



US Army Corps  
of Engineers®  
Wilmington District

## NCDOT Improvement of Travel along NC 143 and NC 28 (A0009C), Graham County, NC (Regulatory)

- Project previously known as A-9 and was divided into four (4) sections – A, B, C, and D. NCDOT re-evaluated the project needs and goals and dropped the A-9 project and instead put forth a new project known as the A0009C project. The A0009C project involves potential improvements, via widening of shoulders and construction of passing/climbing lanes, to NC 143 between the Robbinsville and Stecoah communities in Graham County.
- The revised project purpose is to provide the transportation infrastructure necessary for the well-being of local residents by improving mobility and reliability between the existing four-lane section on NC 28 at Stecoah and US 129 in Robbinsville.
- A0009C is part of the Appalachian Development Highway System.
- Previous efforts to permit B and C (without A) included a typical four-lane divided highway and was met with concerns about project segmentation, purpose and need, effects on drinking water, and other resources.
- NCDOT finalized the Environmental Assessment for this project on August 26, 2020.
- The project is going through the Section 404/NEPA Merger Process. Concurrence points for Purpose and Need, Detailed Study Alternatives Carried Forward, Bridging Decisions and Alignment Review, the Least Environmentally Damaging Practicable Alternative and Avoidance and Minimization Decisions have been made and the final plans have been reviewed and approved.
- A Programmatic Agreement (PA) between NCDOT, FHWA, the EBCI, the Forest Service and NCSHPO to ensure compliance with Section 106 of the National Historic Preservation Act was executed in March 2021.
- The Preliminary Jurisdictional Approval was issued on January 12, 2022.
- A permit application was submitted to the Corps and the application is currently under review.

CONGRESSIONAL DISTRICT: NC 11

DATE: 01 APRIL 2022

### 1. PURPOSE:

To provide current information regarding North Carolina Department of Transportation's (NCDOT) proposed travel improvements for the A0009C project. NCDOT will be the applicant.

### 2. BACKGROUND:

a. The original project was known as A-9 and was part of the Appalachian Development Highway System "Corridor K", which extends from I-75 in Cleveland, TN to US 23 near Sylva, NC. The entire original A-9 project corridor was approximately 28 miles long and was previously divided into 4 sections: A, B, C, and D. The entire corridor was evaluated in a 1984 Final Environmental

PROJECT INFORMATION – NCDOT Travel Improvements along NC 143 and NC 28 (A0009C), Graham County, NC (Regulatory) – Continued

Impact Statement (FEIS). The current project is known as A0009C and is approximately 9.5 miles long.

b. A draft supplemental FEIS (DSFEIS) was completed in 2008 by the Federal Highway Administration (FHWA) and NCDOT for sections B and C only. Section D has already been constructed and section A of the project, which would complete the A-9 corridor, was not included in the 2008 study because it was not funded at the time.

c. In 2011, the proposed A-9 B and C project was in the process of being evaluated under the National Environmental Policy Act (NEPA)/404 Merger process in NC. Due to the complexity of the issues associated with this project, and to the review agencies' concerns (project segmentation, purpose and need, etc.), the FHWA and NCDOT suspended this evaluation and enlisted the help of the U.S. Institute for Environmental Conflict Resolution (IECR).

d. In 2011, the IECR conducted interviews and published their findings. Based on the IECR recommendations, a comprehensive plan (Opt-In) was developed for the seven western counties in NC and was published in November 2014. Comprehensive Plans for Graham and Cherokee Counties, and a comprehensive transportation plan for Graham County, were developed concurrently with the regional plan.

e. The Southern Environmental Law Center (SEL) met with the Corps in December 2011 to verbally express their concerns regarding the A-9, B and C proposal.

f. FHWA and NCDOT held multiple re-engagement meetings between July 2, 2015, and August 23, 2018, with agency leaders, interagency project team members, and stakeholders to review and update information from the initial planning process for this project.

g. A Project Team Meeting was held on December 17, 2018. The purpose of this meeting was to 1) reach agreement among the Merger team members regarding which corridors to present to the public and 2) team members to identify modifications needed to the draft Design Study Report (DSR). Extensive stakeholder coordination was involved in the development of the draft DSR to aid in addressing key issues in scenario/alternative development and to set the stage for an efficient NEPA review phase.

h. NCDOT held another Environmental Stakeholder meeting on March 15, 2019, to solicit comments from stakeholders and the public on the Design Study Report. Main themes of the comments included: 1) improvements to the existing roadway option be studied in the NEPA phase; 2) options should include corridors developed in Quantum Planning/Design Tool and incorporating environmental avoidance areas; 3) project needs should reflect differences between local and regional needs; and, 4) improvements along the existing US 74 corridor through the Nantahala Gorge be studied as part of system improvements to address the differences between local and regional needs. Included with the public stakeholder comments

PROJECT INFORMATION – NCDOT Travel Improvements along NC 143 and NC 28 (A0009C), Graham County, NC (Regulatory) – Continued

was a letter dated March 15, 2019, from SELC stating their position. Their comments indicated that SELC supports the revised conception of a two-lane project with passing lanes (as opposed to original four-lane divided highway design), and in consideration of this new conception, SELC indicated that they support the project's goals to improve connectivity and reliability for Robbinsville, Andrews, and other rural communities in the project area, improve the regional transportation network, and protect environmental values. They also indicated that Scenarios T1 and T4 are incompatible with the environmental constraints and should be eliminated from further study. They further recommended that the Improve Existing alternative be given more consideration as a viable alternative.

i. During a May 3, 2019, meeting, FHWA stated that 1) the proposed project in the general location from Stecoah to Robbinsville is its own standalone project with its own needs, which would exist even if other improvements were made in the area; and, 2) based on feedback from local stakeholders and comments from the public, the T1 and T4 alternatives (from Robbinsville to Andrews) was no longer being considered for improvements. The resulting revised project was renamed A0009C including improvements to approximately 9.5 miles of NC 143 from Stecoah to Robbinsville, an improved existing corridor alternative, and some new location segment alternatives.

j. FHWA published the Rescinding Notice in the Federal Register on August 9, 2019, which formally withdrew the 2007 notice of intent to advise the public that a Supplemental Final EIS would be prepared.

k. Between September 16, 2019, and November 20, 2019, the Merger team held meetings to make decisions to put the A0009C project into the combined National Environmental Policy Act (NEPA)/404 Merger process which would include Purpose and Need, Detailed Study Alternatives Carried Forward, and Bridging Decisions and Alignment Review concurrence point decisions.

l. The merger team reached concurrence on Revised Design Alternatives for Detail Study on 5/20/2020, a Public Notice advertising NCDOT's EA, a public meeting and Design Alternatives was issued on 9/23/2020 and concurrence on the Least Environmentally Damaging Practicable Alternative and the Avoidance and Minimization was made on 11/13/2020.

m. A Programmatic Agreement (PA) between NCDOT, FHWA, the EBCI, the Forest Service and NCSHPO to ensure compliance with Section 106 of the National Historic Preservation Act to address the known effects to historic properties and possible future effects on cultural resources was executed in March 2021.

n. NCDOT finalizing the design and merger team approval of final designs was completed in November 2021. The Preliminary Jurisdictional Approval was issued on January 12, 2022.

PROJECT INFORMATION – NCDOT Travel Improvements along NC 143 and NC 28 (A0009C),  
Graham County, NC (Regulatory) – Continued

3. CURRENT STATUS:

NCDOT submitted the permit application and public notice on January 13, 2022. Currently the permit application is under review to determine if the proposed project is compliant with Section 404 of the Clean Water Act. Once the review is complete a permit decision will be issued.