

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	B-5684
WBS Element	45639.1.2
Federal Project No.	NHP-0401(272)

A. Project Description:

The N.C. Department of Transportation (NCDOT) proposes to replace Bridge No. 146 on U.S. 401 (Capital Boulevard) over Crabtree Creek in the City of Raleigh, Wake County. See **Figure 1 - Project Vicinity Map**.

B. Description of Need and Purpose:

The purpose of the project is to replace aging infrastructure. The bridge was built in 1963 and is reaching the end of its useful life. The proposed project is needed to provide a safer, more durable structure. The original bridge was constructed in 1937 and then reconstructed in 1963. The bridge is structurally deficient due to an FHWA rating of 4 out of 9 for the substructure.

C. Categorical Exclusion Action Classification:

Type I(B) - Ground Disturbing Action

D. Proposed Improvements:

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e)(1-6).

The Preferred Alternative is shown on **Figure 3**. The new bridge will be approximately 210-feet long with six 12-foot lanes (three in each direction), a turn-lane, raised concrete median, curb and gutter with 5.5-foot sidewalk (northbound), and a 10-foot multi-use path (southbound). The multi-use path will be separated from traffic by a raised concrete barrier. Connections to the Crabtree Creek Greenway, which crosses under the existing bridge, are included with the project.

The bridge will be replaced in place using a staged construction process. Traffic will be maintained on Capital Boulevard throughout construction. There will be no offsite detour.

E. Special Project Information:

Alternatives Discussion

No Build – None of the improvements herein would be constructed as part of the No Build alternative. The No Build alternative would result in eventually closing the road, which is unacceptable given the volume of traffic on U.S. 401 (Capital Boulevard).

Replace In-Place using Staged Construction (Preferred) – No acceptable detour route is available. Therefore, replacing the bridge in place using staged construction is the preferred alternative.

Replace In-Place with Offsite Detour – Due to the volume of traffic on U.S. 401 and no acceptable detour route available, this alternative was removed from consideration.

Estimated Project Cost

The estimated project cost is shown in **Table 1**.

Table 1: Estimated Project Cost

Item	Preferred Alternative
Right-of-Way Acquisition	\$6.3 Million
Utility Relocation	\$0.5 Million
Construction	\$11.6 Million
Total	\$18.4 Million

Cost estimates last updated December 2022

Cost estimates are subject to change

Complete Streets Coordination

The project was reviewed by the NCDOT Integrated Mobility Division (IMD) and was approved to proceed forward in August 2021. Recommendations from IMD stated that bridges are typically built as long-term investments and that bridges should be designed to accommodate all foreseeable users. The Bikeway Selection Guide indicates the preferred bikeway type for Capital Boulevard is a separated bike lane or shared use path, which aligns with the proposed multi-use path included with the project.

Crabtree Creek Greenway Trail – Onsite Detour

The Crabtree Creek Greenway Trail, owned and operated by the City of Raleigh, is an existing greenway that travels under the existing bridge and represents a Section 4(f) resource. The greenway will remain open during construction via an at-grade detour across Capital Boulevard. This crossing will be located on the north side of the bridge using the Ratchford Drive/Yonkers Road intersection where pedestrians will have a signalized crossing. Access to this greenway will be maintained during construction and the project will not alter the greenway's recreational function. NCDOT and the Federal Highway Administration (FHWA) do not believe the project represents a Section (f) use because all of the conditions of Section 23 CFR 774.13(d) are met. A request for concurrence was sent on March 21, 2023 to the City of Raleigh. The City of Raleigh, as the official with jurisdiction over the Crabtree Creek Greenway, concurred on October 18, 2023, that the project would not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Public Involvement

NCDOT created a project website (<https://publicinput.com/capital-blvd-crabtree-crk>) that included an overview of the proposed project, a map of the proposed alternative, a graphic of the typical section, and survey questions to solicit feedback. The comment period was open from October 18 to November 20, 2023. A postcard was mailed to area residents, businesses, and stakeholders directing them to the project website. Residents and business owners were invited to submit comments via the website, project email, or by phone. 47 people viewed the website with one comment submitted.

The commenter asked that access points to the greenway remain after construction and to keep the separated bicycle lane currently on Ratchford Drive. The commenter requested that permanent crosswalks and pedestrian refuge islands be installed at the intersections of Hodges Street and Ratchford Drive, sidewalks connections be included from the bridge to service roads, and signage directing bicycles to the greenway be installed.

No changes to the design were made as a result of this comment. Access points to the greenway and the separated bicycle lane on Ratchford Drive will remain after construction. Sidewalk connections from the bridge to service roads were already included in the design. Permanent crosswalks and pedestrian refuge islands will not be installed at the intersections of Hodges Street and Ratchford Drive due to safety concerns. Signage directing bicycles to the greenway is the responsibility of the City of Raleigh.

Tribal Coordination

A letter was mailed to the Catawba Indian Nation on February 19, 2020, requesting input on the proposed project. The Catawba responded on March 23, 2020, that they have no immediate concerns with regard to traditional cultural properties, sacred sites, or Native American archaeological sites within the boundaries of the proposed project. However, the Catawba are to be notified if Native American artifacts and/or human remains are located during the ground disturbance phase of the project. This correspondence is included in the Appendix.

Cultural Resources/Section 106 Coordination

The project was screened by NCDOT staff for Historic Architecture and Archaeological Resources.

- Historic Architecture – No survey required – February 9, 2016
- Archaeological Resources – No survey required – February 10, 2016

These forms are included in the Appendix.

Environmental Justice

While minority and low-income populations are present with the Demographic Study Area, no notably adverse community impacts are anticipated with this project; thus, impacts to minority and low-income populations do not appear to be disproportionately high and adverse. Benefits and burdens resulting from the project are anticipated to be equitably distributed throughout the community. No disparate impacts are anticipated under Title VI and related statutes. This conclusion was summarized in the Community Impacts Assessment Update Memo, November 2021.

Right of Way and Relocations

One business is anticipated to be relocated. Access to the property is anticipated to be removed as part of the project, resulting in a full acquisition of the property. The business is a used car auto dealership. As noted in the CIA (2016), there are no signs of community cohesion near the project as the project area is primarily commercial and warehouse industries. The relocation of this business will not affect the context of the community. A minor amount of permanent and temporary right-of-way will also be required for the bridge replacement and utility relocations.

Jurisdictional Impacts

The B-5684 *Natural Resources Technical Report* (NRTR) (October 2016) summarizes the presence and type of wetlands and streams in the project study area. An addendum to the NRTR was prepared in February 2022.

Wetlands and Streams

Water resources in the study area are within the Neuse River basin. There is one wetland in the study area and one stream (Crabtree Creek). There are no designated High Quality Waters (HQW), Outstanding Resource Waters (ORW), or water supply watersheds (WS-I or WS-II) within 1.0 mile downstream of the study area. Crabtree Creek is listed on the North Carolina 2022 Final 303(d) list of impaired waters as impaired water due to PCB fish tissue advisory.

Streamside riparian zones within the study area are protected under provisions of the Neuse River Buffer rules administered by NCDWR.

No waters in the study area are designated as anadromous fish spawning areas. There are no construction moratoria.

Regulatory Considerations

There are no impacts to wetlands.

An estimated 175 linear feet of jurisdictional stream impact to Crabtree Creek will be required. Crabtree Creek has been designated as a warm water stream for the purposes of stream mitigation.

Threatened and Endangered Species

The B-5684 *Natural Resources Technical Report* (NRTR) (October 2016) summarizes the presence and threatened and endangered species in the project study area. An addendum to the NRTR was

prepared in February 2022. **Table 2** summarizes the biological conclusions for species in the Study Area.

Table 2: ESA Federally Protected Species within the Study Area¹

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusions
<i>Perimyotis subflavus</i>	Tricolored bat	PE	Yes	MA-LAA
<i>Myotis septentrionalis</i>	Northern long-eared bat	E	Yes	MA-LAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	NE
<i>Necturus lewisi</i>	Neuse River waterdog	T	Yes	MA-NLAA
<i>Noturus furiosus</i>	Carolina madtom	E	Yes	MA-NLAA
<i>Fusconaia masoni</i>	Atlantic pigtoe	T	Yes	MA-NLAA
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	E	Yes	MA-NLAA
<i>Rhus michauxii</i>	Michaux's sumac	E	Yes	NE

¹IPaC data checked on November 6, 2023

E – Endangered; PE – Proposed Endangered; T – Threatened

MA-LAA – May Affect, Likely to Adversely Affect

MA-NLAA – May Affect – Not Likely to Adversely Affect

NE – No Effect

Floodways

The project involves construction activities on or adjacent to the FEMA-regulated streams (Crabtree Creek). The proposed bridge has been sized to accommodate the floodway/floodplain. The bridge will be lengthened from 201 feet to 210 feet.

Therefore, the Division shall submit sealed As-built construction plans to the Hydraulics Unit upon completion of structure construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain are built as shown in the construction plans, both horizontally and vertically.

Per comments NC Wildlife Resources Commission dated February 17, 2016, no waters in the study area are designated as anadromous fish spawning areas. There is no construction moratoria.

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.				
<ul style="list-style-type: none"> • <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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11	Does the project impact Waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<u>Other Considerations for Type I and II Ground Disturbing Actions (continued)</u>		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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

5. Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?

The project is anticipated to result in one commercial displacement as a result of change in access to the property.

The relocation program for the proposed action will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) and the North Carolina Relocation Assistance Act (NCGS 133-5 through 133-18).

8. Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?

Tricolored bat

The US Fish and Wildlife Service has issued a programmatic conference opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the tricolored bat (TCB) (*Perimyotis subflavus*) in eastern North Carolina. The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. NCDOT, FHWA, and USACE have agreed to three conservation measures (listed in the PCO) which will avoid/minimize take to TCBs. These conservation measures apply to all counties in Divisions 1-8. The programmatic determination for TCB for the NCDOT program is **May Affect, Likely to Adversely Affect**. Once the TCB is officially listed, the PCO will become the programmatic biological opinion (PBO) by formal request from FHWA and USACE. The PBO will ensure compliance with Section 7 of the Endangered Species Act for approximately five years (effective through December 31, 2028) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Wake County, where B-5684 is located.

Northern Long-eared Bat

The USFWS has revised the previous programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina (December 15, 2022). The Revised PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. Although this programmatic covers Divisions 1-8, NLEBs are currently only known to occur in 27 counties but may potentially occur in 3 additional counties within Divisions 1-8 (note: Division 5 is not located within any of these 30 counties). NCDOT, FHWA, and USACE have agreed to two Conservation Measures which will avoid/minimize mortality of NLEBs. These Conservation Measures only apply to the 30 current known/potential counties shown on Figure 2 of the Revised PBO and do not include any parts of Division 5. NCDOT, FHWA, and USACE have agreed to three Monitoring and Reporting Requirements to monitor the impacts of incidental take.

The programmatic determination for NLEB for the NCDOT program is **May Affect, Likely to Adversely Affect**. The PBO provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for ten years for all NCDOT projects with a federal nexus in Divisions 1-8. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Carolina Madtom and Neuse River Waterdog

In May 2020, the USFWS issued a programmatic conference opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for Carolina Madtom (*Noturus furiosus*) and Neuse River Waterdog (*Necturus lewisi*) in NCDOT Divisions 2, 4, 5, and 7. This PCO was revised to a programmatic biological opinion (PBO) in August 2021.

The PBO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the biological opinion. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO, and with the ESA.

To mitigate potential impacts to the Carolina madtom and the Neuse River waterdog, payment will be made to the N.C. Nongame Aquatic Research Fund to address these biological conclusions and satisfy Section 7 for the project. Adherence to the construction conditions contained in the PCO/PBO is required where possible.

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)?

Crabtree Creek is listed on the North Carolina 2022 Final 303(d) list of impaired waters as impaired water due to PCB fish tissue advisory.

Streamside riparian zones within the study area are protected under provisions of the Neuse River Buffer rules administered by NCDWR.

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?

The project involves construction activities on or adjacent to the FEMA-regulated streams (Crabtree Creek). The proposed bridge has been sized to accommodate the floodway/floodplain. The bridge will be lengthened from 201 feet to 210 feet.

Therefore, the Division shall submit sealed As-built construction plans to the Hydraulics Unit upon completion of structure construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain are built as shown in the construction plans, both horizontally and vertically.

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

NCDOT PROJECT COMMITMENTS

STIP Project No. **B-5684**

Replace Bridge No. 146 on U.S. 401 (Capital Boulevard) over Crabtree Creek
Wake County

Federal Aid Project No. NHP-0401(272)

WBS Element 45639.1.2

Division 5 Construction, Division Construction Engineer - Section 4(f) Mitigation:

During construction, the Crabtree Creek Greenway will remain open for use using a temporary detour. NCDOT will coordinate with the City of Raleigh Parks and Recreation Department during construction to ensure any impacts to the greenway's operations and activities are minimal. NCDOT will be required to provide adequate signage marking the greenway detour route during construction. Permanent signage leading bicyclists and pedestrians to the greenway is the responsibility of the City of Raleigh.

Division 5 Construction, Division Construction Engineer – Design Standards in Sensitive Watersheds:

Sedimentation and erosion control measures shall adhere to the Design Standards in Sensitive Watersheds (15A NCAC 04B.0124). These measures shall be implemented prior to ground disturbing activities.

NCDOT Hydraulics Unit, Highway Floodplain Program Supervisor – FEMA Coordination:

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall: (1) construct all vertical and horizontal elements within the floodplain as designed; and (2) consult with the Hydraulics Unit of any planned deviation of these elements within the floodplain prior to commencing any such changes; and (3) submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction. The Hydraulics Unit will then verify either: (1) the drainage structure(s) and roadway embankment located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically; or (2) any changes made to the plans were reviewed and approved to meet FEMA SFHA compliance; or (3) appropriate mitigation measures will be achieved prior to project close-out.

Environmental Analysis Unit, Biological Surveys Group Leader – Confirm use of Programmatic Biological Opinions:

Confirm use of Programmatic Biological Opinions or determine if formal Section 7 Consultation is needed for Carolina madtom and Neuse River waterdog.

If a PBO is used, commitments specific to each species will be identified at a date prior to construction. If formal Section 7 consultation is required for any species covered by a PBO, the commitments for said species will be followed.

Categorical Exclusion Approval:

STIP Project No.	<u>B-5684</u>
WBS Element	<u>45639.1.2</u>
Federal Project No.	<u>NHP-0401(272)</u>

Prepared By:

3/12/2024	DocuSigned by: <i>Darren Even</i>
<u>Date</u>	<u>7BDDA4B2FFC4407...</u> Darren Even, AICP Senior Planner Dewberry Engineers Inc.

Prepared For:

NCDOT Structures Management Unit

Reviewed By:

3/12/2024	DocuSigned by: <i>John Jamison</i>
<u>Date</u>	<u>CA004B4A0412432...</u> John Jamison, Environmental Policy Unit Head North Carolina 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.

3/12/2024	DocuSigned by: <i>David Stutts</i>
<u>Date</u>	<u>A4A2909A8BC64F2...</u> David Stutts, PE Structures Management Unit (SMU) NCDOT

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

3/12/2024	DocuSigned by: <i>Joseph P. Geigle</i>
<u>Date</u>	<u>6AEDC65DA9E14C7...</u> for Yolonda K. Jordan, 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).



B-5684

0 0.5 1 Miles

Prepared by

 Prepared for







Sources: ESRI
Basemap,

STIP Project B-5684
Replace Bridge No. 146 on
US 401 (Capital Boulevard) over
Crabtree Creek in Wake County




Figure 1
Date: 9/14/2021
Vicinity Map

Study Area

-  Study Area
-  Parcels
-  Study Area Parcels
-  Railroad
-  Crabtree Creek Trail

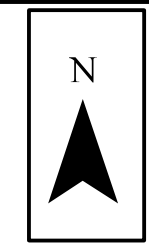


Prepared by

 Prepared for


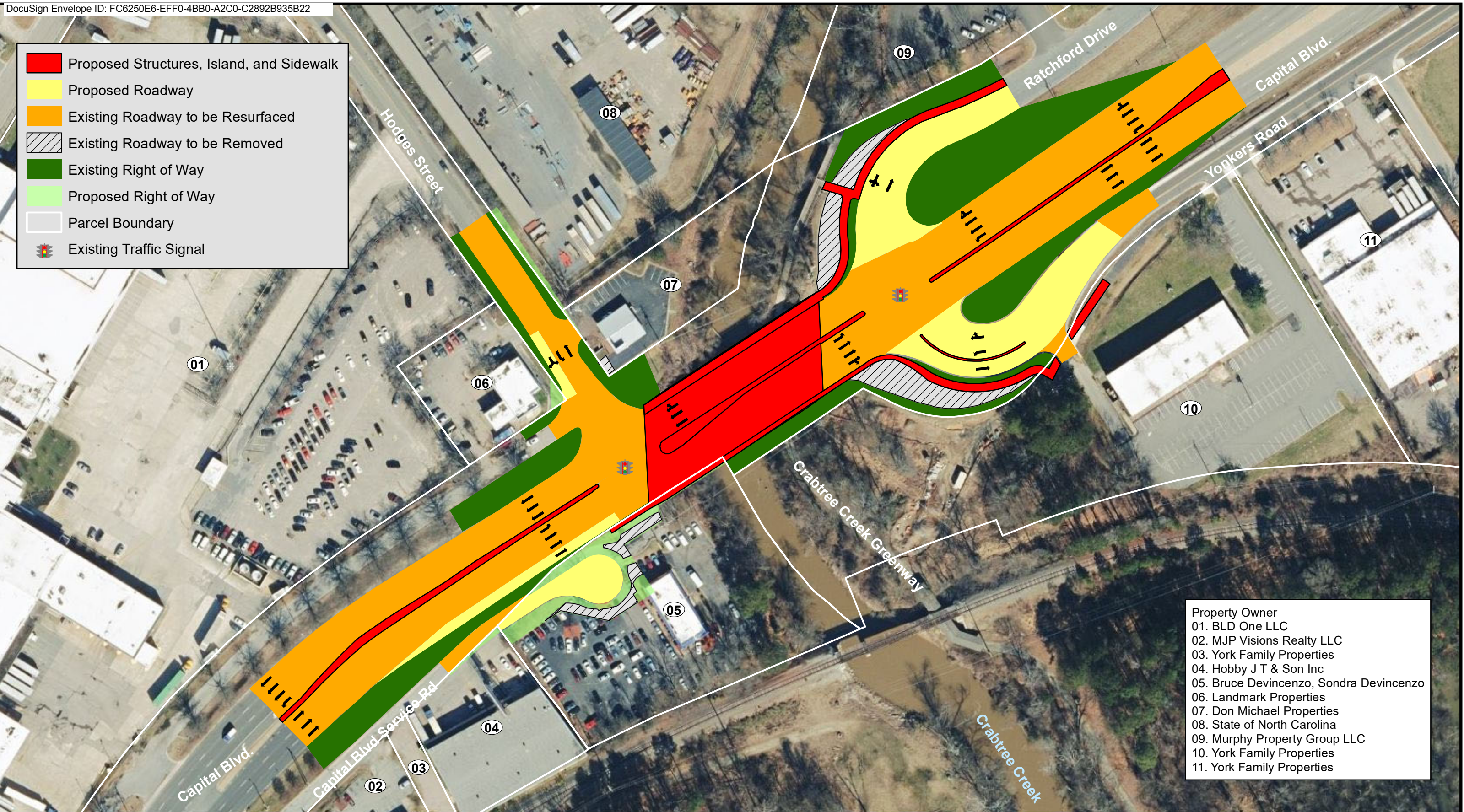
Sources: ESRI
 Basemap,

STIP Project B-5684
Replace Bridge No. 146 on
US 401 (Capital Boulevard) over
Crabtree Creek in Wake County



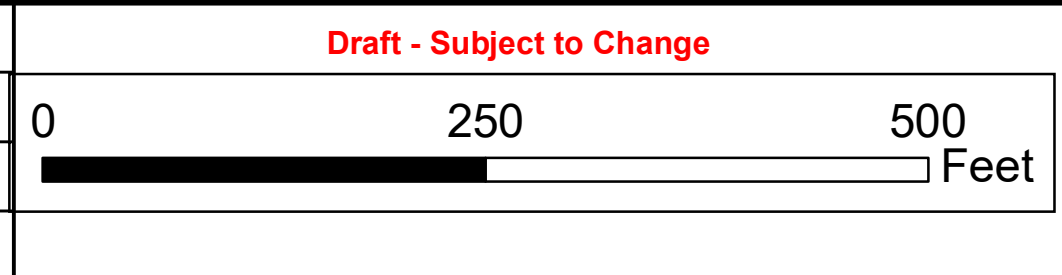
Date: 10/5/2021
Study Area Map

- Proposed Structures, Island, and Sidewalk
- Proposed Roadway
- Existing Roadway to be Resurfaced
- Existing Roadway to be Removed
- Existing Right of Way
- Proposed Right of Way
- Parcel Boundary
- Existing Traffic Signal



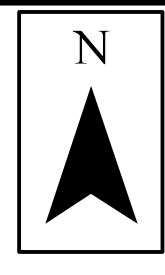
- Property Owner
- 01. BLD One LLC
 - 02. MJP Visions Realty LLC
 - 03. York Family Properties
 - 04. Hobby J T & Son Inc
 - 05. Bruce Devincenzo, Sondra Devincenzo
 - 06. Landmark Properties
 - 07. Don Michael Properties
 - 08. State of North Carolina
 - 09. Murphy Property Group LLC
 - 10. York Family Properties
 - 11. York Family Properties

Date: 1/15/2024



STIP Project B-5684
Replace Bridge No. 146 on
US 401 (Capital Boulevard) over
Crabtree Creek in Wake County

Sources:
 NC OneMap
 Project
 Study Area
 approximated
 by Dewberry
 based on
 Design Files



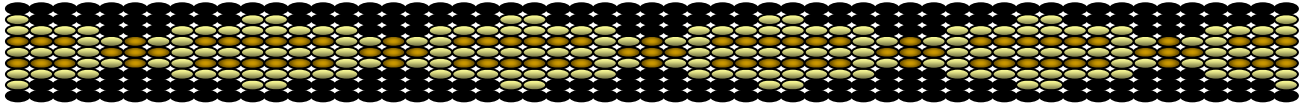
Prepared by
Dewberry

Prepared for

B-5684
Categorical Exclusion
Appendix

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791



March 23, 2020

Attention: David Stutts
NC Department of Transportation
1581 Mail Service Center
Raleigh, NC 27699

Re. THPO #	TCNS #	Project Description
2020-193-140		Replacement of Bridge No. 146 on US 401 over Crabtree Creek project B-5684

Dear Mr. Stutts,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer

16-01-0033



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-5684	County:	Wake
WBS No.:	45639.1.1	Document Type:	CE
Fed. Aid No:	NHP-0401(272)	Funding:	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
Federal Permit(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit Type(s):	NWP
<u>Project Description:</u> Replace Bridge No. 146 on US 401 over Crabtree Creek. The study area is approximately 1900 feet by 300 feet. No other information regarding right-of-way, detour routes, or easements was provided.			

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

Review of HPO quad maps, HPOweb GIS mapping, historic designations roster, and indexes was conducted on 1/28/16. Based on this review, there are no existing NR, SL, DE, or LD properties in the Area of Potential Effects (APE). There is one SS (surveyed site) property, the Colonial Stores Distribution Company (WA4502), a mid-20th century industrial warehouse complex. Currently it appears that the project will not affect this property considering it is at the far western end of the APE. Built in 1937 and reconstructed in 1963, Bridge No. 146 is not eligible for listing to the National Register of Historic Places (NRHP) according to the North Carolina Historic Bridge Inventory. Tax records show that there are a handful of properties are over the age of fifty years old that fall within the APE. According to Google Street View imagery, none of these appears to have the architectural or historical significance needed to be considered potentially eligible for the NRHP (see Google Street View photos below in form). The APE is roughly defined as 1900 feet by 300 feet and consists of commercial and industrial development. Therefore, because there are no potential historic resources within the APE, a survey will not be required for this project.

16-01-0033



NO ARCHAEOLOGICAL SURVEY REQUIRED 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-5684** County: **Wake**
 WBS No: **45639.1.1** Document: **CE**
 F.A. No: **NHP-0401(272)** Funding: State Federal

Federal Permit Required? Yes No Permit Type: **NWP**

Project Description: NCDOT is seeking to replace Bridge No. 146 on US 401, Capital Boulevard, over Crabtree Creek, in Raleigh. The Request for Cultural Resources Review form presented a study area that was 1900 feet (579.12 meters) long and 300 feet (91.44 meters) wide. For the purposes of the archaeological review, this study area will be considered to be the area of potential effects (APE), encompassing approximately 13.09 acres (nearly 5.3 hectares).

SUMMARY OF CULTURAL RESOURCES REVIEW

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

A review of the site maps and files archived at the North Carolina Office of State Archaeology was conducted on January 15, 2016. No previously identified archaeological resources are recorded in the proposed APE. Very few archaeological sites have been recorded in this portion of Wake County. No further archaeological investigations are required for the project as currently proposed. Should the APE expand beyond that which is currently defined above, further review will be required.

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

The vicinity of the proposed undertaking has undergone significant landscape alteration in association as a result of construction activities associated with Capital Boulevard, Ramp No. 937 from I-440 to US 401, the Norfolk Railroad line, and local commercial development. An examination of soil maps for Wake County at this location reveals that much of the project area rests upon reconstructed landforms (Udorthents soils) and that other portions of the APE cover areas of drained (usually) wet soils (Chewacla sandy loam) or developed sections of Altavista fine sandy loam (AfB). National Register-eligible archaeological resources are very unlikely in these contexts.

SUPPORT DOCUMENTATION

See attached: Map(s) Previous Survey Info Photos Correspondence
 Other: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

FINDING BY NCDOT ARCHAEOLOGIST

NO ARCHAEOLOGY SURVEY REQUIRED

NCDOT ARCHAEOLOGIST

February 10, 2016

Date

From: [Even, Darren](#)
To: jason.myers@raleighnc.gov; paul.kallam@raleighnc.gov; lisa.schiffbauer@raleighnc.gov; kenneth.ritchie@raleighnc.gov
Cc: [Bowles, Jacquelyn K](#); [Stutts, David S](#); [Peterson, Tierre R](#)
Subject: B-5684 Bridge Replacement - Section 4f Concurrence Request
Date: Tuesday, March 21, 2023 8:43:00 AM
Attachments: [image001.png](#)
[B5684_Pedestrian_Displays_COMPILED_rev.pdf](#)
[image003.png](#)
[image005.png](#)
[image007.png](#)
[image009.png](#)

Good morning,

In order to approve the environmental document for the B-5684 Bridge Replacement project, the Federal Highway Administration (FHWA) must make a determination under Section 4(f) of the USDOT Act of 1966, which deals with the impacts of a federally-funded or permitted project on publicly-owned lands. In order to make this finding, FHWA requires concurrence from your Department, since you are the administrator of the Crabtree Creek Greenway Trail.

For this project, FHWA and NCDOT believe the project will not result in a Section 4(f) use of the Crabtree Creek Greenway Trail, based on the exceptions to temporary occupancy definition. This finding was discussed at a meeting held with City representatives on March 8, 2023. Crabtree Creek Greenway is considered a Section 4(f) resource because it is owned and managed by the City of Raleigh and open to the public for recreational use. Replacement of the Capital Boulevard bridges over Crabtree Creek will require a temporary detour of the Crabtree Creek Greenway Trail during construction. An on-street detour of the greenway trail has been developed that will cross Capital Boulevard at-grade using the Ratchford Drive / Yonkers Road intersection (see attached graphics). Construction of the bridge will occur in two phases, which will alter the detour from Phase 1 to Phase 2 by shifting it to the north. After construction is complete, the greenway will reopen on its existing alignment underneath the structure.

A temporary occupancy constitutes a Section 4(f) use when a Section 4(f) property, in whole, or in part, is required for project construction-related activities. The property is not permanently incorporated into a transportation facility, but the activity is considered to be adverse in terms of the preservation purpose of Section 4(f).

Section 23 CFR 774.13(d) provides conditions under which “temporary occupancies of land...are so minimal as to not constitute a use within the meaning of Section 4(f).” If all of the conditions of Section 774.13(d) are met, the temporary occupancy does not constitute a use.

The conditions of Section 23 CFR 774.13(d) that must be satisfied are:

- (1) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
- (2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a

temporary or permanent basis;

(4) The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and

(5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Based on the above conditions, FHWA and NCDOT do not believe the project represents a Section 4(f) use of the Crabtree Creek Greenway Trail.

The project team requests the City designate a representative to provide a formal response of agreement. This person can respond to this email that they agree that the project does not result in a temporary occupancy/Section 4(f) use or provide a formal letter of agreement to the NCDOT project manager. I will provide this correspondence to FHWA for their records; this correspondence will also be attached to the environmental document (Categorical Exclusion).

If you have any questions, please don't hesitate to contact me. Thank you for your assistance with this matter.

Darren

Darren Even, AICP

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