

# Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	<b>HO-0002 A, B &amp; C</b>
WBS Element	<b>49456.3.2, 49456.3.3 &amp; 49456.3.4</b>
Federal Project No.	<b>0074233, 0074234 &amp; 00742350074233, 0074234 &amp; 0074235</b>

## A. Project Description:

NCDOT proposes to install three 1.25" diameter conduits containing broadband fiber optic cable in the right-of-way of the 280-mile US 74 corridor from I-140 near Wilmington to I-40 in Asheville. Broadband fiber will be coupled with Intelligent Transportation Systems (ITS) equipment to provide variable message signs along US 74 and to implement integrated corridor management. Counties served along US 74 are: Brunswick, Columbus, Robeson, Scotland, Richmond, Anson, Union, Mecklenburg, Gaston, Cleveland, Rutherford, Polk, Henderson, and Buncombe.

## B. Description of Need and Purpose:

The project purpose is to enable the utilization of various ITS mechanisms throughout the proposed corridor, resulting in improved efficiency and safety metrics. The identified needs include:

- enhance mobility and safety along US 74 when severe crashes occur
- maximize innovation opportunities by allowing private sector to have access to the trunk line
- provide high speed internet access opportunities to underserved communities, thereby closing the internet service gap between urban and rural households along the US 74 corridor
- allow for the future integration of connected and autonomous vehicles.

## C. Categorical Exclusion Action Classification:

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

## D. Proposed Improvements:

#2) Approval of all utility installations along or across a transportation facility.

#21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to ... dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

#22) Projects, as defined in 23 U.S.C. 101, which would take place entirely within the existing operational right-of-way. ... Portion of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operation right-of way.

## E. Special Project Information:

This is an FHWA INFRA Grant project awarded to the NCDOT to install broadband fiber along US 74 that is to be completed by December 2026. Traffic control requirements will be minimal due to the location of the broadband fiber in the shoulder (within existing right-of-way).

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 checked="" type="checkbox"/>	<input type="checkbox"/>	
9	Is the project located in anadromous fish spawning waters?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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'):

#8. The US Fish and Wildlife Service 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. The 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 in 19 counties, but may potentially occur in 11 additional counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimize mortality of LEBs. These conservation measures only apply to the 3current known/potential counties shown on Figure 2 of the PBO at this time. 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, which includes Brunswick, Columbus, Robeson, Scotland and Richmond Counties which is where US 74 is located. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Federally protected species surveys and data collection is still pending for: wood stork, bald eagle, red-cockaded woodpecker, Northern long-eared bat in Divisions 9-14, Indiana bat, gray bat, and white irisette. Biological conclusions for these species are unresolved.

- #9. The project corridor crosses waters identified as Anadromous Fish Spawning Areas by the North Carolina Marine Fisheries Commission and Wildlife Resources Commission. In these areas impacts will be minimized with the use of directional bore or attachment to the existing spanning structures. No in-water work is anticipated at these crossings.
- #10. The project crosses the Catawba River which is designated as Critical Area. The Catawba River is subject to the Catawba River Buffer Rules. Impacts will be minimized with the use of directional bore or attachment to existing spanning structures. The project will cross two 303(d) streams listed for turbidity: Brown Creek – 13-20b (Anson County) and First Broad River – 9-50-(28) (Cleveland County). Design Standards in Sensitive Watersheds will be required for these crossings.
- #11. The project corridor crosses waters identified as mountain trout streams by the North Carolina Wildlife Resources Commission. In these areas impacts will be minimized with the use of directional bore or attachment to the existing spanning structures. No in-water work is anticipated at these crossings.
- #19. US 74 crosses a section of the Lumber River designated as Wild & Scenic (federal) and Natural & Scenic (state) near Boardman. Broadband conduit will be attached to the existing upstream structure over the Lumber River, above the low chord elevation. No impact to the free-flowing condition or the recreational attributes as defined under either the national Wild and Scenic Rivers designation or the water flow, public access, or environmental quality of the NC Natural and Scenic Rivers Program will occur. Broadband conduit will be placed entirely within existing NCDOT right of way and no additional easement will be required.

## **NCDOT PROJECT COMMITMENTS**

**STIP Project No. HO-0002 A, B & C**  
**Installation of broadband fiber along US 74**  
**Brunswick, Columbus Robeson, Scotland, Richmond, Anson, Union**  
**Mecklenburg, Gaston, Cleveland, Rutherford, Polk, Henderson & Buncombe**  
**Federal Aid Project No. 0074233, 0074234 & 0074235**  
**WBS Element 49456.3.2, 49456.3.3 & 49456.3.4**

### **NCDOT Construction Staff – Protected Species and Water Quality**

To minimize impacts to aquatic federally protected species, NCDOT will either directionally bore under identified stream reaches (ISR) or attach the conduit to the structure over the waterbody. In the case of the directional bores, the bore sites will start at least 50-feet from the edge of each bank. Erosion control measures entailed in the NCDOT “Design Standards for Sensitive Watersheds” will be employed in these areas. For ISRs that will have the conduit attached to the structure, a vegetated buffer will be maintained between the area where the plowing transitions to the attachments to structure and the adjacent top of bank waterbody. Stringent erosion control measures consistent with the above-mentioned design standards will be employed at these sites.

### **NCDOT Construction Staff - Cultural Resources**

No construction activities or staging should occur within any of the NRHP boundaries or potential NRHP eligible tax parcels depicted in the HO-0002A, B & C historic architecture and archaeology screening memos. Impacts within any NRHP boundary shall require consultation with SHPO and FHWA to determine the effects of the impacts to the historic property. Impacts to any potential NRHP eligible tax parcel noted in the screening memos shall require coordination with SHPO and FHWA to determine the need for further evaluation to determine eligibility of the resource. If the parcel is determined eligible for the NRHP, consultation with SHPO and FHWA shall be necessary to determine the effects of the impacts to the historic property.

### **NCDOT Construction Staff - Cultural Resources**

If any previously undocumented historic or archaeological resources are discovered while conducting the authorized work, activities in that area shall be suspended. NCDOT will initiate any required State / Federal coordination after a timely initial assessment. Should the initial resource assessment and agency coordination completed by NCDOT determine that additional NRHP evaluation and/or Section 106 mitigation is necessary, NCDOT shall conduct further evaluation and/or mitigation as appropriate. The Inadvertent or accidental discovery of human remains shall be handled in accordance with North Carolina General Statutes 65 and 70.

### **NCDOT Environmental Analysis Unit-ECAP**

Section 7 protected species surveys are still underway. NCDOT will complete these surveys prior to any ground-disturbing activities in potential species habitats, and will coordinate survey results with regulatory agencies for issuance of any permits.

I. Categorical Exclusion Approval:

STIP Project No. HO-0002 A, B & C  
WBS Element Nos. 49456.3.2, 49456.3.3 & 49456.3.4  
Federal Project Nos. 0074233, 0074234 & 0074235

**Prepared By:**

1/28/2021  
Date

DocuSigned by:  
*Jessica Earley*  
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Jessica Earley, PE, Project Executive  
North Carolina Department of Transportation, Project Management Unit

**Prepared For:**

North Carolina Department of Transportation

**Reviewed By:**

2/1/2021  
Date

DocuSigned by:  
*Colin Mellor*  
33883EFFF0E44D3

Colin Mellor, Eastern Regional Team Lead  
North Carolina Department of Transportation, Environmental Policy Unit



**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.

2/1/2021

Date

DocuSigned by:  
*Derrick Weaver*  
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Derrick Weaver, PE, Environmental Policy Unit Head  
North Carolina Department of Transportation

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

Date N/A  
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).*