

## Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	<b>BR-0072</b>
WBS Element	67072.1.1
Federal Project No.	N/A

A. Project Description:

The project will replace Bridge No. 220038 on NC 182 over Buffalo Creek, Cleveland County. See Figure 1 for the Vicinity Map, and Figure 2 for the Project Study Area. The bridge is located approximately 1 mile east of the Town of Fallston in northeastern Cleveland County. NC 182 connects northern Cleveland County to the City of Lincolnton, approximately 12 miles to the east. The existing two-lane bridge is 188 feet long and features 10-foot travel lanes with 2-foot paved shoulders in each direction (24 feet curb-to-curb) with a total width of 28 feet.

B. Description of Need and Purpose:

The purpose of the proposed project is to replace the existing Bridge No. 220038. The bridge needs to be replaced because it was built 1951, is considered functionally obsolete, with a rating of 4 out of 9 for deck geometry, and has a posted weight limit of 11 tons for single vehicle and 14 tons for trucks.

C. Categorical Exclusion Action Classification:

**Type I(A) - Ground Disturbing Action**

D. Proposed Improvements:

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).

BR-0072 meets the constraints in 23 CFR 771.117(e)(1-6),

E. Special Project Information:

The proposed project will replace Bridge No. 220038 on existing alignment with an approximately 220-foot-long, structure with 36-foot clear roadway width, two 12-foot travel lanes, two 6-foot shoulders, and an out-to-out width of 38.25 feet. The roadway is classified as a major collector and has a design speed of 60mph. Approximately 650 feet of roadway approaches will be upgraded to include two-12-foot travel lanes and 6-foot turf shoulders. Approximately 200 feet of SR 1658 (Bingham Road), located east of the bridge, will be upgraded to include two-10-foot travel lanes. Roadway upgrades include grading, paving, drainage, and structure. There are no anticipated design exceptions.

### Cost and Schedule

Cost Estimate (2022)*	
Item	Cost
Right of Way	\$2,600,000
Construction	\$3,150,000

Schedule Estimate (2022)*	
Milestone	Date
R/W Acquisition Begins (R/W)	2024
Raleigh Letting (LET)	2029

\*Costs and schedule are estimates and are subject to change.

### Agency Coordination

On February 10, 2022, Start of Study notification was distributed to agencies, which included a short summary of the scope of work, maps of the study area, and a request for comments on the subject project.

- The EPA responded that since the project is state-funded, NEPA is not applicable.
- Cleveland County EMS responded that they had no questions or comments.
- North Carolina Wildlife Resources Commission (NCWRC) recommended the replacement of the existing bridge in place with another spanning structure and an off-site detour or staged construction to minimize impacts of the project on natural resources. They requested that NCDOT incorporate dry and rip rap-free wildlife paths under the new bridge that are roughly even with the adjoining floodplain elevation. NCWRC also provided a partial list of standard recommendations for bridge replacements that they request be incorporated into the project.

**NCDOT Response:** NCDOT is replacing the structure on existing alignment with an off-site detour. The project will be designed in accordance with 2024 NCDOT Standard Specifications & Drawings and 2018 AASHTO Green Book.

- US Fish and Wildlife Service (FWS) Asheville Field Office responded that the proposed project is in an area that has potential or known occurrence records of species with federal designations, provided a list of species known from the region and for which they have concerns, and recommended that if it is determined that this project may affect any listed species or designated critical habitat, Section 7 consultation must be initiated with the FWS Asheville Field Office.

**NCDOT Response:** NCDOT will comply with Section 7 prior to permitting.

- US Army Corps of Engineers, Wilmington District (USACE) responded that the road crossing is within a FEMA floodplain, the northeast quadrant has a tributary, and a mapped National Wetland Inventory (NWI) wetland feature (PEM 1C) is within 500 feet of the bridge. USACE advised that a permit under Section 404 of the Clean Water Act would likely be required, and they recommended a delineation to determine the extent of waters of the United States within the project boundaries.

**NCDOT Response:** Delineation of jurisdictional features has been completed during project development. A Section 404 permit will be submitted prior to construction.

### Public Involvement

A newsletter was sent to 40 individuals in the project vicinity on July 6, 2023. The newsletter contained a project description, description and a map of the offsite detour (described below), and cost and schedule estimates. The comment period ended July 21, 2023. No comments were received.

### Bicycle and Pedestrian

The Complete Streets Review Assessment (CSRA) concluded a shared roadway/no facility is preferred for the project. The CSRA noted that NC 182 is part of NC Bike Route 8–Southern Highlands state bicycle route and that planning documents indicate there may be more of a need for facilities than possible to determine virtually. Shared roadways may include signage and shoulders per 3R (Resurfacing, Restoration, and Rehabilitation) guidance. Additional guidance can be found in the 2021 NCDOT Roadway Design Manual, Section 4.15.1.6.

Follow-up coordination with the Gaston-Cleveland-Lincoln (GCL) MPO and the Cleveland County Planning Director occurred through email on August 24, 2023, to determine whether other bicycle and pedestrian safety needs should be considered based on local knowledge of usage. (Correspondence is in the project file.) The GCLMPO and Cleveland County Planning Director responded that the 6 ft-

wide shoulders included in the proposed design would adequately provide for an on-street bicycle facility and noted that there are no proposed pedestrian facilities along NC 182 included in their CTP. Bicycle safety rails will be included in the design of the bridge.

Bicycle use on NC Route 8 would be temporarily disrupted during construction while the bridge is replaced. Bicycles will be detoured along the same route as vehicular traffic. See Figure 3 Detour Map. Bicycle-specific detour procedures will be developed in final design and coordinated with NCDOT Integrated Mobility Division (IMD) and NCDOT Work Zone Traffic Control to determine needed signing for rerouting the bicycle route during construction.

### **Off-site Detour**

During construction, traffic will be rerouted for approximately 7 months using an approximately 4-mile off-site detour via SR 1654 (Dickson Road and Stroup Road) and SR 1657 (Sugar Hill Road). See Figure 3 Detour Map. No responses from local emergency services officials were received though response times may be impacted during construction. Cleveland County Schools indicated a moderate impact to school bus routes if the bridge were closed.

NCDOT considered a realignment of NC 182 to avoid an off-site detour but did not pursue design evaluation. A new alignment option is constrained by the Bingham Road intersection north of NC 182 and about 120 feet east of Bridge No. 220038, a private driveway north of NC 182 and about 150 feet west of Bridge No. 220038, a Duke Power overhead utility line that crosses Bridge No. 220038 from the southeast to the northeast quadrants, water main and hydrants along the north side of NC 182, and a stream that parallels the south side of NC 182 in the southwest quadrant. Because a viable off-site detour existed, NCDOT did not pursue a new alignment option due to higher associated impacts and costs.

### **Farmland Soils and Agricultural Activity**

Although the August 2022 preliminary screening of farmland conversion impacts in the project area initially resulted in a total score of 77 out of 160 points for the project site, a second evaluation in June 2023 using the 25% design plans (slope stakes plus 25 feet) resulted in a score of 32 out of 160 points. Because the total site assessment score is below the 60-point threshold established by Natural Resources Conservation Service (NRCS), no notable project impacts to eligible soils are anticipated.

Though the project area is mostly zoned residential, a small corner of the project area is zoned for agricultural use and is associated with Big John's Hydro Farm LLC (1324 E. Stage Coach Trail), a hydroponic tomato farm located southeast of Bridge No. 220038 (Figure 2). The proposed right of way from Big John's Hydro Farm LLC is minimal (consisting of 200 feet of roadway frontage and 0.26 acres of a 30-acre parcel) and consists of vegetation at the base of the existing roadway side slope. There are no agricultural activities currently within the proposed right of way and this corner of the parcel is separated from the remainder of the property by an overhead utility easement. The project will not impact access to the agricultural property or affect agricultural activities on the property.

A public notice was sent to Big John's Hydro Farm LLC on July 6, 2023, as part of this project's public outreach. No response was received.

### **Cultural Resources**

NCDOT Architectural Historians and Archaeologists reviewed the project and determined there are no National Register (NR) listed or eligible properties and no survey is required. A Historic Architecture and Landscapes No Survey Required Form was completed September 18, 2018. A No Archaeological Survey Required Form was completed September 30, 2019. Both forms are in the project file.

### **Tribal Coordination**

Tribal Coordination Letters were sent to the following tribes on February 10, 2022, consistent with current NCDOT Protocols:

- Cherokee Nation of Oklahoma

- Eastern Band of Cherokee Indians
- United Keetoowah Band of Cherokee Indians
- Catawba Indian Nation

The Catawba Indian Nation replied on March 10, 2022, with no immediate concerns. No other responses were received.

**Protected Species**

On September 14, 2022, the USFWS announced a proposal to list the tricolored bat (*Perimyotis subflavus*/PESU) as endangered under the Endangered Species Act (ESA). If listed, NCDOT will resolve Section 7 prior to let, as appropriate. Construction activities for this project will not take place until NCDOT (in coordination with the lead federal agency) satisfies ESA compliance for PESU.

F. Project Impact Criteria Checklists:

<b>F2. Ground Disturbing Actions – Type I (Appendix A) &amp; Type II (Appendix B)</b>				
<p>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, &amp;/or 30; &amp;/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.</p> <ul style="list-style-type: none"> <li>• <i>If any question 1-7 is checked “Yes” then NCDOT certification for FHWA approval is required.</i></li> <li>• <i>If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.</i></li> </ul>				
<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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'):

**Question 16:**

Cleveland County is a participant in the Federal Flood Insurance Program, administered by the Federal Emergency Management Agency (FEMA). The project is within a Flood Hazard Zone, designated as Zone AE, for which the 100-year base flood elevations and corresponding regulatory floodway have been established. Buffalo Creek is a FEMA mapped stream studied by the North Carolina Floodplain Mapping Program by Limited Detail methods. No structures will be adversely affected by the surface water elevation from the proposed project.

H. Project Commitments

## NCDOT PROJECT COMMITMENTS

STIP Project No. **BR-0072**  
Replace Bridge No. 220038  
Cleveland County  
WBS Element 67072.1.1

### **Construction in FEMA Floodplain**

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, Division 12 Construction Engineer will: (1) construct all vertical and horizontal elements within the floodplain as designed; (2) consult with the Hydraulics Unit on 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.



I. Categorical Exclusion Approval:


STIP Project No. BR-0072  
WBS Element 67072.1.1

**Prepared By:**

12/4/23  
Date  
  
Julia Roblyer, Project Environmental Scientist  
Gannett Fleming, Inc.

**Prepared For:** Structures Management Unit, NCDOT

**Reviewed By:**

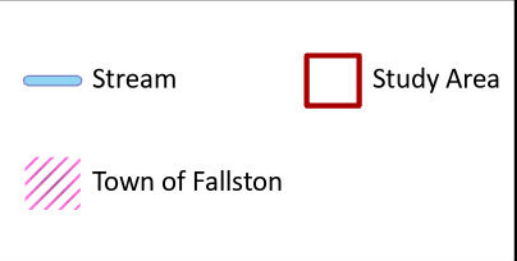
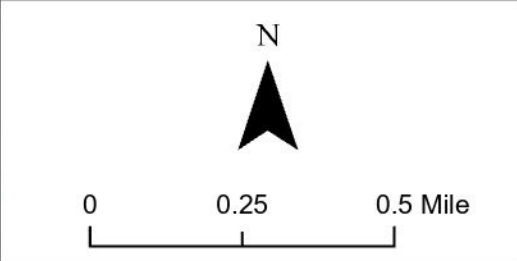
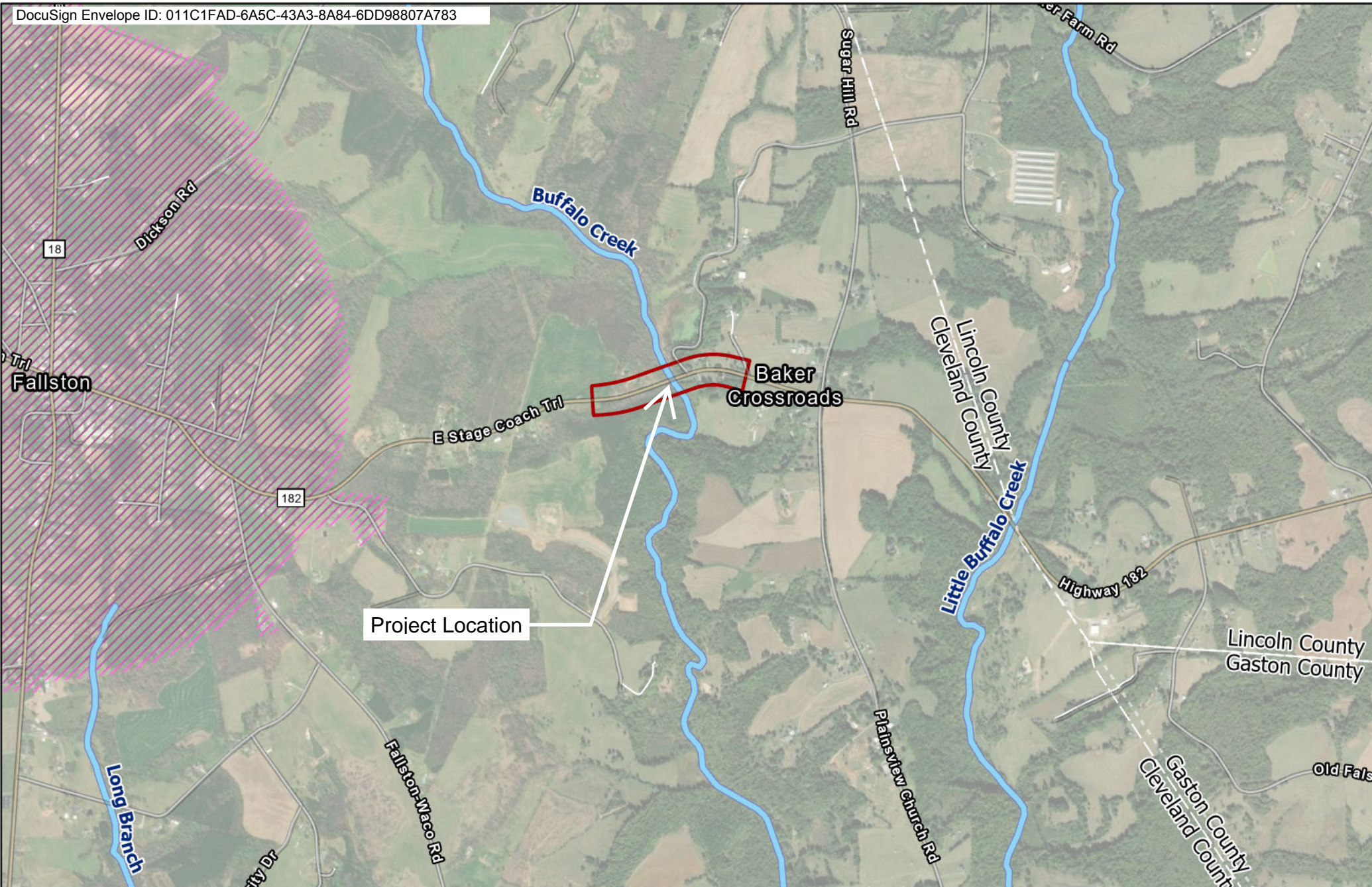
1/2/2024  
Date  
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John Jamison, Unit Head  
Environmental Policy Unit, North Carolina Department of Transportation

- 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.


1/2/2024  
Date  
DocuSigned by:  
  
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David Stutts, PE, Project Engineer - PEF/Program Mgt.  
Structures Management Unit, North Carolina Department of Transportation

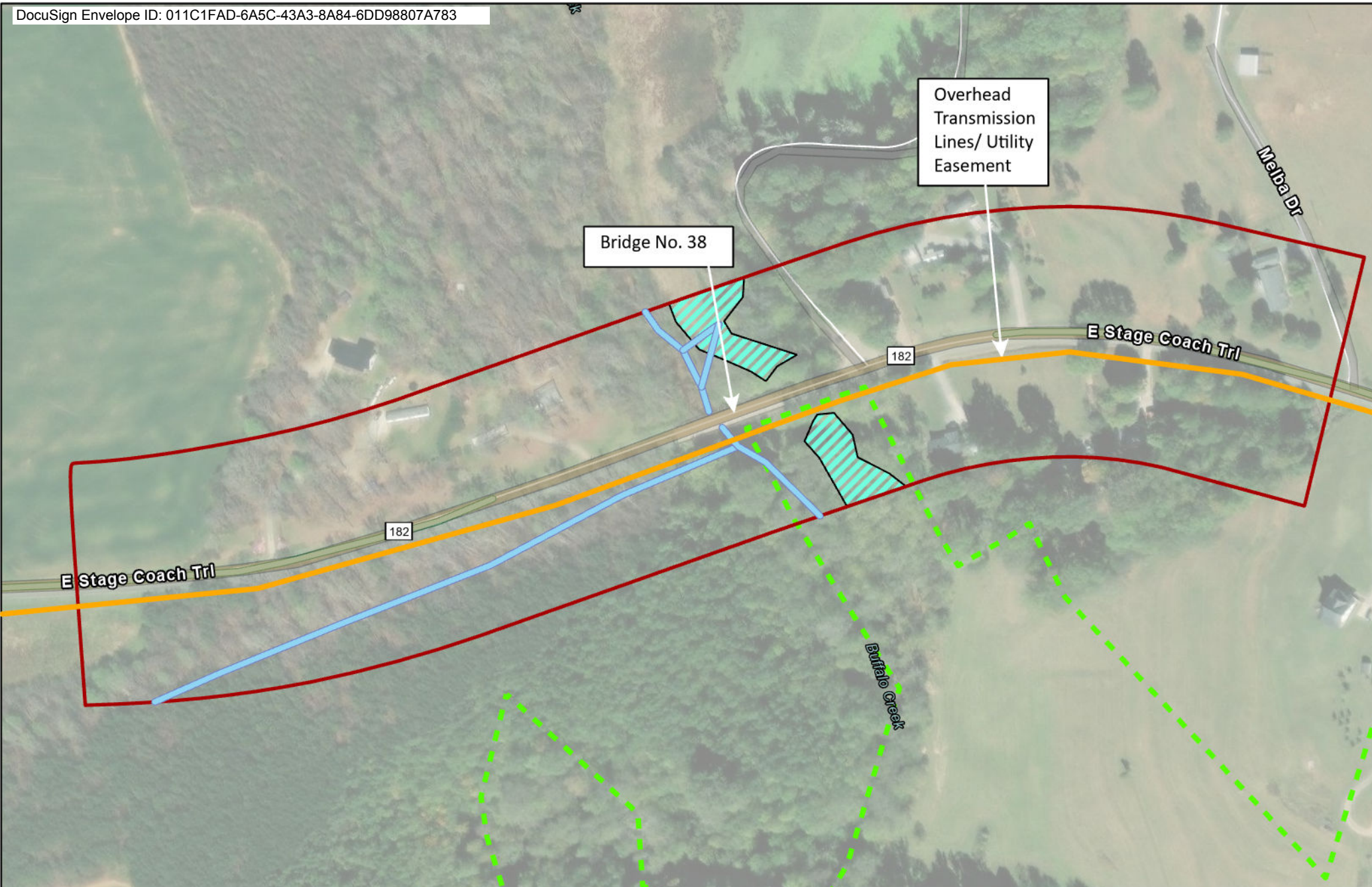
FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

          
Date N/A  
Yolanda K. Jordan, Division Administrator  
Federal Highway Administration



North Carolina DOT Division 12  
 STIP # BR-0072  
 Cleveland Co. Bridge No. 38 Replacement  
 Figure 1 Vicinity Map



Overhead Transmission Lines/ Utility Easement

Bridge No. 38

Melba Dr

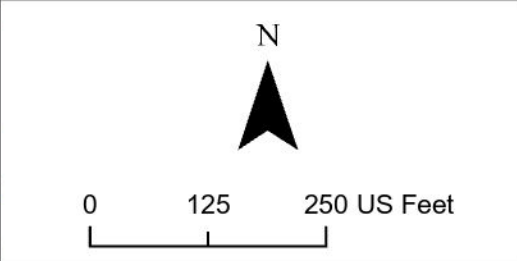
E Stage Coach Trl

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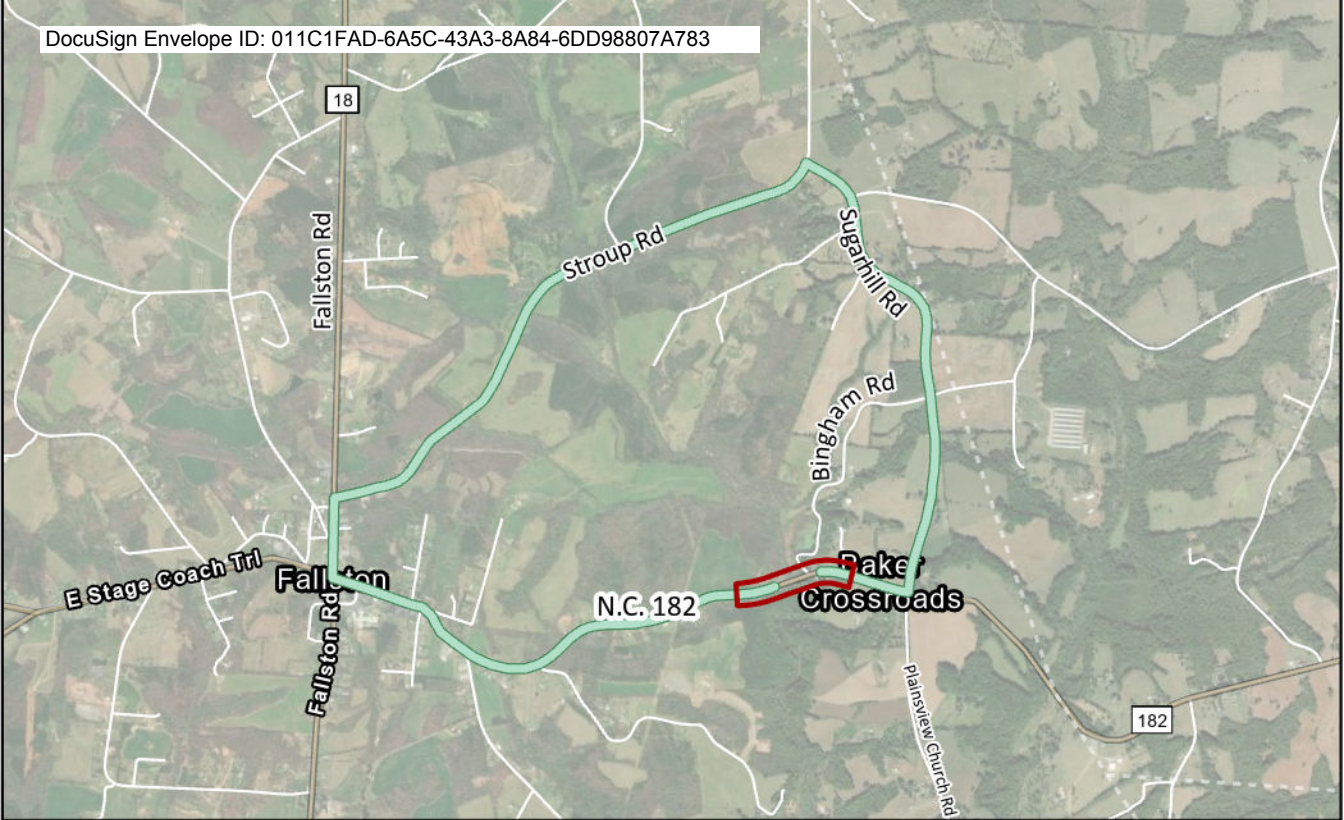
E Stage Coach Trl

Buffalo Creek



North Carolina DOT Division 12  
 STIP # BR-0072  
 Cleveland Co. Bridge No. 38 Replacement  
 Figure 2 Project Study Area



0 0.25 0.5 Mile



-  Detour
-  Study Area



North Carolina DOT Division 12  
STIP # BR-0072  
Cleveland Co. Bridge No. 38 Replacement  
Figure 3 Detour Map

