

## Type I and II Ground Disturbing Categorical Exclusion Action Classification Form

STIP Project No.	U-5190
WBS Element	45251.1.1
Federal Project No.	STPDA-1302(49)

- A. Project Description: The NC 63 Sidewalk project, State Transportation Improvement Program (STIP) Project U-5190, is located within the jurisdictional limits of the City of Asheville, in Buncombe County. The project includes planning for the construction of sidewalks along both sides of NC 63 (New Leicester Highway) from US 23/74 (Patton Avenue) to the western city limits near SR 1316 (Spivey Place), a distance of approximately 2.3 miles (refer to Figure 1).

The planned sidewalk section includes a 5-foot utility strip adjacent to the back of curb and a 5-foot sidewalk on both sides of the road. All signalized intersections will include Americans With Disabilities Act (ADA)-compliant ramps and pedestrian signals.

- B. Description of Need and Purpose:

The purpose of the proposed project is to improve pedestrian safety and mobility along NC 63 (Leicester Highway).

- C. Categorical Exclusion Action Classification: (Check one)

TYPE I A

- D. Proposed Improvements

3. Construction of bicycle and pedestrian lanes, paths, and facilities.

- E. Special Project Information:  
N/A

F. Project Impact Criteria Checklists:

<u>Type I &amp; II - Ground Disturbing Actions</u>			
<u>FHWA APPROVAL ACTIVITIES THRESHOLD CRITERIA</u>			
If any of questions 1-7 are marked "yes" then the CE will require FHWA approval.		Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGPA)?	<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 a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If any of questions 8 through 31 are marked "yes" then additional information will be required for those questions in Section G.			
<u>Other Considerations</u>		Yes	No
8	Does the project result in a finding of "may affect not likely to adversely affect" for listed species, or designated critical habitat under Section 7 of the Endangered Species Act (ESA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (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"/>
11	Does the project impact waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include a Section 106 of the NHPA effects determination other than a no effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Other Considerations (continued)</u>		Yes	No
15	Does the project involve hazardous materials and/or landfills?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the project require work encroaching and adversely affecting 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"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	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"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP or the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP) (where applicable)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	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, Tennessee Valley Authority (TVA), 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"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT's Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	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

**Question 8: Endangered Species**

**Northern long-eared bat**

Habitat for the Northern long-eared bat exists in the project study area. A review of the January 2017 North Carolina Natural Heritage Program (NCNHP) database on February 27, 2017, indicates no known occurrences within 1.0 mile of the study area. The proposed action does not require separate USFWS consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016. Section 7 responsibilities are therefore considered fulfilled. A review of the USFWS Asheville Field Office website

([http://www.fws.gov/asheville/htmls/project\\_review/NLEB\\_in\\_WNC.html](http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html)) was also conducted for consistency with NCNHP records. This project is located entirely outside of the highlighted areas (12-digit HUC) that the USFWS has determined to be representative of areas that may require consultation. Therefore, a biological conclusion of “**May Affect, Unlikely to Adversely Affect**” was determined for this species.

H. Project Commitments

**Buncombe County  
Install Sidewalks on  
SR NC 63 (Leicester Highway)  
From US 23/74 (Patton Avenue) to SR 1316 (Spivey Place)  
Federal-Aid Project STPDA-1302(49)  
W.B.S. No. 45251.1.1  
T.I.P. Project U-5190**

**City of Asheville**

- A portion of the project lies within the existing Smith Mill Creek Floodplain and the Smith Mill Creek Floodway. The project is not anticipated to impact the floodplain or floodway; however, if the final designs result in a notable change in the existing grade, the City of Asheville will coordinate with the NC Floodplain Mapping Program (FMP) to determine the status of the project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

I. Categorical Exclusion Approval

STIP Project No. U-5190  
WBS Element 45251.1.1  
Federal Project No. STPDA-1302(49)

**Prepared By:**

2/23/2018

Date

Jackie Obediente  
Jackie Obediente, PE  
Three Oaks Engineering

**Prepared For:**

V.T. Sullivan Jr 2/22/18  
Vinnie Sullivan, PE, CFM  
Project Manager  
City of Asheville

**Reviewed By:**

3/1/2018

Date

DocuSigned by:  
Roger Bryan  
33212C738EB8411...  
Roger Bryan  
Division Environmental Supervisor, Division 13  
North Carolina Department of Transportation



**Approved**

If all of the threshold questions (1 through 7) of Section F are answered "no," NCDOT approves this Categorical Exclusion.



**Certified**

If any of the threshold questions (1 through 7) of Section F are answered "yes," NCDOT certifies this Categorical Exclusion.

3/1/2018

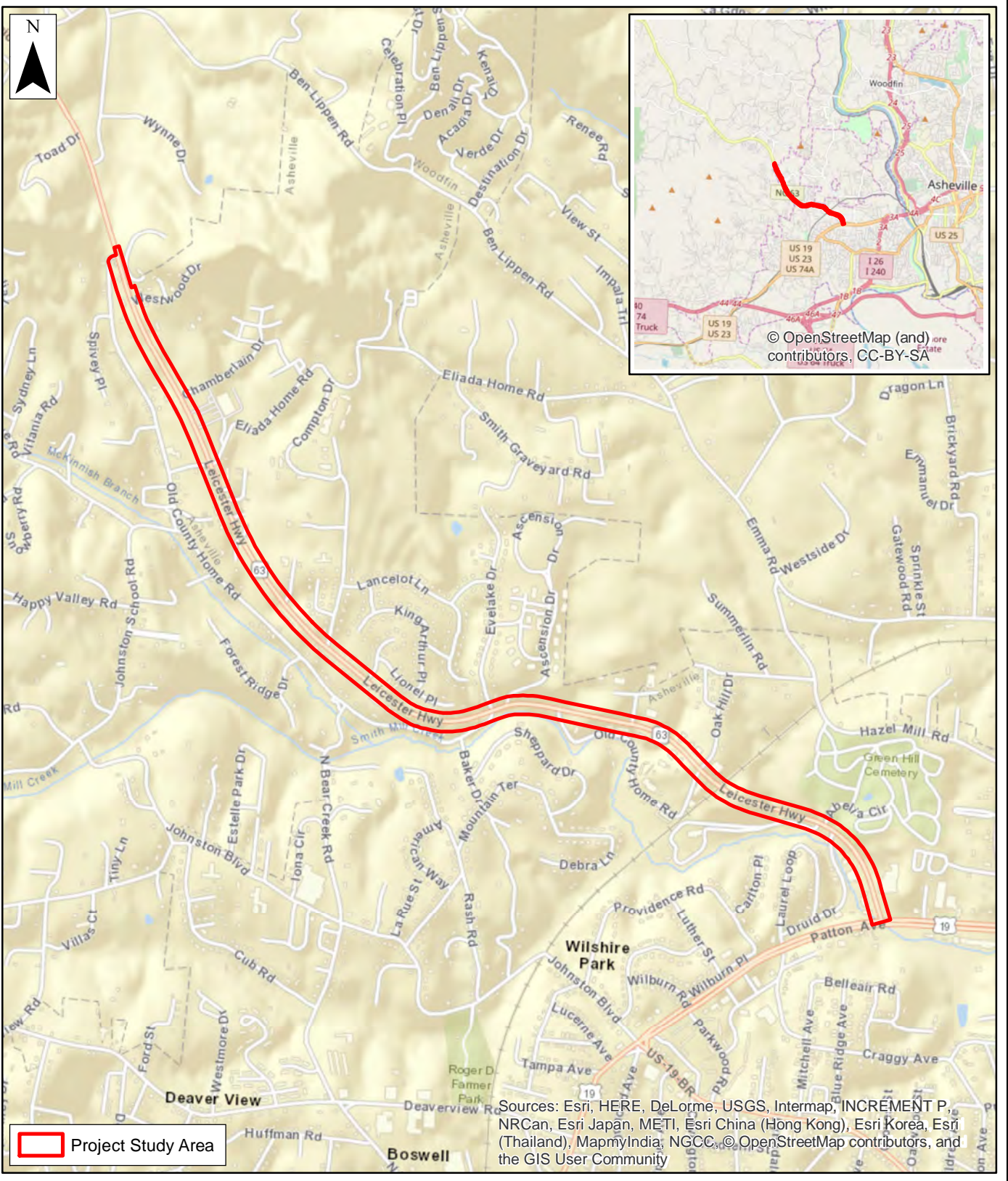
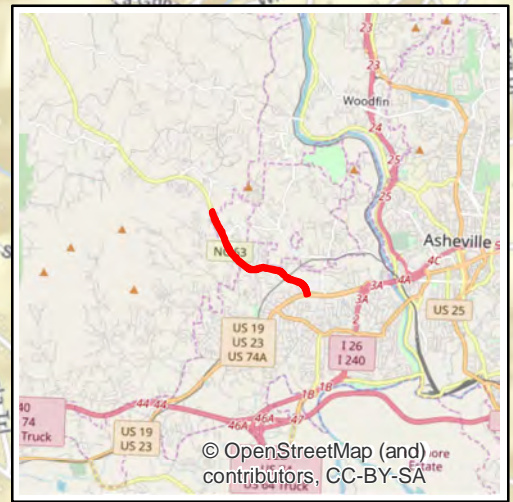
Date

DocuSigned by:  
Mike Calloway  
45D3FED3257B4CA...  
Mike Calloway  
Division Project Manager, Division 13  
North Carolina Department of Transportation

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

Date

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

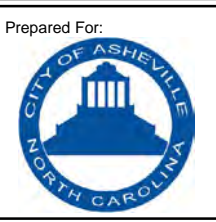
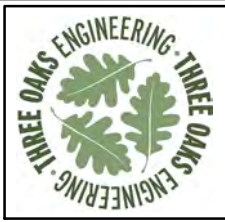
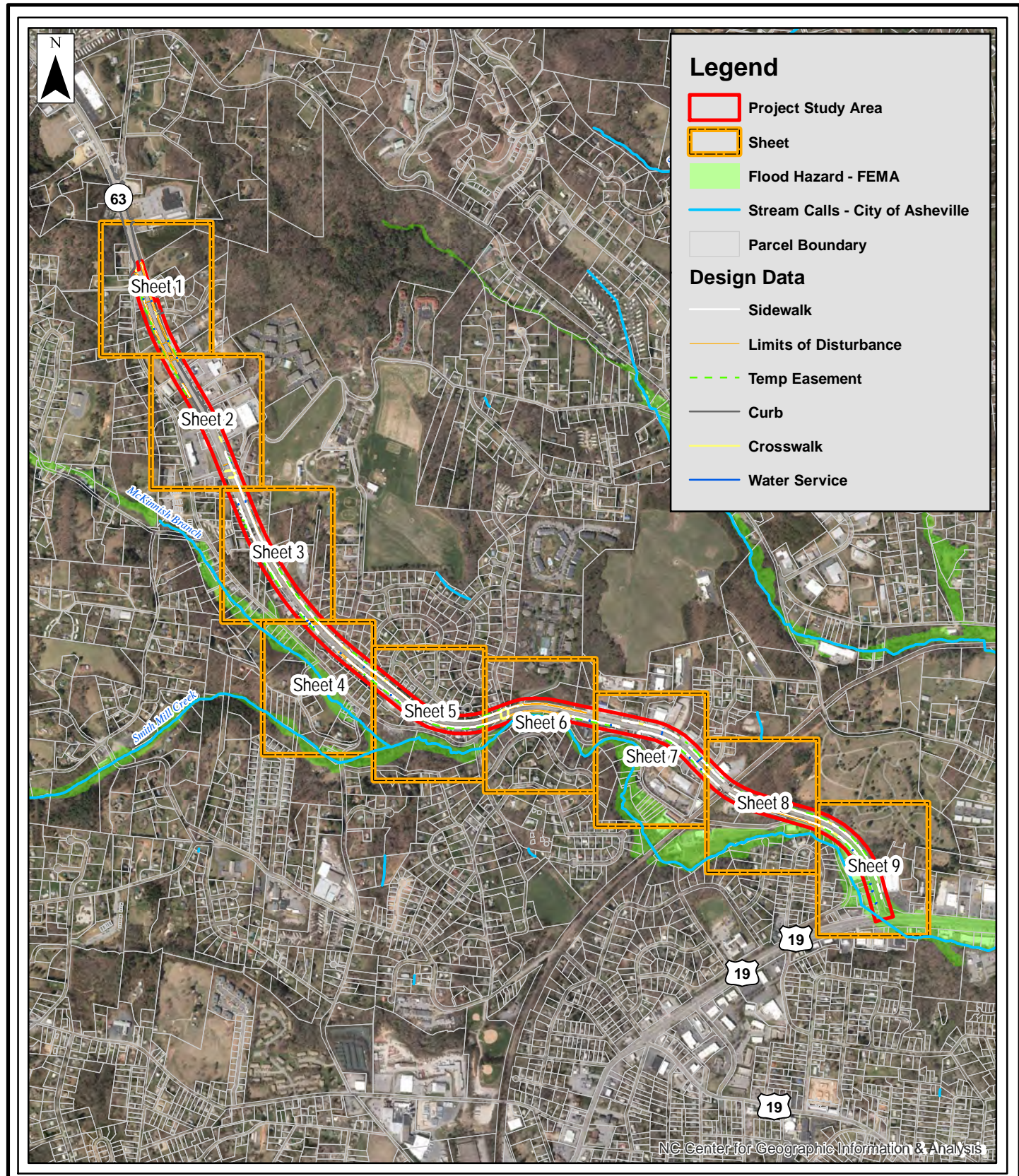


Prepared For:

NC 63 (New Leicester Hwy)  
Sidewalk  
STIP U-5190  
Vicinity Map  
Buncombe County, North Carolina

Date: February 2018  
Scale: 0 350 700 Feet  
Job No.: 17-001  
Drawn By: CMR  
Checked By: JO

Figure  
**1**



Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Index  
 Buncombe County, North Carolina

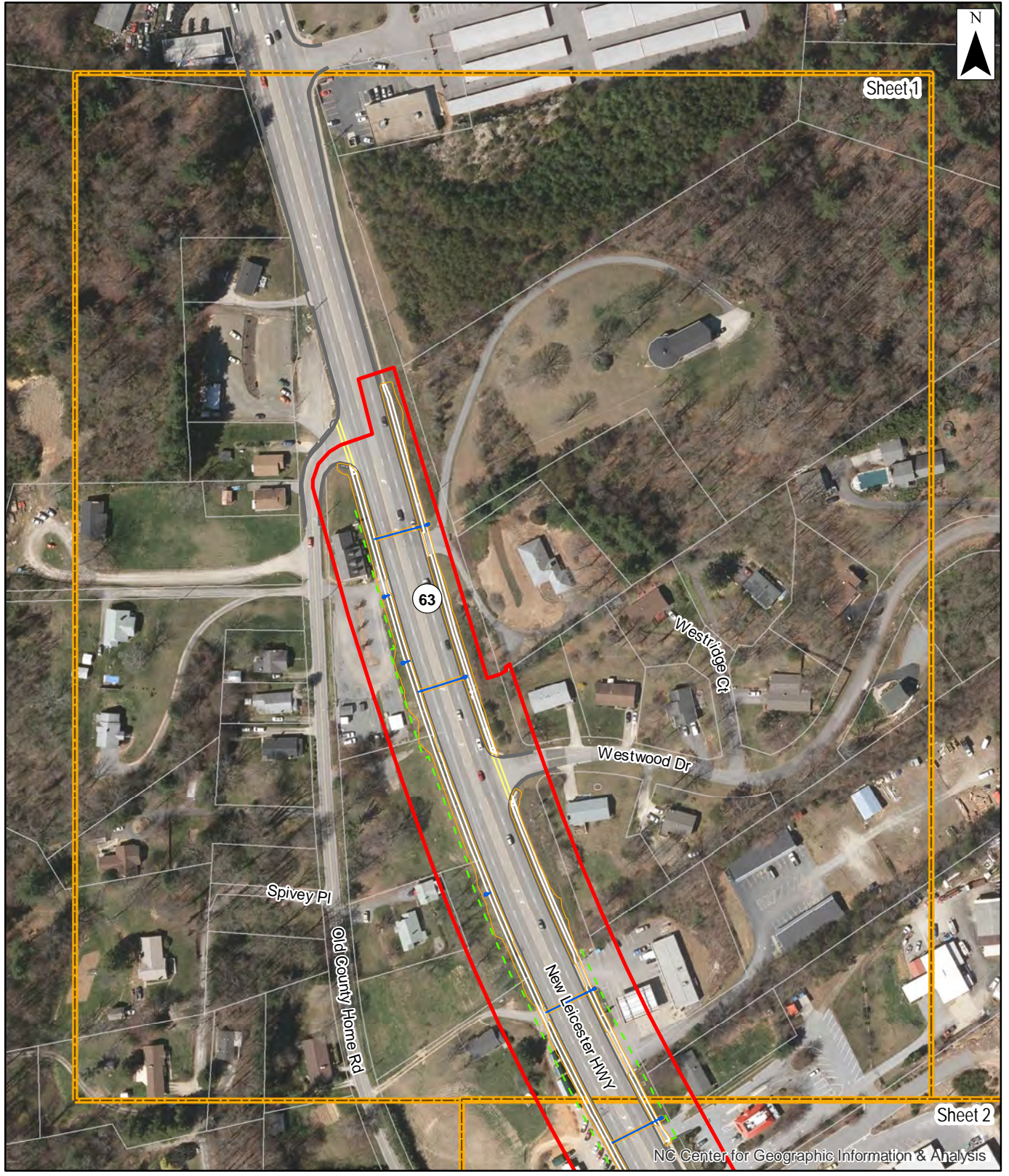
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Job No.:	17-001
Drawn By:	CMR
Checked By:	JO

Figure  
 2





Sheet 1



Sheet 2

NC Center for Geographic Information & Analysis

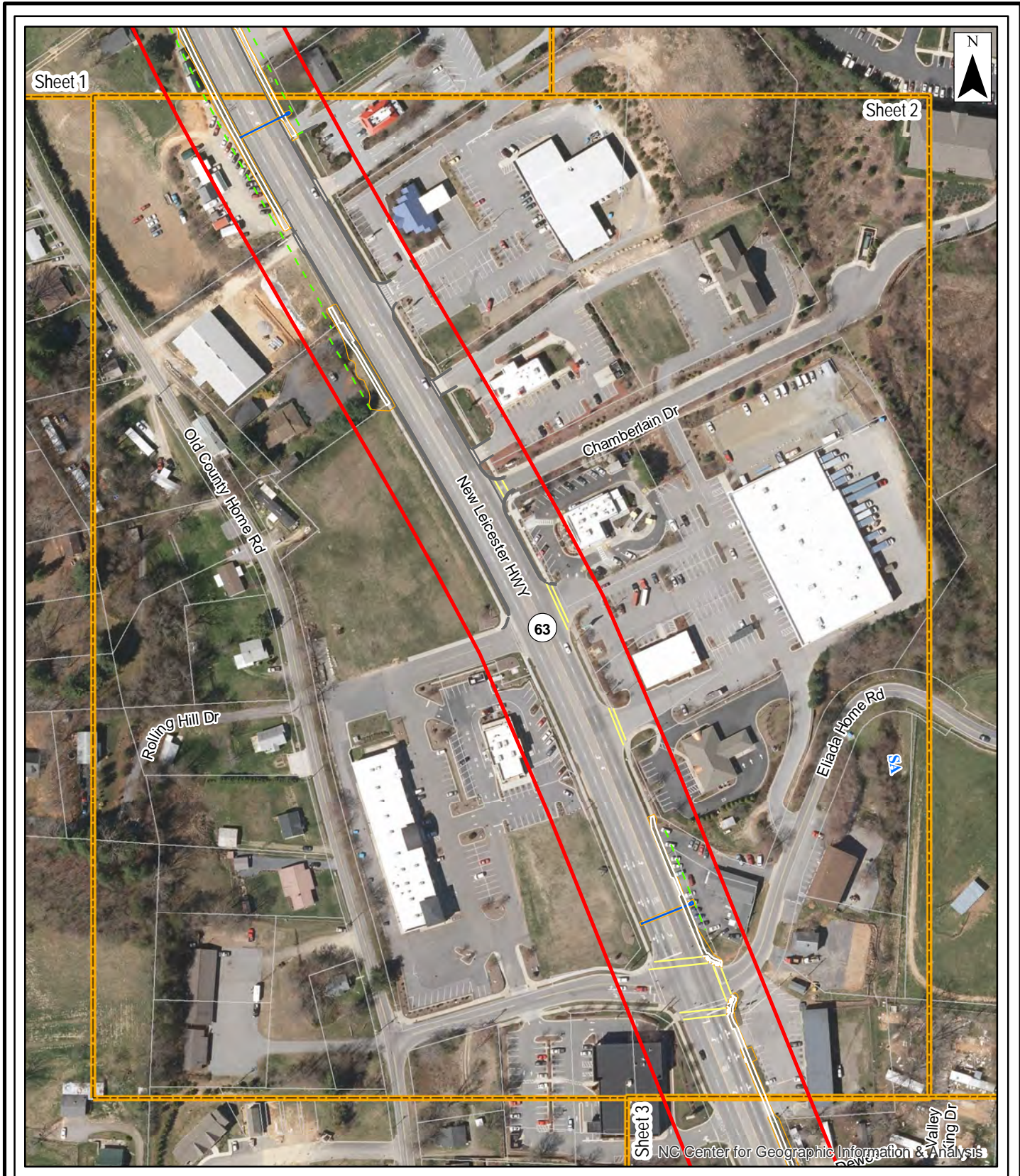


Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018  
 Scale: 0 50 100 Feet  
 Job No.: 17-001  
 Drawn By: CMR  
 Checked By: JO

Figure  
**2-1**



NC Center for Geographic Information & Analysis

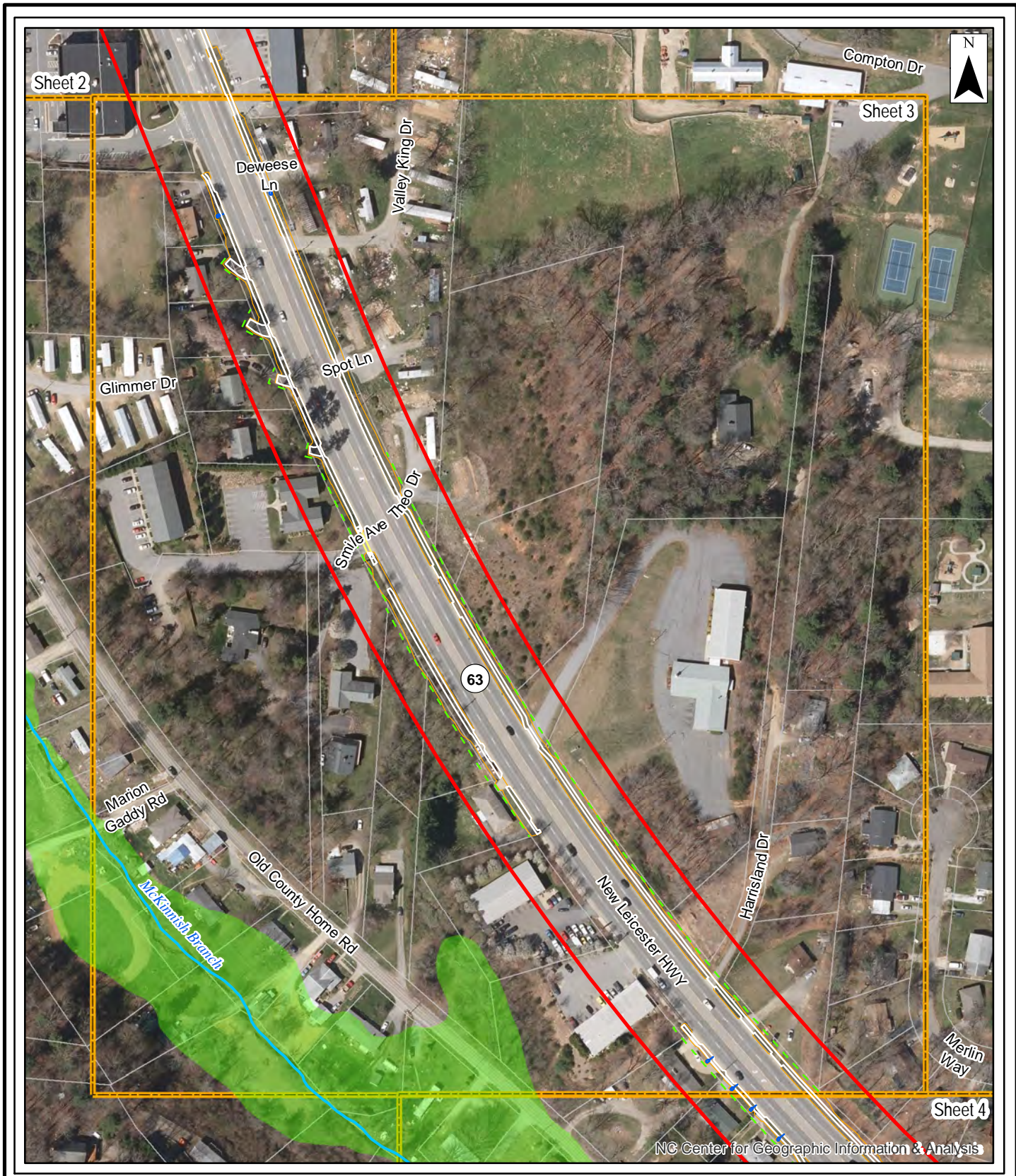


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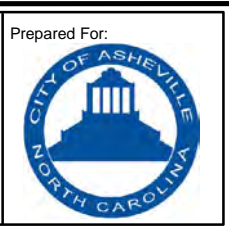
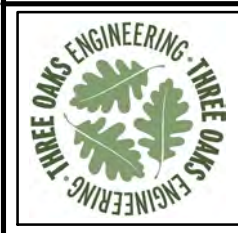
NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018	
Scale: 0 50 100 Feet	
Job No.: 17-001	
Drawn By: CMR	Checked By: JO

Figure  
**2-2**



NC Center for Geographic Information & Analysis

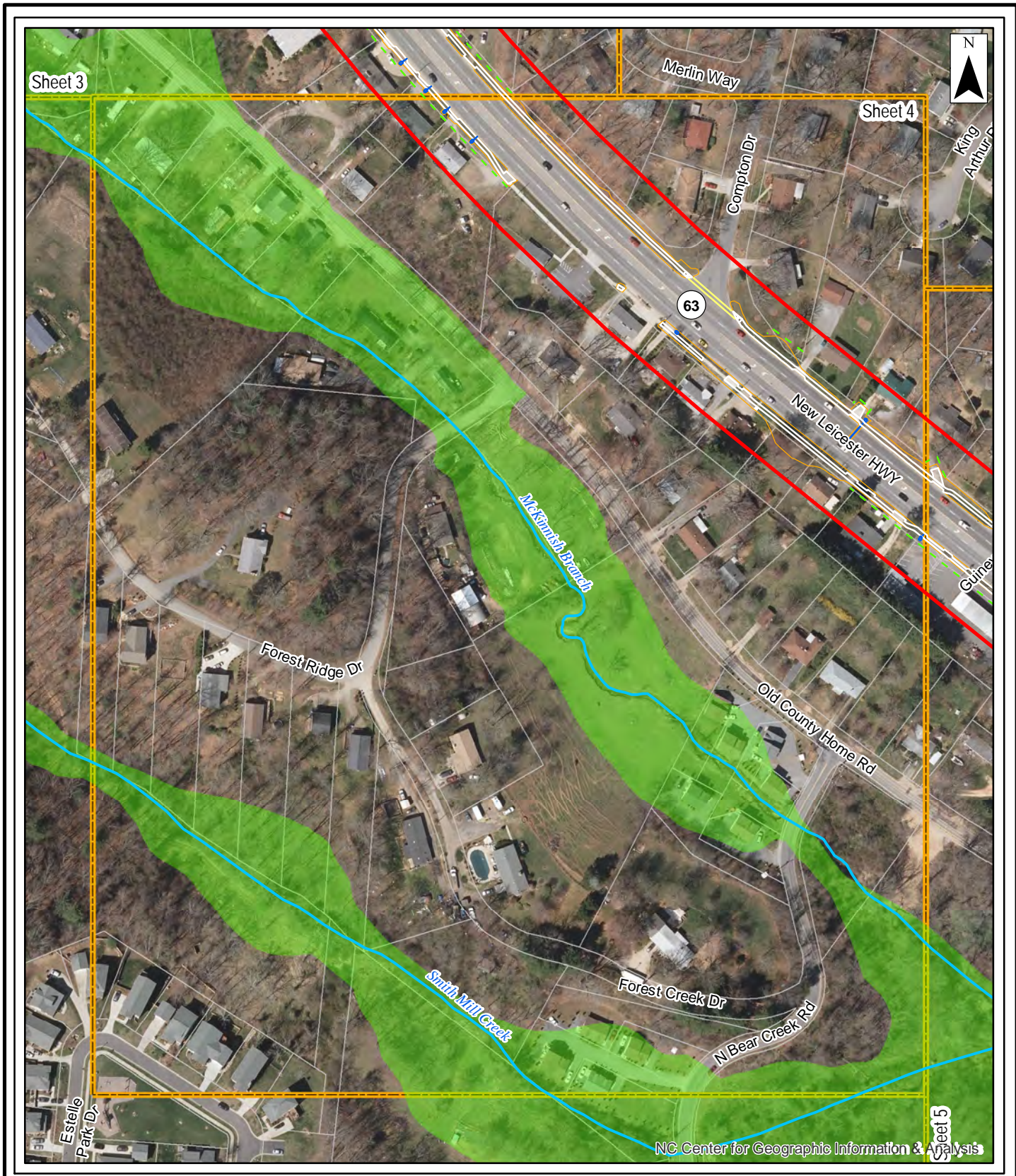


Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018  
 Scale: 0 50 100 Feet  
 Job No.: 17-001  
 Drawn By: CMR  
 Checked By: JO

Figure  
**2-3**

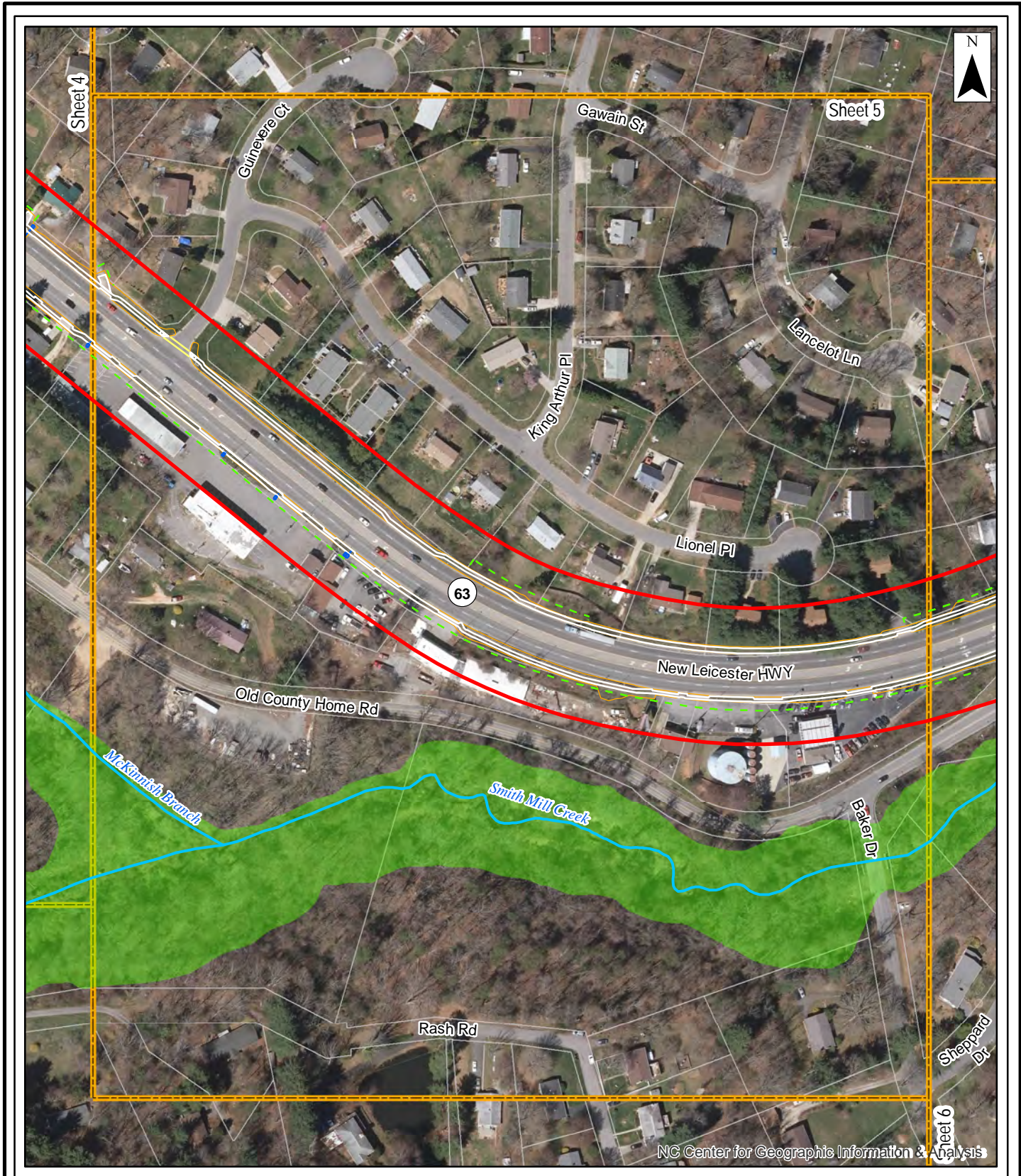


Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
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 Buncombe County, North Carolina

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Drawn By:	CMR
Checked By:	JO

Figure  
**2-4**



NC Center for Geographic Information & Analysis

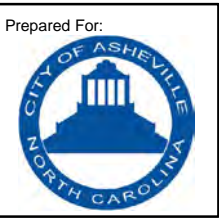
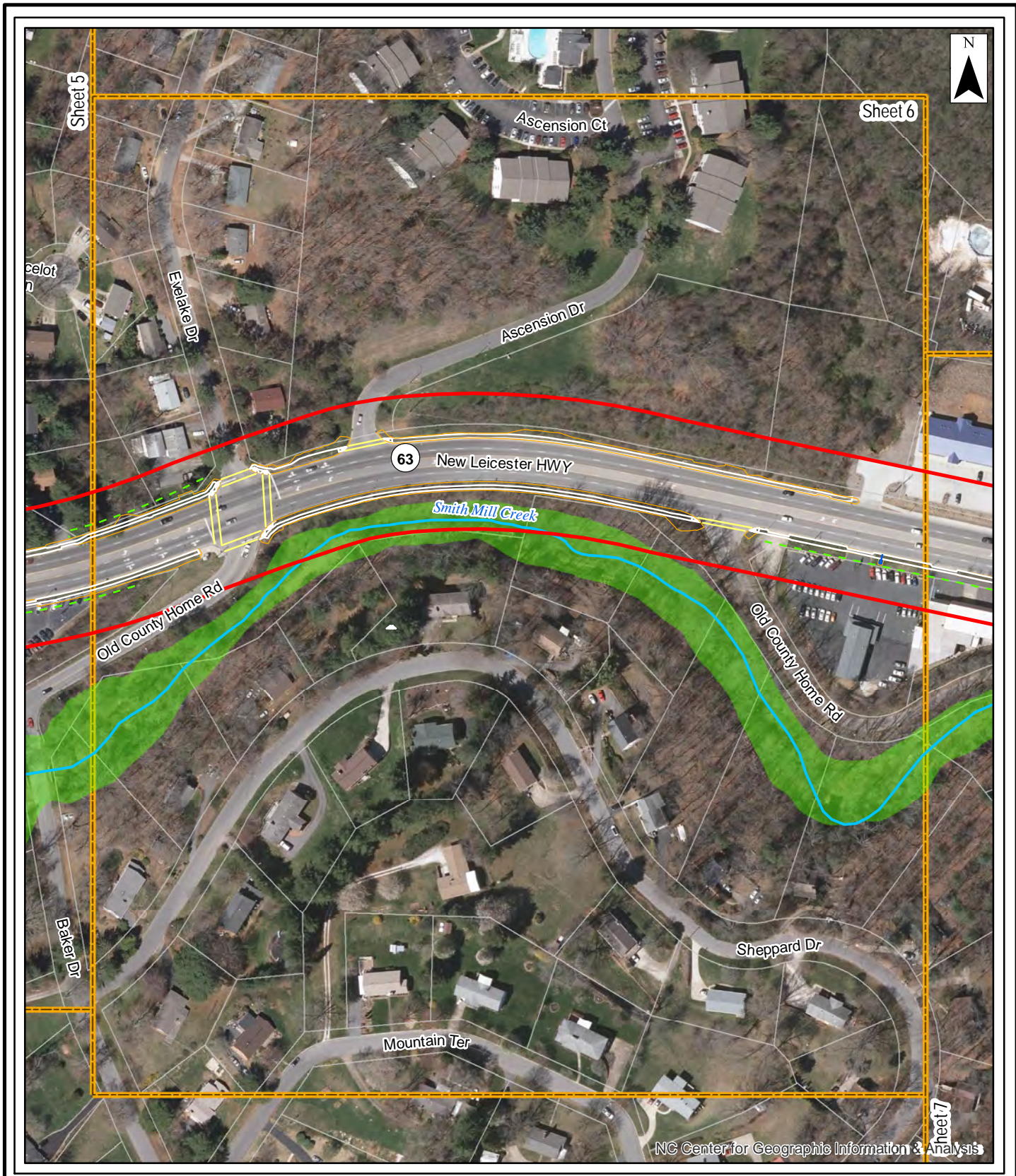


Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018	
Scale: 0 50 100 Feet	
Job No.: 17-001	
Drawn By: CMR	Checked By: JO

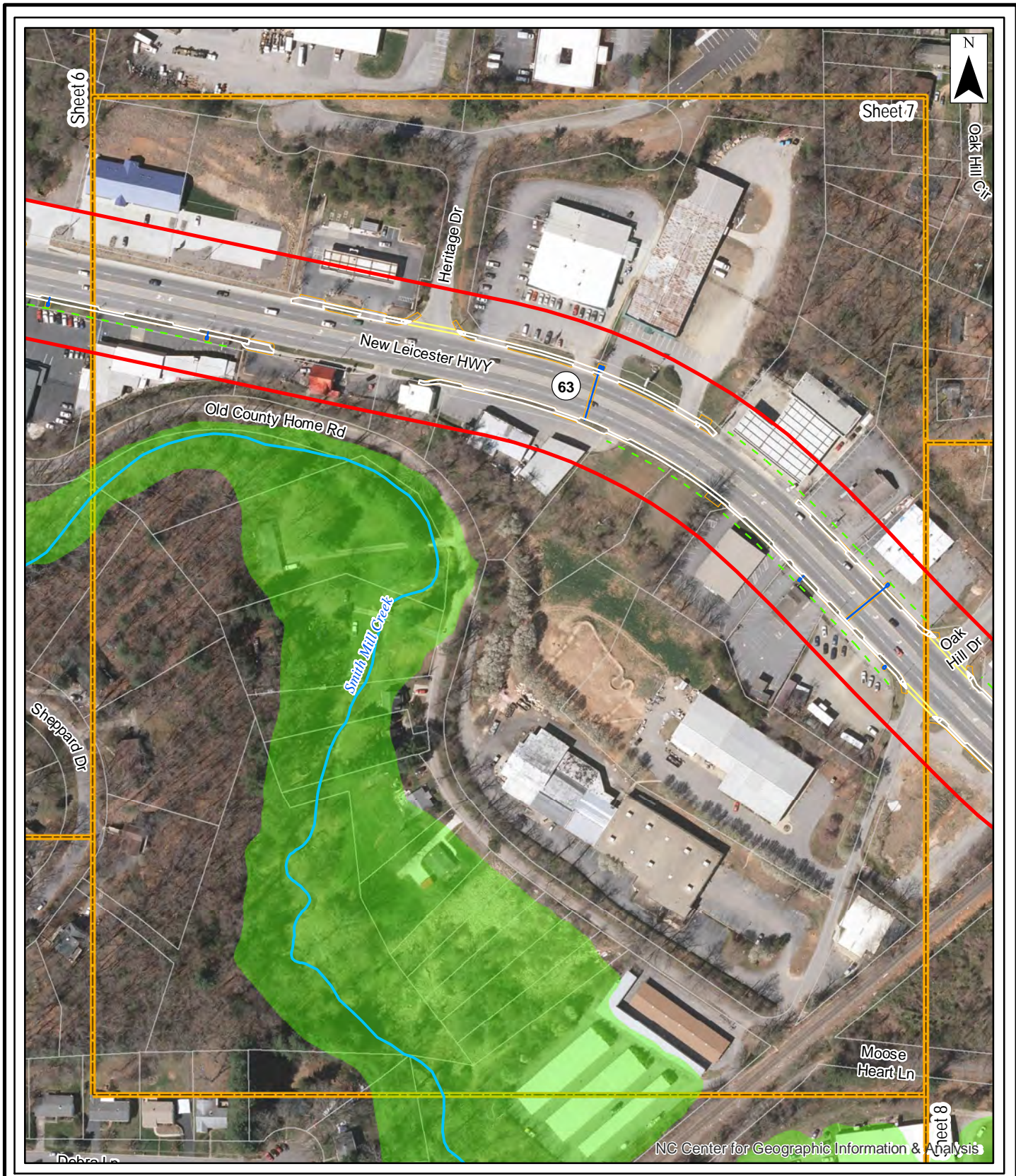
Figure  
**2-5**



NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018  
 Scale: 0 50 100 Feet  
 Job No.: 17-001  
 Drawn By: CMR  
 Checked By: JO

Figure  
**2-6**

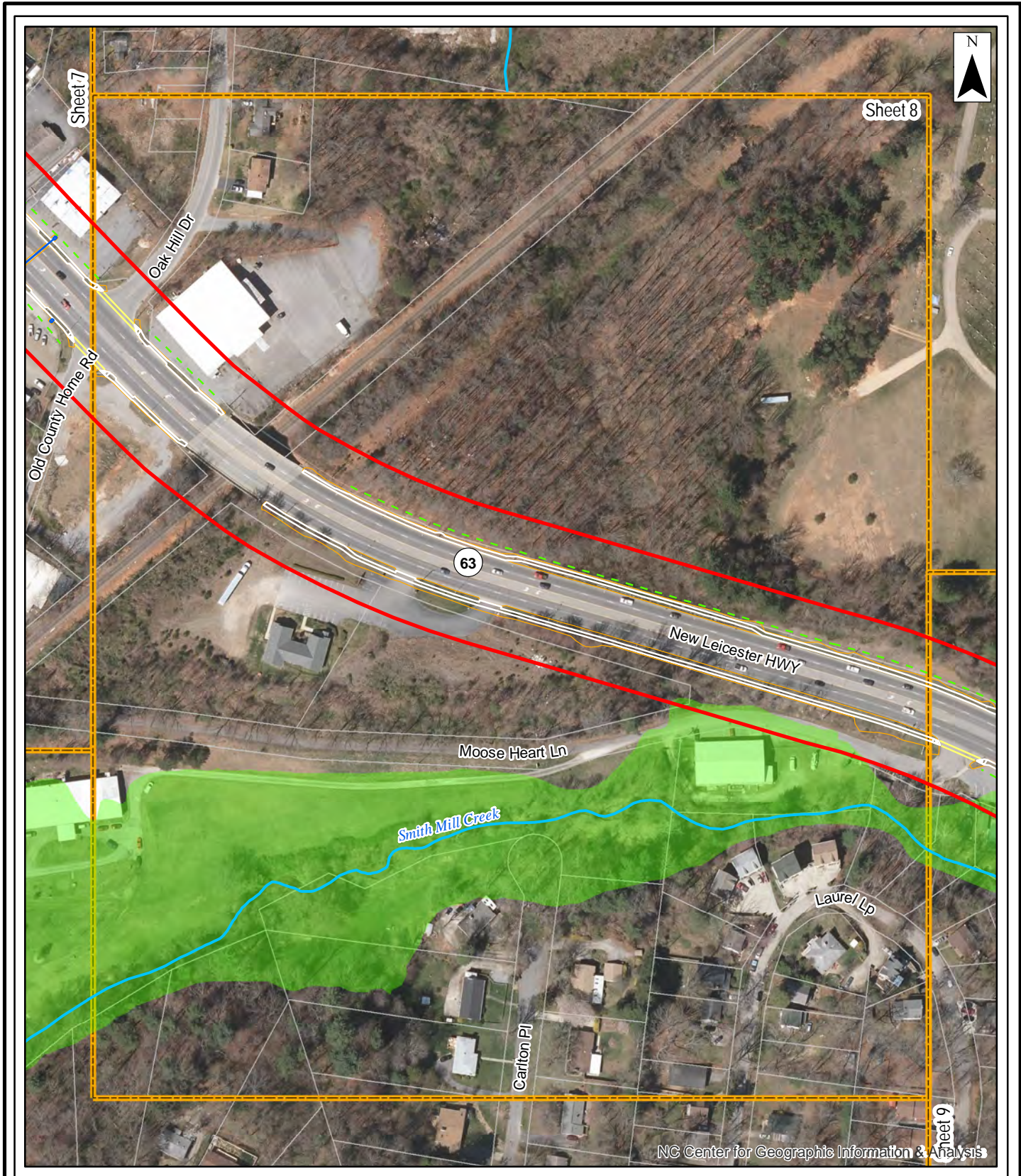


Prepared For:

**NC 63 (New Leicester Hwy)**  
**Sidewalk**  
**STIP U-5190**  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018	
Scale: 0 50 100 Feet	
Job No.: 17-001	
Drawn By: CMR	Checked By: JO

Figure  
**2-7**



NC Center for Geographic Information & Analysis



Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

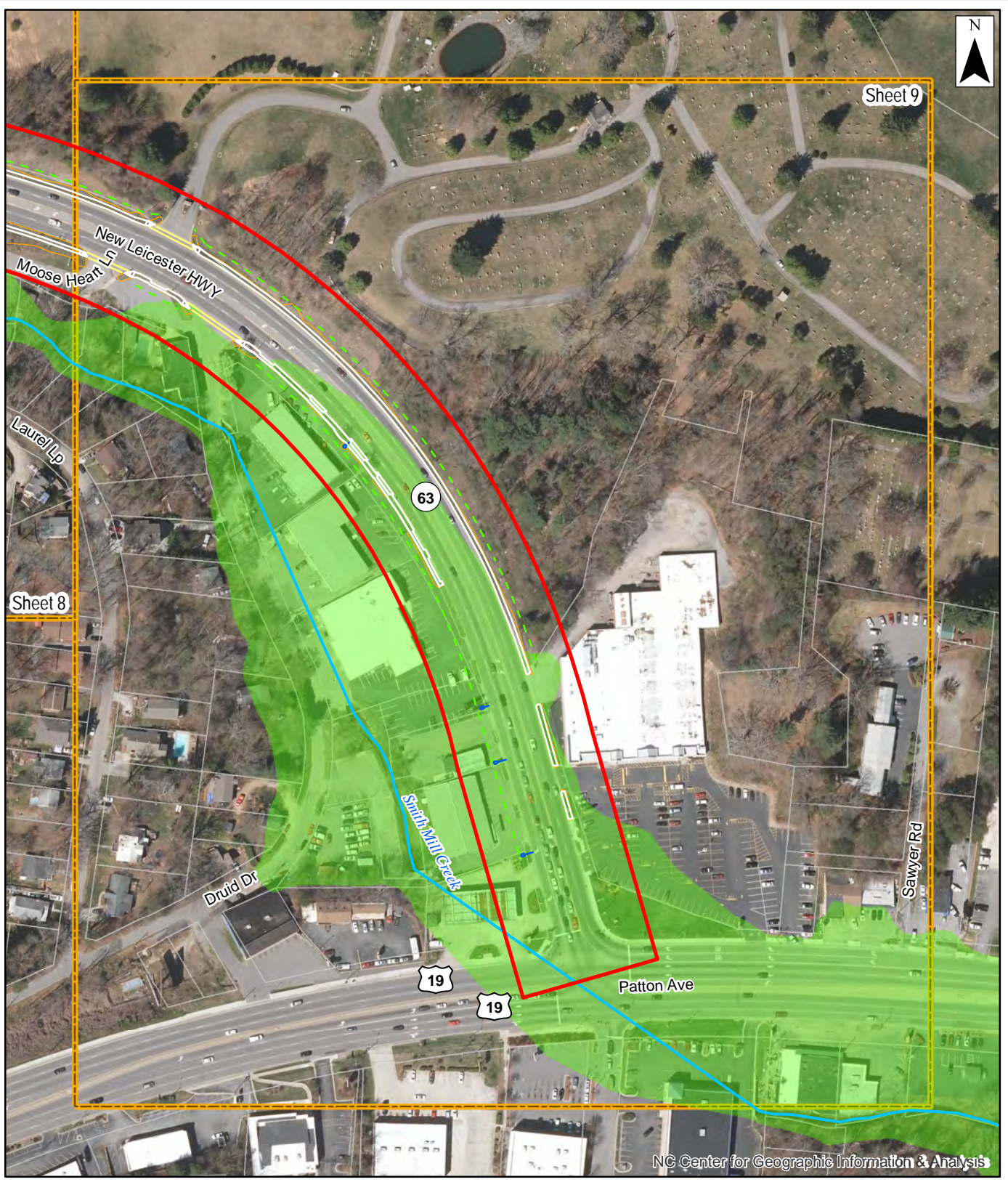
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Job No.: 17-001	
Drawn By: CMR	Checked By: JO

Figure  
**2-8**





Sheet 9



Sheet 8

NC Center for Geographic Information & Analysis

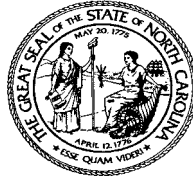


Prepared For:

NC 63 (New Leicester Hwy)  
 Sidewalk  
 STIP U-5190  
 Environmental Features Map  
 Buncombe County, North Carolina

Date: February 2018  
 Scale: 0 50 100 Feet  
 Job No.: 17-001  
 Drawn By: CMR  
 Checked By: JO

Figure  
**2-9**



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

Ramona M. Bartos, Administrator

Governor Roy Cooper  
Secretary Susi H. Hamilton

Office of Archives and History  
Deputy Secretary Kevin Cherry

April 13, 2017

Vinnie Sullivan  
City of Asheville  
PO Box 7148  
Asheville, NC 28802

Re: City of Asheville NC 63 Sidewalk Design Project, U-5190, Buncombe County, ER 17-0567

Dear Mr. Sullivan:

Thank you for your email of March 8, 2017, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

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 919-807-6579 or [environmental.review@ncdcr.gov](mailto:environmental.review@ncdcr.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

A handwritten signature in blue ink that reads "Renee Gledhill-Earley".

*for* Ramona M. Bartos