

Type III Categorical Exclusion Action Classification Form

STIP Project No.	<u>HE-0001</u>
WBS Element	<u>49742.1.2</u>
Federal Project No.	<u></u>

A. Project Description:

The North Carolina Department of Transportation (NCDOT) proposes to construct a new interchange on I-26 in the project study area (PSA), approximately 6 miles south of Asheville, north of the Blue Ridge Parkway and south of the French Broad River bridge (**Figure 1**).

The proposed interchange would be constructed primarily within the existing right-of-way of I-26, which is currently under construction to be widened from 2 lanes in each direction to 4 lanes in each direction as part of STIP project I-4700. The proposed interchange and new roadway would ultimately connect to NC 191 via a road (East Frederick Law Olmsted Way, or East FLOW) that is currently under construction by a private developer (Biltmore Farms, LLC) (**Figure 2**). The private developer constructing East FLOW has graded the corridor to accommodate a 4-lane roadway, but it will be paved as a 2-lane facility upon completion. This road is anticipated to open to traffic in 2022 and would become a State-maintained road upon meeting NCDOT standards and acceptance. NCDOT's proposed roadway connection would be graded for a 2-lane roadway with auxiliary lanes at intersection approaches to meet operational needs (e.g., turn lanes).

Land use in the project vicinity is mixed and includes manufacturing/distribution facilities, single- and multi-family residential neighborhoods, open space, and commercial and recreational uses. North of the intersection of Clayton Road (SR 3501) and NC 191, the corridor is characterized by preserved open space in proximity to the French Broad River, Pisgah National Forest, and the Blue Ridge Parkway. The Blue Ridge Parkway crosses over NC 191 on a bridge and is accessible via an access road at the signalized intersection with NC 191 at the west end of the East FLOW corridor.

NCDOT has utilized the Section 404/NEPA Merger Process to formally coordinate with, and garner concurrence from, applicable regulatory and resource agencies. The Merger documentation is available in NCDOT's files and has been provided to all agencies involved.

B. Description of Need and Purpose:

Need: The proposed project is needed to address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County to accommodate current and planned growth.

Purpose: The purpose of the project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth.

Other desirable outcomes of the proposed project include:

- improved traffic safety due to greater separation of local traffic from interstate traffic;
- improved emergency response times to the area including Pratt & Whitney Manufacturing Center, Biltmore Park West property, and sections of NC 191 and I-26;

- consistency with local and regional economic development initiatives in the project vicinity;
- improved access to current and anticipated regional employment opportunities and improved access to tourist destinations.

C. Categorical Exclusion Action Classification: Type III

D. Proposed Improvements:

The NCDOT evaluated three Build Alternatives for the proposed project. These Detailed Study Alternatives (DSA's) are summarized in **Table 1** and detailed in multiple Merger Concurrence Meetings.

Table 1. Detailed Study Alternative (DSA) Description

DSA	Description
1	<ul style="list-style-type: none"> • left exit/entrance ramp • center of the I-26 bifurcated section
2	<ul style="list-style-type: none"> • right-exit/entrance ramp • center of the I-26 bifurcated section
3	<ul style="list-style-type: none"> • left exit/entrance ramp • North end of the I-26 bifurcated section

Preferred Alternative/LEDPA:

The Merger Team concurred that DSA 3 is the Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative on February 9, 2022. (See **Figure 3**.)

The Preferred Alternative is anticipated to have the lowest overall impacts to potential jurisdictional aquatic resources. The Preferred Alternative would construct the least amount of impervious surface within the French Broad River watershed and would result in the least amount of tree clearing associated with the proposed project. No impacts to FEMA floodplains are anticipated. The Preferred Alternative would have No Effect to the adjacent Biltmore Estate National Historic Landmark (NHL), No Effect to the National Register (NR)-eligible archaeology site (31BN119), and No Adverse Effect (with conditions) to the NR-eligible Blue Ridge Parkway (NHL pending).

E. Special Project Information:

Project Study Area (PSA) Development

The PSA development is detailed in a Study Area memo dated March 30, 2022. The PSA generally includes approximately 210 acres along and west of I-26, south of the French Broad River and north of the Blue Ridge Parkway. The PSA avoids impacts to the bridge infrastructure associated with the French Broad River (to the north) and the Blue Ridge Parkway (to the south) and accounts for ramp length requirements. The PSA was also initially developed to incorporate all of East FLOW and its intersection with NC 191 in order to consider any future traffic needs along that corridor.

When considering the lack of network connectivity between NC 191 and I-26 in southern Buncombe County, NCDOT reviewed environmental and engineering constraints and opportunities for potential interstate access locations between Exit 33 (NC 191) and Exit 37 (NC 146/Long Shoals Road).

The following opportunities and benefits were identified for the PSA:

- The PSA covers the area of optimal interchange spacing (approximately 2 miles) between exits 35 and 37, respectively, meeting FHWA and NCDOT interchange spacing guidance for interstate access.
- The I-26 bifurcated section allows NCDOT to evaluate left exit/entrance interchange alternatives that avoid impacts to the Biltmore Estate NHL.
- The construction of East FLOW allows NCDOT to evaluate alternatives to connect to a modern roadway facility currently under construction by a private developer. The construction project also includes capacity and operational upgrades at an existing signalized intersection with NC 191, maximizing investment and improving east-west connectivity.
- Utilizing a connection to East FLOW would also provide direct access to current and planned development, consistent with local population and employment growth goals.
- The undeveloped property west of I-26 will not require any displacements or relocations of homes or businesses.

Relationship to Adjacent STIP Projects

STIP project HE-0001 overlaps three other STIP projects (**Table 2**).

Table 2. Adjacent STIP Projects

STIP Project No.	Description	Schedule (Fiscal Year)
I-4700	I-26. NC280 (Exit 40) to I-40 at Asheville. Add additional lanes.	<i>Under Construction</i>
U-3403B	NC 191 (Brevard Road-Old Haywood Road). SR 3498 (Ledbetter Road) to North of Blue Parkway. Widen roadway	R/W 2029 Const. Post Year
HO-0002A	I-40 in Asheville to I-77 at I-485 (South) in Charlotte. Install Broadband.	<i>Under Construction</i>
Source: NCDOT, 2020-2029 Current State Transportation Improvement Program (May 2022)		

To minimize temporal impacts and avoid duplication, Division 13 plans to let STIP project HE-0001 for construction while STIP project I-4700 is under construction.

Roadway Cross-section and Alignment

Based on the Traffic Forecast for HE-0001, NCDOT determined that a 2-lane curb and gutter typical section for the roadway connection from the I-26 interchange to East FLOW will accommodate projected traffic volumes (19,500 AADT in 2045 Build) (**Exhibit 1**). The proposed roadway alignment will efficiently connect the proposed new interchange with East FLOW while minimizing impacts to the natural environment.

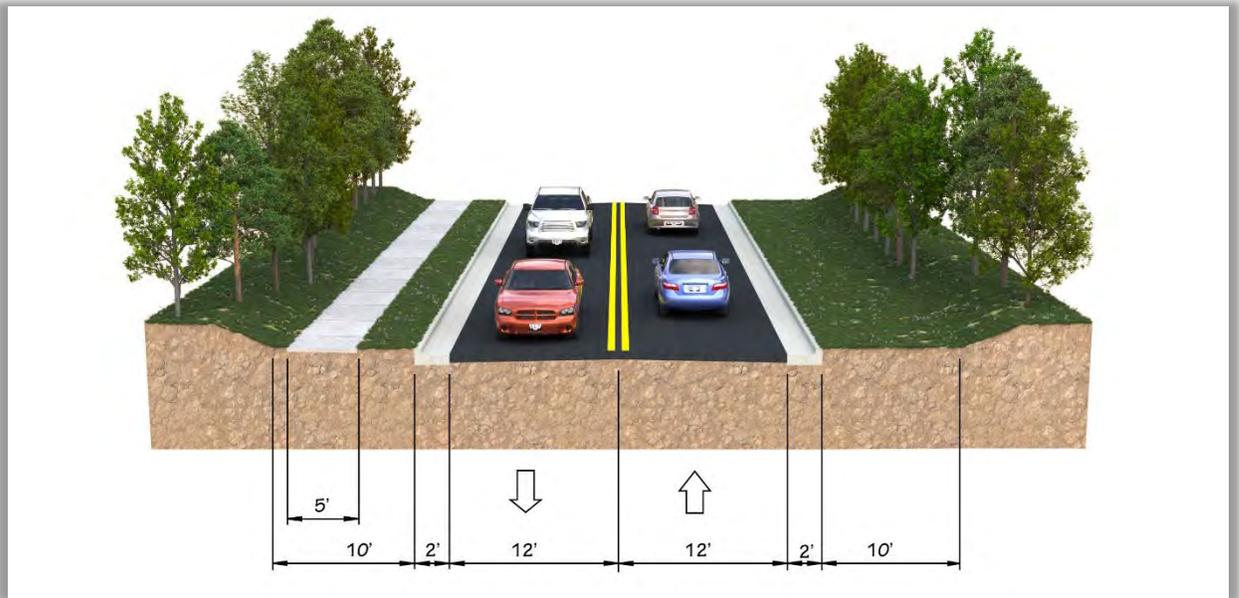


Exhibit 1. East Frederick Law Olmsted Way Extension Proposed Typical Section

Right-of-Way and Access Control

Access along I-26 will remain fully controlled. The proposed interchange, including free-flow on- and off-ramps, will likewise be full access control. The proposed interchange will be constructed mostly within existing right of way. New right of way will be required for the I-26 eastbound ramps.

The proposed roadway connection will be constructed primarily within new right of way between the proposed interchange and East FLOW, the road currently under construction by the private developer which is expected to later become a State maintained road upon acceptance. NCDOT will acquire right of way to accommodate an ultimate 4-lane boulevard typical section but will construct the 2-lane typical section in **Exhibit 1**. Based on a Section 106 agency commitment, the proposed roadway connection will be full access control for 1,000 feet west of the I-26 eastbound ramp terminal.

Speed Limit

There would be no changes to posted speed limits on I-26 (60 mph) as part of this project. The proposed 2-lane roadway extension connection will be posted at 35 mph.

Design Speed

There would be no changes to design speed on I-26 (70 mph) as part of this project. The design speed for the proposed 2-lane roadway connection is 40 mph.

Anticipated Design Exceptions

There are no design exceptions anticipated at this stage of planning and design.

Service Roads

There are no existing or planned service roads in the PSA.

Structures

The Preferred Alternative includes a new grade-separated crossing of the I-26 eastbound lanes, proposed as a single span 102'6" x 53'3" composite deck on 45" Florida I-beams.

The Section 404/NEPA Merger Team concurred there are no major hydraulic crossings requiring bridging decisions on September 16, 2021.

Bicycle and Pedestrian Facilities/Greenways

Through coordination with Buncombe County, NCDOT will include a separated 5-foot concrete sidewalk adjacent to the westbound travel lane on the roadway connection. The proposed sidewalk will tie into a sidewalk at the west end of the project that is being constructed by the private developer. The proposed sidewalk will terminate at the control of access limits 1,000 feet west of the I-26 eastbound ramp terminal (**Exhibit 2**).

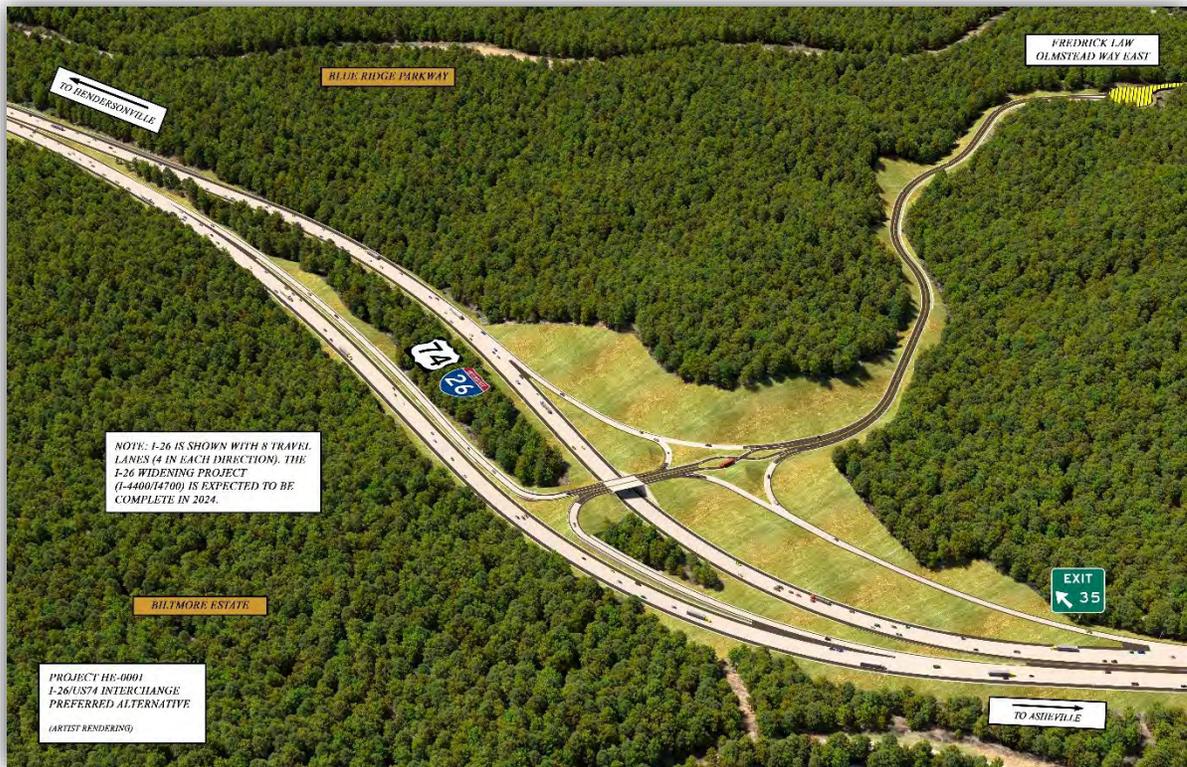


Exhibit 2. Birdseye view to the southeast (artist rendering). Note extent of concrete sidewalk on East Frederick Law Olmsted Way.

NCDOT-Integrated Mobility Division (IMD) reviewed and approved a Complete Streets Project Sheet on June 9, 2022. IMD concurred with the pedestrian accommodations as proposed and concurred that no bicycle facilities are required because the roadway connection is designed to connect to I-26 and there are no plans to extend the roadway across (east of) I-26.

Utilities

No existing utilities will be impacted. Project construction will be coordinated with the installation of fiber optic cable along I-26 (HO-0002A), currently under construction.

Noise Barriers

See Section G, Item 27 below.

Work Zone, Traffic Control and Construction

It is anticipated that construction of HE-0001 will occur at the same time as the on-going I-26 widening construction. Work Zone, Traffic Control, and Construction of HE-0001 will be coordinated with the on-going I-4700 project activities.

Cost Estimate

Cost estimates (as of December 28, 2021) for the Preferred Alternative are provided below in **Table 3**.

Table 3. Cost Estimate for the LEDPA/Preferred Alternative

	Cost Estimate
Project Development & Design	\$3,127,200
Property Acquisition	\$100,000
Construction Cost	\$25,200,000
Total Cost	\$28,427,200

Public Involvement

September 3, 2021 - NCDOT hosted a one-hour virtual Local Officials' Informational Meeting. Invitations to the Informational Meeting were sent on August 20, 2021, via email to representatives with the following organizations: North Carolina Congress (Senate and House), City of Asheville, Buncombe County, and French Broad River Metropolitan Planning Organization (FBRMPO). Representatives from the NC House of Representatives, City of Asheville, FBRMPO, and Buncombe County attended the virtual meeting.

September 2–October 4, 2021 - Public comments were solicited by the USACE Public Notice (Merger Application) issued September 2, 2021 (SAW-2021-01535-PN), and by NCDOT-Division 13 and NCDOT-Public Involvement outreach efforts. The USACE received written comments from NOAA's National Marine Fisheries Service (NMFS), the Catawba Tribe, the Cherokee Nation, the North Carolina Wildlife Resources Commission (NCWRC), and the NC Historic Preservation Office (NC HPO). NCDOT received 259 comments by phone, email and through the project website (www.publicinput.com/I26-exit35-buncombe) during the comment period. NCDOT prepared a comment-response memorandum to address substantive questions and comments about the proposed project and reviewed the comments with relevant regulatory agencies in preparation for the CP3 Merger meeting.

February 23, 2022 - NCDOT announced the selection of the Preferred Alternative and directed the public to review updated information, mapping, and the comment-response memorandum available on the project website.

Section 404/NEPA Merger and Interagency Coordination

HE-0001 is utilizing NCDOT's Section 404/NEPA Merger Process. Merger Meetings and interagency coordination and consultation is summarized below. Signed Concurrence Forms are attached.

July 15, 2021 - The Merger Team concurred with the Project Need and Purpose and Study Area and the Detailed Study Alternatives (DSAs) Carried Forward at the combined Concurrence Point (CP) 1 and CP 2 Merger Meeting.

September 16, 2021 - The Merger Team concurred with the Bridging Decisions and Alignment Review at the CP 2A Merger Meeting. NCDOT also presented a CP 2 Update at this meeting by summarizing the Traffic Forecast and the decision to proceed with a 2-lane typical section for the connecting roadway, noting the anticipated need for auxiliary lanes at proposed intersections to accommodate traffic operations. The CP 2 Update also revisited potential impacts reported at the combined CP 1 and CP 2 Merger Meeting to include field verified jurisdictional resources in place of the GIS data sets.

October 18, 2021 - NCDOT and FHWA hosted a CP 3 Pre-meeting with USFWS.

October 19, 2021 - NCDOT and FHWA hosted a CP 3 Pre-meeting with NCWRC.

October 20, 2021 - NCDOT and FHWA hosted a CP 3 Pre-meeting with USEPA.

October 27, 2021 - NCDOT and FHWA hosted a CP 3 Pre-meeting with USACE and NCDWR.

October 27, 2021 - NCDOT and FHWA hosted a CP 3 Pre-meeting with FBRMPO.

February 9, 2022 - The Merger Team concurred with the LEDPA/Preferred Alternative Selection at the CP 3 Merger Meeting.

Section 4(f) of the US Department of Transportation Act

NCDOT and FHWA considered the potential use of Section 4(f) properties by STIP project HE-0001. Section 4(f) properties in and adjacent to the PSA include the historic sites discussed in Section G Item 13, and recreational resources (i.e., Mountains-to Sea Trail). The Blue Ridge Parkway is a historic site and a public park adjacent to the PSA. No right of way acquisition is required from Section 4(f) properties; thus, a permanent incorporation or permanent easement use is not applicable. No temporary easement will be required from Section 4(f) properties; thus, a temporary occupancy use is not applicable.

Constructive use involves an indirect impact to a Section 4(f) property of such magnitude as to effectively act as a permanent incorporation. In such a scenario, a project does not physically incorporate the property but is close enough to it to severely impact important features, activities or attributes associated with it, and to substantially impair it. Proximity effects to the Blue Ridge Parkway were considered through Section 106 Consultation (see Section G, Item 13). However, it was determined that visual effects do not severely impact important features, activities or attributes associated with the Parkway, nor will visual impacts substantially impair the property. NCDOT evaluated future potential noise impacts to the Parkway as well (see Section G, Checklist Item 27). This project would not substantially alter future sound levels along the studied portion of the Blue Ridge Parkway adjacent to the proposed project. The traffic analyses concluded that construction of HE-0001 would not attract additional trips to the Parkway. As a result, no Section 4(f) constructive uses result from STIP project HE-0001.

Avoidance and Minimization Measures

NCDOT evaluated and presented the following avoidance and minimization measures to the Merger Team at the CP 4A Merger Meeting for the Preferred Alternative (**Table 4**).

Additional avoidance and minimization measures may be evaluated as the project design progresses through coordination with the Merger Team.

Table 4. HE-0001, Avoidance and Minimization Measures

Location (if applicable)	Avoidance and Minimization Measure
Implemented in Preliminary Design Development	
Concept Development	Eliminated concepts from consideration during the scoping phase of the project for a variety of factors and feasibility concerns, including avoiding and minimizing potential impacts to the French Broad River floodplain/wetland complex, residential and commercial developments north of the French Broad River, and the Biltmore Estate NHL property.
Project Study Area	Reduce PSA to avoid and minimize potential impacts to the French Broad River floodplain and known potential jurisdictional resources.
Detailed Study Alternatives	<ul style="list-style-type: none"> • Did not consider alternatives with the potential to have direct effects to the Blue Ridge Parkway. • Considered and eliminated alternatives with the potential to have direct effects to the Biltmore Estate NHL.
Two-lane -Y-Line Typical Section	Two-lane roadway with curb and gutter typical section (opposed to 4-lane divided with grassed shoulder typical section) to accommodate future traffic volumes, noting auxiliary lanes will likely be required at intersection approaches. This results in less right of way requirements and will minimize impacts at proposed stream crossings and reduce tree clearing requirements.
-Y-Line Alignment	Shift the roadway alignment to the southeast to minimize potential impacts to Stream SA.
	Following CP 3, per NCDWR request, NCDOT shifted -y-line alignment to: <ul style="list-style-type: none"> • improve Stream SA crossing skew, reducing potential impacts by approx. 100 ft, • avoid 0.03 ac impact to Wetland WD, and • avoid 0.01 ac impact to Wetland WH.
Ramp -C- and Ramp -D- Retaining Walls	<ul style="list-style-type: none"> • Prior to CP 3, incorporate approx. 1,400 feet of retaining walls to avoid and minimize approx. 1,100 feet of potential impacts to Stream SDX and approx. <0.1 ac of wetlands in the I-26 bifurcated section. • Following CP 3, retaining walls were refined in conjunction with the DDI design and Ramp-C- Alignment shift (described below) in the same general locations.
Ramp -C- Alignment	Following CP 3, shift ramp alignment between <1 ft to about 18 ft to the east to: <ul style="list-style-type: none"> • improve constructability of the proposed retaining walls, • avoid approx. 120 ft of impacts to Stream SDY and Stream SDZ, • avoid approx. <0.1 ac impacts to Wetland WCR, • minimize impact to Stream SDX by approx. 175 ft, and • minimize impacts to Wetlands WCS and WCN by approx. <0.1 ac.
Reviewed in Preliminary Design Development, Not Implemented	
Ramp -C- Alignment	NCDOT reviewed a revised Ramp -C- alignment because of challenges associated with bridging Stream SDX (discussed at CP 2A). An approx. 325-ft bridge was reviewed in the I-26 bifurcated section to avoid and minimize potential impacts to Stream SDX and Wetland WCN. The bridge clearance was 6 feet and would not provide the environmental benefit for the wetland feature.

Preliminary Impacts

The following impacts are anticipated because of the project (Table 5).

Table 5. Impact Matrix for the Preferred Alternative

Resource	Impact
Relocations (Business, Residential, Non-profit)	0
Minority /Low Income Populations (Disproportionate Impacts)	0
Historic Properties (Adverse Effects)	0
Community Facilities Impacted	0
Section 4(f) Impacts	0
Noise Receptor Impacts	4
Prime Farmland (acres)	0.8
FEMA Floodplain (acres)	0
Tree Clearing ¹ (acres)	23.6
Streams ^{2, 3, 4} (In ft)	980
Wetlands (acres)	0.1
<i>Federally Protected Species⁵</i>	
Appalachian elktoe / <i>Alasmidonta raveneliana</i>	MANLAA ⁶
Gray bat / <i>Myotis grisescens</i>	MANLAA ⁶
Northern long-eared bat / <i>Myotis septentrionalis</i>	4(d) rule exemption ⁷
¹ Calculated with preliminary design slope stakes plus 10 feet; I-4700 tree clearing was removed from this calculation. ² Potential Waters of the US (WOTUS) impacts calculated with preliminary design slope stakes plus 10 feet. ³ The potential WOTUS impacts exclude I-4700 permitted permanent impacts. ⁴ The HE-0001 PJD delineated to active I-4700 construction limits or control of access (C/A) fence resulting in some overlap with the I-4700 PJD. In these cases, the HE-0001 (i.e., more recent) delineation was used and the I-4700 PJD feature removed from potential impact calculations. This overlap did not affect the I-4700 PJD in the I-26 bifurcated section. ⁵ IPaC data checked on August 10, 2022. ⁶ MANLAA = May Affect Not Likely to Adversely Affect ⁷ On March 23, 2022, the Service published a proposal to reclassify the NLEB as endangered under the ESA; a new final listing determination for the NLEB is expected by November 2022. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB and the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed.	

F. Project Impact Criteria Checklists:

F3. Type III Actions				
<p>Proposed improvement(s) that fit Type III Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix C) answer questions below.</p> <ul style="list-style-type: none"> • <i>NCDOT will certify the Categorical Exclusion for FHWA approval.</i> • <i>If any questions are marked "Yes" then additional information will be required for those questions in Section G.</i> 				
			Yes	No
1	Does the project involve potential effects to Threatened or Endangered species listed by the US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Does the project involve substantial residential or commercial displacements or right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6	Does the project include a determination under Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7	Is a project-level analysis for direct, indirect, or cumulative effects required based on the NCDOT community studies screening tool?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8	Does the project impact anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9	Does the project impact waters classified as Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply Watershed Critical Areas, 303(d)-listed impaired water bodies, buffer rules, or submerged aquatic vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10	Does the project impact Waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11	Does the project require a US Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13	Does the project include Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15	Does the project require work encroaching and adversely effecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Areas of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<u>Type III Actions (continued)</u>		Yes	No
17	Does the project require a US Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve Coastal Barrier Resource Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project impact federal lands (e.g., US Forest Service (USFS), US Fish and Wildlife Service (USFWS), etc.) or Tribal (Trust) Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, TVA, Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project involve Federal Emergency Management Act (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Is the project considered a Type I under the NCDOT's Noise Policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29	Is the project in an Air Quality non-attainment or maintenance area for a National Ambient Air Quality Standard (NAAQS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes'):

Checklist Item 1: Federally Protected Species

The United States Fish and Wildlife Service (USFWS) list the following federally protected species within the PSA, under the Endangered Species Act (ESA) (**Table 6**).

Table 6. ESA federally protected species listed¹ for Buncombe County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alasmidonta raveneliana</i>	Appalachian elktoe	E	No	MANLAA**
<i>Solidago spithamea</i>	Blue Ridge goldenrod	T	No	NE
<i>Glyptemys muhlenbergii</i>	bog turtle	T(S/A)	No	Not Required
<i>Glaucomys sabrinus coloratus</i>	Carolina Northern flying squirrel	E	No	NE
<i>Myotis grisescens</i>	Gray bat	E	Yes	MANLAA**
<i>Sarracenia rubra ssp. jonesii</i>	Mountain sweet pitcher plant	E	No	NE
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes	4(d) rule exemption***
<i>Gymnoderma lineare</i>	Rock gnome lichen	E	No	NE
<i>Hedyotis purpurea var. montana</i>	Roan Mountain bluet	E	No	NE
<i>Geum radiatum</i>	Spreading avens	E	No	NE
<i>Microhexura montivaga</i>	Spruce-fir moss spider	E	No	NE
<i>Spiraea virginiana</i>	Virginia spiraea	T*	No	Not Required

¹ USFWS County List dated June 17, 2021, IPaC countywide data checked on July 28, 2021
 E - Endangered; T - Threatened; T(S/A) - Threatened due to similarity of appearance; MANLAA - May Affect–Not Likely to Adversely Affect; NE - No Effect
 * Historical record (the species was last observed in the county more than 50 years ago) per previous USFWS County list dated July 17, 2020.
 ** Biological Conclusion includes NCDOT commitment implementation of Conservation Measures outlined in a Revised Informal Consultation USFWS letter dated July 22, 2022.
 *** On March 23, 2022, the Service published a proposal to reclassify the NLEB as endangered under the ESA; a new final listing determination for the NLEB is expected by November 2022. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB and the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed.

Appalachian elktoe

USFWS Recommended Survey Window: March 1–November 1 (optimal)

Biological Conclusion: May Affect Not Likely to Adversely Affect

A review of NHP records on July 28, 2021, indicates one known occurrence within 1.0 mile of the study area (EO ID 21150, last observed September 29, 2019). The Biological Conclusion includes NCDOT commitment implementation of Conservation Measures outlined in a Revised Informal Consultation USFWS letter dated July 22, 2022.

Gray bat

USFWS Recommended Survey Window: Structure Checks: May 15-August 15. Mist netting and/or acoustic bat surveys are dependent on results of bat structure checks or USFWS requirements. Mist Netting Surveys: June 1-August 15, Acoustic Surveys: May 15-August 15.

Biological Conclusion: May Affect Not Likely to Adversely Affect

A review of NHP records on July 28, 2021, indicates two known occurrences within 1.0 mile of the study area. EO ID 39015 was last observed July 18, 2018, and EO 40722 was last observed in 2019. EO 40722 falls within the boundaries of the National Park Service, Blue Ridge Parkway. The Biological Conclusion includes NCDOT commitment implementation of Conservation Measures outlined in a Revised Informal Consultation USFWS letter dated July 22, 2022.

Northern long-eared bat

USFWS Recommended Survey Window: Structure Checks: May 15-August 15. Mist netting and/or acoustic bat surveys are dependent on results of bat structure checks or USFWS requirements. Mist Netting Surveys: June 1-August 15, Acoustic Surveys: May 15-August 15.

Biological Conclusion: 4(d) Rule Exemption

A review of NHP records on July 28, 2021, indicates no known occurrences within 1.0 mile of the study area. A 4(d) rule exemption concurrence was included in a Revised Informal Consultation USFWS letter dated July 22, 2022. On March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The US District Court for the District of Columbia has ordered the USFWS to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome, a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022).

Checklist Items 7: Direct, Indirect, or Cumulative Effects

The proposed project may impact travel patterns, reduce travel time, affect access to properties in the area, or open areas for development or redevelopment. Due to the potential transportation impact-causing activities, this project may influence nearby land uses or stimulate growth. For these reasons, an Indirect and Cumulative Effects (ICE) and Land Use Scenario Assessment (LUSA) was completed according to NCDOT procedure.

The LUSA Matrix concluded that the rankings for the various development categories are similar for the future (2045) No-Build and Build scenarios. This does not imply that additional development is not anticipated to occur within the Probable Development Areas (PDAs), but that effects of additional development are not quantifiably different between the future No-Build and Build scenarios (i.e., with or without HE-0001). Based on the results from the LUSA Matrix a Cumulative Effects Assessment is not required.

Checklist Items 11: Waters and Corps 404 Permit

The project will require a permit from the US Army Corps of Engineers for Section 404 wetland and stream impacts, but it is yet to be determined whether the permit would be an Individual Permit or a Nationwide or General Permit.

Checklist Items 13: Section 106 of the National Historic Preservation Act (NHPA)

Historic Architecture and Landscape Resources

The NCDOT architectural historian identified the following National Register (NR) -eligible or -listed properties in the project area of potential effects (APE):

- Biltmore Estate (BN1835) – National Historic Landmark (NHL)
- Blue Ridge Parkway (NC0001) – Determined NR eligible, NHL pending
- French Broad River Gaging Station (BN6468) – Determined NR eligible
- Bent Creek Campus (BN0898) – Determined NR eligible

NCDOT recommended an effects assessment for the above-listed historic properties in the Effects Required Form dated June 15, 2021 (attached).

Archaeological Resources

The NCDOT archaeologist determined an archaeological resource survey was required for the project APE on May 20, 2021. An intensive archaeological survey and evaluation was conducted for the APE from August to October 2021. Of the 13 resources identified or revisited by the survey, one precontact site (31BN1119) was recommended eligible. NCDOT submitted the Archaeological Effects Required Form to NC Historic Preservation Office (HPO) and tribes (see tribal coordination below) on December 10, 2021. On January 18, 2022, NC HPO concurred with NCDOT's Determination of Eligibility and recommendation for data recovery investigations to mitigate adverse effects to the site that cannot be avoided by the proposed project. (See attachments.)

Effects Assessment

In accordance with Section 106 of the NHPA, NCDOT and FHWA consulted with appropriate parties in the determination of effects to the four above-ground historic architectural properties and one archaeological property at a series of meetings:

October 7, 2021 - NCDOT and FHWA hosted a Pre-effects Meeting with the NC HPO and the National Park Service-Blue Ridge Parkway (NPS). The Blue Ridge Parkway was the topic of discussion.

February 4, 2022 - NCDOT and FHWA hosted an Effects Meeting with NC HPO, NC Office of State Archaeology (OSA), NPS, and Biltmore Estate. All historic properties were reviewed for potential effects. Concurrence was reached on all historic properties except the Blue Ridge Parkway (see **Table 7**).

- Following the selection of the Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative at Concurrence Point 3 on February 9, 2022, NCDOT submitted the No National Register of Historic Places Eligible or Listed Archaeological Sites Form to NC HPO on March 10, 2022. NC HPO concurred by letter dated June 20, 2022, that HE-0001 will have no adverse effect on eligible archaeological resources, including site 31BN1119. (See attachments.)

March 18, 2022 - NCDOT and FHWA hosted a follow-up Effects Meeting for the Blue Ridge Parkway with NC HPO, NPS, Buncombe County, and Biltmore Farms, LLC (landowner).

May 11, 2022 - NCDOT and FHWA hosted a second follow-up Effects Meeting for the Blue Ridge Parkway with NC HPO, NPS, Buncombe County, and Biltmore Farms, LLC.

June 29, 2022 - NCDOT and FHWA hosted a final Effects Meeting for the Blue Ridge Parkway with NC HPO, NPS, Buncombe County, and Biltmore Farms, LLC. A No Adverse Effect, with conditions

determination was concurred to for the Blue Ridge Parkway. These conditions are included in the HE-0001 project commitments (green sheet).

The following effects determinations were made for the Preferred Alternative (also see attached Effects Form):

Table 7. Effects to Historic Properties

Historic Property (State ID)	Status	Effect
Biltmore Estate (BN1835)	NHL	No Effect
Blue Ridge Parkway (NC0001)	NR eligible; NHL pending	No Adverse Effect, with conditions
French Broad River Gaging Station (BN6468)	NR eligible	No Effect
Bent Creek Campus (BN0898)	NR eligible	No Effect
Archaeological site (31BN1119)	NR eligible	No Adverse Effect

Tribal Coordination

NCDOT initiated contact with the following tribal governments consistent with the current NCDOT protocol on September 9, 2021:

- Eastern Band of Cherokee Indians (EBCI)
- United Keetoowah Band of Cherokee Indians
- Cherokee Nation*
- Catawba Indian Nation*
- Muscogee (Creek) Nation

*NCDOT received a response from these tribes.

NCDOT transmitted the Archaeological Effects Form and details regarding the results of the archaeological survey investigations to the above-listed tribal governments and NC HPO on December 10, 2021. The Catawba Indian Nation replied by letter dated January 31, 2022.

Following selection of the LEDPA/ Preferred Alternative on February 9, 2022, NCDOT transmitted updated information based on the No National Register of Historic Places Eligible or Listed Archaeological Sites Affected Form to the above-listed tribal governments on March 10, 2022. NCDOT and FHWA met with Eastern Band of Cherokee Indians on March 21, 2022, and provided additional information. (See attachments.)

Checklist Item 21: Interstate Interchange Construction and/or Modification or changes in Access Control

FHWA reviewed the Interstate Access Report (IAR) for this project and deemed the proposed interchange acceptable based on safety, operations, and engineering considerations. Final approval of this new interchange may be given by the FHWA-NC Division Administrator provided that the scope and design of the selected alternative in the approved environmental document is consistent with the IAR, dated October 18, 2021.

Access along I-26 will remain fully controlled. The proposed project will introduce a new interchange near mile marker 35 that will access only the west side of I-26; no access will be provided east of I-26 on the Biltmore Estate property. The proposed roadway connection will be controlled access for 1,000 feet west of the I-26 eastbound on- and off-ramp terminals.

Checklist Item 27: NCDOT Noise Policy Type 1 Project

The source of this traffic noise information is “Traffic Noise Report, I-26 Interchange (Exit 35), STIP Project HE-0001, Buncombe County, NC”, Gannett Fleming, April 2022.

For the purposes of the traffic noise study, NCDOT evaluated two alternatives: Right Exit and Left Exit (Preferred Alternative) alternatives. The Right Exit is the closest alternative to the Biltmore Estate and Blue Ridge Parkway while the Left Exit alternative is the furthest alternative from both the Biltmore Estate and Blue Ridge Parkway. The analyses of these two alternatives adequately assess the potential traffic noise impacts associated with all three DSAs.

Blue Ridge Parkway

NCDOT analyzed traffic noise impacts to the Blue Ridge Parkway for purposes of consultation under Section 106 of the National Historic Preservation Act (NHPA). While noise analysis of the Blue Ridge Parkway is not required by 23 CFR 772 or the 2021 NCDOT Traffic Noise Policy, NCDOT recognizes that the setting and feeling of the Blue Ridge Parkway are characteristics that contribute to the property’s NR eligibility (NHL is pending). This project would not substantially alter future sound levels along the studied portion of the Blue Ridge Parkway adjacent to the proposed project.

Traffic Noise Impacts

The maximum number of receptors in the Preferred Alternative predicted to be impacted by future traffic noise is shown in **Table 8**. The table includes those receptors expected to experience traffic noise impacts by either approaching or exceeding the FHWA Noise Abatement Criteria or by a substantial increase in exterior noise levels as defined in the NCDOT Traffic Noise Policy.

Table 8. Predicted Traffic Noise Impacts*

Alternative	Residential (NAC B)	Places of Worship/Schools, Parks, etc. (NAC C & D)	Businesses (NAC E)	Total
Preferred Alternative	0	4	0	4
*Per TNM ^{2.5} and in accordance with 23 CFR Part 772				

Traffic Noise Abatement Measures

Measures for reducing or eliminating the traffic noise impacts, including noise barriers, were considered for all impacted receptors in each alternative. Noise barriers include two basic types: earthen berms and noise walls. These structures act to diffract, absorb, and reflect highway traffic noise.

One impact was identified within each of the project’s four noise study areas (NSA). In accordance with the NCDOT noise policy feasibility requirements, a minimum of two impacted receptors must benefit from a noise abatement measure; therefore, noise abatement is not feasible for this project.

Based on this preliminary study, traffic noise abatement is not recommended, and no noise abatement measures are proposed. This evaluation completes the highway traffic noise requirements of Title 23 CFR Part 772. No additional noise analysis will be performed for this project unless warranted by a substantial change in the project’s design concept or scope.

In accordance with NCDOT Traffic Noise Policy, the Federal/State governments are not responsible for providing noise abatement measures for new development for which building permits are issued after the Date of Public Knowledge. The Date of Public Knowledge of the proposed highway project will be the approval date of the Categorical Exclusion. NCDOT strongly advocates the planning, design and construction of noise-compatible development and encourages its practice among planners, building officials, developers and others.

Checklist Item 28: Farmland Protection Policy Act (FPPA)

A preliminary screening of farmland conversion impacts in the PSA has been completed (NRCS Form AD-1006 for point projects, Part VI only) and a total score of 37 out of 160 points was calculated for the project site. Since the total site assessment score does not exceed the 60-point threshold established by Natural Resources Conservation Service (NRCS), farmland conversion impacts may be anticipated, but are not considered notable.

H. Project Commitments (attach as Green Sheet to CE Form):

NCDOT PROJECT COMMITMENTS

STIP Project No. **HE-0001**
I-26 Interchange (Future Exit 35)
Buncombe County
Federal Aid Project No. Federal Aid Number
WBS Element 49742.1.2

PROJECT COMMITMENTS

I-26 Exit 35, Construct New Interchange

T.I.P Number: HE-0001

Buncombe

Federal Aid Number:

WBS: 49742.1.2

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Division Office - Tree clearing - Preconstruction

As the proposed action will impact suitable habitat for Gray bat throughout the action area, all tree clearing will occur between November 15– March 15, which is outside of the bat active season for Gray bat in the French Broad River (FBR) Basin. There will be one exception to this moratorium, the minimal tree clearing associated with geotechnical field investigations that will occur starting in August 2022. This exception will allow equipment access for geotechnical borings planned on the -y- line (i.e., connector road) and the bifurcated section. The equipment will work around trees to the greatest extent practical.

NCDOT will modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal in excess of what is required to implement the project safely.

Division Environmental Staff - Agency coordination and review - Preconstruction

Based on Section 7 coordination, NCDOT will invite representatives from the FWS, U.S. Army Corps of Engineers (COE), NC Division of Water Resources, NC Division of Land Quality, and the North Carolina Wildlife Resources Commission (WRC) to the preconstruction meeting for the proposed project, as well as to all subsequent field inspections prior to construction, to ensure compliance with all special project commitments.

NCDOT shall provide the FWS with the SECP and allow 30 calendar days for review.

Division Office - Blue Ridge Parkway - Blue Ridge Parkway Overlay District

a. Buncombe County is an interested party in the HE-0001 project, as referenced by its current overlay district and zoning powers that protect the BRP corridor. NCDOT will coordinate with Buncombe County and request the County to notify and request comments from NPS and NC HPO regarding any future proposed changes to the Blue Ridge Parkway Overlay District (Section 78-643).

Division Office - Blue Ridge Parkway - Future capacity improvements

NCDOT will coordinate review of any future capacity improvements to HE-0001 (including widening, pedestrian, or safety modifications) with the NPS and NC HPO prior to the approval of any federal or state action (i.e., NEPA document, permit). This condition is not applicable to NCDOT capacity improvements that are considered an exempt activity under the current NCDOT Section 106 Programmatic Agreement.

Division Office - Blue Ridge Parkway - Future intersecting road(s)

NCDOT will not construct or maintain any new road or access points that intersect or cross the HE-0001 portion of East Frederick Law Olmsted Way, from the roundabout to I-26.

If NCDOT assumes maintenance of East Frederick Law Olmsted Way from NC 191 to the roundabout, NCDOT will review driveway access permits to East Frederick Law Olmsted Way according to current NCDOT procedure and in consultation with NPS and NC HPO. This condition may be revisited through consultation with NPS and NC HPO associated with future state transportation projects.

Division Office - Blue Ridge Parkway - Lighting

NCDOT will not install roadway lighting along the access roadway portion of HE-0001 (i.e., East Frederick Law Olmsted Way); lighting will be required for the interchange. Interchange lighting will be designed and installed in accordance with the conservation measures included in the US Fish and Wildlife Informal Consultation letter dated March 16, 2022 and revised July 22, 2022. If NCDOT allows roadway/pedestrian lighting of East Frederick Law Olmsted Way through an encroachment agreement with a separate/private entity, NCDOT will require implementation of NPS Sustainable Outdoor Lighting Principles for any roadway/pedestrian lighting.

1. NPS Sustainable Outdoor Lighting Principles
 - a. Light only IF you need it
 - b. Light only WHEN you need (use timers, sensors, and other controls)
 - c. Light only WHAT/WHERE you need it (shield light sources and direct downward, minimize height of light sources)
 - d. Use appropriate color spectra (no white/blue light), use amber or yellow
 - e. Use minimum number of lumens necessary (500 lumens or less per fixture if possible)
 - f. Choose energy efficient lamps and fixtures (minimum possible)

EAU – Cultural Resources, Division Office - Blue Ridge Parkway - Vegetative Screening

NCDOT will design, install, and maintain approximately 900 feet of vegetative screening along the southside of the HE-0001 portion of East Frederick Law Olmsted Way closest to the Blue Ridge Parkway.

NCDOT will commit to produce a vegetative screening plan with the 65% roadway design plan (late summer/fall 2022) submittal and provide to NPS and NC HPO for review and comment.

Division Office - Design Standards in Sensitive Watersheds - Preconstruction

NCDOT will utilize Design Standards in Sensitive Watersheds (DSSW, 15A NCAC 04B .0124) for stormwater discharge under the National Pollutant Discharge Elimination System (NPDES).

Division Office - Lighting (Bats) - Preconstruction

Based on Section 7 coordination for bats, permanent lighting will be confined to the interchange portion of this project along I-26 and will meet safety requirements for fully controlled access roadways. The roadway connection to Frederick Law Olmstead Way East will remain a dark forested corridor. NCDOT will use the shortest light pole that meets highway requirements and safety parameters and limits light in suitable bat

habitat. NCDOT will use light emitting diode (LED) fixtures with a Type II distribution pattern. This pattern projects light from the fixture further along the road and less across the road. In all cases, the BUG (Backlight, Uplight, and Glare) rating will not exceed 3-0-3.

NCDOT will meet the AASHTO minimum requirements of 0.6 fc at 4:1 uniformity, which represents a 25% reduction in the average light on the pavement surface (compared with using the 0.8 fc standard) and should reduce the amount of light reaching suitable bat habitat. NCDOT will eliminate all high mast light poles within the action area.

Division Environmental Staff, Hydraulics - Stormwater control measures (A. elktoe) - Preconstruction

Based on Section 7 coordination, NCDOT has developed stormwater commitment guidance which will apply to any portion of the NCDOT stormwater conveyance system draining to an outfall discharging to the French Broad River within the NCDOT right of way. NCDOT will prepare a stormwater management plan (SMP) that implements structural and non-structural post-construction stormwater best management practices (BMPs) to the maximum extent practical, which is consistent with NPDES Post-Construction Stormwater Program. NCDOT will use a hierarchical BMP selection process, which is optimized to treat silt, nutrients, and heavy metals.

NCDOT will evaluate the use of emerging BMP technologies that NCDOT has yet to publish in its BMP Toolbox. These emerging BMP technologies include bioswales, bioembankments, biofiltration conveyances, and soil improvements that maximize infiltration.

Hydraulics - Sediment and erosion control plan (SECP) - Preconstruction

Based on Section 7 coordination, the sedimentation and erosion control plan (SECP) will be in place prior to any ground disturbance for all pipe replacements and construction. When needed, combinations of SEC measures (such as silt bags in conjunction with a stilling basin) will be used to ensure that the most protective measures are implemented. The SECP shall adhere to the DSSW for portions of the project draining directly or indirectly to the FBR. Consideration will be given to any on the ground practical application which is most protective of the resource. For example, there may be some areas where NCDOT would not extend a measure of the DSSW (e.g., cut trees to construct a basin) which would have greater impact to sensitive resources.

Division Office, Construction Office - Blue Ridge Parkway - Control of Access

NCDOT will include 1,000-foot control of access (C/A) fencing along the HE-0001 portion of East Frederick Law Olmsted Way west of the eastbound I-26 on- and off-ramp intersection that would prohibit the construction of driveways or access points.

Construction Office - Blue Ridge Parkway - Tree clearing

NCDOT will minimize tree clearing consistent with Section 7 conservation measures. NCDOT is committed to avoid tree removal beyond what is required to implement the project safely. NCDOT will ensure that tree removal is limited to that specified in the project plans.

Construction Office - Lighting (Bats) - Construction

Based on Section 7 coordination for bats, lighting used for construction will be limited to what is necessary to maintain safety standards and will only be directed toward active work areas, not into adjacent wooded areas or inactive work sites.

Division Environmental Staff - Sediment and erosion control monitoring effectiveness - Construction

Based on Section 7 coordination, one Construction Project Inspector will monitor SEC devices for the life of the project. Inspections of erosion control devices will be done on the standard inspection schedule (weekly, or after a rainfall event of one inch or greater). NCDOT will self-report to the FWS any SEC device failures or sediment loss resulting from exceeding the capacity of the measures. The NCDOT inspector will report any failures or sediment loss to the Division Environmental Officer, who will contact the agency within 24 hours. If there are any failures or sediment loss, NCDOT will meet with resource agencies and work to adaptively manage SEC devices for further storm events while construction continues.

Division Environmental Staff - Tree Clearing (Bats) - Construction

Based on Section 7 coordination regarding bat habitat, NCDOT will ensure tree removal is limited to that specified in project plans and ensure that clearing limits are clearly marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

COMMITMENTS FROM PERMITTING

No commitments developed during project permitting.

*******END OF PROJECT COMMITMENTS*******

I-26 Exit 35, construct new interchange

I. Categorical Exclusion Approval:

STIP Project No. HE-0001
WBS Element 49742.1.2
Federal Project No. Federal Aid Number

Prepared By:

8/11/2022
Date

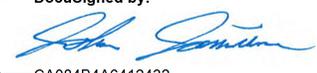

Adam Archual, Senior Environmental Planner
Gannett Fleming

Prepared For:

North Carolina Department of Transportation Division 13

Reviewed By:

08/12/2022
Date

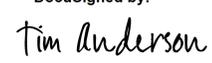
DocuSigned by:

CA084B4A6412432...
John Jamison, EPU Western Regional Team Lead
North Carolina Department of Transportation

Approved

Certified

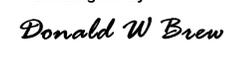
- If classified as Type III Categorical Exclusion.

08/12/2022
Date

DocuSigned by:

CD10D468D13A4B3...
Tim Anderson, PE, Division Engineer, Division 13
North Carolina Department of Transportation

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

08/12/2022
Date

DocuSigned by:

B96E8B70991E42C...
for John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration

Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).

FIGURE 1. PROJECT VICINITY MAP

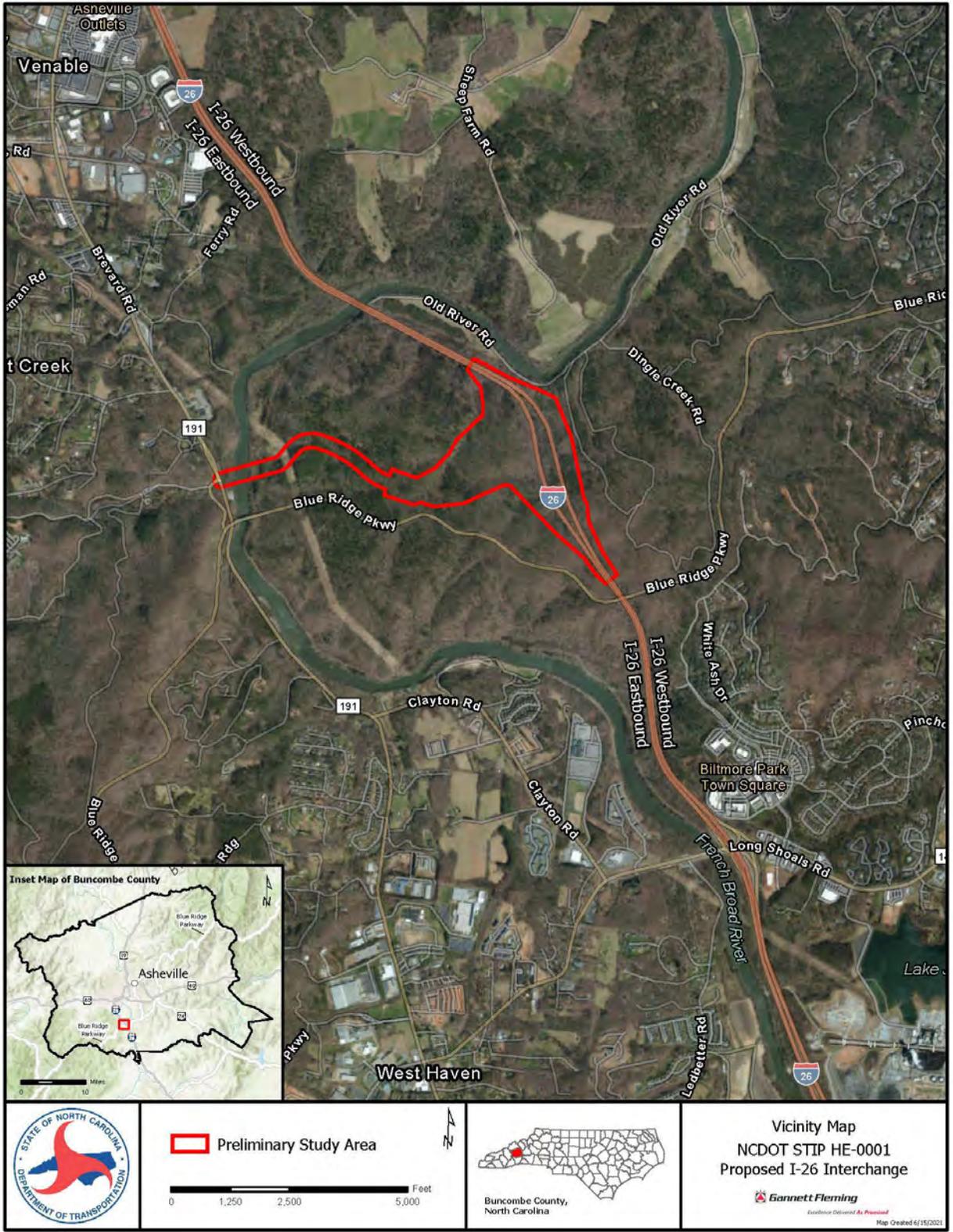
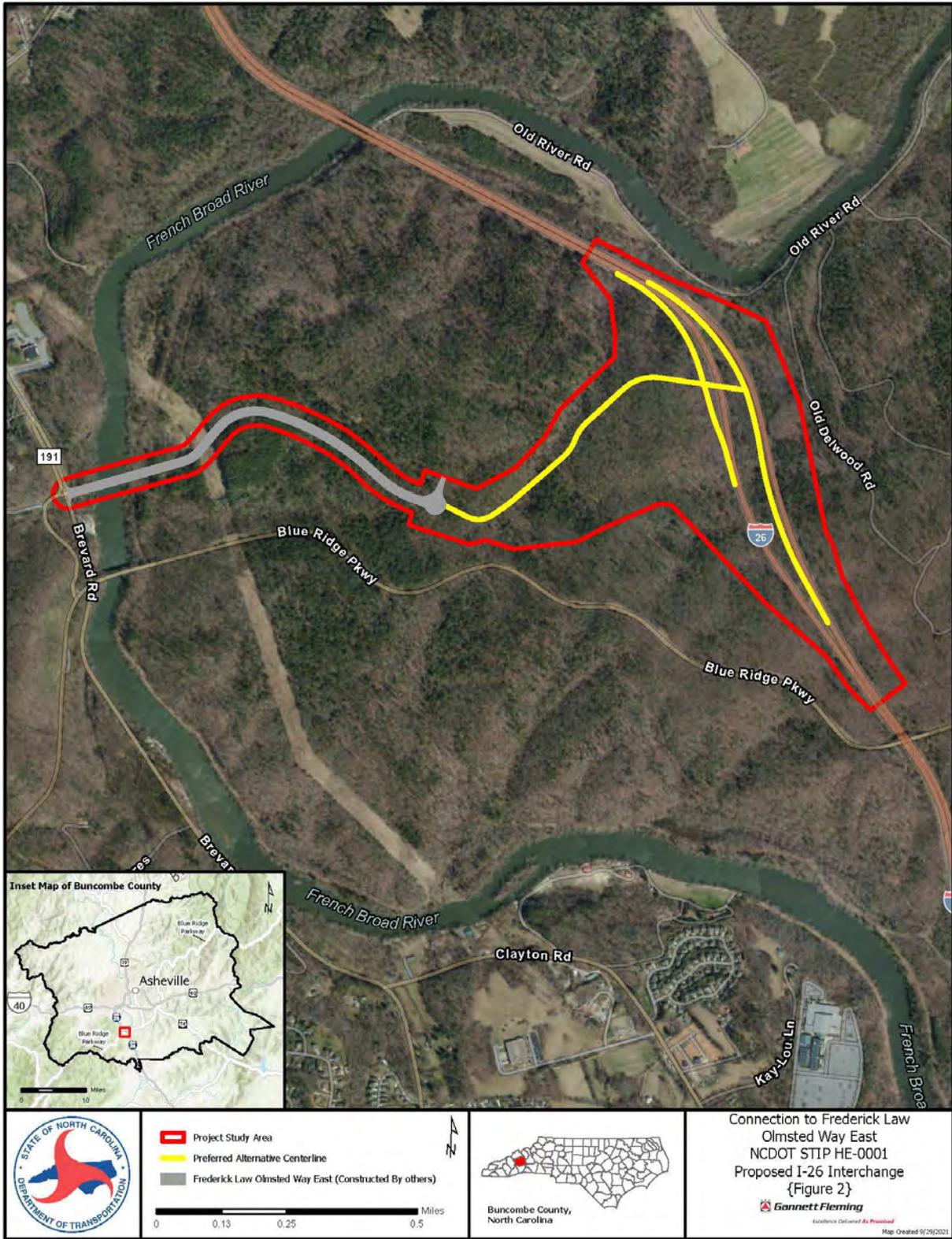


FIGURE 2. PREFERRED ALTERNATIVE (DSA 3) AND EAST FREDERICK LAW OLMSTED WAY (FLOW) (UNDER CONSTRUCTION BY A PRIVATE DEVELOPER)





North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary, Darin J. Waters, Ph.D.

June 20, 2022

MEMORANDUM

TO: Matt Wilkerson mtwilkerson@ncdot.gov
Environmental Analysis Unit
NCDOT Division of Highways

FROM: Ramona M. Bartos, Deputy *RSB for Ramona M. Bartos*
State Historic Preservation Officer

SUBJECT: TIP HE-0001, WBS No. 49473, Transportation Programmatic Agreement Project
21 05-0002, Buncombe County, ER 21-1559

Thank you for your submission of March 10, 2021, for the above-referenced project. We have reviewed the information provided and offer the following comments:

The **No National Register of Historic Places Eligible or Listed Archaeological Sites Affected Form** submitted for the area of potential effects (APE) for the proposed TIP HE-0001 (PA Project 21-05-0002) project reports that impacts to all 18 archaeological sites (31BN1046, 31BN1052, 31BN1090, 31BN1093, 31BN1094, 31BN1091, 31BN1092, 31BN1118, and 31BN1119-31BN1128) identified or revisited in the 2021 survey will be avoided. In our memo of January 14, 2022, we concurred that recently identified sites 31BN1091, 31BN1092, 31BN1118, and 31BN1120-31BN1128 were not eligible for listing in the National Register of Historic Places (NRHP), and no additional archaeological investigations were required ahead of construction.

Site 31BN1119 was determined to be NRHP eligible, and at the TIP HE-0001 Effects Meeting held of February 4, 2022, three detailed study alternatives were presented and discussed (DSA1, DSA2, and DSA3). In the subsequent Concurrence Point 3 (CP3) meeting held on February 9, 2022, DSA3 was selected as the Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative because it avoids impacts to any portion of site 31BN1119.

Given that DSA3 has been selected as the LEDPA, we concur that HE-0001 will have no adverse effect on eligible archaeological resources, including site 31BN1119, and no further archaeological work is necessary.

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.

From: [Stephen Yerka](#)
To: [Brew, Donnie \(FHWA\)](#); [Damon Jones](#)
Cc: [Bryan, Roger D](#); [Coates, McCray](#); [Wilkerson, Matt T](#); [Archual, Adam J.](#)
Subject: RE: HE-0001 EBCI THPO consultation
Date: Monday, March 21, 2022 2:59:48 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL]: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Donnie,

(and thank you, Damon, for sending the GIS files also)

We really appreciate you all being available to respond to the EBCI THPO's questions about the project status.

I will review the materials a little more, and the EBCI THPO is glad to hear the eligible site (119) is being avoided with Alt 3.

Thank you,
Stephen

Stephen J. Yerka
Historic Preservation Specialist, THPO
Eastern Band of Cherokee Indians (<https://ebci.com/>)
syerka@ebci-nsn.gov
(828) 359-6852



From: Brew, Donnie (FHWA) <Donnie.Brew@dot.gov>
Sent: Monday, March 21, 2022 2:06 PM
To: Stephen Yerka <syerka@ebci-nsn.gov>; Stephen Yerka <syerka@ebci-nsn.gov>; Damon Jones <cdjones2@ncdot.gov>
Cc: Bryan, Roger D <rdbryan@ncdot.gov>; Coates, McCray <hmcoates@ncdot.gov>; Wilkerson, Matt T <mtwilkerson@ncdot.gov>; Archual, Adam J. <aarchual@GFNET.com>
Subject: RE: HE-0001 EBCI THPO consultation

Good afternoon Stephen,

It was good catching up with you this afternoon.

I've attached a visual for HE-0001 that is pretty helpful. It shows the HE-0001 project area including the 3 detailed study alternatives. The alternatives and eligible historic resources are labeled on the visual. We are planning to move forward with the green alternative

(Alternative 3).

There is a footnote in the map key that describes the activities that are part of Project Ranger.

Have a great afternoon and let us know if we can help answer any other questions that may come up.

Talk to you soon,

Donnie

Donnie Brew
Preconstruction & Environment Engineer
Federal Highway Administration
310 New Bern Ave, Suite 410
Raleigh, NC 27601
donnie.brew@dot.gov
919-747-7017

Please consider the environment before printing this email.

-----Original Appointment-----

From: Stephen Yerka <syerka@ebci-nsn.gov>

Sent: Monday, March 14, 2022 2:08 PM

To: Stephen Yerka; Damon Jones

Cc: Brew, Donnie (FHWA); Bryan, Roger D; Coates, McCray; Wilkerson, Matt T; Archual, Adam J.

Subject: HE-0001 EBCI THPO consultation

When: Monday, March 21, 2022 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

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Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

From: [Jones, Damon](#)
To: [Stephen Yerka](#)
Cc: [Brew, Donnie \(FHWA\)](#); [Wilkerson, Matt T.](#); [Bryan, Roger D.](#); [Coates, McCray](#); [Archual, Adam J.](#)
Subject: HE-0001 GIS files
Date: Monday, March 21, 2022 2:42:41 PM
Attachments: [image001.png](#)
[HE-0001 Archaeological APE.zip](#)
[HE-0001 & Project Ranger Sites.zip](#)
[HE-0001 Alternative #3.zip](#)
[Project Ranger Archaeological Survey Area.zip](#)

[EXTERNAL EMAIL]: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steven,

Nice talking with you today.

Attached are the GIS files you requested

- HE-0001 Archaeological APE/Study Area
- Sites including those from both HE-0001 and Project Ranger
- Micro Station files for the Preferred Alternative Alt 3
- The Project Ranger APE/Survey Area

They should be projected in NAD 83 NC Stateplane (Feet).

Let me know if have any questions about the files.

Have a great day.

Damon Jones
Archaeologist
Environmental Analysis Unit
N.C. Department of Transportation
901 340 7921 mobile/home
919 707 6076 office
919 250 4224 fax
cdjones2@ncdot.gov

1020 Birch Ridge Drive
1598 Mail Service Center
Raleigh, NC 27699-1598



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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

March 10, 2022

Ms. Ramona Bartos, Deputy State Historic Preservation Officer
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, North Carolina 27699-4617

Dear Ms. Bartos

Subject: TIP HE-0001, WBS No. 49473, Transportation Programmatic Agreement Project 21-05-0002, Buncombe County, ER 21-1559

Enclosed please find a copy of the *No National Register of Historic Places Eligible or Listed Archaeological Sites Affected Form* for the subject project documenting the 2021 investigations for TIP HE-0001 (PA Project 21-05-0002) and archaeological site 31BN1119, which is recommended eligible for the National Register of Historic Places (NRHP) under Criterion D. TIP HE-0001 in Buncombe County is subject to the terms and conditions of the Programmatic Agreement (PA) among the Federal Highway Administration, United States Army Corps of Engineers (Wilmington District), North Carolina Department of Transportation, Advisory Council on Historic Preservation, and North Carolina State Historic Preservation Officer for the Transportation Program in North Carolina (PA) as executed on December 7, 2020. FHWA is the lead federal agency in relation to Section 106 of the NHPA. This documentation is being provided as per stipulation V.C.1.a.1 of the PA.

Although the results of the initial investigation and site evaluation for 31BN1119 remain unchanged from the *Archaeological Effects Required Form* submitted to your office dated December 10, 2021; a finding of no effects for 31BN1119 is being submitted due to avoidance of the site. Construction activities for HR-0001 will not impact site 31BN1119. Please contact Mr. C. Damon Jones at 919-707-6076 or cdjones@ncdot.gov or me at 919-707-6089 or mtwilkerson@ncdot.gov should you have any questions regarding this project.

Sincerely,

Matthew Wilkerson
Archaeology Team Leader
Environmental Analysis Unit

Enclosures (PA form)

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ANALYSIS UNIT
159 MAIL SERVICE CENTER
RALEIGH, NC 27699-1598

Telephone: (919) 707-6000
Fax: (919) 212-5785
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

Cc Donnie Brew, FHWA
Lori Beckwith, USACE
Andrew Triplett, NPS
Scott Shumate, Biltmore Estate
Wenonah Haire, Catawba Nation
Russell Townsend, ECBI THPO
Stephen Yerka, ECBI THPO
Elizabeth Toombs, CN THPO
Acee Watt, UKB THPO
LeeAnne Wendt, MCN THPO
Roger Bryan, NCDOT Division 13
McCray Coates, NCDOT Division 13
Mark Gibbs, NCDOT Division 13
Adam Archual, Gannett Fleming, Inc.
Rick Tipton, Gannett Fleming, Inc.

From: [Jones, Damon](#)
To: [Wenonah Haire](#); [Stephen Yerka](#); [elizabeth-toombs@cherokee.org](#); [Acee Watt](#); [ukbthpo@ukb-nsn.gov](#); [LeeAnne Wendt](#); [sshumate@biltmore.com](#); [andrew_triplett@nps.gov](#)
Cc: [Brew, Donnie \(FHWA\)](#); [Bryan, Roger D](#); [Coates, McCray](#); [Wilkerson, Matt T](#); [Archual, Adam J.](#); [Tipton, Rick A.](#)
Subject: NCDOT; TIP HE-0001 (Buncombe County, NC); Archaeology No NRHP Sites Affected
Date: Thursday, March 10, 2022 3:22:28 PM
Attachments: [image001.png](#)
[HE-0001_HPO_No_Effects_Transmittal_Letter.pdf](#)
[AR21-05-0002noeffects.pdf](#)

[EXTERNAL EMAIL]: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Please find the attached **No NRHP Eligible or Listed Archaeological Sites Affected** PA form and the HPO Transmittal Letter for the HE-0001 Project (construction of Exit 35 on I-26) in Buncombe County, North Carolina (PA Project 21-05-0002).

NCDOT is providing this information to your office on behalf of the Federal Highway Administration (FHWA), the designated lead federal agency for this undertaking, so that you may have the opportunity to offer any comments. In addition to the SHPO, copies of the survey report are being provided to the National Park Service, the US Army Corps of Engineers, The Catawba Nation, The Eastern Band of Cherokee Indians, the Cherokee Nation, The Muscogee (Creek) Nation, the Keetoowah Band of Cherokee Indians, and the Biltmore Estate.

The Archaeological Survey Report and Effect Required form for HE-0001 were provided to you in an email dated December 10, 2021, from me.

During the last Merger Meeting on Feb 9, 2022, Alternative 3 (DSA3) was selected as the Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative. This alternative is being carried forward and will have no effect to eligible site 31BN1119 as it will be avoided by the project.

If you have any questions, please let me know
Thank you.

Damon Jones
Archaeologist
Environmental Analysis Unit
N.C. Department of Transportation
901 340 7921 mobile/home
919 707 6076 office
919 250 4224 fax
cdjones2@ncdot.gov

1020 Birch Ridge Drive
1598 Mail Service Center

Raleigh, NC 27699-1598



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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

In summary, seven archaeological sites (31BN1046, 31BN1052, and 31BN1090–31BN1094) were identified within the project limits prior to the current investigations. The current HE-0001 survey by TRC revisited and expanded two of those sites (31BN1091 and 31BN1092) and recorded 11 new resources (31BN1118–31BN1128); no additional survey or evaluation was necessary at the other five previously identified sites (31BN1046, 31BN1052, 31BN1090, 31BN1093, and 31BN1094) as they were covered under Project Ranger (Webb and Nelson 2019a, 2019b, 2020, 2021) (see Figures 2 and 3).

Of the 13 resources identified or revisited by the current project, one precontact site (31BN1119) is recommended eligible for the NRHP under Criterion D, but lack the characteristics needed for eligibility under Criteria A–C. This site appears to have the potential to contain intact cultural features and deposits associated with multiple Archaic to Woodland period occupations. Site 31BN1119 is recommended for avoidance; however, preservation in place is not warranted. If adverse effects to this site cannot be avoided, data recovery excavations are required to mitigate those adverse effects prior to construction.

The other 12 sites (31BN1091, 31BN1092, 31BN1118, and 31BN1120–31BN1128) identified or revisited during the HE-0001 survey are recommended not eligible for NRHP under all four criteria, and no further archaeological work is required at these sites. However, additional investigations will be necessary at 31BN1092, 31BN1123, and 31BN1125 if the APE expands at these resources since the three sites may extend outside of the current project limits.

Of the five sites that were not revisited, one (31BN1046) has been determined eligible for the NRHP under Criterion D and has been the subject of recent data recovery excavations (Idol and Webb 2020). No additional consideration of that site within the APE is required as part of HE-0001. The other four sites (31BN1052, 31BN1090, 31BN1093, and 31BN1094) were previously determined not eligible for the NRHP under all four criteria, and no additional archaeological work was needed under HE-0001 (Webb and Nelson 2019a, 2019b, 2020, 2021). If the APE boundaries are expanded, additional survey and site delineation might be necessary to further investigate sites 31BN1052 and 31BN1090, and/or additional data recovery excavations might be necessary at 31BN1046, since these resources extend outside of the current project limits.

The TIP HE-0001 Effects Meeting was held on February 4, 2022. Three proposed detailed study alternatives (DSA1, DSA2, and DSA3) were presented. An adverse effect to site 31BN1119 was determined for DSA1 and DSA2 with SHPO and FHWA concurring. At least 100 percent of the site would be impacted with DSA1 (Figure 4), while DSA2 would impact at least 21 percent (Figure 5). DSA3 would have no effect on site 31BN1119 as it would be avoided (Figure 6). SHPO and FHWA both concurred. No additional archaeological investigations are required at any other sites as the project will not exceed the surveyed APE.

Concurrence Point 3 (CP3) was subsequential held on February 9, 2022. DSA3 was selected the Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative (see Figure 6). DSA3 would avoid impacts to site 31BN1119. As a result, HE-0001 will have no effect on the eligible archaeological resource, and no further archaeological work is necessary.

This project falls within a North Carolina County in which the Catawba Nation, the Eastern Band of Cherokee Indians, the Cherokee Nation, the United Keetoowah Band of Cherokee Indians, and Muscogee (Creek) Nation have expressed an interest. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.

SUPPORT DOCUMENTATION

See attached: Map(s) Previous Survey Info Photos Correspondence

Other:

Signed:



March 10, 2022

C. Damon Jones
NCDOT ARCHAEOLOGIST

Date

REFERENCES CITED

Idol, Bruce, and Paul Webb

- 2020 *Management Summary: Archaeological Data Recovery Excavations at Site 31BN1046, Buncombe County, North Carolina.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.

United States Geological Survey (USGS)

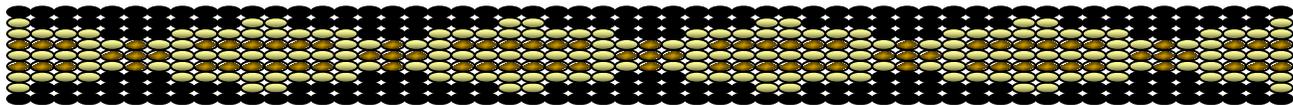
- 2016 Asheville, North Carolina 7.5 minute quadrangle map.
2016 Skyland, North Carolina 7.5 minute quadrangle map.

Webb, Paul, and Michael Nelson

- 2019a Background Study and Field Reconnaissance of the Northern Parcel of the Biltmore Park West Tract, Buncombe County, North Carolina. TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2019b *Archaeological Survey and Site Evaluation for Project Ranger, Buncombe County, North Carolina.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2020 *Archaeological Survey and Site Evaluation for Project Ranger, Buncombe County, North Carolina: Addendum 1.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2021 *Archaeological Survey and Site Evaluation for Project Ranger, Buncombe County, North Carolina: Addendum 2.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to ARCADIS.

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791



January 31, 2022

Attention: Matthew Wilkerson
NC Department of Transportation
159 Mail Service Center
Raleigh, NC 27699

Re. THPO #	TCNS #	Project Description
2020-193-53		TIP HE-0001, WBS No. 49473, Transportation Programmatic Agreement Project 21-05-0002, Buncombe Co.

Dear Mr. Wilkerson,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary, Darin J. Waters, Ph.D.

January 18, 2022

MEMORANDUM

TO: Matt Wilkerson
Office of Human Environment
NCDOT Division of Highways

FROM: Ramona M. Bartos, Deputy State Historic Preservation Officer *RMB for Ramona M. Bartos*

SUBJECT: HE-0001, WBS No. 49473, PA 05-0002, Buncombe County, ER 21-1559

Thank you for your submission of December 10, 2021, concerning the above-referenced undertaking. We have reviewed the information provided and offer the following comments:

The Archaeological Effects Required Form submitted for the archaeological survey conducted within the area of potential effects (APE) for the proposed project reports that thirteen (13) archaeological sites were identified and evaluated for National Register of Historic Places (NRHP). Of these, twelve (12) archaeological sites (31BN1091, 31BN1092, 31BN1118, and 31BN1120-31BN1128) are recommended not eligible for inclusion in the NRHP. Sites 31BN1092, 31BN1123, and 31BN1125 extend outside the APE and may require additional investigation and assessment for eligibility, should the project's APE expand to include the portions of these sites that were not tested.

Archaeological site 31BN1119 is a multicomponent precontact site that is recommended eligible for the NRHP under Criterion D. If adverse effects to this site cannot be avoided by the proposed undertaking, NCDOT recommends data recovery investigations. We concur with the Determination of Eligibility and recommendation.

Additionally, five (5) archaeological sites, investigated as part of a previous survey for Project Ranger (ER 19-4972), intersect with the current APE (31BN1046, 31BN1052, 31BN1090, 31BN1093, and 31BN1094). All these sites were previously investigated and determined not eligible or were subject to data recovery, and no further work is recommended ahead of the currently proposed undertaking. In the case of 31BN1052 and 31BN1090, NCDOT has concluded that additional investigation may be necessary, if the current APE expands to encompass portions of these sites. We concur with these recommendations and appreciate the continued effort to minimize adverse effects to significant cultural resources in the vicinity.

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, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Damon Jones, NCDOT
Donnie Brew, FHWA
Lori Beckwith, USAGE
Andrew Triplett, NPS
Scott Shumate, Biltmore Estate
Wenonah Haire, Catawba Nation
Russell Townsend, ECBI THPO
Stephen Yerka, ECBI THPO
Elizabeth Toombs, CN THPO
Acee Watt, UKB THPO
LeeAnne Wendt, MCN THPO
Roger Bryan, NCDOT Division 13
McCray Coates, NCDOT Division 13
Mark Gibbs, NCDOT Division 13
Adam Archual, Gannett Fleming, Inc.

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lwendt@mcn-nsn.gov
rdbryan@ncdot.gov
hmcoates@ncdot.gov
mgibbs@ncdot.gov
aarchual@GFNET.com

From: [Jones, Damon](#)
To: [Beckwith, Loretta A SAW](#); andrew_triplett@nps.gov; sshumate@biltmore.com; [Wenonah Haire](#); [Caitlin Rogers](#); [Elizabeth Toombs](#); russtown@nc-chokeee.com; [Stephen Yerka](#); ukbthpo@ukb-nsn.gov; lwendt@mcn-nsn.gov
Cc: [Donnie Brew \(Donnie.Brew@dot.gov\)](mailto:Donnie.Brew@dot.gov); [Bryan, Roger D](#); [Coates, McCray](#); [Gibbs, Mark T](#); [Wilkerson, Matt T](#); [Archual, Adam J](#); [Tipton, Rick A](#)
Subject: NCDOT; TIP HE-0001 (Buncombe County, NC); Archaeological Survey Report
Date: Friday, December 10, 2021 11:29:34 AM
Attachments: [image001.png](#)
[HE-0001_HPO_Effects_Transmittal_Letter.pdf](#)

[EXTERNAL EMAIL]: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

Please find attached North Carolina DOT's transmittal letter dated December 10, 2021 to the North Carolina State Historic Preservation Office (SHPO) transmitting the **Archaeological Effects Required Form** detailing the results of the archaeological survey investigations within the HE-0001 (PA Project 21-05-0002) Area of Potential Effects (APE) in Buncombe County, North Carolina.

NCDOT is providing this information to your office on behalf of the Federal Highway Administration (FHWA), the designated lead federal agency for this undertaking, so that you may have the opportunity to offer any comments. In addition to the SHPO, copies of the survey report are being provided to the National Park Service, the US Army Corps of Engineers, The Catawba Nation, The Eastern Band of Cherokee Indians, the Cherokee Nation, The Muscogee (Creek) Nation, the Keetoowah Band of Cherokee Indians, and the Biltmore Estate. An electronic version of the report and site forms are available at the following link: <https://gfnet.sharefile.com/d-sf5b9dcbf067743c2b04d4bf371662253>

Hard copies are being sent to the Catawba Nation and can be provided to others upon request. Please let me know at cdjones2@ncdot.gov.

Please forward all questions and comments to Roger Bryan with NCDOT Division 13 at rdbryan@ncdot.gov by Monday, January 10, 2022.

Thank you,

Damon Jones
Archaeologist
Environmental Analysis Unit
N.C. Department of Transportation
901 340 7921 mobile/home
919 707 6076 office
919 250 4224 fax
cdjones2@ncdot.gov

1020 Birch Ridge Drive
1598 Mail Service Center



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

December 10, 2021

Dr. Wenonah Haire
Tribal Historic Preservation Office
Catawba Indian Nation
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Dear Dr. Haire

Subject: TIP HE-0001, WBS No. 49473, Transportation Programmatic Agreement Project 21-05-0002, Buncombe County.

Enclosed please find a copy of the *Archaeological Effects Required Form* detailing the results of the archaeological survey investigations within the HE-0001 (PA Project 21-05-0002) Area of Potential Effects (APE). We are providing this information to your office on behalf of the Federal Highway Administration (FHWA), the designated lead federal agency for this undertaking, so that you may have the opportunity to offer any comments. Copies of the survey report are also being provided to the North Carolina State Historic Preservation Office, National Park Service, the US Army Corps of Engineers, The Eastern Band of Cherokee Indians, the Cherokee Nation, The Muscogee (Creek) Nation, the Keetoowah Band of Cherokee Indians, and the Biltmore Estate. An electronic version of the report will be emailed the week of October 13, 2021, to all interested parties. Please forward all questions and comments to Roger Bryan with NCDOT Division 13 at rdbryan@ncdot.gov by Monday, January 10, 2022.

Sincerely,

Matthew Wilkerson
Archaeology Team Leader
Environmental Analysis Unit

Enclosures (Archaeological Report)

Cc Donnie Brew, FHWA
Roger Bryan, NCDOT Division 13
McCray Coates, NCDOT Division 13
Mark Gibbs, NCDOT Division 13
Adam Archual, Gannett Fleming, Inc.
Rick Tipton, Gannett Fleming, Inc.

Mailing Address:
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ENVIRONMENTAL ANALYSIS UNIT
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Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

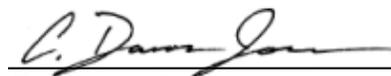
Of the five sites that were not revisited, one (31BN1046) has been determined eligible for the NRHP under Criterion D and has been the subject of recent data recovery excavations (Idol and Webb 2020). No additional consideration of that site within the APE is required as part of HE-0001. The other four sites (31BN1052, 31BN1090, 31BN1093, and 31BN1094) were previously determined not eligible for the NRHP under all four criteria, and no additional archaeological work was needed under HE-0001 (Webb and Nelson 2019a, 2019b, 2020, 2021). If the APE boundaries are expanded, additional survey and site delineation might be necessary to further investigate sites 31BN1052 and 31BN1090, and/or additional data recovery excavations might be necessary at 31BN1046 since these resources extend outside of the current project limits.

This project falls within a North Carolina County in which the Catawba Nation, the Eastern Band of Cherokee Indians, the Cherokee Nation, the United Keetoowah Band of Cherokee Indians, and Muscogee (Creek) Nation have expressed an interest. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.

SUPPORT DOCUMENTATION

See attached: Map(s) Previous Survey Info Photos Correspondence
 Other: **HE-0001 Archaeological Report**

SIGNED:



December 7, 2021

C. Damon Jones
NCDOT ARCHAEOLOGIST

Date

REFERENCES CITED

Idol, Bruce, and Paul Webb

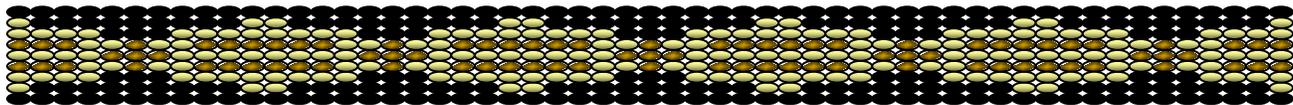
- 2020 *Management Summary: Archaeological Data Recovery Excavations at Site 31BN1046, Buncombe County, North Carolina.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.

Webb, Paul, and Michael Nelson

- 2019a Background Study and Field Reconnaissance of the Northern Parcel of the Biltmore Park West Tract, Buncombe County, North Carolina. TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2019b *Archaeological Survey and Site Evaluation for Project Ranger, Buncombe County, North Carolina.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2020 *Archaeological Survey and Site Evaluation for Project Ranger, Buncombe County, North Carolina: Addendum 1.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2021 *Archaeological Survey and Site Evaluation for Project Ranger, Buncombe County, North Carolina: Addendum 2.* TRC Environmental Corporation, Asheville, North Carolina. Submitted to ARCADIS.

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791



October 14, 2021

Attention: Roger Bryan
NC Department of Transportation
55 Orange Street
Asheville, NC 28801

Re. THPO #	TCNS #	Project Description
2021-193-178		Construction of a new interchange with Interstate 26 and a roadway extension to connect with a future state road in Buncombe Co., NC HE-0001

Dear Mr. Bryan,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer



G W Y 3 D B F
CHEROKEE NATION®

P.O. Box 948 • Tahlequah, OK 74465-0948
918-453-5000 • www.cherokee.org

Chuck Hoskin Jr.

Principal Chief
G F F O F S 1 S
O E O G A

Bryan Warner

Deputy Principal Chief
S Z A F V A
W F 1 D U 1 1 O E O G A

October 8, 2021

Roger Bryan
North Carolina Department of Transportation
55 Orange Street
Asheville, NC 28801

Re: HE-0001, I-26 Interchange and Roadway Extension

Mr. Roger Bryan:

The Cherokee Nation (Nation) is in receipt of your correspondence about **HE-0001**, and appreciates the opportunity to provide comment upon this project. Please allow this letter to serve as the Nation's interest in acting as a consulting party to this proposed project.

The Nation maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office reviewed this project, cross referenced the project's legal description against our information, and found instances where this project is within close proximity to such resources. Thus, the Nation recommends that a cultural resources survey is conducted for this project, and requests a copy of the related report with comments from the State Historic Preservation Officer. The Nation requires that cultural resources survey personnel and reports meet the Secretary of Interior's standards and guidelines.

However, the Nation requests that the North Carolina Department of Transportation (NCDOT) halt all survey activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this survey. Additionally, the Nation requests that NCDOT conduct appropriate inquiries with other pertinent Tribal and Historic Preservation Offices regarding historic and prehistoric resources not included in the Nation's databases or records.

If you require additional information or have any questions, please contact me at your convenience. Thank you for your time and attention to this matter.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer
Cherokee Nation Tribal Historic Preservation Office
elizabeth-toombs@cherokee.org
918.453.5389



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

September 9, 2021

Russell Townsend
Tribal Historic Preservation Officer
Eastern Band of Cherokee Indians (EBCI)
2077 Governors Island Road
Bryson City, NC 28713

Whitney Warrior
Tribal Historic Preservation Officer
United Keetoowah Band of
Cherokee Indians
PO Box 1245
Tahlequah, OK 74465

Elizabeth Toombs
Tribal Historic Preservation Officer
Cherokee Nation
PO Box 948
Tahlequah, OK 74465

Dr. Wenonah Haire (via mail)
Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, SC 29730

LeeAnne Wendt
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, OK 74447

Dear Sir/Madam:

The North Carolina Department of Transportation is starting the project development, environmental, and engineering studies for construction of a new interchange with Interstate 26 (I-26) and a roadway extension to connect with a future state road in Buncombe County, NC as project HE-0001. The Federal Highway Administration (FHWA) is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) and a Permit is anticipated under the Section 404 Process with the USACE. The coordinates of this project are approximately 35.504013, -82.571906.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION THIRTEEN
55 ORANGE STREET
ASHEVILLE, NC 28801-2340

Telephone: (828) 250-3000
Fax: (828) 251-6394
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
55 ORANGE STREET
ASHEVILLE, NC 28801-2340

The project vicinity and NCDOT Survey Required Form are attached. Archaeological field investigations are underway and expected to conclude in winter 2021. The results of these investigations can be shared with you upon request.

We would appreciate any information you might have that would be helpful in evaluating potential environmental impacts of the project including recommendation of alternates to be studied. Your comments may be used in the preparation of a NEPA/ State Environmental Policy Act (SEPA) Environmental Document.

In accordance with Section 106 of the NHPA, we also request that you inform us of any historic properties of traditional religious or cultural importance that you are aware of that may be affected by the proposed project. Be assured that, in accordance with confidentiality and disclosure stipulations in Section 304 of the NHPA, we will maintain strict confidentiality about certain types of information regarding historic properties.

Please respond by October 9th so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact me at rdbryan@ncdot.gov or 828-250-3005.

Thank you,

DocuSigned by:

33212C738EB8411...
Roger D. Bryan
NCDOT Division 13 Environmental Supervisor

cc: Matt Wilkerson, NCDOT Archaeology Team Leader
Donnie Brew, Federal Highway Administration
Lori Beckwith, US Army Corps of Engineers



ARCHAEOLOGICAL SURVEY REQUIRED FORM
 This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Team.



PROJECT INFORMATION

Project No: **HE-0001** County: Buncombe
 WBS No: 49473 Document: Federal CE
 F.A. No: na Funding: State Federal
 Federal Permit Required? Yes No Permit Type: FHWA & USACE

Project Description:

The project calls for the construction of new interchange on I-26 connecting with an internal road network under construction on the Biltmore Farms property in Buncombe County. The archaeological Area of Potential Effects (APE) of the project encompasses approximately 288 acres. It is bounded by the French Broad River to the north and the Blue Ridge Parkway property to the south. The APE along its maximum extent measures approximately 5,900 feet from the northwest to the southeast and 4,100 feet from the northeast to the southwest. The APE also extends to the west along an internal roadway crossing the French Broad River on a new bridge and intersection with NC 191. A portion of the APE has already been previously surveyed, and this section will be excluded. The APE could also be reduced upon agreement of the stakeholders at a later date.

This project is federally funded. As a result, this archaeological review was conducted in accordance with Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance (36 CFR Part 800).

SUMMARY OF ARCHAEOLOGICAL RESOURCES REVIEW: SURVEY REQUIRED

Brief description of review activities, results of review, and conclusions:

The I-26 interchange project is located just south of Asheville in Buncombe County, North Carolina. The project area is plotted at the southern end of the Asheville USGS 7.5' topographic quadrangle (Figure 1).

A site file search was conducted using data from the Office of State Archaeology (OSA) on May 10, 2021. Eight known archaeological sites (31BN1046, 31BN1052, 31BN1084, and 31BN1090–31BN1094) are reported within the proposed project area. These were recorded during archaeological surveys and field reconnaissance for PSNC Energy T-072 natural gas pipeline (Nagle 2018), the proposed NC 191 realignment project (TIP U-3403B), and Project Ranger (also referred to Biltmore Park West project) (Webb and Nelson 2019a, 2019b, 2020, and 2021). According to the North Carolina State Historic Preservation Office online data base (HPOWEB 2021), there are no known National Registered, listed, or determined eligible historic architectural resources within the APE. However, three ineligible architectural resources are within the project area: The American ENKA Water Intake (BN6469), Riverside Dairy (BN6470), and Campsite (BN6471). The Riverside Dairy, also referred to as Johnson Farm, corresponds to archaeological site 31BN1052. Topographic maps, USDA soil survey maps, aerial photographs (NC One Map), historic maps (North Carolina maps website), and Google Street View application were further examined for information on environmental and cultural variables that may have contributed to prehistoric or historic settlement within the project limits and to assess the level of ground disturbance.

The APE consists mostly of steep hillside slopes, but fairly level landforms are found along the ridges, the French Broad floodplain, and the stream terraces and/or benches associated with tributaries of the French

Broad River (Figure 2). The property is forested except for a few small open areas; however, large scale clearing is ongoing for urban development by Biltmore Farms. These recently disturbed areas have been previously surveyed and are located primary outside of the project area (Webb and Nelson 2019a, 2019b, 2020, and 2021). Other modern disturbances include an electrical transmission line and a sewage pipeline at the western extension near the French Broad River. Several dirt roads and trail cross the property as well. Otherwise, ground disturbance is limited to past farming activities and soil erosion.

The USDA soil survey shows the APE composed of ten soil types (USDA NRCS 2021). The floodplain is made up of Biltmore loamy sand (BeA), Iotla loam (IoA), and Rosman fine sandy loam (RsA). These soils have a slope of 3 percent or less and are subject to occasional flooding. They are also considered well drained except for the Iotla series, which is somewhat poorly drained. The stream terraces and benches consist of Clifton clay loam (CkC2), Clifton sandy loam (CsB; CsC), the Evard-Cowee complex (EwC), and Unison loam (UnC). These soils generally have a slope of 8 to 15 percent with the CsB variant being 2 to 8 percent. All are well drained, and erosion is moderate on CkC2 variant. The hillsides and ridges are composed of the Braddock clay loam (BkD2), Clifton clay loam (CkD2), Clifton sandy loam (CsD), the Evard-Cowee complex (Evd2; EvE2; EwD; EwE), and Tate loam (TaD; TkD). Slope is 15 percent or more and all are well drained. Erosion is moderate on the BkD2, CkD2, Evd2, and EvE2 variants. Lastly, soils adjacent to I-26 are the Udorthents-Urban land complex (UhE). These are disturbed soils in which the natural characteristics have been altered. Soils with potentially evidence for early settlement activities should be well drained with no heavy disturbance on a landform with slope of 15 percent or less. These soils within the APE will require subsurface testing.

The site file review shows that TRC previously carried out a background study and field reconnaissance of the Biltmore Park West Tract property between the Blue Ridge Parkway, I-26, and the French Broad River as part of Project Ranger (Webb and Nelson 2019a). This investigation includes the current APE for the proposed I-26 interchange. Results confirmed the potential of significant archaeological sites and recommended an intensive survey. The archaeological survey for Project Ranger was conducted by TRC in 2019, 2020, and 2021 but covered only a smaller section of the overall property (Webb and Nelson 2019b, 2020, and 2021) (Figure 3). The current APE's western extent towards the French Broad was included in this survey. These field surveys along with testing for the PSNC Energy T-072 natural gas pipeline (Nagle 2018) and the proposed NC 191 realignment project (TIP U-3403B) resulted in the identification of eight archaeological sites (31BN1046, 31BN1052, 31BN1084, and 31BN1090–31BN1094). All except for 31BN1046 have been determined not eligible for the National Register within the limits of Project Ranger. Site 31BN1046 on the other hand was determined eligible for the National Register, and data recovery was carried out (report forthcoming). No further work is needed at these sites within the Project Ranger limits, but further work maybe necessary if the current I-26 APE expands past the Project Ranger limits. The background study also identified the potential of one other historic site (PS-3) within the current APE. PS-3 is a pair of structures that appear on Biltmore Estate maps from 1891 through 1896. No intensive effort to locate these structures were made during the field reconnaissance, but they are very likely related to the historic architectural resource known as Campsite (BN6471).

The current PA review concurs with TRC's field reconnaissance and background study. An archaeological survey is recommended for the proposed I-26 interchange project (HE-0001) in Buncombe County. However, testing is not needed in area previously surveyed for Project Ranger. Known sites evaluated during Project Ranger required no further work unless the I-26 APE extends past the Project Ranger limits. Subsurface testing in the form of shovel tests in well drained and level areas is needed to identify and evaluate any significant archaeological resources that may be impacted by the I-26 project.

This project falls within a North Carolina County in which the Catawba Nation, the Eastern Band of Cherokee Indians, the Cherokee Nation, the United Keetoowah Band of Cherokee Indians, and Muscogee (Creek) Nation have expressed an interest. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.

SUPPORT DOCUMENTATION

See attached: Map(s) Previous Survey Info Photos Correspondence
Other:

FINDING BY NCDOT ARCHAEOLOGIST – SURVEY REQUIRED



5/20/21

C. Damon Jones
NCDOT ARCHAEOLOGIST

Date

TBD

Proposed fieldwork completion date

REFERENCES CITED

HPOWEB

- 2021 North Carolina State Historic Preservation Office GIS Web Service.
<https://nc.maps.arcgis.com/apps/webappviewer/index.html?id=79ea671ebdcc45639f0860257d5f5ed7>. Accessed May 10, 2021.

Nagle, Kimberly

- 2018 Letter to NCSHPO Additional Information – Blue Ridge Parkway T-072 Pipeline Project. S&ME, Columbia, South Carolina. Submitted to North Carolina State Historic Preservation Office, Raleigh.

United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS)

- 2021 Buncombe County Soil Survey. Available online at
<http://webosilsurvey.nrcs.usda.gov/app/>. Accessed May 19, 2021.

United States Geological Survey (USGS)

- 2016 Asheville, North Carolina 7.5 minute quadrangle map.
2016 Skyland, North Carolina 7.5 minute quadrangle map.

Webb, Paul, and Michael Nelson

- 2019a Background Study and Field Reconnaissance of the Northern Parcel of the Biltmore Park West Tract, Buncombe County, North Carolina. TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2019b *Archaeological Survey and Site Evaluation for the Project Ranger, Buncombe County, North Carolina*. TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2020 *Archaeological Survey and Site Evaluation for the Project Ranger, Buncombe County, North Carolina, Addendum 1*. TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.
- 2021 *Archaeological Survey and Site Evaluation for the Project Ranger, Buncombe County, North Carolina, Addendum 2*. TRC Environmental Corporation, Asheville, North Carolina. Submitted to Biltmore Farms, LLC, Asheville.

21-05-0002



HISTORIC ARCHITECTURE AND LANDSCAPES ASSESSMENT OF EFFECTS FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No.:	HE-0001	County:	Buncombe
WBS No.:	49473	Document Type:	CE
Fed. Aid No.:		Funding:	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
Federal Permit(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit Type(s):	USACE

Project Description:

The North Carolina Department of Transportation (NCDOT) proposes to construct a new interchange on I-26 in the project study area (PSA). The proposed project is located approximately 6 miles south of Asheville along I-26, north of the Blue Ridge Parkway and south of the French Broad River bridge. The proposed interchange would be constructed primarily within the existing right-of-way of I-26, which currently is under construction to be widened from 2 lanes in each direction to 4 lanes in each direction as part of STIP project I-4700. The proposed interchange and new roadway would ultimately connect to NC 191 via a road (East Frederick Law Olmsted Way, or East FLOW) that is currently under construction by a private developer (Biltmore Farms, LLC). The private developer constructing East FLOW has graded the corridor to accommodate a 4-lane roadway. That actual roadway will be paved as a 2-lane facility upon completion. This road is anticipated to open to traffic in 2022 and would become a State-maintained road upon meeting NCDOT standards and acceptance. NCDOT's proposed roadway connection would be graded for a 2-lane roadway with auxiliary lanes at intersection approaches to meet operational needs (e.g., turn lanes).

The purpose of the project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth. Three alternatives were considered at the February 4, 2022 meeting and the preferred alternative was selected on February 9, 2022.

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

NCDOT architectural historian reviewed HPOWeb in June 2021 and reviewed the previous historic architecture surveys for NCDOT TIP #U-3403B (Improvements to NC 191), NCDOT TIP# I-4400 (Improvements to I-26), and the Pratt & Whitney Manufacturing Center (Project Ranger). As a result, the NCDOT architectural historian recommended an effects assessment for the following National Register-eligible or listed properties within or adjacent to the project study area: BN 1835 Biltmore Estate (NHL), NC 0001 Blue Ridge Parkway (DE, NHL pending), BN 6468 French Broad River Gaging Station (DE), and BN 0898 Bent Creek Campus (NR). **Effects assessments for the Biltmore Estate, the French Broad River Gauging**

Station, and the Bent Creek Campus were made during a meeting between NCDOT, FHWA, and HPO on February 4, 2022. Consultation with the National Park Service with regard to the effects on the Blue Ridge Parkway continued with the parties through June 29, 2022.

ASSESSMENT OF EFFECTS

Property Name:	Bent Creek Campus	Status:	NR, Criteria A&C
Survey Site No.:	BN0898	PIN:	960456690300000
Effects <input checked="" type="checkbox"/> No Effect <input type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect			
<u>Explanation of Effects Determination:</u> None of the three alternatives will have direct impacts to the Bent Creek Campus. USFS manages the campus and agrees that the project will incur no effects on their property.			
<u>List of Environmental Commitments:</u> none			

Property Name:	French Broad River Gauging Station	Status:	DE, Criteria A&C
Survey Site No.:	BN6468	PIN:	963507722200000
Effects <input checked="" type="checkbox"/> No Effect <input type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect			
<u>Explanation of Effects Determination:</u> None of the three alternatives will have direct impacts to the French Broad River Gauging Station			
<u>List of Environmental Commitments:</u> none			

Property Name:	Biltmore Estate	Status:	NR and NHL, Criteria A,B,&C
Survey Site No.:	BN1835	PIN:	963598538600000
Effects			

<input type="checkbox"/> No Effect <input checked="" type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect
<p><u>Explanation of Effects Determination:</u> Alternatives 1 and 3 will have no direct impacts to the Biltmore Estate. Alternative 2 will require approximately 4.3 acres of tree removal and ROW along the exiting interstate. Retaining walls will be placed within the existing ROW on the opposite side of the interstate but will be faced with a faux ashlar stone. Therefore Alternative 1 & 3 will have no effect, while Alternative 2 would result in no adverse effects. Representatives from the Biltmore Estate agree with this assesment</p>
<p><u>List of Environmental Commitments:</u> none</p>

Property Name:	Blue Ridge Parkway	Status:	DE and NHL(pending), Criteria A,B,&C
Survey Site No.:	NC0001	PIN:	none

<p>Effects</p> <input type="checkbox"/> No Effect <input checked="" type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect
--

Explanation of Effects Determination:
 None of the alternatives will have direct impacts to the Blue Ridge Parkway (BRP). Several discussions with the staff of the BRP resulted in the following environmental commitments for a finding of no adverse effect. NCDOT, FHWA, NC HPO, and the Superintendent of the BRP have agreed to the following minimization measures to avoid an adverse effect to the historic property:

- List of Environmental Commitments:
- (1) Control of Access (C/A)
 - NCDOT will include 1,000-foot control of access (C/A) fencing along the HE-0001 portion of East Frederick Law Olmsted Way west of the eastbound I-26 on- and off-ramp intersection that will prohibit the construction of driveways or access points. This design element will limit access to adjacent land from the proposed road within 1,000 feet of the interchange.
 - (2) Vegetative screening
 - NCDOT will design, install, and maintain approximately 900 feet of vegetative screening along the southside of the HE-0001 portion of East Frederick Law Olmsted Way closest to the BRP. The vegetative screening will be within the NCDOT right of way and will screen the proposed project from the BRP.
 - NCDOT will commit to produce a vegetative screening plan with the 65% roadway design plan (late summer/fall 2022) submittal and provide to NPS and NC HPO for review and comment.
 - (3) Tree clearing

- NCDOT will minimize tree clearing consistent with conservation measures for the Gray bat. NCDOT is committed to avoid tree removal beyond what is required to implement the project safely. NCDOT will ensure that tree removal is limited to that specified in the project plans. This will limit lines-of-sight between the BRP and the proposed project.

(4) Future intersecting road(s)

- NCDOT will not construct or maintain any new road or access points that intersect or cross the HE-0001 portion of East Frederick Law Olmsted Way, from the roundabout to I-26.
- If NCDOT assumes maintenance of East Frederick Law Olmsted Way from NC 191 to the roundabout, NCDOT will review driveway access permits to East Frederick Law Olmsted Way according to current NCDOT procedure and in consultation with NPS and NC HPO. This condition may be revisited through consultation with NPS and NC HPO associated with future state transportation projects.

(5) Lighting

- NCDOT will not install roadway lighting along the access roadway portion of HE-0001 (i.e., East Frederick Law Olmsted Way); lighting will be required for the interchange.
 - Interchange lighting will be designed and installed in accordance with the conservation measures included in the US Fish and Wildlife Informal Consultation letter dated March 16, 2022.
 - If NCDOT allows roadway/pedestrian lighting of East Frederick Law Olmsted Way through an encroachment agreement with a separate/private entity, NCDOT will require implementation of NPS Sustainable Outdoor Lighting Principles for any roadway/pedestrian lighting.
 - NPS Sustainable Outdoor Lighting Principles
 - Light only IF you need it
 - Light only WHEN you need (use timers, sensors, and other controls)
 - Light only WHAT/WHERE you need it (shield light sources and direct downward, minimize height of light sources)
 - Use appropriate color spectra (no white/blue light), use amber or yellow
 - Use minimum number of lumens necessary (500 lumens or less per fixture if possible)
 - Choose energy efficient lamps and fixtures (minimum possible)

(6) Future capacity improvements

- NCDOT will coordinate review of any future capacity improvements to HE-0001 (including widening, pedestrian, or safety modifications) with the NPS and NC HPO prior to the approval of any federal or state action (i.e., NEPA document, permit).

(7) Blue Ridge Parkway Overlay District (Buncombe County)

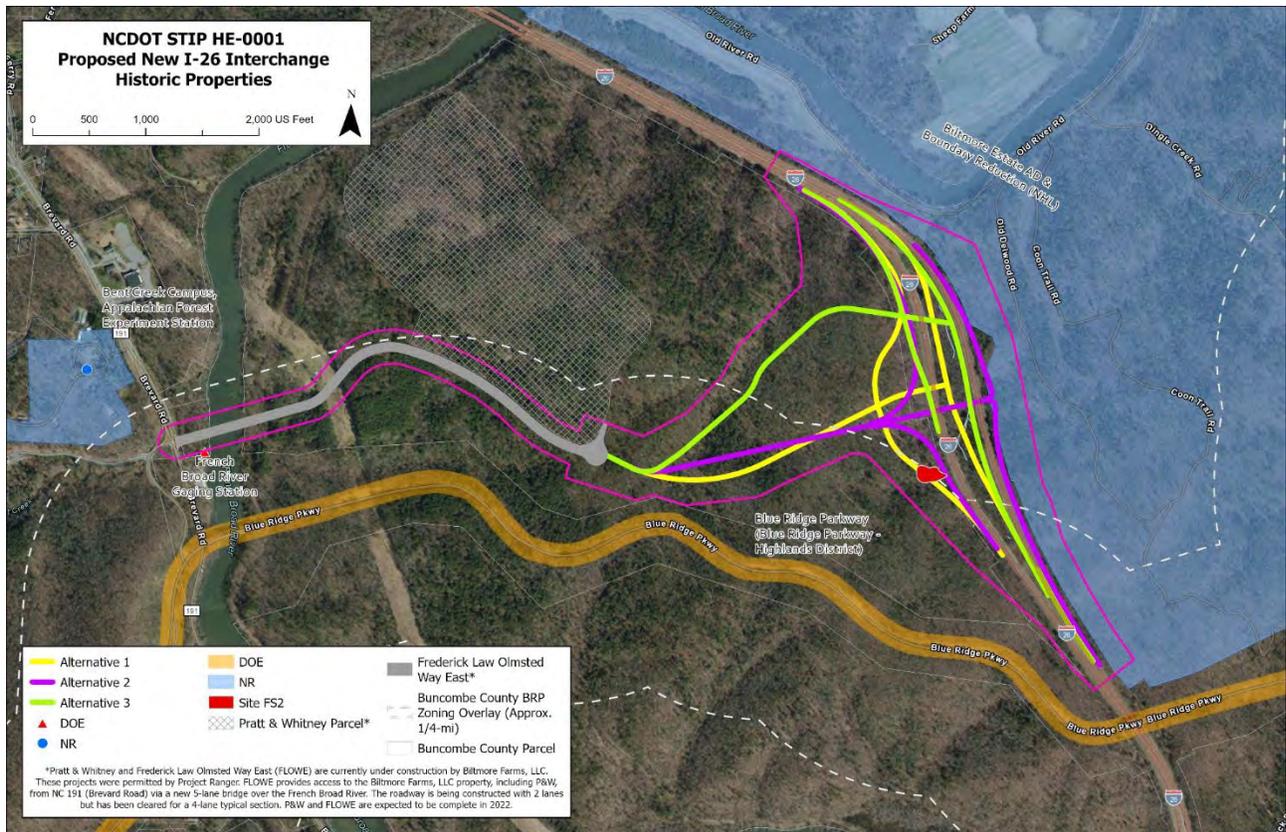
- Buncombe County is an interested party in the HE-0001 project, as referenced by its current overlay district and zoning powers that protect the BRP corridor. NCDOT will coordinate with Buncombe County and request the County to notify and request

comments from NPS and NC HPO regarding any future proposed changes to the Blue Ridge Parkway Overlay District (Section 78-643).

FHWA Intends to use the State Historic Preservation Office’s concurrence as a basis for a “de minimis” finding for the following properties, pursuant to Section 4(f):
Biltmore Estate- Alternative 2

SUPPORT DOCUMENTATION

- Map(s) Previous Survey Info. Photos Correspondence Design Plans



FINDING BY NCDOT AND STATE HISTORIC PRESERVATION OFFICE

Historic Architecture and Landscapes – ASSESSMENT OF EFFECTS

DocuSigned by:
Mary Pope Furr 07/14/2022
FD3110443890489

NCDOT Architectural Historian Date

DocuSigned by:
Renee Gledhill-Earley 07/14/2022
C26A1556A275464...

State Historic Preservation Office Representative Date

DocuSigned by:
Donald W. Brew 07/14/2022
B96E8B70991E42C...

FHWA Representative Date



United States Department of the Interior

NATIONAL PARK SERVICE
Blue Ridge Parkway
199 Hemphill Knob Road
Asheville, North Carolina 28803



IN REPLY REFER

1.A.1 Resource Management

June 17, 2022

McCray Coates, PE
Division Project Manager
Division 13
N. C. Department of Transportation
55 Orange Street
Asheville, NC 28802

Subject: NCDOT STIP Project HE-0001

Dear Mr. Coates,

This letter is in response to the North Carolina Department of Transportation (NCDOT) / Federal Highway Administration (FHWA) letter of April 05, 2022 regarding National Park Service (NPS) comments on HE-0001, a proposed new interchange along Interstate 26 in Buncombe County, NC on lands adjacent to the Blue Ridge Parkway, a unit of the National Park System.

The NPS comment letter dated February 02, 2022, outlined the NPS position that cumulative effects of HE-0001, including changes to traffic levels, circulation patterns, associated development, and overall reduction in vegetative screening, should be considered and assessed in accordance with the National Historic Preservation Act. Specifically, the NPS maintains that the HE-0001 project in combination with the eight planned or ongoing STIP projects and associated private development within three miles of HE-0001 should be considered cumulatively, rather than as individual projects, when analyzing impacts.

The FHWA is considered the responsible federal agency under the National Historic Preservation Act for this undertaking, and the NPS is not a consulting party for individual undertakings subject to review under the 2020 *Programmatic Agreement Among the Federal Highway Administration, United States Army Corps of Engineers, Wilmington District, North Carolina Department of Transportation, Advisory Council on Historic Preservation and North Carolina State Historic Preservation Officer for the Transportation Program in North Carolina*. The FHWA and NCDOT response of April 05, 2022, stated the transportation agencies' position that each STIP project is a fully independent undertaking, and therefore, the agencies would not consider cumulative effects with nearby, similar and connected, fully independent undertakings. Based on this assessment, the transportation agencies concluded that the only foreseeable potential effects to the Blue Ridge

Parkway attributable to HE-0001 are those potential visual, audible, and traffic effects directly caused by the undertaking, and that consideration of cumulative effects is not warranted.

The NPS does not support this conclusion; however, in order to advance the overall project, the NPS endorses adoption of the project conditions outlined below.

- NCDOT has previously agreed to maintain Frederick Law Olmsted Way East from NC 191 to the intersection with HE-0001. Frederick Law Olmsted Way East will remain as currently designed with no further access, and NCDOT will not construct or maintain any new road or access points that intersect or cross the HE-0001 portion of Frederick Law Olmsted Way East.
- NCDOT will not install roadway lighting along the access roadway portion of HE-0001 (i.e., Frederick Law Olmsted Way East); lighting will be required for the interchange only. Interchange lighting will be designed and installed in accordance with the conservation measures included in the US Fish and Wildlife Informal Consultation letter dated November 18, 2021.
- If NCDOT allows roadway lighting of Frederick Law Olmsted Way East through an encroachment agreement with a separate/private entity, NCDOT will require implementation of NPS Sustainable Outdoor Lighting Principles for any pedestrian lighting.
 - Light only IF you need it
 - Light only WHEN you need (use timers, sensors, and other controls),
 - Light only WHAT/WHERE you need it (shield light sources and direct downward, minimize height of light sources)
 - Use appropriate color spectra (no white/blue light), use amber or yellow
 - Use minimum number of lumens necessary (500 lumens or less per fixture if possible)
 - Choose energy efficient lamps and fixtures (minimum possible)
- NCDOT will coordinate review of any future capacity improvements within the existing project limits of HE-0001 (including widening, pedestrian, or safety modifications) with the NPS and NC SHPO prior to the approval of any federal or state action (i.e., NEPA document, permit). This condition is not applicable to NCDOT capacity improvements that are considered an exempt activity under the current NCDOT Section 106 Programmatic Agreement.
- Buncombe County is an interested party in the HE-0001 project, as referenced by its current overlay district and zoning powers that protect the Blue Ridge Parkway corridor. NCDOT will coordinate with Buncombe County and request the County to notify and request comments from the NPS and NC SHPO regarding any future proposed changes to the Blue Ridge Parkway Overlay District (Section 78-643).
- NCDOT will commit to produce a vegetative screening plan with the 65% roadway design plan (late summer/fall 2022) submittal and provide to the NPS and NC SHPO for

review and comment.

The conditions listed above are in addition to the mitigations previously committed to by NCDOT:

- 1,000-foot Control of Access (C/A);
- Tree Clearing Minimization; and
- 900-foot Vegetative Screening (NCDOT to maintain 75% survival rate of planted specimens).

With these conditions and mitigations in place, and pending review of updated visual simulations of the diamond divided interchange and of planned interchange lighting, the NPS will not further oppose the FHWA's finding of "No Adverse Effect" to the Blue Ridge Parkway.

The NPS continues to support sustainable growth and maintains that with coordinated planning well-designed development can be achieved while protecting the Blue Ridge Parkway's historic character and setting. To facilitate sustainable planning moving forward, please include the NPS on any NCDOT Merger Teams for projects that may affect Blue Ridge Parkway natural and cultural resources and values, even if no direct, physical encroachment is anticipated on NPS lands. If you have any questions regarding this letter, please contact David Sheehan, Resident Landscape Architect at david_sheehan@nps.gov or (828) 348-3435.

Sincerely,

Tracy Swartout
Superintendent

cc: Renee Gledhill-Earley, Environmental Review Coordinator
North Carolina State Historic Preservation Office



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

June 15, 2022

Tracy Swartout
Superintendent
National Park Service
Blue Ridge Parkway
199 Hemphill Knob Road
Asheville, NC 28803

Subject: Request for Resolution of Effects Consultation, Blue Ridge Parkway (NC0001)
NCDOT STIP Project HE-0001
NPS Reference 1.A.1 Resource Management

Dear Ms. Swartout,

This letter is in follow up to the previous Section 106 effects consultation held between NCDOT, FHWA, NC HPO and NPS-Blue Ridge Parkway staff on May 11, 2022.

Per FHWA's April 5, 2022 letter to you, and supported by materials provided and information presented at three previous effects consultations between February 4 and May 11, 2022, FHWA and NCDOT ("transportation agencies") are recommending a No Adverse Effect, with conditions finding for the Blue Ridge Parkway (NC0001) for NCDOT STIP Project HE-0001 in Buncombe County. The transportation agencies will request NC HPO's concurrence in this No Adverse Effect, with conditions finding at the June 29, 2022 Effects Meeting #4.

The transportation agencies are formally requesting that NPS personnel with decision-making authority attend the June 29, 2022 Effects Meeting #4. It is the transportation agencies intent to resolve the Section 106 consultation process pursuant to the National Historic Preservation Act, as amended, and implementing regulations at 36 CFR 800 and in accordance with the 2020 *Programmatic Agreement Among the Federal Highway Administration, United States Army Corps of Engineers, Wilmington District, North Carolina Department of Transportation, Advisory Council on Historic Preservation and North Carolina State Historic Preservation Officer for the Transportation Program in North Carolina (PA)*.

In addition to the materials submitted and presented in association with previous effects consultations (see attached Blue Ridge Parkway Effects Consultation Timeline), the following materials are provided for your review prior to the Effects Meeting #4:

- Updated visualizations with diverging diamond interchange (DDI) design as viewed from the Blue Ridge Parkway bridge over I-26 in daytime and nighttime. Additionally, an updated birdseye view rendering is provided with the DDI design.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION 13
55 ORANGE STREET
ASHEVILLE, NC 28801

Telephone: (828) 250-3000
Fax: (828) 251-6394
Customer Service: 1-877-368-4968

Location:
55 ORANGE STREET
ASHEVILLE, NC 28801

Website: www.ncdot.gov

- Memorandum addressing NPS's request for comparative details regarding capacity of a diamond interchange versus a DDI.
- List of conditions NCDOT will commit to implement as part of NCDOT STIP Project HE-0001 to avoid an adverse effect to the Blue Ridge Parkway.

The transportation agencies respectfully request that any questions, concerns, or proposed modifications regarding the information contained herein be provided to the NCDOT Project Manager, McCray Coates (hmcoates@ncdot.gov, 828-658-7030) at least five days before the Effects Meeting #4 (by Friday June 24th) so that the transportation team may prepare a response.

Sincerely,

DocuSigned by:

T. W. Anderson P.E.

CD10D468D13A4B3...

Tim Anderson, P.E.

Division Engineer, NCDOT Division 13

Attachments

cc: David Clarke, Federal Preservation Officer, FHWA
Mandy Ranslow, FHWA Liaison, ACHP
Donnie Brew, Preconstruction and Environment Engineer, FHWA
Renee Gledhill-Earley, Environmental Review Coordinator, NC Historic Preservation Office
David Sheehan, Landscape Architect, Blue Ridge Parkway, NPS
Alexa Viets, Chief of Staff, Blue Ridge Parkway, NPS
Andrew Triplett, Cultural Resources Specialist, Blue Ridge Parkway, NPS
Dawn Leonard, Community Planner, Blue Ridge Parkway, NPS
Lori Beckwith, Project Manager, USACE
H. McCray Coates, P.E., Resident Engineer, Project Manager
Mark Gibbs, P.E., Western Deputy Chief Engineer, NCDOT
Roger D. Bryan, Environmental Program Supervisor, NCDOT Division 13
Brendan Merithew, P.E., Division Project Team Lead, NCDOT Division 13
Nathan Moneyham, P.E., Division Construction Engineer, NCDOT Division 13
Jamie Lancaster, Cultural Resources Group Leader, NCDOT Environmental Analysis Unit
Mary Pope Furr, Historic Architecture Team Lead, NCDOT Environmental Analysis Unit



U.S. Department
of Transportation
Federal Highway Administration

North Carolina Division

April 5, 2022

310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601
(919) 856-4346
www.fhwa.dot.gov/ncdiv

Tracy Swartout
Superintendent
National Park Service
Blue Ridge Parkway
199 Hemphill Knob Road
Asheville, NC 28803

Subject: NCDOT STIP Project HE-0001 (NPS Reference 1.A.1 Resource Management)

Dear Ms. Swartout,

In accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing regulations (36 CFR Part 800), the Federal Highway Administration (FHWA) and North Carolina Department of Transportation (NCDOT) (collectively referred to as the transportation agencies) have assessed the potential effects caused by HE-0001 that may alter, diminish, or damage the characteristics and features that contribute to the National Register of Historic Places (NRHP) eligibility of the Blue Ridge Parkway (NC0001) –noting a National Historic Landmark (NHL) designation is pending.

In accordance with 36 CFR Part 800.5 (a)(1) *Criteria of adverse effect*, adverse effects may include reasonably foreseeable effects caused by the undertaking (in this case HE-0001) that may occur later in time, be farther removed in distance or be cumulative. Based on the transportation agencies' assessment of indirect and cumulative effects, within the area of potential effect, there are no reasonably foreseeable effects to the Blue Ridge Parkway caused by HE-0001. This conclusion is supported by information provided during consultation and summarized in the attachment. Based on the attached considerations, following all appropriate measures to minimize harm, and including conditions to avoid adverse effects, FHWA has determined HE-0001 will have no adverse effect to the Blue Ridge Parkway.

FHWA and NCDOT respectfully request your concurrence in this finding, pursuant to Section 106 of the National Historic Preservation Act, as amended. NCDOT will schedule a follow-up meeting in the next two weeks to discuss these items and determine the appropriate path forward.

Respectfully,

A handwritten signature in blue ink that reads "John F. Sullivan, III".

John F. Sullivan, III, PE
Division Administrator, Federal Highway Administration

Attachment

cc: David Clarke, Federal Preservation Officer, FHWA
Mandy Ranslow, FHWA Liaison, ACHP
Donnie Brew, Preconstruction and Environment Engineer, FHWA
Renee Gledhill-Earley, Environmental Review Coordinator, NC Historic Preservation Office
David Sheehan, Landscape Architect, NPS
Lori Beckwith, Project Manager, USACE
Mark Gibbs, Division Engineer, NCDOT Division 13
McCray Coates, Division Project Manager, NCDOT Division 13
Roger D. Bryan, Environmental Program Supervisor, NCDOT Division 13
Brendan Merithew, Division Project Team Lead, NCDOT Division 13
Jamie Lancaster, Cultural Resources Group Leader, NCDOT Environmental Analysis Unit
Mary Pope Furr, Historic Architecture Team Lead, NCDOT Environmental Analysis Unit



United States Department of the Interior



NATIONAL PARK SERVICE
Blue Ridge Parkway
199 Hemphill Knob Road
Asheville, North Carolina 28803

IN REPLY REFER

1.A.1 Resource Management

February 2, 2022

McCray Coates, PE
Division Project Manager
Division 13
N. C. Department of Transportation
55 Orange Street
Asheville, NC 28802

Subject: NCDOT STIP Project HE-0001

Dear Mr. Coates,

This letter is in response to the North Carolina Department of Transportation (NCDOT) State Transportation Improvement Program Project (STIP) HE-0001, a proposed new interchange along Interstate 26 (I-26) in Buncombe County, NC, on lands adjacent to the Blue Ridge Parkway (Parkway), a unit of the National Park Service (NPS). This project also includes a proposed two-lane roadway (Frederick Law Olmsted Way East) that would connect the proposed interchange to a road that is currently under construction by Biltmore Farms. The NPS has reviewed the proposed interchange designs and considered the cumulative effects of this project in addition to other public and private adjacent projects as outlined below and concludes that the proposed interchange is likely to have an adverse effect on the Parkway under the National Historic Preservation Act (NHPA) and mitigations should be evaluated.

The NHPA requires any Federally-funded undertaking to assess effects to historic properties from proposed activities. Per 36 CFR part 800, potential effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. Potential effects may also include actions that change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance, or that introduce visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.

Since its inception in the early 1930s, the Parkway has retained an exceptionally high degree of integrity to its original design which provided for a continuous leisurely driving experience through a range of idyllic mountain, rural, and pastoral landscapes. Recreation areas, the designed landscape, and scenic, experiential integrity are fundamental to the Parkway's character, setting, and value as both a treasured unit of the NPS and a driver for the local economy. Without mitigation, this set of planned projects is likely to have a cumulative impact that is unacceptable to the historic character and unique experience of the Parkway under NHPA.

The proposed interchange will likely increase traffic between the NC-191 and I-26 corridors, including to and from the Pratt and Whitney Advanced Manufacturing Center site via connected roadway and new five-lane bridge over the French Broad River, and may increase traffic to and from the Parkway. In addition, the project, associated development and increased cross traffic at River Road and Halfway Road may be visible from the Parkway, adversely affecting the natural, rural view from the Parkway and its overlooks. Within three miles of this project there are eight other NCDOT projects planned or under construction, as well as private development including over 1200 proposed dwelling units, a 120-room hotel, and hundreds of thousands of square feet of proposed industrial space. Combined impacts from these projects, including changes to traffic levels, circulation patterns, associated development, and an overall reduction in vegetative screening will be cumulative with HE-0001. Further evaluation is needed to assess impacts of this project on the Parkway, including an evaluation of impacts to Parkway congestion as well as visual and auditory impacts.

When completed, the combined projects have the potential to permanently change the character and visitor experience of the Blue Ridge Parkway between the French Broad Overlook and I-26. Rather than the fully forested woodland experienced by visitors to the Parkway in this two-mile section now, the set of projects will likely convert this landscape into a densely developed residential, commercial, and industrial area. This change would represent a compromise of the experience of natural beauty and degrade the leisurely driving experience that was envisioned for the Parkway when it was created. In addition, the view of forested hillside from the Parkway's French Broad Overlook, which is a contributing feature for the Parkway's *National Historic Landmark* (NHL) nomination, may change significantly with these combined projects, thereby jeopardizing the Parkway's overall eligibility for *NHL* designation.

Impacts on NPS lands should be fully evaluated and mitigations included for all projects that may affect the Parkway's historic character, visitor experiences, and setting, even if no physical encroachment is anticipated. Our team looks forward to working with NCDOT on these mitigations moving forward. If you have any questions regarding this or any other any NCDOT projects that may affect the Parkway, please contact David Sheehan, Resident Landscape Architect, at david_sheehan@nps.gov or (828) 348-3435.

Sincerely,



Tracy Swartout
Superintendent

cc: Renee Gledhill – Earley, Environmental Review Coordinator
North Carolina State Historic Preservation Office

21-05-0002



HISTORIC ARCHITECTURE AND LANDSCAPES

EFFECTS REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No.:	HE-0001	County:	Buncombe
WBS No.:	49473	Document Type:	CE
Fed. Aid No.:	unknown	Funding:	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
Federal Permit(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit Type(s):	USACE

Project Description:

Construct new interchange (Future Exit 35) on I-26 north of the Blue Ridge Parkway for the Pratt & Whitney Manufacturing Center that is under construction. The proposed project includes construction of a 0.5 to 1 mile, two-lane roadway tie which would connect to the private developer's two-lane roadway which includes a new bridge over the French Broad River and intersects with NC 191 (Brevard Road).

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

NCDOT architectural historian reviewed HPOWeb in June 2021 and reviewed the previous historic architecture surveys for NCDOT TIP #U-3403B (Improvements to NC 191), NCDOT TIP# I-4400 (Improvements to I-26), and the Pratt & Whitney Manufacturing Center (Project Ranger). All three reports were reviewed by the NC-HPO and determinations of eligibility confirmed. Due to the comprehensive surveys conducted for these three recent projects, there is no need for additional survey to identify unknown historic structures or landscapes. As such, the NCDOT architectural historian recommends an effects assessment for the following National Register-eligible or listed properties within or adjacent to the project study area: BN 1835 Biltmore Estate (NHL), NC 0001 Blue Ridge Parkway (DE, NHL pending), BN 6468 French Broad River Gaging Station (DE), and BN 0898 Bent Creek Campus (NR). Please provide design plans that show the proposed alignment(s) along with the boundaries of the four historic properties to the NCDOT architectural historian so that an effects assessment meeting can be scheduled.

SUPPORT DOCUMENTATION

Map(s) Previous Survey Info. Photos Correspondence Design Plans



Base map from HPOWeb (June 2021)

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- ****EFFECTS REQUIRED****

Mary Pope Furr

June 15, 2021

NCDOT Architectural Historian

Date

Section 404/NEPA Merger Project Team Meeting Agreement

Concurrence Point 3

Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative Selection

Project Name/Description: I-26, New Interchange (Future Exit 35), Buncombe County

STIP Project: HE-0001

Project Need: The proposed project is needed to address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County to accommodate current and planned growth.

Project Purpose: The purpose of the project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth.

The Merger Project Team has concurred on this date, **February 9, 2022**, that the checked alternative is the **Least Environmentally Damaging Practicable Alternative** for **STIP Project HE-0001**.

	DSA 1	<ul style="list-style-type: none"> • left exit/entrance ramp • Diamond configuration • center of the I-26 bifurcated section
	DSA 2	<ul style="list-style-type: none"> • right-exit/entrance ramp • Diverging diamond (DDI) configuration • center of the I-26 bifurcated section
X	DSA 3	<ul style="list-style-type: none"> • left exit/entrance ramp • Diamond configuration • North end of the I-26 bifurcated section

FHWA (lead federal agency)	DocuSigned by: <i>Donnie Brew</i>	2/24/2022
USACE	DocuSigned by: B96E8B70991E42C... <i>Lori Beckwith</i>	2/24/2022
NCDOT	DocuSigned by: BE7189E4BA364E3... <i>McCray Coates</i>	2/24/2022
USEPA	DocuSigned by: 0C47CF5B950645D... <i>Amaretta Somerville</i>	2/24/2022
USFWS	DocuSigned by: 4A37089ED497408... <i>Lauren B. Wilson</i>	2/24/2022
NCWRC	DocuSigned by: 6B574C520CDE43C... <i>Dave McHenry</i>	2/24/2022
NCDWR	DocuSigned by: D96C60C0F3C647B... <i>Kevin Mitchell</i>	2/24/2022
SHPO (abstained)	DocuSigned by: D9ACAD48D566453... <i>Renee Gledhill-Earley</i>	2/23/2022
FBRMPO	DocuSigned by: C26A1556A275464... <i>Tristan Winkler</i>	2/23/2022

**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point 2A
Bridging Decisions and Alignment Review**

Project Name/Description: I-26, New Interchange (Future Exit 35), Buncombe County

STIP Project: HE-0001

Project Need: The proposed project is needed to address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County to accommodate current and planned growth.

Project Purpose: The purpose of the project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth.

As agreed at the July 15, 2021, CP 1-2 Merger Meeting, NCDOT provided the Merger Team with a **CP 2 Update**. This update summarized the results of the Traffic Forecast for HE-0001 and NCDOT's decision to proceed with a 2-lane with shoulder typical section proposed roadway, noting the anticipated need for auxiliary lanes at proposed intersections to accommodate traffic operations. The CP 2 Update also revisited potential impacts reported at CP 1-2 to include verified jurisdictional resources in place of the GIS data sets.

The Project Team has concurred on this date, **September 16, 2021**, that there are no proposed hydraulic structures or major crossings requiring bridging decisions for STIP Project HE-0001. (However, NCDOT would likely bridge stream "SDX" [I-4700 PJD] in Alternative 2 due to proximity of the stream to the I-26 travel lanes.)

FHWA (lead federal agency)	DocuSigned by: Donald W Brew	10/13/2021
USACE	B96E8B70991E42C... DocuSigned by: <i>Lori Beckwith</i>	10/13/2021
NCDOT	DocuSigned by: <i>McCray Coates</i>	10/14/2021
USEPA	0C47CF5B950845D... DocuSigned by: <i>Amanetta Somerville</i>	10/14/2021
USFWS	DocuSigned by: <i>L S E</i>	10/19/2021
NCWRC	6B574C520CDE43C... DocuSigned by: <i>Marla Chambers</i>	10/14/2021
NCDWR	DocuSigned by: <i>Kevin Mitchell</i>	10/14/2021
SHPO (Abstaining)	D9ACAD48D566456... DocuSigned by: <i>Renee Gledhill-Earley</i>	10/26/2021
FBRMPO	DocuSigned by: <i>Tristan Winkler</i>	10/27/2021
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Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point 2
Detailed Study Alternatives Carried Forward

Project Name/Description: I-26, New Interchange (Future Exit 35), Buncombe County

STIP Project: HE-0001

Project Need: The proposed project is needed to address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County to accommodate current and planned growth.

Project Purpose: The purpose of the project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth.

The Project Team has concurred on this date, **July 15, 2021**, that all checked alternatives will be carried forward to be studied in detail for STIP Project HE-0001.

If the traffic forecast shows that only two lanes are required for the roadway tie, Concurrence Point 2 will be revisited.

DSA	Carried Forward (Y/N)	Description	Figures
No Build	Y	The No-Build Alternative does not meet the project's need and purpose but will be retained to provide a basis for comparing adverse impacts and benefits of the detailed study alternatives.	NA
Build Alt. 1	Y	Modified diamond interchange configuration located in the center of the I-26 bifurcated section and includes a left exit/entrance ramp.	3 & 4
Build Alt. 2	Y	Diverging diamond interchange (DDI) configuration located in the center of the I-26 bifurcated section and includes a right exit/entrance ramp.	5 & 6
Build Alt. 3	Y	Tight diamond interchange configuration located at north end of the I-26 bifurcated section and includes a left exit/entrance ramp.	7 & 8

FHWA (lead federal agency)	DocuSigned by: <i>Donald W Brew</i> B96E8B70991E42C...
USACE	DocuSigned by: <i>Lori Beckwith</i> BE7189E4BA384E3...
NCDOT	DocuSigned by: <i>McCray Coates</i> 0C47CF5B950645D...
USEPA	DocuSigned by: <i>Amanetta Somerville</i> 4A37089ED457408...
USFWS	DocuSigned by: <i>[Signature]</i> 6B574C520CDE43C...
NCWRC (Abstaining)	DocuSigned by: <i>Marla Chambers</i> B1D3DCA076AD4C9...
NCDWR	DocuSigned by: <i>Kevin Mitchell</i> D9ACAD48D566453...
SHPO	DocuSigned by: <i>Renee Gledhill-Earley</i> C26A1556A275464...
FBRMPO	DocuSigned by: <i>Tristan Winkler</i> E58F96DB10AB42E...

**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point 1
Study Area Defined and Project Need and Purpose**

Project Name/Description: I-26, New Interchange (Future Exit 35), Buncombe County

STIP Project: HE-0001

Project Need: The proposed project is needed to address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County to accommodate current and planned growth.

Project Purpose: The purpose of the project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth.

The Project Team has concurred on this date, **July 15, 2021**, on the above project need and purpose and the study area defined (**Figure 2**) for STIP Project HE-0001.

FHWA (lead federal agency)	DocuSigned by: <i>Donald W Brew</i> B96E8B70991E42C...	
USACE		DocuSigned by: <i>Lori Beckwith</i> BE7189E4BA384E3...
NCDOT	DocuSigned by: <i>McCray Coates</i> 0C47CF5B950645D...	
USEPA		DocuSigned by: <i>Amarretta Somerville</i> 4A37089ED457408...
USFWS	DocuSigned by: <i>[Signature]</i> 6B574C520CDE43C...	
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