

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	B-6015
WBS Element	48210.1.1
Federal Project No.	BRZ-1913(006)

A. Project Description: Replacement of Bridge 110237 over Rock Creek on SR 1913, Burke County, NC.

B. Description of Need and Purpose: The project will replace a structurally deficient bridge with a multi-barrel box culvert to improve the safety of the roadway.

C. Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

D. Proposed Improvements: 28. Bridge rehabilitation, reconstruction, or replacement or the construction of graded separation to replace existing at-grade railroad crossings.

E. Special Project Information: Resource reports for threatened and endangered species are attached. Tribal Consultation letter have been forwarded to three tribes (Cherokee, Catawba, Muscogee) and any information received from them will be evaluated during the design phase.

Cultural Resource evaluations for Historic Architecture and Archaeology are also attached.

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)				
Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31. <i>If any question 1-7 is checked “Yes” then NCDOT certification for FHWA approval is required.</i> <i>If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.</i>				
<u>PROJECT IMPACT THRESHOLDS</u> (FHWA signature required if any of the questions 1-7 are marked “Yes”.)			Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	☐	☒	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	☐	☒	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	☐	☒	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	☐	☒	
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	☐	☒	
6	Does the project require an Individual Section 4(f) approval?	☐	☒	
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	☐	☒	
If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.				
<u>Other Considerations</u>			Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?	☐	☒	
9	Is the project located in anadromous fish spawning waters?	☐	☒	
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	☐	☒	
11	Does the project impact Waters of the United States in any of the designated mountain trout streams?	☐	☒	
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	☐	☒	
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	☐	☒	

Other Considerations for Type I and II Ground Disturbing Actions (continued)		Yes	No
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	☐	☒
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	☐	☒
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	☐	☒
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	☐	☒
18	Does the project require a U.S. Coast Guard (USCG) permit?	☐	☒
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	☐	☒
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	☐	☒
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	☐	☒
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	☐	☒
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	☐	☒
24	Will maintenance of traffic cause substantial disruption?	☐	☒
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	☐	☒
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	☐	☒
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	☐	☒
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	☐	☒
29	Is the project considered a Type I under the NCDOT Noise Policy?	☐	☒
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	☐	☒
31	Are there other issues that arose during the project development process that affected the project decision?	☐	☒

G. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes'):

H. Project Commitments (attach as Green Sheet to CE Form):

NCDOT PROJECT COMMITMENTS

STIP Project No. **B-6015**
Bridge 110237
Burke County
Federal Aid Project No. BRZ-1913(006)
WBS Element 48210.1.1

Project commitments will be developed and added during the design phase of the project.

I. Categorical Exclusion Approval:

STIP Project No.	B-6015
WBS Element	48210.1.1
Federal Project No.	BRZ-1913(006)

Prepared By:

4/6/2021

Date

DocuSigned by:

Roger D. Bryan

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Roger D. Bryan, Division Environmental Officer
Division 13

Prepared For:

NC Department of Transportation

Reviewed By:

4/6/2021

Date

DocuSigned by:

Mike Calloway

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Mike Calloway, Bridge Program Manager
Division 13, NC Department of Transportation



Approved

- If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.



Certified

- If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
- If classified as Type III Categorical Exclusion.

4/6/2021

Date

DocuSigned by:

Eileen Fuchs

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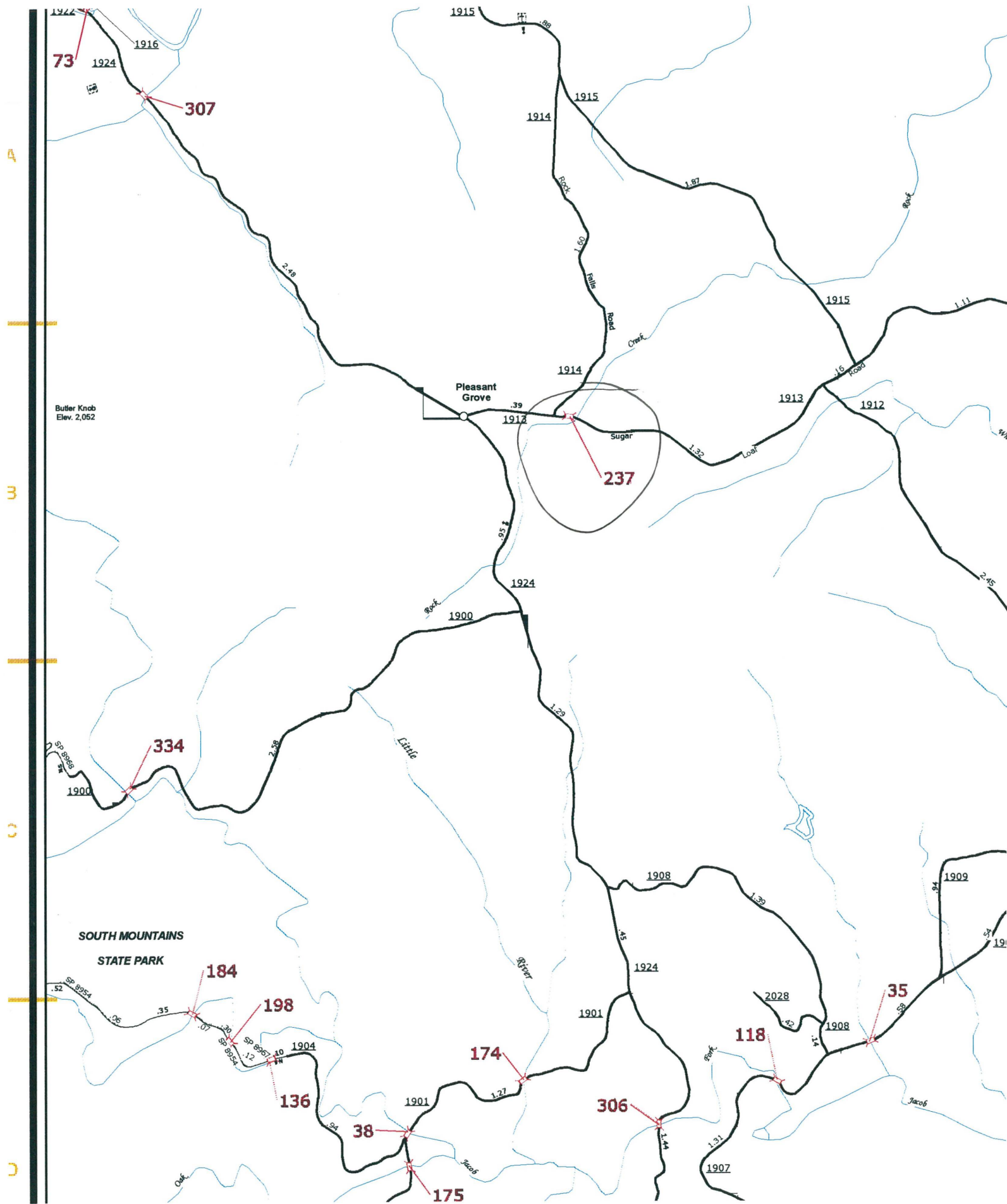
Eileen Fuchs, Project Manager, Priority Projects Team, PMU
North Carolina Department of Transportation

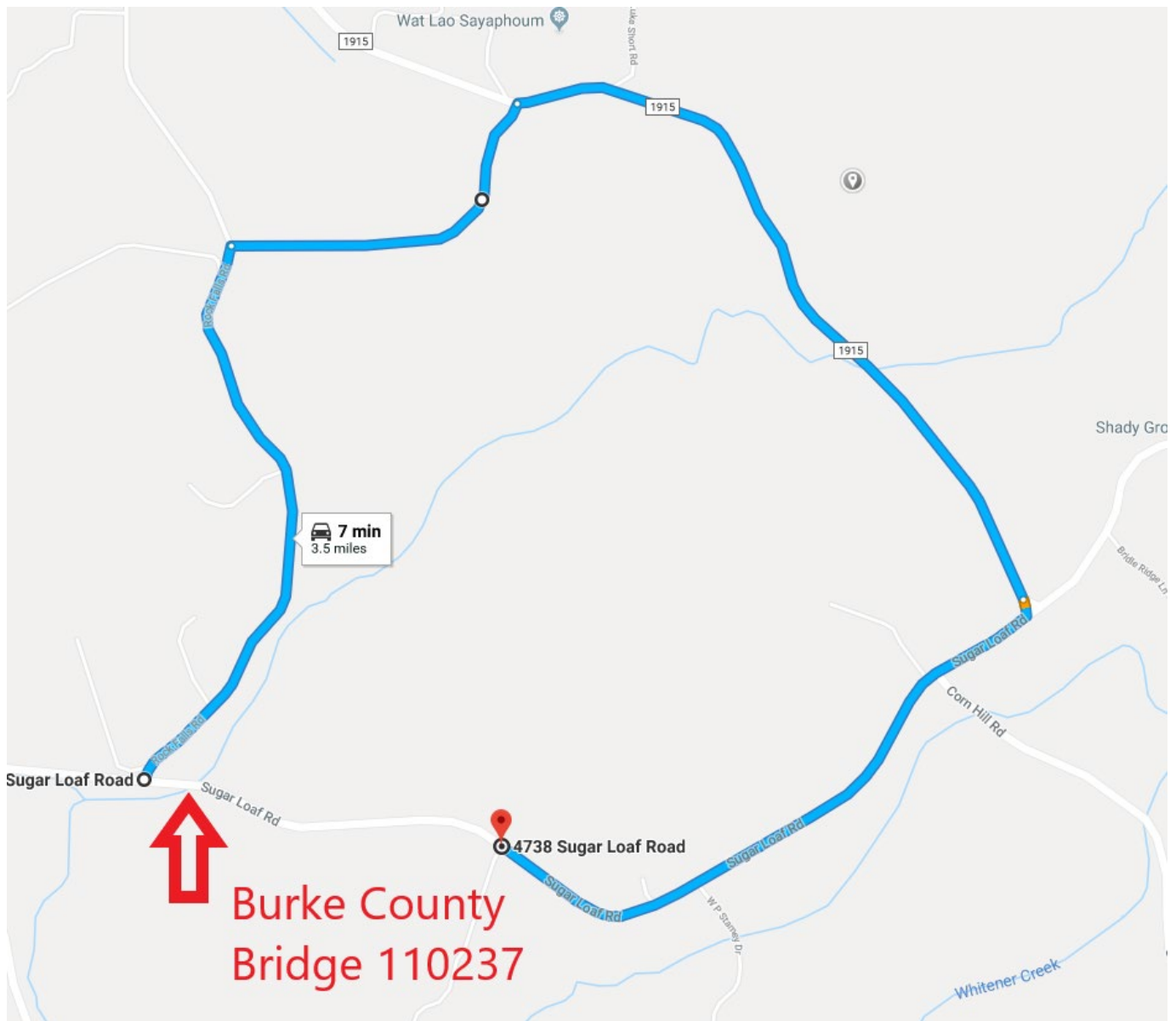
FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

Date

for John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration

Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).







STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

May 13, 2019

TO: Jessica Earley, Project Executive
Priority projects Team, PMU

FROM: Melissa Miller, Environmental Program Consultant
Biological Surveys Group, EAU

SUBJECT: Section 7 survey results for the northern long-eared bat (*Myotis septentrionalis*) associated with the replacement of Bridge No. 237 over Rock Creek on SR 1913 in Burke County, **TIP No. B-6015**.

The North Carolina Department of Transportation (NCDOT, Division 13) proposes to replace Bridge No. 237 over Rock Creek on SR 1913 in Burke County, TIP No. B-6015. The existing bridge is a three span structure with timber deck, steel I-beams, timber end walls and metal guard rails. The overall length of the structure is 61 feet.

Northern long-eared bat

The project to replace Bridge No. 237 has been reviewed for effects on the northern long-eared bat (NLEB). As of May 4, 2015, NLEB is listed by the U.S. Fish and Wildlife Service (USFWS) as "Threatened" under the Endangered Species Act of 1973. As of May 13, 2019, NLEB is listed by USFWS (http://www.fws.gov/raleigh/species/cntylist/nc_counties.html) as "current" in Burke County. USFWS also established a final rule under the authority of section 4(d) of the Endangered Species Act that provides measures for the conservation of NLEB. The USFWS has tailored the final 4(d) rule to prohibit the take of NLEB from certain activities within areas where they are in decline. This incidental take protection applies only to known NLEB occupied maternity roost trees and known NLEB hibernacula. Effective February 16, 2016, incidental take resulting from tree removal is prohibited if it 1) occurs within a ¼ mile radius of known NLEB hibernacula; or 2) cuts or destroys known occupied maternity roost trees or any other trees within a 150-foot radius from the known maternity tree during the pup season (June 1-July 31).

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: NCDOT.GOV

Location:
CENTURY CENTER, BUILDING A
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

According to the North Carolina Natural Heritage Program (NHP) Biotics Database, most recently updated April 2019, **the nearest NLEB hibernacula record is 28 miles northwest of the project and no known NLEB roost trees occur within 150 feet of the project area.**

NCDOT has also reviewed the USFWS Asheville Field office website (http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html) for consistency with NHP records. This project is located entirely outside of the red highlighted areas (12-digit HUC) that the USFWS Asheville Field Office has determined to be representative of an area that may require consultation.

For the proposed action, NCDOT has committed to the conservation measures listed below:

- 1) No alterations of a known hibernacula entrance or interior environment if it impairs an essential behavioral pattern, including sheltering northern long-eared bats (January 1 through December 31);
- 2) No tree removal within a 0.25 mile radius of a known hibernacula (January 1 through December 31); and
- 3) No cutting or destroying a known, occupied maternity roost tree, or any other trees within a 150-foot radius from the known, occupied maternity tree during the period from June 1 through and including July 31.

NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016. NCDOT may presume its determination is informed by best available information and consider Section 7 responsibilities fulfilled for NLEB.

If you need any additional information, please contact Melissa Miller at 919-707-6127.

18-12-0019



HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No:	B-6015	County:	Burke
WBS No.:	48210.1.1	Document Type:	CE
Fed. Aid No:	BRZ-1913(006)	Funding:	☐ State ☒ Federal
Federal Permit(s):	☒ Yes ☐ No	Permit Type(s):	USACE
Project Description: Replace Bridge No. 237 over Rock Creek on SR 1913 (Sugar Loaf Road).			

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

Review of HPO quad maps, HPO GIS information, historic designations roster, and indexes was undertaken on December 12, 2018. Based on this review, there are no existing NR, SL, LD, DE, or SS properties in the Area of Potential Effects, which is defined on the following maps. There is one property over fifty years of age within the APE, 4534 Sugar Loaf Road built 1968. The house is an unremarkable brick ranch house; it is not eligible for National Register listing and no further evaluation is recommended. There are no National Register listed or eligible properties and no survey is required. If design plans change, additional review will be required.

Why the available information provides a reliable basis for reasonably predicting that there are no unidentified significant historic architectural or landscape resources in the project area:

HPO quad maps and GIS information recording NR, SL, LD, DE, and SS properties for the Burke County survey, Burke County GIS/Tax information, and Google Maps are considered valid for the purposes of determining the likelihood of historic resources being present. There are no National Register listed or eligible properties within the APE and no survey is required.

SUPPORT DOCUMENTATION

☒ Map(s) ☐ Previous Survey Info. ☐ Photos ☐ Correspondence ☐ Design Plans

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

Kate Hubbard

NCDOT Architectural Historian

12/12/2018

Date



Project Location.



State Historic Preservation Office GIS.

Photograph Date : 8/31/2010



4534 Sugar Loaf Road, 1968. Not eligible for NR listing.



**NO NATIONAL REGISTER OF HISTORIC PLACES
ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES
PRESENT FORM**



This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.

PROJECT INFORMATION

Project No: B-6015 County: Burke
WBS No: 48210 Document: Federal Categorical Exclusion
F.A. No: BRZ-1913(006) Funding: ☐ State ☒ Federal

Federal Permit Required? ☒ Yes ☐ No Permit Type: USACE

Project Description: Replace Bridge 237 on SR 1913 (Sugar Loaf Rd.) over Rock Creek in Burke County. The Area of Potential Effects (A.P.E.) is approximately 97 meters (317 ft.) long and 30 meters (100 ft.) wide. The project is Federally-funded and will require Federal permits. Easements will be required.

SUMMARY OF ARCHAEOLOGICAL FINDINGS

The North Carolina Department of Transportation (NCDOT) Archaeology Group reviewed the subject project and determined:

- ☒ There are no National Register listed ARCHAEOLOGICAL SITES within the project's area of potential effects. (Attach any notes or documents as needed.)
- ☐ No subsurface archaeological investigations were required for this project.
- ☒ Subsurface investigations did not reveal the presence of any archaeological resources.
- ☐ Subsurface investigations did not reveal the presence of any archaeological resources considered eligible for the National Register.
- ☐ All identified archaeological sites located within the APE have been considered and all compliance for archaeological resources with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.

Brief description of review activities, results of review, and conclusions:

The original review included an examination of a topographic map, the Burke County web soil survey, an aerial photograph, and records about previously recorded sites, previous archaeological surveys, and previous environmental reviews at the North Carolina Office of State Archaeology (OSA) in Raleigh. Also, a visual examination of the bridge was conducted on 2/6/2019. The bridge is oriented approximately east-west. The review recommended archaeological survey of the southwest, northwest and northeast quadrants of the A.P.E. on 3/11/2019. The survey was conducted by NCDOT archaeologist Caleb Smith and OSA Western Office archaeological technician Casey Kirby on 5/8/2019. A total of eight shovel tests (STPs) was excavated in the southwest, northwest, and northeast quadrants. Three STPs each were excavated in the southwest and northwest quadrants, and two STPs were excavated in the northeast quadrant. Figure 4 shows the locations of the STPs on an aerial photograph. Table 1 describes each STP.

The survey did not include the southeast quadrant of the A.P.E. The landform in that quadrant is a narrow strip of wooded floodplain between the road and a steep ridge (Figure 5). There is a stream that runs along the south side of the road.

Three STPs (1-3) were excavated in the southwest quadrant. The landform is a level floodplain from the bridge west to a gravel driveway. The land is a cleared powerline right-of-way along the south side the road (Figure 6). STP 1 was placed approximately 15 meters (50 ft.) west of the creek and 10 meters (33 ft.) south of the road. STPs 2-3 were placed approximately 30 and 60 meters (100 and 200 ft.) west of STP 1. The soils consisted of reddish brown clay loam with some gravel. No artifacts were recovered.

Three STPs (4-6) were excavated in the northwest quadrant. The landform is a level floodplain from the bridge west for approximately 70 meters (230 ft.) to SR 1914 (Rock Falls Rd.). The land is currently used as an agricultural field or pasture (Figure 7). STP 4 was placed approximately 15 meters (50 ft.) west of the creek and 40 meters (131 ft.) north of the road. There is a wooded drainage valley along the north side of the road. STPs 5-6 were placed approximately 30 and 60 meters (100 and 200 ft.) west of STP 4. The soil in STPs 4-5 consisted of reddish brown clay loam. The soil in STP 6 consisted of approximately 60 centimeters (24 in.) of grayish brown clay loam. STP 6 started to fill with water at the bottom of the excavation. No artifacts were recovered from this quadrant.

Two STPs (7-8) were excavated in the northeast quadrant. The landform is a level floodplain or terrace from the creek east for 60 meters (200 ft.), then a sloped ridge. The land is currently used as an agricultural field or pasture (Figure 8). The ground surface is uneven along the north side of the road, indicating possible disturbance. Also, much of this quadrant looks like it may have been excavated, possibly for fill dirt. The transition from floodplain/terrace to sloped ridge appears more abrupt than a natural transition would appear. In any case, STP 7 was placed approximately 15 meters (50 ft.) east of the creek and 15 meters (50 ft.) north of the road. STP 8 was placed approximately 30 meters (100 ft.) east of STP 7. Something has disturbed this area, but it does not appear to have been used as a source of fill dirt. The soils consisted of approximately 40 cm (16 in.) of light brown clay loam. There was no room to excavate a third STP. No artifacts were recovered.

In conclusion, the archaeological survey of the A.P.E. did not identify any archaeological sites. The STPs excavated on moderate to high potential landforms in the A.P.E. did not contain any artifacts. No further work is recommended for this project.

SUPPORT DOCUMENTATION

See attached: ☒ Map(s) ☐ Previous Survey Info ☒ Photos ☐ Correspondence

Other:

Signed:

CALEB SMITH

7/22/2019

NCDOT ARCHAEOLOGIST

Date

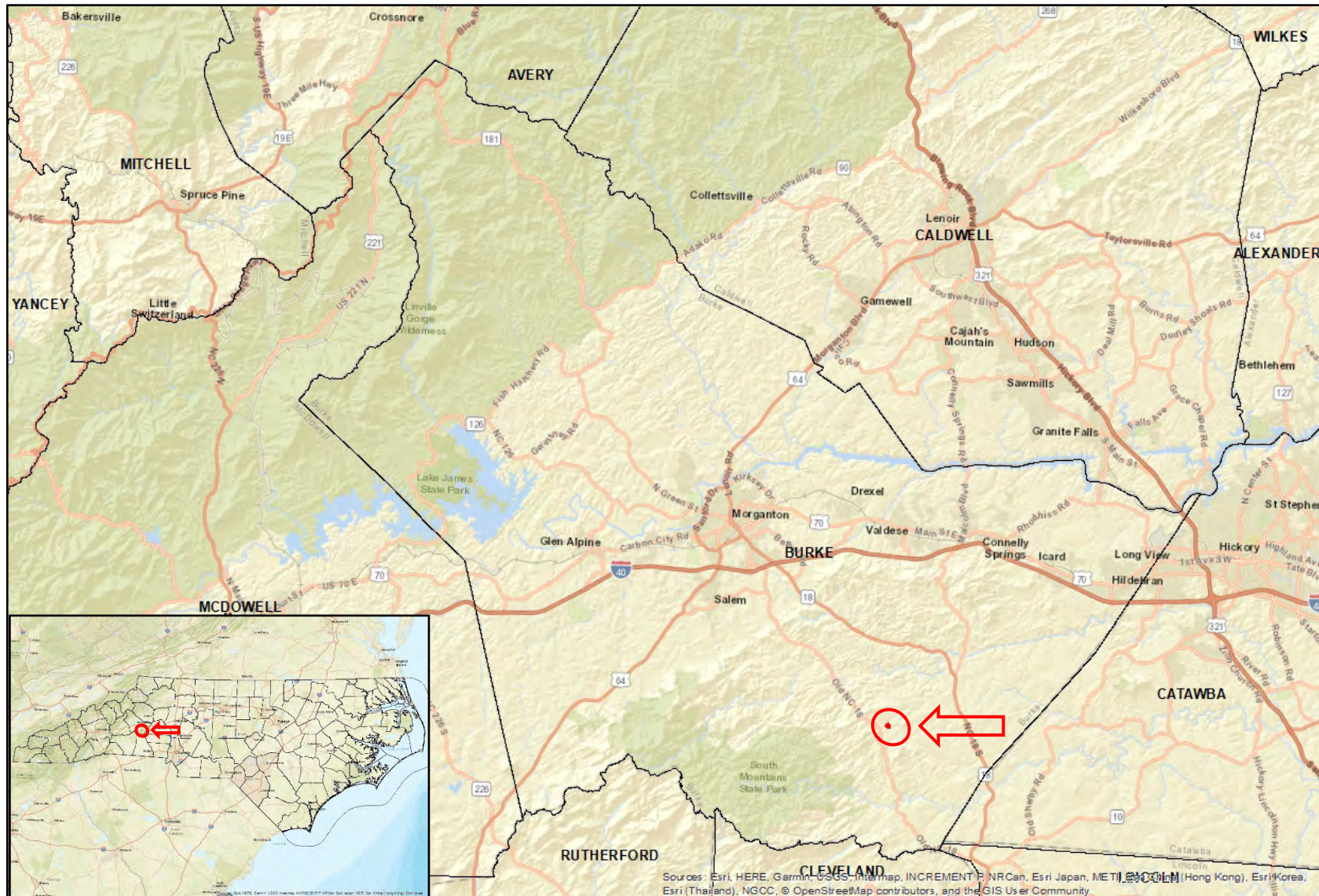


Figure 1: Location of Bridge 237 in Burke County.

"NO NATIONAL REGISTER ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES PRESENT OR AFFECTED
form for Minor Transportation Projects as Qualified in the 2015 Programmatic Agreement.

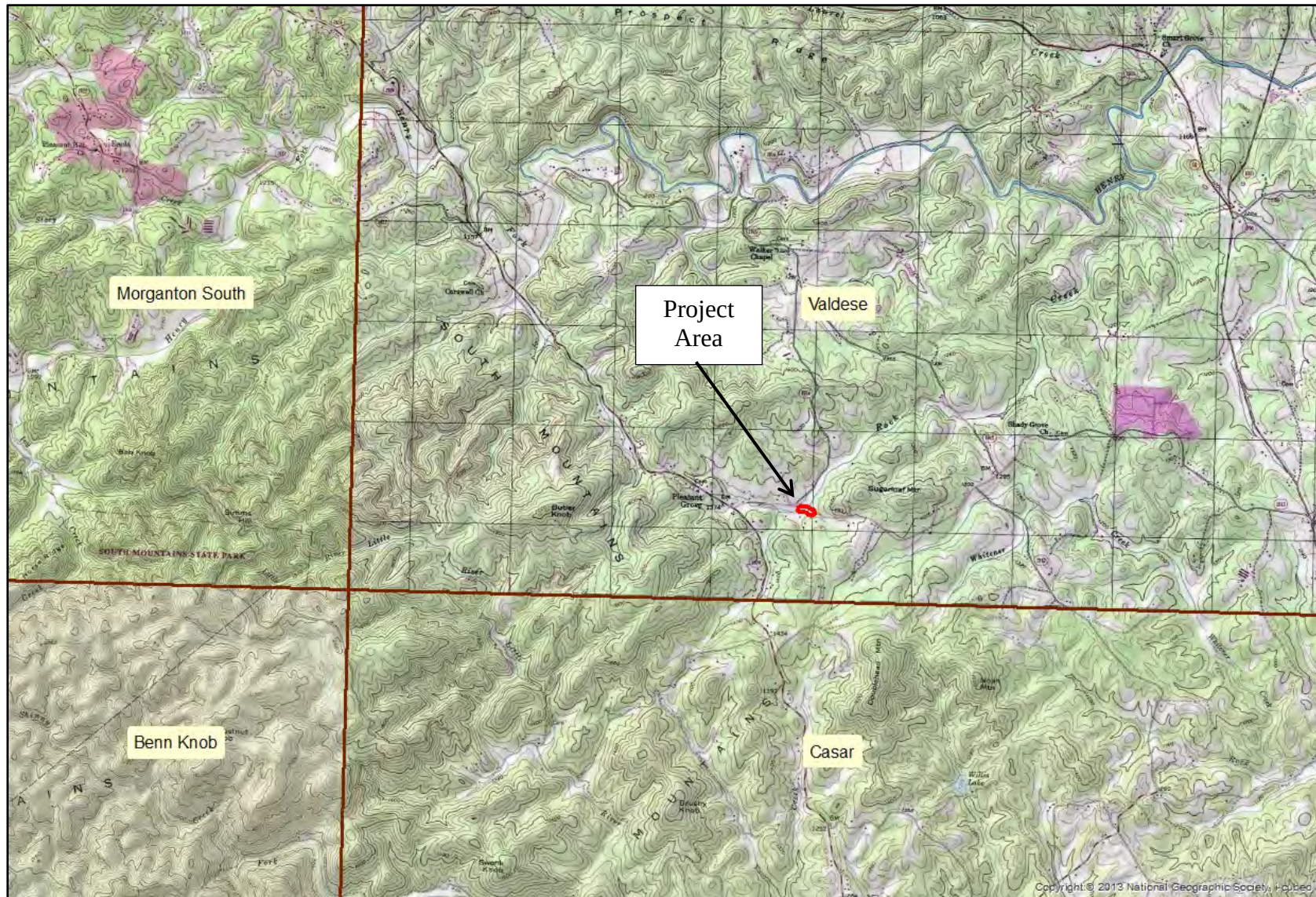


Figure 2: Location of Bridge 237 on the Valdese topographic map.

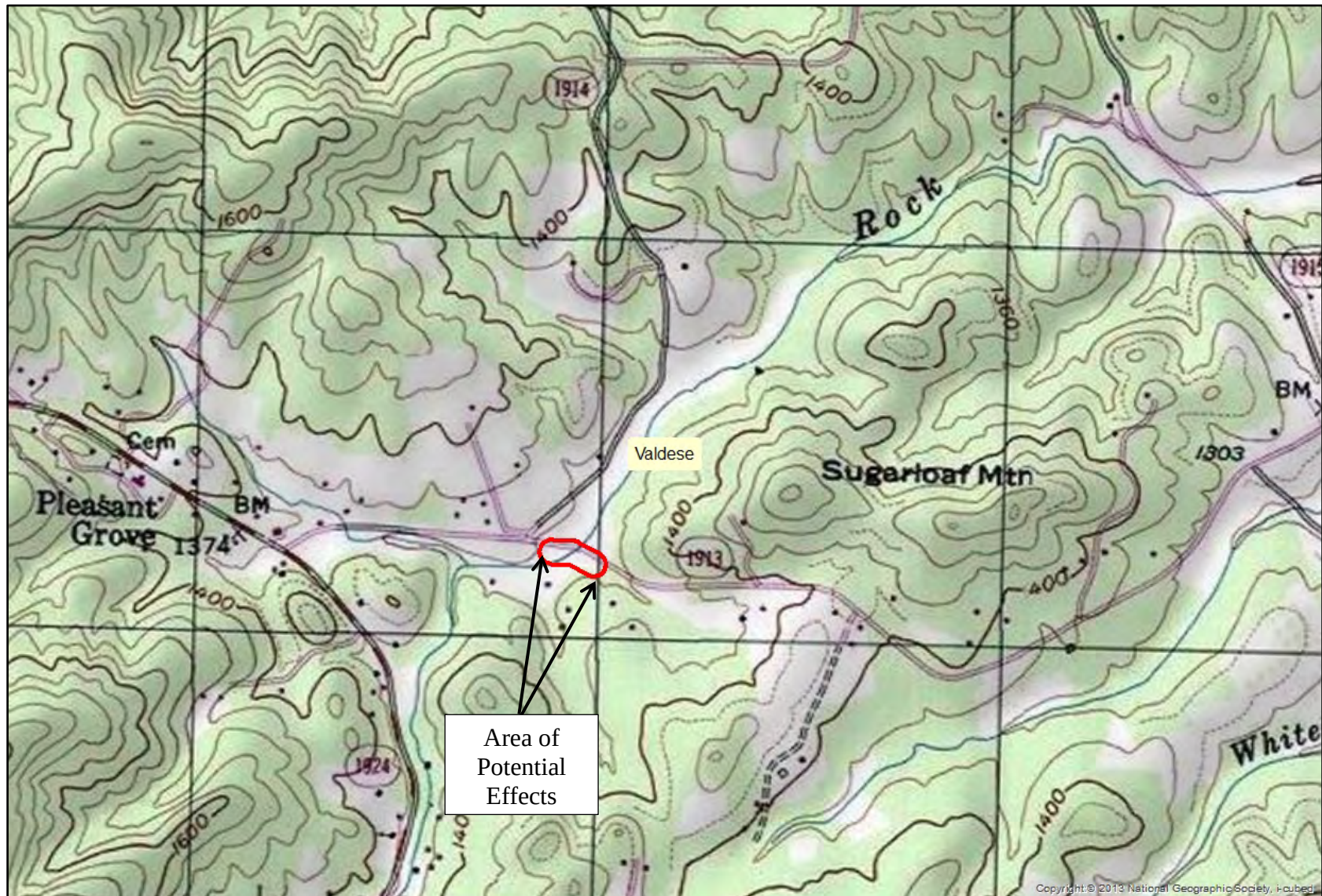


Figure 3: Topographic map of Bridge 237.

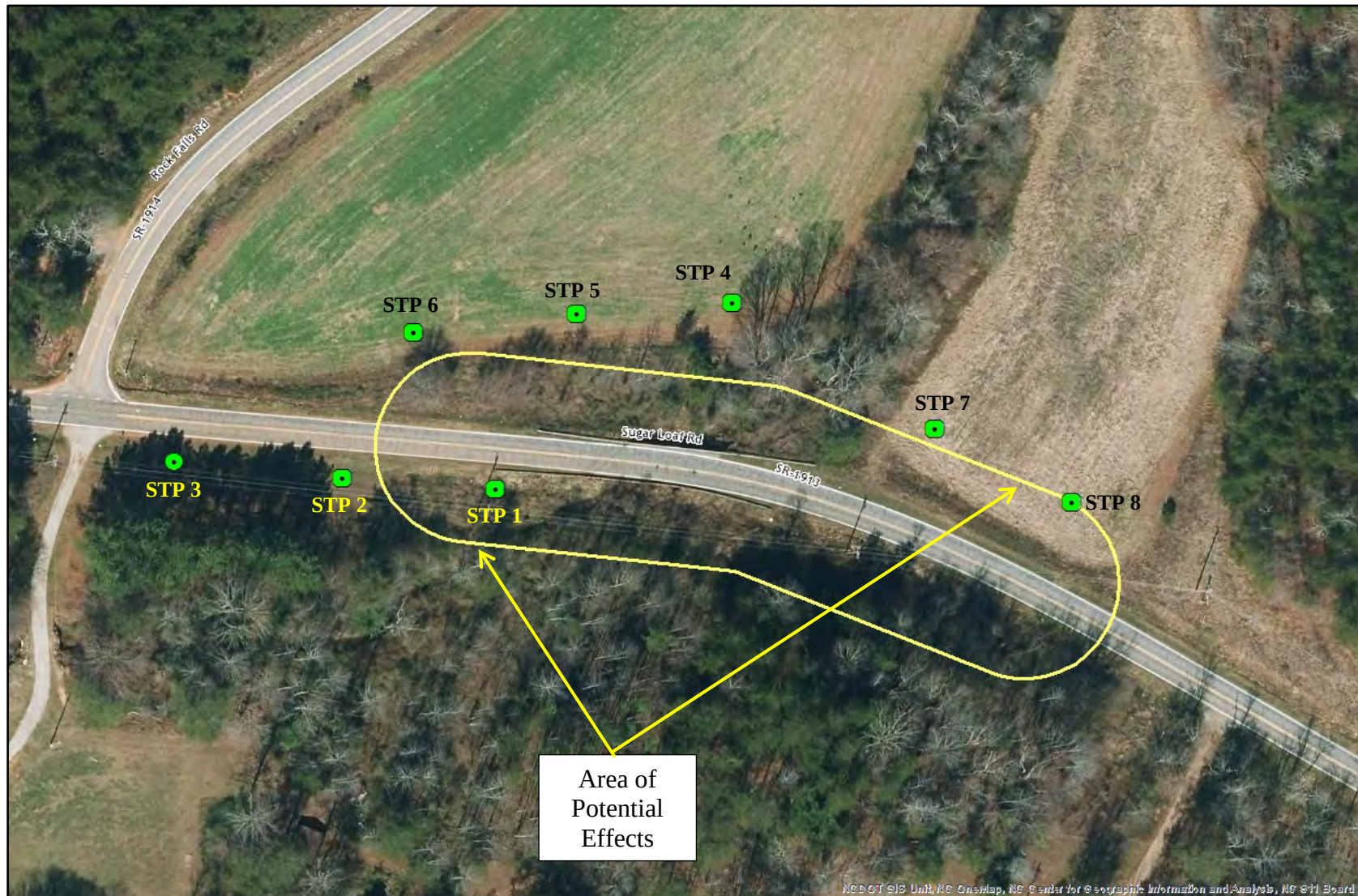


Figure 4: Aerial photograph showing the locations of shovel tests.

Table 1: Description of Shovel Tests

Shovel Test	Description
Southwest quadrant	
1	0-10 cm brown topsoil; 10-20 cm reddish brown clay loam with moderate gravel content
2	0-10 cm brown topsoil; 10-35 cm reddish brown clay loam with light gravel content
3	0-20 cm reddish brown clay loam; 20-25 cm red clay subsoil
Northwest quadrant	
4	0-22 cm brown clay loam; 22-40 cm red clay loam
5	0-30 cm brown clay loam; 30-40 cm red clay subsoil
6	0-40 cm reddish brown silty clay; 40-60 cm grayish brown clay loam; water at bottom
Northeast quadrant	
7	0-40 cm reddish brown clay loam; 40-50 cm light brown clay (subsoil?)
8	0-30 cm light brown sandy clay; 30-40 cm tan clay (subsoil?)



Figure 5: East view of the southeast quadrant.



Figure 6: East view of the southwest quadrant.



Figure 7: East view of the northwest quadrant.



Figure 8: West view of the northeast quadrant.