

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	<u>I-5950</u>
WBS Element	<u>45897.3.1</u>
Federal Project No.	<u>0805055</u>

A. Project Description:

The project will rehabilitate existing pavement on I-85 from US29/US52/US70/Bus 85 to North of SR 2205 (Old US 64) and rehabilitate Bridge Nos. 280147, 280152, 280154, 280170, 280171, 280137, 280146, 280092, 280174, 280181, and 280182.

B. Description of Need and Purpose:

The project is needed to rehabilitate existing infrastructure.

C. Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

D. Proposed Improvements:

22. Projects, as defined in 23 U.S.C. 101, which would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way²⁶. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints listed in 23 CFR 771.117(e)(1-6).

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).

E. Special Project Information:

The project was screened for impacts to cultural resources by NCDOT Division 9 Environmental staff. Impacts to historic architecture, archeology and the Catawba Indian Nation were considered. It was determined that the project would qualify as exempt under Section 106, and a 'Cultural Resources Programmatic Agreement Screening Checklist for Section 106' was completed. No further historic architecture or archeology reviews were completed. Additionally, since the project falls entirely within existing maintained Right of Way, with no new easements, tribal coordination was not completed. A copy of the screening checklist is attached.

USFWS county list for endangered and threatened species was reviewed to determine threatened and endangered species for Davidson County (updated June 26, 2018). The USFWS lists the Northern long-eared bat (NLEB-*Myotis septentrionalis*) as threatened. The bridges in the project area were surveyed on June 23 and August 10, 2021 by NCDOT Biologists (Chris Manley and Cheryl Knepp) and found no bats or evidence of bats. Very few crevices suitable for roosting were present on the 12 structures surveyed, and no evidence (bats, staining, and guano) of bats was observed.

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.

The USFWS also lists Schweinitz's sunflower (*Helianthus schweinitzii*) as endangered species in Davidson County. Schweinitz's sunflower is found along existing maintained roads and utility easements, and open frequently disturbed areas. There will be disturbance to habitat as a result of the project. This habitat is limited to roadside locations along existing I-85. The areas where habitat will be disturbed are shown on the attached mapping. These areas were surveyed on October 26, 2021 for Schweinitz's sunflower. None were found. Additionally, the NCNHP NHEO data was accessed on August 26, 2021 and no populations were found within a 1 mile radius of the project. Since surveys found no Schweinitz's sunflowers in the areas to be disturbed and there are no known populations within a 1 mile radius, we determined that the project would have 'no effect' on Schweinitz's sunflower. A copy of the NRTR memo can be found in the project file.

There will be stream impacts associated with installation of pipe liners on three pipes that carry jurisdictional streams. These impacts will be minimal.

No geoenvironmental reviews were completed since the project will take place entirely in existing disturbed ROW.

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix 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, &/or 30; &/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"> • <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 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 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 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'):

There are no 'yes' answers.

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

NCDOT PROJECT COMMITMENTS

STIP Project No. **I-5950**
Rehabilitation of I-85 and bridges
Davidson County
Federal Aid Project No. 0805055
WBS Element 45897.3.1

There are no project specific commitments.

I. Categorical Exclusion Approval:

STIP Project No.	I-5950
WBS Element	45897.3.1
Federal Project No.	0805055

Prepared By:

02/03/2022

Date

DocuSigned by:



Amy Euliss, Division 9 PDEA Engineer
North Carolina Department of Transportation

Reviewed By:

02/03/2022

Date

DocuSigned by:



Matt Jones, PE Division 9 Project Development Engineer
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.

02/03/2022

Date

DocuSigned by:



S. P. Ivey, PE Division 9 Engineer
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).

09/20/21

See Sheet 1A For Index of Sheets

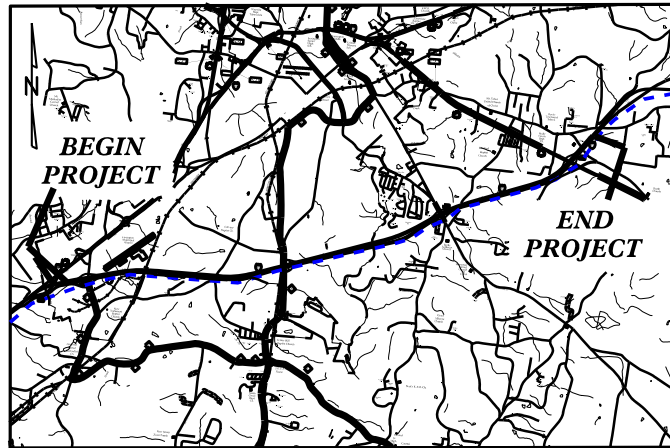
STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

DAVIDSON COUNTY

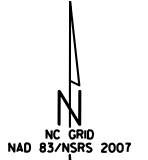
LOCATION: I-85 NORTH OF BUS. I-85 (M.P. 87.77) TO
SOUTH OF E. HOLLY GROVE ROAD (M.P. 96.61)

TYPE OF WORK: PAVEMENT REHABILITATION

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	I-5950	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
45897.1.1		PE	
45897.3.1		CONSTRUCTION	



VICINITY MAP - NOT TO SCALE



TIP PROJECT: I-5950

CONTRACT:



BEGIN TIP PROJECT I-5950
M.P. 87.57 (BRIDGE REHAB STR # 137)

END TIP PROJECT I-5950
M.P. 96.61

BEGIN ROADWAY REHABILITATION
M.P. 87.77

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION
DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

GRAPHIC SCALES

N/A

DESIGN DATA

ADT 2021 = 64,000
 ADT 2031 = 67,300
 K = ___ %
 D = ___ %
 T = ___ % *
 V = ___ MPH
 * TTST = ___ DUAL ___
 FUNC CLASS =

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT I-5950 = 8.85 MILES
 LENGTH STRUCTURES TIP PROJECT I-5950 = ? MILES
 TOTAL LENGTH TIP PROJECT I-5950 = ? MILES

Prepared In the Office of:
DIVISION OF HIGHWAYS
 NINTH DIVISION DESIGN/CONSTRUCT
 375 SILAS CREEK PARKWAY WINSTON-SALEM, N.C. 27127
 2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:
N/A

LETTING DATE:
AUGUST 16, 2022

PROJECT ENGINEER

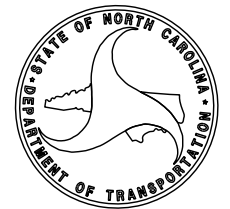
JEREMY L. KEATON
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

SIGNATURE: _____ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: _____ P.E.



03-FEB-2022 13:09 S:\Project_Development\TIP_Projects\I-5950-185-Davidson\Roadway\I-5950_ddc_tsh.dgn \$\$\$USERNAME\$\$\$