

APPENDIX G

SECTION 4(F) *DE MINIMIS* COORDINATION



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

DATE: August 14, 2018

TO: Mr. Justin Williamson-Environmental Review Coordinator
NC State Parks
1615 Mail Service Center
Raleigh, NC 27699-1615

FROM: Derrick Weaver, Unit Head
Environmental Policy Unit

RE: STIP Project Number I-2513; I-26 Connector in Asheville, Buncombe County,
North Carolina, WBS No. 34165.1.2

Dear Mr. Williamson:


The Federal Highway Administration (FHWA) and North Carolina Department of Transportation (NCDOT) are seeking your acknowledgement of the *de minimis* use of the French Broad River Paddle Trail for the proposed I-26 Connector project in Buncombe County, NC (State Transportation Improvement Program [STIP] No. I-2513). A *de minimis* impact is one that, after taking into account avoidance, minimization, mitigation, and enhancement measures, results in no adverse effect to the resource under Section 4(f) protection.

In accordance with 23 CFR Part 774 (Sections 774.3(b) and 774.17), the FHWA and NCDOT intend to make a *de minimis* finding based on your concurrence with a No Adverse Effect to the French Broad River Paddle Trail.

The proposed I-26 Connector project in Buncombe County, NC (STIP project No. I-2513) would require placement of bridge bents in the French Broad River for construction of new location bridges for I-240 and I-26. Paddle accesses, campgrounds, and businesses along the French Broad River will be signed and/or notified by NCDOT prior to and during construction activity. NCDOT will be preparing a River User Safety Plan and River User Communication Plan in order to ensure effective public notification of the hazards, project progress, and temporary closures.

As the official with jurisdiction over the French Broad River Paddle Trail, I concur in a determination that the proposed transportation project as described in this letter would not adversely affect the activities, features, or attributes that qualify the French Broad River Paddle Trail for Section 4(f) protection. I have also been informed, based on my concurrence, the FHWA intends to make a *de minimis* finding regarding the impacts to the French Broad River Paddle Trail, thus satisfying the requirements of Section 4(f).

Date: 8-14-2018

Signature:  (NCDPE)

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ANALYSIS UNIT
1548 MAIL SERVICE CENTER
RALEIGH, NC 27699-1548

Telephone: (919) 709-6000
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

DATE: July 24, 2018

TO: Mr. Al Kopf
City of Asheville Parks and Recreation
PO Box 7148
Asheville, NC 28802-7148

FROM: Derrick Weaver, Unit Head
Environmental Policy Unit

RE: STIP Project Number I-2513; I-26 Connector in Asheville, Buncombe County,
North Carolina, WBS No. 34165.1.2

Dear Mr. Kopf:

The Federal Highway Administration (FHWA) and North Carolina Department of Transportation (NCDOT) are seeking your acknowledgement of the *de minimis* use of Carrier Park for the proposed I-26 Connector project in Buncombe County, NC (State Transportation Improvement Program [STIP] No. I-2513). A *de minimis* impact is one that, after taking into account avoidance, minimization, mitigation, and enhancement measures, results in no adverse effect to the resource under Section 4(f) protection.

In accordance with 23 CFR Part 774 (Sections 774.3(b) and 774.17), the FHWA and NCDOT intend to make a *de minimis* finding based on your concurrence with a No Adverse Effect to Carrier Park.

The proposed I-26 Connector project in Buncombe County, NC (STIP project No. I-2513) would require the incorporation of less than an acre of the existing Amboy Road frontage of the Carrier Park property. Almost all of the 0.94 acre would be from a wide paved shoulder that has provided parking for the site. According to Asheville city officials, future plans for the park call for the removal of this parking. No park amenities are contained in the required property.

As the official with jurisdiction over Carrier Park, I concur in a determination that the proposed transportation project as described in this letter would not adversely affect the activities, features, or attributes that qualify Carrier Park for Section 4(f) protection. I have also been informed, based on my concurrence, the FHWA intends to make a *de minimis* finding regarding the impacts to Carrier Park, thus satisfying the requirements of Section 4(f).

Date: 6/24/2019

Signature: 

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
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Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

MEETING SUMMARY

To: Project File

From: Joanna Rocco
AECOM

Date: January 24, 2019

RE: I-2513 Impacts to Carrier Park and Section 4(f) discussion with City – January 7, 2019
NCDOT STIP Project I-2513 (I-26 Connector)

Meeting Attendees:

Ken Putnam – City of Asheville
Debbie Ivester – City of Asheville
Mark Halstead – City of Asheville
Theresa Ellerby – NCDOT PMU
Kevin Moore – NCDOT PMU

Neil Dean – AECOM
Celia Miars – AECOM
Joanna Rocco – AECOM
Eric Spalding – AECOM

A conference call was held at 1:30 PM on Monday, January 7, 2019 to discuss project impacts to Carrier Park along Amboy Road. FHWA has determined the project will not adversely affect the use of the park and, if the City of Asheville concurs, will make a *de minimis* finding per requirement of Section 4(f). The City has requested the project team provide additional detail regarding these impacts.

The City noted there are deed restricted areas within the boundaries of Carrier Park that require additional discussion. According to the 2018 public hearing maps, there is an existing walking trail that was built with NC Parks and Recreation funding that is being impacted by easements along Amboy Road. There is a stipulation with using this funding regarding the walking trail where the City would need to go through a conversion process with the state, which is a lengthy process.

The project team noted that impacts to the trail can be avoided with design revisions by tightening up the typical section of the multi-use path being proposed along Amboy Road. The City noted that according to the grant funding, the walking trail could also be replaced as part of the project. The project team noted that there are likely a few options to mitigate impacts to the walking trail, and can coordinate with the project team of the adjacent project during final design to ensure the tie-in is consistent.

The City requested the project team provide a sketch showing a design option that avoids the walking trail that they can review before signing the concurrence letter noting FHWA's determination of Section 4(f) *de minimis*. The City noted they could provide the project team a plan view showing the limits of the grant-funded land for use in preparing the design sketch.

The project team noted any concerns related to Carrier Park can also be included as a commitment so that any specific design requirements to avoid impacts to the park are achieved during final design. Once

MEETING SUMMARY

January 24, 2019

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any additional design refinements have been agreed upon, the project team should coordinate with FHWA on the use of the parking lot and potential to provide additional parking if feasible.

The project team will coordinate with the City as necessary regarding any stormwater drainage concerns.

Action Items:

- The project team to provide a sketch to the City of Asheville showing a design option that avoids the walking trail.
- City to provide the project team a plan view showing the limits of the grant-funded land for use in preparing the design sketch.