

# CONCURRENCE POINT 3 LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA)/PREFERRED ALTERNATIVE SELECTION

I-26 Interchange (Future Exit 35)  
Buncombe County  
STIP Project HE-0001  
WBS No. 49742

February 9, 2022

## Purpose of Meeting

Today's meeting is to discuss the least environmentally damaging practicable alternative (LEDPA)/preferred alternative for the proposed STIP Project HE-0001. NCDOT proposes Detailed Study Alternative (DSA) 3 be selected as the Preferred Alternative. Concurrence will be requested.

## Project Description

To address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County, and to accommodate current and planned growth, NCDOT proposes to construct a new interchange on I-26 in the project study area (PSA). This new interchange would connect to NC 191 via a road that is currently under construction by a private developer but will later become a State maintained road (i.e., Frederick Law Olmsted Way East) (**Figure 1**).

## Project Setting

The proposed project is located approximately 6 miles south of Asheville along I-26, north of the Blue Ridge Parkway (BRP) and south of the French Broad River (FBR) bridge (**Figure 1**).

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. I-26 is currently under construction for widening to 8 lanes (4 lanes in each direction of travel) and includes the widening/replacement of the I-26 bridges over the FBR and the replacement of the BRP bridge on new alignment, all under the NCDOT STIP Project I-4700. The posted speed limit is 60 mph. North of the Clayton Road (SR 3501) intersection, the NC 191 corridor is characterized by preserved open space in proximity to the FBR, Pisgah National Forest, and the BRP. The BRP crosses over NC 191 and is accessible

via the signalized intersection with Frederick Law Olmstead Way and NC 191 at the west end of the proposed project. The NC Arboretum is also accessible via this intersection.

## Project Status and Schedule

HE-0001 will be federal and state funded. NCDOT anticipates documentation as a NEPA Type III Categorical Exclusion (CE) in Spring 2022.

The proposed project was presented to the NCDOT Board of Transportation (BOT) in June 2021 and was approved by the BOT in July 2021. The STIP addition would initially include funding for preliminary engineering only. The Division is targeting right of way acquisition and construction for state fiscal years 2022 and 2023, respectively. The current total cost estimate range is between \$20 and \$35 million.

The French Broad River MPO is in the process of updating their Long-Range Transportation Plan (LRTP) and Metropolitan Transportation Plan (MTP) to include this proposed project. This update will be reviewed for approval by the MPO Board on January 27, 2022.

NCDOT hosted an External Scoping Meeting with relevant regulatory agencies on June 16, 2021. The CP 1 & 2 Meeting was conducted July 15, 2021. The CP 2A Meeting was conducted September 16, 2021.

## CP 1: Purpose & Need and Study Area Defined

The Merger Team concurred with the Project Need and Purpose and Study Area on July 15, 2021<sup>1</sup>. In summary:

### Study Area

The study area generally includes approximately 210 acres along and west of I-26, south of the FBR and north of the BRP (**Figure 1**). The study area encompasses enough area to explore interchange locations on I-26 and allowing NCDOT to accommodate current and planned growth by connecting to Frederick Law Olmsted Way East. The study area is north of the BRP and south of the FBR to avoid impacts to both features (inclusive of the bridge infrastructure associated with both), and to account for proposed ramp length requirements. The study area extends along the roadway under construction to NC 191 to account for the potential need to provide 4-lanes from I-26 to NC 191. This corridor extension is approximately 300 feet wide; the roadway under construction by a private developer was graded for a 4-lane roadway but is being constructed as a 2-lane roadway. NCDOT's proposed project would be graded for a 2-lane roadway; NCDOT anticipates the need for auxiliary lanes at intersection approaches (e.g., turn lanes) which would result in a wider project footprint near proposed intersections.

### Need for Project

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.

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<sup>1</sup> All regulatory and resource agencies concurred except NC WRC who abstained from concurrence.

## 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.

### *Secondary Benefit*

Other desirable outcomes of the proposed project are:

- improved traffic safety due to greater separation of local traffic from interstate traffic;
- improved emergency response times to the Pratt & Whitney (P&W) Manufacturing Center, Biltmore Park West (BPW) property, and sections of NC 191 and I-26;
- support for local and regional economic development initiatives in the project vicinity;
- improved access to anticipated regional employment opportunities at P&W Manufacturing Center and BPW; and
- improved access to tourist destinations.

## CP 2: Detailed Study Alternatives Carried Forward

The Merger Team concurred with the DSAs to be carried forward on July 15, 2021<sup>2</sup>; these are summarized below.

Three build alternatives are being carried forward for detailed study (**Table 1**). The NCDOT will consider traffic operations in the final recommendation for the interchange ramp terminal treatment(s). A 2-lane typical section will be applied to the proposed roadway that would connect the proposed interchange and the road that is currently being constructed by a private developer (Frederick Law Olmsted Way East). Avoidance and minimization measures will continue to be evaluated throughout design development and in consultation with the Merger Team.

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

## CP 2 Update

As agreed at the July 15, 2021, CP 1-2 Merger Meeting, NCDOT provided the Merger Team with a CP 2 Update. The CP 2 Update was presented at the September 16, 2021, CP 2A Merger Meeting. This update

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<sup>2</sup> All regulatory and resource agencies concurred except NCWRC who abstained from concurrence.

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.

## CP 2A: Bridging Decisions and Alignment Review

The Merger Team concurred with the Bridging Decisions and Alignment Review on September 16, 2021. In summary:

The Project Team concurred that there are no proposed hydraulic structures or major crossings requiring bridging decisions for STIP Project HE-0001. (However, NCDOT would likely bridge Stream ID SDX in DSA 2 due to proximity of the stream to the I-26 travel lanes.)

## Public Involvement Prior to CP 3

### Local Officials' Informational Meeting

The NCDOT hosted a one-hour virtual Local Officials' Informational Meeting at 10 AM on Friday September 3, 2021. The purpose of the meeting was to introduce the New I-26 Interchange (Exit 35); present the project's purpose and need, potential alternatives and preliminary impacts; and present the project's schedule. 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, FBRMPO. Representatives from the NC House of Representatives, City of Asheville, FBRMPO, and Buncombe County attended the virtual meeting.

Following the presentation by NCDOT and Consultant staff, the Project Team responded to questions and comments from the local officials. Topics of discussion included the timing of federal and state funding; concerns for a left exit/entrance-ramp; potential impacts to the BRP and Biltmore Estate; potential work shifts and traffic flow into the P&W Advanced Manufacturing Center; incorporation of Complete Street design elements; and projected traffic impacts to NC 191 if HE-0001 were not constructed.

### Public Comment Period

The 30-day public comment period concluded October 4, 2021. Public comment was solicited by the USACE Public Notice ([saw-reg.usace.army.mil/PN/2021/SAW-2021-01535-PN.pdf](https://www.usace.army.mil/PN/2021/SAW-2021-01535-PN.pdf)) issued September 2, 2021, and by NCDOT-Division 13 and NCDOT-Public Involvement.

### *NCDOT Merger Application to USACE*

On August 31, 2021, the NCDOT submitted the final Merger application for this project, pursuant to the NEPA/Section 404 Merger Process. This application concerned alternatives under consideration for a potential future requirement for Department of the Army (DA) authorization to discharge dredged or fill material into waters of the US associated with the construction of HE-0001. 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 (SHPO) (see **Attachment 1**). The comments from the NMFS, the Catawba, the Cherokee, and SHPO did not require a response from NCDOT. The comment letter from the NCWRC contained general concerns



with the proposal and described specific information needed to facilitate the NCWRC Concurrence Point 3 (CP 3) determination.

At the request of the USACE, the NCWRC comment letter was shared with the full Merger Team via email on October 13, 2021 (also included in **Attachment 1**). By cover of this email, the full Merger Team was also provided NCDOT's Indirect and Cumulative Effects (ICE) Short Form Report and Land Use Scenario Assessment (LUSA) Report in addition to information regarding the NCDOT's decision to place HE-0001 in Merger and the thought process applied to the NEPA class of action decision.

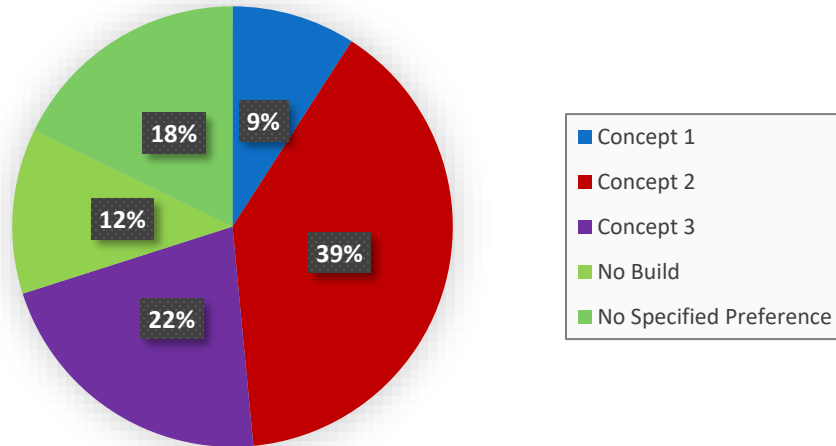
### *NCDOT Project Update/Public Comment Period*

NCDOT collected public input on the HE-0001 Project through a 30-day public comment period from Tuesday September 2, 2021, to October 4, 2021. The purpose of the public comment period was to inform the public about the project, present the three proposed interchange concepts and their potential impacts, and collect feedback about the project and alternative interchange concepts. One thousand (1,000) postcards were mailed out to increase awareness of the project and direct people to the PublicInput.com website (<https://www.publicinput.com/I26-exit35-buncombe>). NCDOT-Division 13 Communications issued an announcement to the Division 13 Media Distribution List, which includes 129 emails (e.g., media contacts, MPO/RPO staff, local and elected officials, etc.). The announcement was also advertised via NCDOT social media accounts (i.e., Twitter). In addition to providing the website link, mailings and announcements included an email address and telephone number at which the public could submit comments.

In total, 259 comments were received by phone, email and through the PublicInput.com website in the 30-day comment period. Each comment was reviewed and assigned one or more keywords to sort through the responses. General comment themes include:

- General safety associated with merging into the left lane (high speed lane) for left exit/entrance interchange concepts (i.e., Concepts 1 and 3). Several respondents expressed concern for truck traffic specifically, noting lane restrictions, weaving, and steep grades on proposed interchange approaches.
- The shorter length of the merge lanes and ramps for DSA 3.
- NC 191 (Brevard Road) congestion – both increasing and decreasing because of the proposed project.
- Prioritizing other projects ahead of this one – notably an interchange on I-40 at Liberty Road (NCDOT STIP I-4759) and alternative modes of transportation.
- Public funding for private development.
- Environmental impacts: wildlife collisions, streams, wetlands, tree clearing, and cultural resources.

The PublicInput.com website provided commenters an option to choose which interchange concept they preferred (including a No Build option) and provide additional comments for each interchange concept. Individuals could identify more than one concept preference (resulting in 264 concept preferences recorded). If a respondent on the website did not fill in the preferred concept dropdown but did explicitly state their preference in writing, that response was counted for the stated concept. Further, if a comment was received via email or phone that explicitly stated a preferred concept that preference was also enumerated. (See **Exhibit 1**.)



**EXHIBIT 1. HE-0001 PUBLIC COMMENT, CONCEPT PREFERENCES**

Based on comments received, Concept 2 is the most preferred concept with 104 responses in favor. Favorable responses for Concept 2 focused on the safety and congestion benefits of a right exit/entrance interchange. Several comments about the Diverging Diamond Interchange (DDI) configuration were also received. Some favored the “non-traditional” interchange form while others opposed; both sides reference other area DDIs including I-26 Exit 40 (NC 280/Airport Road) to support their position. Several respondents indicated favor for Concept 2 as the only “traditional” right exit/entrance interchange, noting specific concerns for trucks navigating the steep grades in the project area and using a left exit/entrance (in Concepts 1 or 3).

Concept 3 was the second most preferred with 57 respondents selecting it. Respondents expressed a preference for Concept 3 because of lower potential environmental impacts, including to the Biltmore Estate and streams and wetlands. However, concerns regarding ramp and merge lane lengths were also raised regarding Concept 3. The No Build option was preferred by 32 responses and 24 responses preferred Concept 1. Forty-seven (47) responses did not explicitly state a preferred a concept.

Though not asked specifically, several respondents indicated a position of support or opposition for the proposed project in general. Sixteen (16) respondents explicitly stated opposition and 12 respondents expressed support for the proposed project. Generally, the responses that were opposed to the proposed project expressed concerns including increased congestion on NC 191, public funding of a transportation project that appears to benefit private interests, and the environmental impacts in this area.

NCDOT is preparing a comment-response memorandum to address substantive questions and comments about the proposed project. The final memorandum will be placed on the PublicInput.com website for public review. Following selection of the LEDPA, NCDOT will update the PublicInput.com website with information about the Preferred Alternative and notify the public of the decision and availability of the comment-response memorandum on the project website.

## Design Evaluation and Refinement Prior to CP 3

NCDOT continues to evaluate the proposed project alternative designs. Some of these refinements include avoidance and minimization measures and are applicable to all proposed alternatives (see **Table 3** on page 11).

Design evaluation of the DSA 3 westbound I-26 on-ramp determined the grade exceeded maximum design requirements. To meet current design standards the DSA 3 interchange was shifted about 300 feet to the south. Additional steps were taken to meet the interstate on-ramp design requirements, including skewing the DSA 3 interstate bridge/overpass to the south and pushing the on- and off-ramps to the east to parallel the I-26 westbound travel lanes and maximize the use of the existing shoulder grade. These design refinements are included in the CP 3 analysis.

Through coordination with FBRMPO and Buncombe County, NCDOT is currently evaluating the inclusion of a sidewalk on the proposed roadway which would require a curb and gutter section opposed to the current shoulder section. This decision has not been made yet but would be finalized prior to CP 4A. A curb and gutter section would require conveyance of stormwater in a closed drainage system. Based on preliminary drainage review, stormwater treatment devices would likely include a combination of stormwater basins and swales consistent with Design Standards for Sensitive Watersheds (DSSW).

## CP 3: LEDPA/Preferred Alternative Selection

NCDOT and FHWA are recommending DSA 3 as the Preferred Alternative for STIP Project HE-0001.

As shown in **Table 2** (on page 9) and discussed in more detail below, DSA 3 has the least amount of impacts to potential jurisdictional aquatic resources. DSA 3 would introduce the least amount of impervious surface within the French Broad River watershed and result in the least amount of tree clearing associated with the proposed project. Potential impacts to FEMA floodplains are minimal and only include portions of floodplains that are currently mapped intersecting the existing I-26 westbound travel lanes. FHWA and NCDOT are recommending that DSA 3 would have No Adverse Effect to the Biltmore Estate National Historic Landmark (NHL), No Effect to the National Register (NR)-eligible archaeology site (31BN1119), and No Adverse Effect to the NR-eligible Blue Ridge Parkway (NHL pending).<sup>3</sup>

FHWA reviewed the Interstate Access Report (IAR) for this project and deemed the proposed interchange acceptable based on safety, operations, and engineering considerations (see **Attachment 2**). This preliminary acceptance includes either the left or right exit/entrance interchange alternative. Final approval of this new interchange may be given by the FHWA-NC Division Administrator provided that the

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<sup>3</sup> Section 106 consultation is ongoing. Effect recommendations for all DSAs are based on FHWA/NCDOT analyses (see **Table 2**). These recommendations have not been concurred with by SHPO and are subject to change. If the effects finding(s) for some of the DSAs change, NCDOT will reevaluate the CP 3 decision with the Merger MOU signatory agencies. For example, if effects consultation results in an Adverse Effect for DSA “X” and “Y” and a No Adverse Effect for DSA “Z”, the Merger Team may need to revisit the LEDPA decision based on this new information. If effects consultation results in an Adverse Effect for all DSAs, the LEDPA decision may not need to be revisited and adverse effects would be resolved through a Section 106 MOA process.

scope and design of the selected alternative in the approved environmental document is consistent with the IAR, dated October 18, 2021.

## DSA Impact Comparison

**Table 2** (on page 9) summarizes the potential impacts to known resources based on preliminary design slope stakes plus 25 feet *except* where retaining walls have been incorporated into the preliminary designs for avoidance and minimization to potential jurisdictional aquatic features. Walls were buffered by 10 feet.

NCDOT assessed the aquatic resources in accordance with the NC Stream Assessment Method (NC SAM)<sup>4</sup> and is reporting the relative presence and potential impacts to streams in **Table 2** (on page 9). Based on this approach, Stream ID SA and its tributaries are rated “high”; Stream ID SDX and its tributaries are rated “low” (see attached **Figure 1**). Both stream systems are first- and second-order tributaries to the French Broad River (Stream ID SA outlets approx. 800 feet upstream from Stream ID SDX). Stream ID SDX rated low primarily because it is surrounded by the interstate facility and lacks a fully intact buffer. However, Stream ID SA and Stream ID SDX are qualitatively functioning at a comparable level and have 30- to 50-foot-wide vegetated buffers, strong bed and bank stability, good sediment transport, floodplain access that includes riparian wetlands, stable pool/riffle geomorphology, perennial baseflow, and in-stream aquatic life habitat.

Based on a preliminary drainage review, construction and maintenance of stormwater BMPs in the bifurcated section (associated with Stream ID SDX) would be more difficult to implement when compared to stormwater BMPs associated with Stream ID SA. NCDOT-Division 13 staff are working under similar constraints to construct stormwater BMPs for STIP I-4400/I-4700 and have found the terrain and median constraints to be difficult. Stormwater BMPs upgradient of Stream ID SA would be easier to install and maintain and could additionally benefit from grass swales rather than basins solely.

## Potential Jurisdictional Stream & Wetland Compensatory Mitigation

The project is within the French Broad River basin (HUC 06010105060030) and is subject to stream mitigation fees (\$603.87/unit foot) and wetland mitigation fees (\$67,442.06/unit acre) per the NC Division of Mitigation Services (DMS) statewide fee schedule. NCDOT completed representative NC SAM and NC Wetland Assessment Method (NC WAM) for streams and wetlands within the PSA. Based on these methods, the stream system within the I-26 bifurcated section (Stream ID SDX) rated “low” and is therefore subject to 1:1 mitigation ratio. The stream system west of I-26 (Stream ID SA) rated “high” and is subject to a 2:1 mitigation ratio. Wetlands within the I-26 bifurcated section rated “medium” and wetlands west of I-26 rated “high” and are subject to a 2:1 mitigation ratio. Preliminary, anticipated compensatory mitigation costs are included in **Table 2** (on page 9).

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<sup>4</sup> NC Stream Assessment Method (NC SAM) Draft User Manual, [www.saw.usace.army.mil/Portals/59/docs/regulatory/publicnotices/2013/NCSAM\\_Draft\\_User\\_Manual\\_130318.pdf](http://www.saw.usace.army.mil/Portals/59/docs/regulatory/publicnotices/2013/NCSAM_Draft_User_Manual_130318.pdf)

Mitigation requirements will be recalculated after appropriate avoidance and minimization efforts have been exhausted for the LEDPA/Preferred Alternative through more detailed design at which time the impact types will be determined.

<b>Table 2. DSA Comparison of Potential Impacts</b>			
Detailed Study Alternative (DSA)	<b>DSA 1</b>	<b>DSA 2</b>	<b>DSA 3</b>
Figure #	2	3	4
<i>Potential Jurisdictional Aquatic Resources</i>			
Streams <sup>1, 2, 3</sup> (NC SAM <sup>4</sup> rated high) (ft)	1,700 (200)	1,600 (670)	1,500 (700)
Wetlands <sup>1, 2, 3</sup> (ac)	0.2	0.2	0.1
<i>ESA Protected Species</i>			
Gray bat	Anticipated MANLAA <sup>5</sup>		
Appalachian elktoe			
<i>Potential Tree Clearing</i>			
Tree Clearing <sup>6</sup> (ac) ( <b>Exhibit 2</b> on pg. 10)	20.6	24.7	19.7
<i>FEMA Floodplains</i>			
FEMA Floodplain (ac)	0	0.5	< 0.1
<i>Cultural Resources (Preliminary Effects Recommendation)<sup>7</sup></i>			
Biltmore Estate NHL (ac)	<i>No Adverse Effect (0)</i>	<i>No Adverse Effect (4.2)</i>	<i>No Adverse Effect (0)</i>
Blue Ridge Parkway	<i>No Adverse Effect<sup>8</sup></i>		
31BN1119 <sup>9</sup> (ac)	<i>Adverse Effect (0.7)</i>	<i>Adverse Effect (0.1)</i>	<i>No Effect (0)</i>
<i>Cost Estimates</i>			
Anticipated Stream and Wetland Mitigation Cost (\$M)	1.1	1.4	1.3
Estimated Total Project Cost (\$M)	30	36	28
<p><sup>1</sup> Potential impacts were calculated with preliminary design slope stakes plus 25 feet <i>except</i> for proposed walls which are buffered by 10 feet.</p> <p><sup>2</sup> These potential jurisdictional stream and wetland impacts exclude I-4700 permitted permanent impacts.</p> <p><sup>3</sup> The HE-0001 PJD delineated to active 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 bifurcated section of I-26.</p> <p><sup>4</sup> NC Stream Assessment Method (NCSAM)</p> <p><sup>5</sup> Informal section 7 consultation is ongoing; MANLAA = may affect not likely to adversely affect.</p> <p><sup>6</sup> Tree clearing was calculated with preliminary design slope stakes plus 10 feet; I-4700 tree clearing was removed from this calculation.</p> <p><sup>7</sup> Section 106 consultation is ongoing and the effects included are preliminary and subject to change. Effects determinations will be made in consultation with SHPO and appropriate consulting parties. (See footnote on page 7 and discussion on page 16.)</p> <p><sup>8</sup> Section 106 consultation is ongoing. No Adverse Effect recommendation based on FHWA/NCDOT analyses. These recommendations have not been concurred with by SHPO.</p> <p><sup>9</sup> 31BN1119 is an approx. 0.7-acre archaeology site eligible for listing in the NR for its potential to yield information important to history/ prehistory.</p>			



**EXHIBIT 2. PRELIMINARY TREE CLEARING OUTSIDE I-4700**

## LEDPA

NCDOT recommends DSA 3 be selected as the least environmentally damaging practicable alternative (LEDPA) since it has the least impact to the natural and human environments. Though DSA 3 has the highest potential impacts to Stream ID SA (approx. 700 ft), it has the lowest overall impacts to potential jurisdictional aquatic resources (approx. 1,500 ft of streams and 0.1 ac of wetlands). For this reason, NCDOT and FHWA support DSA 3 as the LEDPA and least impactful to the aquatic environment. Further, NCDOT believes that stormwater BMPs will be more effective in association with Stream ID SA. Minimization measures will continue to be evaluated and implemented following selection of the LEDPA during final design.

Additionally, DSA 3 would construct the least amount of impervious surface within the FBR watershed and result in the least amount of tree clearing associated with the proposed project, proximate indicators for impacts to protected species. Potential impacts to FEMA floodplains are minimal and only include portions of floodplains that are currently mapped intersecting the existing I-26 westbound travel lanes. FHWA and NCDOT are recommending that DSA 3 would have No Adverse Effect to the Biltmore Estate National Historic Landmark (NHL), No Effect to the National Register (NR)-eligible archaeology site (31BN1119), and No Adverse Effect to the NR-eligible Blue Ridge Parkway (NHL pending).<sup>5</sup>

<sup>5</sup> Section 106 consultation is ongoing. Effect recommendations are based on FHWA/NCDOT analyses, have not been concurred with by SHPO, and are subject to change. (See footnote on page 7 and discussion on page 16.)



For these reasons, NCDOT requests concurrence on DSA 3 as the LEDPA.

## Avoidance and Minimization Discussion

Avoidance and minimization measures under evaluation by NCDOT or implemented in preliminary designs are summarized in **Table 3**.

<b>Table 3. HE-0001, Avoidance and Minimization (AAM) Measures</b>	
<b>Location/DSA</b>	<b>AAM Measure</b>
<b>Implemented in Preliminary Design Development</b>	
Project Study Area	Reduce PSA to avoid and minimize potential impacts to the FBR floodplain and known potential jurisdictional resources.
DSA 3 -Y- Line	Shifted the roadway alignment to the southeast to minimize potential impacts to Stream ID SA.
Two-lane -Y- Line	Two-lane roadway typical section forwarded (opposed to 4-lane divided typical section) to accommodate future traffic volumes, noting auxiliary lanes will likely be required at intersection approaches. This will minimize impacts at proposed stream crossings and reduce tree clearing requirements.
DSA 1 Ramp -A- and Ramp -B-	Shorten on- and off-ramp tie-ins and incorporate approx. 940 feet of retaining walls to avoid and minimize potential impacts to Stream ID SDX by approx. 940 feet and approx. 0.1 acre of wetlands in the I-26 bifurcated section.
DSA 2 Ramp -A-	Incorporate approx. 600 feet of retaining wall to avoid and minimize potential impacts to Stream ID SDX by approx. 300 feet.
DSA 2 -Y- line	Incorporate a single bridge span across the I-26 bifurcated section for constructability purposes. This would avoid approx. 270 feet of potential impacts to Stream ID SDX and approx. < 0.1 acre of wetland. Further, this would minimize tree clearing through this area (i.e., bridge width plus 20 feet of tree clearing, 10 feet each side).
DSA 3 Ramp -A- and Ramp -B-	Incorporate approx. 1,400 feet of retaining walls to avoid and minimize approx. 1,100 feet of potential impacts to SDX and approx. < 0.1 acre of wetland in the I-26 bifurcated section.
<b>Reviewed in Preliminary Design Development, Not Implemented</b>	
DSA 1 Ramp -A-	NCDOT reviewed a bridge (approx. 325 ft) and walls in the I-26 bifurcated section to avoid and minimize potential impacts to Stream ID SDX and Wetland ID WCN (identified in STIP I-4400/I-4700 environmental documentation). The bridge clearance was 6 feet and would not provide the environmental benefit for the wetland feature.
DSA 3 Ramp -A-	NCDOT reviewed a revised DSA 3 Ramp -A- alignment because of challenges associated with bridging Stream ID SDX (discussed at CP 2A). Similar to DSA 1 Ramp -A-, an approx. 325-ft bridge was reviewed in the I-26 bifurcated section to avoid and minimize potential impacts to Stream ID SDX and Stream ID WCN (identified in STIP I-4400/I-4700 environmental documentation). The bridge clearance was 6 feet and would not provide the environmental benefit for the wetland feature.

Additionally, the NCDOT is committed to the following minimization and mitigation measures for this project:

- While Section 7 consultation is ongoing, NCDOT expects mitigative conservation measures will be defined through consultation and implemented in the project. NCDOT continues to work with USFWS and others to determine appropriate avoidance and minimization measures to address potential effects to federally protected species. (Refer to page 15 for more information about section 7 consultation.)

- Stormwater and erosion control design will be initiated following preliminary design. However, the NCDOT is committed to complying with Design Standards for Sensitive Watersheds (DSSW) for this project to mitigate potential adverse impacts due to stormwater runoff and erosion.

Avoidance and minimization measures will continue to be evaluated and implemented following selection of the LEDPA during final design. This may include further minimization of impacts while also optimizing traffic operations at the proposed interchange by modifying the interchange ramp terminal (i.e., intersections) configurations.

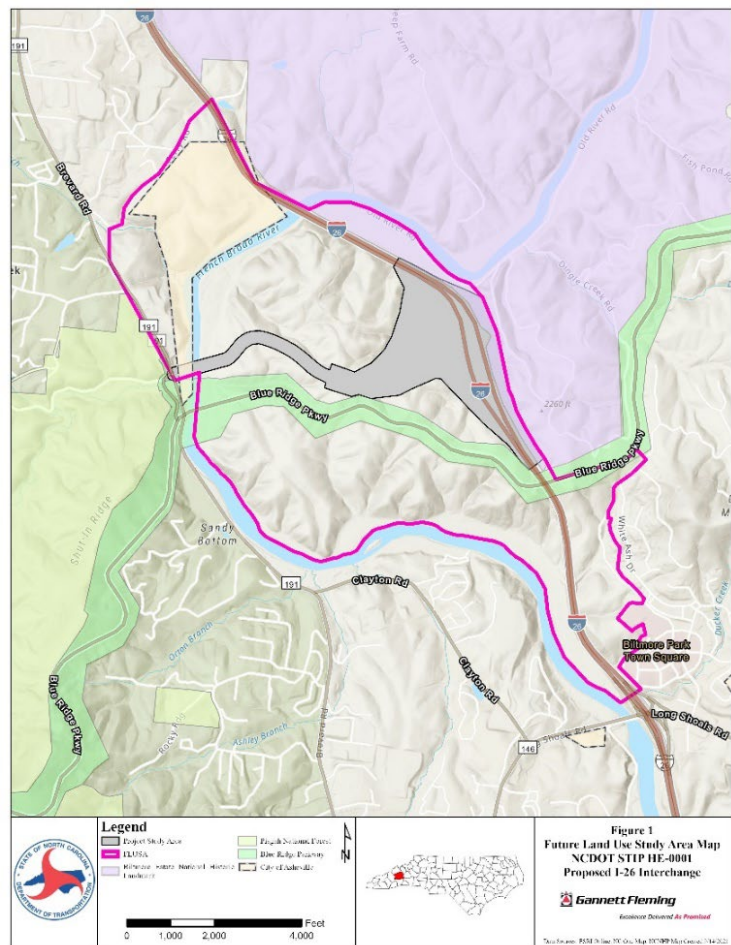
## Environmental Studies Update

### Indirect and Cumulative Analysis

An Indirect and Cumulative Effects (ICE) and Land Use Scenario Assessment (LUSA) have been completed according to NCDOT procedure. These reports were made available to the Merger Team via email on October 13, 2021.

The ICE evaluated the Future Land Use Study Area (FLUSA) (**Exhibit 3**), which is defined as the area surrounding a planned project that could potentially be indirectly affected because of the completion of a project. The FLUSA encompasses the area examined for potential increases in development pressure because of project construction. Existing conditions include the ongoing development permitted by Project Ranger, specifically the transportation infrastructure (i.e., French Broad River bridge and Frederick Law Olmsted Way East roadway) and the P&W Advanced Manufacturing Facility currently under construction and expected to be complete in 2022.

This project (HE-0001) would provide *additional* access – it will not provide the *only* access, or the *first* access – within the FLUSA, therefore supporting current and planned development of the area. Project Ranger introduced access to the development parcel(s) owned by Biltmore Farms, LLC (private developer) and bound by the French Broad River and I-26. Conceptual land use plans for the Biltmore Park West development, consisting of the P&W Advanced Manufacturing Center and adjacent land, have been prepared by the private



**EXHIBIT 3. HE-0001 FLUSA**



developer and are supported by local zoning. Natural environmental features are a concern in this area due to the presence of potential habitat areas for federally protected species. These primary factors influenced the Indirect Effects Screening Matrix finding that a Land Use Scenario Assessment (LUSA) was warranted.

The LUSA assesses the difference between the future (2045) No Build Scenario and the future (2045) Build Scenario. The future (2045) No Build Scenario is the “baseline” condition against which the future (2045) Build Scenario is compared. The baseline condition includes the French Broad River bridge, Frederick Law Olmsted Way East roadway, and the P&W Advanced Manufacturing Facility currently under construction and must consider the current County zoning allowances within the FLUSA and the local development pressure for accessible and available land. Essentially, an indirect effects analysis compares the projected future without the proposed project (HE-0001), versus the projected future with the proposed project (HE-0001). The difference between the two scenarios identifies indirect effects that can be attributed to this proposed project.

The LUSA Matrix concluded that the rankings for the various development categories (i.e., scope of development, development intensity, regional population and employment growth, pressure for land development, and planned/managed uses and impacts) are similar for the future (2045) No-Build and Build scenarios (**Exhibit 4** on page 14). This does not imply that additional development is not anticipated to occur within the Probable Development Areas (PDAs) (see **Exhibit 5** on page 15), 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). For this analysis, the Build Scenario refers to any of the three DSAs due to the minimal differences between DSAs. Based on the results from the LUSA Matrix a Cumulative Effects Assessment is not required.

## Indirect and Cumulative Analysis Discussion

If the proposed project (HE-0001) is not constructed, development within the FLUSA is anticipated to proceed as planned and zoned anyway. NCDOT relies on approved local plans, including permitted development plans and current zoning, and local planner input to evaluate future development scenarios. The Buncombe County Land Use Plan was last updated in 2013 and is out-of-date. Assumptions about future development in the FLUSA, then, rely on (1) input from local planners, (2) local development trends, and (3) what is permissible based on local regulations and zoning.

According to local planners, undeveloped and/or underutilized land near Asheville, with access to the interstates and established public utilities, is currently attracting residential development. The probable development areas (PDAs) within the FLUSA meet these criteria, including access to I-26 via NC 191 and local routes and access to public water and sewer, and zoning supports residential development. Local planners indicate that this trend for residential development is expected to continue into the near future with or without the proposed interchange. This input supports the result of the LUSA analysis that development will continue within the PDAs in either the future No-Build or Build scenarios. The Buncombe County Planning Director indicated that development in the Build Scenario would be similar, but potentially include more highway commercial and industrial due to direct interstate access (specifically for PDA 2) when compared to the No-Build Scenario. This response is consistent with current zoning and was taken into consideration in this analysis. However, the analysis tools do not indicate a discernible difference between the type and intensity of land uses between the No-Build and Build scenarios.

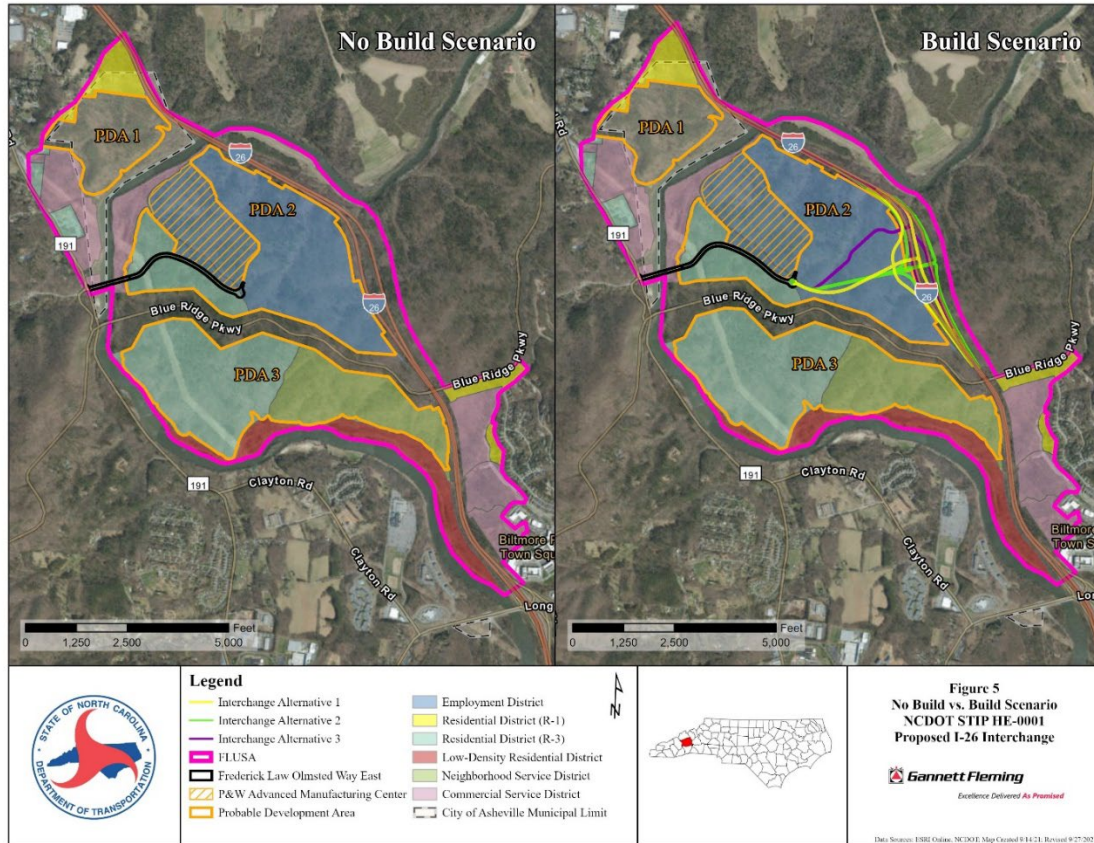
Land Use Scenario Assessment Matrix – TIP HE-0001- New I-26 Interchange							
Rating	Scope of Development	Development Intensity	Future Shift of Regional Population Growth	Future Shift of Regional Employment Growth	Pressure for Land Development Outside Regulated Areas	Planned / Managed Land Use and Impacts	Result
More Concern	40% or Greater Change in Developed Land within the PDAs	Higher Development Intensities Anticipated	Strong Attraction of Development in the PDAs	Strong Attraction of Development in this Area	All PDAs are Outside a Regulated Area	Land Development and Stormwater Management Goals Not Set	
High							
Medium-High		No-Build and Build Scenarios			No-Build and Build Scenarios		
Medium	No-Build and Build Scenarios		No-Build and Build Scenarios	No-Build and Build Scenarios			
Medium-Low						No-Build and Build Scenarios	Indirect Land Use Impacts Not Likely
Low							
Less Concern	0-9% Change in Developed Land within the PDAs	No Current or Proposed Development Anticipated	No Population Shift Likely	No Employment Shift Likely	All PDAs are Inside a Regulated Area	Land Development, Stormwater Management Goals, and Growth Management Provisions in Place	

**EXHIBIT 4. HE-0001 LUSA MATRIX**

Because NCDOT conducts these analyses across the state, a consistent methodology is applied to standardize local land use designations. These land use designations are then placed in different “buckets”, generally corresponding with rural, suburban, or urban land use types and densities. For example, one city may define 10 units/acre as medium density and another city defines 10 units/acre as high density. In the case of this project, the potential land uses (e.g., residential, employment, etc.) are considered urban.

Current Buncombe County zoning supports commercial and/or industrial growth west of I-26 with the Employment District designation (see **Exhibit 5** on page 15). The Employment District supports the following land uses: office and industrial uses, storage and warehousing, wholesale trade, community, and commercial service, and residential. Because the site has access to public water and sewer, the Residential zoning designation supports higher density residential units. Potential development is not expected to exceed the County zoning.

Based on available information – input from local planners, current development trends, current zoning, *and* permitted development (i.e., P&W) – the different predicted land uses are in the same land development bucket. Therefore, there is no notable difference in the various development categories (refer to **Exhibit 5** on page 16) between the No-Build and Build scenarios.



**EXHIBIT 5. NO BUILD AND BUILD SCENARIOS, BUNCOMBE COUNTY ZONING DISTRICTS**

## Section 7 Consultation (Endangered Species Act)

NCDOT-Biological Surveys Group (BSG) has been coordinating closely with FWS throughout project development. NCDOT submitted written request for informal consultation and section 7 concurrence on September 16, 2021. NCDOT subsequently provided the ICE/LUSA upon request and met with FWS staff on October 18, 2021, to discuss the indirect and cumulative effects analyses.

NCDOT’s written request for concurrence proposed conservation measures associated with project construction (i.e., agency coordination, tree clearing, lighting, erosion control, and stormwater management) for the Gray bat, Northern long-eared bat, and Appalachian elktoe. These proposed conservation measures are consistent with those documented in the I-4400/I-4700 Biological Opinion (BO).

FWS provided a draft response to NCDOT’s request for concurrence on November 18, 2021. In this draft response, FWS accepted NCDOT’s may affect, not likely to adversely affect (MANLAA) determination for the Appalachian elktoe if the conservation methods are incorporated into the project. FWS also noted

that any take associated with the project has already been addressed in the BO for the 4(d) rule, and no further action is required under section 7 for the Northern long-eared bat.

FWS proposed additional conservation measures for the Gray bat related to lighting and tree clearing. NCDOT technical staff have reviewed the lighting measures and provided feedback to USFWS on January 18, 2022. These conservation measures are currently being negotiated.

## Section 106 Consultation (National Historic Preservation Act)

### *Archaeological Investigations*

NCDOT completed a Phase I/II archaeological survey of the project's area of potential effect (APE). These investigations determined that one site (31BN1119) is eligible for the NR under Criterion D for the data it might provide. The site does not warrant preservation in place. Site 31BN1119 is approximately 0.7 acre in size. NCDOT submitted the Archaeological Effects Required Form (PA 21-05-0002) to SHPO on December 10, 2021. On January 18, 2022, SHPO 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.

Should direct impacts occur to 31BN1119, avoidance and minimization measures would be considered and applied during the final design phase. If an adverse effect cannot be avoided, NCDOT will coordinate with FHWA, SHPO, THPOs, and any other consulting parties to develop Finding of Adverse Effect Documentation, subsequent Memorandum of Agreement (MOA), and a Data Recovery Plan for the site.

### *Tribal Consultation*

As noted above, the Catawba Tribe and the Cherokee Nation replied to the USACE Public Notice issued September 2, 2021 (see **Attachment 1**).

In accordance with NCDOT's Tribal Coordination Protocol/Procedures, NCDOT-Division 13 submitted the NCDOT Archaeological Survey Required Form to the following tribes on September 9, 2021:

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

The Cherokee Nation and Catawba Indian Nation replied on October 8, 2021, and October 14, 2021, respectively. Neither response raised immediate or specific concerns. NCDOT submitted the Archaeological Effects Required Form (PA 21-05-0002) to all tribes listed above on December 10, 2021. (See **Attachment 3**.) No responses were received.

### *Effects Meeting*

Following CP 2A, NCDOT and FHWA hosted a preliminary effects meeting with SHPO and the National Park Service (NPS)-BRP on October 7, 2021. The NCDOT Effects Required Form (PA 21-05-0002) and BRP visualizations were submitted for review prior to the meeting. No decisions were made at this meeting.

Section 106 consultation is ongoing. The No Adverse Effect recommendations included in this CP 3 Packet are based on FHWA and NCDOT analyses and are subject to change through consultation with SHPO and

consulting parties. If the effects finding for some, but not all, of the DSAs change, NCDOT will reevaluate CP 3 (LEDPA/Preferred Alternative Selection) with the Merger Team. For example, if effects consultation results in an Adverse Effect for DSA “X” and “Y” and a No Adverse Effect for DSA “Z”, the Merger Team would revisit the LEDPA decision based on this new information. However, if effects consultation results in an Adverse Effect for all DSAs, the LEDPA decision would not be revisited and adverse effects would be resolved through the Section 106 consultation process.

## Traffic Noise Analysis

The draft Traffic Noise Report (TNR) is currently under review by NCDOT and was completed in accordance with NCDOT and FHWA procedures and guidelines. For the purposes of the traffic noise study, NCDOT evaluated two alternatives: Right Exit (DSA 2) and Left Exit (DSA 3) alternatives. The Right Exit is the closest alternative to the Biltmore Estate and BRP while the Left Exit alternative is the furthest alternative from both the Biltmore Estate and BRP. The analyses of these two alternatives adequately assess the potential traffic noise impacts associated with all three DSAs.

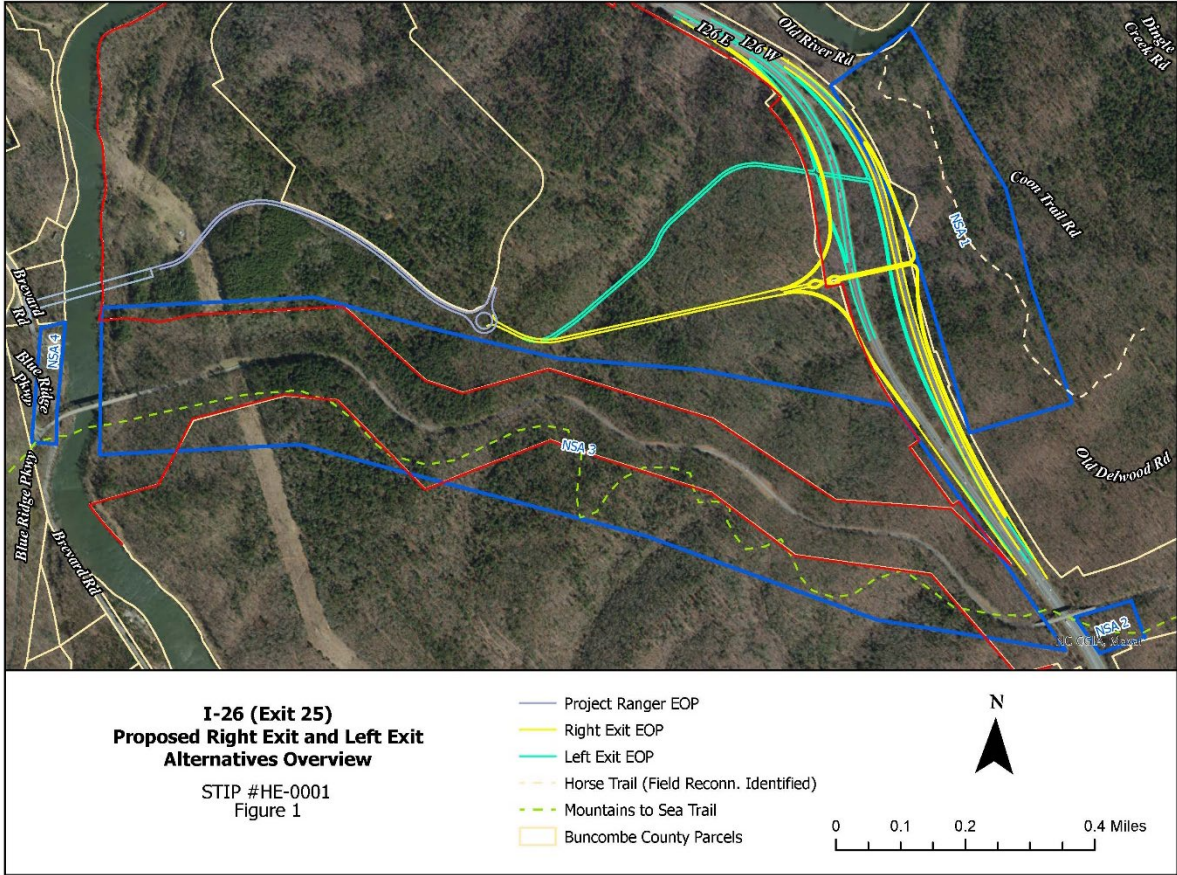
Ambient and short-term noise measurements were collected at intersecting and adjacent noise sensitive land uses, including the Mountains-to-Sea Trail, the Biltmore Estate, and Bent Creek River Park, on September 23-24, 2021. These noise sensitive land uses are classified as Activity Category C, i.e., land uses with exterior areas of frequent human use. The Noise Abatement Criteria (NAC) for Activity Category C is 67 dB, but NCDOT defines as approach NAC which is 66 dB.

Design Year (2045) Build noise levels were predicted at each modeled receptor under the proposed improvements. Design Year (2045) Build noise levels are predicted to approach or exceed the NCDOT NAC within four Noise Study Areas (NSA) (see **Exhibit 6** on page 18). This Traffic Noise Analysis predicts 4 traffic noise impacts associated with the Right Exit alternative and 4 noise impacts for the Left Exit alternative. These impacted receptors all represent points along trails with one impacted equivalent residence (ER) in each NSA. All impacted receptors are predicted to approach or exceed NCDOT’s and FHWA’s NAC (**Table 4**). No receptors will be impacted due to a substantial increase in predicted noise levels over existing.

<b>NSA</b>	<b>NAC</b>	<b>Description</b>	<b>Impacts</b>
1	C	Contains 35 modeled receptor locations all representing points along a horse trail.	1 impacted equivalent residence
2		Contains four modeled receptor locations all representing points along the Mountains-to-Sea trail.	
3		Contains 96 modeled receptor locations all representing points along the Mountains-to-Sea trail.	
4		Contains five modeled receptor locations representing three picnic tables and a bench at Bent Creek River Park and a point along the Mountains-to-Sea trail.	

Noise abatement was considered for the project and determined to not be feasible since there was only one impacted receptor in each NSA and the NCDOT noise policy requires that a minimum of two impacted receptors must benefit from noise abatement to be feasible.





**EXHIBIT 6. NOISE STUDY AREA (NSA) OVERVIEW**

## Sources

Buncombe County, "Zoning Ordinance", Code of Ordinances, Chapter 78, Article VI, Division 4, <https://www.buncombecounty.org/common/planning/zoning-ordinance.pdf>

---, GIS, Zoning, <gis.buncombecounty.org/buncomap/>

Gannett Fleming, Draft Traffic Noise Report, January 2022.

NCDEQ, Current Rate Schedules, <deq.nc.gov/about/divisions/mitigation-services/dms-customers/fee-schedules>

NC DOT, Concurrence Points 1 and 2 Meeting Packet, July 15, 2021, [xfer.services.ncdot.gov/pdea/MergerMeetings/HE-0001/HE-0001%20CP1%20and%20%20Packet\\_071521\\_rd.pdf](xfer.services.ncdot.gov/pdea/MergerMeetings/HE-0001/HE-0001%20CP1%20and%20%20Packet_071521_rd.pdf)

---, Concurrence Point 2 Update, September 16, 2021, [xfer.services.ncdot.gov/pdea/MergerMeetings/HE-0001/HE-0001\\_CP2\\_Update.pdf](xfer.services.ncdot.gov/pdea/MergerMeetings/HE-0001/HE-0001_CP2_Update.pdf)

---, Concurrence Point 2A Meeting Packet, September 16, 2021, [xfer.services.ncdot.gov/pdea/MergerMeetings/HE-0001/HE-0001\\_CP2A\\_MergerMeetingPacket.pdf](xfer.services.ncdot.gov/pdea/MergerMeetings/HE-0001/HE-0001_CP2A_MergerMeetingPacket.pdf)

---, "HE-0001: New I-26 Interchange - Buncombe Co.", Project Website, <www.publicinput.com/I26-exit35-buncombe>.

---, Short Form Indirect and Cumulative Effects, September 2021.

---, Land Use Scenario Assessment Report, September 2021.

US Army Corps of Engineers, Wilmington District, Public Notice, Corps Action ID #: SAW-2021-01535, STIP Project No. HE-0001, Issue Date: September 2, 2021, [saw-reg.usace.army.mil/PN/2021/SAW-2021-01535-PN.pdf](reg.usace.army.mil/PN/2021/SAW-2021-01535-PN.pdf).



FIGURE 1. PROJECT STUDY AREA & ENVIRONMENTAL FEATURES MAP

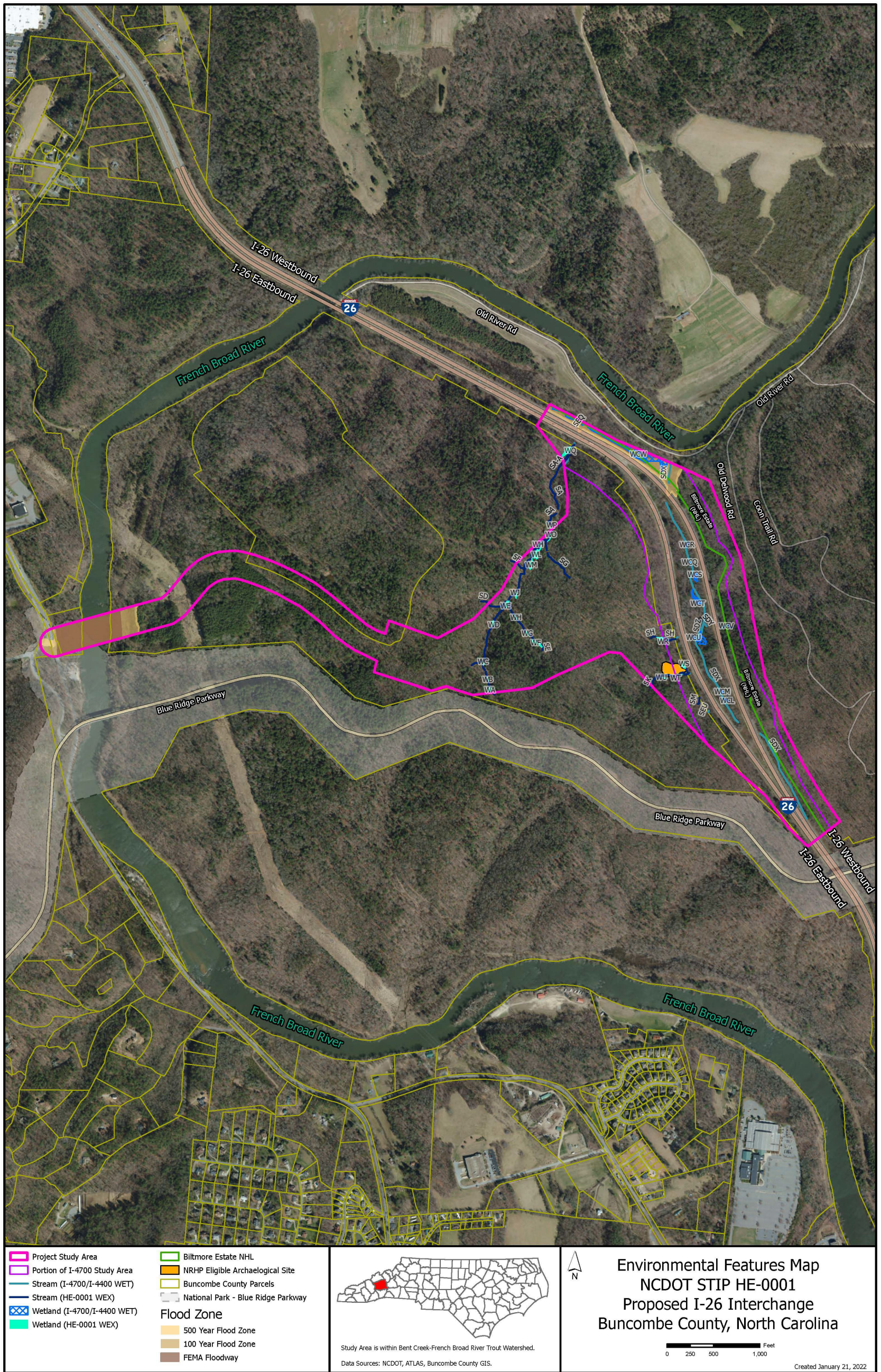








FIGURE 3. POTENTIAL IMPACTS – DETAILED STUDY ALTERNATIVE 2

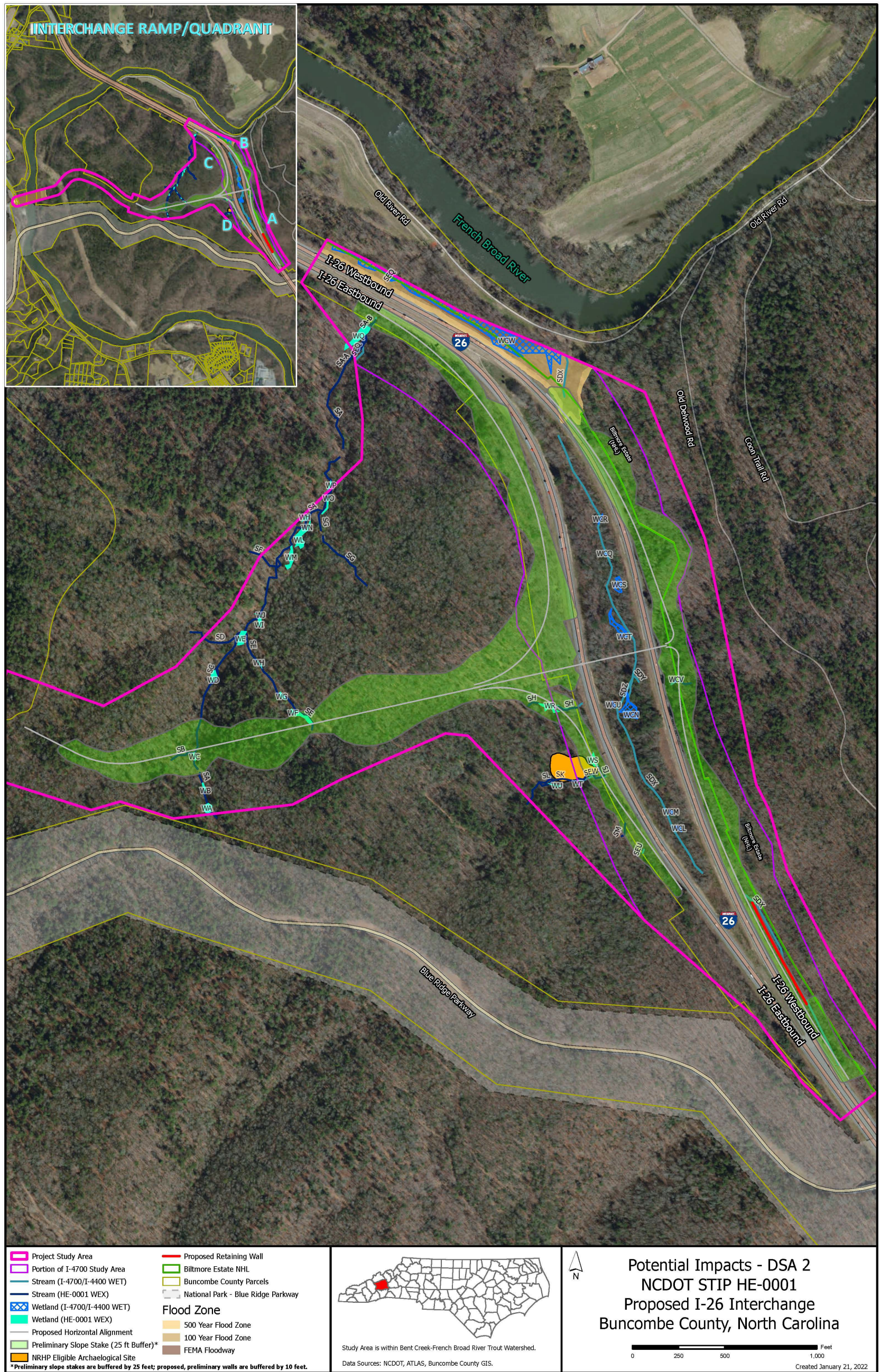




FIGURE 4. POTENTIAL IMPACTS – DETAILED STUDY ALTERNATIVE 3





**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**.

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

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FHWA (lead federal agency)

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USACE

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NCDOT

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USEPA

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USFWS

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NCWRC

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NCDWR

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SHPO

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FBRMPO

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**HE-0001 CP 3  
ATTACHMENT 1  
USACE PUBLIC NOTICE, COMMENTS  
RECEIVED**

**From:** [Pace Wilber - NOAA Federal](#)  
**To:** [Matthews, Monte K CIV USARMY CESAW \(USA\)](#)  
**Subject:** [Non-DoD Source] NMFS response Re: U.S. Army Corps of Engineers Public Notice  
**Date:** Friday, September 10, 2021 9:49:05 PM

---

NOAA's National Marine Fisheries Service (NMFS) reviewed the project described in public notice **SAW-2021-01535**, dated September 2, 2021. Based on the information in the notice, we confirm the District's determination that the proposed work would **NOT** occur in the vicinity of essential fish habitat (EFH) designated by the South Atlantic Fishery Management Council, Mid-Atlantic Fishery Management Council, or the NMFS. Present staffing levels preclude further analysis of the proposed work and no further action is planned. This position is neither supportive of nor in opposition to authorization of the proposed work. If further coordination on this action is needed, please let us know.

On Thu, Sep 2, 2021 at 9:48 AM CESAW-PublicNoticeList <[CESAW-PublicNoticeList@usace.army.mil](mailto:CESAW-PublicNoticeList@usace.army.mil)> wrote:

As you requested, you are hereby notified that the Wilmington District, United States Corps of Engineers, has issued a Public Notice. The text of this document can be found on the Public Notices portion of the Regulatory Division Home Page. Each Public Notice is available in ADOBE ACROBAT (.pdf) format for viewing, printing or download at:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

The current notice involves:

Name: SAW-2021-01535 (NCDOT / HE-0001 / Merger / New interchange of I-26 / Div 13)

County: Buncombe County

Issue Date: September 2, 2021

Expiration Date: October 4, 2021

Point of Contact: [Monte.K.Matthews@usace.army.mil](mailto:Monte.K.Matthews@usace.army.mil)

Project Description:

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army (DA) authorization to discharge dredged or fill material into waters of the United States associated with the construction of a new interchange on Interstate 26 (I-26) to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth in Buncombe County, North Carolina (STIP Project No. HE-0001). The proposed project also includes construction of a 2-lane roadway that would connect the proposed interchange to a road that is currently under construction by a private developer (Frederick Law Olmsted Way East). Once road construction is completed by the private developer, Frederick Law Olmsted Way East will connect to NC 191.

--

Pace Wilber, Ph.D.  
HCD Atlantic Branch Supervisor  
NOAA Fisheries Service  
331 Ft Johnson Road  
Charleston, SC 29412

843-460-9926 <----Office Number  
843-568-4184 <----Office Cell Number

[Pace.Wilber@noaa.gov](mailto:Pace.Wilber@noaa.gov)



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**Chuck Hoskin Jr.**

*Principal Chief*  
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**Bryan Warner**

*Deputy Principal Chief*  
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September 30, 2021

Monte Matthews  
United States Army Corps of Engineers  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, NC 27587

Re: SAW-2021-01535

Mr. Monte Matthews:

The Cherokee Nation (Nation) is in receipt of your correspondence about **SAW-2021-01535**, 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 no instances where this project intersects or adjoins such resources. Thus, the Nation does not foresee this project imparting impacts to Cherokee cultural resources at this time.

However, the Nation requests that the United States Army Corps of Engineers (USACE) halt all project activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this project.

Additionally, the Nation requests that the USACE 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





## ◊ North Carolina Wildlife Resources Commission ◊

---

Cameron Ingram, Executive Director

October 4, 2021

### MEMORANDUM

**TO:** Monte K. Matthews  
Regulatory Division, U. S. Army Corps of Engineers

**FROM:** Marla Chambers, Western NCDOT Coordinator *Marla Chambers*  
Habitat Conservation Program, NCWRC

**SUBJECT:** NCDOT's proposed project to construct an additional interchange on I-26 and a roadway that would connect to a road currently under construction by a private developer (Fredrick Law Olmsted Way East) to accommodate current and planned growth. Buncombe County. STIP No. HE-0001.

The North Carolina Department of Transportation has submitted a preliminary application for the subject project. Staff biologists with the North Carolina Wildlife Resources Commission have reviewed the information provided. These comments are provided in accordance with the provisions of the state and federal Environmental Policy Acts (G.S. 113A-1 through 113-10; 1 NCAC 25 and 42 U.S.C. 4332(2)(c), respectively), the Clean Water Act of 1977 (33 U.S.C. 466 et seq.), the Endangered Species Act (16 U. S. C. 1531-1543; 87 Stat 884) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d), as applicable.

The NCDOT proposes to construct a new interchange on Interstate 26 and a two-lane roadway that would connect the proposed interchange to a road that is currently under construction by a private developer (Frederick Law Olmsted Way East). The private developer's project, dubbed Project Ranger, provides access to a new industrial site. NCWRC is participating in the interagency Merger Process for this project and the environmental document is expected to be a NEPA Type III Categorical Exclusion.

During the planning and development of Project Ranger, permitting and resource agencies were told that connecting to I-26 for access to the site was not feasible. And yet, while the access bridge from NC 191 was being constructed, this project (HE-0001) was proposed to connect the

tract of land to I-26. The understanding that this undeveloped parcel would have a single access point may have effectively limited the ability to minimize impacts to wildlife and their habitats in the planning and permitting of these projects.

NCWRC is very concerned for the rare wildlife species due to the direct and indirect effects of road construction and subsequent development in the project vicinity. Other NCDOT road construction projects exist at each end of the proposed road connecting NC 191 to I-26 (Frederick Law Olmsted Way East). We provided comment letters which focused on the species we are most concerned about for both the NC 191 widening project (U-3403B), on 04/09/2018 and the I-26 widening project (I-4400/I-4700), on 10/7/2017 which is currently under construction. Federally Endangered and Threatened species, State-listed species, and Species of Greatest Conservation Need, as identified in the North Carolina Wildlife Action Plan (NCWRC 2015), occur in the area.

North Carolina's only known maternity colony of the federally Endangered Gray Bat (*Myotis grisescens*) occurs in the project vicinity. Acoustic and visual surveys have shown Gray Bats arrive in March and leave in October. Disturbances during the maternity season causes females to drop their flightless pups (USFWS 1982). Since Gray Bats commute and forage in the project area and artificial light has been shown to decrease activity of *Myotis* species (Rowse et al., 2016), minimizing construction activities and artificial light use during the maternity season (April through July) are essential to lessen impacts to the colony during the important reproductive season. The northern long-eared bat (*Myotis septentrionalis*), federally Threatened, are also a concern. It is recommended to avoid significant impacts to natural areas that may support foraging habitat for these species.

NCWRC is very concerned about the rare and listed riverine species that may be impacted by sediment pollution, hazardous spills, chemical runoff, habitat and connectivity loss, and other sources during project construction and subsequent secondary development. Rare riverine species likely to occur in the French Broad River in the project vicinity include Appalachian Elktoe (*Alasmodonta raveneliana*), federal and state Endangered; Eastern Hellbender (*Cryptobranchus a. alleghaniensis*), Federal Species of Concern and state Special Concern; Blotched Chub (*Erimystax insignis*), Federal Species of Concern and state Significantly Rare; Mudpuppy (*Necturus maculosus*), state Special Concern; Striped-neck Musk Turtle (*Sternothernus minor peltifer*), state Special Concern; Cumberland Slider (*Trachemys scripta troostii*), state Special Concern; Creeper (*Strophitus undulatus*), state Threatened; French Broad River Crayfish (*Cambarus reburus*), Federal Species of Concern; and Eastern Spiny Softshell (*Apalone s. spinifera*), state Special Concern. Significant trout reproduction is not expected in the vicinity; therefore, a trout moratorium is not proposed.

Important wetlands in the vicinity provide essential habitat for a number of Species of Greatest Conservation Need, such as the Bog Turtle (*Glyptemys muhlenbergii*), federally Threatened due to Similarity of Appearance and state Threatened; the Four-toed Salamander (*Hemidactylum scutatum*), Federal Species of Concern and state Special Concern; Mole Salamander (*Ambystoma talpoideum*), state Special Concern; Southern Appalachian Salamander (*Plethodon teyahalee*) and Queen Snake (*Regina septemvittata*). Forested wetlands are a preferred habitat for many wildlife species, such as the rapidly declining Rusty Blackbird (*Euphagus carolinus*), a SGCN

that visits area forest wetlands in winter. Black-crowned (*Nycticorax nycticorax*) and yellow-crowned night herons (*Nyctanassa violacea*) and other marsh birds frequent such wetlands, especially young birds dispersing from their natal site. Other bird SGCN that have the potential to breed in the project area include Acadian flycatcher (*Empidonax vireescens*), Kentucky warbler (*Geothlypis formosa*), Louisiana waterthrush (*Parkesia motacilla*), and yellow-throated warbler (*Setophaga dominica*).

A significant population of Black Bear occurs throughout the county, including the project area. A portion of the Pisgah National Forest, managed as a NCWRC Bear Sanctuary Game Land, is in the project vicinity. More roads and development will lead to more vehicle collisions with wildlife and more potential for human-wildlife conflicts.

We are concerned the environmental document for this project is only a Categorical Exclusion. A more robust discussion of the project impacts and analysis of the full range of secondary and cumulative effects would be better addressed in an environmental assessment or environmental impact statement. It appears that a full analysis of secondary and cumulative effects is not proposed at this time. The project development is on a very fast track and may not fully address the potential negative impacts. Strategies and commitments to avoid and minimize the negative impacts to wildlife and the natural environment should be a central focus for the project and for the subsequent development. Context sensitive design elements that provide significant treatment of stormwater and prevent pollutant-laden runoff or spills from entering the French Broad River will be very important. This past spring off-site sediments had to be removed from three unnamed tributaries to the French Broad River in association with Project Ranger following a heavy rain. Heavy rains are a regular occurrence in this region of the state. Strategies should include wide natural buffers for all waterways and wetlands, lighting restrictions for both construction and development, bear-resistant waste management, and limiting impervious surfaces.

The environmental document should provide details on local protections and growth management efforts and address secondary and cumulative impact concerns. NCWRC has not indicated a preferred alternative at this time; any differences in the indirect impacts among alternatives will be important in deciding the Least Environmentally Damaging Practicable Alternative for this project. We encourage the use of Low Impact Development (LID) techniques and other important measures to minimize negative impacts from development. Information on Low Impact Development practices and measures can be found at [www.lowimpactdevelopment.org](http://www.lowimpactdevelopment.org), <http://www.epa.gov/owow/nps/lid/lidnatl.pdf> and <http://www.stormwatercenter.net/>. Measures to mitigate secondary and cumulative impacts can be found in the Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality (NCWRC 2002) [http://www.ncwildlife.org/portals/0/Conserving/documents/2002\\_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf](http://www.ncwildlife.org/portals/0/Conserving/documents/2002_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf). Local authorities and NCDOT should work together to develop strategies that protect rare wildlife and habitats, water quality of waterways and wetlands, and ensure proper management of secondary growth.

Thank you for the opportunity to provide input on this project. If you have any questions regarding these comments, please contact me at [marla.chambers@ncwildlife.org](mailto:marla.chambers@ncwildlife.org) or David Cox at [david.cox@ncwildlife.org](mailto:david.cox@ncwildlife.org).

cc: Holland Youngman, USFWS  
Lori Beckwith, USACE  
Amanetta Somerville, USEPA  
Kevin Mitchell, NCDWR

## References

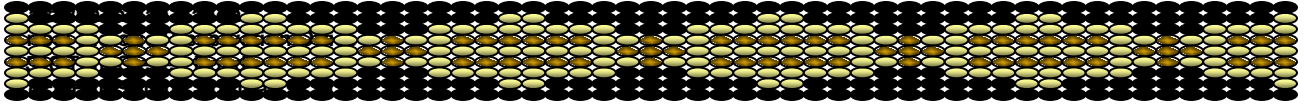
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Office 803-328-2427  
Fax 803-328-5791

October 5, 2021

Attention: Monte Matthews  
Army Corp of Engineers  
Wilmington District

Re. THPO #	TCNS #	Project Description
2021-56-3		SAW-2021-01535 construction of a new interchange on Interstate 26 (HE-0001)

Dear Mr. Matthews,

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](mailto:Caitlin.Rogers@catawba.com).

Sincerely,

Wenonah G. Haire  
Tribal Historic Preservation Officer

## Archual, Adam J.

---

**To:** Matthews, Monte K CIV USARMY CESAW (USA); Coates, McCray; Jamison, John; Beckwith, Loretta A CIV USARMY CESAW (USA)  
**Cc:** Bryan, Roger D  
**Subject:** RE: New interchange with I-26 (future Exit 35), HE-0001 ER 21-1559

---

**From:** Gledhill-earley, Renee <[renee.gledhill-earley@ncdcr.gov](mailto:renee.gledhill-earley@ncdcr.gov)>  
**Sent:** Monday, October 11, 2021 3:34 PM  
**To:** Matthews, Monte K CIV USARMY CESAW (USA) <[Monte.K.Matthews@usace.army.mil](mailto:Monte.K.Matthews@usace.army.mil)>  
**Cc:** Brew, Donnie (FHWA) <[Donnie.Brew@dot.gov](mailto:Donnie.Brew@dot.gov)>  
**Subject:** [Non-DoD Source] New interchange with I-26 (future Exit 35), HE-0001 ER 21-1559

Hello, Monte:

I realize that these comments to the Public Notice for this project are a week late, but as you likely know we are in consultation with FHWA and NCDOT about the effects of the three (3) alternatives on the Blue Ridge Parkway and Biltmore Estate, and possibly on as yet unknown archaeological resources in the APE, DSA. We met last Friday with the NPS/BRP staff, NCDOT and FHWA to discuss the possible effects to the two known resources and unable to come to any conclusion as the NPS/BRP will in all likelihood have to that this matter up the chain to the SERO and perhaps beyond.

It would, perhaps, have been easier if you had been at the meeting to hear the discussions in person. Mostly, I just wanted to document this with you and be able to close out the PN comments for all of our records.

Trust you and yours are doing well.

--

Renee Gledhill-Earley  
Environmental Review Coordinator  
State Historic Preservation Office  
109 E Jones St MSC 4617 Raleigh, NC 27699  
919 814 6579 office

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WASH your hands often.

**\*\*COVID-19 has changed the way we accept non-electronic mail . See below.\*\***



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**Please Note:**

Requests for project review or responses to our review comments should be sent to our Environmental Review mailbox at [environmental.review@ncdcr.gov](mailto:environmental.review@ncdcr.gov) Otherwise, I will have to return your request and ask that you send it to the proper mailbox. This will cause delays in your project. Information on email project submittal is at: <https://www.ncdcr.gov/state-historic-preservation-office/environmental-review/project-review-checklist>

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**HE-0001 CP 3  
ATTACHMENT 2  
FHWA PRELIMINARY ACCEPTANCE  
OF PROPOSED INTERCHANGE**





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**North Carolina Division**

December 8, 2021

310 New Bern Avenue, Suite 410  
Raleigh, NC 27601  
(919) 856-4346  
(919) 747-7030 FAX  
<http://www.fhwa.dot.gov/ncdiv/>

In Reply Refer To:  
HDA-NC

McCray Coates, P.E.  
Division 14 Project Manager  
North Carolina Department of Transportation  
55 Orange Street  
Asheville, NC 28801

Dear Mr. Coates:

The Interchange Access Report (IAR), dated October 18, 2021, regarding the proposed new interchange on I-26 between the current interchanges with NC 191 and NC 146 was reviewed. The proposed interchange is deemed acceptable based on safety, operations, and engineering considerations.

Final approval of this new interchange may be given by the FHWA-NC Division Administrator, John Sullivan, provided that the scope and design of the selected alternative in the approved final environmental document is consistent with the IAR, dated October 18, 2021.

This acceptability decision is subject to reevaluation if significant changes occur in the final design or if the construction is delayed (as specified in 23 CFR 771.129)

Should you have any questions, please contact Joe Geigle, of this office, at 919-747-7007.

Sincerely,

For John F. Sullivan, III, P.E.  
Division Administrator

**HE-0001 CP 3  
ATTACHMENT 3  
TRIBAL CONSULTATION**

**From:** [Jones, Damon](#)  
**To:** [Beckwith, Loretta A SAW](#); [andrew\\_triplett@nps.gov](mailto:andrew_triplett@nps.gov); [sshumate@biltmore.com](mailto:sshumate@biltmore.com); [Wenonah Haire](#); [Caitlin Rogers](#); [Elizabeth Toombs](#); [russtown@nc-chokeee.com](mailto:russtown@nc-chokeee.com); [Stephen Yerka](#); [ukbthpo@ukb-nsn.gov](mailto:ukbthpo@ukb-nsn.gov); [lwendt@mcn-nsn.gov](mailto: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](#)

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**[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](mailto:cdjones2@ncdot.gov).

Please forward all questions and comments to Roger Bryan with NCDOT Division 13 at [rdbryan@ncdot.gov](mailto: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](mailto: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

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](mailto: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:  
NC DEPARTMENT OF TRANSPORTATION  
ENVIRONMENTAL ANALYSIS UNIT  
159 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1598

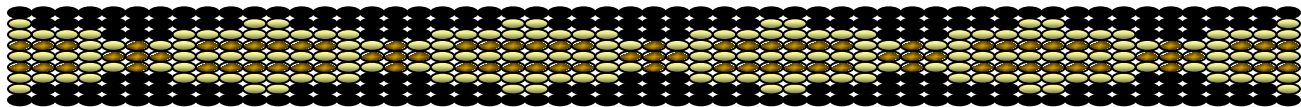
Telephone: (919) 707-6000  
Fax: (919) 212-5785  
Customer Service: 1-877-368-4968

Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
1000 BIRCH RIDGE DRIVE  
RALEIGH, NC 27610

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](mailto:Caitlin.Rogers@catawba.com).

Sincerely,

Wenonah G. Haire  
Tribal Historic Preservation Officer



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**Chuck Hoskin Jr.**

*Principal Chief*  
G F F O P S A S  
O E O G A

**Bryan Warner**

*Deputy Principal Chief*  
S Z A P V A  
W F A D L A 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](http://www.ncdot.gov)

*Location:*  
55 ORANGE STREET  
ASHEVILLE, NC 28801-2340



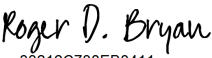
The project vicinity and NCDOT Survey Required Form are attached. Archaeological field investigations are underway and expected to conclude in winter 2021. The results of these investigations can be shared with you upon request.

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 9<sup>th</sup> 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](mailto: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