

**COMMENTS ON THE DRAFT EIS
AND DRAFT SECTION 4(F)
EVALUATION AND RESPONSES**



Response to Comments on the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation

Alternatives				
	Agency/Person and Date	Location in DEIS	Comment	Comment Response
1	Southern Environmental Law Center (SELCO) on behalf of Mountain True (response to NCDOT) 11/14/2016	Section 1.5	<p>The Project Remains Improperly Segmented in Violation of NEPA: ...While the main text of the I-26 Widening DEIS acknowledges these regulations, it does not rebut or even discuss our concern that widening south of Asheville will force widening through Asheville (and vice versa). ...The fact remains, as explained in detail in our attached comments, that these projects are improperly segmented because they foreclose reasonable alternatives in adjacent transportation projects-widening one forces reciprocal widening in the other, foreclosing a smaller footprint throughout the corridor.¹</p> <p>¹Part of the reason for this is that, as noted in our prior comments, the traffic forecasts for one project assume the adjacent expansions are completed, inflating demand throughout the corridor. So, just as the "build" forecasts for STIP No. I-2513 assumed this project was built, the "build" forecasts for this project assume that STIP No. I-2513 is built. See HNTB, Corp., NCDOT STIP No. I-4400/4700 Purpose and Need Traffic Analysis, App'x B, at 4 (Sept. 2013).</p>	<p>The project is required to have rational end points, or "logical termini" under FHWA regulations [23 CFR 771.111(f)]. It meets the three criteria of scope, independent utility, and it does not restrict the consideration of alternatives for other reasonably foreseeable transportation improvements. This project extends from two logical end points, where traffic on I-26 diverges to other transportation routes, US 25 south of Hendersonville and I-40/I-240 in Asheville. This project has independent utility as explained in the <i>Traffic Forecast Comparison for STIP Projects I-4400/I-4700 and I-2513 Memo</i> (July 2016) included in Appendix A of this document. This memo compared the 2040 No Build and Build scenarios with and without the completion of I-2513. It determined that whether or not I-2513 is built, I-4400/I-4700 would still have volumes that would necessitate widening.</p>
1	US Environmental Protection Agency (USEPA) 10/31/2016	Section 1.8	<p>...discusses the current traffic conditions along I-26 within the project limits. Traffic volumes were discussed but not specifically provided in the DEIS.</p>	<p>Traffic volumes provided in the Purpose and Need Traffic Analysis Technical Memorandum (Sept 2013) and Purpose and Need Traffic Analysis Technical Memorandum Addendum (Oct 2014), were appended by reference and are found on the CD in the hard copy of the DEIS or can be found on the project website.</p>

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1	Ken Fitch 11/14/2016		...the Plan in its present form includes several situations that will create and increase long term roadway capacity deficiencies and increase congestion, primarily at interchanges and lane reduction zones.	As documented in the <i>Purpose and Need Traffic Analysis Technical Memorandum</i> (Sept 2013) and <i>Purpose and Need Traffic Analysis Technical Memorandum Addendum</i> (Oct 2014), the Preferred Alternative addresses existing and future capacity deficiency problems and poor pavement conditions in the study area.
3	Ken Fitch 11/14/2016	1.5	<p>The action evaluated in this DEIS is NOT of “sufficient length to address environmental matters on a broad scope,” and does NOT truly consider “the overall expansion of the I-26 corridor,” which logically and effectively continues well beyond the “termini” stated here....</p> <p>In the determination to end the project at the US 25 intersection near Flat Rock, the DEIS fails to address the fact that the section of I-26 south of this location experiences frequent slowdowns and blockages, especially involving high speed traffic accidents and incidents.</p> <p>This segment south of Flat Rock is a 4 Lane section, so that under the current plan, within Henderson County, the combination of local traffic and the presence of “long distance” “High volumes of movement of people and freight” will experience a reduction from 8 Lanes to 4 Lanes within this Henderson County section, all traveling at high speed toward a shrinking confluence....</p> <p>The Draft offers the dismissive notion that “the improvements to I-26 are proposed to end at the US 25 interchange due to a portion of traffic that will diverge from I-26 and continue traveling on US 25.”</p> <p>This assumption does not correspond to fuller realities and experience. While, indeed, there will be traffic, especially local</p>	The <i>2014 Logical Termini Memorandum</i> documents how the proposed project meets logical termini and independent utility based on FHWA’s three general principles. The facility between the US 25 interchange south of Hendersonville and just south of the I-40/I-240 interchange south of Asheville already operates at LOS F. The purpose of this project is to reduce congestion and to improve the pavement structure for this portion of I-26. This project has stand-alone significance in the region (hence the combining of projects I-4400 and I-4700) separate from the area south of Flat Rock. The 2015 AADT on I-26 was 48,000 vpd above the US 25 interchange and 35,000 vpd below.

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			and short range interstate traffic that will diverge to access that section of the South Carolina Upstate and southern Henderson County, the high speed “long distance movement of people and freight” is headed to points South (Charleston, Spartanburg and its Airport, Columbia) and especially intersections with I-85 and I-95, not Traveler’s Rest and North Greenville (unless there is some new Interstate routing planned for that area). It is also stated in the DEIS that the existence of such an interstate thoroughfare will attract more traffic , and this will all end up in reduction on these 4 Lanes!	
<i>US 64 Interchange</i>				
1	French Broad River Metropolitan Planning Organization (FBRMPO) 11/17/2016	2.3.3	As part of the interchange redesign for Exit 49/US 64/Four Seasons Boulevard, consider pedestrian accommodations on the redesigned interchange bridge, as recommended in Hendersonville Pedestrian Plan (with the understanding that final design would be subject to local cost share participation agreements), and bicycle lanes as recommended in the Blue Ridge Bicycle Plan.	The US 64 interchange with I-26 is within the I-4400B section of the I-26 widening project and is currently unfunded. The traffic analysis revealed that the current interchange configuration (cloverleaf) will operate acceptably in the design year (2040). However, as part of this project, a Partial Cloverleaf B (“ParClo B”) is proposed that would remove two loops. This would eliminate the back-to-back weave conditions on I-26 and US 64 thereby improving operations of the interchange. Additional benefits of the “ParClo B” include bicyclist and pedestrian accommodations and enhanced signal coordination along US 64. At such time that this section of the project is funded, the interchange configuration will be re-evaluated.
13	Ken Fitch	2.3.3	[US 64 Interchange] Many sources of existing local traffic and future local traffic are located outside the Study Area and are	Comment noted.

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	11/14/2016		not designated on the various maps, but their contribution to the traffic at this juncture is substantial. There are at least 2 major housing developments near or adjacent to the Study Area, Local DOT has been involved in the previous planning efforts for recent projects and addressing growing traffic problems on the interconnecting roads.	
14	Ken Fitch 11/14/2016	2.3.3	The proposed actions on I-26 will have major immediate and residual impact on the US 64 corridor.	As documented in the <i>Purpose and Need Traffic Analysis Technical Memorandum</i> (Sept 2013) and <i>Purpose and Need Traffic Analysis Technical Memorandum Addendum</i> (Oct 2014), traffic analysis revealed that the US 64 interchange will operate acceptably in the design year (2040).
16	Ken Fitch 11/14/2016	2.3.3	Because of limited advance visibility issues, southbound traffic arrives at the westbound exit [of US 64 interchange] at high speeds, with quick action necessary to negotiate the exit, a particular problem for travelers or commercial vehicles unfamiliar with the intersection.	Comment noted.
17	Ken Fitch 11/14/2016	2.3.3	There is growing pedestrian activity along US 64 that crosses the bridge at this location, which is particularly dangerous with no sidewalks or pedestrian accommodation. It should be noted that many of the pedestrians are from low income or minority populations.	Please see response to FBRMPO Comment 1.
18	Ken Fitch 11/14/2016	2.3.3	The proposed changes for the intersection have been received with alarm and some anger, and fail to recognize the existing traffic realities. Instead of improving roadway capacity deficiencies here, it will create them. Clearly, the elimination of 2 of the cloverleaves and the addition of 2 more traffic signals on this segment would generate a traffic nightmare. The two remaining cloverleaves would be compressed which requires intensive speed calibration, problematic for those	Comment noted. Please see Section 2.3.2 of the FEIS for additional information.

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			<p>unfamiliar with the intersection. (One hopes that this would not be similar to the condensed situations at the I-77/I-40 interchange near Statesville).</p> <p>This is an interchange which is intended to function as a connector for significant routes, but what is so alarming is the disconnect with the urgent realities of the actual routes that meet, the location in which it would be located and the human community that would be impacted.</p> <p>Another alternative for this critical Interchange is urgently needed.</p>	
22	Ken Fitch 11/14/2016	2.3.3	<p>The proximity of this complex [Carolina Village] to the Clear Creek Bridge and the US 64 Interchange will subject this complex to the residual effects of bridge construction there, as well as any resulting traffic backups.</p> <p>The primary entrance road to the complex is heavily impacted by the increasing traffic dysfunction on US 64 in the area of the US 64 Interchange, and backups are common at the intersection, so issues at the intersection will impact access to this complex.</p>	Comment noted.
<i>US 25/Asheville Highway Interchange</i>				
2	SELC on behalf of Mountain True (response to USACE PN of DEIS) 10/21/2016	2.3.3, 2.5.2	<p>...NCDOT considered four alternatives for this rebuilt interchange and selected the largest alternative-a partial cloverleaf with 30 mph design speed loops-as its preferred alternative. Unfortunately, the DEIS and associated documents do not discuss or compare the negative impacts associated with NCDOT's preferred alternative, yet again depriving the Corps and the public of the information they need to evaluate these alternatives, and yet again in violation of NEPA.</p> <p>...the DEIS makes no attempt to present or compare the human or environmental impacts of the four alternatives considered....</p>	NCDOT reviewed the proposed interchange design at US 25 (Asheville Highway) and compared a Diverging Diamond Interchange (DDI) and new alternative (Synchronized Interchange). It was determined that both interchanges have a similar footprint, would have a reduced number of impacts to the human and natural environments, and provide similar benefits. NCDOT has chosen to move forward with the DDI design due to the number of trucks using the interchange

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			<p>it discusses only cost and operational concerns. Id. This is plainly inadequate.</p> <p>... the negative impacts were not studied, and the recommendation to move forward with the partial cloverleaf designs was based solely on performance—meaning how well the interchange alternatives moved traffic. There is no indication in the DEIS that NCDOT followed through on the recommendation "for further environmental study."</p> <p>... the choice appears to be between alternatives with modest performance differences but stark differences in impacts. NEPA requires studying and disclosing these impacts—not just the private property taken, but also the comparative environmental impacts—so that the public and agencies involved can consider and comment on them. NCDOT's failure to do so is a glaring and significant omission that must be cured.</p>	<p>and local familiarity with the DDI type. The interchange design is discussed in Section 2.3.2.1 of the Final EIS.</p>
2	FBRMPO 11/17/2016	2.3.3, 2.5.2	<p>As part of interchange redesign for Exit 44/US 25, consider an alternative design that would minimize the footprint of the interchange and impacts to residential and business properties while still providing appropriate capacity for projected traffic.</p>	<p>NCDOT assessed two interchange design options, the Diverging Diamond Interchange and a new option (Synchronized Interchange). A comparison of the design options and their impacts on the human and natural environment are included in the Final EIS in Section 2.3.2.1. The Diverging Diamond Interchange type was chosen to reduce impacts to residential and business properties, and because of lower costs and greater public familiarity of this alternative.</p>
3	FBRMPO 11/17/2016	2.3.3, 2.5.2	<p>As part of interchange redesign for Exit 44/US 25, consider bicycle lane accommodation as recommended in the Blue Ridge Bicycle Plan (subject to local cost share participation, if needed), and a potential location for a Park-and-Ride lot, as</p>	<p>The US 25 (Asheville Highway) interchange will be a Diverging Diamond Interchange and will include sidewalks through the middle of the interchange. Bicycle lanes will not be</p>

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			recommended by the regional Transportation Demand Working Group.	included since the bridge will not be replaced.
4	Ken Fitch 11/14/2016		<p>Lane Reduction Hazard (Preferred Alternative) The proposed reduction in Lanes in the hybrid alternative occurs just South of the intersection [US 25 interchange] at or on the railroad bridge overpass.</p> <p>1) There will be less opportunity to observe entering vehicles while negotiating Lane reduction. 2) Entering vehicles will be in acceleration mode. 3) There will be issues of icing in bad weather situations.</p>	The transition from six to eight or eight to six lanes near the US 25 (Asheville Highway) interchange is designed per approved standards for interstate design.
Other Bridges/Interchanges				
4	FBRMPO 11/17/2016	2.3.4	At the I-26 crossing over Cane Creek, between Exit 44 and Exit 40, consider allowing for a future greenway alongside Cane Creek to cross under the interstate bridges (as recommended in the Fletcher Greenways Master Plan).	The bridge over Cane Creek would likely span the entire floodway, which should provide room for a future greenway. The Town of Fletcher would need to coordinate with the NCDOT Division of Bicycle and Pedestrian Transportation to vet the greenway and to determine if there are additional details on the location of the proposed greenway.
5	FBRMPO 11/17/2016		If the interchange is being considered for redesign at Exit 33/ NC 146/Long Shoals Road consider bicycle lane accommodation on NC 146 through the interchange as recommended in the Blue Ridge Bicycle Plan (secondary corridor).	The NC 146 (Long Shoals Road) and I-26 interchange will not be re-designed as part of this project.
27	Ken Fitch 11/14/2016	1.10	The Balfour Expressway is not identified in the DEIS. The construction and existence of this thoroughfare and its intersection will have major impacts that are not considered here.	The proposed Balfour Parkway (STIP R-5744) is included in Section 1.10, Transportation Plans. It was included in the FBRMPO travel demand model as a reasonably foreseeable project. This model was used in the traffic forecast described in the <i>Purpose and Need Traffic Analysis Technical Memorandum</i>

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				(Sept 2013) and <i>Purpose and Need Traffic Analysis Technical Memorandum Addendum</i> (Oct 2014).
30	Ken Fitch 11/14/2016	2.3.4	Bridge replacement here [Fanning Bridge Road] will generate more traffic at the 280 intersections.	Comment noted.
Other				
36	Ken Fitch 11/14/2016		How will the new diminished median width impact opposing traffic?	The proposed median width is a standard 12 feet. No impacts are anticipated.
37	Ken Fitch 11/14/2016		Some have asked if this will be similar to the Canton I-40 sector.	Yes, the median will include a concrete barrier.
38	Ken Fitch 11/14/2016		It would be helpful to offer visual representations of the medians in place in addition to the cross-sections presented in the DEIS.	Comment noted.
39	Ken Fitch 11/14/2016		Visual and Sound barriers are proposed for some sections. Will vegetation be present also to provide a natural visual barrier?	Landscaping will be determined during the final design phase of the project in accordance with Roadside Environmental Unit policy.

Human Environment				
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2	USEPA 11/14/2016	3.1.1, 3.1.3.4, 3.1.5	The Brickton community meets the criteria for being an Environmental Justice (EJ) community. The only alternative that would not impact this EJ community a second time would be the 6-lane widening alternative; the other two alternatives would encroach on the community. The EPA supports an alternative that maintains community continuity. The EPA encourages the transportation agencies to consider the design and implementation of noise abatement devices along with evergreen roadside vegetation in locations that do not meet the threshold for noise barriers. The use of vegetative roadside screening ameliorates noise impact issues, visual quality impacts, and demonstrated beneficial effects for downwind vehicle emissions from near-roadway air pollutants.	The 6-Lane Widening Alternative does not meet the purpose and need of the project and has been eliminated. The Preferred Alternative and the Least Environmentally Damaging Practicable Alternative is the Hybrid 6/8-Lane Widening Alternative, which will require right of way for the realignment of the Butler Bridge Road bridge. Additional outreach was conducted at the Brickton community prior to the Open House and Public Hearing as described in in the <i>I-4400/I-4700 Environmental Outreach and Language Assistance Services Memo</i> (Planning Communities, 2017) in Appendix A. Upon further discussion with Henderson County Planning staff, (Autumn Radcliffe, 2017) the impacted property is a manufactured home park, Shady Oak, and although it is considered part of the Brickton land area, they are not considered part of the African American Brickton community, which consists of mostly single-family homes and the Greater New Zion Baptist Church.

Human Environment				
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6	Ken Fitch 11/14/2016	3.1.3	<p>Relocation issues There will be severe impact on the local properties, including residences that would be demolished as part of the reconfiguration of the interchange. It has been stated that Relocation Assistance will be available. It is imperative that the compensation and assistance be adequate for these families to acquire comparable residences in accessible locations. It is important to recognize that assessed values may not be equivalent to actual real estate values in this County where there is a housing shortage. Displaced residents should not incur additional expense in trying to relocate.</p>	Comment noted.
7	Ken Fitch 11/14/2016	3.1.1	<p>Park Ridge Hospital and Campus The current existing conditions of the adjacent interstate incur visual, noise and pollution impacts. The impacts of various widening plans are not presented in the DEIS.</p>	Comment noted.
26	Ken Fitch 11/14/2016	3.1.1	<p>Adjacent to Blue Ridge Community College is an important community Nursing/Rehab facility. Impacts on this facility require attention as residents with compromised functioning are also present outside during the day.</p>	Comment noted.

Human Environment				
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1	Natural Resource Conservation Service (NRCS) 9/22/2016	3.1.8	The area in question may meet one or more of the above criteria for Farmland along the areas covered by Figure 4G, 4H, and 4I (Enclosure: NCDOT I-26_Aerial_Photo_Index.pdf). Farmland area may be affected or converted. The agency that will fund the project needs to initiate a NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Project Form according to the 7 Code of Federal Regulations (CFR) 658 - Farmland Protection Policy Act.	CPA 106 forms were submitted to NRCS for each of the alternatives and were included in DEIS Appendix G. Since the soils impacted by the alternatives (including the Preferred Alternative) do not meet the threshold of protection based on the evaluation under the FPPA, the impacts to prime and statewide important farmland are not considered under the FPPA. A CPA-106 form was sent to NRCS concluding that a potential 37 acres may be impacted by the Preferred Alternative. NRCS returned the CPA-106 forms with its concurrence that the impacts do not meet the threshold.
25	Ken Fitch 11/14/2016	3.1.8	A particular concern is the presence of a number of orchards and agricultural activities in this area. Construction would certainly damage crops and have residual health impacts if products are contaminated by materials during construction and then enter the food supply locally and nationally. There will definitely be a need for barriers, but will DOT purchase products or facilitate disposal and offer compensation for products that might otherwise have suffered contaminant exposure and be determined inappropriate for sale.	Comment noted.

Cultural Resources				
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5	US Department of the Interior (US DOI) 10/20/2016	3.2.4	Minimization and mitigation strategies [for the Blue Ridge Parkway] are currently being identified through continued coordination with NPS, FHWA, SHPO and NCDOT. These stipulations on the project should be documented in the Section 106 Memorandum of Agreement (MOA). The MOA would be completed and executed prior to the Record of Decision (ROD).	The Section 106 MOA was completed by NPS and agreed to by NCDOT, FHWA, SHPO, and NPS on May 30, 2018. The agreement is included in the FEIS/ROD.
6	US DOI 10/20/2016	6.4	The Department concurs that there is no prudent and feasible alternative to using the Biltmore Estate, Hyder Dairy Farm, Camp Orr and the project includes all possible planning to avoid, minimize and mitigate all harm to these resources.	Concurrence noted.
7	US DOI 10/20/2016	Ch 6	The Department has no objection to the approval of the 4(f) Evaluation for the Blue Ridge Parkway and the MST contingent upon the development and full execution of an MOA, which fully describes in detail all of the avoidance, minimization and mitigation efforts for the Parkway and MST.	Agreement noted, the Section 106 MOA was completed by NPS and agreed to by NCDOT, FHWA, SHPO, and NPS on May 30, 2018. The agreement is included in the FEIS/ROD.
1	Biltmore Estate (response to USACE PN of DEIS) 10/21/2016	Summary pg iv, v, and ix	A significant portion of this project runs adjacent to the Biltmore Estate, House and Gardens, currently listed on the National Register of Historic Places and is also a National Historic Landmark designated cultural resource. As such, any and all alternatives to minimize impacts to the property relative to visual, cultural, noise and natural resources, should be thoroughly analyzed.	Comment noted.

Cultural Resources				
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2	Biltmore Estate (response to USACE PN of DEIS) 10/21/2016	Table 5: Historic Architecture Assessment of Effects (Pg 3-13) and Chapter 6-Section 4(f) Evaluation	The Biltmore Estate does not support any alternative that would require acquisition, or impacts to lands within the Estate and outside of the existing right-of-way. To remove such impacts, NCDOT should investigate alternative treatments in adjacent areas to incorporate retaining walls to limit grading impacts within the existing ROW and, where applicable, to provide additional visual screening and noise abatements, regardless of which is the preferred alternative to be finally selected. Reductions to impacts to the Biltmore Estate are imperative to maintaining its strategic plans for preservation, which strives to preserve these lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of these qualities is essential if the area is to continue to serve its underlying purpose of preservation. Specifically, we call attention to those areas highlighted on the attached graphics provided in the DEIS.	The Hybrid 6/8-Lane Widening Alternative was chosen as the Preferred Alternative and LEDPA. Efforts were made to minimize areas of disturbance to the historic property to the extent possible. SHPO, FHWA, and the NPS agreed that the right of way required from the historic property is a minimal use and will not result in adverse impacts to the resource.
3	Biltmore Estate (response to USACE PN of DEIS) 10/21/2016	Pgs. 6-13 and 6-16	While the National Park Service (NPS) has jurisdiction in the Parkway impacts- as they do for the Biltmore Estate as designated, the Biltmore Estate agrees with the NPS support for Option 4 as the preferred alternative (Appendix H and Figure 1). Option 4, clearly provides a viable alternative alignment to the south of the current alignment that would minimally, if at all, impact the Biltmore Estate.	Comment noted.

Cultural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
1	NC Department of Natural and Cultural Resources (NC DCR) – State Historic Preservation Office (response to USACE PN of DEIS) 10/4/2016	3.2.4, Ch 6	We recommend that any [Department of the Army] permit issued for the undertaking include conditions to ensure that the historic properties are not adversely affected and that the terms of the MOA are implemented.	Comment noted.

Cultural Resources				
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1	Tribal HPO (response to USACE PN of DEIS) 11-3-2016		<p>Please be advised that the proposed undertaking lies within the traditional territory of the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB). This opinion is being provided by UKB THPO, pursuant to authority vested by the UKB Corporate Board and under resolution 16-UKB-34. The United Keetoowah Band is a Federally Recognized Indian Nation headquartered in Tahlequah, OK.</p> <p>Information on Native American use in the project vicinity shows that prehistoric, ethnographic, historic, and traditional sites of value to the UKB surround the project area. We recommend that a cultural resources inventory be completed prior to project implementation.</p>	<p>By letters dated September 17, 2014 and October 22, 2014 the NCDOT coordinated with the NC SHPO on an archaeological reconnaissance within the APE. Two sites, 31BN122 and 31HN198 were single out for further archaeological reconnaissance. The NC SHPO concurred by letter of November 18, 2014 that no further work is needed for these sites. None of these two sites will be impacted by the project.</p> <p>In addition, a pedestrian survey of the Blue Ridge Parkway APE was completed by the NPS on July 21, 2015 resulting in the conclusion that no known archaeological sites would be impacted.</p> <p>In a letter dated February 8, 2017 (Appendix M), the Tribal Historic Preservation Office (THPO) of the Eastern Band of Cherokee Indians (EBCI) noted that an archaeological survey of the project study area had been conducted. No archaeological sites are considered eligible for the NRHP and the EBCI THPO concluded that the project may proceed.</p>
3	USEPA 11/14/2016	3.2 – 3.3	The EPA encourages the transportation agencies to continue coordination efforts to avoid and minimize impacts to parks and recreational facilities and historic properties.	Comment noted.

Natural Resources				
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1	US DOI 10/20/2016	3.8.8 Table 11, on page 3-25	...Based on new information, we do not agree with a “no effect” determination for the gray bat At this time, the Department recommends looking specifically at the corridor from the crossing of the French Broad to south of the Parkway to determine if there are other options that would minimize the footprint of the roadway and maintain or improve habitat for gray bats. Regardless of the alternative chosen, we anticipate that this project will require further consultation as plans are refined and the project moves forward.	NCDOT entered into formal Section 7 consultation with the USFWS in September 2016 and prepared a Biological Assessment, which has been incorporated in the Final EIS and ROD.
2	US DOI 10/20/2016	3.8.8 Table 11, on page 3-25	Beginning in the spring of 2017, we recommend that surveys be conducted to gather more information regarding the types and extent of structures bats may be using for roosts and the travel routes and concentrations of bats that are foraging in and around the study area....	Acoustic and structure surveys for the gray bat were conducted during the Summer 2017 field season and are recorded in the BA.
3	US DOI 10/20/2016	Table 11, on page 3-25	[The DEIS lists] the bog turtle (<i>Glyptemys muhlenbergii</i>) as not requiring a biological conclusion. While this is technically correct, we recommend protecting known occupied bog turtle habitat in the project area....	Comment noted. Please see response to USFWS comment #2.
4	US DOI 10/20/2016	Green Sheet Commitments	...As recent as September 19, 2016, the NPS and U.S. Fish and Wildlife Service (FWS) biologists found Indiana bats in the area of potential effect on the Parkway. The following mitigation needs to be included in a separate MOA that is currently being developed: To avoid adverse impacts to Indiana bats, emergent and/or acoustic surveys shall be conducted prior to removal of trees if the work would be conducted between April 15 and August 15; no significant tree removal within 5 miles of known hibernacula between April 1 and November 15.	NCDOT, USFWS, and NPS are working together to avoid impacts to Indiana bats. NCDOT has committed to only clearing trees from August 15 to April 15 in accordance with NPS policy. The Special Project Commitments (Green Sheet) in the Final EIS includes this commitment.

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11	Intergovernmental Review – Project Comments: DWR – WQROS (Aquifer & Surface) 9/12/2016	3.8.6	You may need a dredge/fill permit or 401/404 permit if any portions of the project crosses jurisdictional streams.	NCDOT will obtain the necessary permits for impacts to Waters of the US.
12	Intergovernmental Review – Project Comments: DWR – PWS 9/1/2016	3.6.2 and 3.8.7.1	The area of evaluation is within a water supply watershed. If the evaluation results in projects within the above referenced watershed, necessary precautions should be taken during construction to prevent leakage and spills of fluids from construction equipment. We concur with the issuance of the necessary permits for construction provided the sites are developed and maintained in accordance with the necessary permits, and that associated activities do not contravene with the designated water quality standards. All necessary precautions shall be taken during construction to avoid damage to, or disturbance of, existing water infrastructure. Any improvements or modifications to existing water infrastructure require plan review and approval by the NC Public Supply Section. There are also several public water supply wells within the evaluation area. Henderson County: Thompson Mechanical, Fairfield Apartments, DOT I-26 Weigh Station, Champion Golf Learning Center, Hyder’s Kounty Kubboard.	Comment noted. The project study area is more than 1.0 mile from the nearest water supply watershed. Two wells within the study area are at the NCDOT Truck Weigh Station at approximately mile marker 26. Although the auxiliary lanes will be adjusted and brought up to design standards, no impacts to the building or property are anticipated. Therefore, no impacts to the wells (PWS ID 0145504 and 0145505) are anticipated.
13	Intergovernmental Review – Project Comments: DEMLR (LQ & SW) 9/16/2016	3.8.7.1	For any portions of the project which would encroach into trout buffers, a waiver will be required. Furthermore, the study area encompasses at least two impoundments for which any modifications would require a permit from NC DEQ, DEMLR Dam Safety section.	Comment noted. Design is not expected to impact any designated trout stream. However, NCDOT has committed to protecting trout streams as shown in the Project Commitments (Green Sheets) #4.

Natural Resources				
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1	USFWS	Table 11, on page 3-25	<p>Based on new information, we do not agree with a "no effect" determination for the gray bat.</p> <p>...Based on the information provided in the DEIS, all of the action alternatives have the potential to adversely affect summer roosting and foraging gray bats....If bats are currently roosting in the bridge over the French Broad, the replacement bridge should also provide roost areas for bats.</p> <p>...To maintain water quality in the future, the project should minimize the addition of impervious surface area and retain forested buffers along all waterways in order to minimize sedimentation to streams. In addition, post-construction stormwater detention and treatment should be provided in the area near the French Broad.</p> <p>At this time, we recommend looking specifically at the corridor from the crossing of the French Broad to south of the Parkway to determine if there are other options that would minimize the footprint of the roadway and maintain or improve habitat for gray bats. Regardless of the alternative chosen, we anticipate that this project will require further consultation as plans are refined and the project moves forward.</p>	<p>NCDOT entered into formal Section 7 consultation with the USFWS in September 2016 and prepared a Biological Assessment, which has been incorporated in the Final EIS and ROD.</p>

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
2	USFWS 10/5/2016	Table 11, on page 3-25	The bog turtle (<i>Glyptemys muhlenbergii</i>) is listed as not requiring a biological conclusion. While this is technically correct, we recommend protecting known occupied bog turtle habitat in the project area. Currently, the Biltmore Bog is one of two remaining occupied bog turtle sites in Buncombe County. The Biltmore Bog, shown on Figure 6 G, is located between the French Broad and existing I-26 and is labeled a delineated wetland on this figure. Bog turtles are not currently subject to section 7 consultation; however, their numbers continue to decline, and we recommend every effort be made to avoid impacting the Biltmore Bog and its bog turtle population.	Comment noted. The functional design did attempt to reduce impacts to the Biltmore Bog by utilizing guardrail and 2:1 fill slopes. This minimization measure limited the extents of the project's slope stakes (construction limits) to the greatest practicable extent. It is also important to note that the impacts presented in the DEIS are based on slope stakes plus a 40' buffer; however, the actual impacts will be based on a more refined set of slope stakes plus a 10' buffer. The greater refinement will reduce the calculated impact area in the Biltmore Bog.
3	USFWS 10/5/2016	3.8.8	Beginning in the spring of 2017, we recommend that surveys be conducted to gather more information regarding the types and extent of structures bats may be using for roosts and the travel routes and concentrations of bats that are foraging in and around the study area....	Acoustic and structure surveys for the gray bat were conducted during the Summer 2017 field season and are recorded in the BA.
1	National Marine Fisheries Service (response to USACE PN of DEIS) 10/4/2016		Based on the information in the public notice(s), the proposed project(s) would NOT occur in the vicinity of essential fish habitat (EFH) designated by the South Atlantic Fishery Management Council or NMFS.	Comment noted.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
1	US Army Corps of Engineers (USACE) 11/7/2016	3.6	The outstanding information identified at this time concerns (1) NCDOT’s responses to the comments submitted by the groups and agencies identified in the second paragraph of this letter [... United Keetoowah Band of Cherokee Indians in Oklahoma, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the North Carolina Historic Preservation Office, the Southern Environmental Law Center (SELC), the Biltmore Company/Biltmore Estate (NHP)/West Range LLC, and area residents], and (2) information concerning the effects of the proposed project, both during and after construction, on users (individuals and businesses) of the French Broad River and its tributaries; this information will allow us to evaluate the effects of the proposed project on the public interest review factors of safety, recreation, and navigation. Please describe any measures that NCDOT would use to avoid, minimize, and/or mitigate for these project-related effects, such as posting notices or warnings for river users, public notice efforts for river users, temporary portage options during construction for river users, etc.	(1) Please see the responses in this table to the groups and agencies mentioned. (2) The French Broad River will have temporary construction impacts. NCDOT will place signage along the river warning of construction activities. NCDOT will work with Buncombe County Parks and Recreation to alert boaters of the construction at BCPR’s boat launch locations. In addition, safe passage lanes under the bridge will be provided for the duration of construction. Small group meetings held in April 2018 for local officials, river users, and civic groups presented NCDOT’s approach to providing access and keeping the public safe. The outreach was received positively, particularly by river business owners and civic groups as described in Section 4.2 of the FEIS. The Project Commitments (green sheets) and 404 permit will include the river-specific commitments.
16	NPS 9/22/2016	3.8.8	NPS and FWS biologists found an Indiana bat during a survey on the night of 9/19/16. The below mitigation needs to be added to the project: To avoid adverse impacts to Indiana Bats, emergent and/or acoustic surveys shall be conducted prior to removal of trees if the work would be conducted between April 15 and August 15; no significant tree removal within 5 miles of known hibernacula between April 1 and November 15.	The Green Sheet in the Final EIS includes this commitment for the Indiana bat within the NPS boundary.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
4	USEPA 11/14/2016	3.15.2.2	The EPA advocates for the use of stormwater best management practices (BMPs)....The 6-lane widening alternative would potentially avoid and minimize some of the impacts to aquatic resources.	The 6-Lane Widening Alternative does not meet the Purpose and Need and was therefore eliminated. The Hybrid 6/8-Lane Widening Alternative is the Preferred Alternative and BMPs will be used as stated in Section 3.16.1.4 of the Final EIS.
5	USEPA 10/31/2016	3.8.8	The EPA encourages further collaboration with the USFWS and the NC Wildlife Resources Commission during final design to avoid and minimize impacts to threatened and endangered species as well as species of concern....The structural design of bridges and culverts with regard to all bat species should be considered during the final design as a way to benefit and/or promote recovery of the species within the project study area.	To protect the Indiana bat, NCDOT has committed to only clearing trees on NPS land from August 15 to April 15 in accordance with NPS policy. The Green Sheet in the Final EIS includes this commitment. NCDOT entered into formal Section 7 consultation with the USFWS in September 2016 and prepared a Biological Assessment, which has been incorporated in the Final EIS and ROD.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
1 4 5 6 8 9	Intergovernmental Review – Project Comments 9/16/2016	1 - 3.8.6.1, 4 - 3.15.2.2, 6 - 3.8.6.1, 8, 9 - 3.8.7.1	<p>The ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law:</p> <ul style="list-style-type: none"> 1 Dredge and Fill Permit 4 Sedimentation and erosion control must be addressed in accordance with NCDOT’s approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets. 5 Dam Safety Permit 6 401 Water Quality Certification 8 Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC I 8C .0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact tl1e Public Water Supply Section, (919) 707-9100. 9 If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100 	<ul style="list-style-type: none"> 1 Comment noted. 4 Section 3.15.2.2 and 3.16.1.4 note that NCDOT will use NCDOT’s <i>Best Management Practices for the Protection of Surface Waters</i> and where applicable, <i>Design Standards in Sensitive Waters</i>. 5 The dam within the study area is the Asheville 1964 Ash Pond Dam (State ID BUNCO-089). The proposed project will not affect this dam nor the Asheville Lake Julian Dam (State ID BUNCO-088). The culvert for Powell Creek is expected to be extended; however, this will not impact the Asheville Lake Julian dam. 6 The USACE is expected to issue a 404 permit for the project. NCDWR will be applied to for a 401 Water Quality Certification. 8 Comment noted. 9 Comment noted.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
23	Ken Fitch 11/14/2016		Wildlife issues in the complex [Carolina Village] will intensify when Clear Creek construction occurs.	Comment noted.
24	Ken Fitch 11/14/2016		Impacts during the reconstruction of the bridge will affect Clear Creek and area wildlife corridors. Mitigations and proactive measures will be necessary.	Comment noted.
28	Ken Fitch 11/14/2016		The environmental impacts and displacement of wildlife will be important factors that will alter the corridor at this [Balfour Parkway] point and have cumulative area and regional impacts that should be assessed.	Comment noted.
1	NC Wildlife Resource Commission (NCWRC) 10/2/2017		We believe that special sediment and erosion control measures, such as Design Standards in Sensitive Watersheds, are appropriate and recommended to protect rare fish and wildlife and minimize further degradation of area waterways.	NCDOT has agreed to a number of sediment and erosion control measures, including Design Standards in Sensitive Watersheds (DSSW) for streams connecting to the French Broad River, to protect threatened and endangered species within the project study area. These commitments are listed throughout the FEIS/ROD and in the Special Commitments.
2	NCWRC 10/2/2017		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 the project's lengthy construction period. A number of Federal Species of Concern and state listed fish, mussels, and other species occur in the French Broad River and its tributaries throughout the project area. Although not considered in the DEIS document, these rare species are very important to the ecological health of our State and serve as indicators of water quality, which is key the use and enjoyment of our waters by our citizens.	NCDOT has agreed to a number of sediment and erosion control measures, including Design Standards in Sensitive Watersheds (DSSW), to protect threatened and endangered species within the project study area. Measures to protect listed species will also minimize impacts to other species of concern in the study area. These commitments are listed throughout the FEIS/ROD and in the Special Commitments.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
3	NCWRC 10/2/2017		The Appalachian elktoe (<i>Alasmidonta raveneliana</i>), a federal and state Endangered mussel, also occurs in Mills River. A 'No Effect' determination was made in the DEIS for the Appalachian Elktoe.	The Appalachian elktoe was found in the French Broad River during mussel surveys in October 2017. The Biological Conclusion has changed to May Affect Likely to Adversely Affect in the FEIS/ROD and is addressed in the Biological Assessment for the project (Appendix A).
4	NCWRC 10/2/2017		NCWRC is also very concerned about impacts to wetlands... The three wetland complexes we are most concerned about are 1) wetlands on Biltmore Farms property immediately north of Long Shoals Road on west side of I-26, 2) wetlands on Biltmore Estate property on east side of I-26 just south of the French Broad River, and 3) wetlands on Duke Energy property on the west side of I-26 immediately south of Long Shoals Road.	Project designs reduce impacts to the Biltmore Bog (1) to the extent practicable. Due to the location of the interchange and vertical and horizontal alignment I-26 could not be widened completely to the east or the middle. No impacts are anticipated to wetlands on Biltmore Estate property (2) are anticipated. Impacts to the wetlands on the Duke Energy property (3) have been minimized to the extent practicable due to similar issues as the Biltmore Bog.
5	NCWRC 10/2/2017		...the DEIS indicated a biological conclusion of 'No Effect'. NCDOT's conclusion was based on a Bat Survey Report from 2013, however NCWRC surveys in 2016 revealed their presence in the project vicinity. Tree removal and flight distances across the highway, between the tree lines, should be minimized as much as feasible, particularly in the northern portions of the project where the rare bats are documented.	The gray bat was discovered within the project study area in September 2016, after the DEIS was issued. Subsequently NCDOT entered into formal consultation with USFWS and has prepared a Biological Assessment with the Biological Conclusion of May Affect Likely to Adversely Affect. Efforts to minimize the effects of the project on the gray bat are documented in the FEIS/ROD and in the Special Commitments.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
6	NCWRC 10/2/2017		We are aware of a pair of common ravens nesting on a support column on the west side of the Blue Ridge Parkway bridge over I-26. The pair has been nesting there since 2013 and was observed again in 2017. We recommend following the USFWS's Migratory Bird Treaty Act guidelines for demolition of this bridge.	NCDOT will coordinate with the NPS to follow the Migratory Bird Treaty Act to minimize harm to the ravens when the Blue Ridge Parkway bridge is demolished.
7	NCWRC 10/2/2017		...we requested that NCDOT investigate the rate of accidents that involve wildlife, such as vehicle collisions with deer and bear, and identify areas of habitat fragmentation affecting small and large wildlife species in the project area. This does not appear to have been done. The Biltmore Estates area may be of concern with regards to both collisions with deer and with reconnecting reptile and amphibian populations. Wildlife crossings in various locations along the project may be appropriate to improve safety for drivers and reconnect wildlife populations fragmented by the highway.	NCDOT determined that 6 percent of total crashes, were from animal collisions (deer) between July 1, 2009 and June 31, 2012. There are numerous culverts and bridges on I-26 that will be extended or replaced as part of this project. Wildlife crossings were not determined to be appropriate to add to the widening project.
8	NCWRC 10/2/2017		We recommend measures be in place to determine the acid rock potential and prevent any negative impacts from occurring. Also, a significant amount of truck traffic travels I-26 in the area. Hazardous spill basins should be incorporated into the project to protect the French Broad River and other important habitats. We also recommend floodplain culverts, where appropriate, to reconnect the floodplain, spread out flood flows, reduce flood damage, and provide passage for wildlife.	The NCDOT Geotechnical Report and Memorandum (May 2018) did not find any acid rock within the I-26 Widening study area. Hazardous spill basins and other sediment and erosion control methods are being evaluated as part of the project design.

Natural Resources				
	Agency & Date	Location in DEIS	Comment	Comment Response
9	NCWRC 10/2/2017		We are very concerned about the cumulative effects of development across the region that negatively impacts water quality of the French Broad River and its tributaries and the quality and quantity of habitat vital to our rare and vulnerable species.... Local authorities and NCDOT should work together to develop strategies that prevent further degradation of area streams, improve water quality, preserve wetlands, and ensure proper management of secondary growth.	Comment noted.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
1	NC Department of Parks and Recreation (NC DPR) 9/16/2016		The French Broad River in this region is designated as a State Paddle Trail. The trail features several campsites and stops that allow paddlers to get in and out of the river. A potential impact of this project would be to the Long Shoals Campsite located at river mile 56.75 (35.477131, -82.555557). This campsite is managed by Riverlink. Any potential impacts to this site would need to be discussed with the State Trails Program or Riverlink and possibly mitigated.	The Long Shoals Campsite will not be impacted by the project. No paddle accesses will be impacted by the project. The French Broad River Paddle Trail has been listed as a Section 4(f) resource and the NCDOT and FHWA have worked with NCDPR for a <i>de minimis</i> finding on the resource.
2, 1	NC DPR 9/16/2016 and 9/29/2016	2.4	The North Carolina Division of Parks and Recreation reviewed the State Clearinghouse Project #17-0106 and recommended pedestrian accommodations on the bridge replacement on the Blue Ridge Parkway over I-26. After reviewing the accommodations proposed by the National Park Service and the State Historic Preservation Office, we agree to the 5'	Comment noted.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
			pedestrian walkway on one side of the bridge with no barrier rail.	
1	Friends of the Mountains to Sea Trail 11/7/2016	3.14 and Ch 6	...Trail closures will be avoided to the extent feasible (we would request that, if any closures become necessary, Friends be notified as far in advance as possible so we can alert hikers through our web site or by other means). After completion, it appears that traffic sight lines for hikers will be improved.	Comment noted and shared with NPS. As the agency with jurisdiction for the trail, NPS will serve as the point of contact with FMST regarding construction of the Blue Ridge Parkway.
2	Friends of the Mountains to Sea Trail 11/7/2016	3.14 and Ch 6	Your plans include a 5-foot wide raised sidewalk next to the traffic lanes for use by MST hikers. This space and the raised curbing is beneficial. Standard practice is that there should be a railing or other barrier separating pedestrian traffic from the automobile lane for safety purposes. We request that such barriers be included in the plans.	Comment noted and shared with NPS. The Blue Ridge Parkway (BRP) is a nationally significant cultural landscape eligible for listing in the National Register of Historic Places (NRHP). The NPS is in the process of nominating the BRP for designation as a National Historic Landmark (NHL). As such, the current design for the replacement bridge was developed in consultation with the NPS and the NC State Historic Preservation Office (HPO) to retain the landscape design characteristics of materials, use, aesthetics, workmanship, and alignment setting of the bridges along the BRP built after the World War II era. The addition of a barrier between the pedestrian and vehicle traffic would not be consistent with the BRP aesthetics.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
3	Friends of the Mountains to Sea Trail 11/7/2016	3.14 and Ch 6	Your plans appear not to address specifics with regard to the hiking spaces on the BRP approaches to the new bridge. We would hope that the shoulders of the BRP would be wide enough so that hikers can proceed safely. In addition, good safety practices would call for railings or other barriers between the shoulders to be used by hikers and the automobile lanes.	Comment noted and shared with NPS. There is currently no designated shoulder or sidewalk for trail users along the motor road. The current design does not include special provisions for hikers on the roadway approach shoulders, but would construct shoulders in a manner consistent with the BRP north and south of the project, and consistent with other shared use stretches of trail/motor road. Additional barriers are not being considered for the reasons discussed in the previous response.
4	Friends of the Mountains to Sea Trail 11/7/2016	3.14 and Ch 6	The MST will cross the BRP at some point along the newly constructed bridge and approaches. It appears that this would be on the south or west side of the bridge (south if you use the BRP practice of always assuming the Parkway goes north and south). We did not find any specific discussion of the crossing in your plans. The safety and other considerations of the crossing should be dealt with by the NPS.	Comment noted and shared with NPS. The current plan proposes a new MST crossing approximately 0.12 mile south of the point where the MST currently exits the road south of the existing Blue Ridge Parkway Bridge. Shifting the MST crossing to the south will provide better sight lines for pedestrians as they cross the motor road.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
5	Friends of the Mountains to Sea Trail 11/7/2016	3.14 and Ch 6	Although it was not clear, the plans seem to indicate that the distance that the MST hikers must travel on the roadway is increased from 0.1 to 0.2 mile. It is not clear from the maps and diagrams that the distance needs to be this great on the northern approach to the bridge. We would ask you to examine the site to make sure that hikers spend as little time on the Parkway shoulder as possible.	Comment noted and shared with NPS. The current plan proposes a new MST road crossing 0.12 mile south of where the MST currently exits the road. Shifting the MST crossing to the south will provide better sight lines for pedestrians as they cross the motor road. However, the shift of the trail/motor road intersection does not directly correlate to proposed new road walking. Hikers may cross the motor road directly at the proposed new crossing and continue northbound on the old Blue Ridge Parkway road bed. Hikers may utilize the short section of trail remaining between the old road bed and the proposed realigned Blue Ridge Parkway, approximately 75 feet east of the proposed replacement bridge.
6	Friends of the Mountains to Sea Trail 11/7/2016	3.14 and Ch 6	It is not clear how the construction work to re-route the trail will be handled. If the volunteer work crews of the Carolina Mountain Club, which handles general construction and maintenance on the trail in this area, are expected to participate, there should be coordination and consultation with them all during the process.	Comment noted and shared with NPS. As the agency with jurisdiction, NPS will coordinate with CMC regarding the construction of relocated trail.
1	Carolina Mountain Club (CMC) 11/7/2016	3.14 and Ch 6	When time comes for the trail to be re-routed to accommodate the new bridge, CMC will provide the trail maintenance crew(s) to do the actual work since we handle the construction and maintenance of the trail in this area.	Comment noted and shared with NPS. As the agency with jurisdiction, NPS will coordinate with CMC regarding the construction of relocated trail.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
2	CMC 11/7/2016	2.4, 3.14 and Ch 6	Your plans include a 5-foot wide raised sidewalk next to the traffic lanes for use by MST hikers. This space and the raised curbing is beneficial. Standard practice is that there should be a railing or other barrier separating pedestrian traffic from the automobile lane for safety purposes. We request that such barriers be included in the plans.	Comment noted and shared with NPS. The Blue Ridge Parkway (BRP) is a nationally significant cultural landscape eligible for listing in the National Register of Historic Places (NRHP). Further the NPS is in the process of nominating the BRP for designation as a National Historic Landmark (NHL). As such, the current design for the replacement bridge was developed in consultation with the NPS and the NC State Historic Preservation Office (HPO) to retain the landscape design characteristics of materials, use, aesthetics, workmanship, and alignment setting of the bridges along the BRP built after the World War II era. The addition of a barrier between the pedestrian and vehicle traffic would not be consistent with the BRP aesthetics.
3	CMC 11/7/2016	2.4 and 3.14	In addition, assuming the walkway is raised, the outer guardrail needs to also be higher than the one in place on the current bridge so that a hiker is adequately protected from a possible fall if a vehicle swerves that way.	Comment noted and shared with NPS. The railing height on the bridge would be 42 inches, which meets the minimum AASHTO requirements for use by vehicles, bicyclists and pedestrians.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
4	CMC 11/7/2016	3.14 and Ch 6	Although it was not clear, the plans seem to indicate that the distance that the MST hikers must travel on the roadway is increased from 0.1 to 0.2 mile. It is not clear from the maps and diagrams that the distance needs to be this great on the northern approach to the bridge. We would ask you to examine the site to make sure that hikers spend as little time on the Parkway shoulder as possible.	Comment noted and shared with NPS. The trail currently travels along the motor road for approximately 0.2 mile; that distance is not expected to increase substantially. The current plan proposes a new MST road crossing 0.12 mile south of where the MST currently exits the road (mile post 391.7). Shifting the MST crossing to the south will provide improved sight lines for motorists and pedestrians as they cross the motor road. However, the shift of the trail/motor road intersection does not directly correlate to proposed new road walking. Hikers may cross the motor road directly at the proposed new crossing and continue northbound on the old Blue Ridge Parkway road bed. Hikers may utilize the short section of trail remaining between the old road bed and the proposed realigned Blue Ridge Parkway, approximately 75 feet east of the proposed replacement bridge.
31	Ken Fitch 11/14/2016	2.4	The proposed Preferred Alternative would present major safety issues and should be rejected. This alternative replaces the existing span with a curved section that will prove a hazard for the mixed uses on this span that include speeding commuter traffic, tourists, shortcut local drivers, motorcyclists, bicycles and pedestrians.	Comment noted and shared with NPS.
32	Ken Fitch 11/14/2016	2.4	The Planners overruled National Park Ranger concerns for preventative safety elements to discourage suicide attempts by unstable persons for whom this would be a triggering presence.	Comment noted and shared with NPS.

Blue Ridge Parkway and Mountains to Sea Trail				
	Agency & Date	Location in DEIS	Comment	Comment Response
33	Ken Fitch 11/14/2016		The barren vegetative landscape eliminates field/forest habitat and visual buffering for hikers.	Comment noted and shared with NPS.
34	Ken Fitch 11/14/2016	2.4	Another Alternative should be selected.	Comment noted and shared with NPS.

Noise				
	Agency & Date	Location in DEIS	Comment	Comment Response
8	Ken Fitch 11/14/2016	3.9.2.1	A Noise Study Zone [for Park Ridge Hospital and Campus] would seem appropriate, both for construction and implementation.	As documented in the Traffic Noise Analysis (March 2015) and Traffic Noise Report (July 2017), this area did not meet the reasonableness criteria for a noise barrier.
12	Ken Fitch 11/14/2016		Perhaps, the widening project consider buffering (natural or otherwise) for this area, especially if highway shoulder areas are altered.	Comment noted.
19	Ken Fitch 11/14/2016	3.9.2.1	The [Carolina Village] complex currently experiences major noise and visual impacts from the increased traffic in recent years. Why is this not a Noise Study Area? Noise barriers should be considered, especially during construction, but also after completion.	As documented in the Traffic Noise Analysis (March 2015) and Traffic Noise Report (July 2017), this area did not meet the reasonableness criteria for a noise barrier.

Air Quality				
	Agency & Date	Location in DEIS	Comment	Comment Response
1	Western North Carolina Regional Air Quality Agency (WNCRAQA) 10/17/2016	3.10 Air Quality (p. 3-35 and 3-36)	WNCRAQA operates the Buncombe County monitoring stations that are used to determine conformance with the National Ambient Air Quality Standards, referenced on page 3-36. The DEIS states that the project area is located in an attainment area and as such, 40 CFR Parts 51 and 93 are not applicable. WNCRAQA concurs with that statement. The DEIS also states that the project is not anticipated to create any adverse effects on the air quality in this attainment area.	Comment noted.
2	WNCRAQA 10/17/2016	Air Quality Tech Memo	With regards to open burning, a statement was made that any burning would be done in accordance with all local laws and ordinances and regulations of the North Carolina SIP for air quality in compliance with 15 NCAC 2D. 0520. 15 NCAC 2D. 0520 has been repealed. The current open burning regulations pertaining to land clearing operations (applicable in Henderson County) are now located at 15 NCAC 2D. 1903. For Buncombe County, which is under the jurisdiction of the WNCRAQA, open burning regulations are located in Chapter 4 .1903 of the WNCRAQA Code.	Updates made to the Final EIS (side bar, page 3-36) to include information on open burning regulations. This serves as the update to the Air Quality Technical Memorandum.
3	WNCRAQA 10/17/2016	Air Quality Tech Memo	Potential asbestos impacts during construction are not discussed. The demolition or relocation of any buildings or other structures in Buncombe County would require a WNCRAQA asbestos inspection and permit.	Updates made to the Final EIS Section 3.16.1.3, Air Quality Impacts, to include potential asbestos impacts. This serves as the update to the Air Quality Technical Memorandum.
4	WNCRAQA 10/17/2016	Air Quality Tech Memo	Regarding dust emissions from the construction process, it is noted that measures will be taken to reduce dust when necessary for the protection of motorists and area residents. Dust should be minimized by wet suppression or equivalent. Assuming that these precautions are taken, no adverse contributions to community pollution levels from these type projects are expected.	Information is included in the Final EIS Section 3.16.1.3, Air Quality Impacts. This serves as the update to the Air Quality Technical Memorandum.

Air Quality				
	Agency & Date	Location in DEIS	Comment	Comment Response
10	Intergovernmental Review – Project Comments: DAQ 9/9/2016	3.16.1.3	As indicated above, open burning for land clearing must comply with 2D.1900; and demolition or renovation of structures must comply with asbestos requirements. There is a local air quality program that has jurisdiction for Buncombe County – WNCRAQA at 828-250-6777.	Comment noted. Please see responses to WNCRAQA comments 2 and 4.
6	USEPA 11/14/2016	3.10	Exposures to MSATs have been associated with numerous adverse health effects. Several vulnerable populations are adjacent to the project area including a retirement community, hospital, and an EJ community. The I-26 project appears to meet the criteria for a quantitative MSAT analysis given its location within an urban setting.	As noted in Section 3.11.2, Qualitative MSAT Analysis, of the Final EIS, the 2040 Design Year traffic volumes are not projected to meet or exceed the 140,000 to 150,000 AADT criterion for performing a quantitative analysis per the FHWA <i>Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents</i> issued October 2016.
7	USEPA 11/14/2016	3.10	The DEIS does not contain estimates of the GHG emissions that would be caused by the alternatives considered. Consistent with CEQ's Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews (CEQ Guidance), the EPA recommends that the FEIS estimate the direct and indirect GHG emissions that would be caused by the proposal and its alternatives.	Comment noted. On April 5, 2017, CEQ rescinded its guidance on GHG emissions and climate change. Consistent with FHWA policy, GHG emissions and climate change were not included in the Final EIS.
8	USEPA 11/14/2016		The DEIS does not include consideration of future climate scenarios, and how they may impact the proposal and its potential impacts. Consistent with the CEQ guidance, we recommend that the FEIS potential changes to the affected environment that may result from climate change.	See response to USEPA Comment 7.

Air Quality				
	Agency & Date	Location in DEIS	Comment	Comment Response
9	USEPA 11/14/2016		The EPA recommends that the proposal's design incorporate measures to improve resiliency to climate change, where appropriate. These changes could be informed by the future climate scenarios addressed in the "Affected Environment" section. The EIS's alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change.	See response to USEPA Comment #7.
9	Ken Fitch 11/14/2016		Reconstruction and replacement of bridges north and south of the campus have potential to generate traffic slowdowns and blockages on the highway adjacent to the hospital campus with air pollution impacts.	Comment noted.
20	Ken Fitch 11/14/2016	3.16.1.3	Pollution impact considerations are a major concern in this area as [Carolina Village] is a Senior Community with many residents with breathing issues and impaired immune systems. Construction would produce direct impacts in addition to the traffic slowdowns during road construction.	Comment noted.

Hazardous Materials				
	Agency & Date	Location in DEIS	Comment	Comment Response
2 3 7	Intergovernmental Review – Project Comments 9/16/2016	2 - 3.16.1.3 3 – 3.16.1.3 7 – 3.12	The ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law: 2 Any open burning associated with subject proposal must be in compliance with 15A NCAC2D.1900 3 Demolition or renovations of structures contain asbestos material must be in compliance with 15ANCAC20.1110(a)(1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919.707.5950. 7 Notification of the proper regional office is requested if "orphan" underground storage tanks (USTs) are discovered during any excavation operation.	2 Comment noted. 3 Comment noted. 7 Comment noted.
1	NC Division of Waste Management (NC DWM) Federal Remediation Branch 9/6/2016	3.12	The above-mentioned project covers a 22.2-mile stretch of I-26 running from US 25 near Hendersonville in Henderson County to I-40/I-240 south of Asheville in Buncombe County. Numerous sites have been identified along the proposed path of this project. For individual construction projects with specific addresses, nearby regulated sites may be viewed via maps found at http://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/waste-management-gis-maps . Information included on these various maps are Site Name and/or Site ID.	A Geotechnical Pre-Scoping Report was prepared for this project and is included in Appendix A. The report lists 16 USTs, one former Hazardous Waste Site, and one municipal solid waste landfill within the project study area. All of the identified sites were listed as “low” anticipated severity. Geotechnical surveys and analysis will be conducted as the design is finalized.

Hazardous Materials				
	Agency & Date	Location in DEIS	Comment	Comment Response
2	NC DWM Federal Remediation Branch 9/6/2016	3.12	If regulated sites are present in the area of a specific address or construction project, additional information for the sites can be accessed by following the "Access Online Files" link on the Superfund Section website: http://deq.nc.gov/about/divisions/waste-management/superfund-section/sf-file-records . The sites may be searched by Site ID or Site Name. If you have any questions, please contact me at (919) 707-8373 or via email at harry.zinn@ncdenr.gov	Comment noted.
1	NCDWM Solid Waste Section 9/16/2016	3.12	The review has been completed and has seen no adverse impact on the surrounding community and likewise knows of no situations in the community which would affect this project from a solid waste perspective.	Comment noted.
2	NCDWM Solid Waste Section 9/16/2016	3.16.1	During construction, every feasible effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by this project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility approved to manage the respective waste type. The Section strongly recommends that any contractors are required to provide proof of proper disposal for all waste generated as part of the project.	Comment noted.
14	Intergovernmental Review – Project Comments: DWM – UST 9/7/2016	3.12	Checked Orphan UST box..., in addition any petroleum spills must be contained and the area of impact must be properly restored. Petroleum spills of significant quantity must be reported to the ARO UST Section. Petroleum contaminated soils must be handled in accordance with all applicable regulations.	Comment noted.

Floodplains				
	Agency & Date	Location in DEIS	Comment	Comment Response
29	Ken Fitch 11/14/2016	3.13	Bridge replacements over Mud Creek will have impacts and require assessment and mitigations. As the adjacent area is subject to floods, will there be a more comprehensive effort to address the environmental issues that are interconnected with the construction here.	The Brookside Camp Road (SR 1528) bridge over Mud Creek will be retained as part of this project.

Construction Impacts				
	Agency & Date	Location in DEIS	Comment	Comment Response
2	Ken Fitch 11/14/2016	3.16.1	Not adequately addressed in this plan are the impacts and dysfunctionality of the corridor during the period of construction. At the present time, even minor roadwork projects create severe impacts.	The Maintenance of Traffic plan will be developed during final design.
5	Ken Fitch 11/14/2016	3.16.1	Construction Issues and Logistics (Park Ridge Hospital) During construction, the potential for backups and slowdowns on the Asheville Highway can pose potential serious impacts. as this area will be in proximity to access routes to the Park Ridge Hospital, that could cause critical delays in emergency situations. Naples Road should be a primary route of concern. An emergency routing plan will be essential. The coordination in the construction and bridge replacements in this zone need always to insure safe access routes.	See response above.
10	Ken Fitch 11/14/2016	3.16.1	At the Open House, when questioned about the potential Naples Road Bridge replacement, the Raleigh representative suggested that an alternative route would be necessary. For a crisis situation, there is none. This is a major issue to address before this action goes forward.	The Naples Road (SR 1534) bridge will be replaced on new location as part of this project. The Maintenance of Traffic plan will be developed during final design.
11	Ken Fitch 11/14/2016	3.16.1	The Naples Road is directly adjacent to the area of construction. What are the impacts and precautionary measures necessary?	The bridge carrying Naples Road over I-26 will be replaced on new location

Construction Impacts				
	Agency & Date	Location in DEIS	Comment	Comment Response
15	Ken Fitch 11/14/2016	3.16.1	The activity of construction and especially the replacement of the bridge [US 64] will generate severe cascading residual impacts that will require considerable planning and mitigation.	The Maintenance of Traffic plan will be developed during final design.

Homeland Security				
	Agency & Date	Location in DEIS	Comment	Comment Response
35	Ken Fitch 11/14/2016		Has the Widening project been evaluated for Homeland Security aspects? It is essential that emergency evacuation and access plans be coordinated for the thoroughfare and the various critical entities located within the corridor. This should include a special consideration of the construction plans and timetable.	Currently, there are no listed evacuation routes for the project area, based on https://www.ncdot.gov/travel-maps/maps/Pages/evacuation-routes.aspx “ Comment noted.

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 828-258-2023

22 SOUTH PACK SQUARE, SUITE 700
ASHEVILLE, NC 28801-3494

Facsimile 828-258-2024

November 14, 2016

Sent Via Electronic-Mail and First Class U.S. Mail

Anamika Laad
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, NC 27699-1598
alaad@ncdot.gov

Re: Comments on I-26 Widening, STIP Project No. I-4400/I-4700

Dear Ms. Laad:

These comments are submitted on behalf of MountainTrue in response to the North Carolina Department of Transportation's ("NCDOT") request for public comment on the I-26 Widening Draft Environmental Impact Statement ("DEIS"), STIP Project No. I-4400/I-4700.

MountainTrue is a § 501(c)(3) non-profit public interest organization dedicated to protecting the natural heritage and environment of Western North Carolina. MountainTrue's members live and work in the project area, regularly drive the project corridor, use and enjoy the French Broad River and its tributaries, and own homes and businesses impacted by the proposed project. MountainTrue administers the French Broad Riverkeeper program, which monitors and advocates for protection of the French Broad watershed from a variety of threats, including pollution from runoff, road projects, and development.

Overall, MountainTrue understands the need to improve and expand I-26 south of Asheville. MountainTrue's members, like most others in the Asheville region, have endured significant traffic jams in this area, and MountainTrue does not doubt that this situation will deteriorate as our region continues to grow, prosper, and draw visitors from around the world. Our comments are thus limited to two issues: 1) our ongoing concern that this project, like the I-26 Connector, is improperly segmented in violation of NEPA; and 2) the DEIS's flawed impacts analysis related to rebuilding the I-26 – US-25 interchange.

1. The Project Remains Improperly Segmented in Violation of NEPA

In this project, NCDOT proposes to widen 22.2 miles of I-26, from just south of Hendersonville to just south of Asheville. At the same time, though under different project numbers, NCDOT is proposing to expand and enhance I-26 through Asheville and to the north of Weaverville. If allowed, over 40 miles of primarily four-lane highway will be expanded to six-

1. The Project Remains Improperly Segmented in Violation of NEPA

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The I-26 Widening DEIS and associated documents do not assuage our segmentation concerns. As our comments made clear, our main concern was that widening in one segment forces widening in adjacent segments, and vice versa. This interdependency violates CEQ's and FHWA's regulations on segmentation, especially FHWA's prohibition against actions that "restrict consideration of alternatives for other reasonably foreseeable transportation improvements." 23 C.F.R. § 771.111(f); *see also* 40 C.F.R. §§ 1502.4(a), 1508.25(a). While the main text of the I-26 Widening DEIS acknowledges these regulations, it does not rebut or even discuss our concern that widening south of Asheville will force widening through Asheville (and vice versa). *See* DEIS at 1-3. 1

Two memoranda associated with and referenced in the DEIS do no better. HNTB's *Logical Termini and Independent Utility* memorandum for this project merely states without explanation that "improvements to other facilities do not restrict consideration of alternatives" in this project. HNTB Corp., *Logical Termini and Independent Utility – STIP Project: I-4400/I-4700*, at 5 (July 23, 2014). But NEPA requires more than just "say-so." HNTB also prepared a traffic forecast comparison with the I-26 Connector in an effort to support its contention that this project has independent utility—i.e., to show that the I-26 Widening project would serve a purpose even if the I-26 Connector project is not completed. HNTB Corp., *Traffic Forecast Comparison for STIP Projects I-4400/I-4700 and I-2513* (July 29, 2016). But even taking that study at face value, independent utility is only one of the three segmentation factors in FHWA's regulations. *See* 23 C.F.R. § 771.111(f). The fact remains, as explained in detail in our attached comments, that these projects are improperly segmented because they foreclose reasonable alternatives in adjacent transportation projects—widening one forces reciprocal widening in the other, foreclosing a smaller footprint throughout the corridor.¹ 1

We raised this issue with NCDOT nearly one year ago, but to date have received no response. Instead, NCDOT doubles down here, proposing another expansion without

¹ Part of the reason for this is that, as noted in our prior comments, the traffic forecasts for one project assume the adjacent expansions are completed, inflating demand throughout the corridor. So, just as the "build" forecasts for STIP No. I-2513 assumed this project was built, the "build" forecasts for this project assume that STIP No. I-2513 is built. *See* HNTB, Corp., *NCDOT STIP No. I-4400/4700 Purpose and Need Traffic Analysis*, App'x B, at 4 (Sept. 2013). 1

acknowledging—let alone resolving—the concern that these three projects (STIP Nos. I-4400/I-4700, I-2513, and A-0010A) are improperly segmented in violation of NEPA. This segmentation deprives the Corps and the public of the information they need to evaluate these projects and, more importantly, forecloses smaller, less impactful alternatives.

2. *NCDOT Failed to Consider the Negative Impacts of Its Preferred I-26 – US-25 Interchange*

2 In addition to widening the interstate, NCDOT proposes rebuilding the I-26 – US-25 interchange. NCDOT considered four alternatives for this rebuilt interchange and selected the largest alternative—a partial cloverleaf with 30 mph design speed loops—as its preferred alternative. Unfortunately, the DEIS and associated documents do not discuss or compare the negative impacts associated with NCDOT’s preferred alternative, yet again depriving the Corps and the public of the information they need to evaluate these alternatives, and yet again in violation of NEPA.

2 CEQ’s NEPA regulations refer to the alternatives analysis as the “heart” of the impact statement, and mandate “present[ing] the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14. For the US-25 interchange alternatives, the DEIS makes no attempt to present or compare the human or environmental impacts of the four alternatives considered. *See* DEIS at 2-6 – 2-7. Rather, it discusses only cost and operational concerns. *Id.* This is plainly inadequate.

2 In its discussion of the interchange alternatives, the DEIS references and relies on HNTB’s *Purpose and Need Traffic Analysis – Addendum* (October 2014) for this project. But that document also fails to present, compare, or consider the negative human and environmental impacts of the various interchange alternatives. In this regard, its conclusion on the interchange alternatives is telling: “Based solely on operational performance, the partial cloverleaf designs are recommended for further environmental study to assess their impacts.” *Id.* at 36 (emphasis in original). In other words, the negative impacts were not studied, and the recommendation to move forward with the partial cloverleaf designs was based solely on performance—meaning how well the interchange alternatives moved traffic. There is no indication in the DEIS that NCDOT followed through on the recommendation “for further environmental study.” Rather, the DEIS notes only that the study recommended the partial cloverleaf designs, and then selects the larger of the two partial cloverleaf designs without any discussion of this choice or the broader choice to eliminate the less impactful, smaller interchange designs. *See* DEIS at 2-7.

The limited information available suggests that this oversight is not a mere technicality. Figure 8.1 in HNTB’s *Purpose and Need Traffic Analysis – Addendum* shows an image of the four interchange alternatives considered. These images appear to demarcate nearby private property and a visual estimate of the amount of property NCDOT would need to acquire for each alternative.² The preferred alternative—the partial cloverleaf with 30 mph design speed loops—takes the most property, and the other partial cloverleaf design, which has smaller, slower

² Map Sheet 3 of NCDOT’s public hearing maps shows the proposed right-of-way needed for NCDOT’s preferred interchange alternative, and it largely correlates with Figure 8.1.

design-speed loops, takes somewhat less property. In contrast, the diverging diamond interchange and the displaced left turn interchange designs do not appear to require any taking of private property.

The DEIS relocation reports indicate that rebuilding the interchange with NCDOT's preferred partial cloverleaf will require 11 relocations: ten residential and one business. See DEIS , App'x E, at 3.³ And both the DEIS and HNTB's report note that all four interchange alternatives will improve performance in peak hours (neither document suggests that the diverging diamond or diverted left turn will fail or perform inadequately). See DEIS at 2-7; HNTB's *Purpose and Need Traffic Analysis – Addendum*, at 36. The choice is thus not between alternatives that fail or succeed to meet the purpose and need, nor is it between alternatives that perform slightly better or worse but have similar impacts. Rather, the choice appears to be between alternatives with modest performance differences but stark differences in impacts. NEPA requires studying and disclosing these impacts—not just the private property taken, but also the comparative environmental impacts—so that the public and agencies involved can consider and comment on them. NCDOT's failure to do so is a glaring and significant omission that must be cured.

2

Conclusion

MountainTrue acknowledges the congestion challenges south of Asheville and is eager to work the Corps, NCDOT, and other resource agencies to find the least environmentally damaging practicable alternatives to these challenges. But such efforts are stymied by improper segmentation and inadequate information and analysis on the project's impacts. We thus request that the Corps urge NCDOT to fix these flaws in the DEIS to bring it in compliance with NEPA and ensure the public has the information it needs and is entitled to under the law.

Sincerely,



Austin DJ Gerken

cc: Julie Mayfield, MountainTrue

³ These 11 relocations account for almost all of the 13 relocations associated with the six-lane widening alternative.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 31, 2016

Mr. John Williams, P.E.
Project Development and Environmental Analysis
NC Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

SUBJECT: Federal Draft Environmental Impact Statement (DEIS) and Draft §4(f) Evaluation for I-26 Widening Project, Henderson and Buncombe Counties, North Carolina; ERP No. FHW-E40853-NC; CEQ No.: 20160195; TIP Project Nos.: I-4400 / I-4700

Dear Mr. Williams:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has received and reviewed the I-26 Federal Draft Environmental Impact Statement (DEIS) and §4(f) Evaluation prepared by the Federal Highway Administration (FHWA) and the North Carolina Department of Transportation (NCDOT). EPA's comments are provided for your consideration pursuant to our §309 of the Clean Air Act (CAA) and §102(2)(C) of the National Environmental Policy Act (NEPA). The DEIS proposes improvements to a 22.2-mile section of I-26 from US 25 near Hendersonville to I-40/I-240 south of Asheville, North Carolina.

The EPA's Merger Team representative has been an active participant in the NEPA/§404 Merger process for the proposed project, including purpose and need, detailed study alternatives to be carried forward and alignment review. The EPA signed Concurrence Point 2A, Bridging and Alignment Considerations on February 11, 2015. Specific technical review comments on the DEIS are enclosed to this letter (See enclosure).

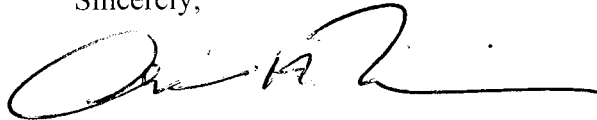
Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information, the EPA has rated the DEIS as 'Environmental Concerns' (EC-2), indicating that our review identified environmental concerns within the project study area. Potential environmental impacts to aquatic resources and residential populations including a potential environmental justice (EJ) community are EPA's primary environmental concerns and the FHWA and NCDOT should consider measures to avoid and minimize these identified impacts. The '2' rating indicates that the DEIS document does not contain adequate information to sufficiently assess all of the potential environmental impacts and allow the EPA to be able to identify an environmentally preferred alternative. This letter documents the EPA's concerns and recommendations for the Final EIS (FEIS). A full description

of the EPA's rating system can be found at: <https://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We also recommend that all potential impacts to the human and natural environment that have not been disclosed in the DEIS be addressed in the FEIS or be addressed in additional NEPA documentation prior to the issuance of a Record of Decision (ROD).

Dr. Cynthia F. Van Der Wiele, of my staff, will continue to work with you as part of the NCDOT Merger team in the identification of reasonable and feasible alternatives and the relevant avoidance and minimization and mitigation measures to be considered as the proposed project is advanced through the NEPA/§404 Merger process. Should you have any questions concerning these comments, please feel free to contact her at vanderwiele.cynthia@epa.gov or (919) 450-6811. We appreciate the opportunity to comment on the proposed I-26 project.

Sincerely,



Christopher A. Militscher
Chief, NEPA Program Office
Resource Conservation and Restoration Division

w/ Enclosure

cc: John F. Sullivan, III, P.E, FHWA- NC
Lori Beckwith, USACE Asheville Field Office
Marella Buncick, USFWS Asheville Field Office
Kevin Barnett, NCDEQ, DWR Asheville Regional Office
Marla Chambers, NCWRC

ENCLOSURE

Draft Environmental Impact Statement I-26 Improvements Project Henderson and Buncombe Counties ERP No. FHW-E40853-NC; CEQ No.: 20160195

PROJECT DESCRIPTION

The FHWA and NCDOT are proposing improvements to I-26 from US 25 near Hendersonville to I-40/I-240 south of Asheville in order to improve existing and projected roadway capacity deficiencies, and to improve insufficient pavement structure and deteriorating existing road surface conditions. The purpose is to reduce congestion with a goal of achieving an overall Level of Service (LOS) D in the design year 2040. The 22.2-mile segment traverses two counties in a rapidly urbanizing mountain region. Further, I-26 has been designated a Strategic Transportation Corridor (STC) by NCDOT due to its statewide and regional importance in moving people and freight.

Traffic Conditions

1 Section 1.8 discusses the current traffic conditions along I-26 within the project limits. Traffic volumes were discussed but not specifically provided in the DEIS.

Detailed Study Alternatives

The NCDOT utilized a 1,400-foot study corridor to identify the three (3) build alternatives that meet the project's purpose and need and these alternatives remain under consideration as detailed study alternatives (Page 2-2). The three (3) build alternatives are:

- 1) 6-lane widening (3 lanes in each direction)
- 2) 8-lane widening (4 lanes in each direction)
- 3) Hybrid 6/8 lane widening—widen I-26 to three lanes in each direction from US 25 to the US 25 (Asheville Highway) interchange, and then four lanes in each direction from the US 25 (Asheville Highway) interchange to the I-40/I-240 interchange.

All three (3) alternatives would be designed to best fit within the existing right-of-way limits for I-26. Additionally, all three alternatives including replacing the existing French Broad River and the Blue Ridge Parkway bridges over I-26.

Traffic modeling for the future peak hour traffic operations forecasted that the 6-lane widening alternative would mitigate all 2011 base year operational deficiencies, but would leave 17 of the 94 freeway segments (<10 percent of the total project length) over capacity (LOS E or F) in the 2040 design year in at least one peak hour. These locations are located north of the NC 280 interchange. The FHWA and the NCDOT have identified the Hybrid 6/8-lane widening alternative as their preferred alternative as this alternative is projected to provide a LOS D along the corridor in the 2040 design year in both peak hours while costing approximately \$58.4 million less than the 8-lane widening alternative.

Four interchange alternatives were studied in detail in the DEIS and the NCDOT prefers Interchange Alternative 1, which is a partial cloverleaf utilizing standard ramps and loops with a 30-mph design speed (231-foot radius).

Four options for the Blue Ridge Parkway bridge replacement and roadway realignment were also studied in detail (Table 2, page 2-11). The National Park Service (NPS) has indicated that Option 4, which consists of 2,745 linear feet of roadway relocation and a new 605-foot bridge south of the existing bridge, as their preferred alternative.

ENVIRONMENTAL ISSUES

Potential Impacts from the Proposed Project

Table S-2 (pages viii – ix) of the DEIS provides a summary of the impacts to the human and natural environment. The 6-lane widening alternative generates the least amount of impacts, including: 12 residential relocations, 1 business relocation; no community/neighborhood impacts or impacts to Environmental Justice (EJ) communities; 292 traffic noise impacts; adverse effects to the Blue Ridge Parkway (including roadway realignment) and the Cureton House; *de minimis* impacts to the Biltmore Estate, Hyder Dairy Farm, Camp Orr (Camp Pinewood), and the Mountains to Sea Trail; 5.5 acres of farmland; 4.8 acres of jurisdictional wetlands, 21,597 linear feet of jurisdictional streams; and 30.1 acres of 100-year floodplain, 15.5 acres of 500-year floodplain.

The Hybrid 6/8-lane widening yields an intermediate level of impacts (as compared to the 8-lane widening alternative) and include: 18 residential and 1 business relocation; impacts to the Brickton community as well as other EJ communities; adverse effects to the Blue Ridge Parkway and the Cureton House; *de minimis* impacts to the Biltmore Estate, Hyder Dairy Farm, Camp Orr (Camp Pinewood), and the Mountains to Sea Trail; 11.0 acres of farmland; 7.7 acres of jurisdictional wetlands, 24,650 linear feet of jurisdictional streams; and 41.8 acres of 100-year floodplain, 17.3 acres of 500-year floodplain.

Human Environment Impacts

Section 3.1.1 of the DEIS listed a number of community features that are located within or adjacent to the study corridor. Several communities are characterized by populations that are more vulnerable to near road volatile organic compounds (VOCs) and other mobile source air toxics (MSATs). These include: Carolina Village Retirement Center, the Brickton community, and the Park Ridge Hospital. Brickton is a predominantly low-income, African-American community that was divided when the original I-26 corridor was constructed during the late 1960s and early 1970s. According to the DEIS, Brickton “remains a functional community that has grown to the east of I-26” (Section 3.1.3.4). Noise levels already experience noise levels exceeding the Noise Abatement Criteria threshold of 67 dBA (Section 3.1.6). The ‘Mountains to Sea’ trail is also located within the Direct Community Impact Area.

2 **EPA Recommendations:** The Brickton community meets the criteria for being an Environmental Justice (EJ) community. The only alternative that would not impact this EJ community a second time would be the 6-lane widening alternative; the other two alternatives would encroach on the community. The EPA supports an alternative that maintains community continuity. The EPA encourages the transportation agencies to consider the design and

2 implementation of noise abatement devices along with evergreen roadside vegetation in locations that do not meet the threshold for noise barriers. The use of vegetative roadside screening ameliorates noise impact issues, visual quality impacts, and demonstrated beneficial effects for downwind vehicle emissions from near-roadway air pollutants.

3 **Cultural Resources and Public Facilities:** The EPA encourages the transportation agencies to continue coordination efforts to avoid and minimize impacts to parks and recreational facilities and historic properties.

Natural Environment Impacts

Aquatic Resources

In addition to the jurisdictional stream and wetland impacts listed in Table S-2, the French Broad River, Mud Creek, and Devils Fork are listed as §303(d) impaired waters within the project study area. Beck Creek (and its tributaries) is classified under State Water Quality standards as C Trout (Tr).

4 **EPA Recommendations:** The EPA advocates for the use of stormwater best management practices (BMPs) that retains runoff, allowing it to cool, and reduces the amount of sediments dispersed into adjacent streams. The proposed project is located in an urban mountain setting; consequently, the impacts to jurisdictional wetlands are substantial as mountain bogs and other higher elevation wetland ecosystems are not as common a feature in the landscape; many have been converted as the Asheville metropolitan region has grown in area and population. The 6-lane widening alternative would potentially avoid and minimize some of the impacts to aquatic resources.

Protected Species

The Bog turtle (*Glyptemys muhlenbergii*) is listed as threatened under the Endangered Species Act (ESA). The EPA encourages further avoidance and minimization measures during final design to protect viable habitat. A range-wide consultation for the Northern long-eared bat (*Myotis septentrionalis*) has been completed and the species is under a landscape-level conservation strategy developed by the FHWA and the US Fish and Wildlife Service (USFWS).

5 **EPA Recommendations:** The EPA encourages further collaboration with the USFWS and the NC Wildlife Resources Commission during final design to avoid and minimize impacts to threatened and endangered species as well as species of concern. Several recent studies have examined the use of bridges and culverts as [day and night] bat roosting habitat¹. The structural design of bridges and culverts with regard to all bat species should be considered during the final design as a way to benefit and/or promote recovery of the species within the project study area.

Air Quality and Mobile Source Air Toxics (MSAT) Analysis

The proposed project is located within an air quality attainment area. A qualitative analysis for MSAT was conducted and provided in the DEIS. However, because traffic volumes were not reported in the DEIS, it is not known whether a quantitative analysis should have been performed. The FHWA guidance on MSAT Analysis in NEPA notes that projects with higher

¹ See: <http://www.icoet.net/downloads/99paper21.pdf>

potential MSAT effects, such as adding capacity to urban interstate highways and be located in proximity to populated areas. The I-26 widening project meets both of these criteria.

6 **EPA Recommendations:** Exposures to MSATs have been associated with numerous adverse health effects. Several vulnerable populations are adjacent to the project area including a retirement community, hospital, and an EJ community. The I-26 project appears to meet the criteria for a quantitative MSAT analysis given its location within an urban setting.

Consideration of Greenhouse Gas (GHG) Emissions and the Effects of Climate Change

7 The DEIS does not contain estimates of the GHG emissions that would be caused by the alternatives considered. Consistent with CEQ's *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews* (CEQ Guidance), the EPA recommends that the FEIS estimate the direct and indirect GHG emissions that would be caused by the proposal and its alternatives.² Examples of tools for estimating and quantifying GHG emissions can be found on CEQ's website.³ Estimated GHG emissions levels can serve as a basis of comparison for climate change impacts among alternatives and appropriate mitigation measures.

8 The DEIS does not include consideration of future climate scenarios, and how they may impact the proposal and its potential impacts. Consistent with the CEQ guidance,⁴ we recommend that the FEIS potential changes to the affected environment that may result from climate change. Including future climate scenarios, such as those provided by the USGCRP's National Climate Assessment,⁵ in the EIS provides context for the proposal and its impacts and whether those could be affected by the changing climate.

9 The EPA recommends that the proposal's design incorporate measures to improve resiliency to climate change, where appropriate. These changes could be informed by the future climate scenarios addressed in the "Affected Environment" section. The EIS's alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. Changing climate conditions can affect a proposed project, as well as the project's ability to meet the purpose and need presented in the EIS. One such example would be infrastructure located in coastal regions that may be affected by sea level rise.

² White House Council on Environmental Quality, *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, p.11, p. 16.

³ https://ceq.doe.gov/current_developments/GHG-accounting-tools.html

⁴ CEQ Guidance, p. 20.

⁵ <http://nca2014.globalchange.gov/>



Natural Resources
Conservation Service

North Carolina
State Office

4407 Bland Road
Suite 117
Raleigh, NC 27609
Voice 919-873-2100
Fax 844-325-6833

September 22, 2016

Mr. John Williams, P.E.
Project Development & Environmental Analysis
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Williams:

Thank you for your letter received on August 23, 2016, Subject: Request for Comments – Federal Draft Environmental Impact Statement for STIP Project Nos. I-4400/14700 – I-26 Widening, Henderson and Buncombe Counties, NC. The following guidance is provided for your information.

Projects are subject to the Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to non-agricultural use and are completed by a federal agency or with assistance from a federal agency. Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the FPPA or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary of Agriculture to be farmland of statewide local importance.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland does not include land already in or committed to urban development or water storage. Farmland *already in* urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as *urbanized area* (UA) on the Census Bureau Map, or as urban area mapped with a *tint overprint* on the United States Geological Survey (USGS) topographical maps, or as *urban-built-up* on the United States Department of Agriculture (USDA) Important Farmland Maps.

1 The area in question may meet one or more of the above criteria for Farmland along the areas covered by Figure 4G, 4H, and 4I (Enclosure: NCDOT I-26_Aerial_Photo_Index.pdf). Farmland area may be affected or converted. The agency that will fund the project needs to initiate a NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Project Form according to the 7 Code of Federal Regulations (CFR) 658 - Farmland Protection Policy Act.

The Natural Resources Conservation Service
is an agency of the Department of Agriculture's
Natural Resources mission.

An Equal Opportunity Provider and Employer

Mr. John Williams, P.E.

Page 2

The NRCS-CPA-106 Form can be found at the following link:

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf

This form applies to corridor projects. The Natural Resources Conservation Service (NRCS) will complete PARTS II, IV and V and will return the form to be completed by the federal agency who will provide the assistance. A soils map needs to be included, with your review request, showing the exact area that will be affected. Soil maps can be prepared from the Web Soil Survey website at

<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

Also, we need a soil map unit inventory and the amount of acres by soil map unit that will be affected directly or indirectly.

If you have any questions, please contact Milton Cortes, Assistant State Soil Scientist at 919-873-2171 or by email: milton.cortes@nc.usda.gov.

Again, thank you for inquiry. If we can be of further assistance, please do not hesitate to contact us.

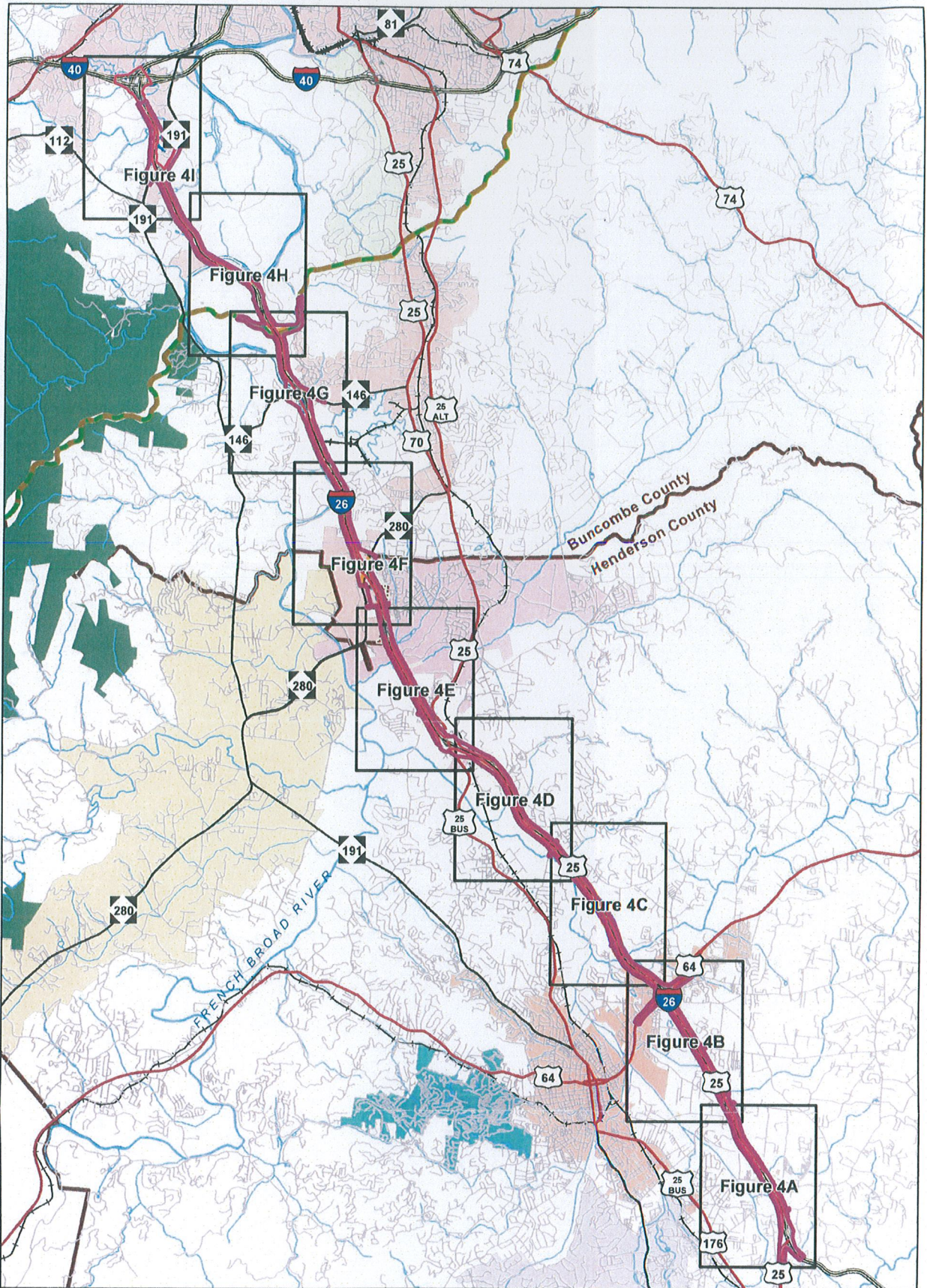
Sincerely,

Milton Cortes

Milton Cortes
Assistant State Soil Scientist

Enclosures:
NCDOT I-26_Aerial_Photo_Index
NCDOT I-26_2010_Census_Bureau_Map_print

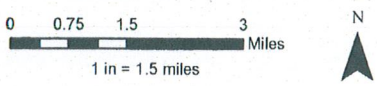
cc:
Kent Clary, State Soil Scientist, NRCS, Raleigh, NC



Legend

- I-4400/I-4700 Study Corridor
- Existing ROW
- 6-Lane Alternative Right of Way
- 8-Lane Alternative Right of Way
- Road
- Blue Ridge Parkway
- Railroad
- Stream
- County Boundary
- Asheville
- Billmore Forest
- Flat Rock
- Fletcher
- Hendersonville
- Laurel Park
- Mills River
- Saluda

**Figure 4 - 6- and 8-Lane Alternatives
STIP Project No. I-4400/I-4700
I-26 Widening
Buncombe and Henderson Counties**



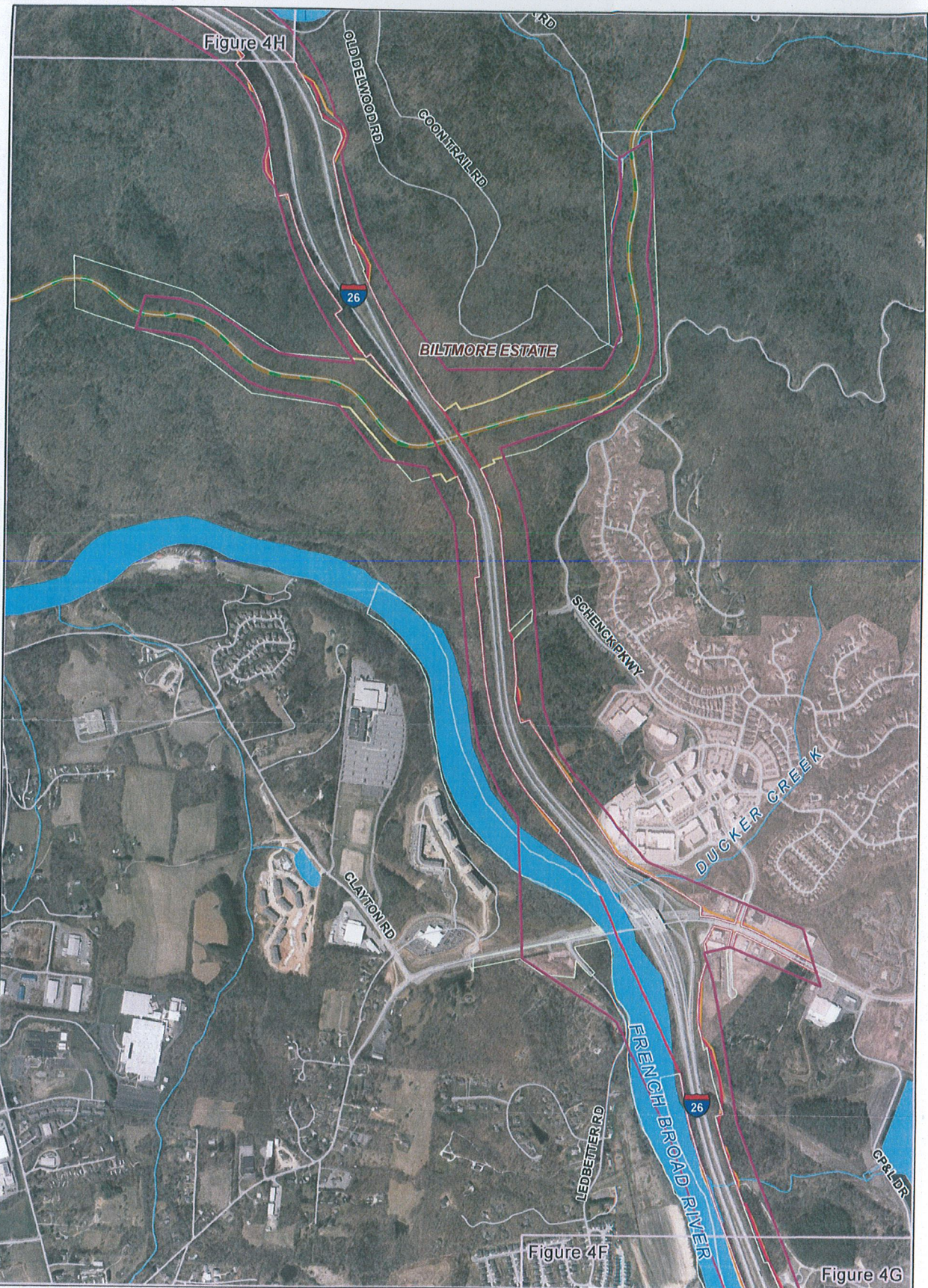


Figure 4H

BILTMORE ESTATE

SCHENCK PKWY

DUCKER CREEK

CLANTON RD

LEDBETTER RD

FRENCH BROAD RIVER

CPALDR

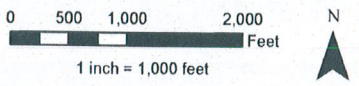
Figure 4F

Figure 4G



- Legend**
- Study Area
 - Existing Right Of Way
 - 6-Lane Alternative Right of Way
 - 8-Lane Alternative Right of Way
 - Railroad
 - Road
 - Blue Ridge Parkway
 - Stream
 - Water Body
 - County Boundary
 - Asheville
 - Biltmore Forest
 - Flat Rock
 - Fletcher
 - Hendersonville
 - Laurel Park
 - Mills River
 - Saluda

Figure 4G - 6 and 8-Lane Alternatives
STIP Project No. I-4400/I-4700
I-26 Widening
Buncombe and Henderson Counties



Sources: Buncombe and Henderson Counties, NCDOT, NCOneMap, HNTB Date: 2016

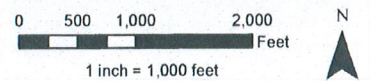
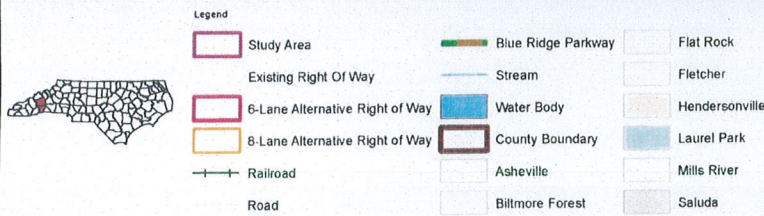


Figure 4I

Figure 4G

Figure 4H

Figure 4H - 6 and 8-Lane Alternatives
STIP Project No. I-4400/I-4700
I-26 Widening
Buncombe and Henderson Counties



Sources: Buncombe and Henderson Counties, NCDOT, NCOneMap, HNTB Date: 2016



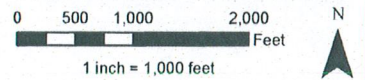
Figure 4I

Legend

- | | | | | | |
|--|---------------------------------|--|--------------------|--|----------------|
| | Study Area | | Blue Ridge Parkway | | Flat Rock |
| | Existing Right Of Way | | Stream | | Fletcher |
| | 6-Lane Alternative Right of Way | | Water Body | | Hendersonville |
| | 8-Lane Alternative Right of Way | | County Boundary | | Laurel Park |
| | Railroad | | Asheville | | Mills River |
| | Road | | Blount Forest | | Saluda |



Figure 4I - 6 and 8-Lane Alternatives
STIP Project No. I-4400/I-4700
I-26 Widening
Buncombe and Henderson Counties



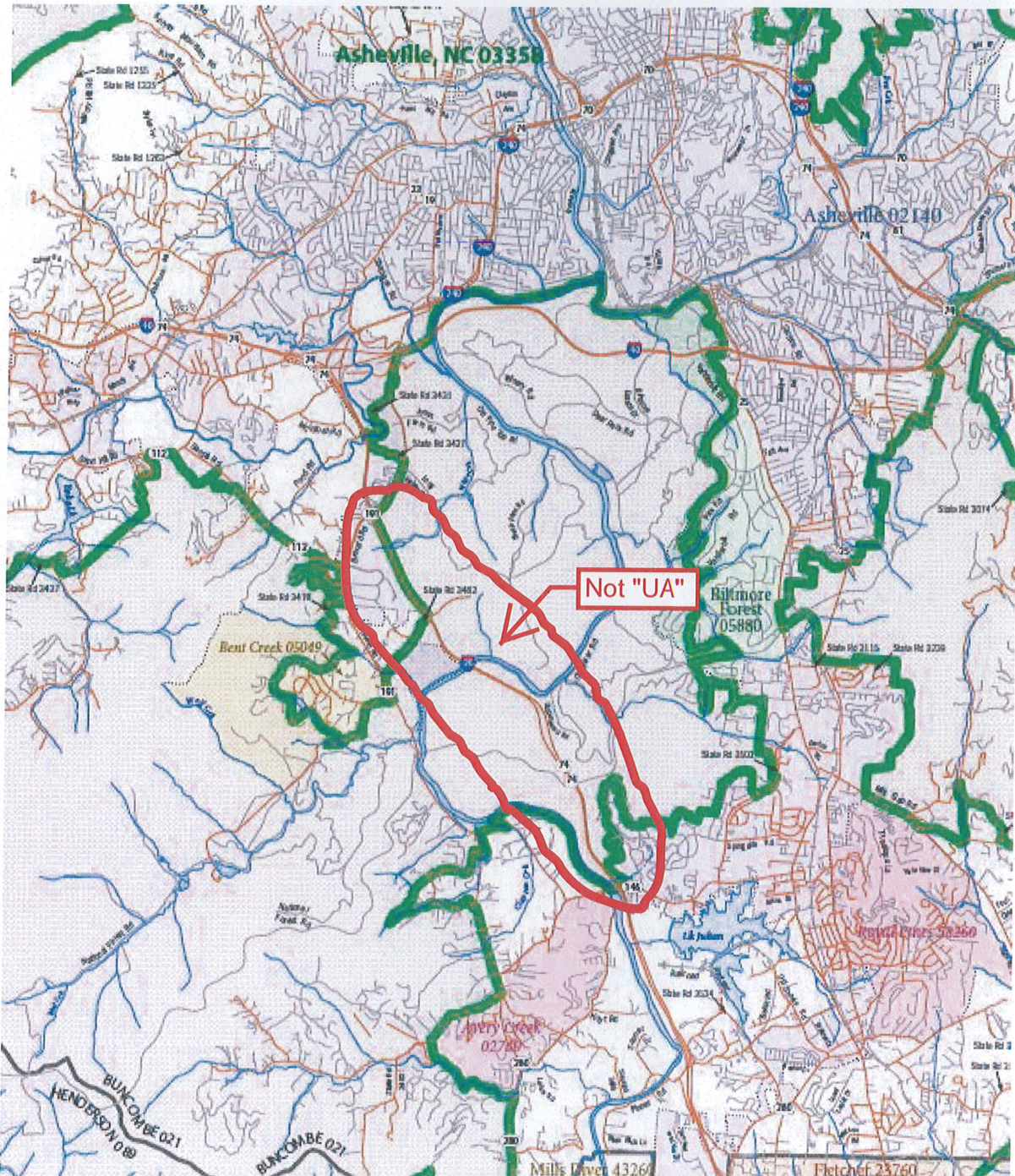
Sources: Buncombe and Henderson Counties, NCDOT, NCOreMap, HNTB Date: 2016

NCDOT STIP Project I-4759

Project Location Review,

STIP Project Nos. I-4400/I4700 – I-26 Widening, Henderson and
Buncombe Co.'s, NC August 30, 2016

Reference: 2010 Census Bureau Map
<https://www.census.gov/geo/maps-data/>
USDA NRCS. State Office, Raleigh, NC
Milton Cortes, Assistant State Soil Scientist





United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Richard B. Russell Federal Building
75 Ted Turner Drive, S.W., Suite 1144
Atlanta, Georgia 30303

ER 16/0489
9043.1

October 20, 2016

Mr. Mitch Batuzich
Project Development & Environmental Analysis
NC DOT, 1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Re: Comments and Recommendations on the Draft Environmental Impact Statement and Section 4(f) Evaluation for the I-26 Widening, Henderson and Buncombe Counties, NC

Dear Mr. Batuzich:

The U. S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) and 4(F) Evaluation for the Widening of I 26, Buncombe and Henderson Counties, North Carolina, TIP Nos. I-4400/4700.

The DEIS was prepared by the North Carolina Department of Transportation (NCDOT) in coordination with the Federal Highway Administration (FHWA). The National Park Service (NPS) is a cooperating agency and the U S Fish and Wildlife Service has been involved in the review of this project since 2000, has participated as a member of the Merger Team (Merger) since 2002, and will continue to participate in the Merger process as project planning progresses.

The NCDOT proposes to improve a 22.2-mile segment of the existing I 26 from US 25 near Hendersonville to I 40/240 interchange near Asheville. The three build alternatives that are being considered for implementation are: Alternative 1, Widen to Six Lanes; Alternative 2, Widen to Eight Lanes; and the Preferred Alternative, Hybrid 6/8 Lane Widening. The preferred alternative provides for a six-lane section from the southern terminus of the project to the US 25/Asheville Highway Interchange and an eight-lane section for the remainder of the project north, terminating at the interchange of I-40/240. All alternatives include replacing the existing French Broad River (French Broad) and Blue Ridge Parkway (Parkway) bridges over I 26.

Federally Listed Species

Gray Bat - At this time, our comments are focused primarily on federally listed species, in particular, the federally endangered gray bat (*Myotis grisescens*). Table 11, on page 3-25,

provides a list of federally protected species for Buncombe and Henderson Counties. Based on new information, we do not agree with a “no effect” determination for the gray bat. In August of 2016, gray bats were discovered roosting in a bridge over the French Broad in Buncombe County, very near the subject project study area. In addition, two bats outfitted with radio tags were tracked during their nightly foraging to areas across and within the study area of the project.

1

Gray bats roost, breed, rear young, and hibernate in caves or cave like features (e.g., mines, bridges, culverts) year round and forage on a variety of flying aquatic and terrestrial insects present along streams, rivers, and lakes. They migrate between summer and winter habitat and will use transient or stopover caves or cave like features along the way. We expect the gray bats in this area will soon be migrating to their winter habitat, likely in November, and will return to this area sometime around April 1.

Construction activities to replace the bridge over the French Broad and widen I-26 between the French Broad and the Parkway may result in impacts to gray bats. From north of the French Broad south to the Parkway crossing, the I-26 corridor is remarkable in the amount of tree canopy closure over the interstate, including a large forested median. This forested habitat provides a sound and light barrier from interstate traffic, a water quality buffer for the tributaries in the area that drain to the French Broad, and terrestrial connectivity over the interstate for bats that may cross on the upland rather than flying directly over the river.

Based on the information provided in the DEIS, all of the action alternatives have the potential to adversely affect summer roosting and foraging gray bats. Construction activities and future bridge and highway design and operation can affect bats in a variety of ways. During bridge construction, increases in noise above ambient levels or the use of artificial lighting could cause bats to avoid important travel corridors. If bats are crossing the highway rather than traveling along the river, tree removal to widen the roadway increases the distance bats have to cross without cover and may cause them to avoid important foraging areas south of the French Broad. If bats are currently roosting in the bridge over the French Broad, the replacement bridge should also provide roost areas for bats.

Decreases in water quality from construction activities can impact gray bats by decreasing the abundance of aquatic insects that provide a primary food source. To maintain water quality in the future, the project should minimize the addition of impervious surface area and retain forested buffers along all waterways in order to minimize sedimentation to streams. In addition, post construction stormwater detention and treatment should be provided in the area near the French Broad.

At this time, the Department recommends looking specifically at the corridor from the crossing of the French Broad to south of the Parkway to determine if there are other options that would minimize the footprint of the roadway and maintain or improve habitat for gray bats. Regardless of the alternative chosen, we anticipate that this project will require further consultation as plans are refined and the project moves forward.

1

In addition to gray bats, acoustic surveys on the Parkway recorded calls consistent with those of the federally endangered Indiana bat (*Myotis sodalis*). While this information is preliminary, it further emphasizes the need for comprehensive bat surveys in the project area. Beginning in the spring of 2017, we recommend that surveys be conducted to gather more information regarding the types and extent of structures bats may be using for roosts and the travel routes and concentrations of bats that are foraging in and around the study area. This information will help determine ways to further minimize impacts from project construction and ongoing operations.

2

3 Bog Turtle – Table 11, on page 3-25, lists the bog turtle (*Glyptemys muhlenbergii*) as not requiring a biological conclusion. While this is technically correct, we recommend protecting known occupied bog turtle habitat in the project area. Currently, the Biltmore Bog is one of two remaining occupied bog turtle sites in Buncombe County. The Biltmore Bog, shown on Figure 6 G, in the DEIS is located between the French Broad and existing I 26 and is labeled a delineated wetland on this figure. Bog turtles are not currently subject to section 7 consultation; however, their numbers continue to decline, and we recommend every effort be made to avoid impacting the Biltmore Bog and its bog turtle population.

Section 4(F)

There are five, Section 4(f), historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) that have the potential to be affected: the Parkway, Mountains to Sea Trail (MST), Biltmore Estate which is a National Historic Landmark, Hyder Dairy Farm, Camp Orr.

All Build Alternatives would result in the Section 4(f) use of the Biltmore Estate, Hyder Dairy Farm, Camp Orr, the Parkway, and MST. The State Historic Preservation Officer (SHPO) determined that, even though there is use of the land from within historic boundaries, no adverse effects would occur under Section 106 to the Biltmore Estate, Hyder Dairy Farm and Camp Orr in any of the Build Alternatives. However the SHPO determined that use of the Parkway and MST would be an adverse effect.

Interstate 26 is perpendicular to the Parkway and MST. An avoidance alternative to realign I-26 to a location that would accommodate the widening while avoiding both the Parkway and MST is not feasible. The piers of the existing Parkway Bridge across I-26 are located immediately adjacent to the existing travel lanes, so any widening of I-26 would require their relocation. The MST uses the existing Parkway Bridge to cross I-26.

A Value Analysis Study was conducted by the NPS, in coordination with Eastern Federal Lands Division of the FHWA and NCDOT, that evaluated the Parkway bridge alignment options over I-26 and determined that Option 4 best optimizes public health and safety; maintains or improves visitor experience; and optimizes operations and maintenance efficiency. The NPS recommended Option 4 as the preferred option and the Hybrid 6/8 Lane Widening as the preferred alternative in the DEIS.

A Memorandum of Agreement (MOA) among the NCDOT, NPS and the U.S. Department of Transportation Federal Highway Administration North Carolina and Eastern Federal Lands Highway Division in June of 2015 (See Appendix G) and agrees to: “coordinate and incorporate requirements of NPS, SHPO, NCDOT and other applicable federal, state and local agencies, utilities, and interested public and private parties”.

4 As recent as September 19, 2016, the NPS and U.S. Fish and Wildlife Service (FWS) biologists found Indiana bats in the area of potential effect on the Parkway. The following mitigation needs to be included in a separate MOA that is currently being developed: To avoid adverse impacts to Indiana bats, emergent and/or acoustic surveys shall be conducted prior to removal of trees if the work would be conducted between April 15 and August 15; no significant tree removal within 5 miles of known hibernacula between April 1 and November 15.

5 Minimization and mitigation strategies are currently being identified through continued coordination with NPS, FHWA, SHPO and NCDOT. These stipulations on the project should be documented in the Section 106 Memorandum of Agreement (MOA). The MOA would be completed and executed prior to the Record of Decision (ROD).

6 The Department concurs that there is no prudent and feasible alternative to using the Biltmore Estate, Hyder Dairy Farm, Camp Orr and the project includes all possible planning to avoid, minimize and mitigate all harm to these resources.

7 The Department has no objection to the approval of the 4(f) Evaluation for the Blue Ridge Parkway and the MST contingent upon the development and full execution of an MOA which fully describes in detail all of the avoidance, minimization and mitigation efforts for the Parkway and MST.

Thank you for the opportunity to review and provide comments. If you have questions concerning Federally Listed Species, please contact Ms. Marella Buncick at 828 258 3939, Ext. 237. If you have any questions concerning the Parkway and Section 4(f) comments contact Anita Barnett, Planning and Compliance Division, Southeast Region at 100 Alabama Street, 1924 Building, Atlanta Georgia 30303; 404-507-5706. I can be reached on (404) 331-4524 or via email at joyce_stanley@ios.doi.gov.

Sincerely,



Joyce Stanley, MPA
Regional Environmental Officer

cc: Christine Willis – FWS
Michael Norris - USGS
Anita Barnett – NPS
Chester McGhee – BIA
OEPC – WASH

DESIGN MANAGEMENT, LLC
MEMORANDUM

To: Ms. Loretta Beckwith, USACE
From: Bruce Hazzard, Managing Partner
Date: October 21, 2016
Project Name: DEIS- Biltmore Estate
Subject: DEIS Comments on NCDOT Expansion of I-26 Corridor and NPS Parkway

Attached, on behalf of the Biltmore Company/ Biltmore Estate/ West Range LLC are requisite comments on the current Draft Environmental Impact Statement on the I-26 Widening and Blue Ridge Parkway overpass replacement Project (Draft Section 4(f) Evaluation), dated August 2016.

From SUMMARY;

“The project proposes improvements to a 22.2-mile segment of I-26 from US 25 near Hendersonville to I-40/I-240 south of Asheville. This project is included in the 2016 – 2025 State Transportation Improvement Program (STIP) as two projects, I-4400 and I-4700. STIP Project I-4400 begins at US 25 (Exit 54) near Hendersonville and extends along I-26 west to NC 280 (Exit 40). STIP Project I-4700 extends along I-26 from NC 280 west to the I-40/I-240 interchange.” (Pg IV)

“All of the alternatives (studied for widening) would be designed to best fit within the existing right of way limits for I-26” (Pg V)

In addition;

“The columns supporting the bridge deck of the Blue Ridge Parkway bridge over I-26 are spaced in such a way that they do not accommodate widening of the I-26 facility (all Build Alternatives). As a result, the bridge has been proposed for replacement by NCDOT and FHWA as part of this project. NCDOT and FHWA have coordinated with the NPS in the development and evaluation of bridge replacement options. Four options for realigning the Blue Ridge Parkway in conjunction with replacing the existing bridge were investigated in detail.” (Pg V)

“Based on the information available to date, including this Draft EIS, the FHWA and NCDOT have identified the Hybrid 6/8-Lane Widening Alternative as the Preferred Alternative. This alternative would widen I-26 to three lanes in each direction between US 25 and the US 25 (Asheville Highway) interchange and widen I-26 to four lanes in each direction from the US 25 (Asheville Highway) to the I-40/I-240 interchange. The US 25 (Asheville Highway) partial cloverleaf interchange is a component of the Preferred Alternative as is the Blue Ridge Parkway Bridge



replacement and realignment.” (Pg IX)

1 **COMMENT:** *A significant portion of this project runs adjacent to the Biltmore Estate, House and Gardens, currently listed on the National Register of Historic Places and is also a National Historic Landmark designated cultural resource. As such, any and all alternatives to minimize impacts to the property relative to visual, cultural, noise and natural resources, should be thoroughly analyzed.*

Table 5: Historic Architecture Assessment of Effects (Pg 3-13) states that the realignment of the Blue Ridge Parkway and replacement of the I-26 bridge overpass would result in **ADVERSE EFFECTS** to adjacent 4(f) properties and that the I-26 Widening alternatives would have **NO ADVERSE EFFECTS**, or *de minimis*, on the same.

Table 5 further indicates that relative to the widening alternatives;

“Some small sections of new ROW required to accommodate cut and fill slopes and the Control of Access fencing will be relocated as needed in these areas. Requires minimal tree removal along length of property that borders interstate. Some fill impacts to wetlands adjacent to historic property, but within NCDOT existing ROW. Does not impact contributing resources. “

Further in **Chapter 6- Section 4(f) Evaluation**, it states;

*“The 6-Lane Widening Alternative would require approximately **4 acres** from within the NHL; the 8-Lane Widening Alternative and the Hybrid 6/8-Lane Widening Alternative would each require **8.32 acres** within the NHL boundary. Tree removal would be required along the length of the proposed new right of way. However, no features that contribute to the Biltmore Estate’s historic significance would be impacted by the Build Alternatives. The minimal direct use of the Biltmore Estate and no adverse effect finding from the HPO constitutes a *de minimis* use under Section 4(f).”*

2 **COMMENT:** *The Biltmore Estate does not support any alternative that would require acquisition, or impacts to lands within the Estate and outside of the existing right-of-way. To remove such impacts, NCDOT should investigate alternative treatments in adjacent areas to incorporate retaining walls to limit grading impacts within the existing ROW and, where applicable, to provide additional visual screening and noise abatements, regardless of which is the preferred alternative to be finally selected. Reductions to impacts to the Biltmore Estate are imperative to maintaining its strategic plans for preservation which strives to preserve these lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of these qualities is essential if the area is to continue to serve its underlying purpose of preservation.*

Specifically, we call attention to those areas highlighted on the attached graphics provided in the DEIS.

As to the realignment of the Blue Ridge Parkway and replacement of the overpass at I-26;

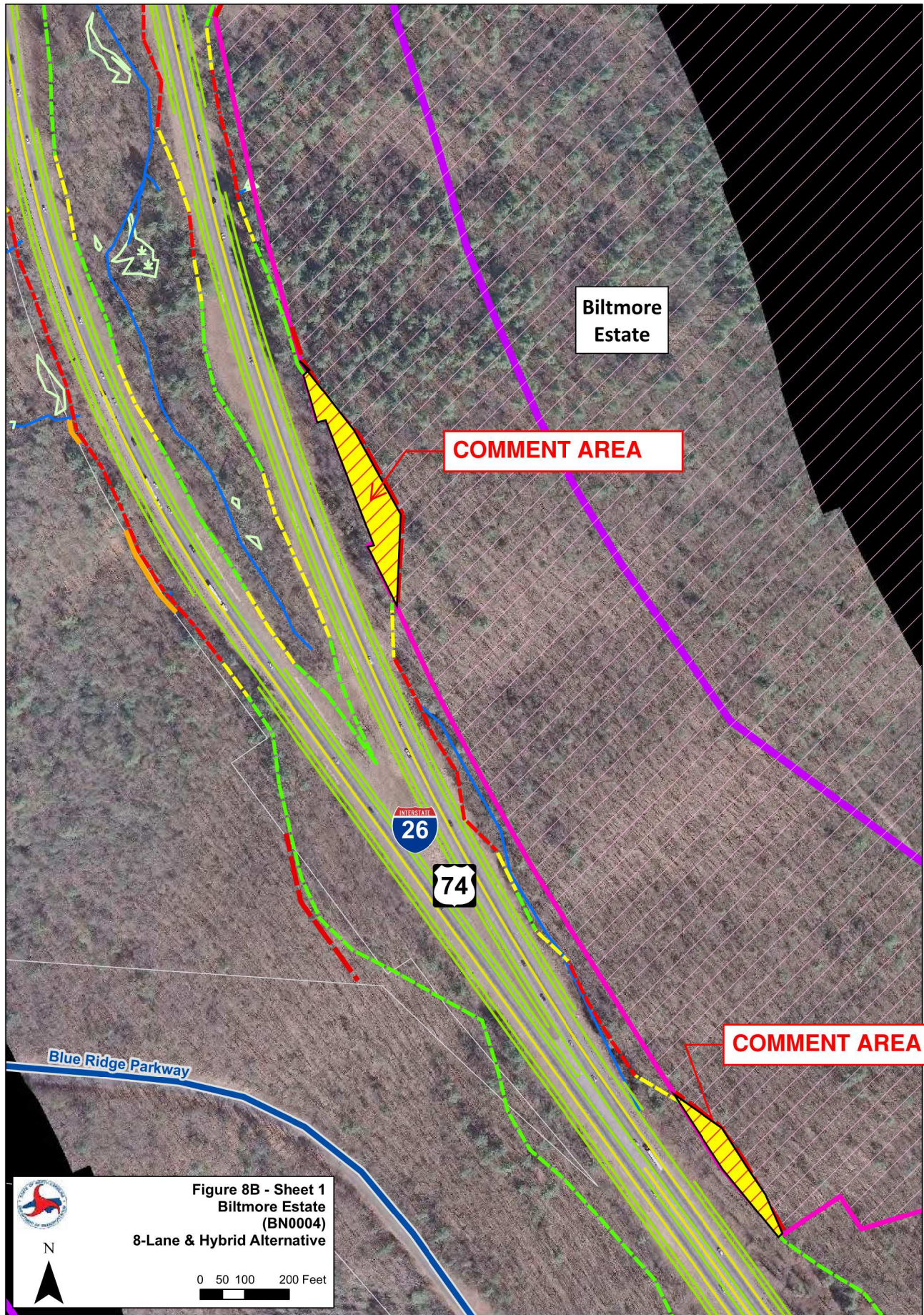
“Option 1, Option 4 and Option 5 provide a reasonable ability to mitigate adverse impacts to the significant designed landscape associated with the Blue Ridge Parkway. The realignment associated with these options would alter the topography, vegetation, road alignment, and circulation patterns associated with the significant cultural landscape. No historic views or vistas are available to or from this section of the Parkway. The design of the realigned roadway and the new bridge would be consistent with the Parkway’s landscape characteristics. Though grading and tree clearing associated with new alignment that would alter the visual character of the Parkway through this section, a re-vegetation plan would be implemented to mitigate construction disturbance and to reestablish native plants in the abandoned roadway sections.”
(Pg 6-13)

In addition, it goes on to state;

“The proposed new alignment is also consistent with the historic design of the Blue Ridge Parkway. As a result, the preferred Blue Ridge Parkway Bridge Alignment Option 4 would provide benefits to the motor road user, including bicyclists and pedestrians, for improved safety and sight-distance lines, resulting in an improved user experience.” (Pg 6-16)

3

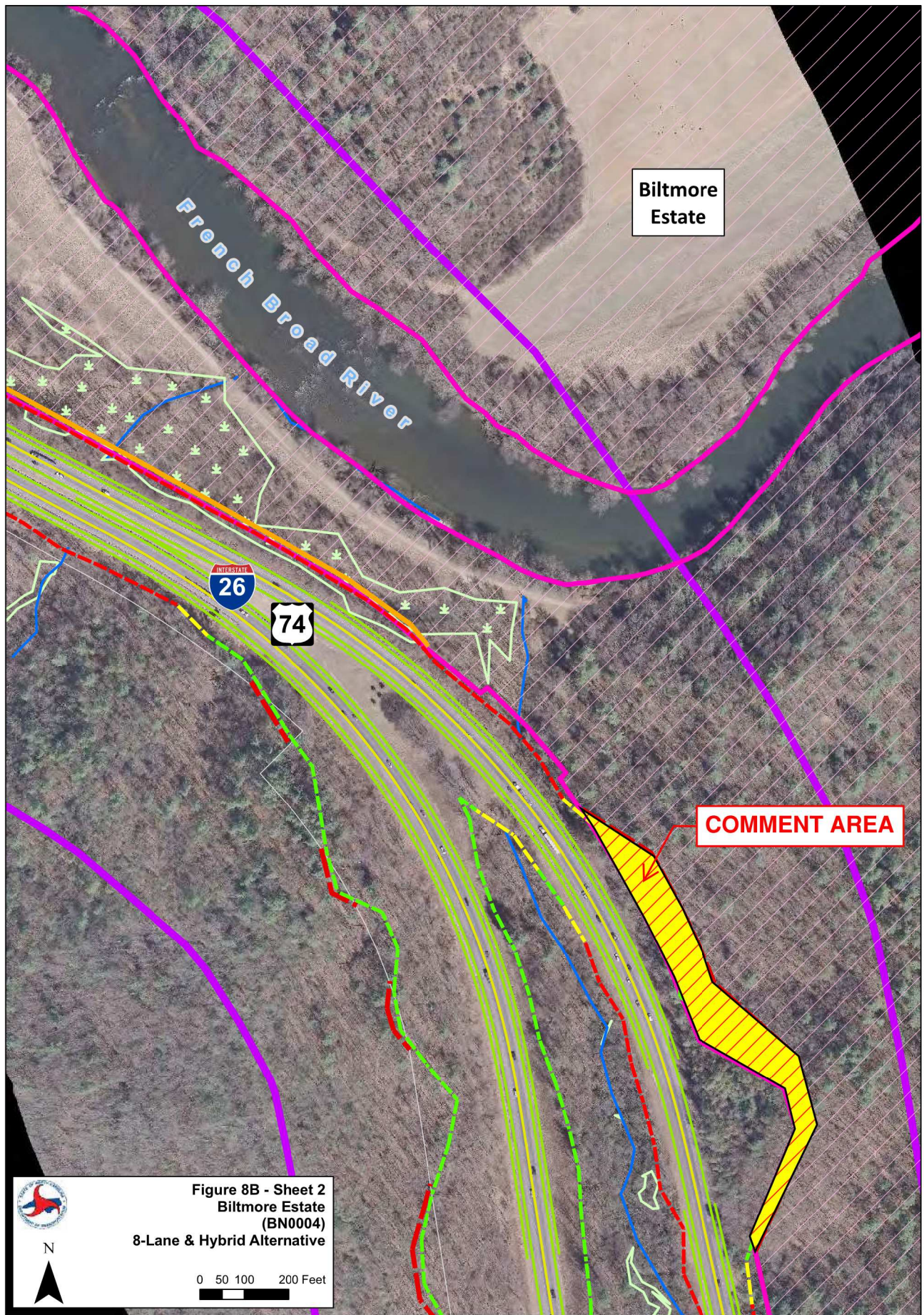
COMMENT: *While the National Park Service (NPS) has jurisdiction in the Parkway impacts- as they do for the Biltmore Estate as designated, the Biltmore Estate agrees with the NPS support for Option 4 as the preferred alternative (Appendix H and Figure 1). Option 4, clearly provides a viable alternative alignment to the south of the current alignment, that would minimally, if at all, impact the Biltmore Estate.*



Legend

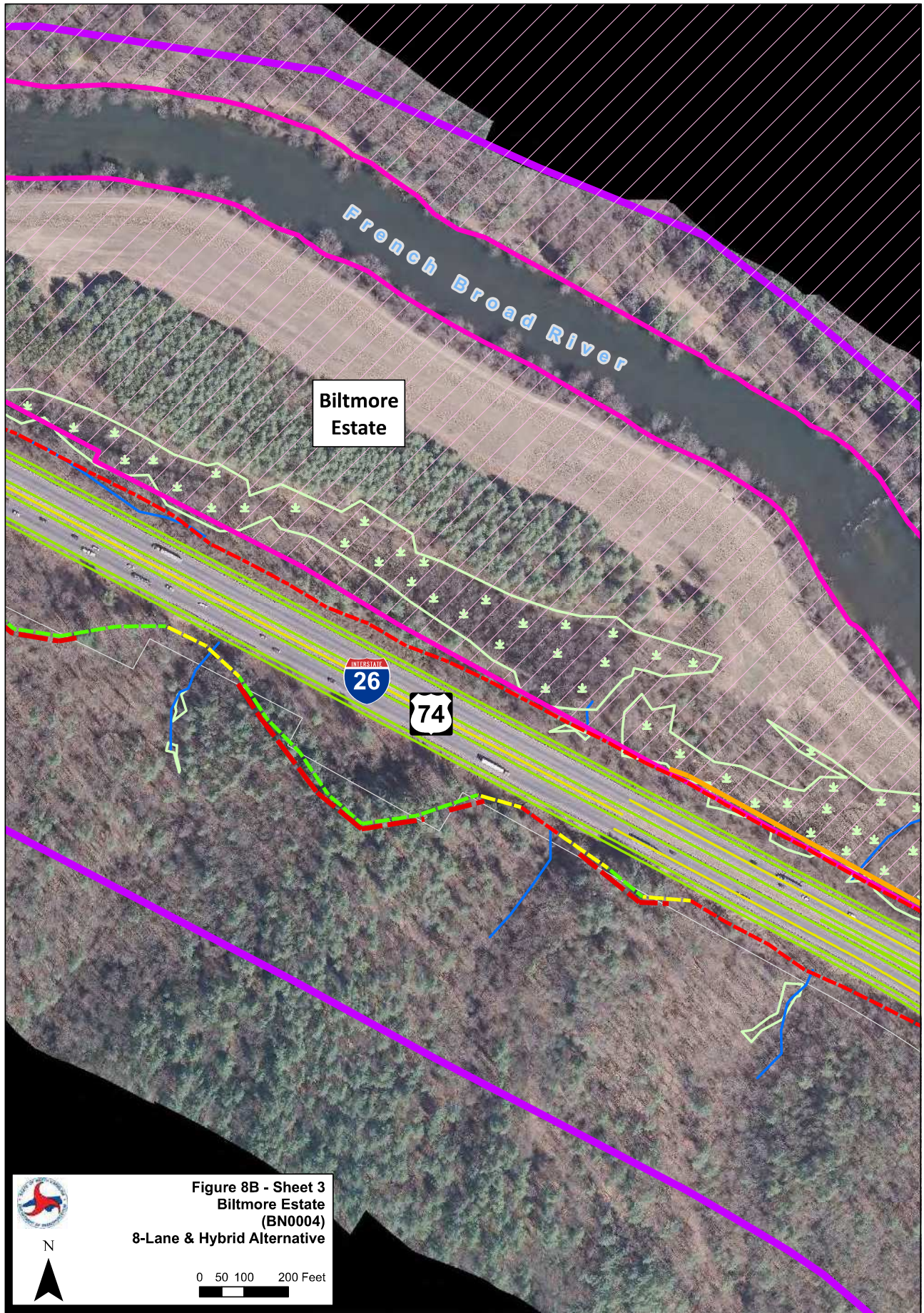
- | | | | |
|------------|-----------------------|------------------------------|--------------------------|
| Cut | Proposed Right-of-Way | I-4400/I-4700 Study Corridor | Delineated Wetland |
| Transition | Temporary Easement | Alignment Centerline | Delineated Water Feature |
| Fill | Historic Boundary | EOT/ Shoulder | Blue Ridge Parkway |
| | | Parcel Boundary | |

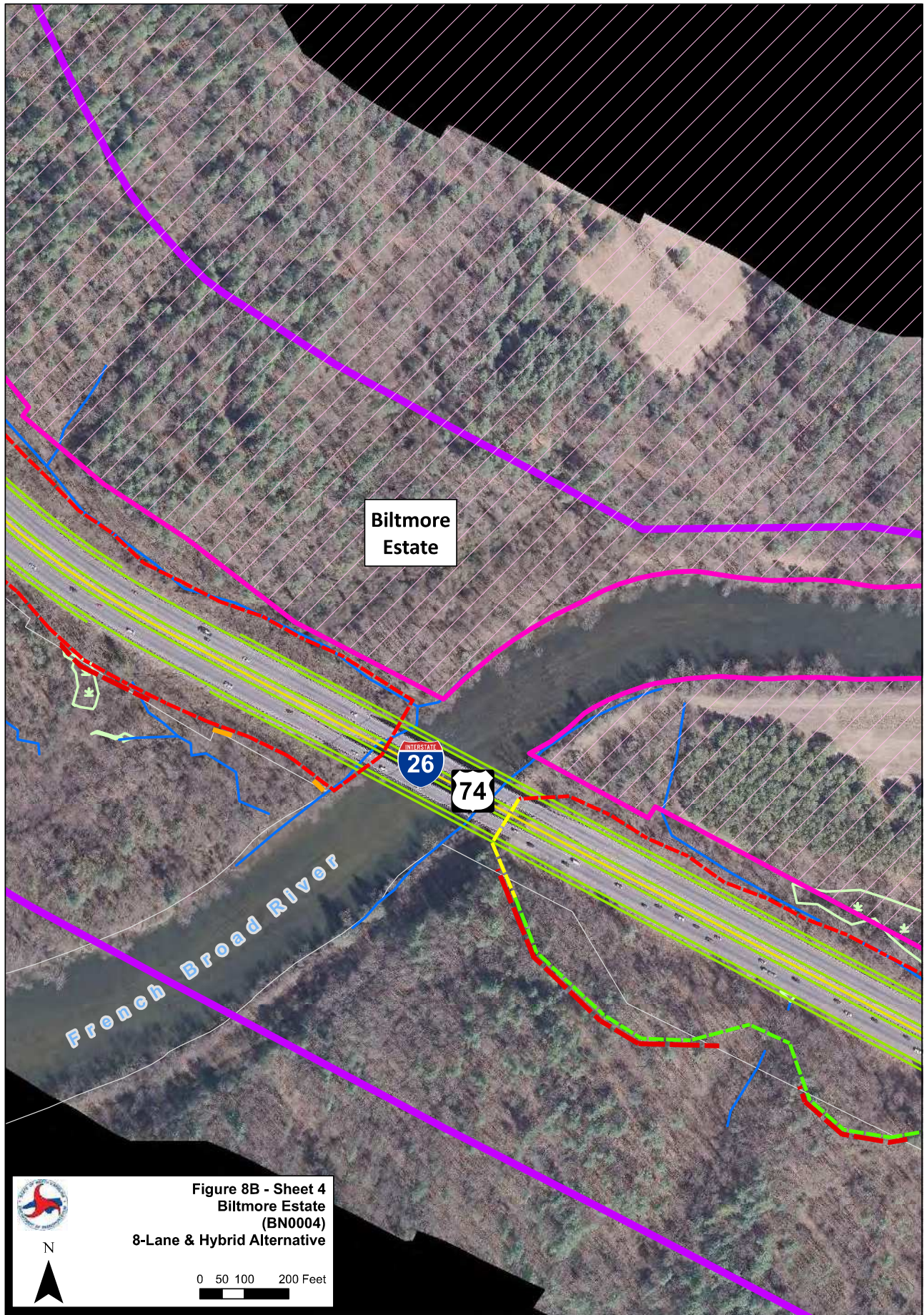
Data Sources: HPOWEB, NCDOT, NC OneMap, Henderson Co., Buncombe Co., HNTB, NCDOT Aerial March 2014



Legend			
Cut	Proposed Right-of-Way	I-4400/I-4700 Study Corridor	Delineated Wetland
Transition	Temporary Easement	Alignment Centerline	Delineated Water Feature
Fill	Historic Boundary	EOT/ Shoulder	Blue Ridge Parkway
		Parcel Boundary	

Data Sources: HPOWEB, NCDOT, NC OneMap, Henderson Co., Buncombe Co., HNTB, NCDOT Aerial March 2014





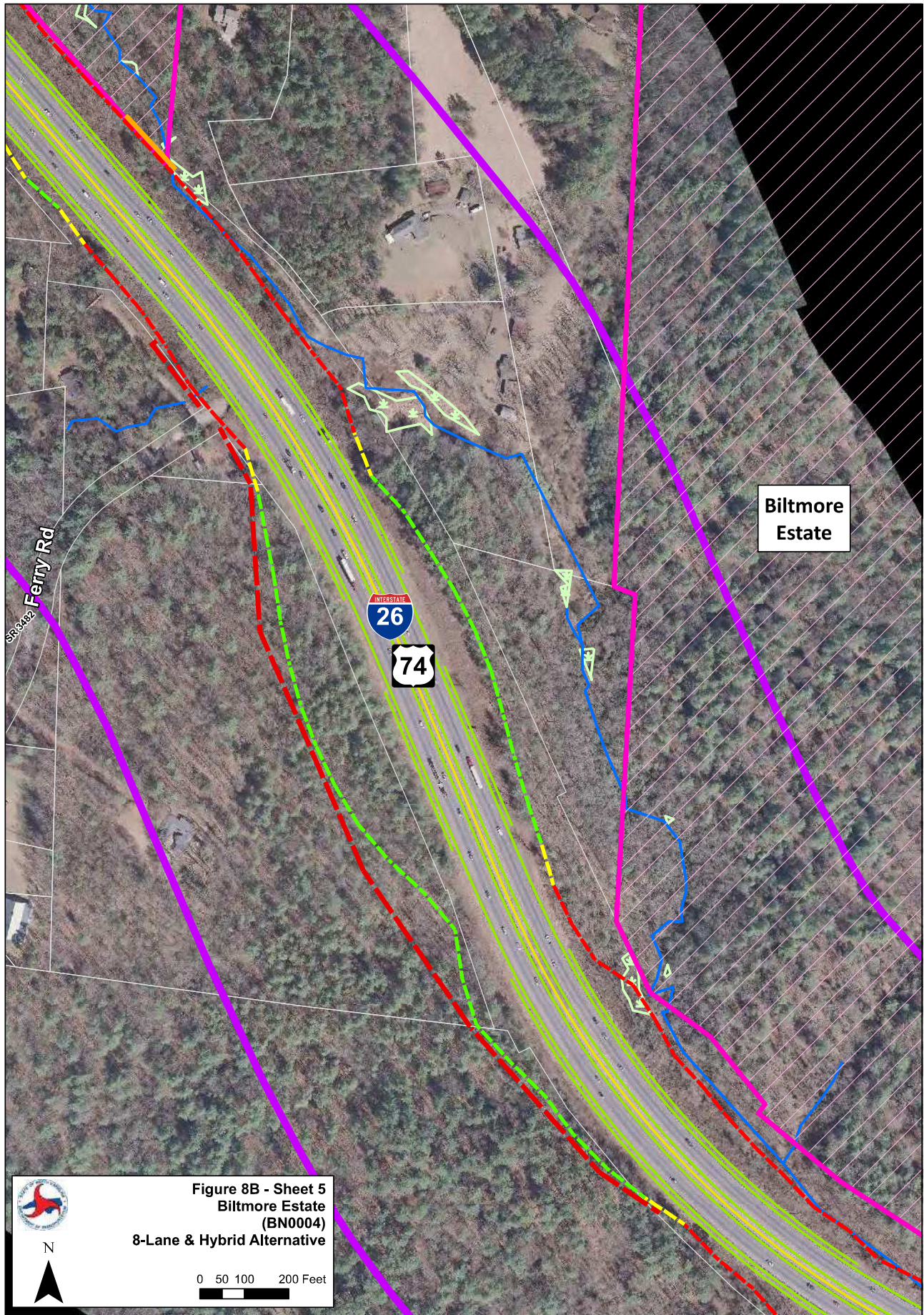


Figure 8B - Sheet 5
 Biltmore Estate
 (BN0004)
 8-Lane & Hybrid Alternative

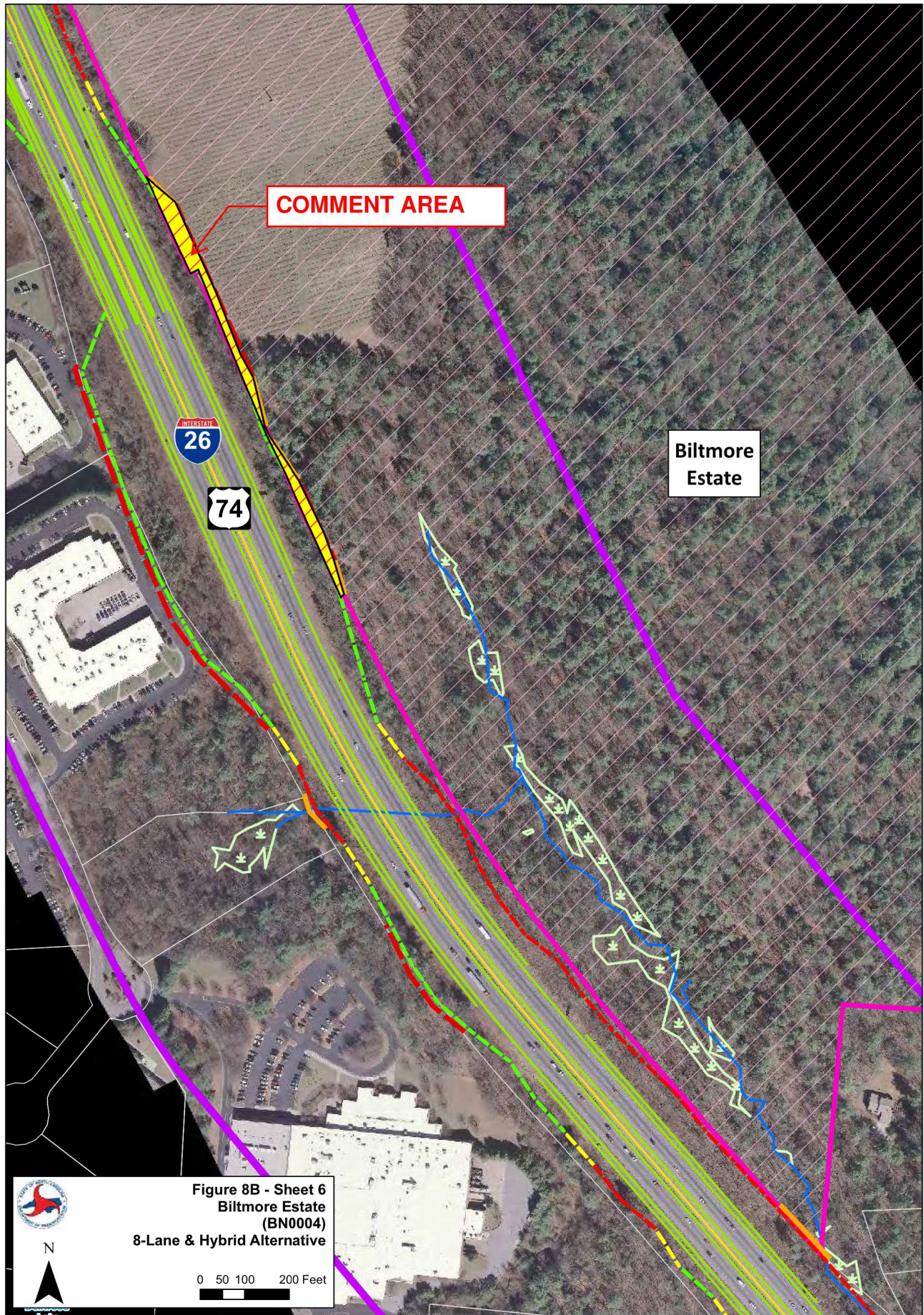


0 50 100 200 Feet

Legend

- Cut
- Transition
- Fill
- Proposed Right-of-Way
- Temporary Easement
- Historic Boundary
- I-440/I-4700 Study Corridor
- Alignment Centerline
- EOT/ Shoulder
- Delineated Wetland
- Delineated Water Feature
- Blue Ridge Parkway
- Parcel Boundary

Data Sources: HPOWEB, NCDOT, NC OneMap, Henderson Co., Buncombe Co., HNTB, NCDOT Aerial March 2014



Legend

- Cut
- Proposed Right-of-Way
- I-4400/I-4700 Study Corridor
- Delineated Wetland
- Transition
- Temporary Easement
- Alignment Centerline
- Delineated Water Feature
- Fill
- Historic Boundary
- EOT/ Shoulder
- Blue Ridge Parkway
- Parcel Boundary



Figure 8B - Sheet 7
 Biltmore Estate
 (BN0004)
 8-Lane & Hybrid Alternative



0 50 100 200 Feet

Legend							
	Cut		Proposed Right-of-Way		I-4400/I-4700 Study Corridor		Delineated Wetland
	Transition		Temporary Easement		Alignment Centerline		Delineated Water Feature
	Fill		Historic Boundary		EOT/ Shoulder		Blue Ridge Parkway
							Parcel Boundary

Data Sources: HPOWEB, NCDOT, NC OneMap, Henderson Co., Buncombe Co., HNTB, NCDOT Aerial March 2014



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

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

October 4, 2016

Lori Beckwith
US Army Corps of Engineers
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

Loretta.a.beckwith@usace.army.mil

Re: Widening and Improvement of I-26, I-4400 and I-4700, Henderson and Buncombe Counties,
ER 01-8333

Dear Ms. Beckwith:

We are in receipt of the Public Notice for the proposed Department of the Army (DA) permit SAW-2013-01883 for the above-referenced undertaking, which the North Carolina Department of Transportation proposes to construct with funding from the Federal Highway Administration. Having been a party to the extensive planning process and reviewed the Draft Environmental Impact Statement for the undertaking, we note that there are several historic properties that are within the project's area of potential effects. These properties are shown in the public notice in Table 2 along with the measures that NCDOT proposes to implement to avoid adversely affecting them. Further, a Memorandum of Agreement is being developed to mitigate the adverse effect that the undertaking will have on the National Register-eligible Blue Ridge Parkway bridge, which crosses I-26.

1 We recommend that any DA permit issued for the undertaking include conditions to ensure that the historic properties are not adversely affected and that the terms of the MOA are implemented.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,



Ramona M. Bartos

cc: Mary Pope Furr, NCDOT, mfurr@ncdot.gov
John McDade, NPS/BRP, john_mcdade@nps.gov

From: [Beckwith, Loretta A SAW](#)
To: [Jennifer Harris; Williams, John L \(jlwilliams@ncdot.gov\)](#)
Subject: FW: SAW-2013-01883
Date: Friday, November 04, 2016 10:50:39 AM

FYI.

As I noted, I'll get the letter to you by COB today.

Thanks,

Lori

-----Original Message-----

From: karen pritchett [<mailto:kpritchett@ukb-nsn.gov>]
Sent: Thursday, November 03, 2016 2:15 PM
To: Beckwith, Loretta A SAW <Loretta.A.Beckwith@usace.army.mil>
Cc: Bartos, Ramona <Ramona.Bartos@ncdcr.gov>; Eric Oosahwee-Voss <eoosahwee-voss@ukb-nsn.gov>; karen pritchett <kpritchett@ukb-nsn.gov>
Subject: [EXTERNAL] SAW-2013-01883

Dear Loretta,

On behalf of Tribal Historic Preservation Officer (THPO) Eric Oosahwee-Voss, please accept this digital communication regarding the North Carolina Department of Transportation potential future requirement for Department of the Army authorization to discharge dredged or fill material into waters of the United States associated with the proposed widening and improvement of 22.2 miles of Interstate 26 (I-26) in Henderson and Buncombe Counties, North Carolina (SAW-2013-01883).

1 Please be advised that the proposed undertaking lies within the traditional territory of the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB). This opinion is being provided by UKB THPO, pursuant to authority vested by the UKB Corporate Board and under resolution 16-UKB-34. The United Keetoowah Band is a Federally Recognized Indian Nation headquartered in Tahlequah, OK.

Information on Native American use in the project vicinity shows that prehistoric, ethnographic, historic, and traditional sites of value to the UKB surround the project area. We recommend that a cultural resources inventory be completed prior to project implementation.

Thank you for consulting with the UKB. Please note that these comments are based on information available to us at the time of the project review. We reserve the right to revise our comments as information becomes available. If you have any questions or concerns, please contact me at (918) 458-6715 or kpritchett@unitedkeetoowahband.org or THPO Eric Oosahwee-Voss at (918) 458-6717 or eoosahwee-voss@unitedkeetoowahband.org.

UKB# U16-860
16.0887

Thank you,
Karen Pritchett
THPO Assistant
Tribal Historic Preservation Office
United Keetoowah Band of Cherokee Indians in Oklahoma
P. O. Box 1245
Tahlequah, OK 74465
918-458-6715

-----Original Message-----

From: Wallace, Nancy SAW [<mailto:Nancy.Wallace@usace.army.mil>]

Sent: Thursday, September 22, 2016 9:34 AM

Subject: US Army Corps of Engineers Wilmington District Public Notice

You are hereby notified that the Wilmington District, United States Army 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 [Blockedhttp://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx](http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx)

The current notice involves:

Corps Action ID#: SAW-2013-01883

Issue Date: September 22, 2016

Applicant: NC Department of Transportation

Expiration Date: October 21, 2016

Point of Contact: Ms. Lori Beckwith (828) 271-7980 extension 224

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 proposed widening and improvement of 22.2 miles of Interstate 26 (I-26) in Henderson and Buncombe Counties, North Carolina, State Transportation Improvement Program (STIP) Nos. I-4400 and I-4700.

State of North Carolina
 Department of Environment and Natural Resources
 INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Reviewing Office: Asheville

Project Number 17-0106 Due Date: 9/16/2016
 County Buncombe/Henderson

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
	<input type="checkbox"/> Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
	<input type="checkbox"/> NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
	<input type="checkbox"/> Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
	<input type="checkbox"/> Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
1	<input checked="" type="checkbox"/> Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
	<input type="checkbox"/> Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
	<input type="checkbox"/> Permit to construct & operate Transportation Facility as per 15A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
2	<input checked="" type="checkbox"/> Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900		
3	<input checked="" type="checkbox"/> Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.	N/A	60 days (90 days)
	<input type="checkbox"/> Complex Source Permit required under 15 A NCAC 2D.0800		
	<input type="checkbox"/> The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
4	<input checked="" type="checkbox"/> Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
	<input type="checkbox"/> Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
	<input type="checkbox"/> North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
	<input type="checkbox"/> Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
	<input type="checkbox"/> Oil Refining Facilities	N/A	90-120 days (N/A)
5	<input checked="" type="checkbox"/> Dam Safety Permit	If permit required: application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

County <u>Buncombe/Henderson</u>		Project Number: <u>17-0106</u>	Due Date: <u>9/16/2016</u>	Normal Process Time (statutory time limit)
PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS		
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.		10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.		10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.		15-20 days N/A
6	<input checked="" type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
	<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
	<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
	<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
	<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
7	<input checked="" type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
	<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
	<input type="checkbox"/>	Catawba, Jordan Lake, Randalman, Tar Pamlico or Neuse Riparian Buffer Rules required.		
8	<input checked="" type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
9	<input checked="" type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days

Other comments (attach additional pages as necessary, being certain to cite comment authority)

Division	Initials	No comment	Comments	Date Review	
10	DAQ	BGD	<input type="checkbox"/>	As indicated above, open burning for land clearing must comply with 2D .1900; and demolition or renovation of structures must comply with asbestos requirements. There is a local air quality program that has jurisdiction for Buncombe County - WNCRAQA at 828-250-6777	9/9/16
11	DWR-WQROS (Aquifer & Surface)	BL	<input type="checkbox"/>	You may need a dredge/fill permit or 401/404 permit if any portion of the project crosses jurisdictional streams.	9/12/16 9/12/16
12	DWR-PWS	JWH	<input type="checkbox"/>	The area of evaluation is within a water supply watershed. If the evaluation results in projects within the above referenced watershed, necessary precautions should be taken during construction to prevent leakage and spills of fluids from construction equipment. We concur with the issuance of the necessary permits for construction provided the sites are developed and maintained in accordance with the necessary permits, and that associated activities do not contravene the designated water quality standards. All necessary precautions shall be taken during construction to avoid damage to, or disturbance of, existing water infrastructure. Any improvements or modifications to existing water infrastructure require plan review and approval by the NC Public Supply Section. There are also several public water supply wells within the evaluation area. Henderson County: Thompson Mechanical, Fairfield Apartments, DOT I-26 Weigh Station, Champion Golf Learning Cener, Hyder's Kountry Kubboard.	9/1/16
13	DEMILR (LQ & SW)	SEA	<input type="checkbox"/>	For any protions of the project which would encroach into trout buffers, a	9/16/16

			waiver will be required. Furthermore the study area encompasses at least two impoundments for which any modifications would require a permit from NC DEQ, DEMLR Dam Safety section.	
DWM - UST	JCA	<input type="checkbox"/>	Checked Orphan UST box above, in addition any petroleum spills must be contained and the area of impact must be properly restored. Petroleum spills of significant quantity must be reported to the ARO UST Section. Petroleum contaminated soils must be handled in accordance with all applicable regulations.	9/7/16

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

Asheville Regional Office
 2090 US Highway 70
 Swannanoa, NC 28778
 (828) 296-4500

Mooresville Regional Office
 610 East Center Avenue, Suite 301
 Mooresville, NC 28115
 (704) 663-1699

Wilmington Regional Office
 127 Cardinal Drive Extension
 Wilmington, NC 28405
 (910) 796-7215

Fayetteville Regional Office
 225 North Green Street, Suite 714
 Fayetteville, NC 28301-5043
 (910) 433-3300

Raleigh Regional Office
 3800 Barrett Drive, Suite 101
 Raleigh, NC 27609
 (919) 791-4200

Winston-Salem Regional Office
 450 West Hanes Mill Road, Suite 300
 Winston-Salem, NC 27105
 (336) 771-9800

Washington Regional Office
 943 Washington Square Mall
 Washington, NC 27889
 (252) 946-6481



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801
October 5, 2016

Mr. John Williams, P.E.
Project Development & Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Williams:

Subject: Response to **ER 16/0489** - Comments on the Draft Environmental Impact Statement for the Widening of I-26, Buncombe and Henderson Counties, North Carolina, TIP Nos. I-4400/4700

We have reviewed the subject Draft Environmental Impact Statement (DEIS) and are providing the following comments in accordance with the National Environmental Policy Act (42 U.S.C. §4321 et seq.) and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The North Carolina Department of Transportation (NCDOT) proposes to improve a 22.2-mile segment of the existing I-26 from US 25 near Hendersonville to the I-40/240 interchange near Asheville. The NCDOT is seeking comments on three action alternatives: Alternative 1, Widen to Six Lanes; Alternative 2, Widen to Eight Lanes; and the Preferred Alternative, Hybrid 6/8-Lane Widening. The preferred alternative provides for a six-lane section from the southern terminus of the project to the US 25/Asheville Highway Interchange and an eight-lane section for the remainder of the project north, terminating at the interchange of I-40/240. All alternatives include replacing the existing French Broad River (French Broad) and the Blue Ridge Parkway (Parkway) Bridges over I-26.

FEDERALLY LISTED SPECIES

Gray Bat - At this time, our comments are focused primarily on federally listed species, in particular, the federally endangered gray bat (*Myotis grisescens*). Table 11, on page 3-25, provides a list of federally protected species for Buncombe and Henderson Counties. Based on new information, we do not agree with a “no effect” determination for the gray bat. In August of 2016, gray bats were discovered roosting in a bridge over the French Broad in Buncombe

County, very near the subject project study area. In addition, two bats outfitted with radio tags were tracked during their nightly foraging to areas across and within the study area of the project.

Gray bats roost, breed, rear young, and hibernate in caves or cavelike features (e.g., mines, bridges, culverts) year-round and forage on a variety of flying aquatic and terrestrial insects present along streams, rivers, and lakes. They migrate between summer and winter habitat and will use transient or stopover caves or cavelike features along the way. We expect the gray bats in this area will soon be migrating to their winter habitat, likely in November, and will return to this area sometime around April 1.

Bog Turtle – Table 11, on page 3-25, lists the bog turtle (*Glyptemys muhlenbergii*) as not requiring a biological conclusion. While this is technically correct, we recommend protecting known occupied bog turtle habitat in the project area. Currently, the Biltmore Bog is one of two remaining occupied bog turtle sites in Buncombe County. The Biltmore Bog, shown on Figure 6 G, is located between the French Broad and existing I-26 and is labeled a delineated wetland on this figure. Bog turtles are not currently subject to section 7 consultation; however, their numbers continue to decline, and we recommend every effort be made to avoid impacting the Biltmore Bog and its bog turtle population.

2

ACTION ALTERNATIVES

Construction activities to replace the bridge over the French Broad and widen I-26 between the French Broad and the Parkway may result in impacts to gray bats. From north of the French Broad south to the Parkway crossing, the I-26 corridor is remarkable in the amount of tree canopy closure over the interstate, including a large forested median. This forested habitat provides a sound and light barrier from interstate traffic, a water-quality buffer for the tributaries in the area that drain to the French Broad, and terrestrial connectivity over the interstate for bats that may cross on the upland rather than flying directly over the river.

- 1 [Based on the information provided in the DEIS, all of the action alternatives have the potential to adversely affect summer roosting and foraging gray bats. Construction activities and future bridge and highway design and operation can affect bats in a variety of ways. During bridge construction, increases in noise above ambient levels or the use of artificial lighting could cause bats to avoid important travel corridors. If bats are crossing the highway rather than traveling along the river, tree removal to widen the roadway increases the distance bats have to cross without cover and may cause them to avoid important foraging areas south of the French Broad.
- 1 [If bats are currently roosting in the bridge over the French Broad, the replacement bridge should also provide roost areas for bats.

Decreases in water quality from construction activities can impact gray bats by decreasing the abundance of aquatic insects that provide a primary food source. To maintain water quality in the future, the project should minimize the addition of impervious surface area and retain forested buffers along all waterways in order to minimize sedimentation to streams. In addition, post-construction stormwater detention and treatment should be provided in the area near the French Broad.

1

1 At this time, we recommend looking specifically at the corridor from the crossing of the French Broad to south of the Parkway to determine if there are other options that would minimize the footprint of the roadway and maintain or improve habitat for gray bats. Regardless of the alternative chosen, we anticipate that this project will require further consultation as plans are refined and the project moves forward.

In addition to gray bats, acoustic surveys on the Parkway recorded calls consistent with those of the federally endangered Indiana bat (*Myotis sodalis*). While this information is preliminary, it further emphasizes the need for comprehensive bat surveys in the project area. Beginning in the spring of 2017, we recommend that surveys be conducted to gather more information regarding the types and extent of structures bats may be using for roosts and the travel routes and concentrations of bats that are foraging in and around the study area. This information will help determine ways to further minimize impacts from project construction and ongoing operations.

We will continue to participate in the merger process as project planning progresses. If you have questions about these comments, please contact Ms. Marella Buncick of our staff at 828-258-3939, Ext. 237, or me, Ext. 223.

Sincerely,



Janet A. Mizzi
Field Supervisor

Electronic copy to:

Ms. Lori Beckwith, U.S. Army Corps of Engineers
Ms. Marla Chambers, North Carolina Wildlife Resources Commission
Ms. Amy Chapman, North Carolina Division of Water Quality
Ms. Cynthia Van Der Wiele, U.S. Environmental Protection Agency
Ms. Bambi Teague, Blue Ridge Parkway
Ms. Renee Gledhill-Earley, North Carolina State Historic Preservation Office



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

October 4, 2016

(Sent via Electronic Mail)

Colonel Kevin P. Landers Sr., Commander
U.S. Army Corps of Engineers Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed the projects described in the public notice(s) listed below.

1

Based on the information in the public notice(s), the proposed project(s) would **NOT** occur in the vicinity of essential fish habitat (EFH) designated by the South Atlantic Fishery Management Council or NMFS. Present staffing levels preclude further analysis of the proposed activities and no further action is planned. This position is neither supportive of nor in opposition to authorization of the proposed work.

<u>NOTICE NO.</u>	<u>APPLICANT</u>	<u>NOTICE DATE</u>	<u>DUE DATE</u>
2013-01883	NC DOT	September 22, 2016	October 21, 2016

Please note these comments do not satisfy your consultation responsibilities under section 7 of the Endangered Species Act of 1973, as amended. If the activity "may effect" listed species or critical habitat that are under the purview of NMFS, consultation should be initiated with our Protected Resources Division at the letterhead address.

Sincerely,

Pace Wilber (for)

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division





**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006**

November 7, 2016

Regulatory Division

Action ID No. SAW-2013-01883, STIP Nos. I-4400 and I-4700

North Carolina Department of Transportation
Project Development and Environmental Analysis Branch
Philip S. Harris III, P.E., C.P.M., Natural Environment Section Head
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Mr. Harris:

I refer to the application submitted by the North Carolina Department of Transportation (NCDOT), pursuant to the NEPA/404 Merger Process, concerning alternatives under consideration for the proposed widening and improvement of 22.2 miles of Interstate 26 (I-26) in Henderson and Buncombe Counties, North Carolina, State Transportation Improvement Program (STIP) Nos. I-4400 and I-4700. As you are aware, implementation of the build alternatives examined in your application and in the Federal Highway Administration's (FHWA) Draft Environmental Impact Statement (DEIS) would require Department of the Army (DA) authorization to discharge dredged or fill material into waters of the U.S.

In response to the Merger public notice issued by this office on September 22, 2016, we received written comments from the United Keetoowah Band of Cherokee Indians in Oklahoma, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the North Carolina Historic Preservation Office, the Southern Environmental Law Center (SELC), the Biltmore Company/Biltmore Estate (NHP)/West Range LLC, and area residents. All written comments received by this office are attached to this letter.

While we understand that this Merger application is not NCDOT's request for authorization to impact waters of the U.S. (i.e., final application), we are providing comments in an effort to make you aware of the outstanding informational needs known at this time. Please note that if the proposed project or other factors change, our informational needs may change.

We have reviewed the DEIS and determined that it contains much of the information needed for our review and evaluation of NCDOT's future request to impact waters of the U.S.; this includes our review under the 404(b)(1) Guidelines of the Clean Water Act (40 Code of Federal Regulations (CFR) Part 230) and the Public Interest Review (33 CFR 320.4). The outstanding information identified at this time concerns (1) NCDOT's responses to the comments submitted by the groups and agencies identified in the second paragraph of this letter, and (2) information concerning the effects of the proposed project, both during and after construction, on users

(individuals and businesses) of the French Broad River and its tributaries; this information will allow us to evaluate the effects of the proposed project on the public interest review factors of safety, recreation, and navigation. Please describe any measures that NCDOT would use to avoid, minimize, and/or mitigate for these project-related effects, such as posting notices or warnings for river users, public notice efforts for river users, temporary portage options during construction for river users, etc.

1

We request that you provide responses to the public comments attached to this letter at your earliest opportunity, or in the information packet for the Concurrence Point (CP) 3 meeting. We also request that you submit NCDOT's proposed measures concerning avoidance, minimization, and/or mitigation for river users prior to the CP4A meeting.

You may contact me at (828) 271-7980, extension 223, if you have any questions.

Sincerely,

Lori Beckwith
Project Manager
Asheville Regulatory Field Office

Enclosures

Copies furnished w/enclosures by email:

USFWS, Attn: Ms. Marella Buncick
USEPA, Attn: Dr. Cynthia Van Der Wiele
NCDWR, Attn: Mr. Kevin Barnett
NCWRC, Attn: Ms. Marla Chambers
NCHPO, Attn: Ms. Renee Gledhill-Early
NCDOT, Attn: Mr. John Williams
HNTB North Carolina, P.C., Attn: Ms. Jennifer Harris

From: [Molling, Suzette](#)
To: [Jennifer Harris](#)
Cc: [Michael Molling](#); [Larry Hultquist](#); [John McDade](#); [Anita Barnett](#)
Subject: Mitigation for Parkway Bridge over I-26 (PIN 16296)
Date: Thursday, September 22, 2016 7:27:14 AM

Hi Jennifer,

I just wanted to give you a heads-up that NPS and FWS biologists found an Indiana bat during a survey on the night of 9/19/16. The below mitigation needs to be added to the project:

To avoid adverse impacts to Indiana Bats, emergent and/or acoustic surveys shall be conducted prior to removal of trees if the work would be conducted between April 15 and August 15; no significant tree removal within 5 miles of known hibernacula between April 1 and November 15.

I also added a comment regarding this in the BLRI review of the DEIS, which will be reflected in the overall NPS comments that will be sent. Please let me know if you have questions. Thanks,

Suzette Molling
Environmental Protection Specialist
Blue Ridge Parkway
828.348.3432





North Carolina Department of Natural and Cultural Resources

Pat McCrory
Governor

Susan Kluttz
Secretary

September 16, 2016

Crystal Best
State Clearinghouse Coordinator
North Carolina Department of Administration

Subject: State Clearinghouse Project # 17-0106, Henderson and Buncombe Counties

Dear Ms. Best,

The North Carolina Division of Parks and Recreation (DPR) has reviewed the project area using available Geographic Information System (GIS) data of the proposed widening of I-26 from U.S. 25 near Hendersonville to I-40 south of Asheville in Henderson and Buncombe counties. The proposed project would potentially have impacts on recreational features that this division manages.

1 The French Broad River in this region is designated as a State Paddle Trail. The trail features several campsites and stops that allow paddlers to get in and out of the river. A potential impact of this project would be to the Long Shoals Campsite located at river mile 56.75 (35.477131, -82.555557). This campsite is managed by RiverLink. Any potential impacts to this site would need to be discussed with the State Trails Program or RiverLink and possibly mitigated.

Additionally, the widening project will affect the Mountains-to-Sea Trail (MST), specifically the bridge replacement on the Blue Ridge Parkway as noted in Figure 5 of the Draft EIS. The division requests that the replacement of the bridge for the Blue Ridge Parkway include pedestrian accommodation, specifically a barrier rail to protect hikers and a minimum 8' sidewalk. If there are any additional impacts to the MST east or west of this location DPR asks that DOT coordinate the State Trails program to identify and mitigate these impacts. 2

Ms. Smith Raynor with DPR's State Trails Program can be reached at (919) 707-9305 if there are additional questions or concerns. DPR appreciates the opportunity to comment on this proposed project.

Sincerely,

Justin Williamson
Environmental Review Coordinator
Division of Parks and Recreation
NC Department of Environment and Natural Resources
(919) 707-9329 / Justin.williamson@ncparks.gov



North Carolina Department of Natural and Cultural Resources

Pat McCrory
Governor

Susan Klutz
Secretary

September 29, 2016

John Williams, P.E.
Project Development Engineer
NCDOT-Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, NC 27699-1548

Subject: Bridge Replacement on Blue Ridge Parkway over I-26

Dear Mr. Williams,

The North Carolina Division of Parks and Recreation reviewed the State Clearinghouse Project #17-0106 and recommended pedestrian accommodations on the bridge replacement on the Blue Ridge Parkway over I-26. After reviewing the accommodations proposed by the National Park Service and the State Historic Preservation Office, we agree to the 5' pedestrian walkway on one side of the bridge with no barrier rail.

1

Thank you for considering the needs of pedestrians and hikers as you design this project. We appreciate your consideration of our concerns. Please let me know if you have any additional questions.

Sincerely,

Smith Raynor
State Trails Planner
Division of Parks and Recreation
North Carolina Department of Natural and Cultural Resources
(919) 707-9305/smith.raynor@ncparks.gov

Michael A. Murphy, Director
NC Division of Parks and Recreation
1615 Mail Service Center, Raleigh, NC 27699-1615
919-707-9300 / ncparks.gov

NORTH CAROLINA STATE PARKS
Naturally Wonderful



PO BOX 10431
RALEIGH, NC 27605

919-698-9024
WWW.NCMST.ORG

November 7, 2016

Ms. Anamika Laad
NC Department of Transportation
1598 Mail Center
Raleigh, NC 27699-1598

Re: Federal Aid Project No. NHF-26-1(62)23/IMNHF-026-1(86)9
WBS No. 34232.1.1/36030.1.1
STIP Project No. I-4400/I-4700

Dear Ms. Laad;

This letter provides comments from Friends of the Mountains-to-Sea Trail (Friends) with respect to the proposed widening of I-26 in the Asheville, North Carolina area, and especially with regard to the crossing of the Blue Ridge Parkway (BRP) and the Mountains-to-Sea Trail (MST) over I-26. We understand from our reading of the documents that construction is anticipated to begin in fiscal year 2020.

We want to first express our appreciation for the thorough consideration by NCDOT and the National Park Service (NPS) of the effect of the construction and rerouting related to the proposed new bridge on the MST. It appears from the documents that our thanks are also due to NC State Parks for its input on the efforts to protect the MST and minimize any effects on the trail.

From our reading of the documents, it appears that many of our potential issues with the construction and the new bridge have been favorably addressed. Under the options still being considered, both the MST and the BRP traffic will face no significant detours during construction. While it is not completely clear how the passage of hikers will be handled during construction, it is clear that there will be no significant interruption in the progress of any hiker and that NPS will provide detour signage for hikers as well as automobiles to avoid active construction areas. Trail closures will be avoided to the extent feasible (we would request that, if any closures become necessary, Friends be notified as far in advance as possible so we can alert hikers through our web site or by other means). After completion, it appears that traffic sight lines for hikers will be improved.

2 [Your plans include a 5 foot wide raised sidewalk next to the traffic lanes for use by MST hikers. This space and the raised curbing is beneficial. Standard practice is that there should be a railing or other barrier separating pedestrian traffic from the automobile lane for safety purposes. We request that such barriers be included in the plans.

3 [Your plans appear not to address specifics with regard to the hiking spaces on the BRP approaches to the new bridge. We would hope that the shoulders of the BRP would be wide

3 enough so that hikers can proceed safely. In addition, good safety practices would call for railings or other barriers between the shoulders to be used by hikers and the automobile lanes.

4 The MST will cross the BRP at some point along the newly constructed bridge and approaches. It appears that this would be on the south or west side of the bridge (south if you use the BRP practice of always assuming the Parkway goes north and south). We did not find any specific discussion of the crossing in your plans. The safety and other considerations of the crossing should be dealt with by the NPS.

5 Although it was not clear, the plans seem to indicate that the distance that the MST hikers must travel on the roadway is increased from 0.1 to 0.2 mile. It is not clear from the maps and diagrams that the distance needs to be this great on the northern approach to the bridge. We would ask you to examine the site to make sure that hikers spend as little time on the Parkway shoulder as possible.

6 It is not clear how the construction work to reroute the trail will be handled. If the volunteer work crews of the Carolina Mountain Club, which handles general construction and maintenance on the trail in this area, are expected to participate, there should be coordination and consultation with them all during the process.

We again emphasize our appreciation for your consideration of the MST and its hikers. Our comments are aimed at improving the experience of the hikers without undue cost.

Please contact me if there are any questions or comments that you have.

Sincerely,



Kate Dixon
Executive Director

CC: Scott Crocker, NC Division of Parks and Recreation
Barbara Morgan, Carolina Mountain Club



November 7, 2016

Carolina Mountain Club
P O Box 68
Asheville, NC 28802

Ms. Anamika Laad
NC Department of Transportation
1598 Mail Center
Raleigh, NC 27699-1598

Re: Federal Aid Project No. NHF-26-1(62)23/IMNHF-026-1(86)9
WBS No. 34232.1.1/36030.1.1
STIP Project No. I-4400/I-4700

Dear Ms. Laad;

This letter provides comments from Carolina Mountain Club (CMC) with respect to the proposed widening of I-26 in the Asheville, North Carolina area, and especially regarding the crossing of the Blue Ridge Parkway (BRP) and the Mountains-to-Sea Trail (MST) over I-26. We understand from our reading of the documents that construction is anticipated to begin in fiscal year 2020.

Thank you for considering CMC in planning for this new bridge. CMC maintains that part of the MST and includes it on some of our scheduled hikes. We want to ensure that the new bridge provides for a safe crossing of our hikers as well as the many private individuals who hike this frequently used section of the trail. When time comes for the trail to be re-routed to accommodate the new bridge, CMC will provide the trail maintenance crew(s) to do the actual work since we handle the construction and maintenance of the trail in this area.

2 Your plans include a 5 foot wide raised sidewalk next to the traffic lanes for use by MST hikers. This space and the raised curbing is beneficial. Standard practice is that there should be a railing or other barrier separating pedestrian traffic from the automobile lane for safety purposes. We request that such barriers be included in the plans.

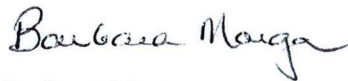
3 In addition, assuming the walkway is raised, the outer guardrail needs to also be higher than the one in place on the current bridge so that a hiker is adequately protected from a possible fall if a vehicle swerves that way.

4 Although it was not clear, the plans seem to indicate that the distance that the MST hikers must travel on the roadway is increased from 0.1 to 0.2 mile. It is not clear from the maps and diagrams that the distance needs to be this great on the northern approach to the bridge. We would ask you to examine the site to make sure that hikers spend as little time on the Parkway shoulder as possible.

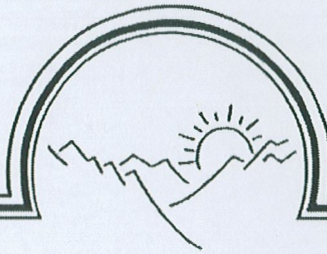
We again emphasize our appreciation for your consideration of the MST, its hikers, and for minimizing any effects on the trail. Our comments are aimed at improving the experience of the hikers without undue cost.

Please contact me if there are any questions or comments that you have.

Sincerely,



Barbara Morgan
CMC President



David A. Brigman, Director

Serving Buncombe County and the City of Asheville

October 17, 2016

John Williams, PE
Project Development & Environmental Analysis
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: Federal Draft Environmental Impact Statement for STIP Project Nos. I-4400/I-4700
I-26 Widening, Henderson and Buncombe Counties, NC

Dear Mr. Williams:

The Western North Carolina Regional Air Quality Agency (WNCRAQA) has reviewed the air quality sections of the I-26 Widening Project in Henderson and Buncombe Counties Draft Environmental Impact Statement (DEIS), which we received on August 25th. In Buncombe County, air quality is regulated by the WNCRAQA, one of three local agencies having county-level jurisdiction. Our comments, which reference the numbering scheme and section headings used in the DEIS, are as follows.

3.10 Air Quality (p. 3-35 and 3-36)

1 WNCRAQA operates the Buncombe County monitoring stations that are used to determine conformance with the National Ambient Air Quality Standards, referenced on page 3-36. The DEIS states that the project area is located in an attainment area and as such, 40 CFR Parts 51 and 93 are not applicable. WNCRAQA concurs with that statement. The DEIS also states that the project is not anticipated to create any adverse effects on the air quality in this attainment area.

Air Quality Technical Report, NCDOT, December 2014

This report was referenced in the DEIS. Our comments, which reference the numbering scheme and section headings used in the Report, are as follows.

2.0 Air Quality Analysis (p. 1-2)

Table 1 (p. 2) could be updated to include the newly revised 8-hour ozone standard (0.070 ppm), which was effective December 28, 2015.

Section 9.0 Construction Air Quality (p. 12)

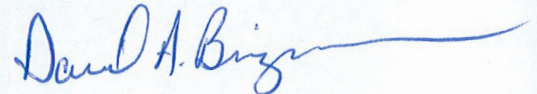
2 With regards to open burning, a statement was made that any burning would be done in accordance with all local laws and ordinances and regulations of the North Carolina SIP for air quality in compliance with 15 NCAC 2D. 0520. 15 NCAC 2D. 0520 has been repealed. The current open burning regulations pertaining to land clearing operations (applicable in Henderson County) are now located at 15 NCAC 2D. 1903. For Buncombe County, which is under the jurisdiction of the WNCRAQA, open burning regulations are located in Chapter 4 .1903 of the WNCRAQA Code.

3 Potential asbestos impacts during construction are not discussed. The demolition or relocation of any buildings or other structures in Buncombe County would require a WNCRAQA asbestos inspection and permit.

4 Regarding dust emissions from the construction process, it is noted that measures will be taken to reduce dust when necessary for the protection of motorists and area residents. Dust should be minimized by wet suppression or equivalent. Assuming that these precautions are taken, no adverse contributions to community pollution levels from these type projects are expected.

If you have any questions concerning this matter, please contact Ashley Featherstone at (828) 250-6778 or ashley.feathestone@buncombecounty.org.

Sincerely,



David A. Brigman
Director



PAT MCCRORY
Executive Director

DONALD R. VAN DER VAART
Assistant Director

MICHAEL SCOTT
Assistant Director

Date: September 6, 2016

To: Michael Scott, Director
Division of Waste Management

Through: Dave Lown, Head
Federal Remediation Branch

From: Harry Zinn, Federal Remediation Branch

Subject: NEPA Project #17-0106, I-26 Widening, Buncombe and Henderson Counties, North Carolina

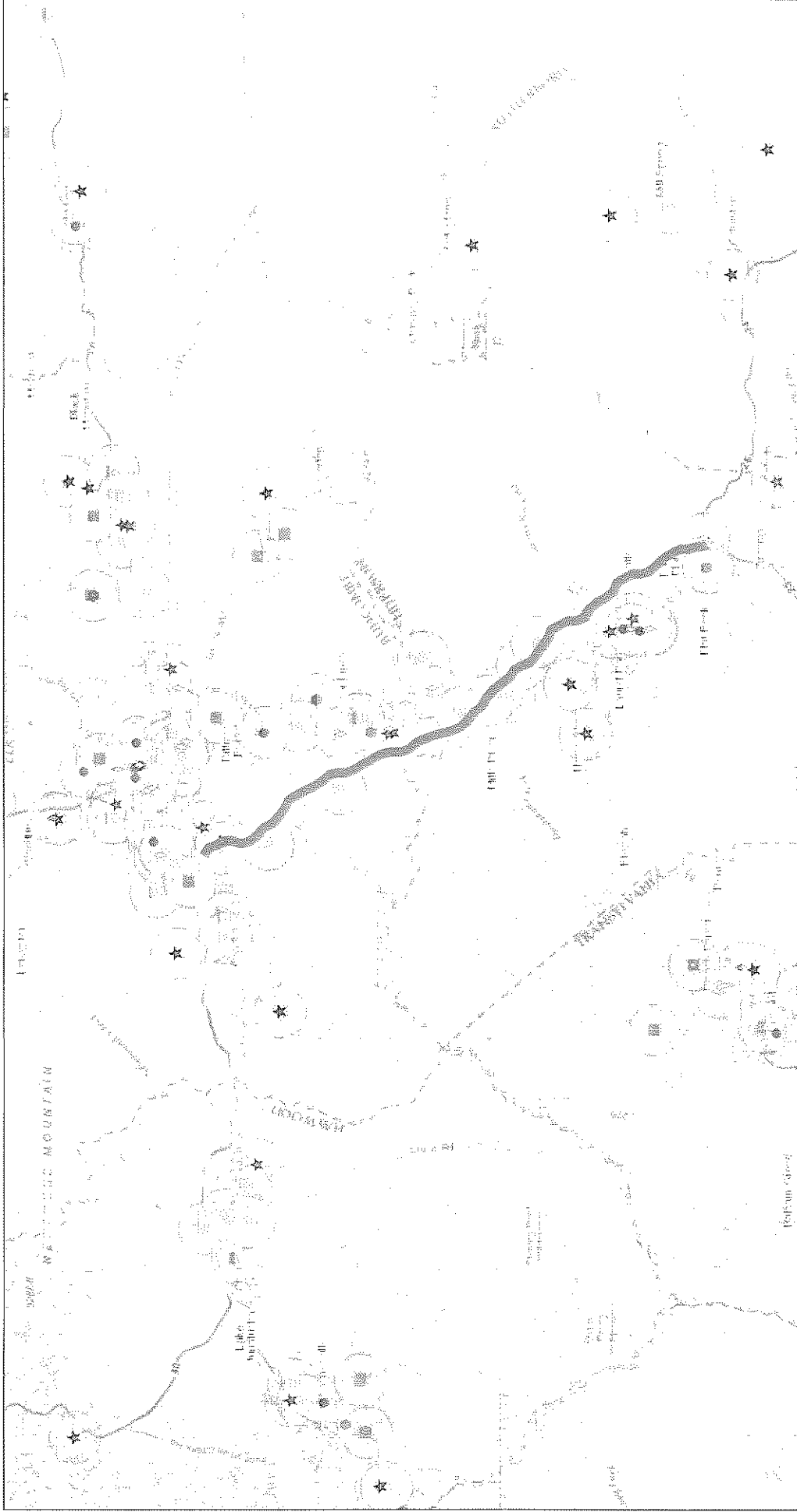
1

The above-mentioned project covers a 22.2 mile stretch of I-26 running from US 25 near Hendersonville in Henderson County to I-40/I-240 south of Asheville in Buncombe County. Numerous sites have been identified along the proposed path of this project. For individual construction projects with specific addresses, nearby regulated sites may be viewed via maps found at <https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/waste-management-gis-maps>. Information included on these various maps are Site Name and/or Site ID.

2

If regulated sites are present in the area of a specific address or construction project, additional information for the sites can be accessed by following the "Access Online Files" link on the Superfund Section website: <https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/e-documents>. The sites may be searched by Site ID or Site Name. If you have any questions, please contact me at (919) 707-8373 or via email at harry.zinn@ncdenr.gov.

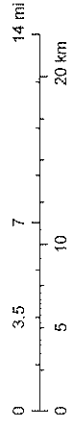
Superfund Section SEPA Review #17-0106



September 6, 2016

- Brownfields Sites
- Federal Remediation Branch Sites
- ☆ Pre-Regulatory Landfill Sites
- Dry-Cleaning Solvent Cleanup Act Sites
- Inactive Hazardous Sites
- One Mile Buffer

1:288,895



Sources: Esri, HERE, DeLorme, Intermap, Incormap, P. Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kartusier, NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, © OpenStreetMap contributors, and the GIS User Community

City of Asheville, State of North Carolina DOT, Esri, HERE, DeLorme, Intermap, USGS, NGA, EPA, USDA, NPS | Web AppBuilder for ArcGIS



PAT MCCRORY

DONALD R. VAN DER VAART

MICHAEL SCOTT

DATE: September 16, 2016

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Deb Aja, Western District Supervisor - Solid Waste Section

RE: NEPA Review Project #17-0106 Buncombe and Henderson Counties, N.C.
NCDOT Project to widen I 26

The Solid Waste Section has reviewed the Draft Environmental Impact Statement for the NCDOT project to widen I 26 from US 25 near Hendersonville to I 40/I 240 south of Asheville, located in Buncombe and Henderson Counties, North Carolina. The review has been completed and has seen no adverse impact on the surrounding community and likewise knows of no situations in the community which would affect this project from a solid waste perspective.

During construction, every feasible effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by this project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility approved to manage the respective waste type. The Section strongly recommends that any contractors are required to provide proof of proper disposal for all waste generated as part of the project. A list of permitted solid waste management facilities are available on the Solid Waste Section portal site at:

<http://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/solid-waste-management-annual-reports/solid-waste-permitted-facility-list>

Please contact Deb Aja, Western District Supervisor, Solid Waste Section, for any questions regarding solid waste management at (828)-296-4702 or by email at deborah.aja@ncdenr.gov

Cc: Jason Watkins, Field Operations Branch Head
Lee Hill, Environmental Senior Specialist
Kris Riddle, Environmental Senior Specialist
Sarah Rice, Compliance Officer

From: Parkslands@aol.com [<mailto:Parkslands@aol.com>]

Sent: Monday, November 14, 2016 10:43 PM

To: Laad, Anamika

Subject: I-26 Widening Comment

The stated need for the Project “to improve existing and projected roadway capacity deficiencies” is widely recognized and experienced by residents of this corridor and those who traverse this corridor for business, work or other essential purposes.

Slowdowns and stoppages occur weekly, and indeed, often daily, along segments of the existing I-26 Corridor in Buncombe and Henderson County, so that this highway does not efficiently function as a thoroughfare.

“The purpose of the project is to reduce congestion” which is a worthy goal as the existing congestion and expected future congestion present a range of direct and residual impacts on adjacent individual properties, communities, intersecting roadways, interchanges and parallel routes (US 25 Asheville/Hendersonville Highway experiences similar slowdowns and stoppages corresponding to the blockages on I-26).

Serious health and safety issues occur with increasing frequency. The congestion gives rise to concentrations in air pollution along the corridor. On the logistical plane, congestion all too often impedes and blocks access for emergency vehicles, creating severe life-threatening crises.

Some of the past opposition to any widening stemmed from concern over environmental impacts from increased traffic, although it is clear that the **existing** roadway capacity deficiencies are creating the very same adverse impacts that any widening would be expected to generate.

This Project now appears at a time when there is wide consensus that an immediate critical need exists.

- 1 However, the Plan in its present form includes several situations that will **create** and **increase** long term roadway capacity deficiencies and increase congestion, primarily at interchanges and lane reduction zones.
- 2 Not adequately addressed in his plan are the impacts and dysfunctionality of the corridor during the period of construction. At the present time, even minor roadwork projects create severe impacts.

This welcome NEPA process has been instituted in response to “a lawsuit (that) required NCDOT to conduct a broader analysis, both in terms of the proposed length of the project and other projects in the area (that) could impact development and area resources.”

At this point, the analysis in this DEIS thus far is inadequate with major issues and specific interactions unaddressed.

At the Open House (Oct 13), one of the Raleigh representatives explained that the I-26 section south of the Mountain Home intersection is unfunded, and the presentation of this segment is preliminary. However, the reality is that this is the NEPA process and opportunity for review of that segment, and this may be the only time for citizens, local communities, experts and municipalities to raise issues and comment on some very critical situations and aspects of the plan. Unfortunately, given the lack of awareness and in some cases some hostility from some of the Raleigh representatives to consideration of the critical issues as demonstrated at the Open House, there is not much confidence that these important issues will be considered outside of a full NEPA consideration.

This DEIS is not yet the “broader analysis” promised, and it is deficient in major aspects.

As it is in this unfunded section where lack of specifics is most evident, and will impact those of us in Henderson County, much of this comment attempts to bring serious attention to this situation.

One would hope that some primary consultations would occur with the local DOT representatives who are well aware of the issues with existing and potential highways situations in the area that require attention and they have been working diligently to assess and address complex situations on the local level.

The blatant disconnect evident at the Open House between the grandiose impositions and ground level realities was alarming and discouraging and needs to be ameliorated if any process is to continue effectively.

There are at least 2 Zones where there are many interconnecting impacts that involve a full range of issues usually addressed in an EIS. These involve the proposed plans for these Zones that will be even more heavily impacted when the action of construction occurs that will require enormous wisdom and demonstration of genius in planning to implement.

The Zones are the Asheville Highway/I-26 Intersection/Park Ridge Hospital Zone and the US 64 Intersection Zone.

FHWA “Logical Termini” Non-Compliance

Despite the formidable-sounding term, there is a major issue here.

The action evaluated in this DEIS is **NOT** of “sufficient length to address environmental matters on a broad scope,” and does **NOT** truly consider “the overall expansion of the I-26 corridor,” which logically and effectively continues well beyond the “termini” stated here.

The failure here has direct consequences and impacts that will compromise the entire project, especially in Henderson County.

In the determination to end the project at the US 25 intersection near Flat Rock, the DEIS fails to address the fact that the section of I-26 south of this location experiences frequent slowdowns and blockages, especially involving high speed traffic accidents and incidents.

3 This segment south of Flat Rock is a 4 Lane section, so that under the current plan, within Henderson County, the combination of local traffic and the presence of “long distance” “High volumes of movement of people and freight” will experience a reduction from 8 Lanes to 4 Lanes within this Henderson County section, all traveling at high speed toward a shrinking confluence.

It is easy to see that a congestion situation will be created in this sector similar to the existing situation further North.

The Draft offers the dismissive notion that “the improvements to I-26 are proposed to end at the US 25 interchange due to a portion of traffic that will diverge from I-26 and continue traveling on US 25.”

This assumption does not correspond to fuller realities and experience. While, indeed, there will be traffic, especially local and short range interstate traffic that will diverge to access that section of the South Carolina Upstate and southern Henderson County, the high speed “long distance movement of

3 people and freight” is headed to points South (Charleston, Spartanburg and its Airport, Columbia) and especially intersections with I-85 and I-95, not Traveler’s Rest and North Greenville (unless there is some new Interstate routing planned for that area).

It is also stated in the DEIS that the existence of such an interstate thoroughfare will attract **more traffic**, and this will all end up in reduction on these 4 Lanes!

Welcome to Henderson County, North Carolina!

Asheville Highway/I-26 Intersection/Park Ridge Hospital Zone

Interchange Alteration

Plans for a new Interchange appear to suggest an elimination of the Traffic turn Lane on the bridge that often backs up and creates blockages and uncertainties. This is seen as a major improvement, along with some more generous exit and entrance capacity. Some have seen this as the major beneficial intersectional improvement proposed by the project.

Lane Reduction Hazard (Preferred Alternative)

4 The proposed reduction in Lanes in the hybrid alternative occurs just South of the intersection at or on the railroad bridge overpass.

- 1) There will be less opportunity to observe entering vehicles while negotiating Lane reduction.
- 2) Entering vehicles will be in acceleration mode.
- 3) There will be issues of icing in bad weather situations.

Construction Issues and Logistics (Park Ridge Hospital)

5 During construction, the potential for backups and slowdowns on the Asheville Highway can pose potential serious impacts. as this area will be in proximity to access routes to the Park Ridge Hospital, that could cause critical delays in emergency situations. Naples Road should be a primary route of concern.

An emergency routing plan will be essential.

The coordination in the construction and bridge replacements in this zone need always to insure safe access routes.

Relocation issues

6 There will be severe impact on the local properties, including residences that would be demolished as part of the reconfiguration of the interchange.

It has been stated that Relocation Assistance will be available. It is imperative that the compensation and assistance be adequate for these families to acquire **comparable** residences in accessible locations. It is important to recognize that assessed values may not be equivalent to actual real estate values in this County where there is a housing shortage. Displaced residents should not incur additional expense in trying to relocate.

Park Ridge Hospital and Campus

7 [The current existing conditions of the adjacent interstate incur visual, noise and pollution impacts. The impacts of various widening plans are not presented in the DEIS.

8 [A Noise Study Zone would seem appropriate, both for construction and implementation.

Construction impacts of noise and pollution deserve priority consideration.

9 [Reconstruction and replacement of bridges north and south of the campus have potential to generate traffic slowdowns and blockages on the highway adjacent to the hospital campus with air pollution impacts.

Hospital Access

Naples Road is the primary access route to the Hospital from points North, South and West.

10 [At the Open House, when questioned about the potential Naples Road Bridge replacement, the Raleigh representative suggested that an alternative route would be necessary. For a crisis situation, there is none. **This is a major issue to address before this action goes forward.**

11 [The Naples Road is directly adjacent to the area of construction. What are the impacts and precautionary measures necessary?

12 [Perhaps, the widening project consider buffering (natural or otherwise) for this area, especially if highway shoulder areas are altered.

US 64 Interchange Zone

US 64 Interchange

Despite the assertions by the Raleigh representative, this is a highly congested area.

Backups and congestion occur on US 64 in this area daily, both at traffic signals and the multiple intersecting streets and entrances that exist in this corridor. US 64 is a primary thoroughfare for the City and the County, and the Interchange has further significance as it “serves as an east-west connection between I-77 in Statesville, NC and I-75 near Chattanooga.”

13 [Many sources of existing local traffic and future local traffic are located outside the Study Area and are not designated on the various maps, but their contribution to the traffic at this juncture is substantial. There are at least 2 major housing developments near or adjacent to the Study Area, Local DOT has been involved in the previous planning efforts for recent projects and addressing growing traffic problems on the interconnecting roads.

14 [The proposed actions on I-26 will have major immediate and residual impact on the US 64 corridor.

15 [The activity of construction and especially the replacement of the bridge will generate severe cascading residual impacts that will require considerable planning and mitigation.

The issues with the Interchange itself have been recognized by City Planners for over a decade, with any action dependent on DOT long-range plans that now finally offer the opportunity to address issues with the interchange.

16 Because of limited advance visibility issues, southbound traffic arrives at the westbound exit at high speeds, with quick action necessary to negotiate the exit, a particular problem for travelers or commercial vehicles unfamiliar with the intersection.

17 There is growing pedestrian activity along US 64 that crosses the bridge at this location, which is particularly dangerous with no sidewalks or pedestrian accommodation.

It should be noted that **many of the pedestrians are from low income or minority populations.**

Neighborhood and Community Cohesion

US 64 binds together sectors of the community connecting the locations of essential community and commercial services. There are shopping centers on both sides of I-26. There are community health centers on each side: (Urgent Care and the Blue Ridge Health Center). There are also religious institutions and an important Fire Department facility. As a thoroughfare, it functions as a central destination connector. Access routes to the properties, residential communities, commercial and residential developments adjacent to I-26 all converge at points on US 64 adjacent to the intersection.

The existing traffic situation is highly stressed.

DEIS Proposal

The proposed changes for the intersection have been received with alarm and some anger, and fail to recognize the existing traffic realities. Instead of improving roadway capacity deficiencies here, it will create them. Clearly, the elimination of 2 of the cloverleaves and the addition of 2 more traffic signals on this segment would generate a traffic nightmare.

18 The two remaining cloverleaves would be compressed which requires intensive speed calibration, problematic for those unfamiliar with the intersection. (One hopes that this would not be similar to the condensed situations at the I-77/I-40 interchange near Statesville).

This is an interchange which is intended to function as a connector for significant routes, but what is so alarming is the disconnect with the urgent realities of the actual routes that meet, the location in which it would be located and the human community that would be impacted.

Another alternative for this critical Interchange is urgently needed.

Carolina Village

Carolina Village, a senior residential community with a nursing facility would experience major impacts from the widening.

19 The complex currently experiences major noise and visual impacts from the increased traffic in recent years.

Why is this not a Noise Study Area? Noise barriers should be considered, especially during construction, but also after completion.

20 Pollution impact considerations are a major concern in this area as this is a Senior Community with many residents with breathing issues and impaired immune systems. Construction would produce direct impacts in addition to the traffic slowdowns during road construction.

21 Adjustments to the bordering embankments may affect existing buffering vegetation. The impacts of any changes must be considered and mitigations offered.

The Nursing/Rehabilitation Facility unit is located directly adjacent to I-26, so any impacts to the complex are intensified here.

22 The proximity of this complex to the Clear Creek Bridge and the US 64 Interchange will subject this complex to the residual effects of bridge construction there, as well as any resulting traffic backups.

The primary entrance road to the complex is heavily impacted by the increasing traffic dysfunction on US 64 in the area of the US 64 Interchange, and backups are common at the intersection, so issues at the intersection will impact access to this complex.

23 Wildlife issues in the complex will intensify when Clear Creek construction occurs.

Clear Creek Bridge

24 Impacts during the reconstruction of the bridge will affect Clear Creek and area wildlife corridors. Mitigations and proactive measures will be necessary.

Dana Road / Allen Road Sector

As noted, there is a Noise Study area here.

25 A particular concern is the presence of a number of orchards and agricultural activities in this area.

Construction would certainly damage crops and have residual health impacts if products are contaminated by materials during construction and then enter the food supply locally and nationally.

There will definitely be a need for barriers, but will DOT purchase products or facilitate disposal and offer compensation for products that might otherwise have suffered contaminant exposure and be determined inappropriate for sale.

26 Adjacent to Blue Ridge Community College is an important community Nursing/Rehab facility. Impacts on this facility require attention as residents with compromised functioning are also present outside during the day.

Balfour Expressway

27 The Balfour Expressway is not identified in the DEIS. The construction and existence of this thoroughfare and its intersection will have major impacts that are not considered here.

28 The environmental impacts and displacement of wildlife will be important factors that will alter the corridor at this point and have cumulative area and regional impacts that should be assessed.

Brookside Camp Road

29 Bridge replacements over Mud Creek will have impacts and require assessment and mitigations. As the adjacent area is subject to floods, will there be a more comprehensive effort to address the environmental issues that are interconnected with the construction here.

Fanning Bridge Road

30 Bridge replacement here will generate more traffic at the 280 intersections.

Blue Ridge Parkway Bridge

Extensive comments have been submitted through the NPS website on the issues with the Bridge replacement.

31 The proposed Preferred Alternative would present major safety issues and should be rejected. This alternative replaces the existing span with a curved section that will prove a hazard for the mixed uses on this span that include speeding commuter traffic, tourists, shortcut local drivers, motorcyclists, bicycles and pedestrians.

32 The Planners overruled National Park Ranger concerns for preventative safety elements to discourage suicide attempts by unstable persons for whom this would be a triggering presence.

33 The barren vegetative landscape eliminates field/forest habitat and visual buffering for hikers.

34 Another Alternative should be selected.

Homeland Security

The Corridor includes a major airport, a major power plant and an important regional hospital.

Regional law enforcement has made public statements re the need for proactive security measures.

Has the Widening project been evaluated for Homeland Security aspects?

35 It is essential that emergency evacuation and access plans be coordinated for the thoroughfare and the various critical entities located within the corridor. This should include a special consideration of the construction plans and timetable.

Widening Elements

Medians

The existing median greenways offer a protective barrier between opposing lanes of traffic. They prevent headlight interactions, and also are often used for emergency placements.

36 How will the new diminished median width impact opposing traffic?

37 Some have asked if this will be similar to the Canton I-40 sector.

38 It would be helpful to offer visual representations of the medians in place in addition to the cross-sections presented in the DEIS.

39 Visual and Sound barriers are proposed for some sections. Will vegetation be present also to provide a natural visual barrier?

Minutes of the Post hearing meeting are hereby requested.

Thank you.

Ken Fitch

1046 Patton Street

Hendersonville, NC 28792

FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

RESOLUTION SUBMITTING COMMENTS REGARDING THE I-26 WIDENING PROJECT (I-4400/I-4700) DEIS

WHEREAS, traffic congestion and safety are increasing problems along I-26 through Henderson and Buncombe Counties in western North Carolina; and,

WHEREAS, local and regional residents, commuters, visitors, interstate travelers and commercial freight haulers rely on the route in increasing numbers; and,

WHEREAS, improvements to the I-26 corridor should be minimally disruptive to the local community and should enhance the quality of life for residents and the quality of experience for visitors whenever possible; and,

WHEREAS, members of the community have expressed their strong preference that this project advance to relieve congestion; and,

WHEREAS, a variety of local and regional bicycle, pedestrian and greenways plans exist for the area to be impacted by the I-4400/I-4700 project; and,

WHEREAS, the French Broad River MPO Board has previously adopted a Complete Streets Policy, which includes the following statement:

“On interstate projects inside FBRMPO planning boundary, the following recommendations and elements shall be considered in the design of all projects: inclusion of bicycle and pedestrian accommodations at interchanges to where pedestrian and bicycle safety is given equal emphasis to traffic movement; and inclusion of crossing accommodations in the interstate ROW outside of interchanges at stream crossings or other key crossing points for non-motorized modes of transportation, with particular attention to off-road greenway, bicycle and pedestrian networks that are shown in adopted plans.”

NOW, THEREFORE, BE IT RESOLVED that the French Broad River MPO Board submits for consideration as part of DEIS comments the following recommendations for this project:

- Support for moving forward with design and construction for I-4400/I-4700 in an efficient and timely manner

1

- As part of interchange redesign for Exit 49/US 64 Four Seasons Boulevard, consider pedestrian accommodations on the redesigned interchange bridge, as recommended in Hendersonville Pedestrian Plan (with the understanding that final design would be subject to local cost share participation agreements), and bicycle lanes as recommended in the Blue Ridge Bicycle Plan

2

- As part of interchange redesign for Exit 44/US 25, consider an alternative design that would minimize the footprint of the interchange and impacts to residential and business properties while still providing appropriate capacity for projected traffic

3

- As part of interchange redesign for Exit 44/US 25, consider bicycle lane accommodation as recommended in the Blue Ridge Bicycle Plan (subject to local cost share participation,

3
4
5

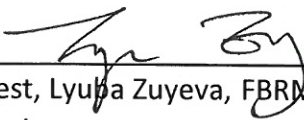
if needed), and a potential location for a Park-and-Ride lot, as recommended by the regional Transportation Demand Working Group

- At the I-26 crossing over Cane Creek, between Exit 44 and Exit 40, consider allowing for a future greenway alongside Cane Creek to cross under the interstate bridges (as recommended in the Fletcher Greenways Master Plan)
- If the interchange is being considered for redesign at Exit 33/ NC 146 Long Shoals Road, consider bicycle lane accommodation on NC 146 through the interchange as recommended in the Blue Ridge Bicycle Plan (secondary corridor)

ADOPTED: This the 17th day of November, 2016.



 Douglas Dearth, FBRMPO Board Chair



 Attest, Lyuba Zuyeva, FBRMPO
 Director



⊠ North Carolina Wildlife Resources Commission ⊠

Gordon Myers, Executive Director

October 2, 2017

MEMORANDUM

TO: John Williams, Project Management, Western Region
Natural Environment Section, PDEA Unit, NCDOT

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

SUBJECT: Review of NCDOT's proposed project to improve I-26 from US 25 in Henderson County to I-40/I-240 in Buncombe County, North Carolina. TIP No. I-4400/I-4700.

The North Carolina Department of Transportation submitted for review a Draft Environmental Impact Statement and has advanced development of 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 improve I-26 from US 25 near Flat Rock in Henderson County to I-40/I-240 in Buncombe County for a project length of 22.2 miles. NCWRC submitted scoping comments on 5/30/2006, updated them on 10/17/2013, and serves as a member of the Merger team for the development of the project. This letter provides a review of the environmental document, an update of our concerns for the species and habitats in the project area, and recommendations for minimizing impacts as the project advances.

The Draft Environmental Impact Statement indicated that three build alternatives were studied, a 6-lane widening, an 8-lane widening, and a 6/8-lane hybrid, which would have 6 lanes from the southern terminus to the US 25 (Asheville Highway) interchange and 8 lanes from that point to the I-40/I-240 interchange. The latter being the NCDOT's preferred alternative. Four alternatives

for replacing, and potentially realigning, the Blue Ridge Parkway bridge over I-26 were studied in detail, coordinating with the National Park Service. The NPS prefers Option 4, which realigns to the south of the existing bridge. The Mountains-to-Sea Trail, a part of the NC parks system, follows the Blue Ridge Parkway in that area, using the parkway bridge. A portion of another significant feature, the Biltmore Estate property, which is a National Historic Landmark, runs adjacent to the east side of I-26 for approximately three miles in the northeastern part of the study area.

Aquatic impacts are expected to be considerable. Estimated total impacts to jurisdictional streams for the preferred alternative are 24,650 linear feet. Anticipated impacts to jurisdictional wetlands are 7.7 acres. Of the 28 stream crossings evaluated, nine crossings are located on Federal Emergency Management Agency studied streams (Dunn Creek, Devils Fork, Clear Creek, Featherstone Creek, Cane Creek, Kimsey Creek, French Broad Tributary 149, French Broad River, and Hominy Creek). The French Broad River, Mud Creek, and Devils Fork are listed as 303(d) impaired waters within the study area; however, the environmental document points out that none of these are listed for turbidity and/or sedimentation impairments and therefore special consideration is not required. We believe that special sediment and erosion control measures, such as Design Standards in Sensitive Watersheds, are appropriate and recommended to protect rare fish and wildlife and minimize further degradation of area waterways. A recreational fishery exists in the French Broad River; however, we are not aware of any reproducing trout populations in the project area. We do not anticipate requesting a work moratorium for trout.

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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 the project's lengthy construction period. A number of Federal Species of Concern and state listed fish, mussels, and other species occur in the French Broad River and its tributaries throughout the project area. Although not considered in the DEIS document, these rare species are very important to the ecological health of our State and serve as indicators of water quality, which is key the use and enjoyment of our waters by our citizens.

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Species potentially impacted include: creeper (*Strophitus undulatus*), state Threatened; slippershell mussel (*Alasmidonta viridis*), state Endangered; Blotched Chub (*Erimystax insigninis*), Federal Species of Concern and state Significantly Rare; mudpuppy (*Necturus maculosus*), state Special Concern; and French Broad River crayfish (*Cambarus reburus*), FSC and state SR. The Eastern hellbender (*Cryptobranchus a. alleghaniensis*), FSC and state SC, is under review for possible listing as federally Threatened or Endangered and is known from historical records in the French Broad River and more recent records in Cane and Hominy creeks. Mills River, a tributary to the French Broad River in the project vicinity but outside the study area, supports one of the best remaining hellbender population in the state, as well as the mudpuppy. The Appalachian elktoe (*Alasmidonta raveneliana*), a federal and state Endangered mussel, also occurs in Mills River. A 'No Effect' determination was made in the DEIS for the Appalachian Elktoe.

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NCWRC is also very concerned about impacts to wetlands and their inhabitants in the project area, including a number of rare reptiles and amphibians. High quality, ecologically important

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wetlands exist on both sides of I-26 from the I-40 junction to the airport exit and are sensitive to disturbance. The three wetland complexes we are most concerned about are 1) wetlands on Biltmore Farms property immediately north of Long Shoals Road on west side of I-26, 2) wetlands on Biltmore Estate property on east side of I-26 just south of the French Broad River, and 3) wetlands on Duke Energy property on the west side of I-26 immediately south of Long Shoals Road.

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The bog turtle (*Glyptemys muhlenbergii*), state T and federal T due to Similarity in Appearance, and mole salamander (*Ambystoma talpoideum*), state SC, occur in the Biltmore Estate and Biltmore Farms area. Other listed species, such as the longtail salamander (*Eurycea longicauda*), state SC, and four-toed salamander (*Hemidactylium scutatum*), state SC, have been documented along the French Broad River in the Bent Creek area. These wetlands provide habitat for a wide variety of plant communities, reptiles, amphibians, birds, small mammals, bats, and other wildlife and are expected to support a number of rare or declining species that are considered Species of Greatest Conservation Need in the NC Wildlife Action Plan. The WAP lists aquatic and terrestrial SGCN and serves as a comprehensive planning tool to help conserve these species and prevent them from becoming endangered or extinct (<http://www.ncwildlife.org/plan>).

We are particularly concerned about the wetlands on Biltmore Farms property that are adjacent to the French Broad River on the west side of I-26 immediately north of the Long Shoals Road exit. These are very high quality wetlands with rare species. This is the most ecologically and biologically impressive wetland complex remaining in the Asheville area. The wetland is fed mostly by springs and many of those springs originate in the steep hillside adjacent to I-26. Widening on the west side of the road will certainly bury those springs and fill part of this wetland complex. Given the significance of these wetlands, we strongly recommend finding alternate ways to widen through this section to avoid any impacts to this wetland. We suggest widening on the east side of I-26 and/or using the area between the east and westbound lanes to add lanes. We also strongly recommend that these wetlands and others along I-26 be protected as part of the mitigation strategy for this project. We recommend the wetlands on Biltmore Farms property be given highest priority for avoiding impacts and preservation due to the high ecological value and rare species present.

Terrestrial wildlife is another significant concern. The northern long-eared bat (*Myotis septentrionalis*), federally Threatened, received a 'May Affect, Not Likely to Adversely Affect' biological conclusion in the DEIS. The NCDOT has committed to tree clearing from August 15 to May 15 and will consult with the US Fish and Wildlife Service if NLEB roost trees are discovered within 0.25 miles of the project area. The gray bat (*Myotis grisescens*), federally Endangered, is a concern for this project, even though the DEIS indicated a biological conclusion of 'No Effect'. NCDOT's conclusion was based on a Bat Survey Report from 2013, however NCWRC surveys in 2016 revealed their presence in the project vicinity. Tree removal and flight distances across the highway, between the tree lines, should be minimized as much as feasible, particularly in the northern portions of the project where the rare bats are documented.

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We are aware of a pair of common ravens nesting on a support column on the west side of the Blue Ridge Parkway bridge over I-26. The pair has been nesting there since 2013 and was observed again in 2017. We recommend following the USFWS's Migratory Bird Treaty Act guidelines for demolition of this bridge. In our scoping comments, we requested that NCDOT

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investigate the rate of accidents that involve wildlife, such as vehicle collisions with deer and bear, and identify areas of habitat fragmentation affecting small and large wildlife species in the project area. This does not appear to have been done. The Biltmore Estates area may be of concern with regards to both collisions with deer and with reconnecting reptile and amphibian populations. Wildlife crossings in various locations along the project may be appropriate to improve safety for drivers and reconnect wildlife populations fragmented by the highway.

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In addition to sediment and erosion control measures that adhere to the design standards in sensitive watersheds, we recommend measures be in place to determine the acid rock potential and prevent any negative impacts from occurring. Also, a significant amount of truck traffic travels I-26 in the area. Hazardous spill basins should be incorporated into the project to protect the French Broad River and other important habitats. We also recommend floodplain culverts, where appropriate, to reconnect the floodplain, spread out flood flows, reduce flood damage, and provide passage for wildlife.

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Secondary and cumulative effects are also a concern for this project. The document indicated the project is not expected to have a notable effect on land use in the study area; however, cumulative effects were rated as a medium level of concern as a result of reasonably-foreseeable transportation projects in the region. Numerous NCDOT projects in close proximity to the I-4400/I-4700 project were listed in the environmental document. Other types of development are also expected in the region, as growth rates for both Buncombe and Henderson counties are projected to continue to exceed the growth rate of the state. We are very concerned about the cumulative effects of development across the region that negatively impacts water quality of the French Broad River and its tributaries and the quality and quantity of habitat vital to our rare and vulnerable species. 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. Local authorities and NCDOT should work together to develop strategies that prevent further degradation of area streams, improve water quality, preserve wetlands, and ensure proper management of secondary growth.

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Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact me at marla.chambers@ncwildlife.org or (704) 244-8907.

cc: Marella Buncick, USFWS
Lori Beckwith, USACE
Chris Militscher, USEPA
Kevin Barnett, NCDWR
Jennifer Harris, HNTB