - 20 days (N/A)
☒	401 Water Quality Certification	N/A	55 days (130 days)
☐	CAMA Permit for MAJOR development	$250.00 fee must accompany application	60 days (130 days)
☐	CAMA Permit for MINOR development	$50.00 fee must accompany application	22 days (25 days)
☐	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, N.C. 27611		
☐	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
☐	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☐	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
*	Other comments (attach additional pages as necessary, being certain to cite comment authority)		

REGIONAL OFFICES

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

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

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

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

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

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

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

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

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

July 12, 2004

TO: Chrys Baggett, Environmental Policy Act Coordinator
North Carolina State Clearinghouse
1301 Mail Service Center, Raleigh, NC 27699-1301

FROM: Michael Orr, AICP MO
Transportation Planning Branch

RE: Review of 04-E-0000-0373; Briar Chapel, Chatham County

The Environmental Impact Assessment for Briar Chapel does not address traffic impacts. Given the large scale of the project, an analysis of traffic conditions during the development of the site – including identification of congestion and proposed mitigation measures – should be provided.

The applicant will need to obtain roadway connection permits from the NCDOT Division 8 Engineer's office located at 902 N. Sandhills Boulevard, Aberdeen (910-944-2344).

Please contact me at 733-4705, extension 30, if there are any questions.

File: U:\DCHC\Clearinghouse reviews\Briar Chapel.doc

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING BRANCH
1554 MAIL SERVICE CENTER
RALEIGH NC 27699-1554

TELEPHONE: 919-733-4705
FAX: 919-733-2417

WEBSITE: WWW.DOT.STATE.NC.US

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

North Carolina Department of Cultural Resources

State Historic Preservation Office

Peter B. Sandbeck

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

August 4, 2004

CH2M Hill Inc,
3125 Poplarwood Court, Suite 304
Raleigh, NC 27604

Re: Briar Chapel Compact Community, Chatham County
CH04-1817, CH 04-E-0000-0373

Dear Sirs:

We have received notification from the State Clearinghouse concerning the above project.

The section of the Environmental Assessment (EA) entitled "Areas of Archaeological or Historical Value" mischaracterizes the legislation protecting historic properties. Under state law, provisions for the protection of archaeological resources are found in Chapter 70 of the NC General Statutes (NCGS), not the NC Administrative Code. NCGS 121-12(a) provides a mechanism for protection of all types of historic properties that are listed in the National Register of Historic Places and affected by state undertakings. Section 106 of the National Historic Preservation Act requires that federal agencies having direct or indirect jurisdiction over a proposed federal, federally assisted, or federally licensed undertaking, take into account the effect of the undertaking on any district, site, building, structure or object included in or eligible for inclusion in the National Register of Historic Places.

While there are no recorded archaeological sites within the files of the Office of State Archaeology, many of the resources you are described in your document are either archaeological or associated with archaeological sites. The stone-lined well shown in Figure 12, is likely one feature of an early historic period farmstead that may exist only in archaeological context. All of the cemeteries noted in the document are likely small family cemeteries, which are also features of early historic period farmsteads that may exist only in archaeological context. Given the size of the proposed project area, as well as its topographic and hydrological characteristics, the Briar Chapel development is likely to contain Native American period archaeological sites as well. No systematic archaeological survey has ever been undertaken on the property to locate and evaluate such resources.

Since permits from the US Army Corps of Engineers will be needed for implementation of your project, it is subject to Section 106 of the National Historic Preservation Act. After the Corps of Engineers has defined the size and configuration of the "permit area", please forward this information to us so we may determine which areas should be subjected to archaeological survey.

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.

Sincerely,

Peter B. Sandbeck

PBS:w

cc: Corps of Engineers
Clearinghouse
Newland Communities