



I-26 WIDENING

HENDERSON COUNTY
BUNCOMBE COUNTY

FHWA-NC-EIS-16-01-R

Federal Aid Project No. NHF-26-1(62)23/IMNHF-026-1(86)9
WBS No. 34232.1.1/36030.1.2
STIP Project No. I-4400/I-4700

ADMINISTRATIVE ACTION REEVALUATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

U.S. Department of Transportation
Federal Highway Administration
N.C. Department of Transportation

Cooperating Agency
National Park Service – Blue Ridge Parkway

Submitted Pursuant to the National Environmental Policy Act
23 CFR 771.129 and 42 USC 4332(2) (c)

3/5/19
Date of Approval

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3/5/2019
Date of Approval

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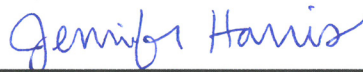
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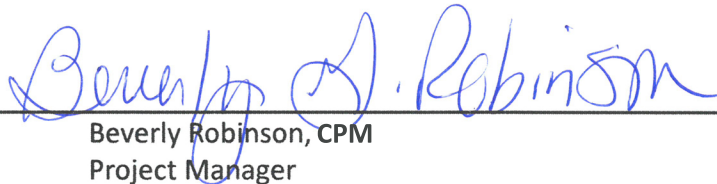


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1.0 PURPOSE OF THE REEVALUATION

Pursuant to 23 CFR 771.129, the North Carolina Department of Transportation (NCDOT) has prepared this Reevaluation in consultation with the Federal Highway Administration (FHWA) to identify and assess changes that have occurred since publication of the *Draft Environmental Impact Statement (EIS)* in August 2016 to determine whether these changes would result in significant environmental impacts not previously evaluated in the *Draft EIS*. FHWA and NCDOT's evaluation of impacts resulting from changes since publication of the *Draft EIS* are assessed to determine whether a Supplemental Draft Environmental Impact Statement (SDEIS) or new Draft EIS is required.

Overall, the effects of changes associated with the project do not result in significant impacts since publication of the *Draft EIS*. This Reevaluation summarizes the changes and resulting impacts that support this determination.

2.0 CHANGES SINCE PUBLICATION OF THE AUGUST 2016 DRAFT EIS

This section identifies changes that have occurred since the approval of the *Draft EIS* in August 2016 and summarizes the assessments of these changes. A determination of significance is documented based on the assessment of the effects resulting from these changes.

2.1 SELECTION OF THE PREFERRED ALTERNATIVE/LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA)

Since the publication date, NCDOT and FHWA's Preferred Alternative was established as the proposed Hybrid 6/8-Lane Widening Alternative. This alternative was also concurred upon by the US Army Corps of Engineers (USACE) and the Merger Team as the Least Environmentally Damaging Practicable Alternative (LEDPA) on January 20, 2017, and again on July 30, 2018.

Since the Hybrid 6/8-Lane Widening Alternative was evaluated in the *Draft EIS*, the selection of the Preferred Alternative/LEDPA does not result in new significant impacts not previously identified in the *Draft EIS*.

2.2 DESIGN REFINEMENTS

Design refinements to the Preferred Alternative were developed based on coordination with environmental and regulatory resource agencies and local officials since publication of the *Draft EIS*. The following sections summarize the design refinements since the alternatives described in the 2016 *Draft EIS*. FHWA and NCDOT have determined that these design changes that have occurred do not result in new significant impacts not previously identified in the *Draft EIS*.

2.2.1 US 64 (Four Seasons Boulevard/Chimney Rock Highway) Interchange

As described in Section 2.3.2.2 of the Final EIS/Record of Decision (ROD) although traffic analysis had not been performed on US 64, it was the desire of NCDOT, French Broad River Metropolitan Planning Organization (FBRMPO), and local officials to improve the interchange. The decision was made to reconfigure the interchange from a Full Cloverleaf to a Partial Cloverleaf "B" (ParClo B) with enhanced left turn lanes. FHWA and NCDOT have determined that the redesign to a ParClo B interchange will not result in new significant impacts not previously identified in the *Draft EIS*.

2.2.2 US 25 (Asheville Highway) Interchange

As described in Section 2.3.2.1 of the Final EIS/ROD the proposed Partial Cloverleaf interchange had the largest number of impacts of all proposed interchange types. Based on public input received at the October 2016 Public Hearing, as well as input from environmental regulatory partners and local officials, NCDOT refined the design and chose a Diverging Diamond Interchange (DDI) form. This eliminated

impacts to the National Register of Historic Places (NRHP) -eligible Cureton House, in addition to a reduction in business and residential relocations, and jurisdictional impacts. Therefore, FHWA and NCDOT have determined that the redesign to a DDI will not result in new significant impacts not previously identified in the *Draft EIS*.

2.2.3 Rest Areas

Existing rest areas along I-26, south of the Fanning Bridge Road (SR 3539) overpass in Henderson County, will also be reconstructed as part of this project. The rest areas are undersized based on current and projected use, and the ramps need to be upgraded to meet current interstate standards. The renovations will include the reconfiguration and expansion of the site, parking areas, and primary building site. FHWA and NCDOT have determined that addition of the rest areas does not result in new significant impacts not previously identified in the *Draft EIS*.

2.2.4 Structures

2.2.4.1 Blue Ridge Parkway Bridge

Several options were analyzed for the realignment and replacement or reconstruction of the Blue Ridge Parkway (BRP) bridge over I-26 and were presented in the *Draft EIS*. Following publication of the *Draft EIS*, NPS confirmed Option 4, using a segmental concrete box girder bridge type with Caltrans Type 80 bridge rail as its Preferred Option. A parking pull-off area will also be constructed northeast of the replacement BRP bridge, at Parkway milepost 392.1. FHWA and NCDOT have determined that the selection of Option 4 and the addition of the parking pull-off area does not result in new significant impacts not previously identified in the *Draft EIS*.

2.2.4.2 I-26 Bridge Over the French Broad River

Due to the presence of the federally-protected gray bat and Appalachian elktoe (further discussed in **Section 2.5.2**) in the French Broad River, NCDOT, in coordination with the US Fish and Wildlife Service (USFWS), USACE, FHWA, NC Department of Water Resources (NCDWR), and the NC Wildlife Resources Commission (NCWRC), accelerated the design process of the I-26 bridge over the French Broad River to better determine potential impacts on these protected species. As noted in the Biological Assessment (BA), NCDOT's preferred replacement structure for the bridge over the French Broad River is a three-span bridge. The three spans for this design are anticipated to have lengths of approximately 151 feet, 170 feet, and 143 feet from south to north, and will require two bents in the river. Each bent will require ten drilled shafts. The center span length exceeds the standard concrete girder length typically utilized by NCDOT, so it is likely that final design specifications will call for steel girders. It is expected that this bridge will require approximately three to four years to complete. The proposed design for the bridge over the French Broad River will include shoulders sufficient to convey runoff from the bridge into adjacent stormwater control devices and eliminate direct discharge into the river. Since the modifications to the bridge's design are anticipated to minimize impacts to the gray bat and Appalachian elktoe, FHWA and NCDOT have determined that the redesign will not result in new significant impacts not previously identified in the *Draft EIS*.

2.2.5 Determination of Significance Regarding Design Changes

The design changes that have occurred since publication of the *Draft EIS* do not result in new significant impacts not previously identified in the *Draft EIS*.

2.3 COST ESTIMATES

The Preferred Alternative is estimated to cost between \$716.1 million and \$764.5 million in anticipated year-of-expenditure dollars. This increase from the *Draft EIS*, which showed a planning-level estimate of \$454.7

million, is a result of updated design plans, which led to updated cost estimates for construction, right of way, utility relocations, and environmental mitigation. In addition, the cost shown in the *Draft EIS* is based on 2016 dollars, whereas the Preferred Alternative is in year-of-expenditure dollars, accounting for inflation.

The Preferred Option for the BRP bridge is expected to cost \$24.1 million, an increase of approximately \$5 million from the cost reported in the *Draft EIS*. This difference is also based on refined design plans and construction cost estimates to match the design.

The updated cost estimates that have occurred since publication of the *Draft EIS* do not result in new significant impacts not previously identified in the *Draft EIS*.

2.4 HUMAN ENVIRONMENT

Conditions in the human environment in the project study area have not changed substantially since the approval of the *Draft EIS*. The changes to demographics, economic impact, or social structure of the community that have occurred since the publication of the *Draft EIS* do not result in new significant impacts not previously identified in the *Draft EIS*.

2.4.1 Socioeconomic Conditions

The socioeconomic conditions in the project study area have not changed substantially since publication of the 2016 *Draft EIS*. In the *Draft EIS*, community-based demographic data were gathered from the 2010 US Census as well as the 2009-2013 American Community Survey (ACS). Additional data were obtained using the demographic information from the 2012-2016 ACS using the same boundaries as discussed in the *Draft EIS*.

2.4.2 Relocations

Eight residential relocations are anticipated as a result of the Preferred Alternative. No business, grave, or church/non-profit relocations will result from the Preferred Alternative. Reduction in relocations from those reported in the *Draft EIS* are a result of the Diverging Diamond Interchange (DDI) type instead of the Par Clo B interchange type at the US 25 (Asheville Highway) interchange. This is a 100 percent reduction in business relocations and an approximate 44 percent reduction in residential relocations, for an overall reduction in relocation impacts.

2.4.3 Parks and Recreation Facilities

The *Draft EIS* identified the BRP and the Mountains to Sea Trail as recreational facilities within the project study area. After the publication of the *Draft EIS*, the NC Division of Parks and Recreation (NCDPR) notified NCDOT that the French Broad River is a designated paddle trail. These three resources are protected by the requirements of Section 4(f) of the Department of Transportation Act of 1966. A Final Section 4(f) Evaluation will be published with the Final EIS/ROD.

As the official with jurisdiction, NCDPR concurred with FHWA's determination in correspondence dated March 16, 2017 that STIP Project I-4400/I-4700 would result in a *de minimis* use of the French Broad River Paddle Trail.

2.4.4 Cultural Resources

2.4.4.1 Historic Architecture

Since publication of the *Draft EIS*, no new properties within the study area have been listed on the NRHP.

Because the US 25 (Asheville Highway) interchange design footprint was reduced to a DDI from the ParClo B, the effects to the Cureton House were avoided. HPO and FHWA agreed to a finding of "No Effect" on July 25, 2017.

Coordination regarding the replacement of the BRP bridge over I-26 between the NPS, HPO, FHWA, and NCDOT has occurred throughout the project. The FHWA, NPS, NCDOT and HPO executed a Memorandum of Agreement (MOA) on May 30, 2018 to mitigate the adverse effect of the project on the Parkway satisfying Section 106 of the National Historic Preservation Act (NHPA) consultation. The MOA stipulates the aesthetic design of the bridge and the parking pull-off, archival documentation of the existing bridge, and a re-vegetation/landscaping plan.

The Draft EIS reported no impacts and therefore “No Effect” to the NRHP-eligible Sholtz-Cantrell Estate. Designs have been refined since the Draft EIS, and the replacement of the Clear Creek Road bridge over I-26 on new alignment will minorly impact the Sholtz-Cantrell Estate. HPO and FHWA agreed to a finding of “No Adverse Effect” on December 11, 2018. Based on the HPO’s determination that no adverse effect would occur to the Sholtz-Cantrell Estate, FHWA has determined a *de minimis* use under Section 4(f) for this resource.

2.4.5 Determination of Significance for Changes in Human Environment Impacts Since Publication of *Draft EIS*

The design changes that have occurred since publication of the *Draft EIS* do not result in new significant impacts to the human environment not previously identified in the *Draft EIS*.

2.5 NATURAL ENVIRONMENT

2.5.1 Streams and Wetlands

Since the publication of the *Draft EIS*, the refined designs of the Preferred Alternative have reduced the overall impacts to terrestrial communities, streams, and wetlands. These impact reductions are further described in Sections 3.7 and 3.8 in the Final EIS/ROD.

Using slope stake limits plus a 25-foot buffer, approximately 17,900 feet of stream impacts are anticipated from the construction of the Preferred Alternative. This is a 5,969-foot reduction in impacts from those reported in the *Draft EIS* (about 25 percent). Using slope stake limits plus a 25-foot buffer, approximately 4.2 acres of wetland impacts are associated with the Preferred Alternative, including the DDI design at the US 25 (Asheville Highway) interchange. Total wetland impacts were reduced by approximately 3.3 acres from that reported in the *Draft EIS* (approximately 44 percent). Relative to impacts to streams and wetlands, changes that have occurred since publication of the *Draft EIS* do not result in new significant impacts not previously identified in the *Draft EIS*.

2.5.2 Federally Protected Species

Since publication of the *Draft EIS*, bunched arrowhead (*Sagittaria fasciculata*) and mountain sweet pitcher plant (*Sarracenia rubra ssp. jonesii*) were listed as endangered in Buncombe County under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). However, bunched arrowhead does not require a Section 7 survey or biological conclusion due to its “historic” record. Mountain sweet pitcher plant was listed in June 2018 and pedestrian surveys were conducted in areas of suitable habitat on August 13 and 14, 2018. No individuals were found during field activities within the survey window. The project will have “No Effect” on this species.

The *Draft EIS* presented the biological conclusion of “No Effect” for the gray bat and Appalachian elktoe. This conclusion has changed to “May Affect Likely to Adversely Affect” due to USFWS and NCWRC finding the gray bat within the project study area, as noted in their comments on the *Draft EIS*. A Biological Assessment (2018) was prepared in consultation with the USFWS under Section 7 of the Endangered Species Act. The biological conclusion of “May Affect Likely to Adversely Affect” is predominantly based on the construction of the I-26 bridge over the French Broad River. The conclusion states:

No bats or evidence of bats were observed on any bridges or in any culverts that will be included in project construction activities. Direct impacts to gray bat due to modification or elimination of their summer roosts are not expected.

There are no known gray bat hibernacula in Buncombe or Henderson Counties, and there are no underground mines located within the Action Area or within 3 miles of the Action Area [as defined in the Biological Assessment]. Therefore, no impacts to gray bat winter roosting habitat are anticipated.

However, [clearing and] construction of the I-26 widening project, I-4400/I-4700, is expected to result in unavoidable adverse effects to gray bat foraging and commuting habitat, particularly at the French Broad River crossing. Therefore, it is concluded that the proposed action “May Affect, Likely to Adversely Affect” gray bat. Incorporation of conservation measures into the project will offset some of those effects. These measures are consistent with the recovery objectives outlined in the recovery plan for the gray bat aiding particularly in the control of habitat destruction and research needs.

The construction of the I-26 bridge over the French Broad River, while lasting for approximately 3 to 4 years, is not considered a permanent impact. Following the construction of the bridge it is expected that the area will be revegetated and return to a condition comparable to the existing condition.

After the *Draft EIS* was issued, NCDOT biologists found Appalachian elktoe upstream and downstream of the I-26 bridge over the French Broad River. The results of the species surveys are detailed in the Biological Assessment for the project and the Final EIS/ROD in Section 3.8.9. The Biological Assessment of the Appalachian elktoe provided the following biological conclusion:

While the Appalachian elktoe is currently rare in the French Broad River, the population appears to be expanding. The I-26 Widening is expected to result in unavoidable adverse effects to Appalachian elktoe. Therefore, it is concluded that the proposed action “May Affect, Likely to Adversely Affect” Appalachian elktoe. The direct and indirect adverse effects from this project as well as the changes to the environmental baseline should not preclude the expansion of the Appalachian elktoe through the Action Area. Incorporation of conservation measures into the project will offset some of the effects. These measures are consistent with the recovery objectives outlined in the USFWS recovery plan for the Appalachian elktoe and will help further facilitate the expansion of the French Broad River population.

Species surveys conducted at the I-26 bridge crossing did not locate any Appalachian elktoe. It is not expected that direct or indirect effects from the project will prevent the Appalachian elktoe from expanding its range in the French Broad River following the completion of the project.

The NPS alerted NCDOT to the presence of what it believed to be Indiana bat (*Myotis sodalists*) on or near the BRP based on sound recordings. The USFWS does not recognize the Indiana bat within Buncombe County and is not requiring consultation on the species. The NPS also expressed concern for the potential presence of the Northern long-eared bat (NLEB) (*Myotis septentrionalis*). The project is not anticipated to have direct or indirect effects to the Indiana bat or NLEB. Therefore, it has been determined that the project “May Affect, Not Likely to Adversely Affect” these species based on discountable effects.

While gray bat and Appalachian elktoe populations were detected after publication of the *Draft EIS*, the changes in effects determinations from “No Effect” to “May Affect, Likely to Adversely Affect” for both species were not caused by changes to the proposed project design. Furthermore, effects caused by the proposed project are not anticipated to jeopardize the existence of any protected species, including the gray bat and Appalachian elktoe. Therefore, the changes in effects determination for the gray bat and Appalachian elktoe do not require FHWA to prepare a SDEIS.

2.5.3 Determination of Significance for Changes in Natural Environment Impacts Since Publication of *Draft EIS*

The design changes that have occurred since publication of the *Draft EIS* do not result in new significant impacts on the natural environment not previously identified in the *Draft EIS*.

3.0 CONCLUSION

This Reevaluation identifies and assesses changes that have occurred since publication of the *Draft EIS* in August 2016. Based on the results of the assessment, FHWA and NCDOT have determined that these changes would not result in significant environmental impacts not previously evaluated in the *Draft EIS* and a SDEIS or new Draft EIS is not required.