

Type III Categorical Exclusion Action Classification Form

STIP Project No.	U-5926
WBS Element	46873.1.1
Federal Project No.	N/A

A. Project Description:

The N.C. Department of Transportation and the City of Wilmington propose to construct a new two-lane road to connect North 23rd Street to North 26th Street in Wilmington and close the existing access to Martin Luther King Jr. Parkway from Kornegay Avenue. The project is included in the North Carolina State Transportation Improvement Program (STIP) as Project No. U-5926. The project is currently scheduled for right of way acquisition beginning in May, 2024. Construction of the project is anticipated to be done in conjunction with STIP Project U-4434 (Independence Boulevard Extension), currently scheduled for construction in 2031.

B. Description of Need and Purpose:

MLK Jr. Parkway is a major east-west traffic corridor north of Market Street and downtown Wilmington, bypassing Greater Downtown Wilmington to connect downtown Wilmington to Interstate 40 and other high traffic destinations.

MLK Jr. Parkway is a freeway type facility with full control of access, except for a 2.2-mile-long section between Kornegay Avenue and College Road. Along this section of the corridor, existing at-grade intersections include Kornegay Avenue, Kerr Avenue, and College Road. In order to protect the traffic carrying integrity and preserve the facility's ability to operate efficiently well into the future, the City of Wilmington has plans to remove the remaining at-grade intersections to provide for a fully controlled access freeway along the entire MLK Jr. Parkway.

Kornegay Avenue currently intersects MLK Jr. Parkway with an at-grade intersection, just east of the N. 23rd Street interchange. This access point results in conflicts between vehicles at a stopped condition, high speed traffic along MLK Jr. Parkway, and with merging traffic from the nearby N. 23rd Street interchange ramp. The speed limit along MLK Jr. Parkway is 55 mph.

The study area vicinity includes the Smiths Creek Industrial Park and the two Creekwood neighborhoods. There are approximately 390 homes and housing units within the Creekwood neighborhoods. A new Salvation Army facility is planned for the vacant land just east of Kornegay Avenue.

With the planned removal of the Kornegay Avenue access to MLK Jr. Parkway, area residents and workers would need to access MLK Jr. Parkway via a two-mile long circuitous route through neighborhoods and an already-congested Princess Place Drive if alternate access is not provided. Emergency service into and out of the study area would also be restricted, while the only access out of the Creekwood neighborhoods would require residents to cross an active railroad at an at-grade crossing along N. 30th Street, currently controlled by a warning signal but no gate.

The purpose of the project is to aid in the conversion of MLK Jr. Parkway to a fully controlled access facility and to maintain adequate access to the project area for residents, workers, and emergency services.

C. Categorical Exclusion Action Classification:

Type III

D. Proposed Improvements:

The proposed project will construct a new two-lane road with curb and gutter from N. 23rd Street to N. 26th Street. The new road will consist of two 14-foot to 16-foot travel lanes and 2-foot curb and gutter. New 5-foot sidewalk will be provided along the north side of Federal Express Road and along a portion of the new roadway from N. 23rd Street eastward for a distance of approximately 1,400 feet, connecting to the existing sidewalk along Scientific Park Drive. A 13.5-foot to 17.5-foot berm will be provided on the southeast side of the new roadway to accommodate an 8-foot to 10-foot multiuse path. A 10-foot berm is included on the north side of the new location portion of the new roadway to accommodate a future sidewalk.

The proposed new roadway begins by extending Federal Express Road to connect to Scientific Park Drive. It then continues north from its intersection with Scientific Park Drive and curves east to run parallel to the Martin Luther King, Jr. Parkway's eastbound ramp. The proposed roadway would run along the northern side of the neighborhood and intersect with North 26th Street and Forbes Court before merging with Kornegay Avenue. The existing intersection of Kornegay Avenue and Martin Luther King, Jr. Parkway will be removed. The existing noise wall will be removed and constructed closer to Martin Luther King, Jr. Parkway.

An existing seven-foot by six-foot culvert that runs under Martin Luther King, Jr. Parkway at the merge with its entrance ramp will be extended beneath the new roadway near the northwest corner of the neighborhood. There are no other stream crossings requiring bridges or culverts along the proposed roadway.

New right-of-way and easements will be required along the proposed road from N. 23rd Street to near the MLK Jr. Parkway ramp. The portion of the road parallel to the ramp will be constructed within existing NCDOT right-of-way. No additional right-of-way will be required on the south side of the road in the area of the neighborhood; however, small amounts of easement will be needed on the east and west sides of Forbes Court, and the east side of Kornegay Avenue. No residential relocations will be required. See Figures 1 and 2 in Appendix A for location and illustration of the major elements of this work.

E. Special Project Information:**Alternatives**

Two new route alignments and a No-Build Alternative were considered for the proposed project.

No-Build Alternative

Under the No-Build Alternative, a new roadway access would not be constructed, and the existing Kornegay Avenue access to MLK Jr. Parkway would remain in place. Since the No-Build Alternative does not fulfill the primary purposes of the project or address the area transportation needs, it is not recommended.

Alignment 1 (Recommended)

Alignment 1 begins south of Scientific Park Drive at the intersection of Federal Express Road and N. 23rd Street, extending a short distance eastward before curving northward to run along the eastern boundary of the Alcami Corporation campus. It will cross the eastern terminus of Scientific Park Drive and continue northward along the eastern boundary of the Spectrum campus, then running approximately parallel to the eastbound MLK Jr. Parkway entrance ramp. The proposed road will continue around the northern side of the historic Creekwood North neighborhood between the existing noise wall and MLK Jr. Parkway and transition into Kornegay Avenue on the eastern side of the neighborhood. The existing roadway and cul-de-sac along the northern side of the neighborhood and the existing access from Kornegay Avenue to MLK Jr. Parkway will be removed. New connections will be constructed between the new roadway and N. 26th Street, Forbes Court, and Kornegay Avenue. The existing noise wall will be removed, and a new noise wall will be constructed between the new roadway and MLK Jr. Parkway north of the neighborhood.

Alignment 1 is recommended because it provides adequate spacing between its intersection with N. 23rd Street and the MLK Jr. Parkway interchange, providing an acceptable level of traffic service along N. 23rd Street, and allowing for signalization at the intersection of the new route with N. 23rd Street. The terminus of Alignment 1 is located outside the influence area of the MLK Jr. Parkway interchange, providing safer and more efficient ingress/egress for residents of the Creekwood North neighborhood and protecting the traffic carrying integrity along N. 23rd Street. Signalization and enhanced pedestrian and bicycle accommodations will be provided as requested by area residents.

Alignment 2

This alignment begins at the intersection at Scientific Park Drive and N. 23rd Street, running eastward along Scientific Park Drive, then curving northward on new location, running approximately parallel to the southeast MLK Jr. Parkway ramp to 26th Street, ending at Kornegay Avenue. The existing intersection of Kornegay Avenue and MLK Jr. Parkway would be removed. Because the N. 23rd Street/Scientific Park Drive intersection would require a signal and be less than 1,000 feet from the existing intersection at the interchange entrance ramp, Alignment 2 would not operate at an acceptable level of service and would not provide adequate access for residents of the Creekwood North neighborhood. Alignment 2 is not recommended and has been eliminated from further consideration.

Wetlands and Stream

Water resources in the study area are part of the Cape Fear River basin [U.S. Geological Survey (USGS) Hydrologic Units 03030007]. A total of four jurisdictional wetlands were identified within the study area. As currently proposed, the project is anticipated to result in impacts (construction and permanent drainage easement) to two jurisdictional wetlands, or a total of 0.2 acre. A review of project impacts to these resources is provided in the table below.

Calculated Wetland Impacts

Map ID	NCWAM Classification	Hydrologic Classification	Construction Impacts¹ (acres)	PDE Impacts² (acres)
WAB	Headwater Forest	Riverine	0.1	0
WA	Bottomland Hardwood/ Non-Tidal Freshwater Marsh	Riverine/ Riparian	0.1	0
Total Impacts			0.2	0

¹Construction impacts are based on slope stake limits of the preliminary design plus 25 feet.

²PDE = Permanent drainage easement. PDE impacts are impacts occurring within the preliminary design PDE boundaries.

A total of three jurisdictional streams (mitigable) and nine surface waters were identified in the study area. All jurisdictional streams in the study area have been designated as warm water streams for the purposes of stream mitigation. As currently proposed, the project is anticipated to result in impacts (construction and permanent drainage easement) to two jurisdictional streams (total of 239') and three surface waters (total of 0.007 acres). A review of the anticipated project impacts to these resources is provided in the tables below.

Calculated Jurisdictional Stream Impacts

Map ID	Class¹	Compensatory Mitigation	Construction Impacts (lf)²	PDE Impacts (lf)³
SB	Intermittent	Mitigable	141	0
SC	Perennial	Mitigable	98	0
Total Impacts (Mitigable)			239	0

¹TribWoUS = Tributary Waters of the United States.

²Linear Feet. Calculated impacts are based on slope stake limits of the preliminary design plus 25 feet.

³PDE = Permanent drainage easement. PDE impacts are impacts occurring within the preliminary design PDE boundaries.

Calculated Jurisdictional Surface Water Impacts

Map ID	Class ¹	Compensatory Mitigation	Construction Impacts ² (acres)	PDE Impacts ³ (acres)
TA	TribWoUS	Non-Mitigable	0.004	0
TAD	TribWoUS	Non-Mitigable	0.003	0
TAF	TribWoUS	Non-Mitigable	0	0.001
Total Impacts (Non-Mitigable)			0.007	0.001

¹ TribWoUS = Tributary Waters of the United States.

² Calculated impacts are based on slope stake limits of the preliminary design plus 25 feet.

³ PDE = Permanent drainage easement. PDE impacts are impacts occurring within the preliminary design PDE boundaries.

No waters classified as High-Quality Waters (HQW), Water Supplies (WS-I: undeveloped watersheds or WS-II: predominately undeveloped watersheds), or Outstanding Resource Waters (ORW) occur within one mile downstream of the study area. The North Carolina 2020 Final 303(d) list of impaired waters has identified no streams within the study area as an impaired water.

Noise Analysis

The source of this traffic noise information is the *Traffic Noise Report, New Route from SR 1302 (23rd Street) to 26th Street*, Ramey Kemp Associates dated April 2022.

Summary

This Traffic Noise Report (TNR) utilized computer models created with the FHWA Traffic Noise Model software® (TNM 2.5) to predict traffic noise levels and help determine impacted receptors in the vicinity of the proposed project. For the design year 2040 build condition, there are predicted to be approximately ten impacted single-family equivalent receptors due to traffic noise.

In accordance with the 2021 NCDOT Policy, consideration for noise abatement measures was given to all impacted receptors. The one noise barrier analyzed preliminarily meets NCDOT's feasible and reasonable requirements for noise abatement. Within NSA 2, a replacement noise barrier was modeled within the right of way, parallel to eastbound US 74 and proposed Kornegay Avenue. The barrier was optimized at approximately 1,329 feet long and an average height of 20 feet, with an area of 28,544 square feet. This optimized noise barrier, Noise Wall 2 (NW2), is predicted to benefit 20 receptors. The noise wall preliminarily meets NCDOT feasibility and reasonableness criteria.

The Date of Public Knowledge for Project U-5926 is the approval date of this Categorical Exclusion. In accordance with NCDOT's 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.

Traffic Noise Impacts

The maximum number of receptors in each project alternative predicted to become impacted by future traffic noise is shown in the table below. The table includes those receptors expected to experience traffic noise impacts by either approaching or exceeding the Federal Highway Administration (FHWA) Noise Abatement Criteria or by a substantial increase in exterior noise levels as defined in the NCDOT Traffic Noise Policy.

Predicted Traffic Noise Impacts

Analysis Scenario	Reason for Noise Impact	Impacts by Activity Category							Total Impacts
		A	B ¹	C	D	E	F	G	
Design Year 2040 Build Conditions	NAC Only ²	0	5	0	0	0	0	0	5
	Substantial Increase Only ³	0	0	0	0	0	0	0	0
	By Both Criteria	0	5	0	0	0	0	0	5
	Total Impacts	0	10	0	0	0	0	0	10

¹Category B refers to Residential activities.

²The predicted worst noise hour traffic noise levels approach, equal, or exceed the Noise Abatement Criteria (NAC) contained in 23 CFR 772.

³The predicted worst noise hour traffic noise levels substantially exceed existing noise by 10 decibels or more.

Traffic Noise Abatement Measures

In accordance with the 2021 NCDOT Policy, consideration for noise abatement measures was given to all impacted receptors. For abatement to be feasible, at least two impacted receptors must achieve a five-decibel noise level reduction. The one noise barrier analyzed preliminarily meets NCDOT's feasible and reasonable requirements for noise abatement. A replacement noise barrier was modeled within the right of way, parallel to eastbound US 74 and proposed Kornegay Avenue. The noise barrier is predicted to benefit 20 receptors. The noise wall preliminarily meets NCDOT feasibility and reasonableness criteria.

Based on the findings of this TNR, traffic noise abatement measures are likely for this project in accordance with 23 CFR 772 and NCDOT's Traffic Noise Policy. Furthermore, it is recommended that all reasonable efforts be made to minimize exposure of noise sensitive areas to construction noise impacts. The final decision on feasibility and reasonableness of noise abatement shall be made upon completion of project design, completion of a Design Noise Report (DNR) and its acceptance by NCDOT, a practicability assessment (where applicable), and the public involvement process.

Public and Stakeholder Involvement

Start of Study Notification – May 30, 2017

Start of Study Notifications were sent via US Mail and email that contained general project information and mapping for the original study area. Recipients were asked to provide comments on the proposed project. Recipients of the Start of Study Notifications included local and elected officials in the City of Wilmington and New Hanover County, the Wilmington Urban Area Metropolitan Planning Organization, and the Wilmington Chamber of Commerce.

In addition, the Start of Study Notification was provided to federal and state regulatory and resource agencies including the US Environmental Protection Agency, US Fish and Wildlife Service, the US Army Corps of Engineers, US Coast Guard, and the North Carolina State Clearinghouse.

Comments received included various requests for general information to be included in the environmental documentation for the project, identification of potential permit requirements, general preferences for stormwater treatment, and recommendations on minimization techniques that could be applied in later design phases and the construction phase of the project.

Local Officials Project Initiation Meeting – March 22, 2017

A meeting was held in Wilmington to introduce the project to city officials. Attendees discussed the project purpose and need, potential alignment alternatives, proposed typical section, and project schedule. It was noted that the new route should provide connectivity to Kornegay Avenue, and the city requested the project not impact the existing noise wall along MLK Jr. Parkway. Key community contacts were identified to begin outreach to minority neighborhoods in the project study area. Additionally, proposed developments near the proposed project, including a 22-acre Salvation Army facility, were identified.

Public and Local Officials Meetings – August 24, 2017

NCDOT held two meetings as part of the effort to involve local stakeholders and the public in the planning and design for the subject project. A Local Officials Informational Meeting was held on August 24, 2017, at Wilmington City Hall. Twelve participants attended the meeting. There was no formal presentation, but the project team provided an overview of the project and reviewed the project handout and maps. Local officials had the opportunity to ask questions and provide comments, which included the following topics:

- Differences between alternatives
- Traffic signal locations
- Access control
- Construction costs
- Sidewalks
- Environmental issues

A subsequent Public Meeting was held by NCDOT the same day from 5-7 p.m. at Rachel Freeman Elementary School in Wilmington. The public meeting was advertised via legal ads posted in local newspapers, approximately 1,800 postcards sent to residents in the study area, and notification on the NCDOT Public Involvement website.

A total of 39 individuals signed-in to the meeting, and nine written comments were received during and after the public meeting. The discussion at the meeting and comments received included:

- Requests for inclusion of sidewalks
- Requests for inclusion of bicycle accommodations
- Requests for signalization at 23rd Street
- Requests for a noise barrier or extension of existing noise wall
- Concerns about access to neighborhoods with closure of Kornegay Avenue at MLK Jr. Parkway
- Concerns about lack of transit stops in nearby neighborhoods
- Concerns about environmental impacts

Start of Study Re-Initiation Notification – February 28, 2020

Start of Study Re-Initiation Notifications were sent via US Mail and email that contained general project information and mapping for an expanded study area. Recipients were asked to provide comments on the proposed project. Recipients of the Start of Study Notifications included local and elected officials in the City of Wilmington and New Hanover County, the Wilmington Urban Area Metropolitan Planning Organization, and the Catawba Indian Nation.

In addition, the Start of Study Notification was provided to federal and state regulatory and resource agencies including the US Environmental Protection Agency, US Fish and Wildlife Service, the US Army Corps of Engineers, US Coast Guard, National Marine Fisheries Service, and the North Carolina State Clearinghouse.

The Catawba Indian Nation had no immediate concerns but requested notification if Native American artifacts and/or human remains are located during the ground disturbance phase of the project.

The NCDOT Aviation Division noted that the project is approximately 2,000 feet from the end of Runway 6 of Wilmington International Airport (ILM), and navigable airspace may be impacted (likely temporarily) by the project. A “Notice of Proposed Construction or Alteration” should be submitted to the Federal Aviation Administration (FAA) in order to mitigate any airspace impacts that might occur during construction. *On July 8, 2020, FAA issued a Determination of No Hazard to Air Navigation that states the project does not exceed obstruction standards and would not be a hazard to air navigation provided a Notice of Actual Construction or Alteration (FAA Form 7460-2) is e-filed any time the project is abandoned or within five (5) days after construction reaches its greatest height.*

Other comments received included various requests for general information to be included in the environmental documentation for the project, identification of potential permit requirements, general preferences for stormwater treatment, recommendations on floodplain management, and recommendations on minimization techniques that could be applied in later design phases and the construction phase of the project.

Public Outreach – December 7, 2022 through January 6, 2023

NCDOT conducted public outreach via Newsletter and the NCDOT Public Engagement site during the period December 7, 2022 through January 6, 2023. A newsletter was sent to area residents, property owners, and businesses on December 7th, 2022, which presented project information and referred recipients to the NCDOT Public Engagement site for additional information. The Public Engagement site contained project information including a Project Overview Presentation, Project Maps, Visualization, funding, and timeline. Participants were prompted to provide comments by January 6th, 2023 through the Public Engagement site, mail, or project telephone number.

Two comments were received as a result of this outreach. The comments received included:

- Concern about potential residential relocations
- Request to consider a traffic signal at 23rd Street and Federal Express Boulevard due to concern about traffic congestion on 23rd Street making turns from Federal Express Boulevard and Scientific Way difficult.
- Concern about safety of vehicles turning from southbound 23rd Street onto Scientific Way due to a center lane that might be too short to accommodate northbound 23rd Street vehicles attempting to enter Screen Gems Studios.
- Request to address the broken noise barrier along Martin Luther King, Jr. Parkway.

Potential Section 4(f) Resources

One resource, the Creekwood North Historic District, was identified within the project study area that would potentially be protected under Section 4(f) of the Department of Transportation Act. As currently designed, the historic district has been avoided. The recommended alternative was reviewed by the State Historic Preservation Office and determined to have No Adverse Effect on August 24, 2023 (see Appendix B). FHWA concurred with the finding of No Adverse Effect and intends to make a de minimis determination with regards to Section 4(f) of the Transportation Act concerning the project’s impact on the Creekwood North Historic District

Community Resources

The Creekwood community is located on the north side of Wilmington, just across MLK Blvd/US 74 and south of Wilmington’s airport. The Creekwood neighborhood currently has an entrance/exit directly onto US 74 MLK Parkway, which will be closed off for purposes of access control on US 74, thus requiring the new entry or access road to the neighborhood. The neighborhood’s other primary access point is to the south which connects to Princess Place Drive. There is one other access point to the east via Hurst Street which connects to another neighborhood.

The Creekwood community is composed of a “north” section and a “south” section, with a mix of single-family residences, duplexes and a newly constructed multi-family apartment complex that now adjoins the

Creekwood South portion of the older community on the west side. There is a small community center and playground with a basketball court located in the South Creekwood section of the community. There is also a newly constructed City of Wilmington police and fire training facility on the east side of South Creekwood accessed via Hurst Street.

Overall the population for the Demographic Study Area trended up from 2006 to 2020 by 2.7 percent and the particular Census Block Group for the Creekwood community has gained some residents as well. The community is predominantly minority (African American) and has a relatively high level of poverty as well.

The proposed project will re-orient the north entrance to the Creekwood neighborhood by constructing a new route from 23rd Street (SR 1302) to N 26th Street in Wilmington. The new roadway will utilize and connect existing segments from Federal Express Boulevard and Scientific Park Drive on the west side, to Kornegay Avenue to the east. The project is part of a larger effort to provide full control of access along Martin Luther King Jr. Parkway, which currently includes an at-grade intersection with Kornegay Avenue in the project area. The proposed improvements would remove this intersection and provide a 2-lane, new east-west access route to the Creekwood North neighborhood via 23rd Street. The project will have two 14-foot to 16-foot lanes and a multi-use shared path to accommodate bicycle and pedestrian activity. As per coordination with NCDOT's Integrated Mobility Division, the proposed multi-use path should be 8 feet wide with a 2-foot separation clear path from the edge of the path on both sides, to adhere to AASHTO Bicycle Facility Design Guidance.

While minority and low-income populations are present in the DCIA, no notably adverse community impacts are anticipated with this project; thus, impacts to minority and low-income populations do not appear to be disproportionately high and adverse. Benefits and burdens resulting from the project are anticipated to be equitably distributed throughout the community. No disparate impacts are anticipated under Title VI and related statutes. The community will benefit from the project through the addition of the Multi-Use Path to improve bicycle and pedestrian accommodations, which was important to participants attending and providing comments at the project public meeting. Additionally, access to the community will be improved by providing a direct connection between the community and 23rd Street, and to the existing interchange at Martin Luther King Jr. Boulevard.

Project Cost Estimates

Cost estimates were produced for the proposed project, including those for utility relocations and right of way acquisition, which are shown in the table below. Construction costs will be included with STIP Number U-4434 (Independence Boulevard Extension).

	U-5926 Project Estimates
Utility Relocation	\$344,000
Right of Way	\$1,404,000
TOTAL	\$1,754,000

F. Project Impact Criteria Checklists:

F3. Type III Actions		
Proposed improvement(s) that fit Type III Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix C) answer questions below.		
<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 checked="" type="checkbox"/> <input 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 type="checkbox"/> <input checked="" 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 checked="" type="checkbox"/> <input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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'):

Question 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)?

As of December 7, 2023, the United States Fish and Wildlife (USFWS) lists 15 federally protected species, under the Endangered Species Act (ESA) for New Hanover County. In addition, NOAA National Marine Fisheries (NMF) lists two federally protected species for New Hanover County. For each species, the presence or absence of habitat is included below, along with the Biological Conclusion rendered based on survey results in the study area.

ESA federally protected species listed for New Hanover County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	T (S/A)	No	Not Required
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect
<i>Chelonia mydas</i>	Green sea turtle	T	No	No Effect
<i>Lepidochelys kempii</i>	Kemp's (=Atlantic) ridley sea turtle	E	No	No Effect
<i>Dermochelys coriacea</i>	Leatherback sea turtle	E	No	No Effect
<i>Caretta caretta</i>	Loggerhead sea turtle	T	No	No Effect
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes	MA-LAA
<i>Perimyotis subflavus</i>	Tricolored Bat	PE	Yes	MA-LAA
<i>Charadrius melodus</i>	Piping plover	T	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Calidris canutus rufa</i>	Rufa red knot	T	No	No Effect
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	No	No Effect
<i>Trichechus manatus</i>	West Indian manatee	E	No	No Effect
<i>Thalictrum cooleyi</i>	Cooley's meadowrue	E	No	No Effect
<i>Carex lutea</i>	Golden sedge	E	No	No Effect
<i>Lysimachia asperulaefolia</i>	Rough-leaved loosestrife	E	No	No Effect
<i>Planorbella magnifica</i>	Magnificent Ramshorn	E	No	No Effect

E – Endangered, T – Threatened, T(S/A) - Threatened due to similarity of appearance, MA-LAA – May Affect, Likely to Adversely Affect
PE – Proposed Endangered

Northern Long-Eared Bat:

The US Fish and Wildlife Service has revised the previous programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. Although this programmatic covers Divisions 1-8, NLEBs are currently only known in 19 counties, but may potentially occur in 11 additional counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimize mortality of NLEBs. These conservation measures only apply to the 30 current known/potential counties of the PBO at this time. The programmatic determination for NLEB for the NCDOT program is May Affect, Likely to Adversely Affect. The PBO will ensure compliance with Section 7 of the Endangered Species Act for ten years (effective through December 31, 2030) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes New Hanover County, where U-5926 is located.

Tricolored Bat:

The US Fish and Wildlife Service has issued a programmatic conference opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the tricolored bat (TCB) (*Perimyotis subflavus*) in eastern North Carolina. The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. NCDOT, FHWA, and USACE have agreed to three conservation measures (listed in the PCO) which will avoid/minimize take to TCBs. These conservation measures apply to all counties in Divisions 1-8. The programmatic

determination for TCB for the NCDOT program is May Affect, Likely to Adversely Affect. Once the TCB is officially listed, the PCO will become the programmatic biological opinion (PBO) by formal request from FHWA and USACE. The PBO will ensure compliance with Section 7 of the Endangered Species Act for approximately five years (effective through December 31, 2028) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes New Hanover County, where U-5926 is located.

Question 6 - Does the project include a determination under Section 4(f)?

One resource, the Creekwood North Historic District, was identified within the project study area that would be protected under Section 4(f) of the Department of Transportation Act. As currently designed, the historic district has been avoided. The recommended alternative was reviewed by the State Historic Preservation Office and determined to have No Adverse Effect on August 24, 2023 (see Appendix B). FHWA concurred with the finding of No Adverse Effect and intends to make a de minimis determination with regards to Section 4(f) of the Transportation Act concerning the project's impact on the Creekwood North Historic District.

Question 7 - Is a project-level analysis for direct, indirect, or cumulative effects required based on the NCDOT community studies screening tool?

The Indirect and Cumulative Effects Report for the project was completed (NV5 June 2021) and concluded the following:

The Indirect and Cumulative Effects (ICE) matrix analysis found that the proposed U-5926 project may result in indirect effects to land development in the FLUSA; however, coordination between NCDOT Community Studies and NCDOT Mitigation and Indirect & Cumulative Impacts (Mitigation/ICI) concluded that a Land Use Scenario Assessment (LUSA) is unnecessary, finding: (1) the intent of the project is to support planned development by improving access to already accessible areas; and (2) these areas are expected to develop with or without the subject project and the LUSA is therefore unlikely to find any difference between Build and No-Build scenarios. Information in this ICE report is therefore sufficient for NCDOT Mitigation/ICI to complete the analysis needed for permits.

The ICE analysis also found the U-5926 project will not notably contribute to cumulative impacts to natural environmental resources in the FLUSA. Direct natural environmental impacts by NCDOT projects will be addressed by avoidance, minimization, or mitigation consistent with programmatic agreements with the natural resource agencies during the Merger and Permitting processes. All developments will be required to follow local, state, and federal guidelines and permitting regulations.

Question 13 - Does the project include Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?

Identification efforts resulted in one historic district determined eligible for the National Register of Historic Places (NRHP) listing within the current project Area of Potential Effect (APE). In coordination with NCDOT, FHWA has taken into account the effects of its undertaking on the historic district and afforded HPO an opportunity to review on its findings. An Effects Meeting was held on November 18, 2021. On April 27, 2023, this project was reviewed again due to the addition of a multiuse path. On August 3, 2023 new plans were presented to show the requested reduced width of the multiuse path.

HPO concurred with the following on the Assessment of Effects Form (August 24, 2023):

Creekwood North Historic District (NH3669) – No Adverse Effect

Explanation of Effects: This alternative will move the noise wall and realign 26th Street to the north and will avoid the condemnation of any property. Multi-Use Path width has been reduced from the standard 10' to 8' per HPO's request.

List of Environmental Commitments: Resident will be provided the opportunity to choose the design of the noise wall that faces the neighborhood.

FHWA intends to make a de minimis determination with regards to Section 4(f) of the Transportation Act concerning the project's impact on the Creekwood North Historic District.

Although archaeological surveys identified no significant or potentially significant archaeological resources within the APE, the Catawba Indian Nation asked to be notified if Native American artifacts and/or human remains are located during the ground disturbance phase of the project. The Catawba Indian Nation had no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project.

Question 14 - Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?

The NCDOT GeoEnvironmental Section identified five (5) sites of concern within the project study area. Low monetary and scheduling impacts are anticipated if any of the sites are impacted by the final project design; however, impacts to the sites are not expected.

Question 27 - Is the project considered a Type I under the NCDOT's Noise Policy?

The project is considered a Type I under the NCDOT's Noise Policy. A Traffic Noise Report (TNR) was prepared - *Traffic Noise Report, New Route from SR 1302 (23rd Street) to 26th Street*, Ramey Kemp Associates dated April 2022. The results of the noise study are detailed in Section E of this documentation.

Based on the findings of this TNR, traffic noise abatement measures are likely for this project in accordance with 23 CFR 772 and NCDOT's Traffic Noise Policy. Furthermore, it is recommended that all reasonable efforts be made to minimize exposure of noise sensitive areas to construction noise impacts. The final decision on feasibility and reasonableness of noise abatement shall be made upon completion of project design, completion of a Design Noise Report (DNR) and its acceptance by NCDOT, a practicability assessment (where applicable), and the public involvement process.

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

NCDOT PROJECT COMMITMENTS

STIP Project No. U-5926
New Route from North 23rd Street to North 26th Street in Wilmington
New Hanover County
Federal Aid Project No. N/A
WBS Element 46873.1.1

Division 3 – Federal Aviation Administration Coordination

A Notice of Actual Construction or Alteration (FAA Form 7460-2) will be e-filed any time the project is abandoned or within five (5) days after construction reaches its greatest height.

Division 3 and NCDOT Human Environment Unit – Noise Wall Coordination

Creekwood North residents will have the opportunity to choose the design of the noise wall that faces the neighborhood.

I. Categorical Exclusion Approval:

STIP Project No.	<u>U-5926</u>
WBS Element	<u>46873.1.1</u>
Federal Project No.	<u>N/A</u>

Prepared By:

<u>2/5/2024</u>	<small>DocuSigned by:</small> <i>Eric Midkiff</i> <small>78BE81D473D94A...</small>
Date	<u>Eric Midkiff, PE, Planning Manager</u> NV5 Engineers and Consultants, Inc.

Prepared For:

NCDOT Division 3

Reviewed By:

<u>2/5/2024</u>	<small>DocuSigned by:</small> <i>Krista Kimmel</i> <small>D0B56D796BC141E...</small>
Date	<u>Krista Kimmel, PE, NCDOT Project Manager</u> NCDOT Division 3

Approved

Certified • If classified as Type III Categorical Exclusion.

<u>2/5/2024</u>	<small>DocuSigned by:</small> <i>Mason Herndon</i> <small>043C75BF0C534BF...</small>
Date	<u>for Chad Kimes, PE, Division Engineer</u> NCDOT Division 3

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

<u>2/5/2024</u>	<small>DocuSigned by:</small> <i>Bill Marley</i> <small>F27AAAAB09D144E...</small>
Date	<u>for Yolonda K. Jordan, Division Administrator</u> 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).

Appendix A

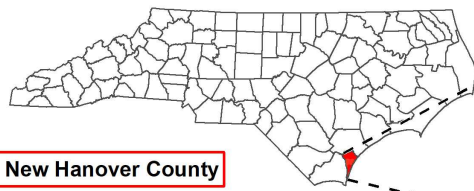
Figures

Study Area

1,800 900 0 900 1,800 Feet

1 in = 1,800 ft

Source: NCDOT, NCDEQ, New Hanover County, ESRI, NV5 Engineers and Consultants, Inc
Figure Date: 10/20/2021



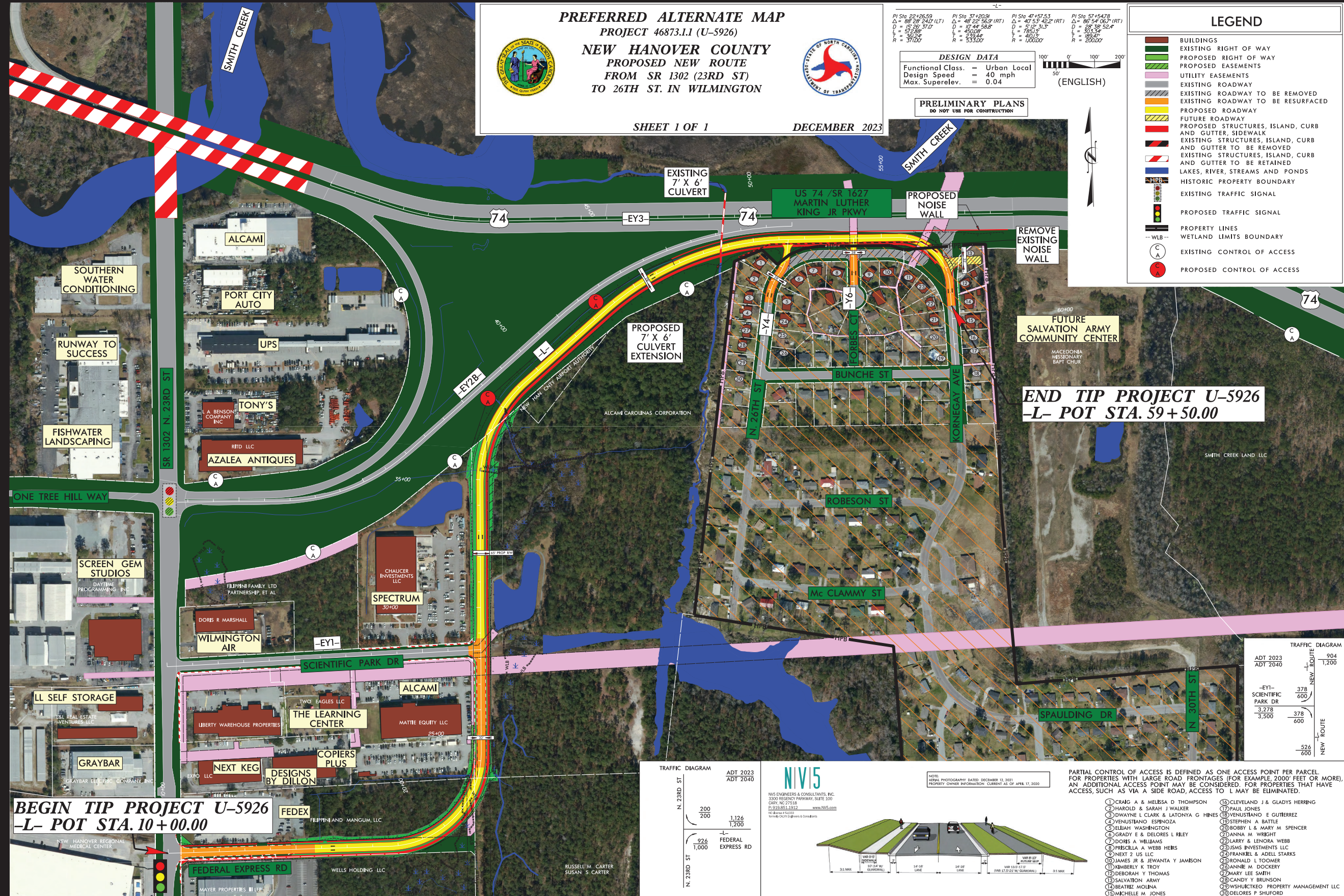
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION 3

N. 23rd Street (SR 1302) to N. 26th Street.
Construct Route on New Location.

STIP Project U-5926
New Hanover County

Project Vicinity

PREFERRED ALTERNATE MAP
 PROJECT 46873.1.1 (U-5926)
 NEW HANOVER COUNTY
 PROPOSED NEW ROUTE
 FROM SR 1302 (23RD ST)
 TO 26TH ST. IN WILMINGTON
 SHEET 1 OF 1
 DECEMBER 2023



PREFERRED ALTERNATE MAP
 PROJECT 46873.1.1 (U-5926)
NEW HANOVER COUNTY
 PROPOSED NEW ROUTE
 FROM SR 1302 (23RD ST)
 TO 26TH ST. IN WILMINGTON

SHEET 1 OF 1 DECEMBER 2023

DESIGN DATA

Functional Class.	= Urban Local
Design Speed	= 40 mph
Max. Superelev.	= 0.04

PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION

LEGEND

- BUILDINGS
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- PROPOSED EASEMENTS
- UTILITY EASEMENTS
- EXISTING ROADWAY
- EXISTING ROADWAY TO BE REMOVED
- EXISTING ROADWAY TO BE RESURFACED
- PROPOSED ROADWAY
- FUTURE ROADWAY
- PROPOSED STRUCTURES, ISLAND, CURB AND GUTTER, SIDEWALK
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE REMOVED
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE RETAINED
- LAKES, RIVER, STREAMS AND PONDS
- HISTORIC PROPERTY BOUNDARY
- EXISTING TRAFFIC SIGNAL
- PROPOSED TRAFFIC SIGNAL
- PROPERTY LINES
- WETLAND LIMITS BOUNDARY
- EXISTING CONTROL OF ACCESS
- PROPOSED CONTROL OF ACCESS

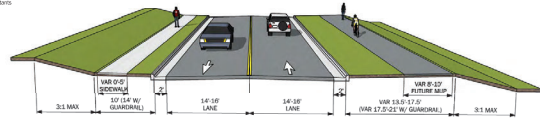
END TIP PROJECT U-5926
 -L- POT STA. 59+50.00

BEGIN TIP PROJECT U-5926
 -L- POT STA. 10+00.00

TRAFFIC DIAGRAM

N. 23RD ST.	ADT 2023	ADT 2040
200	1,126	1,200
926	FEDERAL EXPRESS RD	
1,000		

NIV5
 NIV5 ENGINEERS & CONSULTANTS, INC.
 3300 REGENCY PARKWAY, SUITE 300
 CARY, NC 27518
 P: 919.487.5912 www.niv5.com
 NC License # A1213
 Member of NCEM and CEM



- NOTE: AERIAL PHOTOGRAPHY DATED DECEMBER 12, 2023. PROPERTY OWNER INFORMATION CURRENT AS OF APRIL 17, 2020.
- PARTIAL CONTROL OF ACCESS IS DEFINED AS ONE ACCESS POINT PER PARCEL FOR PROPERTIES WITH LARGE ROAD FRONTAGES (FOR EXAMPLE 2000' FEET OR MORE), AN ADDITIONAL ACCESS POINT MAY BE CONSIDERED. FOR PROPERTIES THAT HAVE ACCESS, SUCH AS VIA A SIDE ROAD, ACCESS TO L MAY BE ELIMINATED.
- 1 CRAIG A & MELISSA D THOMPSON
 - 2 HAROLD & SARAH J WALKER
 - 3 DWAYNE L CLARK & LATONYA G HINES
 - 4 VENUSTIANO ESPINOZA
 - 5 ELIJAH WASHINGTON
 - 6 GRADY E & DELORES L RILEY
 - 7 DORIS A WILLIAMS
 - 8 PRISCILLA A WEBB HERB
 - 9 NEXT 2 US LLC
 - 10 JAMES JR & JEWANTA Y JAMSON
 - 11 KIMBERLY K TROY
 - 12 DEBORAH Y THOMAS
 - 13 SALVATION ARMY
 - 14 BEATRIZ MOLINA
 - 15 MICHELLE M. JONES
 - 16 CLEVELAND J & GLADYS HERRING
 - 17 PAUL JONES
 - 18 VENUSTIANO E GUTIERREZ
 - 19 STEPHEN A BATTLE
 - 20 BOBBY L & MARY M SPENCER
 - 21 JANNIA M WRIGHT
 - 22 LARRY & LENORA WEBB
 - 23 JISMS INVESTMENTS LLC
 - 24 FRANKEL & ADELL STARKS
 - 25 RONALD L TOOMER
 - 26 JANNIE M DICKERY
 - 27 MARY LEE SMITH
 - 28 CANDY Y BRUNSON
 - 29 WSHUKTEKO PROPERTY MANAGEMENT LLC
 - 30 DELORES P SHUFORD

PREFERRED ALTERNATE MAP
 PROJECT 46873.1.1 (U-5926)
 NEW HANOVER COUNTY
 PROPOSED NEW ROUTE
 FROM SR 1302 (23RD ST)
 TO 26TH ST. IN WILMINGTON
 SHEET 1 OF 1
 DECEMBER 2023

Figure 2

Appendix B

Cultural Resources Assessment of Effects Forms

19-08-0018
Updated-2

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:	U-5926	County:	New Hanover
WBS No.:	46873.1.1	Document Type:	State EA/FONSI
Fed. Aid No:		Funding:	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal
Federal Permit(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit Type(s):	USACE

Project Description:

Construct a new route from SR 1302 (23rd St) to 26th St by extending Scientific Park Way to provide access to the resident of Creekwood North to 23rd Street and US 74 (Martin Luther King Jr. Blvd). US 74 will transition to a fully-controlled access roadway. This project (U-5926) will close the at-grade intersection of Kornegay Ave and US 74. U-3338 will create an interchange for Kerr Avenue at US 74 (MLK Jr. Parkway) and U-5792 will convert the US 74/College Road at-grade intersection to interchange.

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

A review of HPOWEB was conducted on September 9, 2019. There are properties over 50 years of age in the Area of Potential Effects (APE). In December 2020, a report written by NV5 recommended the Creekwood North Historic District (NH3669) is eligible for National Register listing. On March 15, 2021 the Historic Preservation Office concurred with that finding. An Effects Meeting was held on November 18, 2021. On April 27, 2023, this project was reviewed again due to the addition of a multiuse path. On August 3, 2023 new plans were presented to show the requested reduced width of the multiuse path.

ASSESSMENT OF EFFECTS -- ORIGINAL ALTERNATIVE

Property Name:	Creekwood North Historic District	Status:	DE
Survey Site No.:	NH3669	PIN:	
Effects			
<input type="checkbox"/> No Effect <input type="checkbox"/> No Adverse Effect <input checked="" type="checkbox"/> Adverse Effect			
<u>Explanation of Effects Determination:</u>			
This alternative would utilize existing 26 th street and would result in the condemnation of one contributing resource.			
<u>List of Environmental Commitments:</u>			

This alternative will not be pursued.

ASSESSMENT OF EFFECTS -- AVOIDANCE ALTERNATIVE


Property Name:	Creekwood North Historic District	Status:	DE
Survey Site No.:	NH3669	PIN:	
Effects			
<input type="checkbox"/> No Effect <input checked="" type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect			
<u>Explanation of Effects Determination:</u>			
This alternative will move the noise wall and realign 26 th Street to the north and will avoid the condemnation of any property. Multi-Use Path width has been reduced from the standard 10' to 8' per HPO's request.			
<u>List of Environmental Commitments:</u>			
Resident will be provided the opportunity to choose the design of the noise wall that faces the neighborhood.			

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:

 8C8B6DCCF4304AA... 08/24/2023

NCDOT Architectural Historian Date

DocuSigned by:

 C26A1556A275464... 08/24/2023

State Historic Preservation Office Representative Date

DocuSigned by:

 4D746779423D48B... 08/24/2023

Federal Agency Representative Date

19-08-0018**NO 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 Group.

**PROJECT INFORMATION**

Project No: **U-5926** *County:* **New Hanover**
WBS No: **46873.1.1** *Document:* **State EA/FONSI**
F.A. No: **N/A** *Funding:* State Federal
Federal Permit Required? Yes No *Permit Type:* **N/A**

Project Description: NCDOT's Division 3 proposes to construct a route on new location from 23rd Street (SR 1302) to 26th Street (non-system) in New Hanover County. The purpose of this project is to aid in the conversion of MLK Jr. Parkway to a fully controlled access facility and to maintain adequate access to the project area for residents, workers, and emergency services. The proposed cross-section is to consist of a two-lane shoulder facility with 12-foot travel lanes. Although Preliminary Design Plans are available, the review for this project will be based on the overall Study Area submitted for this project because, at this time, three alternatives are being discussed. Overall, the Study Area encompasses about 61.6 acres, inclusive of all existing roadways and any development.

SUMMARY OF CULTURAL RESOURCES REVIEW***Brief description of review activities, results of review, and conclusions:***

This project was accepted on Thursday, September 5, 2019. Based on the number of nearby projects that has been reviewed, a map review and site file search at the Office of State Archaeology (OSA) was deemed not necessary. Three (3) previous archaeological investigations have included studies of the project area, two of which were for the Smith Creek Parkway (i.e. now MLK Jr. Parkway) (see TIP# U-92 [Hall 1996], TIP# U-92C [Joy 1994], and the CETA Project [Wilde-Ramsing 1978, OSA Biblio #632]). Overall, five (5) archaeological sites have been recorded within one (1) mile of the project area. Digital copies of HPO's maps (Castle Hayne and Wilmington Quadrangles) as well as the HPOWEB GIS Service (<http://gis.ncdcr.gov/hpoweb/>) were reviewed on Monday, September 9, 2019. There are no known historic architectural resources located adjacent to or within the Study Area for which intact and significant archaeological deposits would be anticipated within the footprint of the proposed project. In addition, topographic maps, historic maps (NCMaps website), USDA soil survey maps, and aerial photographs were utilized and inspected to gauge environmental factors that may have contributed to historic or prehistoric settlement within the project limits, and to assess the level of modern, slope, agricultural, hydrological, and other erosive-type disturbances within and surrounding the Study Area.

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

This is a State-funded project for which a Federal permit will not be needed. Permanent/temporary drainage and/or utility easements will be necessary as well as new ROW since this is a new location project. The size and shape of the Study Area have been drawn to capture any possible ground-disturbing activities associated with this project. As it stands, there is no Federal nexus for this project; therefore, a review of and compliance with State environmental statutes is necessary. At this time, we are in

19-08-0018

compliance with NC GS 121-12a, since there are no eligible (i.e. National Register-listed) archaeological resources located within the Study Area that would require our attention. North Carolina's Environmental Policy Act (SEPA) requires agencies of the State to consider and report upon environmental aspects and consequences of their actions involving significant expenditure of public moneys or use of public land for projects. As defined by NC GS 113A-9, the thresholds that would trigger a formal SEPA review have not been met (i.e. no public lands are involved nor is the cost of the overall project considered significant).

From an environmental perspective, the Study Area falls within an industrial and commercial section of the City of Wilmington on the south side of Smith Creek near the interchange of MLK Jr. Parkway and 23rd Street. Located within the lower part of the Coastal Plain physiographic region of North Carolina, the Study Area consists of various soil types, most, if not all, of which either range between somewhat poorly drained and very poorly drained or have been greatly disturbed by industrial and residential development. The preservation of intact archaeological resources would not be anticipated under such environmental conditions. The Office of State Archaeology (OSA) has reviewed various projects within the vicinity of the Study Area for environmental compliance, including commercial development (ERs 84-0532 and 08-1283), utility improvements (ERs 93-0751 and 93-7705), transportation improvements (ERs 93-0680 [TIP# U-92] and 91-7771 [TIPs# B-2059 and B-2156]), a CAMA request (ER 87-7003), and an FAA request (ER 87-0419). Stating a low probability for intact and significant archaeological sites to be present, OSA did not require an archaeological survey for most of these projects; however, surveys were conducted for the Smith Creek Parkway (TIP# U-92/U-92C) and a general county survey both of which resulted in no archaeological sites being recorded within the currently proposed Study Area. Within five (5) miles of the Study Area, NCDOT's Archaeology Group has reviewed at least twenty-eight (28) transportation-related projects for environmental compliance under the Programmatic Agreement (PA) with the State Historic Preservation Office (NC-HPO), two of which are located within one (1) mile of the proposed project. An archaeological survey was not recommended for twenty-four (25) of these projects, based on heavily disturbed and/or poorly drained contexts and the restrictive/constrained nature of each Area of Potential Effects (APE) (i.e. contained within existing ROW). Archaeological surveys were recommended and conducted for the three (3) remaining projects based on the presence of previously recorded archaeological sites in the immediate vicinity, including two cemeteries, as well as moderate to high probability landforms within each project's Study Area. As a result of those surveys, no new archaeological sites were recorded; however, additional information was gathered for both cemeteries. A review of various historic maps (1730s to 1900s) does not reveal any semblance of historic settlement within this area north of Wilmington. In addition, the Sanborn Maps do not extend far enough north to include this location.

Based on the nature of the proposed project, current soil conditions, and the heavily disturbed contexts within the Study Area as well as previous investigations for the Smith Creek Parkway and Smith Creek Business Park, it is believed that the current Study Area, as depicted, is unlikely to contain intact and significant archaeological resources. No archaeological survey is required for this project. If design plans change or are made available prior to construction, then additional consultation regarding archaeology will be required. At this time, no further archaeological work is recommended. If archaeological materials are uncovered during project activities, then such resources will be dealt with according to the procedures set forth for "unanticipated discoveries," to include notification of NCDOT's Archaeology Group.

**This project falls within a North Carolina County in which the following federally recognized Tribe(s) has expressed an interest: Catawba Indian Nation. It is recommended that you contact each federal agency involved with your project, if applicable, to determine their Section 106 Tribal consultation requirements. Please know that no State-recognized tribes have expressed interest in activities within this county.

19-08-0018

SUPPORT DOCUMENTATION

See attached: Map(s) Previous Survey Info Photos Correspondence
 Photocopy of County Survey Notes Other:

FINDING BY NCDOT ARCHAEOLOGIST

NO ARCHAEOLOGY SURVEY REQUIRED

Paul J Mohler
NCDOT ARCHAEOLOGIST

September 9, 2019

Date

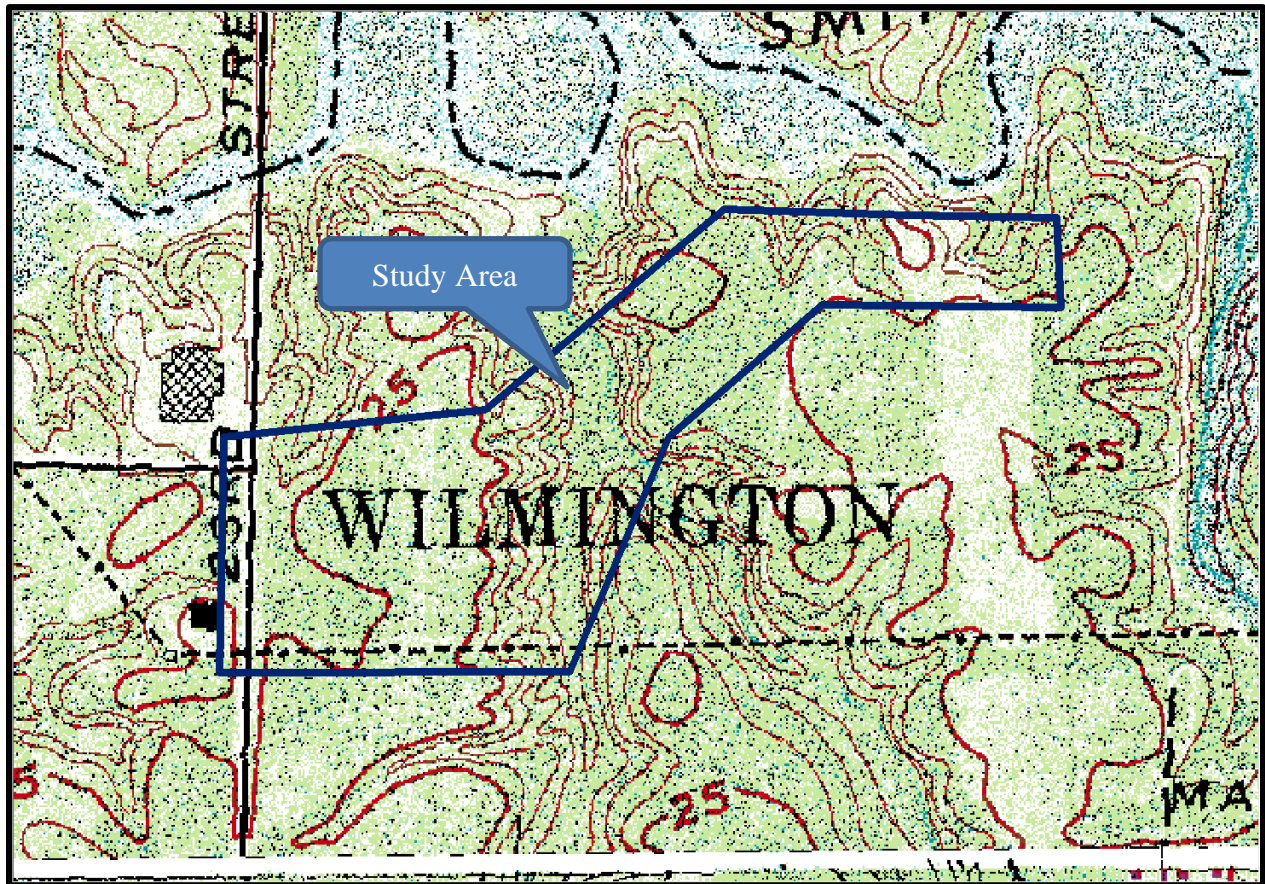


Figure 1: Castle Hayne, NC (USGS 1970). NB: The USGS quad does not depict all of the modern development that has occurred since it was created.