Burton Street Community Association
21 Mardell Circle
Asheville, NC 28806
June 2, 2022

Derrick Weaver,
NCDOT Unit Head
Environmental Policy Unit
1582 Mail Service Center
Raleigh, NC 27699-1582

Dear Derrick,

Roughly 12 years ago, the Burton Street Community started discussions with the City of Asheville and NCDOT about the impact of the I-26 Connector project and potential mitigation strategies. Many parts of the mitigation plan have been addressed, some are still unfolding, but some seem to be at a standstill.

The Mitigation Strategies in the Burton Street Neighborhood Plan of 2018, Appendix E, contained a list of activities assigned to both the City of Asheville and NCDOT. However, the following elements appear to have been lost along with the timeline for completion as no/few updates have been communicated to the Burton Street Community.

2.2.3 **Expand Community Center Programming to Include Produce Processing and Preservation, Nutrition Education, and Community Farmers Market/ Stand to Enhance the Community Garden Program**

2.3.2 **Conduct a Feasibility Study to Consider a Future Smith Mill Creek Greenway Through the Burton Street Neighborhood**

In addition, a critical component of the 2010 Burton Street Neighborhood Plan was omitted from the 2018 plan. **Goal 5** under Strategies and Recommended Actions (pages 34-35) includes the need to **Create A Business Incubator System Within The Community**. We are formally requesting that this item be appended to our 2018 plan and that the betterments committee begin addressing this as one of our priorities.

Additionally, President Biden's Justice 40 Initiative aims to address the high levels of pollution, chronic disinvestment, and lack of access to capital in communities of color and low-income areas driven by discriminatory environmental, housing, infrastructure, and economic policies. Since Burton Street Community has been determined an Environmental Justice Community by DOT, how do we access funds from and interface with the Justice 40 initiative to mitigate the impacts of I-26 AND reinvest into community-driven priorities and initiatives?

We appreciate the on-going efforts of the City of Asheville and NC DOT. We know that working together will close the gaps that have clearly been brought to light. Please let me know next steps for both amending the 2018 plan to include Goal 5 from the 2010 plan, as well as how we will begin to address this and the other items highlighted above within our betterments process.

Respectfully,

DeWayne Barton, President
Burton Street Community Association

cc: Debra D. Campbell, Asheville City Manager
Todd Okolichany, Director Planning and Urban Design, City of Asheville

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

July 18, 2023

Mr. DeWayne Barton, President
Burton Street Community Association
21 Mardell Circle
Asheville, NC 28806

Dear Mr. Barton:

Thank you for your representation in the Burton Street Working Group as President of the Burton Street Community Association to implement the goals of the 2018 Burton Street Neighborhood Plan (2018 Plan). I am writing in regard to your letter of June 2, 2022 which formally requested the amendment of the 2018 Plan to include Goal 5 of the 2010 Burton Street Neighborhood Plan. Although NCDOT staff have verbally conveyed NCDOT's inability to amend the 2018 Plan during regular meetings of the Working Group, I am writing to formally reply to your request and address the additional questions presented in your letter that have also been discussed at regular meetings of the Working Group.

EJ mitigation only pertains to those persons meeting the definition of a protected class under Environmental Justice (race and lower income) and Title VI (over 65 and under 18). In other words, the 2018 Plan applies only to the EJ residents of Burton Street rather than the neighborhood as a whole. The presence of an EJ population in the Burton Street neighborhood that has experienced recurring impacts from past transportation improvements is documented in the various Community Characteristics Reports and Community Impact Assessments done over the years. EJ is not a designation of a geographic area but is a description of low income and/or minority persons within a community. At the time the 2018 Plan was being initiated, Burton Street was majority minority with low-income populations that exceeded the county average and all of the Burton Street Neighborhood Association leadership was a part of that population. Current census data indicates that EJ populations in the Burton Street Neighborhood are now consistent with the county average and the makeup of the leadership has changed. If the 2018 Plan is re-opened for amendment, a revised Community Impact Assessment will need to be conducted to assess impacts and public involvement re-initiated with the EJ residents themselves. Based on current demographics, the neighborhood as a whole would not be identified as having a notable EJ population. Any mitigation would then be between NCDOT and the specific persons that meet the EJ definitions that are directly affected by the project construction limits.

NCDOT has accepted the 2018 Plan as the mitigation for the project impacts. Therefore, since Goal 5 of the 2010 Burton Street Neighborhood Plan was not included in the 2018 Plan adopted by the City of Asheville and NCDOT, it is not part of NCDOT's mitigation. NCDOT plans to continue moving forward with the mitigation as adopted in the 2018 Plan.

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RALEIGH, NC 27601

Regarding the Burton Street neighborhood plan, the NCDOT funded neighborhood plan was undertaken to accomplish two goals. First, to provide a framework for I-2513 mitigation measures for both NCDOT and City of Asheville to consider. Second, as the 2010 plan did not meet the City's standards, to develop a neighborhood plan that Asheville could adopt and implement. NCDOT is committed to implementing the 2018 Plan as developed by the Burton Street Community Association (BSCA), in partnership with the N.C. Department of Transportation and the City of Asheville. Construction of the strategies assigned to NCDOT has not been able to proceed since the environmental coordination and documentation had not been completed to the point where Right of Way and Construction funds could be authorized; however, planning, design, coordination (Monthly Working Group Meetings), estimating, and small group engagement (Downing Street Sidewalk strategy) have been on-going in preparation for construction, when the environmental documentation is complete and funding is authorized.

Regarding Mitigation Strategies 2.2.3 and 2.3.2, these strategies are identified as responsibilities of the City of Asheville. The City of Asheville has demonstrated a commitment to implementing the strategies of the 2018 Plan by moving forward on several of the strategies assigned to the City in advance of the final environmental document for I-2513 being completed since the neighborhood is in their jurisdiction and various funding sources are already available to implement those strategies.

Based on NCDOT Community Studies' understanding of Justice40, the only neighborhood which may be eligible for consideration in the I-2513 study area is Hillcrest. That community was significantly isolated from surrounding areas by highway construction and has a pedestrian bridge that is now closed and has not been upgraded to comply with ADA. Portions of this project will reconnect Hillcrest, so some of this work, such as the pedestrian bridge, may qualify under this initiative. Historically the Burton Street neighborhood has not been isolated by transportation projects but has had street connectivity limited by topography and streams. Due to this Burton Street neighborhood is not eligible for Justice40 funding.

Should you have any questions or concerns, please contact Kevin Moore, Senior Project Manager, at (919) 707-6287 or kemoore2@ncdot.gov.

Sincerely,

DocuSigned by:
Derrick G Weaver
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Derrick G. Weaver, PE
Deputy Director
Technical Services Unit
North Carolina Department of Transportation

cc: Debra D. Campbell, Asheville City Manager
Ben Woody, Interim Director Planning and Urban Design, City of Asheville
Ken Putnam, Director of Transportation, City of Asheville
Hon Yeung, Team Lead, PMU, NCDOT
Kevin Moore, PE, Senior Project Manager, PMU, NCDOT
John Jamison, Unit Head, Environmental Policy Unit, NCDOT