

# Environmental Assessment

## Right-of-way Permit for Watauga County Board of Education to Utilize a NCDOT Deed Reserved Roadside Park on National Park Service Land

Blue Ridge Parkway, Watauga County, North Carolina

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October 2006



**National Park Service**  
**U.S. Department of the Interior**



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## SUMMARY

This EA was prepared in accordance with the *National Environmental Policy Act (NEPA) of 1969* (42 United States Code (USC) 4321 et seq.), the Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations (CFR) Parts 1500 through 1508) for implementing NEPA, and the NPS NEPA compliance guidance handbook (Director's Order (DO)-12, *Conservation Planning, Environmental Impact Analysis, and Decision-making*).

The document has been prepared to provide the decision-making framework that 1) analyzes a reasonable range of alternatives to meet project objectives, 2) evaluates potential issues and impacts to the Blue Ridge Parkway's (Parkway) resources and values, and 3) identifies mitigation measures to lessen the degree or extent of these impacts.

This EA analyzes the environmental impacts that would result from the two alternatives considered; Alternative A - No Action Alternative and an action alternative, or Alternative B (Preferred Alternative). The No Action Alternative is the current situation, and is primarily used as a baseline assessment from which to analyze the action alternative. The Preferred Alternative consists of the National Park Service (NPS) issuing a right-of-way permit to Watauga County Board of Education (school board). The permit would allow the school board to utilize a North Carolina Department of Transportation (NCDOT) deed reserved roadside park that is on park land adjacent to the Parkway Elementary School (school). NCDOT's deed reservation would automatically be cancelled if and when the roadside park was discontinued.

Resource topics that have been addressed in this document because the resultant impacts may be measurable include vegetation and visitor use and experience, including visual resources. All other resource topics have been dismissed because the project would result in negligible or minor effects to those resources. No major effects are anticipated as a result of this project. Public scoping was conducted to assist with the development of this document.

### Public Comment

If you wish to comment on the Environmental Assessment, you may do so online (our preference) at the National Park Service website "Planning, Environment, and Public Comment" <http://parkplanning.nps.gov>, or you may mail comments to Suzette Molling, Environmental Protection Specialist; Blue Ridge Parkway; 199 Hemphill Knob Road; Asheville, North Carolina 28803.

This Environmental Assessment will be on public review for 30 days. Our practice is to make comments, including names, home, addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish to consider withholding this information you must state this prominently at the beginning of your comments. Commentators using the website can make such a request by checking the box "**keep my contact information private.**" Comments are typically treated as a public record and made available for public review. Individuals may request that the National Park Service withhold their name and address from disclosure. Such requests will be honored to the extent allowable by law.

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## 1.0 INTRODUCTION

### 1.1 PURPOSE AND NEED FOR THE PROPOSED ACTION

The Watauga County Board of Education, North Carolina, has requested that the National Park Service, Blue Ridge Parkway issue a 10-year right-of-way (ROW) permit to the school board. The purpose of this permit would be to allow the school board to convert the lands currently occupied by the State of North Carolina that are being used as a roadside park. The park is administered by the North Carolina Department of Transportation (DOT). With the completion of the new U.S. Highway 421, NCDOT has closed the roadside park during the week. The roadside park is located on Old U.S. Highway 421. NCDOT has indicated to the school board that the reserved rights for the roadside park will be relinquished to the NPS when the park is discontinued and a permit issued to the school board.

NPS authority for issuing a ROW permit for the stated purpose can be found in 16 USC Section 1a-1; Section 460a-2 and Section 460a-8; Title 36 CFR, Part 14; 245 DM 5.1; and DO #53, *Special Park Uses*. The permit would allow the construction, operation and maintenance of an access road, parking lot, and landscaped areas within the boundaries of the Blue Ridge Parkway for the Parkway Elementary School. The school is located at Parkway Milepost (MP) 281, Parkway Right (PwR), Section 2-F, Station 237 (see Figure 1.4-1).

The need for this action (issuance of the ROW permit) is the school board's requirement for additional ingress and egress to facilitate safer and more efficient traffic flow from U.S. Highway 421 to the school property and the NPS' statutory requirements to fully assess the impacts of any ROW permits in order to assure protection of park resources. The ROW permit would allow the widening of the deed reserved entrance road to an access road; widening the bus drop-off ingress/egress (west entrance); adding/creating a new access road (east entrance/exit where no deed reservation exists); adding/creating 60 parking spaces with sidewalk; and storm sewer and ditch line rehabilitation.

#### **The Purpose of an Environmental Assessment (EA)**

An EA is a study conducted by a Federal agency to determine whether an action the agency is proposing to take would significantly affect any portion of the human or natural environment. The intent of the EA is to provide project planners and Federal decision-makers with relevant information on a proposed action's impacts on the environment.

If the EA finds that no significant impacts would result from the action, the agency can publish a Finding of No Significant Impact (FONSI), and can proceed with the action. If the EA finds that significant impacts would result from the action, then the agency must prepare and publish a detailed Environmental Impact Statement (EIS) to help it decide about proceeding with the action.

The elementary school has been in existence for more than 50 years, and the school board does not predict that it would close any time in the near future. However, any NPS ROW permit would expire in not more than 10 years from date of issue, and renewal would be based on a reassessment of continuing need and past adherence to permit requirements.

## **1.2 PURPOSE AND SIGNIFICANCE OF THE PARK**

The Blue Ridge Parkway connects the Shenandoah National Park in Virginia with the Great Smoky Mountains National Park in North Carolina via a 469 mile scenic road. The Blue Ridge Parkway is ranked as America's most scenic drive by leading travel writers. This sanctuary of high places encompasses a world of mountain forests, wildlife, and wildflowers thousands of feet above a patchwork of villages, fields, and farms. The toll-free parkway combines awesome natural beauty with the pioneer history of gristmills, weathered cabins, and split rail fences to create our country's most popular national park area. Annual recreational visitation rose from 16.9 million in 1990 to 19.2 million in 2000.

The legislated purpose of the Blue Ridge Parkway under a federal action of June 30 1936 is to link Shenandoah National Park in Virginia and the Great Smoky Mountains National Park in North Carolina and Tennessee by way of a recreation-oriented motor road intended for public use and enjoyment. Under the provisions of the Organic Act that created the National Park Service, approved August 25, 1916 (39 Stat. 535), the intended purpose of the Blue Ridge Parkway is to conserve, interpret, and exhibit the unique natural and cultural resources of the central and southern Appalachian Mountains, as well as provide for leisure motor travel through a variety of environments. The general interpretation of the Blue Ridge Parkway's purpose has been refined into the following more specific purpose statements:

*Physically connect Shenandoah and Great Smoky Mountains National Parks by way of a 'national rural parkway' - a recreational destination-oriented motor road traveling through a variety of scenic ridge, mountainside and pastoral farm landscapes.*

*Manage the scenic, natural and cultural resources of the Blue Ridge Parkway's designed and natural areas to preserve the integrity of resources and to provide a quality visitor experience.*

*Influence the protection of the scenic, natural and cultural resources within the corridor composed of those lands that are visible from the Blue Ridge Parkway and/or situated adjacent to the boundary.*

*Conserve and provide for the enjoyment and understanding of the natural resources and cultural heritage of the central and southern Appalachian Mountains.*

*Provide opportunities for visitors to experience the scenic qualities, recreational uses and natural and cultural resources of the Blue Ridge Parkway and its corridor.*

The route of the Blue Ridge Parkway follows mountain and valley landscapes to link Shenandoah and Great Smoky Mountains National Parks. Its location was selected to provide the best in a variety of scenic, historic, and natural features that evoke the regional image of the central and southern Appalachian Mountains. In order to maximize scenic views and give Blue Ridge Parkway visitors the impression that they are in a park with boundaries to the horizon, the Blue Ridge Parkway was located in mountainous terrain that normal roads would have avoided.

The Blue Ridge Parkway was the first national rural parkway and is widely recognized as an international example of landscape and engineering design achievements with a roadway that lies easily on the land and blends into the existing scene. The Blue Ridge Parkway also was the first national rural parkway to be conceived, designed, and constructed as a leisure-type driving experience.

The Blue Ridge Parkway follows the crests and ridges of the Blue Ridge, Black, Great Craggy, Great Balsam and Plott Balsam Mountains. These five major mountain ranges are part of the central and southern Appalachian Mountains. The 469 mile parkway encompasses several geographic and vegetative zones, with altitudes ranging from approximately 650 feet at the James River in Virginia to nearly 6,050 feet at Richland Balsam in North Carolina. The Blue Ridge Parkway is known for spectacular mountain and valley vistas, quiet pastoral scenes, sparkling waterfalls, colorful flowers and foliage displays, and interpretation of mountain history and culture. Its varied topography and numerous vista points offer easy public access to spectacular views of southern Appalachian rural landscapes and forested mountains. Designed for recreational driving, the Blue Ridge Parkway provides visitors with quiet, leisure travel, free from commercial traffic and the congestion of high-speed highways. As its All-American Road status indicates, it is one of the most diverse and high quality recreational driving experiences in the world. The park's uninterrupted corridor facilitates the protection of a diverse range of flora and fauna including rare and endangered plant and animal species and areas designated as national natural landmarks. The park preserves and displays cultural landscapes and historic architecture characteristic of the central and southern Appalachian highlands.

### **1.3 PROJECT HISTORY AND BACKGROUND**

The reservation for ingress/egress for the Parkway Elementary School and the reservation for the state roadside park are set forth in Parkway Deed No. 71 from the State of North Carolina to the USA dated December 20, 1955, Deed Book 74, Page 569, (NPS 1955) recorded in Watauga County, as follows:

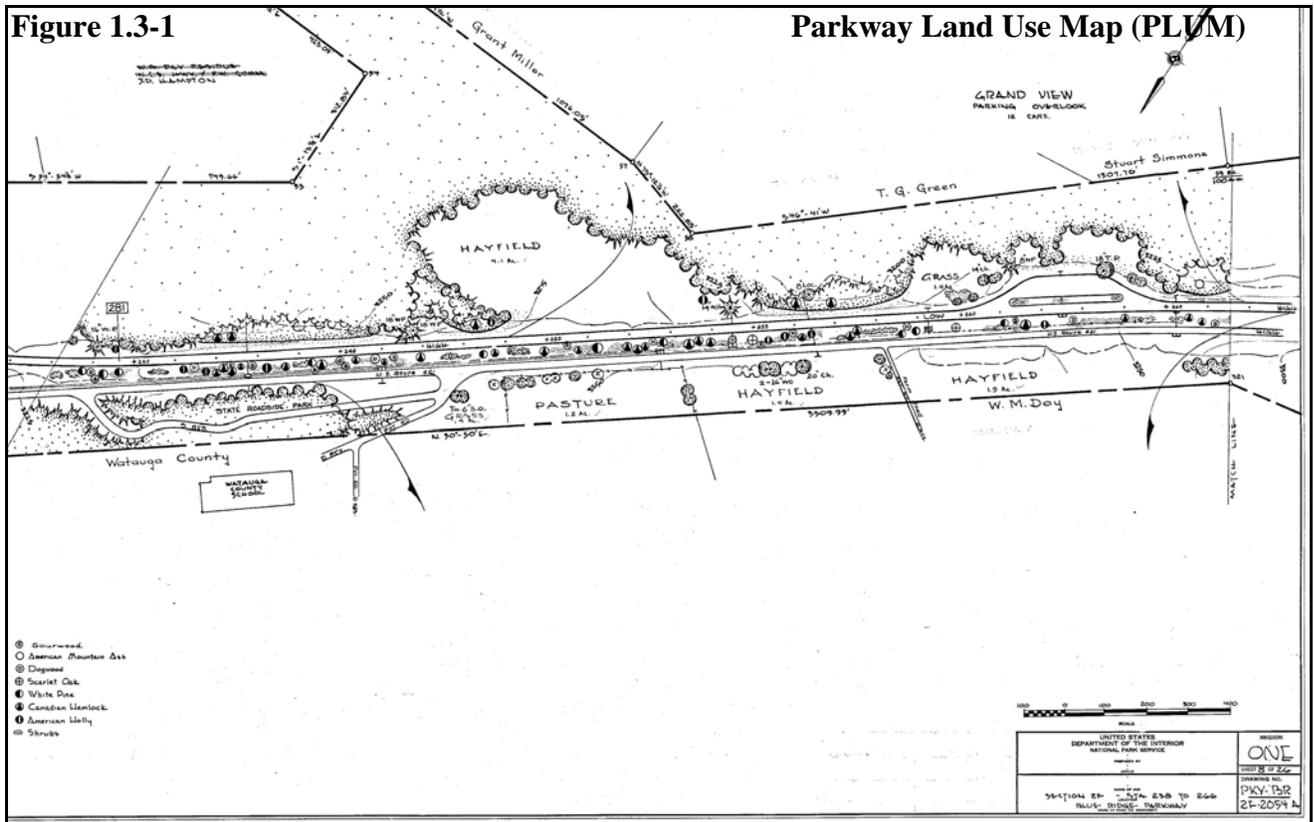
*“Station 245+00      248+50      Private road  
Twenty foot wide road, approximately 300 ft. long to  
remain for Watauga County Board of Education and P. G.  
Carroll, his heirs and assign, from a connection with U.S.  
421 right (northwest) of Station 248+50 to the right of way  
line right (northwest) of Station 245+00”*

*“Station 238+00      249+00      State Roadside Park  
Existing State Roadside Park between U.S. 421 and the  
right (north) Parkway boundary extending from Station  
238+00 to Station 249+00, to be operated and maintained  
by the N.C. State Highway and Public Works Commission.  
This reservation in the deed is automatically cancelled if  
and when the Park is discontinued”*

In January 2000, the Watauga County Board of Education contacted the Blue Ridge Parkway seeking authority to use or acquire federal land located between the Parkway Elementary School and Old U.S. Hwy 421 for the benefit and use of the school. The federal land being sought by the school board is encumbered with a deed reserved right to the state of North Carolina for a state roadside park that is maintained and operated by the North Carolina Department of Transportation. The school board was asking for “access to and use of the roadside park property through an arrangement comparable to the present agreement between the Parkway and DOT. DOT had told the school board that it would close the roadside park and relinquish all deed reserved rights to the federal land when, and only after, the Blue Ridge Parkway had entered into a legally binding agreement with the school board for use of or acquisition of the land” (Jones, 2001).

The school is separated from the state highway system by Blue Ridge Parkway land that is currently encumbered with a roadside park. A chain link fence separates the school campus from the roadside park. One 20-foot wide ingress/egress is deed reserved across Blue Ridge Parkway land for the benefit of the school. The school board has stated that the ingress/egress at the intersection with Old U.S. Hwy 421 is at times clogged with traffic during winter storms and is seeking a second ingress/egress across Blue Ridge Parkway land to Old U.S. Hwy 421 in order to more safely facilitate the flow of school buses and school traffic onto and off the school campus. Additionally, the school’s water supply comes from a well located on federal land and the school needs authority from the Blue Ridge Parkway to continue to use the well. The school also needs additional parking space. The layout of the existing roadside park, as well as the highways and boundaries, are shown in the PLUM in Figure 1.3-1.

Figure 1.3-1



The Blue Ridge Parkway has no authority to sell, cede, convey, or donate federal lands or interests in land for the benefit of adjoining landowners. The Parkway does have the authority to exchange lands or interests in land for the benefit of the park. Knowing the existence of this authority, the school has asked if the authority could be used to acquire the federal land located between the school and Old U.S. Hwy 421. In order to facilitate the exchange, a private landowner offered to convey to the school a 3-acre tract of land (Tract 39-140) that could be used in a land exchange with the USA. Although, the 3-acre tract of land offered for exchange is beneficial to the Blue Ridge Parkway to maintain the scenic vista at the Blue Ridge Parkway/Hwy 421 interchange, the federal land being sought by the school board is critical to the Blue Ridge Parkway's mission and is not excess to the park's needs. The Blue Ridge Parkway rejected the offer. The Parkway boundary in this area is quite narrow with only 400 to 500 feet of buffer land on either side of the motor road. The disposal of federal land through a land exchange would diminish the Blue Ridge Parkway's ability to screen school buildings and other future development from the view of park visitors (Gasperson, 2006).

In April 2003, Parkway Superintendent Dan Brown sent a letter to the school board stating the Parkway would be agreeable to enter into a land exchange whereby certain property rights on federal land would be conveyed to the school (an additional ingress/egress and land for parking) in exchange for the 3-acre tract of land near the Blue Ridge Parkway/Hwy 421 interchange (NPS, 2003).

In June 2003, the school board responded, declining the Parkway's offer stating that the additional ingress/egress was important, but the school board feared such an exchange would leave the school with little or no control over use of the land. The school board also stated that the proposed design for parking and ingress/egress that the Blue Ridge Parkway had presented to them might not meet DOT requirements for sight distances and that the proposal was inherently unfair to the owner of the exchange property. The school board again stated the requested federal land should be conveyed in fee title to the school board (Jones, 2003). The Parkway replied, explaining that the land was needed to control the scenic corridor.

The Blue Ridge Parkway then agreed to offer the school board a temporary, revocable permit for a second ingress/egress and parking. Water rights would also be permitted if authority exists that would allow it to be permitted. It was also stated that DOT would have to relinquish its right to the use of federal land for a roadside park in order for the Parkway to have authority to enter into an agreement with the school board. Due to the fact the school is a public agency; the Superintendent stated he would be willing to waive the usual permit fees (Gasperson, 2005).

It should also be noted that the use of the well for the school (water rights) will be handled under a different process than this right-of-way permit.

### **1.3.1 Scoping**

The Council on Environmental Quality (CEQ 1978) guidelines for implementing the National Environmental Policy Act and the National Park Service National Environmental Policy Act guidelines contained in Director's Order # 12: *Conservation Planning, Environmental Impact Analysis and Decision Making Handbook* (National Park Service, 2001b) require scoping. Scoping is an early and open process completed by the National Park Service to:

- Determine important issues.
- Eliminate issues that are not important or relevant.
- Identify relationships to other planning efforts or documents.
- Define a time schedule of document preparation and decision-making.
- Define purpose and need, agency objectives and constraints, and the range of alternatives.

There are two types of scoping – internal and external. Internal scoping is conducted by the National Park Service to determine the types of issues that might be associated with a proposed project, and forms the basis for the assessment of the effects of the alternatives. Internal scoping involves analyzing the characteristics of granting the ROW, and relating these proposed actions to potential environmental effects. External scoping involves early public involvement and can include letters to involved agencies, stakeholder meetings, informal public meetings or open houses, formal public hearings, and newsletters. Scoping letters to the agencies are required for every environmental assessment prepared by the National Park Service. The other forms of external scoping are used in varying degree, depending on the nature of the issues involved for a particular project. The amount of external scoping is determined primarily by the degree of the potential for adverse environmental effects of a proposed project.

The National Park Service has conducted the following scoping activities in conjunction with granting the proposed right-of-way permit:

An internal scoping meeting was held on April 28, 2005 at Milepost 281 on the Blue Ridge Parkway to discuss the potential issues surrounding alternatives for granting the ROW. It was determined that all construction activities for the proposed project would take place entirely within the existing disturbed area occupied by the existing roadside park and school premises. Therefore, the nature of the potential effects of the proposed project on the environment would be limited.

External scoping has included the following:

For external scoping, a public scoping letter (see Figure C-1 in Appendix C) describing the project and requesting input on the proposed alternatives was issued to private parties and State, Federal, and local agencies on August 1, 2006. Appendix C provides a list of individual and agencies/organizations that were sent the scoping letter (Table C-1). The external scoping period ended on September 1, 2006. Comments received during the scoping period can be found in Figures C-2 to C-4 of Appendix C.

Preparation and distribution of a news release that summarizes the purpose and need of the project and alternatives was distributed on October 1, 2006. The news release was posted on the park website, as well.

A copy of the environmental assessment will be distributed to the review agencies.

The environmental assessment will also be made available to the public at the park website and at park headquarters.

Together, all of these scoping activities assure that potential issues and concerns associated with granting the proposed ROW have been identified and included in this environmental assessment.

#### **1.4 LOCATION AND GENERAL DESCRIPTION OF THE AFFECTED AREA**

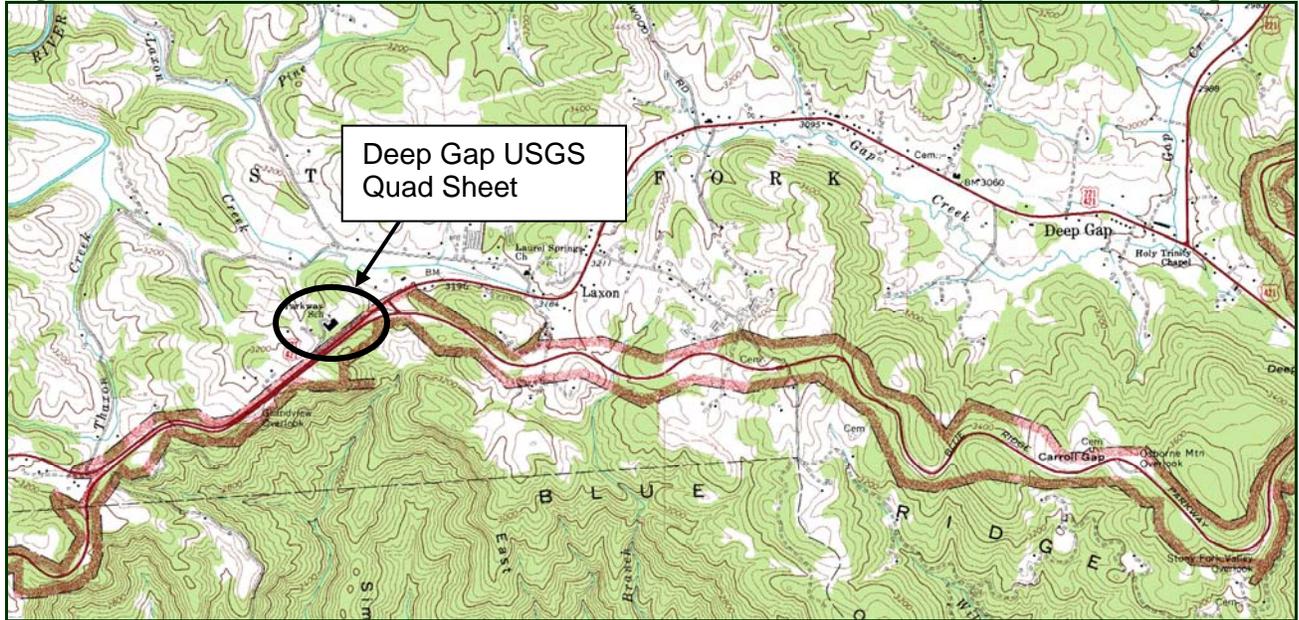
The Blue Ridge Parkway follows the high crests of the central and southern Appalachians for 469 miles from Shenandoah National Park in Virginia to the Great Smoky Mountains National Park in North Carolina. Its breathtaking scenic beauty, unbridled natural resources, and unique historic sites make it the showpiece rural parkway of the National Park Service. The Parkway extends almost 4 degrees in longitude and 2½ degrees in latitude, the third largest geographic range of any unit in the National Park System.

The Parkway occupies 81,188 acres of lands within the socio-political boundaries of two states, six congressional districts, 12 counties in Virginia, 17 counties in North Carolina, 185 miles within four national forests, 11 miles within the Qualla Boundary Reservation of the Eastern Band of Cherokee Indians (Cherokee Indian Reservation), two state parks, and three metropolitan areas. There are more than 1,200 miles of boundary and 4,500 adjacent property owners. Three

interstates, 270 secondary roads, and 400 utility lines bisect natural features. Like beads on a necklace, 900 vistas, 275 paved overlooks, 18 recreational areas, 14 backcountry areas (ranging from 1,000 to 5,000 acres), and 13 maintenance facilities line the Parkway to accommodate visitors. With annual use approaching 20 million people, it is the most highly visited unit in the National Park System.

The primary activity is recreational driving, sight seeing and hiking. The Parkway also provides naturalist walks and talks, self-guided nature trails, roadside exhibits, picnicking, and camping.

**Figure 1.4-1** **Project Location Maps**



## 1.5 ISSUES AND IMPACT TOPICS

This environmental analysis was prepared in accordance with the CEQ's *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 CFR Parts 1500-1508) and part 516 of the U.S. Department of the Interior's *Department Manual* (516 DM). Among other actions, the *National Environmental Policy Act* calls for an examination of the impacts on individual components of affected ecosystems. *NPS Management Policies 2006*, DO-12 (*Conservation Planning, Environmental Impact Analysis, and Decision Making*), DO-28 (*Cultural Resources Management*), and NPS-77 (*Natural Resources Management Guidelines*) provide general guidelines to manage and protect natural, cultural, visual and recreational resources within park units. Specific management plans developed by park staff further refine the goals, objectives, and management direction for the protection of natural abundance and diversity of the park's natural, cultural, recreational, and visual resources. These plans include: *Parkway Strategic Plan*, *Statement for Management*, *Resource Management Plan* and the *General Management Plan* (GMP) that is currently being developed.

A list of impact topics and a summary of relevant regulations or policies related to each impact topic are provided in Table 1.5-1 below. Some impact topics were eliminated based on whether they were estimated to have no effect or a negligible effect on the environment. The rationale for the elimination of selected impact topics is summarized in the section that follows.

**Table 1.5-1 Derivation of Impact Topics**

Impact Topic	Relevant Regulations or Policies
<b>RETAINED</b>	
All	National Environmental Policy Act (NEPA) (42 USC 4321-4370)
All	Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508)
All	National Park Service Organic Act of 1916 (16 USC et seq.)
All	E.O. 12372: <i>Intergovernmental Review of Federal Programs</i>
Vegetation – Native Plant Communities	National Park Service Management Policy 4.4.2, 2001
Visitor Use and Experience, Including Visual Resources	National Park Service Organic Act; National Park Service Management Policy 8.2, 2001
<b>DISMISSED</b>	
Prime and Unique Farmlands	Council on Environmental Quality 1980 memorandum on prime and unique farmlands; 40 Code of Federal Regulations 1500 (regulations for implementing National Environmental Policy Act, section 1508.27)
Geologic Resources	National Park Service Management Policy 4.8, 2001
Soils	National Park Service Management Policy 4.8.2.4, 2001
Floodplains	Executive Order 11988 ( <i>Floodplain Management</i> )
Air Quality	Clean Air Act (CAA) (42 USC 7401 et seq.); Clean Air Act Amendments of 1990; National Park Service Management Policy, 4.7.1, 2001
Soundscape/Noise	Noise Control Act of 1972, as amended; National Park Service Management Policy 4.9, 2001

Impact Topic	Relevant Regulations or Policies
<b>DISMISSED</b>	
Aquatic Resources	National Park Service Management Policy 4.6, 2001; Federal Water Pollution Control Act [The Clean Water Act of 1972 (as amended in 1977)]; Magnuson-Stevens Fishery Conservation and Management Act
Threatened and Endangered Species	Endangered Species Act (ESA) of 1973 (16 USC 1531-1544); National Park Service Management Policy 4.4.2.3, 2001; 40 Code of Federal Regulations 1500 (regulations for implementing the National Environmental Policy Act), North Carolina Department of Environment and Natural Resources
Wildlife	Migratory Bird Treaty Act (16 USC 703 et seq.), <i>Management Policies</i> 2006
Water Quality	Clean Water Act (CWA) (33 USC 1251 et seq.); Executive Order 12088; National Park Service Management Policy 4.6.3, 2001
Wetlands	Executive Order 11990; Clean Water Act Section 404; National Park Service Director's Order #77-1; Executive Order 11988; National Park Service Management Policy 4.6.4 and 4.6.5,
Ecologically Critical Areas, Wilderness, Wild and Scenic Rivers, or Other Unique Natural Resources	36 Code of Federal Regulations 62 (criteria for national natural landmarks); National Park Service <i>Management Policies</i> 2006; Wilderness Act of 1964, National Park Service Management Policy 6.3, 2001
Historic and cultural resources, and design of the built environment, including cultural landscapes	National Historic Preservation Act (NHPA) (16 USC 470 et seq.); 40 Code of Federal Regulations 1500 (regulations for implementing the National Environmental Policy Act); National Park Service Director's Order #12; Section 106 of the National Historic Preservation Act; Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.); National Park Service Director's Order #28
Archeological Resources	The Archaeological Resources Protection Act (ARPA) (16 USC 470a et seq.); Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.)
Sacred Sites	Executive Order 13007; National Park Service Management Policy 5.3.5.3.2, 2001
Museum Collections	National Park Service Director's Order #28; National Park Service <i>Management Policies</i> , 2006
Ethnographic Resources	National Park Service Management Policy 5.0, 2001
Environmental Justice	Executive Order 12898; Environmental Protection Agency's draft Environmental Justice Guidance, July 1996
Socioeconomics	40 Code of Federal Regulations 1500 (regulations for implementing National Environmental Policy Act)
Human Health and Safety	National Park Service Management Policy 8.2.5, 2001; Executive Order 12898
Park Operations	National Park Service Management Policy 9.1, 2001
Concession Operations and Commercial Services	National Park Service Management Policy 10.2, 2001

### **1.5.1 Impact Topics Analyzed**

The following issues and impact topics are analyzed in this EA:

#### *Natural Resources*

Issues and concerns affecting this proposal were identified during discussions with groups and individuals. The major natural resource issue is: impacts to vegetation.

#### Vegetation

Proposed activities have the potential to impact trees and vegetation resources; therefore, this topic will be briefly analyzed in this document.

#### *Visitor Use and Experience, Including Visual Resources*

The provision of a scenic highway, and scenic opportunities of the Appalachian Mountains, is contained with the Blue Ridge Parkway enabling legislation. The Blue Ridge Parkway is a designed landscape along its entire route. Portions of the school lie within the viewshed from the Blue Ridge Parkway. Visitors traveling the Parkway could be affected through noise, aesthetic, and traffic-related effects during construction. Visual resources would be affected by construction activities and after construction by changes to the landscape. Therefore, this topic will be analyzed in this document.

### **1.5.2 Impact Topics Dismissed From Further Analysis**

The following issues and impact topics were dismissed from further analysis in this EA:

#### *Natural Resources*

#### Prime and Unique Farmlands

Prime or unique farmland is defined as soil that particularly produces general crops as common foods, forage, fiber, and oil seed; unique farmland produces specialty crops such as fruits, vegetables and nuts. The location of the road side park does not occupy soils classified as prime or unique; therefore, the topic of prime and unique farmland was dismissed as an impact topic in this document.

#### Geological Resources

The geologic features in or near the site would not be affected by implementation of the proposed action. For this reason, geological resources were dismissed as an impact topic.

#### Soils

This impact topic is dismissed because the site is already cleared and all construction activity would involve negligible to minor amounts of soil disturbance under the Preferred Alternative. No adverse effects on soils would result during operation.

### Floodplains

Executive Order 11988 (*Floodplain Management*) requires an examination of impacts to floodplains. The 2006 NPS *Management Policies*, DO-2 *Park Planning*, and DO-12 *Conservation Planning, Environmental Impact Analysis, and Decision-Making* provide guidelines on developments proposed in floodplains. Executive Order 11988, *Floodplain Management*, requires all federal agencies to avoid construction within the 100-year floodplain unless no other practical alternative exists. Certain construction within a 100-year floodplain requires that a Statement of Findings be prepared and accompany a Finding of No Significant Impact. Proposed activities do not include construction or development within floodplains. Therefore, floodplains were dismissed as an impact topic in this document.

### Air Quality

Clean Air Act, as amended (42 USC 7401 et seq.). Section 118 of the Clean Air Act requires all federal facilities to comply with existing federal, state, and local air pollution control laws and regulations. Local air quality in the immediate vicinity could be temporarily affected by dust generated from site construction activities and emissions from construction equipment and vehicles. There would also be increased automobile emissions from vehicles using the site. However, these would range from negligible to minor localized effects. For these reasons, air quality is an impact topic that was dismissed in this document.

### Noise

The *Noise Control Act of 1972*, as amended, sets standards and procedures for limiting noise that jeopardizes Americans' health and welfare. Noise conditions surrounding the current roadside park would be expected to change under the proposed action. Natural sounds from birds, frogs and other wildlife are evident at the perimeter of the site, but the site itself is entirely disturbed. The construction operations could cause additional disturbance of the site that could result in further reduction in the natural soundscape. And the sounds of chainsaws would be experienced during vegetation removal of shrubs and trees. However, all of these effects were estimated to be negligible to minor, local and short-term effects. For these reasons, noise is an impact topic that was dismissed from further analysis.

### Aquatic Resources

The proposed activities do not have the potential to impact aquatic resources. Therefore, this topic will not be analyzed in this document.

### Threatened and Endangered (T&E) Species

The *Endangered Species Act of 1973* requires that any proposed federal action consider the potential for affecting the continued existence of any species (either flora or fauna) or its habitat listed by the U.S. Fish and Wildlife Service (USFWS) as threatened or endangered, or any species proposed to be listed. Also, *NPS Management Policies* requires the National Park Service, to the greatest extent possible, to manage state and locally listed species in a manner similar to that of federally listed species. National Park Service staff familiar with the roadside park site (McElrath, 2006) indicated that there are no federally and/or state-listed species in the vicinity of MP 281. The USFWS responded in a letter dated August 30, 2006 (see Appendix C). Since there are no federally and/or state-listed species in the project area, this topic will not be analyzed in this document.

### Wildlife

No wildlife habitat exists on the site. Because the existing roadside park site has been largely cleared, however, and all construction and operation activities would occur inside the already disturbed area, construction and operation of the proposed project would have no adverse effects on wildlife; therefore, this topic was dismissed as an impact topic.

### Migratory Birds

The *Migratory Bird Treaty Act*, as amended (16 U.S.C. 703) and Executive Order (E.O. 13186, January 2001) directs each Federal agency taking actions having or likely to have a negative impact on migratory bird populations to work with the U.S. Fish and Wildlife Service to develop an agreement to conserve those birds. Since all of the proposed construction activities would take place in the area that has already been heavily impacted by other construction and visitor use activities, no additional detrimental effects on neotropical/migratory bird species would be expected; therefore, migratory birds was dismissed from further analysis.

### Water Quality

The *1972 Federal Water Pollution Control Act*, as amended by the *Clean Water Act of 1977*, establishes a national policy to restore and maintain the physical, chemical, and biological integrity of the Nation's waters; to enhance the quality of water resources; and to prevent, control, and abate water pollution. Proposed activities do not have the potential to impact water resources; therefore, this topic was dismissed as an impact topic.

### Wetlands

The purpose of Executive Order 11990, *Protection of Wetlands* (42 Fed. Reg. 26961), is to take action and provide leadership to minimize destruction, degradation or loss of wetlands, to avoid direct construction or support of construction in wetlands, and to enhance and preserve the natural values of wetlands (DO-77, 1998). There are no wetlands in the area of the proposed activities; therefore, wetlands were dismissed as an impact topic.

### Ecologically Critical Areas

No congressionally designated natural resources, such as ecologically critical areas, Wilderness, Wild and Scenic Rivers, or other unique natural resources are located within the project site, and therefore, ecologically critical areas was dismissed as an impact topic.

### ***Cultural Resources***

Consideration of cultural resource impacts is required under the *National Historic Preservation Act* (NHPA) of 1966, NEPA, the 1916 NPS *Organic Act*, and NPS *Management Policies*. All properties and districts listed in or eligible for listing in the National Register are considered in the planning of federal undertakings, including projects that are licensed or partially funded by the federal government.

Established by the NHPA, the National Register of Historic Places is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation for their significance in American history, architecture, archaeology, and culture. The purpose of the Act is to ensure that properties significant in national, state, and local pre-history or history are considered in the

planning of federal undertakings. To achieve National Register Status a property must possess integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one of the following National Register Criteria:

- Association with events that have made a significant contribution to the broad patterns of our history; or
- Association with the lives of persons significant in our past; or
- Embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Yielding or potential to yield information important in prehistory or history.

### Cultural Landscapes

Cultural landscapes are defined by the NPS as “a reflection of human adaptation and use of natural resources and is often expressed in the way land is organized and divided, patterns of settlement, land use, systems of circulation, and the types of structures that are built. The character of a cultural landscape is defined both by physical materials, such as roads, buildings, walls, and vegetation, and by use reflecting cultural values and traditions” (DO #28: Cultural Resource Management Guideline, 1998). According to the “*Draft Historic Resource Study: Blue Ridge Parkway*,” by Dr. Ian J. Firth (December 2005), this area does not contribute to an historic district or cultural landscape. Therefore, cultural landscapes have been dismissed as impact topics.

### Historic and Prehistoric Structures

The NHPA, as amended in 1992 (16 USC 470 *et seq.*); NEPA of 1969 (42 USC 4321 *et seq.*); NPS DO #28, *Cultural Resource Management Guideline*, NPS *Management Policies 2006*, and NPS DO #12, *Conservation Planning, Environmental Impact Analysis, and Decision Making* require the consideration of impacts on historic structures and buildings listed in or eligible for listing in the National Register of Historic Places. Parkway records, as well as the NPS Facility Management Software System (FMSS), show that there are no historic sites or structures in the affected environment (M. Henderson, NPS, July 2006). This project would not affect any historic or prehistoric structures, currently known to park staff, and thus will not be discussed as an impact topic.

### Archeological resources

The *Archaeological Resources Protection Act* (ARPA) (16 USC 470a *et seq.*), ensures the protection and preservation of archeological resources on Federal lands and the *Native American Graves Protection and Repatriation Act* (NAGPRA) (25 USC 3001 *et seq.*), protects Native American human remains, burials, and associated burial goods. Because construction activities would occur in a previously disturbed area, there is little likelihood of affecting intact archeological resources or any Native American human remains or burials. These regulations, promulgated under the authority of the Secretary of Interior, apply to findings made by historic preservation professionals that meet qualification standards for Federal projects. The Parkway conducted an assessment regarding Section 106 needs in August 2006 and determined that an archeological survey was not required (see Appendix C). As no archaeological sites are located in the project area, archaeological resources were dismissed as an impact topic in the EA.

### Museum Collections

The NPS' *Management Policies, 2006* and DO #28, *Cultural Resource Management Guideline* require the consideration of impacts on museum collections (historic artifacts, natural specimens, and archival and manuscript material). There are no museum objects that would be affected by this proposal, and thus was dismissed as an impact topic.

### Ethnographic Resources

The National Park Service must be respectful of ethnographic resources, those cultural and natural features that are of traditional significance to traditionally associated peoples. These are contemporary peoples whose interest in the park began prior to its establishment (1936) and who have associated with the park for more than two generations (40 years) (*Management Policies 2001*, Sec. 5.3.5.3, page 57). The proposed project would not affect any ethnographic resources currently known to park staff, and thus will not be discussed as an impact topic.

### ***Environmental Justice***

#### Environmental Justice

Presidential Executive Order 12898, *General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires all Federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high and/or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. The proposed project would not have disproportionate health or environmental effects on minorities or low-income populations or communities as defined in the US EPA's *Draft Environmental Justice Guidance* (July 1996). Therefore, Environmental Justice was dismissed as an impact topic in this EA.

### ***Socioeconomic Environment***

#### Socioeconomics

Under Alternative B (Preferred Alternative), construction activities associated with the Preferred Alternative would have short term, negligible impacts on the local economy in the Boone area due to short-term increases in employment opportunities and revenues for local businesses and government during construction. A private construction contractor would be hired by the School Board to conduct construction activities. Construction-related benefits to the local economy through wages, overhead expenses, material costs, and profits would last only the duration of construction, and would be minimal. No long-term impacts on the local economy would occur as a result of the project. Therefore, this topic was dismissed from further analysis in this EA.

### ***Human Health and Safety***

Public health and safety and the welfare of visitors are the greatest concerns of the NPS. The proposed action would be an improvement over the existing traffic flow to the school and would contribute negligible beneficial impacts on human health and safety as the improvements would likely eliminate any associated safety hazards. Public health and safety risks would be under control by the School Board and would be managed in compliance with applicable state and federal regulations; therefore, this topic was dismissed from further analysis.

### ***Park Operations***

The ingress/egress roads would be constructed and operated to comply with county, state and federal highway requirements. The facility would be necessary, appropriate, and consistent with the conservation of park resources and values. The site would facilitate safer and more efficient traffic flow by providing a route that meets highway safety standards. The site would be operated and maintained by the School Board. These would be minor long-term beneficial effects.

Parkway staff would occasionally review the permit, if granted; therefore, there would be no adverse effects on park operations. For these reasons, park operations were dismissed from further analysis.

### ***Concessions and Commercial Services***

There is currently no NPS concession services at the project site, nor would there be any new concessions associated with the Preferred Alternative, therefore, concessions and commercial services was dismissed as an impact topic.

## **1.6 RELATIONSHIP TO OTHER DECISIONS AND LAWS**

This Environmental Assessment has been prepared to comply with the *National Environmental Policy Act of 1969* (P.L. 91190, 42 USC 4321 *et seq.*). This law requires detailed environmental analysis of a proposed Federal action that may affect the quality of the human environment. The selection of Alternative B (Preferred Alternative) to grant a right-of-way permit is regulated under *16 USC Section 1a-1; Section 460a-2 and Section 460a-8; Title 36 CFR, Part 14; 245 DM 5.1; and DO #53, Special Park Uses.*

## **1.7 ORGANIZATION OF THE EA**

A summary of the organization of this EA and the contents of the relative chapters is provided in Table 1.7-1 below. The Table of Contents provides a more detailed outline of these chapters.

**Table 1.7-1**

**Summary of the Organization of the EA**

<b>Chapter</b>	<b>Contents</b>
<p style="text-align: center;"><b>1</b> Introduction</p>	<ul style="list-style-type: none"> <li>• Purpose and Need</li> <li>• History/Background</li> <li>• Scoping</li> <li>• Organization of the EA</li> </ul>
<p style="text-align: center;"><b>2</b> Alternatives Including the Preferred Alternative</p>	<ul style="list-style-type: none"> <li>• Description of the Preferred Alternative</li> <li>• Description of the No Action Alternative</li> <li>• Mitigation measures</li> <li>• Comparison of the impacts of the alternatives assessed</li> </ul>
<p style="text-align: center;"><b>3</b> Affected Environment</p>	<ul style="list-style-type: none"> <li>• Description of the existing aspects of the natural and human environment, by resource area, that may be impacted by each alternative</li> </ul>
<p style="text-align: center;"><b>4</b> Environmental Consequences</p>	<ul style="list-style-type: none"> <li>• Description of the methodology used to analyze environmental impacts resulting from each alternative, including definitions of impact terms</li> <li>• Analysis of potential direct, indirect, and cumulative impacts on the natural and human environment, by resource area, that would result from each alternative</li> </ul>
<p style="text-align: center;"><b>5</b> Consultation and Coordination</p>	<ul style="list-style-type: none"> <li>• Discusses relevant agency consultation during the EA development</li> <li>• Provides a list of persons and agencies contacted for information during the EA development</li> <li>• Describes public involvement activities implemented as part of the EA process</li> </ul>
<p style="text-align: center;"><b>6</b> Compliance With Federal and State Regulations</p>	<ul style="list-style-type: none"> <li>• Identifies regulatory compliance, including permits, necessary for implementation of the project</li> </ul>
<p style="text-align: center;"><b>7</b> References Cited</p>	<ul style="list-style-type: none"> <li>• List of references cited within the EA</li> </ul>
<p style="text-align: center;"><b>8</b> List of Preparers</p>	<ul style="list-style-type: none"> <li>• Identifies the members of the interdisciplinary team that contributed to the preparation of the EA</li> </ul>
<p><b>Appendices:</b></p> <ul style="list-style-type: none"> <li>• A: Acronyms and Abbreviations</li> <li>• B: Glossary</li> <li>• C: Consultation and Coordination</li> </ul>	<ul style="list-style-type: none"> <li>• List of abbreviations (and their definitions) used within the EA</li> <li>• Definitions of terms used within the EA</li> <li>• Provides supporting consultation documents</li> </ul>

## 2.0 ALTERNATIVES, INCLUDING THE PREFERRED ALTERNATIVE

This section describes the alternatives that are analyzed in this environmental assessment. The alternatives carried forward for analysis in this environmental assessment are Alternative A - No Action Alternative, and Alternative B (Preferred Alternative).

### 2.1 ALTERNATIVE A - NO ACTION ALTERNATIVE

CEQ regulations (40 CFR 1502.14) require the assessment of the No Action Alternative in NEPA documents. The No Action Alternative provides a basis for comparing the management direction and environmental consequences of the Preferred Alternative and must be considered in every EA.

The No Action Alternative would consist of continuing the present management operations and conditions. This alternative provides a basis for comparing the environmental consequences of Alternative B (Preferred Alternative). Should the No Action Alternative be selected, the National Park Service would respond to future needs and conditions associated with the park's objectives without major actions or changes from the present course. Under the No Action Alternative, the existing roadside park would continue to be maintained and operated by DOT and the school would continue to experience traffic flow problems since there is only one route for ingress/egress. If DOT would cease to use the area as a roadside park, then the land would be rehabilitated to undeveloped park land.

### 2.2 ALTERNATIVE B (PREFERRED ALTERNATIVE) – GRANT A RIGHT-OF-WAY PERMIT TO WATAUGA COUNTY BOARD OF EDUCATION TO UTILIZE A DEED RESERVED ROADSIDE PARK

Under this alternative the Blue Ridge Parkway would issue a right-of-way permit to the Watauga County Board of Education to utilize a deed reserved roadside park on park lands. The permit would contain the following conditions:

- Removal of all existing improvements for DOT roadside park (shown in below photos) upon signing of permit; widen deed reserved west entrance (improvement is shown on the Site Plan in Figure 2.2-1; the road is being widened from approximately 20 to 40 feet); widen bus drop-off ingress/egress (west entrance); addition/creation of a non-deed reserved east entrance/exit; addition/creation of approximately 60 parking spaces with sidewalk, curbing, striping and landscape



treatments; and rehab to existing storm sewer and ditch line. The design intent would be to remove all existing improvements such as retaining walls, comfort station, fencing, picnic tables and pads, and similar above ground development within the roadside park except the existing road. The alignment and pavement of the existing road would be reused, with some alterations, as access to additional parking, as shown in Figure 2.2-1.

- Remaining unimproved land between school boundary and Old U.S. Hwy 421 within entire right-of-way (see photo below) would be maintained by the permittee and would be replanted with native plant material as shown in Figure 2.2-2.



Area to be rehabilitated and replanted as per permit planting plan.

- The existing forest would be cleared only where existing

parking area would be developed, roads widened, or roads improved as shown in Figure 2.2-1. New 2-inch diameter trees of the same species would be planted within the ROW to replace those trees cleared during construction. Additional trees, shrubs, and hedges would be planted as shown in the landscape replanting plan (see Figure 2.2-2). As much forest as possible would be retained to maintain a visual screen barrier of the school building. Blue Ridge Parkway natural resource management staff would recommend treatment of the hemlock trees for Hemlock Woolly Adelgid (HWA). Replacement of dead hemlock or pine trees designated as hazardous, along with oak, maple, and the hickory forest would also be desired and recommended.

- Permit would automatically terminate if and when the Watauga County Board of Education ceased to utilize and operate the facilities as an educational facility.
- At the termination of the permit, all improvements to federal land allowed under this permit would be removed at the expense of the permittee and the land would be restored as per the Site Rehabilitation Plan (see Figure 2.2-3).

Figure 2.2-1

Site Plan

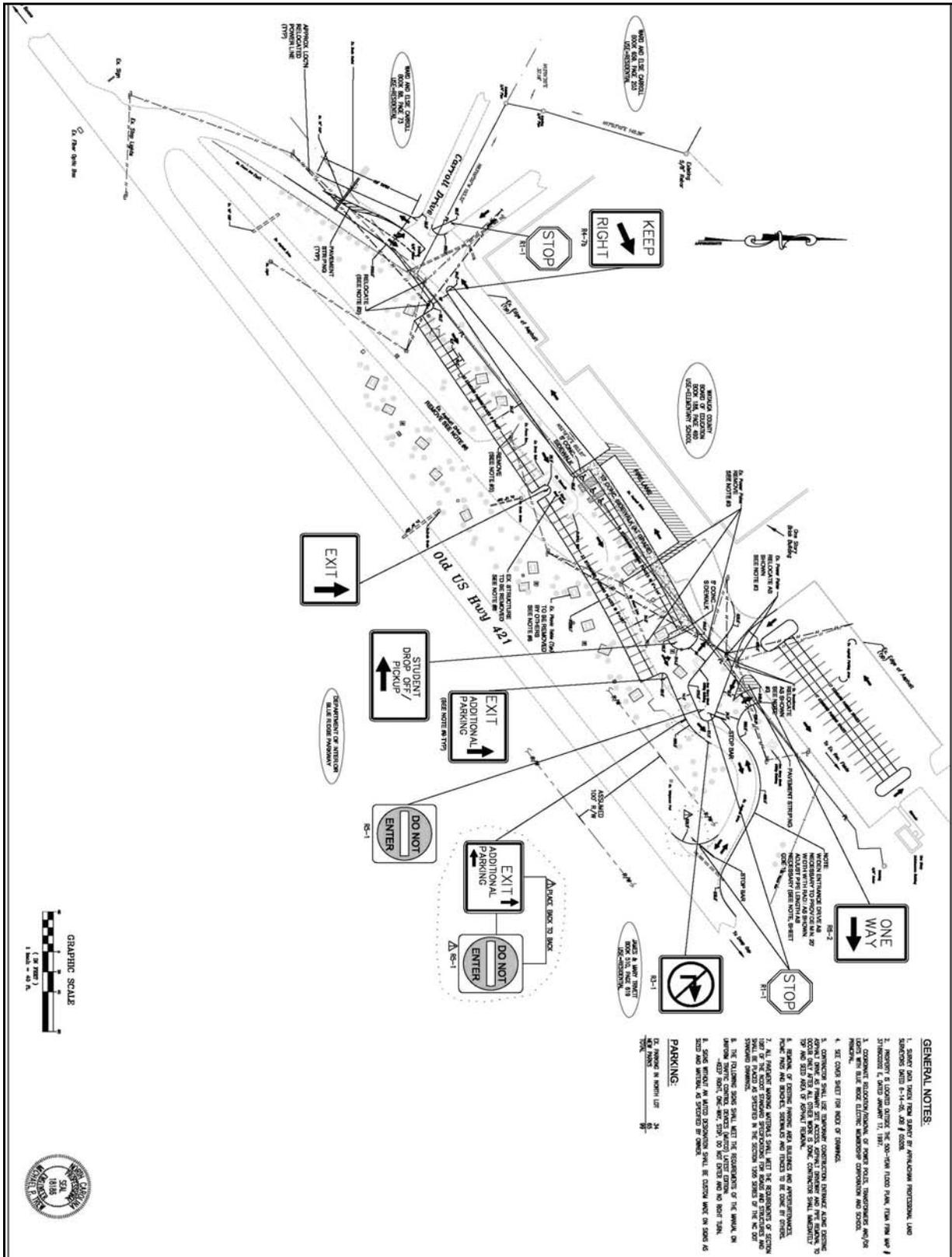
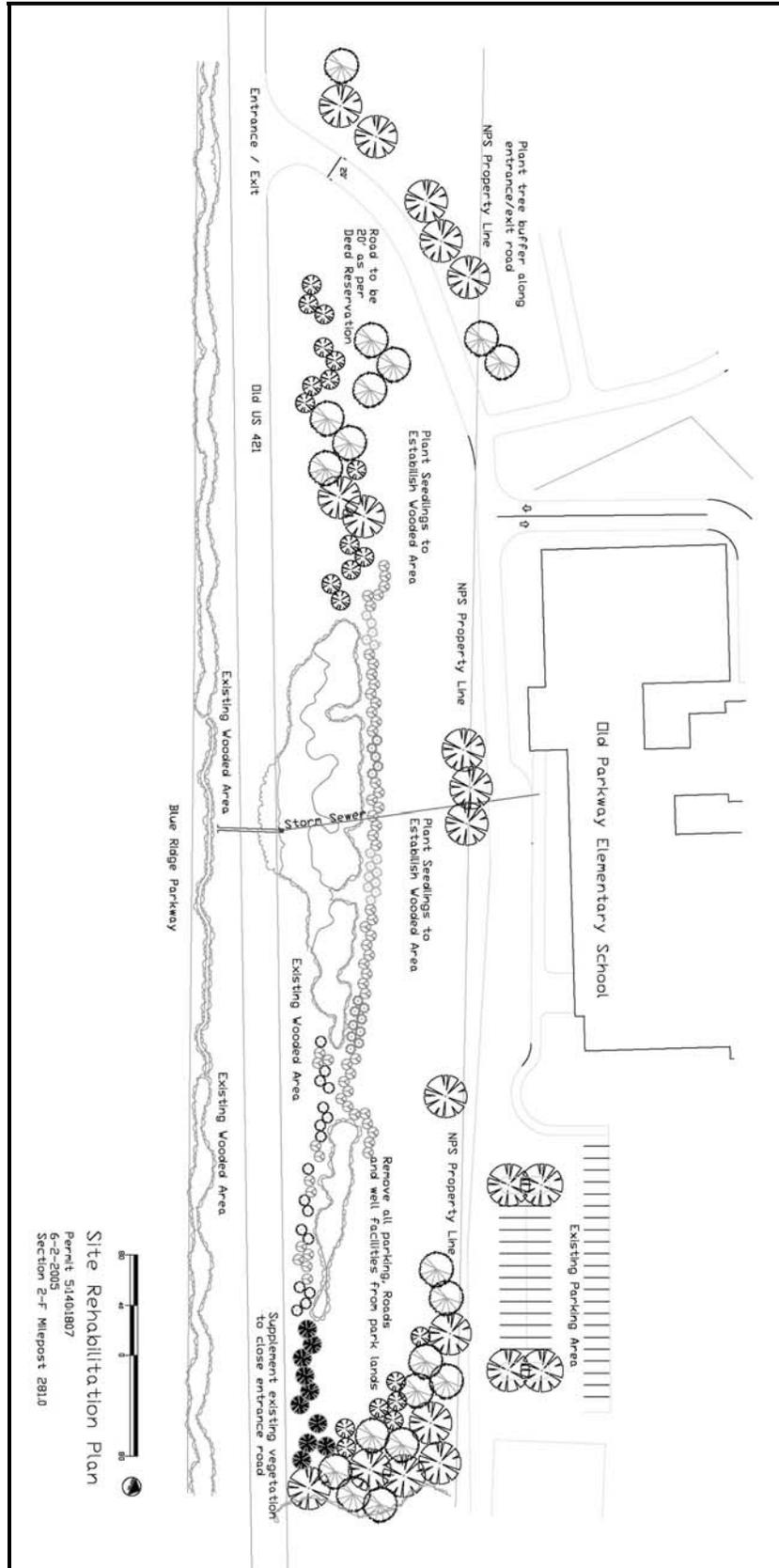




Figure 2.2-3

Site Rehabilitation Plan



## 2.3 ENVIRONMENTALLY PREFERRED ALTERNATIVE

As stated in Section 2.7 (D) of the NPS DO-12 Handbook, “The environmentally preferred alternative is the alternative that will best promote the national environmental policy expressed in NEPA (Section 101(b)).”

### *NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SEC 101 GOAL STATEMENTS*

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other undesirable and unintended consequences;
- (4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible, an environment which supports diversity and variety of individual choice;
- (5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(NEPA, 42 U.S.C. 4321-4347)

In sum, the environmentally preferred alternative is the alternative that, not only results in the least damage to the biological and physical environment, but also that best protects, preserves, and enhances historic, cultural, and natural resources.

The approach for incorporating these national goal statements into the determination of the environmentally preferable alternative used a qualitative comparison rating of the alternatives under consideration. Each alternative assessed in this EA was rated as to how well it contributes to meeting each of the six NEPA goals. Given the very general nature of the goal statements, with no specific measurable parameters identified, precise, quantitative ratings are not feasible. Therefore, three general qualitative levels were established to rate alternatives as to how well they contribute to meeting each goal: 1) the alternative contributes substantially to meeting that goal (denoted by a check mark); 2) the alternative neither much contributes nor much detracts to meeting that goal (denoted by a circle); and 3) the alternative interferes with that goal achievement (denoted by an “X”). Each rating was judgmentally based on an alternative’s predicted impacts on the relevant environmental resources. For example, an alternative that adversely affects historic, cultural, and natural resources would get a low rating in regard to NEPA goal #4. Although more than one alternative may contribute substantially towards meeting a goal, one may contribute to a greater level than another. In these cases, the use of multiple check marks denotes the difference between alternatives, with the larger number of check marks indicating the greater level of goal achievement.

A summary of this process for each alternative is presented in Table 2.3-1. Below the table, a discussion is provided for each alternative explaining the basis for each of the ratings given to that alternative. Identification of the environmentally preferred alternative involved comparing the entire set of ratings for each alternative. In the absence of any indication of Congressional intent otherwise, each of the six NEPA goal statements was considered equally important.

<b>Table 2.3-1. Selection of the Environmentally-Preferred Alternative</b>		
<b><i>National Environmental Policy Act Goals</i></b>	<b>No Action Alternative</b>	<b>Preferred Alternative</b>
Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.	<b>0</b>	<b>0</b>
Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.	<b>0</b>	√
Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.	<b>X</b>	√
Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, whenever possible, an environment that supports diversity, and variety of individual choice.	<b>0</b>	<b>0</b>
Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.	<b>X</b>	√
Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.	<b>0</b>	√
<p>Legend:            Contributes substantially to meeting the goal = √            Neither much contributes nor much detracts to meeting the goal = <b>0</b>            Interferes with that goal achievement = <b>X</b></p>		

The Environmentally Preferred Alternative is Alternative B because it surpasses the No Action Alternative in realizing the full range of national environmental policy goals as stated in §101 of NEPA. Although the Alternative A would not allow the school board to expand ingress/egress and no further construction would occur on park land, it would not contribute to meeting any of the six NEPA goals. Conversely, Alternative B (Preferred Alternative) would contribute to meeting four of the six NEPA goals in the project area. The Preferred Alternative provides a safer traffic flow pattern for the school while reducing safety hazards, and provides a balance between population and resource use of the area. The only feasible option to accomplish the school's goal is to cross National Park Service land.

Therefore, Alternative B (Preferred Alternative) would be the environmentally preferred alternative.

## 2.4 MITIGATION MEASURES

For Alternative B (Preferred Alternative), best management practices and other mitigation measures would be used to prevent or minimize potential adverse effects associated with the construction, operation and maintenance of the access road, parking lot, and landscaped areas within the boundaries of the Blue Ridge Parkway. These practices and measures would be incorporated into the project construction documents and plans to reduce the magnitude of impacts and ensure that major adverse impacts would not occur. Mitigation measures undertaken during project implementation would include, but would not be limited to those listed below. These mitigation measures would be listed within the right-of-way permit as “Terms and Conditions” (see below). The impact analysis in the “Environmental Consequences” section was performed assuming that these best management practices and mitigation measures would be implemented as part of the Preferred Alternative.

### *Terms & Conditions*

#### General

- 1) This permit shall not be construed as a permanent interest in the land of the right-of-way or as an abandonment of use and occupancy by the United States, but shall be considered a use of the land as described, anything to the contrary notwithstanding.
- 2) This right-of-way permit may be terminated upon breach of any of the stated conditions or at the discretion of the Regional Director of the Service. Permittee would be given written notice and thirty (30) days to allow an opportunity for corrective actions before termination may occur. The written notice shall describe the specific violations of the permit. If Permittee does not correct the violations to the satisfaction of the Service, or present a reasonable plan acceptable to the Service within the thirty (30) day period, then the NPS shall be entitled to revoke this permit.
- 3) Permit would not be in effect and construction of the improvements may not begin until:
  - a) The park has completed an onsite pre construction meeting.
  - b) NCDOT has quit claimed or relinquished its deed reservation for roadside park, and all existing improvements of the roadside park have been removed.
- 4) Permit shall allow for development of federal land according to the construction documents and Landscape Plan attached to the permit. Note details of plan allow for the following:
  - a) Widen deed reserved west entrance road from deed reservation of 20 feet to an access road that tapers from 30 feet to 45 feet.
  - b) Widen bus drop-off ingress/egress (west entrance).
  - c) Addition/creation of a new access road (east entrance/exit where no deed reservation exists at a width of 25 feet.
  - d) Addition/creation of 60 parking spaces with sidewalk.
  - e) Storm sewer and ditch line rehabilitation.
- 5) Remaining unimproved land between school and Old U.S. Hwy 421 shall be maintained by the Permittee as open space and shall be planted with native plant material as shown in the plan.

- 6) Permit shall automatically terminate when the Watauga County Board of Education closes the Parkway Elementary School and ceases to use the site for educational purposes.
- 7) At the termination of the permit, all improvements to federal land allowed under this permit shall be removed at the expense of Permittee and the land restored as per the attached restoration plan.
- 8) The Permittee shall comply with all applicable State and Federal laws and existing regulations promulgated thereunder in the construction, operation, and maintenance of the subject Access Road, Parking Lot, & Landscaped Areas.
- 9) The Superintendent, Blue Ridge Parkway or his representative (Highlands District Ranger (336)372-8568 notified in writing no less than two weeks prior to the start of maintenance or construction on park lands. An on-site meeting would be conducted no less than one week prior to start of maintenance or construction between representatives of the park and the Permittee construction/maintenance supervisor to determine and clarify the scope of the project and any requirements of the Service. Except in extraordinary situations and with the agreement of the Superintendent, or as determined at or prior to the on-site meeting above, all work on parklands would be conducted on a Monday through Friday, 8:00 am through 5:00 pm basis. All work on parklands shall be completed to the satisfaction of the Superintendent or his or her representative.
- 10) A copy of this authorization and all attachments must be onsite and available for review by park personnel at all times. Failure to present these materials or adhere to the terms and conditions included herein would result in all construction activities to cease immediately.
- 11) The Permittee shall have a right of ingress and egress within the permitted right-of-way at all times for the purposes of maintaining and operating the existing Access Road, Parking Lot, & Landscaped Areas and appurtenances.
- 12) If any portion of the Access Road, Parking Lot, & Landscaped Areas are to be installed underground within the road shoulders of public roads, they shall comply with the specifications of the highway department having jurisdiction. Detailed procedures of installation are also subject to approval in advance of construction by the Superintendent or his representative.
- 13) If required, the Permittee shall file a performance bond with satisfactory surety payable to the Permitter to fully insure compliance with the permit terms and conditions.
- 14) The Permittee shall be responsible to pay the Permitter for any damage resulting from this permit which would not reasonably be inherent in the use which the Permittee is authorized to make of the land. The Permitter would give the Permittee written notice of such damage and the Permittee would either take corrective action or pay the indicated amount as agreed upon and approved by the Superintendent.

15) Use by the Permittee of the land is subject to the right of the Park to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads, trails, and other improvements already existing. If it is necessary to exercise such right, every effort shall be made by the Park to refrain from unduly interfering or preventing use of the land by the Permittee for purposes intended under this permit.

16) The Permittee shall take adequate measures as directed and approved by the Superintendent to prevent or minimize damage to park resources. This may include restoration, soil conservation and protection measures, landscaping, and repairing roads, trails, fences, etc. The Permittee shall dispose of brush and other refuse as required by the Superintendent. The Superintendent or his representative may inspect the right-of-way area as deemed necessary.

17) In the event any facilities covered by this permit should interfere with future Park construction, Permittee agrees to relocate them to a point designated by the Superintendent at no cost to the Permitter within 60 days after written notice.

18) The Permittee agrees that the right-of-way shall be subject to the express condition that the use would not unduly interfere with the management and administration by the Service of the lands. Further, the Permittee agrees and consents to the occupancy and use by the Park, its Permittees or lessees, of any part of the right-of-way not actually occupied or required by the project, or the full and safe utilization, for necessary operations incident to such management, administration, or disposal.

19) Upon expiration, revocation, or termination of this permit, the Permittee shall leave the land subject to the permit in as nearly the original condition as possible, as directed and approved by the Superintendent.

20) During the performance of this permit, the Permittee agrees that it shall not discriminate against any person because of race, color, religion, sex, disability, or national origin. The Permittee shall take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, national origin, disability, or age.

21) No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this permit or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this permit if made with a limited partnership for its general benefit.

22) This permit is not transferable to another party.

23) This agreement is made upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, or death to any person or property of any kind whatsoever, whether to the person or property of the Permittee, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this agreement or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee hereby covenants and agrees to indemnify,

defend, save and hold harmless the United States, its agents and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.

24) Any alterations to this permit must be in writing and signed by the parties. Renewals shall be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.

25) Nothing herein contained shall be construed as binding the Service to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purpose of this permit for the fiscal year, or to involve the Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.

26) The Permittee agrees that the permitted right-of-way would be subject to the express covenant that it shall be modified, adapted, or discontinued if found by the Permitter to be necessary, without liability or expense to the Permitter, so as not to conflict with the use and occupancy of the land for any authorized works which may hereafter be constructed thereon under the authority of the Permitter.

27) The Permittee shall at all times keep the Superintendent or his representative informed of Permittee's address, and, in the case of limited partnerships, of the address of Permittee's principal place of business.

28) No part of the construction, maintenance, operation, replacement, or removal of any part of this Access Road, Parking Lot, & Landscaped Areas, structure, or other facility authorized by this permit shall be accomplished at the expense of the Permitter.

29) Watauga County Board of Education shall be in compliance with NEPA regulations during the duration of this permit. Should rare plant species or plants growing within the permitted right-of-way become listed on state or federal lists after construction, Permitter shall require mitigating measures from the Permittee or relocation of Access Road, Parking Lot, & Landscaped Areas. Should mitigation measures require relocation of subject Access Road, Parking Lot, & Landscaped Areas, all environmental and cultural requirements applicable to said relocated Access Road, Parking Lot, & Landscaped Areas shall be satisfied prior to construction.

Construction/Maintenance Activities

(1) The Permittee shall incorporate Low Impact Development (LID) practices as recommended by the North Carolina Wildlife Resources Commission. Information on LID practices and measures can be found at [www.lowimpactdevelopment.org](http://www.lowimpactdevelopment.org).

(2) The Permittee shall follow all requirements specified by the NC Department of Environment and Natural Resources.

(3) The Permittee shall take adequate measures, as directed and approved by the Superintendent, to insure all disturbances of vegetation, soil, and other Parkway resources shall be kept at an absolute minimum. This includes providing soil conservation and protection measures,

landscaping, weed control, and repairing roads, trails, and fences. The Permittee shall dispose of brush and other refuse as required by the Superintendent. The Superintendent or his representative may at any time enter and inspect the area and facilities as deemed necessary and without restriction.

(4) The Permittee shall notify the Parkway of emergency situations as soon as practical. In the event emergency maintenance is required after normal business hours, the Permittee should contact Blue Ridge Parkway Communication Center (828) 298-0358 or 1-800-PARK WATCH (1-800-727-5928).

(5) Other than in emergency situations, requests for maintenance, repair, or upgrade shall be in writing and subject to written approval from the Superintendent or his representative.

(6) The Permittee shall be responsible for the provision and maintenance of proper signs, barricades, or other means of warning motorists and pedestrians of danger during all periods of repair and maintenance.

(7) No vegetation may be cut or destroyed without first obtaining approval from the Superintendent or his representative. The Park would be reimbursed for the market value of any vegetation removed. Any vegetation that must be removed shall be replaced in kind as specified by the Superintendent.

(8) No tree in excess of 6 inches DBH (Diameter Breast Height) shall be cut or trimmed without obtaining a permit from the Superintendent. If any tree over 6 inches DBH is removed or trimmed without a permit, replacement value for the vegetation shall be assessed using the 1992 International Society of Arboriculturalist *Guide to Plant Appraisal*. All Pruning and limb removal shall be preformed in a manner consistent with the National Arborist Association and ANSI A300-1995.

(9) An Erosion and Sediment Control Plan is required for this project. However, the Permittee shall follow National Park Service procedures outlined in the section entitled General Erosion and Sediment Control Standards.

(10) All vegetation outside of the construction limits shall be protected with a construction barrier fence. All tree drip lines adjacent to construction shall be protected against compaction of soils.

(11) No vehicles, equipment, or materials shall be parked or staged on Parkland at any time before, during, or after construction.

(12) No construction material, trash, or debris shall be stored or deposited on Parkway land.

(13) Use of pesticides, herbicides, or growth regulating chemicals is strictly prohibited on Parkway lands and within the permitted area.

(14) The Permittee shall immediately halt all activities, including construction, and notify the Superintendent upon discovery of threatened or endangered species or archeological, paleontological, or historical findings. All artifacts unearthed are the property of the Parkway.

(15) Trucks, tractors, and other maintenance and construction equipment of the Permittee or its agents shall not use the Parkway motor road for access to the work area or for hauling workers, supplies, and equipment; construction, operation, and maintenance of the subject Access Road, Parking Lot, & Landscaped Areas shall be accomplished in a manner not requiring the crossing of the Parkway motor road or interfering with traffic flow by equipment.

(16) The Permittee agrees to do everything reasonably within its power, both independently and on request of the Superintendent, to prevent and suppress fires on and adjacent to the right-of-way permitted herein.

(17) Any underground utilities previously located within this right-of-way which are damaged or disrupted during construction or maintenance shall be repaired or restored by the Permittee within four hours.

#### Restoration/Mitigation

(1) Upon completion of construction or maintenance, the Permittee shall restore any damages to Parkway property to the satisfaction of the Superintendent or his representative. Restoration shall consist of removing all non-native materials and scarifying all soils compacted by construction or maintenance and by amending the remaining native soils as needed to support the growth of vegetation.

(2) All restoration and mitigation activities shall be completed within sixty days after construction/maintenance or as agreed upon.

(3) Reseeding shall follow National Park Service procedures outlined in the section entitled ROW Seeding and Rehabilitation Guidelines, and shall meet an eighty-percent (80%) survival rate guaranteed for two years. Any plant material not meeting this survival period shall be replaced at the expense of the Permittee.

#### General Erosion and Sediment Control Standards

An Erosion and Sediment Control Plan is required for all park projects that exceed 10,000 square feet (0.23 acres) in Virginia (Virginia Erosion and Sediment Control Regulations) and more than 43,560 square feet (one acre) in North Carolina (Sedimentation Pollution Control Act of 1973).

A. For projects smaller than those identified within the State statutes, the following guidelines shall be followed:

- (1) Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any disturbing activity and shall be made functional before up-slope land disturbance takes place.

- (2) All storm sewer inlets that are in or near or made operable during construction projects shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- (3) All erosion and sediment control devices shall be adequately maintained to assure continued performance of their intended function. Those that have sustained damage or have reached their capability shall be replaced or maintenance performed.
- (4) During construction of the project, soil stock piles and borrow areas on-site, as well as soil intentionally transported from the project site, shall be stabilized or protected with sediment trapping measures.
- (5) Permanent or temporary soil stabilization shall be applied to denuded areas within three (3) days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven (7) days to denuded areas that may not be at the final grade but would remain dormant (undisturbed) for longer than 30 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.
- (6) Permanent vegetative cover, in accordance with the ROW Seeding and Rehabilitation Guidelines shall be established on denuded areas not otherwise permanently stabilized.
- (7) Stabilization measures shall be applied to earthen structures, such as dams, dikes, and diversions immediately after installation.
- (8) All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed. This determination shall be made by the District Resource Management Specialist.

B. Standards Applicable to Access Roads: The route of construction roads shall be selected so that heavy cut and fill, sharp curves, steep grades, ledges, wet areas and unnecessary stream crossings are avoided. Where practical, existing roads shall be utilized and/or upgraded as necessary to provide access to project locations.

- (1) When necessary, streams shall be crossed at right angles. If a live watercourse must be crossed more than twice, a temporary stream crossing made of non-erodible material shall be constructed. For a very small stream, the channel may be temporarily dammed while the crossing is installed. Care must be taken to prevent the dam or the sides of the resulting pool from being over-topped. If needed, the excess flow can be conveyed around the crossing area by pumping or a temporary channel. Temporary crossings must be removed within seven (7) days of project completion.
- (2) Stream beds, flowing or dry, shall not be used for construction roads. When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport, and stabilize the work area to the greatest extent possible during construction. Non-erodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by non-erodible cover materials. Only rubber-tired vehicles may enter Parkway water courses.
- (3) Stream work shall not be conducted in trout waters during trout spawning season (October 15 through April 1) unless no practical alternative exists. Approval to conduct work in streams during this time require written approval from the Superintendent.
- (4) All applicable federal, state, and local regulations pertaining to work in or crossing

live watercourses shall be met. For any project involving the discharge of dredge or fill material to state waters, permitting by the U.S. Corps of Engineers and certification or permits from the Commonwealth of Virginia or the State of North Carolina may be required.

(5) The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.

(6) When roads are to be located adjacent to streams, a buffer or filter strip of sufficient width (see chart for minimum widths) is to be left to prevent the silting of the stream. If a filter strip of sufficient width cannot be provided, additional perimeter controls shall be provided.

<b>SLOPE OF LAND BETWEEN ROAD AND STREAM %</b>	<b>WIDTH OF FILTRATION STRIP (FEET)</b>
<b>0</b>	<b>25</b>
<b>10</b>	<b>45</b>
<b>20</b>	<b>65</b>
<b>30</b>	<b>85</b>
<b>40</b>	<b>105</b>
<b>50</b>	<b>125</b>
<b>60</b>	<b>145</b>
<b>70</b>	<b>165</b>

(7) Road grades are to be kept as low as practicable and still allow adequate drainage.

(8) On inslope or crowned roads, sufficient cross drains or drains shall be installed to direct the water from the ditch to a spillway or drain. Actual distance between cross drains or drains would depend upon the nature of the road surface materials and its tendency to erode. Advantage shall be taken of the existing terrain in locating cross drains and drains; cross drain location would generally be determined by the equation:

$$\text{Distance between drains} = \frac{1000 \text{ feet}}{\% \text{ grade}}$$

(9) Spillways should be placed at places that are the least subject to erosion.

(10) When a construction road crosses a natural drain, the drain shall be kept open and cleaned as required in order to prevent ponding of water. If this is impracticable, adequate stream protection such as culverts or bridges shall be installed prior to starting work. All instream work shall be in accord with standard No. 2 above.

(11) The transport of sediment onto paved or public roads at construction access entrances shall be minimized. The use of stone construction entrance pads or other

erosion and sedimentation controls shall be installed to ensure minimum deposition. Whenever vehicle tracking of sediment occurs, sediment shall be removed daily by shoveling or sweeping.

C. Standards for Structures: The following aesthetic and construction methods shall be adhered to:

- (1) All construction activities shall be performed in a manner having the least possible detrimental effect upon the surrounding terrain.
- (2) Grading of construction areas shall be held to a minimum. These areas shall be graded in a manner that would prevent erosion or slope instability. All grading operations must have the approval of the Superintendent.
- (3) Adequate drainage of sites must be insured at all times; water should not be allowed to accumulate. Runoff from these areas shall be channeled so it would not contribute to soil erosion, slope instability, or other undesirable conditions.
- (4) Loose fill from grading operations or foundation excavation shall not be spilled on any surface where it would inhibit drainage or cause slope stability problems due to increased surcharge.

D. Standards Applicable to Construction Adjacent to Streams:

- (1) Trees and brush located adjacent to streams with running water shall have a filtration buffer strip left. Care shall be taken to prevent the disturbance of soil within the buffer zone around streams and ditches. The use of non-erodible material and/or culverts would be used to prevent stream siltation and bank erosion.

E. Standards Applicable to Special Conditions:

- (1) Where compatible with safety and space considerations, excavated soil shall be placed on the uphill side of trenches. Where such a practice would result in unsafe conditions or unnecessary traffic disruption, material may be placed on the downslope side of a trench. In such a case, an appropriate silt barrier shall be placed along the excavated material to prevent sediment deposition.
- (2) Trench dewatering devices shall discharge in a manner that would not adversely affect flowing streams, drainage systems or off-site property. If the water is muddy, water should be pumped into settling ponds.
- (3) When backfilling trenches, the backfill material shall be replaced in the order removed (with topsoil on top) and properly compacted to minimize erosion and promote stabilization.

#### ROW Seeding and Rehabilitation Guidelines

A. Establishment of Grass:

- (1) Grading. Unnatural or disturbed grades would be brought back to natural and/or existing grades.
- (2) Fine Grading. Drag or harrow final surfaces to a smooth and even grade. Maintain unobstructed drainage.

(3) Bed Preparation. After final grades are achieved, remove all loose rocks, debris and clods. Spread fertilizer and limestone evenly and incorporate into the top 2-4 inches of loose soil. Rate per 1,000 square feet as follows:

Limestone--Agricultural limestone containing a minimum of 85% calcium carbonate or equivalent, meeting the following graduations:

- 100% passing a 10-mesh sieve,
- 98% passing a 20-mesh sieve,
- 55% passing a 60-mesh sieve, and
- 40% passing a 100-mesh sieve.

Rate per 1,000 square feet is 125 pounds.

Fertilizer--Analysis 5-10-5 at 45 pounds per 1,000 square feet or 10-20-10 at 25 pounds per 1,000 square feet.

(5) Seeding Mixture. Sow uniformly at the rate of between two (2) and three (3) pounds per 1,000 square feet on flat areas and up to four (4) pounds per 1,000 square feet on slopes with the following mix:

**March 1 to September 31**

<i>For Elevations Below 2,500 Feet</i>				
Name of Seed	Shoulders/Ditches		Slopes	
	Lbs/Acre	Lbs/1000	Lbs/Acre	Lbs/1000
Clover, white	6	1/8	6	1/8
Fescue, chewings	29	5/8	79	1-3/4
Fescue, K31	65	1-1/2	40	7/8
Red Top	9	3/16	--	--

**September 1 to March 1**

<i>For Elevations Above 2,500 Feet</i>				
Name of Seed	Shoulders/Ditches		Slopes	
	Lbs/Acre	Lbs/1000	Lbs/Acre	Lbs/1000
Clover, alsike	12	1/4	12	1/4
Fescue, chewings	65	1-1/2	40	7/8
Fescue, K31	29	5/8	79	1-3/4
Winter rye grain (Dec. 1-Feb. 15)	44	1	44	1

(5) Make two (2) applications at right angles to each other either by hand or mechanical spreader. Lightly roll immediately after sowing.

Optimal planting times for elevations above 2,500 feet are March 20 through April 20 and July 20 through August 15.

Optimal planting times for elevations below 2,500 feet are March 1 through April 1 and August 15 through September 1.

- (6) Mulch. After rolling, uniformly apply 1-2 bales per 1,000 square feet of mulch (native materials of grain straw or equivalent cover of another suitable mulching material). 30-40% bare ground should be visible after mulch is applied. Secure mulch in place by staking and tying. Netting is the preferred anchoring method on steep slopes.
- (7) Water. If easily accessible, water with mist spray soaking ground to a minimum depth of two (2) inches. Water should be clean, fresh and free from harmful substances.

**B. Slopes Stabilization:**

- (1) For slopes less than 20 percent, begin with the procedures described Establishment of Grass.
- (2) For slopes greater than 20 percent, install a mechanical device that stabilizes the soil: - any blanket that is biodegradable, weed-seed free (enka matte, excelcior blanket, etc.) or any on-site materials, such as rocks, that would hold soil in place. Native type materials should be considered first. Non-native type materials can be used when natives are not available (e.g., coconut matting).
- (3) Complete seeding as per procedures described in Establishment of Grass.

**2.5 COMPARISON OF ALTERNATIVES**

Table 2.5-1 compares the potential environmental impacts resulting from Alternative A - No Action and Alternative B (Preferred Alternatives). Potential impacts are grouped according to environmental resource area. Section 4.0, *Environmental Consequences*, of this EA contains a detailed discussion of these potential impacts by resource topic.

<b>Table 2.5-1 Comparison of Potential Impacts of the Alternatives</b>		
<b>Environmental Resource Area</b>	<b>Alternative A - No Action Alternative</b>	<b>Alternative B (Preferred Alternative)</b>
<i>Natural Resources</i>		
<b>Vegetation</b>	The majority of the hemlock trees at the location site are infected with Hemlock Woolly Adelgid which is currently causing local extirpation. A large majority of the other trees are dead and/or dying due to past storm incidents. Moderate to major impacts that would be long-term.	Reduction and/or elimination of diseased trees benefit overall forest health. Planned landscape planting would be in keeping with plants native to this section of the Parkway. Negligible and temporary impacts.
<b>Visitor Use and Experience, Including Visual Resources</b>	The increased visibility of the site within the viewshed of the BLRI as it parallels the school along the motor road. Negligible adverse cumulative impacts on visual resources.	The school would be screened to a greater extent by native landscape while providing a better visitor experience traveling the Parkway. Long-term, minor to moderate, beneficial impacts to visual resources.

## **3.0 AFFECTED ENVIRONMENT**

In accordance with CEQ regulations (40 CFR 1502.15), this section describes the existing conditions of the area(s) to be affected by the alternatives under consideration in this EA. As stated in DO-12, the NPS NEPA compliance guidance handbook, only those resources that may experience impact or be affected by alternatives under consideration are described in this section.

### **3.1 NATURAL RESOURCES**

The Parkway intersects three mountain provinces (ridge, plateau, and highlands), fourteen watershed basins, and a dozen municipal watersheds, providing a mosaic of interesting landforms and natural resource features. The natural resources include 1250 vascular plants species, more than 50 rare or endangered plant species, at least 100 exotic plants, six rare or endangered animals, a variety of slopes (mostly steep) and exposures, possibly 100 different soil types, and an elevation change of 5,700 vertical feet. The Parkway also bisects 47 natural heritage areas that include more than half of the high-elevation wetlands known in North Carolina.

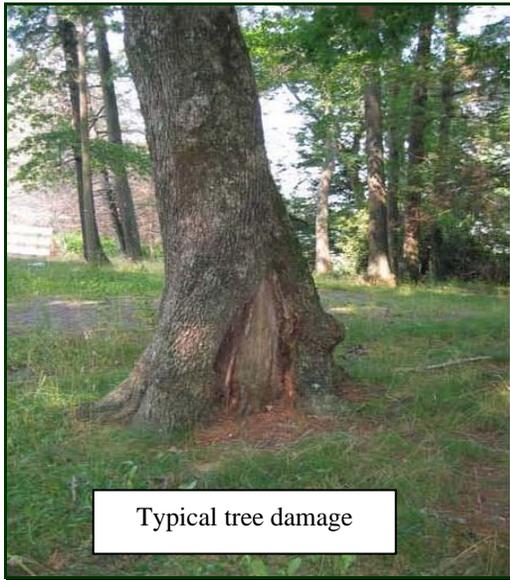
#### **3.1.1 Vegetation**

The Hemlock Forest is the principal plant community at this site. The canopy is closed and the species of trees and shrubs identified in the immediate area around the proposed project site include, but is not limited to white oak, maple, Virginia pine, sycamore, rhododendron, hemlock, alder, and mountain laurel.

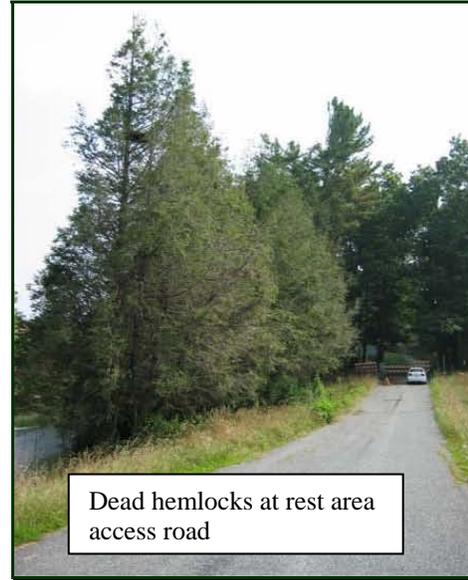
The environmental conditions where this community occurs consist of intermediate to xeric moisture conditions, moderate to poor soil fertility, and intermediate topographic exposure (characterized by gentle to flat topography). At this site, species diversity is low.

Vegetation at the project site has been and is continuing to be adversely impacted by HWA. HWA is a non-native insect pest that is quickly decimating hemlocks in the eastern United States. HWA is steadily spreading into the oldest and largest hemlock forests of the Southern Appalachians. HWA was discovered at the Blue Ridge Parkway (BLRI) in 1984 in northern Virginia. Spread by winds and migratory birds and mammals, HWA has decimated most hemlock stands on the Parkway in Virginia and now threatens the old growth hemlock forests of Linville Falls, Moses H. Cone Memorial Park, and Julian Price Memorial Park. The majority of the hemlocks in the vicinity are dead or dying due to this disease (see photos in Figure 3.1-1 below). Figure 3.1-2 below lists the current trees and tree conditions in the project area.

**Figure 3.1-1**



**Damaged Tree Photos**



**Figure 3.1-2**

**Current Tree Count and Conditions**

Tree Count/Condition		
Species		Condition
<b>Hemlock</b>		<b>Condition</b>
14"	1	Dead
16"	1	Dead
18"	2	Dead
24"	1	Dead
		5 All Hemlocks on the site are dead and will need to be removed
<b>Maple</b>		
10"	1	
18"	1	
20"	1	
28"	1	
		4
<b>Oak</b>		
10"	2	
18"	1	
20"	2	
22"	1	
24"	4	
28"	6	
36"	1	
		17
<b>Pine</b>		
12"	4	
14"	2	
16"	2	In decline
18"	5	In decline
20"	6	In decline
24"	8	In decline
28"	2	In decline
30"	1	In decline
		30
<b>Total</b>	<b>56</b>	

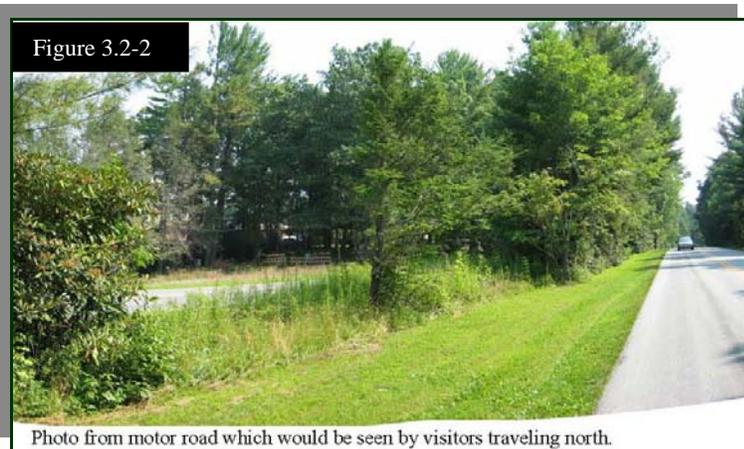
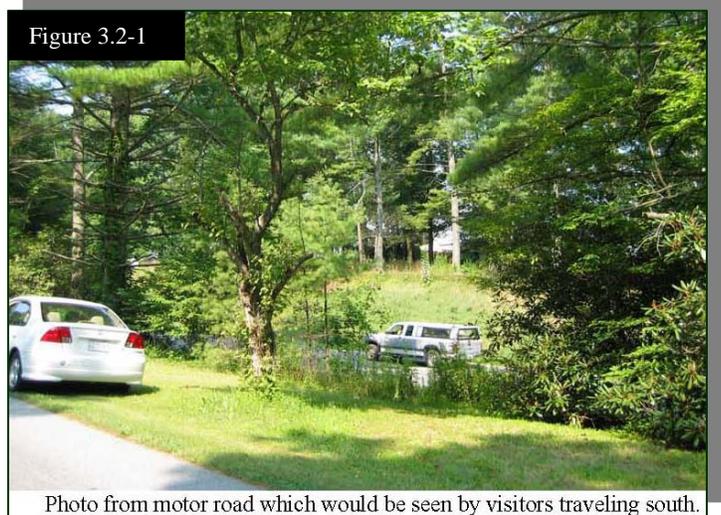
\*Information gathered by Right-of Way Coordinator/LA in August 2006

### 3.2 VISITOR USE AND EXPERIENCE, INCLUDING VISUAL RESOURCES

The Blue Ridge Parkway was created and legislatively intended to be a scenic parkway. In visitor surveys scenic viewing is considered the most valued recreational opportunity, with hiking also showing high participation. There are over 960 vista cut areas on the Parkway. Original Planning Land Use Maps (PLUM) of the Parkway depict exacting locations where vista views were planned as part of the alignment engineering of the Parkway. Panoramic, canopy, open, vista, and other types of designed scenic experiences were an intended historic design element shown on the PLUM's of the Parkway, and these areas require extensive vista clear cutting and landscape maintenance. The fall leaf color display is historically our most visited scenic recreational opportunity on the Parkway, with the month of October at its peak. The Parkway is a highly designed landscape with PLUM's indicating planted grass, shrub, and tree bays aesthetically displayed along the Parkway with the design intent to provide foreground interest to the panoramic background of the Appalachian Mountains. The original landscape of the Parkway included almost exclusive use of native species that were often transplanted from the alignment footprint of the Parkway.

Since the large brick school building is visible from the Parkway, the existing trees do provide a visual screen to the building and extensive surrounding asphalt parking areas (see Figure 3.2-1). Tree screen plantings are currently being used in many areas along the Parkway to screen non-agricultural building development.

However, the location of the project site is not in an area that is normally (frequently) visited by Parkway motorists (see Figure 3.2-2 below). This may be due to the fact that the site is not directly accessed from the Parkway, which has many overlook parking areas and roadside pull-offs connected to and very convenient to the motor road.



## 4.0 ENVIRONMENTAL CONSEQUENCES

The *National Environmental Policy Act* (NEPA) requires that environmental documents disclose the environmental impacts of the proposed federal action, reasonable alternatives to that action, and any adverse environmental effects that cannot be avoided should the proposed action be implemented. This section analyzes the environmental impacts of the two alternatives that occur on Parkway lands on natural resources and visitor use and experience, including visual resources. This analysis provides the basis for comparing the effects of the two alternatives. The intensity and duration of the impacts, mitigation measures and cumulative impacts were assessed in considering the impacts.

### 4.1 METHODOLOGY

The interdisciplinary study team (see Section 8.0, List of Preparers) followed a structured process to analyze the potential environmental impacts, or effects, resulting from the Preferred and No Action Alternatives. This process, called the cause-effects-questions process, is described below.

#### **Causes-Effects-Questions: A Structured Analytic Process**

- Step 1:** Identify the specific activities, tasks, and subtasks involved in the proposed action(s) and alternative(s).
- Step 2:** For each specific activity, task, and subtask, determine the full range of direct effects that each could have on any environmental resource. For example, removing vegetation could cause soil erosion.
- Step 3:** For each conceivable direct effect, identify which further effects could be caused by the direct effects. For example, soil erosion could cause stream sedimentation, which could kill stream species, which could diminish the food supply for fish, leading to decreased fish populations. This inquiry can identify multi-stepped chains of potential causes-and-effects.
- Step 4:** Starting at the beginning of each chain of causes-and-effects, work through a series of questions for each potential effect:
- Would this effect actually occur from this project?  
If not, why not? What would preclude it from happening?
  - If the effect cannot be ruled out, characterize which types of data, other information, and analyses are needed to determine the parameters of the effect, including its extent, duration, and intensity. Identify the sources from which the data is to be obtained.
- Step 5:** Gather the data and conduct the analyses identified by the above steps. Gather and use only relevant information. Focus on getting sound answers to the impact questions.
- Step 6:** Document the results of this study process. Provide all relevant analytic information, but no extraneous encyclopedia bulk.

Using this process, both direct and indirect effects that could potentially occur as a result of the Preferred Alternative and its alternatives were identified. Direct effects are impacts caused by the alternative(s) at the same time and in the same location as the action. Indirect effects are impacts caused by the alternative(s) that occur later in time or farther in distance than the action.

The study team proceeded to conduct the investigation and analyses by gathering the data they concluded were relevant for each resource area. Using these data, the team determined which impacts would occur and assessed them according to their duration, extent, intensity, and whether or not the impact would cause an impairment in the Park's resources. These parameters are defined below. Potential mitigation measures were also identified and analyzed to reduce or avoid potential adverse impacts resulting from Alternative B (Preferred Alternative) (see Section 2.4 of this EA).

#### **4.1.1 Definitions**

##### **Thresholds of Change:**

Threshold events are marked by a distinct change in conditions or level. Although environmental thresholds are not events in themselves, data from extensive monitoring programs and more general sources of information indicates that thresholds of change may be identifiable for this project and that a practical means of monitoring proximity to thresholds is available. The thresholds of change of a biological or ecological impact are designated as *intensity* and *duration*.

##### **Intensity:**

For the purpose of this analysis, intensity or severity of the impact to the resource or discipline is defined as:

- *Negligible* is barely perceptible, not measurable, and confined to a small area
- *Minor* is perceptible, measurable, and localized
- *Moderate* is clearly detectable and could have appreciable effect
- *Major* is substantial and highly noticeable

##### **Duration:**

For the purpose of this analysis, duration of the impacts to the resource or discipline is defined as:

- *Short-term* are those that occur during implementation of the alternative
- *Long-term* are those that extend beyond implementation of the alternative and would likely have permanent effects

#### **4.1.2 Impairment of Park Resources**

The purpose for which the Blue Ridge Parkway is managed is articulated in the 1916 Organic Act establishing the National Park Service. The Organic Act tells us that the purpose is:

*“to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”*

The National Park Service may not allow the impairment of park resources and values unless directly and specifically provided for by legislation or by the proclamation establishing the park. Impairment that is prohibited by the *Interim Technical Guidance on Assessing Impacts and Impairment to Natural Resources (July 2003)*, National Park Service Organic Act, the General Authorities Act, and National Park Service *Management Policies* is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values had the impact not occurred.

NPS *Management Policies* outline the conditions under which an impact would be likely to result in an impairment of Park resources. According to the Policies, an impact would likely create an impairment to the extent that the conservation of the affected resource or value is: 1) essential to fulfill a purpose established in the enabling legislation or proclamation of the Park; 2) key to the integrity (natural or cultural) of the Park or its opportunities, 3) identified as a goal in the general management plan for the Park. If an impact is an unavoidable result of an action required to maintain or restore the integrity of Park resources or values, and cannot be reasonably mitigated, the impact would be less likely to constitute an impairment of Park resources.

#### **4.1.3 Cumulative Impacts**

A cumulative impact is an impact on the natural or human environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of which agency, organization, or person undertakes such other actions (40 CFR 1508.7). Cumulative impacts can result from individually minor and insignificant, but collectively significant actions, taking place over a period of time.

Cumulative impacts were assessed by combining the potential environmental impacts of the alternatives with the potential impacts of known projects that have occurred in the past, are currently occurring, or are projected to occur in the future within the region of the Preferred Alternative.

## **4.2 ALTERNATIVE A - NO ACTION ALTERNATIVE**

### **4.2.1 Natural Resources**

#### *Vegetation*

Under this alternative, the School Board would not receive a right-of-way permit to improve the land. The analysis is discussed in terms of the overall forest/vegetation health and in terms of the risk of spreading or introducing non-native and/or invasive plant species into the vicinity.

#### **4.2.1.1 Cumulative Impacts**

According to the deed, if NCDOT ceases to use the land as a roadside park in the future, than the reservation in the deed would automatically be cancelled and the site restored to undeveloped park land. There would be no vegetation or trees removed as part of the school improvements to the site. Through park plant surveys and using existing vegetation conditions as a baseline, it was determined that there are approximately 56 trees at the location site. Of those trees either 34 are dead or dying. Many of the trees have already suffered damage in the past due to ice storms and bug infestation. All of the pines on the site are currently in decline and the majority of the hemlocks are dead due to Hemlock Woolly Adelgid. If the hemlocks are left untreated, decline and mortality are likely to increase creating public safety hazards as well as impacting aesthetics. The negative impacts of these hazard trees would be major.

There would be both negative direct and indirect impacts to vegetation under Alternative A. The trees that would be removed during site restoration are close to the existing road, comfort station, and/or picnic table pads and would be negatively impacted and root damage would occur. There would be moderate to major disruption of native vegetation, and this change would remain for the long-term unless future funding became available for replanting the area. It is unknown how many trees would be lost or damaged and eventually be considered hazard trees during the process of site rehabilitation.

#### **4.2.1.2 Conclusion**

Under the Alternative A, the site would eventually be restored from a roadside park to undeveloped park land. Currently, a large percentage of the trees on site are dead or in decline and would be considered hazard trees in the future, regardless of how the site would be utilized, resulting in major short to long-term impacts. The trees and vegetation have already suffered damage in the past and would be further stressed when the site would be rehabilitated; therefore, causing moderate to major long-term impacts to native vegetation. However, the trees would eventually be removed by either NCDOT or park staff as funding became available, and a replanting plan would be established providing beneficial impacts to vegetation. Implementation of this alternative would not lead to an impairment of Parkway vegetation resources.

## **4.2.2 Visitor Use and Experience, Including Visual Resources**

Public scoping input and observation of visitation patterns, combined with assessment of what is available to visitors under current management, were used to estimate the effects of the actions in the various alternatives in this EA. The impact on the ability of the visitor to experience a full range of park resources was analyzed by examining resources and objectives presented in the park significance statement. Visual resources impact analysis focused on the visibility of the site from the Parkway and vegetational screening associated with the site.

Under Alternative A, conditions would remain in their present state. Although the visitor experience would not change from current conditions, the school would continue to experience congestion and/or near accidents, as the traffic flow pattern would not change. While there would be no immediate changes in visual resources, there would also be no long-term site improvements. As there would be no major site improvements, visitors might become aware of the effects associated with the declining forest health, specifically deteriorating trees which may impact the viewshed by loss of vegetational screening to the school and roadside park.

### **4.2.2.1 Cumulative Impacts**

Under this alternative, the dead trees and vegetation at the project site would have negligible negative impacts to the Parkway viewshed, even though this is an area that most park visitors do not see. However, the trees that do remain would provide a visual screen to the large brick school building within close proximity to the Parkway. This screening would provide minor beneficial impacts to Parkway visual resources. The Blue Ridge Parkway has on-going tree planting projects to create visual screens of similar commercial, industrial, residential, or other non-agricultural types of development along its corridor. The existing forest between the Parkway and Old U.S. Hwy 421 would provide some minor, limited screening from the school and wayside development and thus would be a minor beneficial impact to the park's viewshed. However, this screening would be short-term due to the fact that the majority of the trees at the project site would continue to die leaving a lack of vegetational screening between the Parkway and the school.

### **4.2.2.2 Conclusion**

As mentioned above, under the Alternative A, a right-of-way permit would not be issued and the site would eventually be restored from a deed reserved roadside park to undeveloped park land. All disturbed areas would be restored as nearly as possible to pre-construction conditions shortly after construction activities were completed. Revegetation and/or recontouring of disturbed areas would take place after restoration activities resulting in minor beneficial impacts to visitor use and experience, including visual resources. Consequently, the majority of trees in the area would continue to decline causing both short-term and long-term negative impacts to visitor use and experience, including visual resources. There would be minor negative impacts to visitor use and experience, including visual resources since the hemlocks might or might not be treated for diseases to prevent death of the trees. However, there would be no impairment to park visitor use and experience, including visual resources.

### **4.3 ALTERNATIVE B (PREFERRED ALTERNATIVE) – ISSUE RIGHT-OF-WAY PERMIT FOR WATAUGA COUNTY BOARD OF EDUCATION TO UTILIZE NCDOT DEED RESERVED ROADSIDE PARK**

#### **4.3.1 Natural Resources**

##### *Vegetation*

Under Alternative B, a right-of-way permit would be issued to the School Board. The project site would be improved based on the terms and conditions within the permit, and a landscape replanting plan would be implemented as part of the proposal. Consequently, there would be a long-term though minor increase in the potential for additional non-native and/or invasive plant species introductions onto BLRI-owned and adjacent properties as a result of Alternative B.

##### **4.3.1.1 Cumulative Impacts**

Future development of the site could reduce some existing populations of non-native or invasive plants in areas adjacent to the school. By the same token, this development could also introduce additional new species of non-native or invasive plants that could conceivably escape cultivation and create additional problems in adjacent areas. However, implementing the park approved landscape replanting plan would increase native species within the immediate area. Therefore, the Preferred Alternative, combined with the replanting plan, would have a cumulative long-term, negligible beneficial impact on reducing the impacts of non-native and/or invasive species on surrounding native plant communities while increasing the amount of native species.

As mentioned previously in Section 3.0, all of the trees listed in Figure 3.1-2 would be removed as part of the site improvements. Removal of these dead and/or dying trees would result in short-term impacts to the vegetation during tree/shrub removal. However, the dead or dying trees could be replaced with native, disease resistant species to preserve the existing forest for its viewshed screening value. Existing trees could be treated for insect diseases, fungus such as Hemlock Woolly Adelgid, or other tree diseases. These actions would result in moderate to major long-term impacts to the health of the existing undeveloped forest.

##### **4.3.1.2 Conclusion**

At any time when construction occurs and an area is “opened up,” it is possible to allow other invasive exotic vegetation to become a problem in the area. But since these activities would be mitigated through BLRI “*Seeding and Rehabilitation Guidelines*” and implementation of the landscaping plan, this should be avoided. Therefore, the results would be long-term, negligible, beneficial impacts to the reduction of non-native and/or invasive species on the surrounding native plant communities. Native species in the area would experience long-term beneficial impacts, as well. The reduction and/or elimination of diseased trees would provide long-term, moderate beneficial impacts to the overall forest health. Therefore, under the Preferred Alternative, there would be no impairment of vegetation within NPS boundaries.

### **4.3.2 Visitor Use and Experience, Including Visual Resources**

The Preferred Alternative would result in effectively eliminating the safety issues that the school currently has with associated school traffic. Eventual improvements to the site and landscaped areas could eventually enhance the visitor use and experience, including visual resources when driving along this section of the Parkway. The sight of construction activities and the clearing of trees and vegetation from the project site would reduce the sense of naturalness in the area and thus may detract from visitor enjoyment as visual resources would be impacted in the short-term. However, revegetation of the site would allow the area to eventually look better than current conditions and would provide additional viewshed screening.

#### **4.3.2.1 Cumulative Impacts**

Under this alternative, the associated traffic and construction equipment and any generated dust during construction activities could be visible on a short-term, irregular basis to BLRI travelers. These impacts would be noticeable in the area where the construction activities are occurring. Visitors driving by in their vehicles would only be subject to the noise for a short time. Visitor recreating nearby would hear the noise throughout their picnic, hike, or whatever activity they engage in. However, these noises would be less noticeable as the distance increases from the construction site because noise decreases with distance from the source. These impacts would be negligible negative impacts to visitor use and experience. The resulting changes to the area would be potentially visible to BLRI visitors traveling north and south on the Parkway motor road for a very brief interval (approximately 0.5-seconds traveling at 45 mph on the Parkway). However, revegetation and/or recontouring of disturbed areas would take place following construction activities, and would be designed to minimize the visual intrusion of the school facilities. A landscape replanting plan would also be incorporated producing long-term, minor to moderate beneficial impacts upon visitor use and experience, including visual resources since this would aid in screening the school from view.

#### **4.3.2.2 Conclusion**

Under Alternative B there could be a temporary, negligible negative impact barely noticeable to Parkway travelers during construction activities. The viewshed would be enhanced by the substantial screening that would occur as part of the landscape replanting plan which would obscure the school and disturbed areas visible from the Parkway. Alternative B would result in a long-term, minor to moderate, beneficial impact to the viewshed along the Parkway in the vicinity of the Parkway Elementary School. A healthy forest would be preserved as well under this alternative, and its value as a visual barrier to non-agricultural development would be preserved resulting in long-term beneficial impacts to park visitor use and experience, including visual resources. Under Alternative B (Preferred Alternative), there would be no impairment of park visitor use and experience, including visual resources from this alternative.

## 5.0 CONSULTATION AND COORDINATION

### 5.1 Public Involvement

To ensure that the Park and its programs are coordinated with the programs and objectives of State, Federal, and local governments and private organizations, it is the Park's objective to work with these agencies and organizations during the planning process. Consultation and coordination have occurred with numerous agencies during the preparation of this EA. To satisfy scoping requirements for this project, scoping letters were mailed out requesting public and agency input on issues to be addressed in the EA. Table C-1 in Appendix C lists all persons, agencies/organizations to whom the scoping letters were sent. The scoping letter is presented as Figure C-1.

The public scoping period for the project began on August 1, 2006 and ended on September 1, 2006. No comments were received from the public during this period. The NPS also underwent consultations with several State and Federal agencies regarding the project. These consultation letters are presented in Figures C-2 through C-4 in Appendix C.

### 5.2 Preparers and Contributors

#### *U.S. Department of the Interior, National Park Service, Blue Ridge Parkway*

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Bambi Teague, Chief, Resource Management

#### *U.S. Department of the Interior, National Park Service, Southeast Regional Office*

Jami Hammond, Regional Environmental Coordinator

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**APPENDIX A**

**ACRONYMS AND ABBREVIATION**

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## ACRONYMS & ABBREVIATIONS

A list of terms relevant to managing the Blue Ridge Parkway is provided below. Although not exhaustive, this glossary highlights some of the key terms and evolving concepts that are important to understanding National Park Service management policies and principles. Statutory definitions can be accessed on-line, e.g., at: [<http://www4.law.cornell.edu/uscode/>].

ACHP	Advisory Council on Historic Preservation
BLRI	Blue Ridge Parkway
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CRM	Cultural Resource Management
CWA	Clean Water Act
DOI	Department of the Interior
DM	Department of the Interior Manual
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FR	Federal Register
FWS	U.S. Fish and Wildlife Service
GPRA	Government Performance and Results Act
GMP	<i>General Management Plan</i>
IPM	Integrated Pest Management
LPP	<i>Land Protection Plan</i>
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Protection Act
NCWRC	North Carolina Wildlife Resources Commission
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
OSHA	Occupational Safety and Health Administration
PL	Public Law
PLUMs	Park Land Use Maps
RCRA	Resource Conservation and Recovery Act
ROW	Right-of-way permit
RV	Recreational Vehicle
SDWA	Safe Drinking Water Act
SEA	Significant Ecological Areas
SHPO	State Historic Preservation Officer
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USDI	United States Department of Interior
USFWS	United States Fish and Wildlife Service
USFS	United States Forest Service

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## **APPENDIX B**

### **GLOSSARY**

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## Glossary

**Administrative record:** The “paper trail” that documents an agency’s decision-making process and the basis for the agency’s decision. It includes all materials directly or indirectly considered by persons involved in the decision-making process. These are the documents that a judge would review to determine whether the process and the resulting agency decision were proper.

**Affected environment:** The existing biological, physical, cultural, social, and economic conditions of an area that are subjected to both direct and indirect changes, as a result of actions described within alternatives under consideration.

**Air quality:** A measure of health and visibility-related characteristics of air often derived from quantitative measurements of the concentrations of specific injurious or contaminating substances.

**Alternatives:** A reasonable range of options that can accomplish an agency’s objectives.

**Ambient air:** The surrounding air.

**Archeological resource:** Any material remains or physical evidence of past human life or activities, which are of archeological interest, including the record of the effects of human activities on the environment. An archeological resource is capable of revealing scientific or humanistic information through archeological research.

**Backcountry:** Refers to primitive, undeveloped portions of parks, some of which may be categorized as “wilderness.”

**Canopy:** The uppermost layer of a forest where a layer of tree branches spread.

**Consultation:** A discussion, conference, or forum, in which advice or information is sought or given, or information or ideas are exchanged. Consultation usually takes place on an informal basis; formal consultation requirements for compliance with Section 106 of NHPA are published in 36 CFR Part 800.

**Council on Environmental Quality (CEQ):** The President’s Council on Environmental Quality was established by the National Environmental Policy Act NEPA and is the agency responsible for the oversight and development of national environmental policy.

**Cultural landscape:** A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or esthetic values. There are four non-mutually exclusive types of cultural landscapes- historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

**Cultural resource**: An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes. By their nature, cultural resources are nonrenewable.

**Cumulative effects (impacts)**: Effects on the environment that result from the incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions, regardless of which agency (federal or nonfederal) or person undertakes such actions. Cumulative effects can result from individually minor, but collectively significant, actions taking place over a period of time.

**Deed Reservation**: A reservation is a provision in a deed which keeps (reserves) to the grantor, or other named party of interest, some right or interest in the property.

**Degradation (natural resources)**: Refers to negative impact(s) to natural resources or natural processes. The impact may be singular or cumulative; the extent may be local or ecosystem-wide. The term degradation is used broadly and may refer to: reduction in habitat size, reduction in extent of plant populations, declining species vigor exhibited as reduced population numbers, reduced reproductive success, increased mortality rates, and/or decreased percent of available habitat utilized.

**Ecosystem**: A system formed by the interaction of a community of organisms with their physical environment, considered as a unit.

**Environmental Assessment**: A brief NEPA document that is prepared (a) to help determine whether the impact of an proposed action or its alternatives could be significant; (b) to aid the NPS in compliance with NEPA by evaluating a proposal that would have no significant impacts, but may have measurable adverse impacts; or (c) as an evaluation of a proposal that is either not described on the list of categorically excluded actions, or is on the list, but exceptional circumstances apply.

**Environmental Impact Statement**: A detailed NEPA analysis document that is prepared when a proposed action or alternatives have the potential for significant impact on the human environment.

**Environmental consequences**: A section of an environmental assessment that is the scientific and analytic basis for comparing alternatives. This discussion includes the environmental effects of the alternatives, any adverse effects that cannot be avoided, and short-term, long-term and cumulative effects.

**Encroachment**: An advance beyond proper or legal limits; intruding.

**Endangered species:** Any species which is in danger of extinction throughout all or a significant portion of its range. These species are listed by the U.S. Fish and Wildlife Service.

**Endangered Species Act of 1973 (amended) (ESA):** The Endangered Species Act ensures that no federal action would jeopardize the continued existence of federally listed or proposed threatened or endangered species of plant or animal.

**Ethnographic landscape:** An area containing a variety of natural and cultural resources that traditionally associated people define as heritage resources. The area may include plant and animal communities, structures, and geographic features, each with their own special local names.

**Ethnographic resources:** Objects and places, including sites, structures, landscapes and natural resources, with traditional cultural meaning and value to associated peoples. Research and consultation with associated people identifies and explains the places and things they find culturally meaningful. Ethnographic resources eligible for the National Register of Historic Places are called traditional cultural properties.

**Exotic:** Plant or animal species introduced into an area where they do not occur naturally; non-native species.

**Extirpation:** To completely get rid of, kill off, or destroy something considered undesirable.

**Facilities:** Refers to buildings, houses, campgrounds, picnic areas, visitor-use areas, operational areas, and associated supporting infrastructure such as roads, trails, and utilities.

**Fauna:** Refers to animal life.

**Floodplain:** Land on either side of a stream or river that is submerged during floods; typically discussed in terms of 50, 100, or 500-year events.

**100-year floodplain:** The land adjacent to a river corridor that would be covered by water during a 100-year flood event. A 100-year flood event has a 1% probability of occurring during any given year.

**Finding of No Significant Impact (FONSI):** The public document following the preparation of a final environmental assessment that reflects the agency's final decision, rationale behind the decision, and commitments to monitoring and mitigation.

**General Management Plan (GMP):** A plan which clearly defines direction for resource preservation and visitor use in a park, and serves as the basic foundation for decision making. GMPs are developed with broad public involvement.

**Groundwater:** All water found below the surface of the ground.

**Historic property:** A district, site, building, structure, or object significant in the history of American archeology, architecture, culture, engineering, or politics at the national, state, or local level.

**Historic district:** A geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history.

**Impact:** The likely effects of an action or proposed action upon specific natural, cultural, or socioeconomic resources. Impacts may be direct, indirect, cumulative, beneficial, or adverse. Direct impacts are those occurring at the same time and place as the action itself. Indirect impacts occur later in time or are farther removed in distance from the action, yet are reasonably foreseeable. Severe impacts that harm the integrity of park resources or values are known as “impairments.”

**Impairment:** An impact so severe that, in the professional judgment of a responsible NPS manager, it would harm the integrity of park resources or values and violate the 1916 NPS Organic Act.

**Ingress/Egress:** The act of coming or going out of a place.

**Integrated pest management:** A decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost-effective means, while posing the least possible hazard to people, resources, and the environment.

**Invasive native and exotic plants:** A species which takes over a new habitat where it was not previously found, often to the detriment of species which were there before.

**Mitigation:** An activity designed to avoid, minimize, rectify, reduce or compensate the severity of, or eliminate impacts from the proposed project. A mitigation measure should be a solution to an identified environmental problem.

**Monitoring:** To keep track of systematically with a view to collecting information.

**National Environmental Policy Act of 1969 (NEPA):** A law enacted on January 1, 1970 that established a national policy to maintain conditions under which humans and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans.

**National Historic Landmark:** A district, site, building, structure, landscape, or object of national historical significance, designated by the Secretary of the Interior under authority of the Historic Sites Act of 1935 and entered in the National Register of Historic Places.

**National Historic Preservation Act of 1966 (NHPA):** This act required federal agencies to give consideration to historic properties determined significant (properties listed on or determined to be eligible for the National Register of Historic Places) prior to expending funding for, authorizing, or licensing a federal project or permit.

**National Park Service (NPS):** An agency in the Department of the Interior responsible for protection and preservation of 384 natural and cultural units throughout the United States.

**National Register of Historic Places:** The comprehensive list of districts, sites, buildings, structures, and objects of national, regional, state, and local significance in American history, architecture, archeology, engineering, and culture kept by the National Park Service under authority of the National Historic Preservation Act of 1966.

**Natural resources:** Features and values that include plants and animals, water, air, soils, topographic features, geologic features, paleontological resources, natural quiet and clear night skies.

**NEPA process:** The objective analysis of a proposed action to determine the degree of its environmental impact on the natural and physical environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public. Required of federal agencies by the National Environmental Policy Act of 1969.

**No action alternative:** An alternative in an environmental assessment that continues current management direction. A no action alternative is a benchmark against which action alternatives are compared.

**Non-native species:** Species of plants or animals that do not naturally occur in a particular area and of often interfere with natural biological systems. Also known as alien, introduced, or exotic species.

**Organic Act (NPS):** The 1916 law (and subsequent amendments) that created the National Park Service and assigned it responsibility to manage the national parks.

**Paleontological/paleoecological resources:** Resources such as fossilized plants, animals, or their traces, including both organic and mineralized remains in body or trace form. Paleontological resources are studied and managed in their paleoecological context (that is, the geologic data associated with the fossil that provides information about the ancient environment).

**Preservation (cultural resource):** The act or process of applying measures to sustain the existing form, integrity, and material of a historic structure, landscape, or object. Work may include preliminary measures to protect and stabilize the property, but generally focuses on the ongoing preservation maintenance and repair of historic materials and features rather than extensive replacement and new work.

**Preservation (natural resource):** The act or process of preventing, eliminating, or reducing human-caused impacts to natural resources and natural processes.

**Restoration:** Work conducted to remove impacts to natural resources and restore natural processes, and to return a site to natural conditions.

**Right-of-way permit:** Instrument issued by a regional director to authorize any new revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, or for such purposes and under such terms and conditions as he may determine to be consistent with the use of such lands for parkway purposes.

**Sacred sites:** Certain natural and cultural resources treated by American Indian tribes and Alaska natives as sacred places having established religious meaning, and as locales of private ceremonial activities.

**Section 7 Consultation:** Section 7 of the Endangered Species Act requires consultation with the U.S. Fish and Wildlife Service if the habitat of a threatened or endangered plant or animal may be affected by a federally authorized action.

**Strategic Plan:** A Service-wide, 5-year plan required by GPRA (5 USC 306) in which the NPS states (1) how it plans to accomplish its mission during that time, and (2) the value it expects to produce for the tax dollars expended. Similarly, each park, program, or central office has its own strategic plan, which considers the Service-wide mission plus its own particular mission. Strategic plans serve as “performance agreements” with the American people.

**Threatened species:** Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. These species are listed by the U.S. Fish and Wildlife Service.

**Visitor experience:** The perceptions, feelings, and interaction a park visitor has in relationship with the environment.

**Watershed:** The region draining into a river, river system, or body of water.

**Wetland:** Areas that are inundated by surface or groundwater with a frequency sufficient to support, under normal circumstances, vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

## **TYPES OF AUTHORITIES – SOURCES OF NPS GUIDANCE**

**Constitution:** The fundamental law of the United States.

**Code of Federal Regulations (CFR):** A publication that codifies the general and permanent rules or regulations published in the Federal Register by the Executive branch departments and agencies of the federal government, and which carry the force of law. The citation 36 CFR 1.1 refers to part 1, section 1, of title 36.

**Department of the Interior Manual (DM):** The compilation of policies, procedures, and guidelines governing operations of the various bureaus of the Department of the Interior.

**Director's Orders:** Provide guidance for implementing certain aspects of NPS *Management Policies*, and are used as a vehicle for updating *Management Policies* between publishing dates. In many cases, Director's Orders are further supplemented by handbooks or reference manuals.

**Executive Orders, Memoranda, or Proclamations:** Regulations having the force of law issued by the President of the United States to the Executive branch of the federal government.

**Federal Register:** A daily publication of the National Archives and Records Administration that updates the Code of Federal Regulations, in which the public may review the regulations and legal notices issued by federal agencies. Source citations for the regulations are referred to by volume number and page number of the FR and the date of publication (e.g., 65 FR 2984, January 19, 2000).

**Public Law:** A law or statute of the United States.

**Regulations:** Rules or orders prescribed by federal agencies to regulate conduct, and published in the CFR.

**Unites States Code (USC):** The systematic collection of the existing laws of the United States, organized under 50 separate titles. The citation 16 USC 1 refers to section 1 of title 16.

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**APPENDIX C**

**CONSULTATION AND COORDINATION**

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Figure C-1. Scoping Letter



IN REPLY REFER TO:

United States Department of the Interior

National Park Service  
Blue Ridge Parkway  
199 Hemphill Knob Road  
Asheville, North Carolina 28803



L7617  
PIN 12703

August 1, 2006

*Address*

**Re: Environmental Assessment for a Right-of-way Permit for Watauga County Board of Education to Utilize a NCDOT Deed Reserved Roadside park on National Park Service Land**

*Dear Addressee:*

Pursuant to the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality NEPA regulations (40 Code of Federal Regulations 1500 to 1508), and the National Park Service (NPS) NEPA compliance guidelines (DO-12), the NPS has decided to prepare an environmental assessment (EA) for the proposed granting of a right-of-way permit for the Watauga County Board of Education. The permit would allow the construction, operation and maintenance of an access road, parking lot, and landscaped areas within the boundaries of the Blue Ridge Parkway for the Parkway Elementary School located at Parkway Milepost 281, Parkway Right, Section 2-F, Station 237, in Watauga County, North Carolina. This area is currently deed reserved to the North Carolina Department of Transportation as a roadside park.

Please identify any resources within your purview that may experience potential impacts from this project and list specific mitigation measures. Please provide your written comments by **September 1, 2006** to:

Blue Ridge Parkway  
Attn: Suzette Molling  
199 Hemphill Knob Road  
Asheville, North Carolina 28803

If you have any concerns or questions, please contact Suzette Molling, Environmental Protection Specialist, at 828-271-4779 ext. 219 (Asheville, N.C.).

We welcome your involvement and encourage your input into this proposal.

Sincerely,

*/signed/*

Philip A. Francis, Jr.  
Superintendent

cc: Martha Bogle, Deputy Superintendent  
Phil Noblitt, Public Information Officer  
Jayme Miller, Secretary to Superintendent  
David Anderson, Project Leader  
Dr. Bobbie Short, Watauga Co. Board of Education  
Nathan Kipp Turner, NCDOT, District Engineer

**Table C-1. Persons Who Received the Scoping Letter**

<b>Person Contacted</b>	<b>Agency/Organization</b>
Dr. Bobbie Y. Short, Superintendent	Watauga County Board of Education
Mr. Nathan Kipp Turner, PE District Engineer	North Carolina Department of Transportation
Brian Cole, Field Supervisor	US Fish and Wildlife Service, Endangered Species Office, Asheville Field Office
Steve Chapin, Regulatory Specialist	US Army Corps of Engineers, Asheville Regulatory Field Office
Mari Sue Hilliard, Forest Supervisor	US Forest Service, Asheville, North Carolina
Ronald C. Howard District Conservationist	USDA Natural Resources Conservation Service
Ron Linville, Regional Coordinator	North Carolina Wildlife Resources Commission
Dave McHenry, Mountain Region Reviewer	North Carolina Wildlife Resources Commission
Chrys Baggett, Environmental Policy Act Coordinator	North Carolina Department of State Clearinghouse, Environmental Review
Renee Gledhill-Earley, Environmental Review Coordinator	North Carolina Department of Cultural Resources, SHPO
Peter Sandbeck, Deputy	North Carolina Department of Historic Resources, State Historic Preservation Office
Dr. Jeffrey J. Crow, Deputy Secretary of Archives and History	North Carolina Department of Historic Resources, SHPO, Department of Archives and History
Melba McGee Environmental Review Coordinator	North Carolina Department of Environment and Natural Resources
Honorable Virginia Foxx	US Congress
Bob Gale, Ecologist	Western North Carolina Alliance
Dr. Dan Pittillo	WNC, Retired Professor
Dr. Houck Medford, Executive Director	Blue Ridge Parkway Foundation
Greg Kidd, Senior Program Manager	National Parks Conservation Association
Mr. Arthur Allen, President	Southern Highland Craft Guild

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## Figure C-2. USFS Comment Letter



### United States Department of the Interior

#### FISH AND WILDLIFE SERVICE

Asheville Field Office  
160 Zillicoa Street  
Asheville, North Carolina 28801

August 30, 2006

Ms. Suzette Molling  
Blue Ridge Parkway  
199 Hemphill Knob Road  
Asheville, North Carolina 28803

Dear Ms. Molling:

Subject: Scoping Comments for the Preparation of an Environmental Assessment for the Proposed Construction, Operation, and Maintenance of an Access Road, Parking Lot, and Landscaped Areas Within the Boundaries of the Blue Ridge Parkway, Watauga County, North Carolina

In your letter of August 1, 2006, you requested our comments on the subject project. The following comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e); the Migratory Bird Treaty Act, as amended (16 U.S.C. 703); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to your letter, the Blue Ridge Parkway is going to prepare an Environmental Assessment on the affects of allowing the construction, operation, and maintenance of an access road, parking lot, and landscaped areas within the boundaries of the Blue Ridge Parkway. The facilities are for the Parkway Elementary School located at Parkway Milepost 281 in Watauga County. The area is currently deed reserved to the North Carolina Department of Transportation as a roadside park.

Because so many federally listed and rare species are known to occur near the proposed project area, we recommend surveying the area for these species prior to any on-the-ground activities to ensure that no populations of rare species are inadvertently lost. Enclosed is a list of species for Watauga County that are on the *Federal List of Endangered and Threatened Wildlife and Plants* and federal species of concern that may occur in the project impact area. Federal species of concern are not legally protected under the Act and are not subject to any of its provisions, including section 7, unless they are formally proposed or listed as endangered or threatened. We are including these species in our response to give you advance notification.

There are multiple records of the Southern Appalachian yellow-bellied sapsucker (a federal species of concern) near the project area. We encourage you to conduct management activities that favor this species. Based on existing records, this subspecies breeds in forests at elevations between 3,000 feet and 5,500 feet above sea level. We suggest reviewing the information available on the species at the

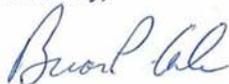
following web site: <http://biology.mhc.edu/ybsa/>, which is maintained by a working group focused on this species.

The environmental document prepared for this project should contain the following information, if pertinent:

1. A complete analysis and comparison of the available alternatives.
2. A description of the fishery and wildlife resources within the project area, including any additional rights-of-way and any areas, such as borrow areas, that may be affected directly or indirectly by the proposed project.
3. The extent (linear feet as well as discharge) of any water courses that will be impacted as a result of the proposed project. A description of any streams should include the classification (Rosgen 1995, 1996) and a description of the biotic resources.
4. The acreage of upland habitat, by cover type, that will be eliminated or altered because of the proposed project.
5. A description of all expected secondary and cumulative environmental impacts associated with the proposed work.
6. An analysis of any crossing structure considered (i.e., spanning structure, culvert) and the rationale for choosing the preferred structure(s). We prefer stream crossings that span the bank-full width of streams and wetlands and that do not impede natural stream functions or fish passage.

We appreciate the opportunity to provide these scoping comments and request that you continue to keep us informed as to the progress of these proposed actions. If we can be of assistance or if you have any questions, please do not hesitate to contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-06-415.

Sincerely,



Brian P. Cole  
Field Supervisor

Enclosure

cc:

Mr. David McHenry, Mountain Region Reviewer, North Carolina Wildlife Resources Commission,  
20830 Great Smoky Mtn. Expressway, Waynesville, NC 28786

# The U.S. Fish and Wildlife Service's (USFWS) County Species List for North Carolina

Following is a list of counties in North Carolina within which federally listed and proposed endangered, threatened, and candidate species and federal species of concern are either known or are considered probable (but not yet documented). It has been compiled by the USFWS from a variety of sources, including field surveys, museums and herbaria, literature, and personal communications.

This list contains information that is also found in the North Carolina Natural Heritage Program's (NCNHP) database of rare species information. However, the list is likely to include additional information that is not reflected in the NCNHP database.

This list is intended to assist those conducting surveys in proposed project areas, but it is not intended to serve as a substitute for field surveys. The list is subject to change as new information is received. For the most current version, please consult the website for the USFWS North Carolina Ecological Services Division at <http://nc-es.fws.gov/es/>.

## Other notes:

**Critical habitat** is noted for the counties where it is designated or proposed. This notation is either accompanied by a description of the approximate areas affected by this designation, or a Federal Register citation where a more detailed description of the boundaries can be found.

**Sea turtles** occur in North Carolina's coastal waters and nest along its beaches. They are listed here in the counties where they are known to nest. The USFWS has jurisdiction over sea turtles in terrestrial systems; the National Marine Fisheries Service (NMFS) has authority over sea turtles in coastal waters.

**Manatees** occur throughout North Carolina's coastal waters, and they are listed here in the counties where there are known concentrations of them. The USFWS has jurisdiction over manatees.

COMMON NAME	SCIENTIFIC NAME	STATUS
-------------	-----------------	--------

## **Watauga County**

### *Critical Habitat*

#### Invertebrate

Spruce-fir moss spider

*Microhexura montivaga*

E

All areas of privately owned Grandfather Mountain at and above the 1,646-m (5,400-ft) contour. Within these areas, the primary constituent elements include (1) Fraser fir or fir-dominated spruce-fir forests at and above 1,646-m (5,400-m) in elevation, and (2) moderately thick and humid, but not wet, moss (species in the genus *Dicranodontium*, and possibly

Polytrichum) and/or liverwort mats on rock surfaces that are adequately sheltered from the sun and rain (by overhang and aspect) and include a thin layer of humid soil and/or humus between the moss and rock surface. July 6, 2001, Federal Register, 66:35547-35566.

*Species*

Vertebrate

Allegheny woodrat	<i>Neotoma magister</i>	FSC
Appalachian cottontail	<i>Sylvilagus obscurus</i>	FSC
Bog turtle	<i>Clemmys muhlenbergii</i>	T (S/A)
Carolina northern flying squirrel	<i>Glaucomys sabrinus coloratus</i>	E
Cerulean warbler	<i>Dendroica cerulea</i>	FSC
Eastern small-footed bat	<i>Myotis leibii</i>	FSC
Golden-winged warbler	<i>Vermivora chrysoptera</i>	FSC
Hellbender	<i>Cryptobranchus alleganiensis</i>	FSC
Kanawha minnow	<i>Phenacobius teretulus</i>	FSC
Northern saw-whet owl (Southern Appalachian population)	<i>Aegolius acadicus</i> pop. 1	FSC
Pygmy salamander	<i>Desmognathus wrighti</i>	FSC
Red crossbill (Southern Appalachian) %	<i>Loxia curvirostra</i>	FSC
Southern Appalachian black-capped chickadee	<i>Poecile atricapillus praticus</i>	FSC
Southern water shrew **	<i>Sorex palustris punctulatus</i>	FSC
Virginia big-eared bat	<i>Corynorhinus townsendii virginianus</i>	E
Yellow-bellied sapsucker (Southern Appalachian population)	<i>Sphyrapicus varius appalachiensis</i>	FSC

Invertebrate

Diana fritillary (butterfly)	<i>Speyeria diana</i>	FSC
Green floater	<i>Lasmigona subviridis</i>	FSC
Spruce-fir moss spider	<i>Microhexura montivaga</i>	E

Vascular Plant

Bent avens	<i>Geum geniculatum</i>	FSC
Blue Ridge goldenrod	<i>Solidago spithamea</i>	T
Bog blue grass *	<i>Poa paludigena</i>	FSC
Butternut *	<i>Juglans cinerea</i>	FSC
Darlington's spurge **	<i>Euphorbia purpurea</i>	FSC
Fraser fir	<i>Abies fraseri</i>	FSC
Gray's lily	<i>Lilium grayi</i>	FSC
Gray's saxifrage	<i>Saxifraga caroliniana</i>	FSC
Heller's blazing star	<i>Liatriis helleri</i>	T

Large-leaved Grass-of-Parnassus	<i>Parnassia grandifolia</i>	FSC
Mountain bitter cress	<i>Cardamine clematitis</i>	FSC
Roan mountain bluet	<i>Hedyotis purpurea</i> var. <i>montana</i>	E
Spreading avens	<i>Geum radiatum</i>	E
Tall larkspur	<i>Delphinium exaltatum</i>	FSC
<u>Nonvascular plant</u>		
a liverwort	<i>Sphenolobopsis pearsonii</i>	FSC
a liverwort *	<i>Porella wataugensis</i>	FSC
a liverwort	<i>Plagiochila sullivantii</i> var. <i>sullivantii</i>	FSC

**KEY:**

**Definitions of Species Status Codes:**

- E =** endangered. A taxon “in danger of extinction throughout all or a significant portion of its range.”
- T =** threatened. A taxon “likely to become endangered within the foreseeable future throughout all or a significant portion of its range.”
- C =** candidate. A taxon under consideration for official listing for which there is sufficient information to support listing. (Formerly "C1" candidate species.)
- FSC =** federal species of concern. A species that may or may not be listed in the future (formerly C2 candidate species or species under consideration for listing for which there is insufficient information to support listing).
- T(S/A) =** threatened due to similarity of appearance. A taxon that is threatened due to similarity of appearance with another listed species and is therefore listed for its protection. Taxa listed as T(S/A) are not biologically endangered or threatened and are not subject to Section 7 consultation.
- EXP =** experimental population. A taxon whose is listed as experimental (either essential or nonessential). Experimental, nonessential endangered species (e.g., red wolf) are treated as threatened on public land, for consultation purposes, and as species proposed for listing on private land.
- P =** proposed. Taxa proposed for official listing as endangered or threatened will be noted as "PE" or "PT", respectively.

**Threatened due to similarity of appearance (T(S/A)):**

In the November 4, 1997, Federal Register (55822-55825), the northern population of the bog turtle (from New York south to Maryland) was listed as T (threatened), and the southern population (from Virginia south to Georgia) was listed as T(S/A) (threatened due to similarity of appearance). The T(S/A) designation bans the collection and interstate and international commercial trade of bog turtles from the southern population. The T(S/A) designation has no effect on land management activities by private landowners in North Carolina, part of the southern population of the species. In addition to its official status as T(S/A), the U.S. Fish and Wildlife Service considers the southern population of the bog turtle as a Federal species of concern due to habitat loss.

**Denotation of county records:**

- %** A percent symbol (%) indicates that the species is regarded as probable but as of yet undocumented in this county due to the presence of potentially suitable habitat and/or the proximity of confirmed observations of the species in adjacent counties.
- (S)** Summer habitat (Indiana bat county records only)
- \*** Historic record - the species was last observed in the county more than 50 years ago.
- \*\*** Obscure record - the date and/or location of observation is uncertain.
- \*\*\*** Incidental/migrant record - the species was observed outside of its normal range or habitat.
- \*\*\*\*** Historic and obscure record.
- \*\*\*\*\*** Obscure and incidental record.

### Figure C-3. NCWRC Comment Letter



## ☒ North Carolina Wildlife Resources Commission ☒

Richard B. Hamilton, Executive Director

September 1, 2006

Ms. Suzette Molling  
Blue Ridge Parkway  
199 Hemphill Knob Road  
Asheville, North Carolina 28803

RE: Project Scoping for an Environmental Assessment (EA) for Right-of Way (ROW) Permit for Watauga County Board of Education (BOE) to Utilize a North Carolina Department of Transportation (NCDOT) Deed Reserved Rest Area on National Park Land, Watauga County

Dear Ms. Molling:

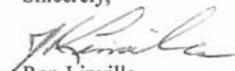
This correspondence is in response to your letter of August 1, 2006 concerning the referenced EA for the proposed Watauga County Board of Education ROW. The North Carolina Wildlife Resources Commission (NCWRC) is authorized to comment and make recommendations which relate to the impacts of this project on fish and wildlife through the Federal License of Water Resource Project Act (Federal Power Act-16 U.S.C. 791a et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

Your request is to satisfy requirements of the National Environmental Policy Act (NEPA) as the National Park Service is considering granting a right-of-way permit to the BOE. The permit would allow construction, operation and maintenance of an access road, parking lot and landscaped areas within the boundaries of the Blue ridge Parkway for Parkway Elementary School located at Parkway Milepost 281. The area is presently deed reserved to the NCDOT.

Based on our review, we have found no reason to object to issuance of the ROW. We recommend that any new facilities not exclude public use as a rest stop. Any new construction should incorporate Low Impact Development (LID) practices and autochthonous plant species. Information on LID practices and measures can be found at [www.lowimpactdevelopment.org](http://www.lowimpactdevelopment.org). LID and native plantings could be used for stewardship measures as well as interpretive or educational purposes. Construction activities should follow all requirements specified by the NC Department of Environment and Natural Resources.

Thank you for the opportunity to comment on this EA during your early planning phase. If you have any questions regarding these comments, please contact me at 336/769-9453.

Sincerely,

  
Ron Linville  
Regional Coordinator  
Habitat Conservation Program

**Mailing Address:** Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721  
**Telephone:** (919) 707-0220 • **Fax:** (919) 707-0028

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Figure C-4. USACOE Comment Letter



REPLY TO  
ATTENTION OF:

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

September 1, 2006

Regulatory Division

Action ID. SAW-2006-40237-395

Ms. Suzette Molling  
Blue Ridge Parkway  
199 Hemphill Knob Road  
Asheville, North Carolina 28803

Dear Ms. Molling:

Reference your request for comments, by letter dated August 2, 2006, on the Right-of-way Permit for Watauga County Board of Education to Utilize an NCDOT Deed Reserved Rest Area on National Park Service Land located at Milepost 281 off of the Blue Ridge Parkway, east of Boone, in Watauga County, North Carolina. Work would involve the construction, operation, and maintenance of an access road, parking lot, and landscaped areas within the boundaries of the Blue Ridge Parkway for the Parkway Elementary School.

There are potentially waters of the U.S. present within the above described project corridors which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). These waters would be unnamed tributaries to Laxon Creek. Any work within these waters would require prior Department of the Army authorization.

Should you have any further questions, please contact me at (828) 271-7980, extension 224.

Sincerely,

A handwritten signature in cursive script that reads "Stephen D. Chapin".

Stephen D. Chapin  
Regulatory Specialist  
Asheville Regulatory Field Office

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