



UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

L7617
PIN 10031
xL3031

Finding of No Significant Impact

Right-of-Way Permit for the City of Asheville To Access Blue Ridge Parkway Bridge

**North Carolina
Blue Ridge Parkway
USDI, National Park Service**

INTRODUCTION

The National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508); and National Park Service (NPS) Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) require the NPS to consider the environmental consequences of major proposed actions. The NPS – Blue Ridge Parkway (Parkway) has conducted an environmental assessment (EA) for issuing a 10-year right-of-way (ROW) permit to the City of Asheville. The purpose of this permit will be to allow city access to a city-owned beneficial (inert) fill site located approximately 0.15 mile west of Parkway Milepost (MP) 383 (at the Parkway bridge over the Swannanoa River). The 5-acre beneficial fill site is part of a larger (approximately 40-acre) area that was originally used as a borrow site during the construction of I-40 during the 1960s. The site has an elevation of approximately 20-25 feet above the surrounding land, and is above the 100-year floodplain of the Swannanoa River. The City plans to operate the site under the stipulations of the North Carolina “beneficial fill” law (15NCAC 13B.0562). The City has obtained approval of their erosion and sedimentation control plan for the site from the North Carolina Department of Environment and Natural Resources. NPS authority for issuing a ROW permit for the stated purpose can be found in 16 USC Section 460a-3 and Section 460a-8.

PREFERRED ALTERNATIVE

The Preferred Alternative (the Action Alternative) is issuance of a 10-year Parkway ROW permit to the City of Asheville for access to Bridge #11283 and the adjacent portions of abandoned State Route 2836. Issuing this permit will allow City of Asheville Department of Public Works and Water Department trucks and equipment to access the beneficial fill site. Prior to using the bridge, the city will make needed repairs identified by a Federal Highway Administration

(FHWA) inspection. These repairs will essentially involve replacing the deck at an estimated total cost of \$25,000. No other structural repairs are necessary, and there will be no in-water work.

The city will also overlay approximately 950 linear feet of the existing packed soil/gravel roadbed with geofabric and cover with additional crushed gravel for added durability. However, the city will not re-grade or pave the roadbed.

The city estimates an average of 5 to 7 truck loads of beneficial fill will be brought to the site daily with a possible range of from 0 to almost 20 truck loads per day depending upon operational requirements. A total of approximately 11,500 tons of material will be placed in the beneficial fill annually. The associated traffic and any generated dust will be visible on an irregular basis to BLRI travelers for a very brief interval (approximately 0.5-second traveling at 45 mph on the Parkway). Planned truck access to the site will be via the US 70 and Azalea Road intersection east of the Parkway. The Parkway motor road will not be used or crossed to access the beneficial fill site.

A 250-gallon diesel tank will be located near the beneficial fill site to supply on-site earth-moving equipment with fuel. This fuel tank will be located on an impervious spill-containment pad. The city will be responsible for maintaining site access control using the locked vehicle gate between Azalea Road and the bridge.

There is minimal pedestrian traffic in the vicinity of the bridge associated with various organizations including the Men's Garden Club of Asheville, the Cove, and individuals utilizing the Mountains to Sea Trail. The increase in truck traffic through the US 70/Azalea Road intersection and along the eastern portion of Azalea Road will slightly increase the potential for vehicular accidents in these areas.

Future costs to the City for managing beneficial fill will be expected to remain lower than at present with the long-term availability and use of the City-owned beneficial fill site made possible by issuance of the ROW permit. The City plans to redeck the bridge and stabilize the roadbed within a month of obtaining the ROW permit.

OTHER ALTERNATIVES CONSIDERED

The No-Action Alternative is the only other alternative considered in the EA:

The No-Action Alternative on the part of the NPS would be a denial of the City of Asheville's request for a ROW permit to access Bridge #11283 and adjacent portions of abandoned State Route 2836 in order to begin using the City-owned Azalea Road beneficial fill site. In the short term, the No-Action Alternative would result in the City's continued use of the Burney Mountain beneficial fill site and/or other locations within feasible driving distance from Asheville. The City would continue incurring tipping fees and other costs associated with the use of a non-city-owned fill site. In the long-term, the No-Action Alternative would result in the eventual construction of a temporary bridge downstream from NPS-controlled lands to access the beneficial fill site. The NPS would need to repair the deck on Bridge #11283 because of safety

concerns. Existing access arrangements for the bridge and adjacent roadway for the Cove, the Men's Garden Club of Asheville, railroad and electric utility maintenance crews, and hikers on the Mountains to Sea Trail would remain unchanged.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The Preferred Alternative is also the environmentally preferred alternative when measured against the six criteria listed in Section 101 of NEPA and discussed in detail below.

Criterion 1: Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.

The Preferred Alternative best fulfills this criterion. Intergenerational environmental stewardship by the NPS, and particularly by park units such as the Blue Ridge Parkway, is heavily dependent upon the stewardship of adjacent landowners—in this case the City of Asheville. By cooperating with the city and issuing a ROW permit, the NPS is assisting the City in maintaining control over the disposal of their beneficial fill at a location remote from most City and Buncombe County residents. City control of the site helps insure proper long-term fill management while, at the same time saving the taxpayers of Asheville considerable funds that can be used for quality of life improvements such as construction of Azalea Road Park. The No-Action Alternative and its lack of partnering with the city would result in the City and citizens of Asheville spending unnecessary funds to continue disposing of beneficial fill at privately owned locations.

Criterion 2: Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

Implementation of the Preferred Alternative will include the review of ROW permit provisions at least every 10 years and will allow continual monitoring of City compliance with permit conditions throughout the duration of the permit. This situation will provide NPS oversight of activities potentially impacting safety, health, and aesthetics within a Parkway viewshed that they would not have if the City gained access to the Azalea Road beneficial fill site without using NPS lands and facilities. The No-Action Alternative would result in no NPS legal oversight over Azalea Road beneficial fill activities. Such lack of NPS oversight could result in construction of an unaesthetic temporary bridge within the Swannanoa River viewshed, a lack of vegetational screening around the beneficial fill, and other changes adverse to the interests of the Parkway.

Criterion 3: Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.

Again, the Preferred Alternative will allow City use of their controlled access beneficial fill site with NPS oversight on issues of proper use, safety, and aesthetics. The No-Action Alternative would, at the least, delay the City's planned use of their existing beneficial fill site and would take any NPS involvement out of the decision-making process concerning both site access and operation.

Criterion 4: Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.

The Preferred Alternative will facilitate viewshed preservation, needed bridge improvements, and general NPS oversight. By partnering with the City and, in turn, helping the City save money on management of beneficial fill, the NPS, through the Preferred Alternative implementation, will also indirectly assist the City in having a greater ability to fund other community projects such as full development of Azalea Road Park that benefit all of Asheville's citizenry. The Preferred Alternative will also include NPS oversight in minimizing potential impacts to water quality along this section of the Swannanoa River. The No-Action Alternative would result in the NPS causing the City to spend substantially more money to manage beneficial fill, thus taking funds away from other community programs. Denial of the permit could also damage the long-term cooperative relationship between the Parkway and the City of Asheville.

Criterion 5: Achieve a balance between population and resource use that will permit high standards of living and wide sharing of life's amenities.

As stated in previous criteria, the Preferred Alternative will facilitate resource protection by the NPS through enforcement of permit provisions while, at the same time, partnering with the City in saving funds for other needed requirements benefiting Asheville's citizens. The No-Action Alternative would cause the City to spend additional funds on disposing of fill at more remote privately owned locations.

Criterion 6: Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Implementation of the Preferred Alternative will facilitate the City's ability to "recycle" inert fill soils and other materials, *i.e.* removing previously deposited materials for use at excavation sites throughout the City where fill is needed. The No-Action Alternative would not facilitate this recycling since the City would not have control over the private beneficial fill sites and there would undoubtedly be an additional charge by owners of private fill sites if the City wanted to remove fill.

CONTEXT AND INTENSITY OF THE PREFERRED ALTERNATIVE

The context of the impacts evaluated involves the City of Asheville making needed bridge repairs identified by the FHWA inspection. These repairs will essentially be redecking the bridge. No other structural and no in-water work will be involved with the bridge repair. The City will also overlay approximately 950 linear feet of the existing packed soil and gravel roadbed with geofabric and cover with a new layer of crushed gravel for added durability. The City will not re-grade or pave the existing roadbed. The City estimates an average of 5 to 7 truck loads of beneficial fill will be brought to the site daily with a possible range of from 0 to almost 20 truck loads per day depending upon operational requirements. All beneficial fill operations will be confined to approximately 5 acres of a historically disturbed 40-acre site that is 20-25 feet above the surrounding Swannanoa River floodplain.

The intensity or severity of impacts resulting from implementation of the Preferred Alternative are evaluated using the ten (10) criteria listed in 40 CFR 1508.27. Key areas in which impacts were evaluated included: water resources/water quality; terrestrial flora; visitor experience/viewshed; socioeconomics; traffic safety; and park operations.

Criterion 1: Overall significance of the action.

The Preferred Alternative will involve some long-term minor impacts on various resource areas further discussed below under other individual criteria. However, the Preferred Alternative will not have a significant impact on the environmental, cultural, or socioeconomic resources associated with the Parkway and the Azalea Road area in the vicinity of the beneficial fill site. The Preferred Alternative will not cause impairment to Parkway resources.

Criterion 2: Public safety and health.

The Preferred Alternative will result in some long-term, minor adverse impacts to pedestrian and vehicular safety. This will occur due to an increase in truck traffic through the US 70/Azalea Road intersection and along the eastern portion of Azalea Road leading to the bridge crossing to the beneficial fill site. There will be no impacts to public safety and health to drivers or pedestrians along the Parkway motor road.

Criterion 3: Wetlands, floodplains, ecologically sensitive areas; threatened or endangered species; scientific, cultural, or historic resources.

The Preferred Alternative will result in additional truck traffic that could increase the potential for long-term, negligible, adverse impacts upon water quality (and therefore aquatic life in the Swannanoa River) because of an increased risk of accidents and spills of fuel. There could also be long-term, minor, adverse impacts regarding the potential introduction or increase of new or existing non-native and/or invasive plant species. The Preferred Alternative will not involve any measurable changes within the Swannanoa River floodplain since no changes in bridge structure, roadbed elevation, or impervious surfaces are associated with the alternative. Additionally, all beneficial fill operations will be conducted within an area 20-25 feet above the floodplain. The Preferred Alternative will not impact any wetlands in the vicinity. There are no known ecologically sensitive areas, threatened or endangered species, or scientific, cultural, and historic resources within the proposed project area.

Criterion 4: The degree to which impacts are likely to be highly controversial.

The Preferred Alternative was initially somewhat controversial based on public comments that proved to be non-substantive, and which were concerned with typical landfill operations, not beneficial landfills, and Parkway access. With additional clarification of the access permit, type of landfill, and lack of impact to the Parkway motor road, it is not expected that the Preferred Alternative will be highly controversial.

Criterion 5: The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.

The Preferred Alternative involves an access permit, with minor bridge repair and gravel roadbed improvements. There appears to be no highly uncertain or unique/unknown risks associated with the Preferred Alternative.

Criterion 6: Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The granting of a right-of-way permit to an entity outside the NPS is neither precedent-setting nor likely to encourage additional or similar permits in the vicinity of the Parkway. The proposed action is wholly independent of any other NPS action.

Criterion 7: Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects.

The Preferred Alternative will not result in any cumulative significant effects.

Criterion 8: The degree to which an action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.

Except for the Blue Ridge Parkway itself, there are no existing structures or sites, including Bridge #11283, within the immediate vicinity of the project that are eligible for listing on the National Register of Historic Places (NRHP). In a letter dated May 27, 2004, the North Carolina State Historic Preservation Office determined that the Preferred Alternative will have No Adverse Effect on cultural resources in the immediate or surrounding area. Consequently, The Preferred Alternative will not result in any adverse affects to historic properties, including significant scientific, archeological, or cultural resources.

Criterion 9: The degree to which an action may adversely affect an endangered or threatened species or its habitat.

The Swannanoa River supports a “put and take” trout fishery (brook, brown, and rainbow) that is managed by the North Carolina Wildlife Resources Commission. None of these species, however, are state or federal listed, and critical habitat is not designated within the vicinity of the project. Therefore, the Preferred Alternative will not affect such designated species or habitats.

Criterion 10: Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The Preferred Alternative will not violate any environmental protection law or regulation. Appropriate consultation, coordination, and permitting actions will be necessary prior to implementing the Preferred Alternative. Section 106 consultation under the National Historic Preservation Act and Section 7 consultation under the Endangered Species Act have been completed.

IMPAIRMENT

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the Preferred Alternative will not constitute an impairment to the Blue Ridge Parkway's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, the public comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS *NPS Management Policies 2001 Management Policies* (December 27, 2000). As described in the EA, implementation of the Preferred Alternative will not result in major, adverse impacts to a resource or value whose conservation is: (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the Blue Ridge Parkway; (2) key to the natural or cultural integrity of the Park or to opportunities for enjoyment of the Park; or (3) identified as a goal in the Park's general management plan or other relevant NPS planning documents.

MITIGATION

Mitigation measures have been integrated into project planning, and will be implemented as part of construction and beneficial fill operations associated with the right-of-way access permit. These mandatory provisions are detailed in the table attached to this document. The NPS will ensure that these measures are accomplished. These mitigation measures will be included as part of the ROW permit provisions, as well as any other mitigating measures that are in the right-of-way permit.

PUBLIC INVOLVEMENT AND COORDINATION

Scoping History

The National Park Service conducted public scoping for the proposed action during Fall/Winter 2003. The Blue Ridge Parkway Superintendent mailed a letter announcing the beginning of the planning process for a right-of-way permit to the City of Asheville to allow city access to a city-owned beneficial fill site to individuals and organizations on the park's planning mailing list. The notice was also sent to all NPS employees along the Blue Ridge Parkway. A public notice/news release was published in local surrounding newspapers in Buncombe County, requesting public and agency comments. In addition, the letter was posted and available for review on the Internet at the park's website.

Through scoping and the public comment review process on the *Right-of-Way Permit for the City of Asheville to Access Blue Ridge Parkway Bridge Environmental Assessment*, the planning process is being conducted in consultation with affected federal agencies, state and local governments, tribal groups, and interested organizations and individuals.

Results of Scoping

Scoping comments were received through December 5, 2003. As a result of the scoping effort, three scoping comments were elicited. All comments were reviewed and analyzed to determine agency and public concerns. Based on scoping comments, and applicable federal law, regulations, and executive orders, the National Park Service determined that an environmental assessment (not an environmental impact statement) was the appropriate level of compliance for the Right-of-Way Permit for the City of Asheville to Access Blue Ridge Parkway Bridge

#11283. Public scoping comments and issues raised by National Park Service staff, provided input used in the alternatives development process and in the analysis presented in this document.

Public Comment

The Right-of-Way Permit for the City of Asheville to Access Blue Ridge Parkway Bridge *Environmental Assessment* was released for a 30-day public review period beginning March 1, 2004 and closed April 2, 2004. Comments received during the formal public comment period consisted of 182 letters, emails, faxes, and phone calls from 236 individuals with a total of 408 comments. Issues raised included NEPA compliance, alternatives, air quality, aesthetics, safety concerns and cumulative projects. Of the comments received, 145 comments were not related to the project, but to the City of Asheville having a beneficial fill site in this location. None of the comments received introduced substantive new information nor raised any issues not fully considered in the *Right-of-Way Permit for the City of Asheville to Access Blue Ridge Parkway Bridge Environmental Assessment*. No modifications to the proposed action were made as a result of comments. A copy of the *Right-of-Way Permit for the City of Asheville to Access Blue Ridge Parkway Bridge Environmental Assessment Summary of Public Comments and Responses* is attached to this document.

CONCLUSION

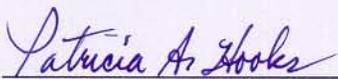
Based on my review of the facts and analysis contained in this environmental assessment, which is incorporated herein, I conclude that the Preferred Alternative regarding a right-of-way permit for the City of Asheville to access the Blue Ridge Parkway Bridge #11283 will not have a significant impact either by itself or cumulatively with any other known past or future actions. Accordingly, the requirements of the National Environmental Policy Act, regulations promulgated by the President's Council on Environmental Quality, and provisions of National Park Service (NPS) Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) have been fulfilled. Furthermore, the Preferred Alternative selected for implementation will not impair park resources or values and will not violate the NPS Organic Act. The Preferred Alternative supports the enabling legislation through which the Blue Ridge Parkway was established as a unit of the National Park Service June 20, 1936 by Public Law 74-848. Furthermore, based on public comments on the draft environmental assessment, the NPS has determined that no changes to the document are necessary. The draft environmental assessment will serve as the final environmental assessment. An environmental impact statement is not required and will not be prepared for implementation of the Preferred Alternative.

Recommended:


Superintendent

6/4/04
Date

Approved:


Southeast Regional Director

6/24/04
Date

MITIGATIVE ACTIONS	
RESOURCE OR ISSUE AREA	MITIGATION
Water Resources/Water Quality	<ul style="list-style-type: none"> • The 10-year right-of-way permit to the City of Asheville must stipulate that runoff from the beneficial fill site will be controlled as much as possible. • The City of Asheville will need to comply with the state-approved Erosion and Sedimentation Control Plan. • Standard erosion control measures [<i>i.e.</i>, Best Management Practices (BMPs)] such as silt fences, sand bags, or equivalent control methods will be used to minimize any potential soil erosion during any construction activities. • The 250-gallon fuel tank for operations at the beneficial fill site will be maintained on a curbed, concrete pad to contain any spills. • Spill kits will be kept on site to contain any fuel spills associated with beneficial fill site operations or with vehicular accidents.
Terrestrial Flora	<ul style="list-style-type: none"> • Use of hay for erosion control measures will be prohibited due to the likelihood of weed seeds in hay. • If straw were utilized for erosion control measures it will be state-certified weed-free straw. • Any disturbed by construction beyond the roadbed will be revegetated using site-adapted native seed and/or plants.
Visitor Experience/Viewshed	<ul style="list-style-type: none"> • In order to minimize the fill site's visibility to those traveling along the Parkway, screening trees will be planted in the open area between the fill site and the Parkway. Tree species and location of the plantings will be determined by the NPS and planting will be accomplished by the City as part of permit provisions.
Traffic Safety	<ul style="list-style-type: none"> • Potential traffic hazards will be minimized by creating a paved pull-off zone along Azalea Road northeast of the bridge, or by moving the existing gate to the south end of the bridge. • Any bridge closure for deck work will be coordinated with the Cove.
Park Operations	<ul style="list-style-type: none"> • To minimize liability issues, the NPS will oversee City compliance with the ROW permit for access to the Azalea Road beneficial fill site.

Report - Interim Comments (04/15/2004)

PEPC ID: 10031

Document Title: Right-of-Way Permit for the City of Asheville to Access
Blue Ridge Parkway Bridge

Comment Distribution by Code

Code	Description	Percentage	Number of Comments
A1	Opposed to Landfill	33.11%	145
B1	Prepare EIS	2.97%	13
C1	Affected Environment-Existing Structure	0.23%	1
D1	Opposed to City accessing Parkway for dumpsite	10.05%	44
E1	NEPA: State Guiding Policies, Regulations, Laws	0.23%	1
M1	Add Mitigations	23.74%	104
N1	No Action Alternative	0.23%	1
AL1	Alternatives: Preferred would set precedent	1.83%	8
VS1	Viewshed: Impact Of Proposal And Alternatives	2.97%	13
AL3000	Alternatives: Envir. Preferred Alt./NEPA § .101&102	0.68%	3
AL4000	Alternatives: New Alternatives Or Elements	0.23%	1
AQ4000	Air Quality: Impact Of Proposal And Alternatives	3.42%	15
CR1000	Cultural Resources: Guiding Policies, Regs And Laws	0.23%	1
MT1000	Miscellaneous Topics: General Comments	0.68%	3
PN2000	Purpose And Need: Park Purpose And Significance	1.37%	6
PO1000	Park Operations: Guiding Policies, Regs And Laws	0.23%	1
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	5.94%	26
TE1000	Threatened And Endangered Species: Guiding Policies, Regs And Laws	0.00%	0
VE4000	Visitor Experience: Impact Of Proposal And Alternatives	0.46%	2
VE5000	Visitor Experience: Cumulative Impacts	0.23%	1
VR4000	Vegetation And Riparian Areas: Impact Of Proposal And Alternatives	2.97%	13
VS4000	Visitor Conflicts And Safety: Impact Of Proposal And Alternatives	4.57%	20
WH1000	Wildlife And Wildlife Habitat: Guiding Policies, Regs And Laws	0.23%	1
WQ1000	Water Resources: Guiding Policies, Regs And Laws	0.46%	2
WQ4000	Water Resources: Impact Of Proposal And Alternatives	2.97%	13
Total			438

Comment Distribution by Correspondence Type

Type	Percentage	Number of Comments
E-mail	30.77%	128
Letter	57.21%	238
Other	3.61%	15
Web Form	8.41%	35
Total		416

Comment Distribution by Substantive/Non-Substantive

	Percentage	Number of Comments
Substantive	0.00%	0
Non-Substantive	99.77%	437
Total		438

Comment Distribution by Status

Status	Percentage	Number of Comments
Coded	99.76%	415
In Process	0.24%	1
Total		416

Correspondence Distribution by State

State	Percentage	Number of Correspondence
?	26.92%	49
FL	0.55%	1
NC	68.13%	124
OH	0.55%	1
SC	2.20%	4
VA	1.10%	2
WV	0.55%	1
Total		182

Correspondence Distribution by Country

Country	Percentage	Number of Correspondence
USA	7.14%	13
Unspecified	92.86%	169
Total		182

Comment Distribution by Organization Type

Organization Type	Percentage	Number of Comments
Business	0.24%	1
Conservation/Preservation	0.24%	1
Federal Government	0.48%	2
Non-Governmental	56.25%	234
State Government	0.96%	4
University/Professional Society	0.24%	1
Total		416