

Type III Categorical Exclusion Action Classification Form

STIP Project No.	<u>R-4045 & BR-0012</u>
WBS Element	<u>34598.1.2 & 67012.3.1</u>
Federal Project No.	<u>NHF-74 (4) for R-4045, no FA# for BR-0012</u>

A. Project Description:

Improvements to US 74 from just west of Ellenboro Road to just east of the bridges over Sandy Run Creek including the replacement of those bridges (see Figure 5).

B. Description of Need and Purpose:

Needs: US 74 is currently a 4-lane freeway with a grass median and varying control of access (primarily fully access-controlled). NCDOT and FHWA have functionally classified this portion of US 74 as a Freeway, and NCDOT and their federal/state/regional stakeholders designated it a Strategic Transportation Corridor (Corridor U) for North Carolina. Based upon the NCDOT review of needs in the project vicinity (see memo dated June 2021 and provided to the Merger Team in March 2022), the subject 1.2-mile portion of US 74 does not meet the aforementioned functional classification and is noncompliant with current roadway design requirements. The subject portion of US 74 also does not satisfy the highway network's established long-term vision and lacks continuity that negatively affect driver expectations and safety. Additionally, NCDOT identified the existing US 74 at-grade intersection at SR 1168 (Academy Street/Lattimore Road) in the 2021 Highway Safety Improvement Program (HSIP) because of the historical pattern of frontal impact crashes, and the relative severity of personal injuries involved in those crashes.

Purpose: The purpose of the R-4045 project is to provide a consistent facility to meet drivers' expectations for the US 74 corridor (from Kings Mountain to Columbus, NC) by upgrading this portion of US 74 to meet NCDOT freeway standards.

C. Categorical Exclusion Action Classification:

Type III

D. Proposed Improvements:

As concurred upon at the Merger CP3 meeting on October 12, 2022, Alternative 1A is the preferred alternative and LEDPA, as shown in Figures 1A and 1B. It will:

1. Replace Bridge 48 and 49 on the existing location while maintaining traffic on a temporary onsite detour to the north.
2. Apply Fully Controlled access to US 74 within the project study limits.
3. Add an interchange at the current intersection of Lattimore Rd/Academy St. with US 74 with the following configuration:
 - a. in the NE quadrant, include a US 74 off-ramp and a US 74 on-loop combination
 - b. in the NW quadrant, connect Ellenboro Rd. to Lattimore Rd. where the Ramp Loop Combination terminates.
 - c. in the SW quadrant, include a US 74 off ramp terminating to a traffic circle on Academy St.
 - d. in the SE quadrant, include a US 74 on-ramp from the traffic circle.

The ramps in the northern half of the interchange will include culverts to carry the stream but utilize rock plating to achieve 1.5:1 slopes and minimize stream impacts. The ramp in the NE quadrant will utilize a bridge to minimize impacts to the stream.

A service road will be built connecting East Main Street to the mobile homes near the intersection of East Main Street and US 74.

Another service road will be built from Academy Street to the grading company near East Main Street also connecting Duncan Road and the Cornerstone Baptist Church along its length. Attached is Figure 4 which illustrates a modification to Service Road Option 3 that was selected as the preferred alignment. The modification reduces stream impacts by crossing at a less sinuous location.

E. Special Project Information:

Merger Process

Initial Merger Screening was in April 2014 and based on what was known at that time about the impacts and anticipated footprint, the project was screened out of merger. As the project developed, impacts were larger than expected so NCDOT brought the project back to the Merger MOU signatory agencies, who screened the project into Merger. Concurrence Points 1, 2 and 2A (Purpose and Need, Alternatives and Bridging Decisions) were achieved 5/19/22. Concurrence Point 3 (Least Environmentally Damaging Practicable Alternative (LEDPA)) was achieved 10/12/22. The LEDPA is described in Section D (Proposed Improvements) of this categorical exclusion. CP 4A (Avoidance & Minimization) was achieved 12/13/22. The documentation for concurrence points is available in NCDOT and applicable resource agency files.

Agency Coordination

In addition to the Merger Coordination describe above, NCDOT sent Scoping Letters and received input January – March 2021. As part of scoping and project development, NCDOT also integrated comments from the Town of Mooresboro, Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians, Catawba Indian Nation, NC Division of Parks and Recreation, Cleveland County Planning, Cleveland County Fire Marshall, Cleveland County Sheriff's Department, Cleveland County Schools and Carolina Thread Trial.

Environmental Justice

Within the project study area, based on field observations, 90% of the population is low income. This means project impacts would be predominately shouldered by a low income population and triggers an Environmental Justice evaluation.

The purpose and need of the project requires freeway standards on US 74 which in turn requires an interchange. The proposed interchange is located at the only viable location along US 74 to still provide access to the Town of Mooresboro and provide at least one mile of spacing between the proposed interchange and existing interchanges. After all efforts to minimize impacts, there are 10 residential relocations and 2 business relocations associated with the work along US 74. Of the 10 residential relocations, based on field observations, 9 are low income. Because the community is predominately (over 90%) low income, it is expected that 9 out of 10 of any impacts would be to low income households.

NCDOT scheduled a public meeting for August 25, 2022 and advertised by post cards sent two weeks prior to the meeting to everyone in the study area. NCDOT implemented a plan to contact low income households with a doorhanger, to be placed on doors in early August. For any household that might be a potential relocatee, NCDOT made personal contact with almost every potential relocatee to discuss the impacts with these residents as part of the door hanger effort.

The Dollar General is a source of groceries for the community. After coordination with the store managers of Dollar General, they have indicated that the only foot traffic at the store is teenagers

purchasing snacks (sodas, candy etc.). Customers coming for grocery purchases come by car. There are three other grocery stores within a 5 to 10 minute car trip from Mooresboro and so the impact of taking the Dollar General, should they choose not to rebuild locally, should be minimal.

The impact to the low income population is proportional to the presence of low income population within the study area. The community impacted is also substantially benefited by the project. The difficulty of getting onto and off of U.S. 74 safely is not only documented by accident reports but also by overwhelming support of the project by the community and local officials during public involvement.

Public Involvement

On August 25, 2022, NCDOT hosted a public meeting in Mooresboro, NC and received comments through September 8, 2022. 107 comments were received during this period. The public meetings maps showing all alternatives and Options are included as Figures 1A through 3B.

Of the 107 comments, there were 91 comments expressing a preference between the four interchange concepts: 1, 1A, 2 or 2A:

- 77 supported Alternate 1
- 6 supported Alternate 1A
- 1 supported Alternate 2
- 7 supported Alternate 2A

There were 91 comments expressing a preference for Service Road Options 1, 2 or 3:

- 88 supported Option 3
- 2 supported Option 2
- 1 supported Option 1 or 2

There were 6 comments supporting inclusion of a service road to connect E. Main Street to the mobile home park to be cut off from US 74. See Figure 1B or 2B.

Accidents

The project corridor has a high occurrence of frontal impact crashes largely due to vehicles attempting to enter a 55 mile per hour facility from at grade intersections. The intersections of Academy Street and Ellenboro Road with US 74 are very close to one another and particularly troublesome with 23 frontal impacts over a five-year period (see Figure 6).

Traffic Operations Analysis

The Base Year No-Build condition analysis results for all unsignalized intersections indicate that all the lane groups within the network are operating at LOS C or better during the AM and PM peak hours.

The Future Year No-Build condition analysis results for all unsignalized intersections indicate that most of the lane groups within the network are expected to operate at LOS D or better during the AM and PM peak hours, except for the following:

- Intersection of US 74 at Academy Street/Lattimore Road: the northbound left/through/right lane group is expected to at LOS E during the AM and PM peak hours.
- Intersection of US 74 at Ellenboro Road: the southbound left/right lane group is expected to operate at LOS F during the AM and PM peak hours.

The Future Year (2045) Build Alternative 1A analysis results indicate that all the unsignalized and roundabout lane groups within the network are expected to operate at LOS B or better during the AM and PM peak hours.

Details of the analysis can be found in the Traffic Operations Analysis Technical Memorandum dated August 2021.

Complete Streets Coordination

On May 10, 2021, NCDOT met with representatives from the Town of Mooresboro, Cleveland County, GCL-MPO and the Carolina Thread Trail to discuss bicycle and pedestrian accommodations within the project footprint. Within the town limits, there were no needs identified.

On the eastern end of the project limits, there is an abandoned Norfolk Southern RR corridor including a bridge of US 74 that is identified in the CTP as a future addition to the Carolina Thread Trail (CTT) network. The RR bridge must be removed in order to achieve the required typical section on US 74. Since it must be removed, NCDOT proposed and the group agreed to replace the function of the RR bridge. A 14-foot wide graded area will be constructed as part of the project running parallel to US 74 on both sides and connecting under the new bridges over Sandy Run Creek. The graded area will be outside the control of access but inside the right of way and available for the future CTT pathway.

F. Project Impact Criteria Checklists:

F3. Type III Actions			
Proposed improvement(s) that fit Type III Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix C) answer questions below.			
		Yes	No
1	Does the project involve potential effects to Threatened or Endangered species listed by the US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)? See Response to Q1	<input checked="" type="checkbox"/>	<input 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? See PI summary, Section E.	<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? The impact to the minority population is proportional to the non-minority population within the study area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Does the project involve substantial residential or commercial displacements or right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Does the project include a determination under Section 4(f)? The park and three historic sites are not touched by the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Is a project-level analysis for direct, indirect, or cumulative effects required based on the NCDOT community studies screening tool? See Response to Q7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Does the project impact anadromous fish spawning waters? Anadromous fish are not present in Cleveland County.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Does the project impact waters classified as Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply Watershed Critical Areas, 303(d)-listed impaired water bodies, buffer rules, or submerged aquatic vegetation (SAV)? None of these resources are present per 2021 NRTR.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact Waters of the United States in any of the designated mountain trout streams? Cleveland County does not possess mountain trout streams.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project require a US Army Corps of Engineers (USACE) Individual Section 404 Permit? See Response to Q11.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility? There are no FERC resources within the project study area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Does the project include Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains? There are no NHRP Archaeological Sites present within the study area. (Attachment 6). The LEDPA has No Adverse Effect on any of the three historic sites in the Project Study Area (Attachment 7).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.? Geo Environmental Screening by NCDOT in February 2021 resulted in no sites of concern within the Project Study Area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project require work encroaching and adversely effecting 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? See response to Q15.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

16	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Areas of Environmental Concern (AEC)? Cleveland County is not in the eastern third of the state and therefore not subject to this concern.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Type III Actions (continued)</u>		Yes	No
17	Does the project require a US Coast Guard (USCG) permit? Project was screened by FHWA process in 2018 and determined to have no USCG concerns.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area? There are no Wild and Scenic Rivers present in Cleveland County.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve Coastal Barrier Resource Act (CBRA) resources? Cleveland County is not in the coastal zone of NC.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project impact federal lands (e.g. US Forest Service (USFS), US Fish and Wildlife Service (USFWS), etc.) or Tribal (Trust) Lands? No federal or tribal lands are present in the study area based on review of GIS, Final Surveys, and input from tribes. Of the four tribes who have jurisdiction over this county, only the Catawba Indian Nation replied to scoping inquires. Their response is Attachment 8.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate? See response to Q21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness? See response to Q22.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23	Will maintenance of traffic cause substantial disruption? Construction of service roads and staging of bridge construction to maintain traffic patterns will only cause minor disruption.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)? The project is consistent with both local and state improvement programs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	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, TVA, Tribal Lands, or other unique areas or special lands that were acquired in fee or assessment with public-use money and have deed restrictions or covenants on the property? Screening the project via GIS, Final Surveys and coordination with multiple agencies during scoping revealed no properties acquired in fee or assessment with public use money by any of the agencies or acts listed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project involve Federal Emergency Management Act (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)? Screening via GIS, Final Surveys and Hydraulics Studies revealed no properties from either program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Is the project considered a Type I under the NCDOT's Noise Policy? See response to Q27.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)? See response to Q 28.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29	Is the project in an Air Quality non-attainment or maintenance area for a National Ambient Air Quality Standard (NAAQS)? Cleveland County is an attainment area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Are there other issues that arose during the project development process that affected the project decision? All factors affecting the project are described in Section G. or Section E.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Q1. Endangered Species – The dwarf flowered heartleaf is present near the project footprint. A retaining wall has been included near Stream C to keep the footprint off the area of concern. In a memo from US Fish and Wildlife Service dated August 2, 2022 (see Attachment 9) concurs with NCDOT's determination that the project may affect but is not likely to adversely affect the species.

The Northern long eared bat (NLEB) was previously listed for Cleveland County but was adjusted to a specific range within Cleveland County by USFWS in Summer/Fall 2022 to where the project fell outside the known range. NCDOT recognizes the pending up-listing of the NLEB; however, at this time, this project remains outside the Information for Planning and Consultation (IPaC) range for NLEB.

Q7. Indirect and Cumulative Effects – The project will not alter traffic capacity or travel patterns, reduce travel time, affect access to, or create new transportation or land use nodes. Due to its minimal transportation impact causing activities this project will neither influence nearby land uses nor stimulate growth. Therefore, a detailed indirect and cumulative effects study will not be necessary.

Q11. Individual Permit – The estimated stream impacts of the project are 1,500 lf and the wetland impacts are 0.1 acre. The proposed action was selected as the Least Environmentally Damaging Practicable Alternative through the Merger Process.

Q15. 100 year Floodplain – The replacement of Bridges 48 and 49 over Sandy Run Creek (a FEMA Limited Detail Study stream) will require a Memorandum of Agreement. Associated project commitments are included in Section H of this CE.

Q21. Access Control – The project is changing from full access along US 74 to full control of access on US 74 to address driver expectation and safety issues identified in the purpose and need of the project.

Q22. Change in Local Traffic Patterns – Once the project is completed, the intersections of Academy Street/Lattimore Rd and Ellenboro Road with US 74 will be converted to a single interchange. Because US 74 is being converted to full control of access along the project corridor, several driveways and two street intersections will be closed. Two service roads are included with the project to restore access to those properties that are isolated.

Q27. Type I Noise – The source of this traffic noise information is the R-4045 & BR-0012 Traffic Noise Report, by RK&K, accepted by NCDOT on March 20, 2023.

Traffic Noise Impacts

The maximum number of receptors in each project alternative predicted to become impacted by future traffic noise is shown in the table below. The table includes those receptors expected to experience traffic noise impacts by either approaching or exceeding the FHWA Noise Abatement Criteria or by a substantial increase in exterior noise levels as defined in the NCDOT Traffic Noise Policy.

Predicted Traffic Noise Impacts by Alternative¹

Traffic Noise Impacts²				
Alternative	Residential (NAC B)	Places of Worship/Schools, Parks, etc. (NAC C & D)	Businesses (NAC E)	Total
Alt 1	8	0	0	8
Alt 1A				
Alt 2				
Alt 2A				

¹Per TNM 2.5 and in accordance with 23 CFR Part 772

²Traffic noise impacts are predicted for the same eight (8) residential noise-sensitive receptors for all four project design study alternatives.

Traffic Noise Abatement Measures

Measures for reducing or eliminating the traffic noise impacts, including noise barriers, were considered for all impacted receptors in each alternative. Noise barriers include two basic types: earthen berms and noise walls. These structures act to diffract, absorb, and reflect highway traffic noise.

Noise Barriers

A noise barrier evaluation was conducted for this project utilizing the Traffic Noise Model (TNM 2.5) software developed by the FHWA. The following table summarizes the results of the evaluation.

Preliminary Noise Barrier Evaluation Results

Alternative/ NSA	Noise Barrier Location¹	Length / Height² (feet)	Square Footage	Number of Benefited Receptors	Square Feet per Benefited Receptor / Allowable Square Feet per Benefited Receptor	Preliminarily Feasible and Reasonable ("Likely") for Construction³
Alt 1/NSA 3	Adjacent to US 74 (West Dixon Boulevard) Eastbound, beginning with west of Main Street (-L- Sta. . 72+83.65 61.00' RT to -L- Sta. 78+23.63 63.00' RT)	540 / 14.6	7,899	4	1,975 / 2,000	Yes
Alt 1A/NSA 3						
Alt 2/NSA 3						
Alt 2A/NSA 3						

¹The preliminarily feasible and reasonable abatement measure configuration and predicted acoustical performance is identical for all four design study alternatives.

²Average wall height. Actual wall height at any given location may be higher or lower.

³The likelihood of a barrier's construction is preliminary and subject to change, pending completion of final design and the public involvement process.

A traffic noise evaluation was performed that identified one noise barrier that preliminarily meets feasibility and reasonableness criteria found in the NCDOT Traffic Noise Policy. A more detailed analysis will be completed during project final design. Noise barriers preliminarily found to be feasible and reasonable during the preliminary noise analysis may not be found to be feasible and reasonable during the final design noise analysis due to changes in proposed project alignment and other design considerations, surrounding land use development, or utility conflicts, among other factors. No additional noise barriers were evaluated for the subject project; however, noise barriers that preliminarily are not considered feasible and reasonable may meet the established criteria and be recommended for construction. This evaluation was conducted in accordance with the highway traffic noise requirements of Title 23 CFR Part 772.

In accordance with NCDOT Traffic Noise Policy, the Federal/State governments are not responsible for providing noise abatement measures for new development for which building permits are issued after the Date of Public Knowledge. The Date of Public Knowledge of the proposed highway project will be the approval date of the Type III Categorical Exclusion (CE). NCDOT strongly advocates the planning, design and construction of noise-compatible development and encourages its practice among planners, building officials, developers, and others.

Q28. Farmland – There are active farming operations and prime farmland within the study area and there will be limited impact to some of those operations. In 2013 a preliminary screening of farmland conversion impacts in the project area was completed (Natural Resources Conservation Service [NRCS] Farmland Conversion Impact Rating Form AD-1006, Part VI only) and a score of 54 out of 160 points was calculated for the project site. This score has been validated based on current design and because the total site assessment score does not exceed the 60-point threshold established by NRCS. Farmland conversion impacts may be anticipated but are not considered notable.

NCDOT PROJECT COMMITMENTS

STIP Project No. R-4045 & BR-0012

Improvements to US 74 and replacement of Bridges 48 and 49
Cleveland County

Federal Aid Project No. NHF-74 (4) for R-4045, no FA# for BR-0012
WBS Element 34598.1.2 & 67012.3.1

Hydraulic Unit – FEMA Coordination

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

Division Construction – FEMA

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

Division Construction – Dwarf flowered heartleaf

NCDOT will build a retaining wall along US 74 to avoid direct impacts to the dwarf flowered heartleaf located just south of US 74 along Stream SC. The retaining wall would eliminate the need for tree clearing and construction equipment access to 35% of the dwarf-flowered heartleaf population.

A new 54" pipe will be placed parallel to the existing 48" pipe on Stream SC under US 74 ensuring a more stable stream with less susceptibility to stream blockages, minimizing impacts to dwarf-flowered heartleaf plants located feet from the stream edge.

Service Road Option 3 (Academy Street Connector) will cross Stream SC more than 500 feet upstream of the current dwarf-flowered heartleaf locations. The pipe placed at this crossing will be designed at an appropriate size so as not to affect the flow of water either upstream or downstream, thereby avoiding affects to dwarf-flowered heartleaf.

Design Build Team and Division 12 – Complete Streets

Academy Street/ Lattimore Road will include 4' paved shoulders to accommodate bicycles and the bridge over US 74 will include bicycle safe rail.

Design Build Team and Division 12 – Carolina Thread Trail

To mitigate for the RR bridge removal and its impact on the future Carolina Thread Trail, R-4045/BR-0012 will construct a graded area at least 14 feet wide as part of the project running parallel to US 74 on both sides and connecting under the new bridges over Sandy Run Creek. The graded area will be outside the control of access but inside the right of way and available for the future CTT pathway.

Design Build Team and Division 12 – Merger Minimizations

In the north half of the interchange, the slopes near the streams crossed by Ellenboro Road, Lattimore Road and the Loop will be 1.5:1 rock plated in order to minimize stream impacts. The off-ramp bridge in the NE quadrant will utilize a bridge over the stream.

Service Road Option 3 (Academy Street Connector)– Service Road Option 3 will include an alignment shifted approximately 100 feet south on the west end of the alignment near the grading company to avoid a more sinuous portions of stream SC.

Hydraulic Design will follow NCDOT Hydraulic Manual Guidance (Chapter 9) to minimize impacts to aquatic passage.

Design Build Team and Division 12 – Environmental Justice Considerations

Any further public involvement during design build via mailings to the community will also include door hangers with the same information. Door hangers will be placed on all low income households within the project study area.

Service Road Option 3 was selected by the Merger Team to avoid impacts to 9 low income residences and costs of improvements to Main Street. The Design Build Team must either adhere to Service Road Option 3 or revisit the issue with the Merger Team.

Design Build Team and Division 12 – Historic Properties

There are three historic properties within the project study area identified on the public meeting map. If the project footprint extends closer to any of the historic properties than the preferred alternative, the change should be reviewed with NCDOT's Historic Architecture Team.

Categorical Exclusion Approval:

STIP Project No.	R-4045 & BR-0012
WBS Element	34598.1.2 & 67012.3.1
Federal Project No.	NHF-74 (4) for R-4045, no FA# for BR-0012

Prepared By:

3/29/2023

Date

DocuSigned by:

John Williams

John L. Williams, Project Manger
Rummel Klepper & Kahl

Prepared For:

NCDOT Division 12

Reviewed By:

3/29/2023

Date

DocuSigned by:

John Jamison

John Jamison, Manager
Environmental Policy Unit

Approved

Certified

- If classified as Type III Categorical Exclusion.

4/3/2023

Date

DocuSigned by:

Mark E Stafford

Mark Stafford, P.E. Division 12 Engineer
North Carolina Department of Transportation

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

4/3/2023

Date

DocuSigned by:

Donnie Brew

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).

FIGURES



**PUBLIC MEETING MAP
ALTERNATE 1**
TIP NO. R-4045
CLEVELAND COUNTY

**UPGRADE US 74 FROM Bus. US 74 TO PRO
SHELBY BYPASS TO INTERSTATE STAND**

**ALTERNATE 1A
REDUCED STREAM IMPACT**

PI Stn 12192.0 E6 = 5'09" 23.2' D = 265.00' L = 144.06' ST = 72.06'	PI Stn 15166.45 Δ = 19'06" 52.5' (RT) D = 46' 28.7' L = 40.03' R = 202.40' V = 1.20/100' SE = DB	PI Stn 18131.13 E6 = 5'09" 23.2' D = 265.00' L = 144.06' ST = 72.06'	PI Stn 21106.55 Δ = 41' 18" 33.0' (LT) D = 17' 37" 33.0' L = 365.87' R = 588.48' V = 50.00/100' SE = DB
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PI Stn 25124.0 E6 = 1'26" 48.7' D = 225.00' L = 150.00' ST = 75.00'	PI Stn 31141.45 Δ = 18' 55" 15.7' (RT) D = 17' 10" 15.7' L = 147.19' R = 742.36' V = 4.45/100' SE = DB	PI Stn 41145.29 E6 = 1'26" 48.7' D = 225.00' L = 150.00' ST = 75.00'	PI Stn 62125.63 E6 = 0'35" 42.0' D = 135.00' L = 90.00' ST = 45.00'	PI Stn 65190.08 Δ = 5'46" 04.3' (RT) D = 150.00' L = 65.14' R = 307.49' V = 6.50/100' SE = DB	PI Stn 69169.98 E6 = 0'35" 42.0' D = 135.00' L = 90.00' ST = 45.00'	PI Stn 84153.32 E6 = 0'32" 13.7' D = 135.00' L = 90.00' ST = 45.00'
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**PUBLIC MEETING MAP
ALTERNATE 1**
TIP NO. R-4045
CLEVELAND COUNTY
**UPGRADE US 74 FROM Bus. US 74 TO PROPOSED
SHELBY BYPASS TO INTERSTATE STANDARDS**



RK&K
AUGUST 2022

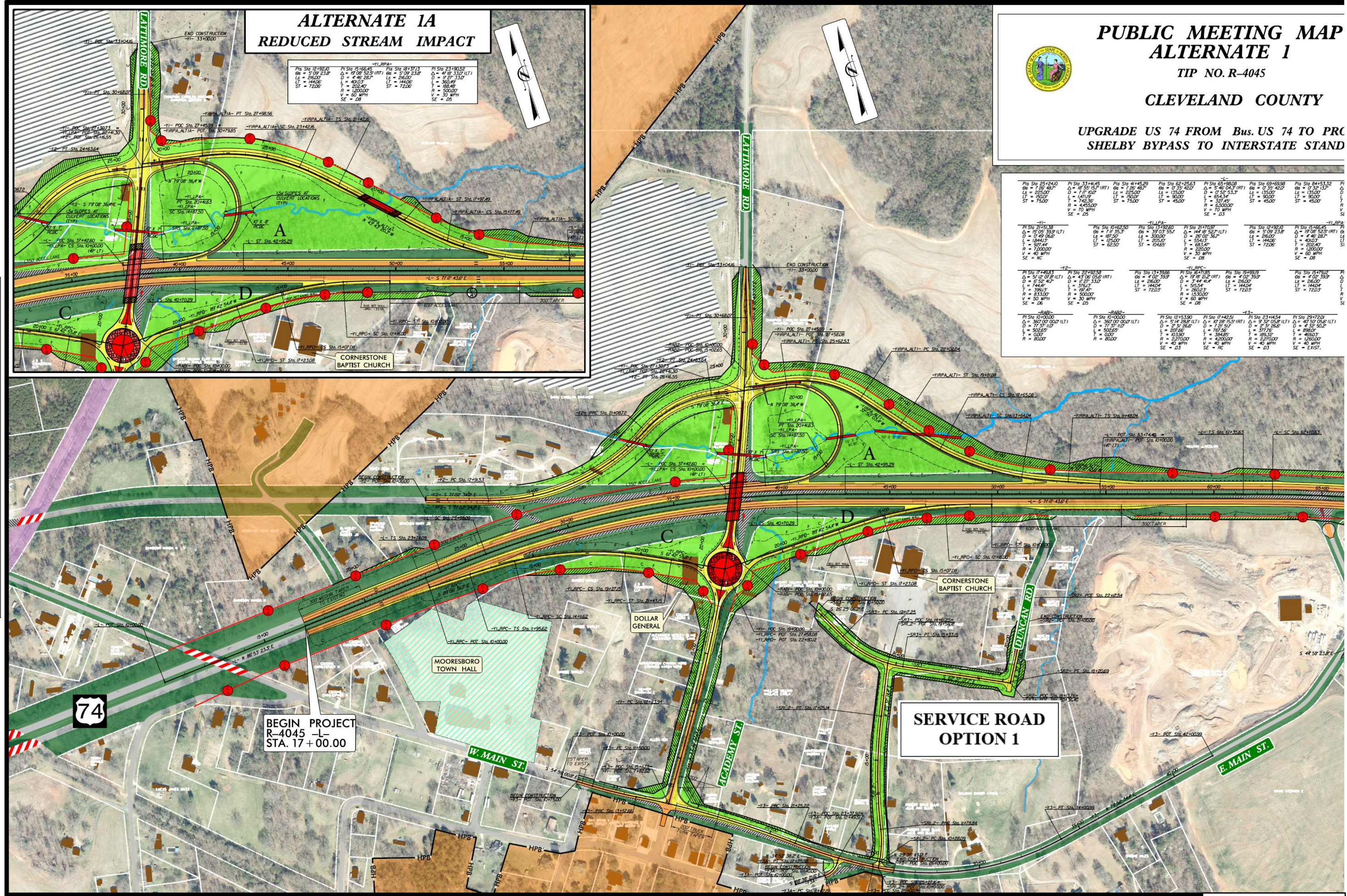


FIGURE 1A

PUBLIC MEETING MAP ALTERNATE 1

TIP NO. R-4045

CLEVELAND COUNTY

GRADE US 74 FROM Bus. US 74 TO PROPOSED
HELBY BYPASS TO INTERSTATE STANDARDS

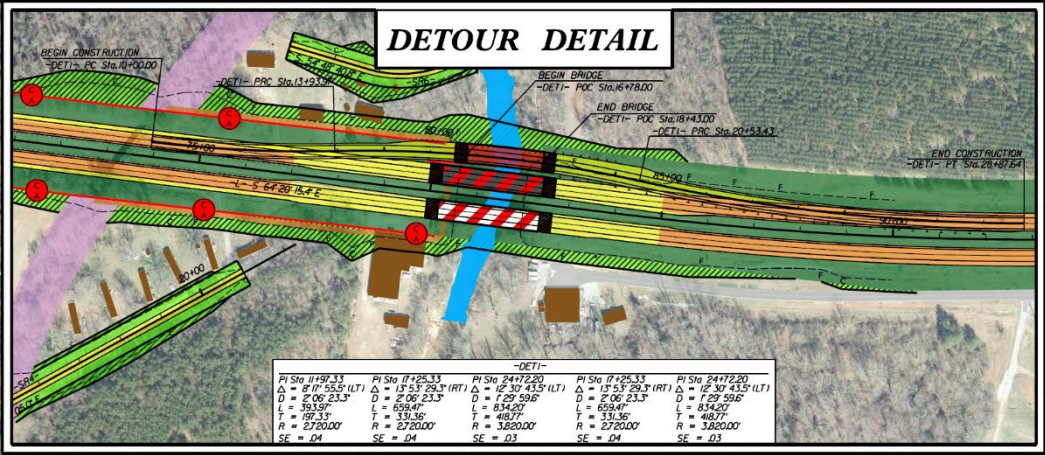


45	PI Sta 41+45.29	PI Sta 62+125.63	PI Sta 65+190.08	PI Sta 69+169.98	PI Sta 84+53.32	PI Sta 99+52.06	PI Sta 104+12.23
7 (RT)	66 = 12° 48'	66 = 12° 48'	66 = 12° 48'	66 = 12° 48'	66 = 12° 48'	66 = 12° 48'	66 = 12° 48'
	LS = 250.00	LS = 250.00	LS = 250.00	LS = 250.00	LS = 250.00	LS = 250.00	LS = 250.00
	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00
	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00
	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00
	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH
	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3

16	PI Sta 10+182.50	PI Sta 13+182.50	PI Sta 21+703.97	PI Sta 17+192.00	PI Sta 15+166.45	PI Sta 18+191.13	PI Sta 21+190.52
8	11° 15' 33"	8 = 11° 15' 33"	8 = 11° 15' 33"	8 = 11° 15' 33"	8 = 11° 15' 33"	8 = 11° 15' 33"	8 = 11° 15' 33"
	LS = 300.00	LS = 300.00	LS = 300.00	LS = 300.00	LS = 300.00	LS = 300.00	LS = 300.00
	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00	LT = 150.00
	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00	ST = 75.00
	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00	R = 6300.00
	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH	V = 70 MPH
	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3

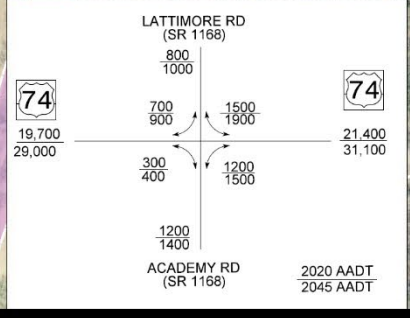
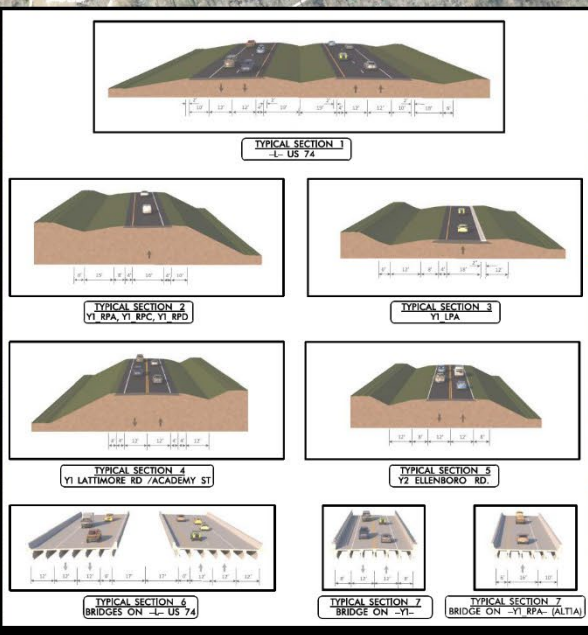
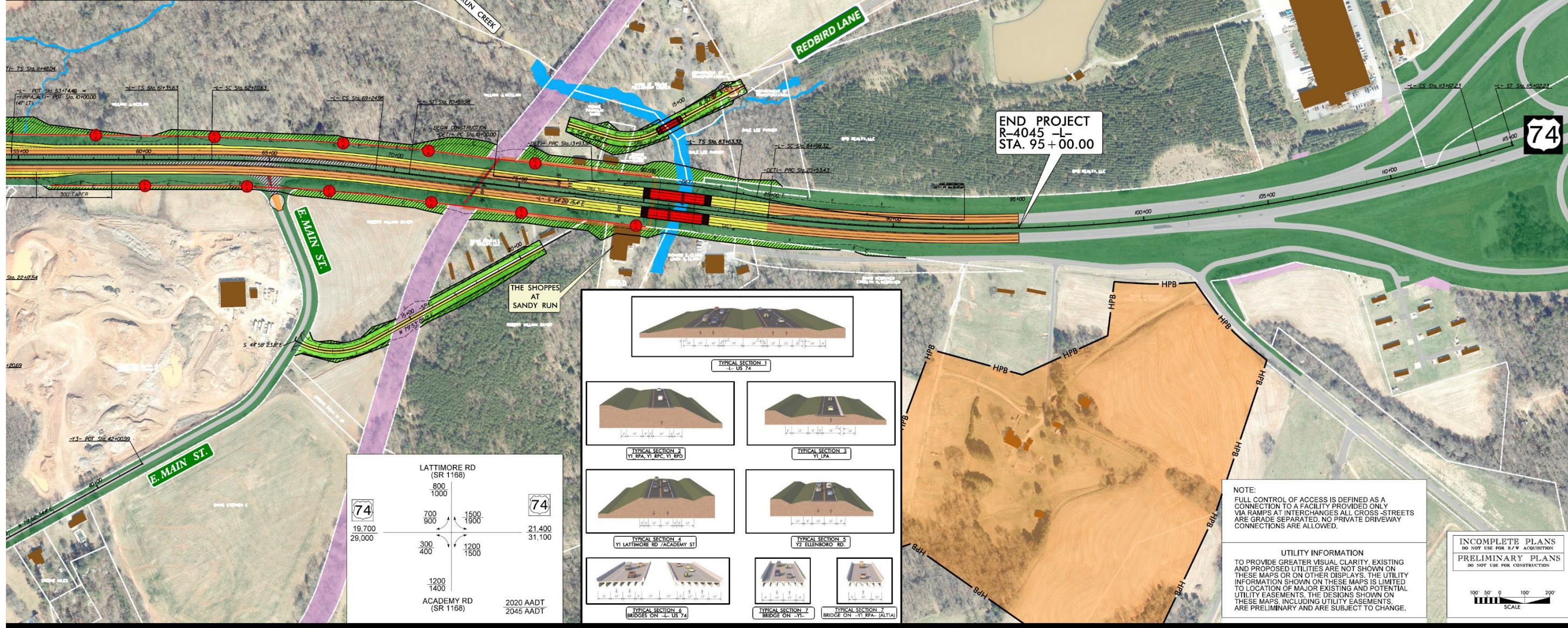
38	PI Sta 11+302.6	PI Sta 17+425.1	PI Sta 19+999.0	PI Sta 15+793.0	PI Sta 11+440.0	PI Sta 14+404.0	PI Sta 11+440.0
5.0 (RT)	4° 02' 39"	4° 02' 39"	4° 02' 39"	4° 02' 39"	4° 02' 39"	4° 02' 39"	4° 02' 39"
1.0	LS = 260.00	LS = 260.00	LS = 260.00	LS = 260.00	LS = 260.00	LS = 260.00	LS = 260.00
	LT = 130.00	LT = 130.00	LT = 130.00	LT = 130.00	LT = 130.00	LT = 130.00	LT = 130.00
	ST = 65.00	ST = 65.00	ST = 65.00	ST = 65.00	ST = 65.00	ST = 65.00	ST = 65.00
	R = 13300.00	R = 13300.00	R = 13300.00	R = 13300.00	R = 13300.00	R = 13300.00	R = 13300.00
	V = 60 MPH	V = 60 MPH	V = 60 MPH	V = 60 MPH	V = 60 MPH	V = 60 MPH	V = 60 MPH
	SE = D8	SE = D8	SE = D8	SE = D8	SE = D8	SE = D8	SE = D8

1	PI Sta 12+453.90	PI Sta 17+425.1	PI Sta 21+414.54	PI Sta 29+720.0	PI Sta 11+440.0	PI Sta 14+404.0	PI Sta 11+440.0
1	5° 14' 28"	5° 14' 28"	5° 14' 28"	5° 14' 28"	5° 14' 28"	5° 14' 28"	5° 14' 28"
	LS = 207.66	LS = 207.66	LS = 207.66	LS = 207.66	LS = 207.66	LS = 207.66	LS = 207.66
	LT = 103.83	LT = 103.83	LT = 103.83	LT = 103.83	LT = 103.83	LT = 103.83	LT = 103.83
	ST = 51.91	ST = 51.91	ST = 51.91	ST = 51.91	ST = 51.91	ST = 51.91	ST = 51.91
	R = 10370.00	R = 10370.00	R = 10370.00	R = 10370.00	R = 10370.00	R = 10370.00	R = 10370.00
	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH
	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3	SE = D3



LEGEND

- BUILDINGS
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- PROPOSED EASEMENTS (DRAINAGE, CONSTRUCTION, AND UTILITY)
- EXISTING ROADWAY
- EXISTING ROADWAY TO BE RESURFACED
- EXISTING ROADWAY TO BE REMOVED
- PROPOSED ROADWAY
- TEMPORARY ROADWAY / DETOURS
- PROPOSED STRUCTURES, ISLAND, CURB AND GUTTER
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE RETAINED
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE REMOVED
- LAKES, RIVER, STREAMS AND PONDS
- RAILROAD RIGHT OF WAY
- EXISTING UTILITY EASEMENT
- PROPOSED GRADED PATH
- PROPOSED CONTROL OF ACCESS
- PRESENT ADT
- FUTURE ADT
- PROPERTY LINES
- PARKS
- HISTORIC PROPERTY BOUNDARY



NOTE:
FULL CONTROL OF ACCESS IS DEFINED AS A CONNECTION TO A FACILITY PROVIDED ONLY VIA RAMP AT INTERCHANGES ALL CROSS-STREETS ARE GRADE SEPARATED. NO PRIVATE DRIVEWAY CONNECTIONS ARE ALLOWED.

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INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION


SCALE
1" = 100'

PUBLIC MEETING MAP
ALTERNATE 1
TIP NO. R-4045
CLEVELAND COUNTY

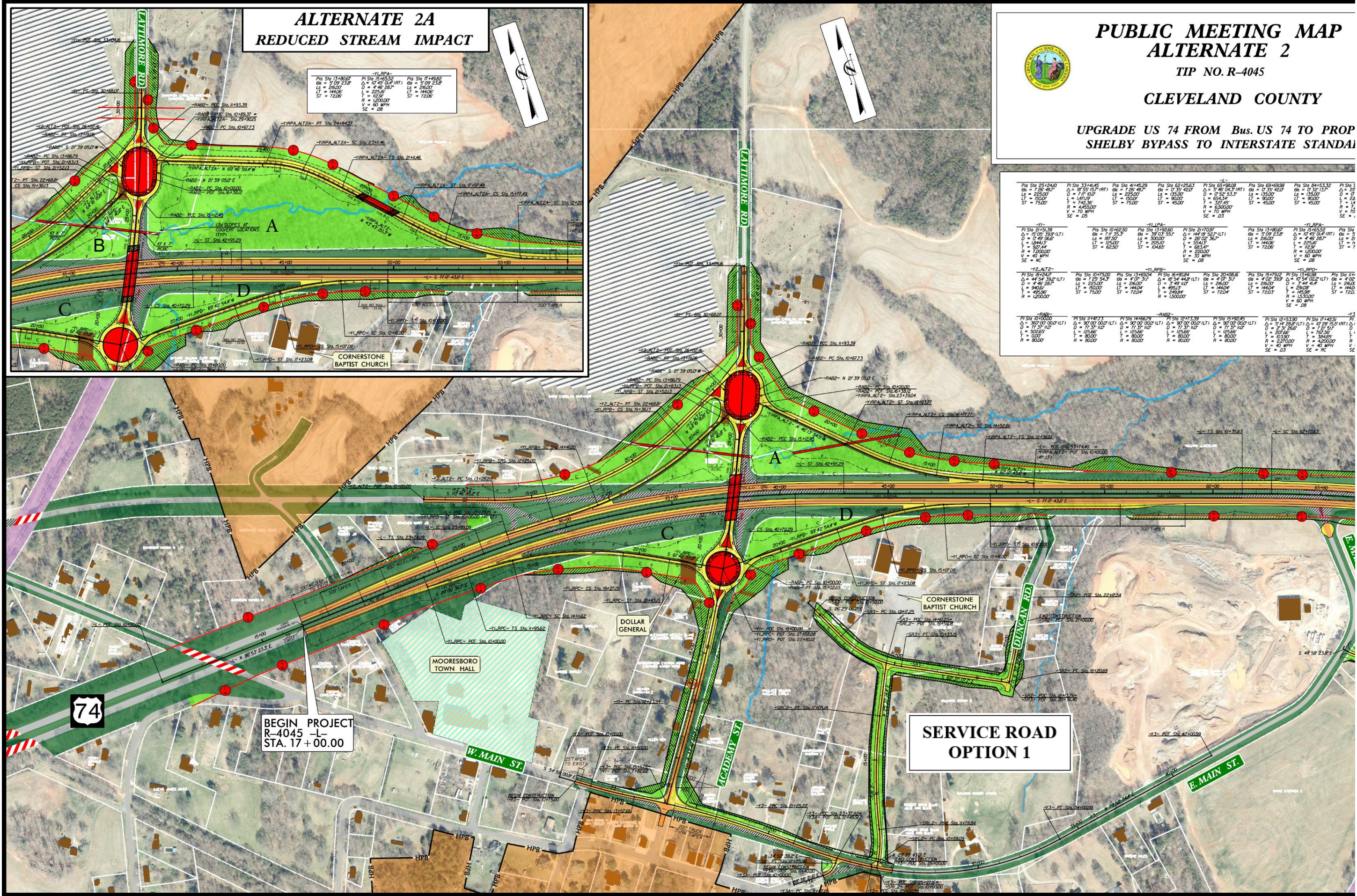
UPGRADE US 74 FROM Bus. US 74 TO PROPOSED
SHELBY BYPASS TO INTERSTATE STANDARDS

RK&K
AUGUST 2022

FIGURE 1B



PUBLIC MEETING MAP
ALTERNATE 2
 TIP NO. R-4045
 CLEVELAND COUNTY
UPGRADE US 74 FROM Bus. US 74 TO PROPOSED
SHELBY BYPASS TO INTERSTATE STANDARDS


 AUGUST 2022



ALTERNATE 2A
REDUCED STREAM IMPACT

PI Sta 13+802.7	PI Sta 15+655.2	PI Sta 17+458.2
PC = 1379.233	PC = 1547.047	PC = 1727.518
LT = 286.00'	LT = 225.50'	LT = 144.00'
ST = 143.00'	ST = 112.75'	ST = 72.00'
R = 1200.00'	R = 1200.00'	R = 1200.00'
V = 50 MPH	V = 50 MPH	V = 50 MPH
SE = DB	SE = DB	SE = DB


PUBLIC MEETING MAP
ALTERNATE 2
 TIP NO. R-4045
CLEVELAND COUNTY
UPGRADE US 74 FROM Bus. US 74 TO PROPOSED
SHELBY BYPASS TO INTERSTATE STANDARDS

PI Sta 25+24.0	PI Sta 33+41.45	PI Sta 41+45.29	PI Sta 42+25.63	PI Sta 45+98.08	PI Sta 49+69.98	PI Sta 54+53.32	PI Sta 59+28.00
PC = 128.487	PC = 128.543	PC = 128.543	PC = 128.543	PC = 128.543	PC = 128.543	PC = 128.543	PC = 128.543
LT = 150.00'	LT = 147.19'	LT = 150.00'	LT = 150.00'	LT = 150.00'	LT = 150.00'	LT = 150.00'	LT = 150.00'
ST = 75.00'	ST = 73.595'	ST = 75.00'	ST = 75.00'	ST = 75.00'	ST = 75.00'	ST = 75.00'	ST = 75.00'
R = 1200.00'	R = 1200.00'	R = 1200.00'	R = 1200.00'	R = 1200.00'	R = 1200.00'	R = 1200.00'	R = 1200.00'
V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH	V = 40 MPH
SE = DB	SE = DB	SE = DB	SE = DB	SE = DB	SE = DB	SE = DB	SE = DB

FIGURE 2A

PUBLIC MEETING MAP ALTERNATE 2

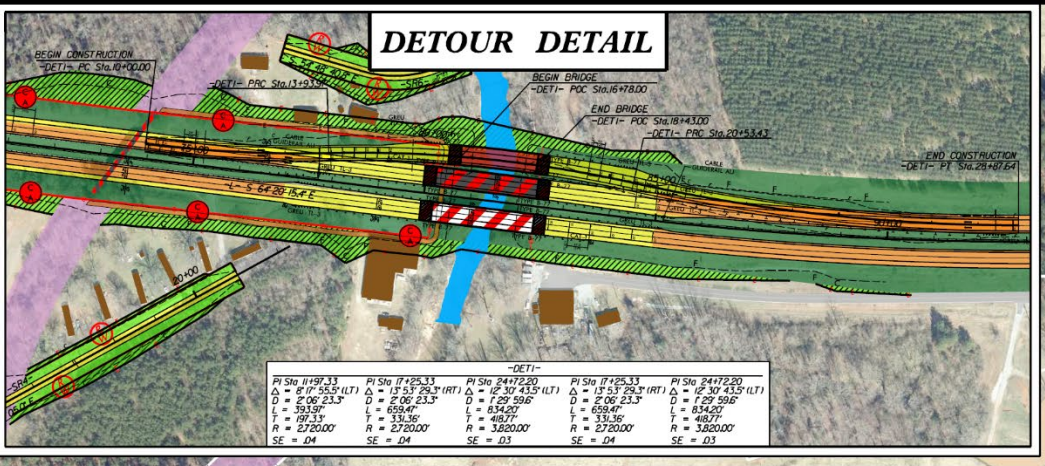
TIP NO. R-4045

CLEVELAND COUNTY

RADE US 74 FROM Bus. US 74 TO PROPOSED
ELBY BYPASS TO INTERSTATE STANDARDS

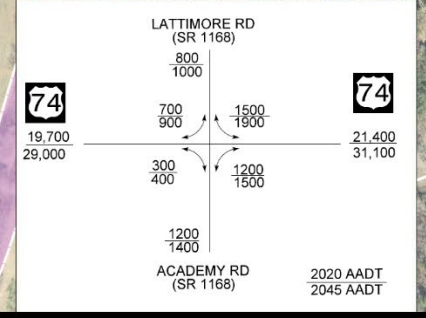
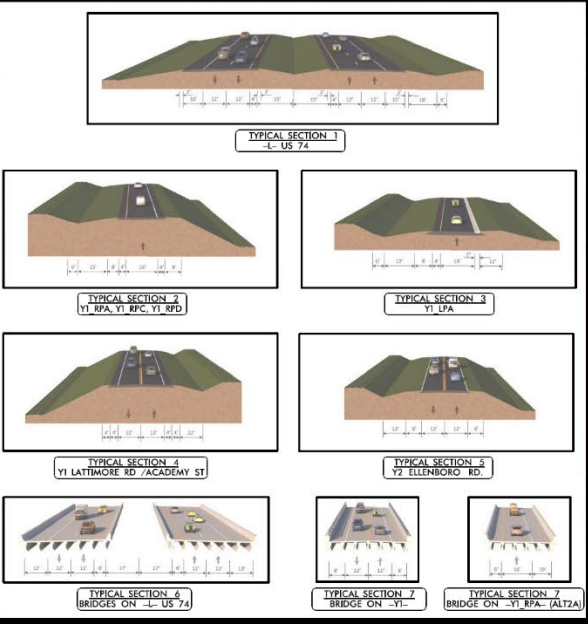
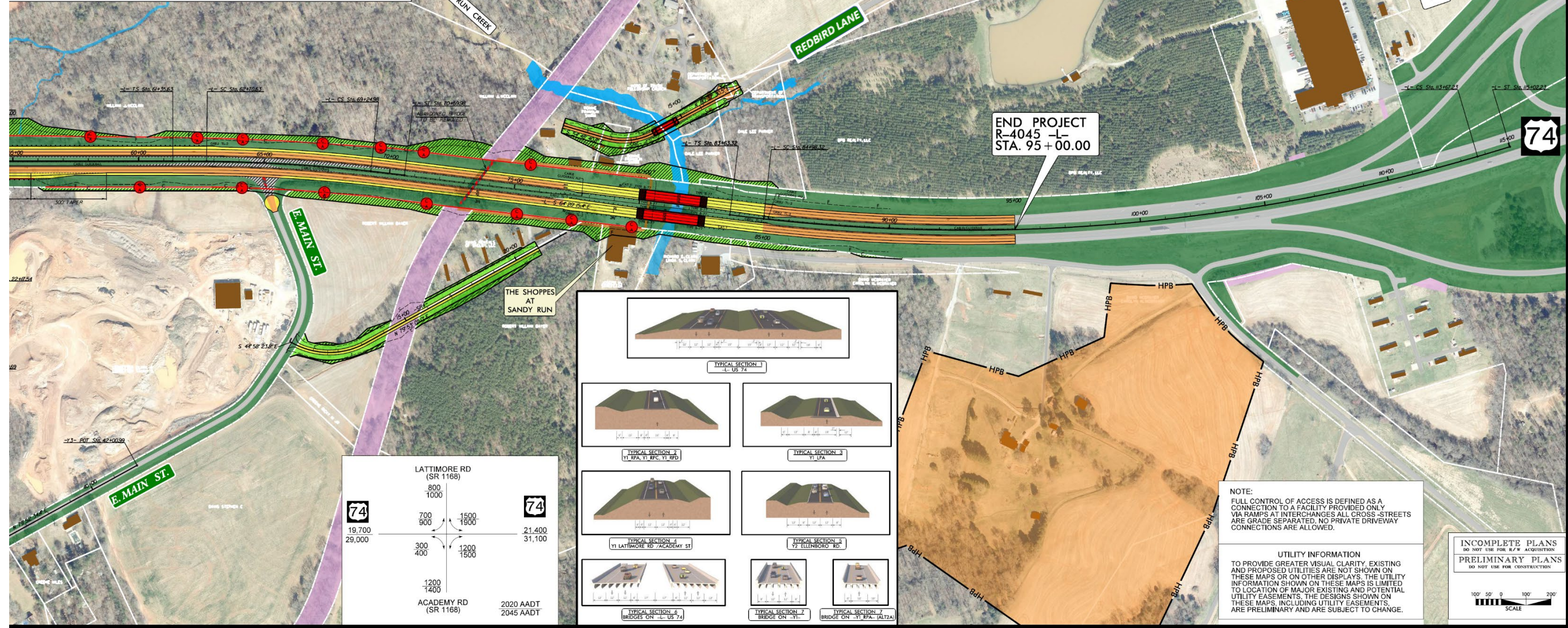


-I-1-1-1-			-I-1-1-1-			-I-1-1-1-			-I-1-1-1-		
Sta 41+48.29	Sta 65+256.3	Sta 65+190.00	Sta 69+69.98	Sta 64+143.32	Sta 99+520.6	Sta 141+22.3	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50
PI = 41.4829	PI = 65.2563	PI = 65.1900	PI = 69.6998	PI = 64.1433	PI = 99.5206	PI = 141.223	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250
LT = 150.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00
ST = 75.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00
-I-1-1-1-			-I-1-1-1-			-I-1-1-1-			-I-1-1-1-		
Sta 10+62.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50	Sta 11+92.50
PI = 10.6250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250	PI = 11.9250
LT = 150.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00	LT = 135.00
ST = 75.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00	ST = 45.00
-I-1-1-1-			-I-1-1-1-			-I-1-1-1-			-I-1-1-1-		
Sta 13+69.04	Sta 16+190.84	Sta 20+106.16	Sta 15+191.16	Sta 11+140.04	Sta 11+140.04	Sta 11+140.04	Sta 11+140.04	Sta 11+140.04	Sta 11+140.04	Sta 11+140.04	Sta 11+140.04
PI = 13.6904	PI = 16.1908	PI = 20.1061	PI = 15.1911	PI = 11.1404	PI = 11.1404	PI = 11.1404	PI = 11.1404	PI = 11.1404	PI = 11.1404	PI = 11.1404	PI = 11.1404
LT = 144.00	LT = 95.13	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00
ST = 72.00	ST = 47.56	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00
-I-1-1-1-			-I-1-1-1-			-I-1-1-1-			-I-1-1-1-		
Sta 14+62.79	Sta 12+113.39	Sta 15+192.45	Sta 12+113.39	Sta 17+442.5	Sta 23+144.54	Sta 29+172.1	Sta 14+62.79	Sta 12+113.39	Sta 15+192.45	Sta 12+113.39	Sta 17+442.5
PI = 14.6279	PI = 12.1133	PI = 15.1924	PI = 12.1133	PI = 17.4425	PI = 23.1445	PI = 29.1721	PI = 14.6279	PI = 12.1133	PI = 15.1924	PI = 12.1133	PI = 17.4425
LT = 144.00	LT = 95.13	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00	LT = 144.00
ST = 72.00	ST = 47.56	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00	ST = 72.00



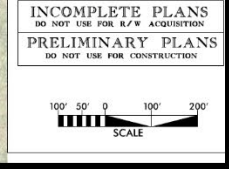
LEGEND

- BUILDINGS
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- PROPOSED EASEMENTS (DRAINAGE, CONSTRUCTION, AND UTILITY)
- EXISTING ROADWAY
- EXISTING ROADWAY TO BE RESURFACED
- EXISTING ROADWAY
- PROPOSED ROADWAY / DETOURS
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- PROPOSED STRUCTURES, ISLAND, CURB AND GUTTER
- EXISTING STRUCTURES, ISLAND, CURB AND GUTTER
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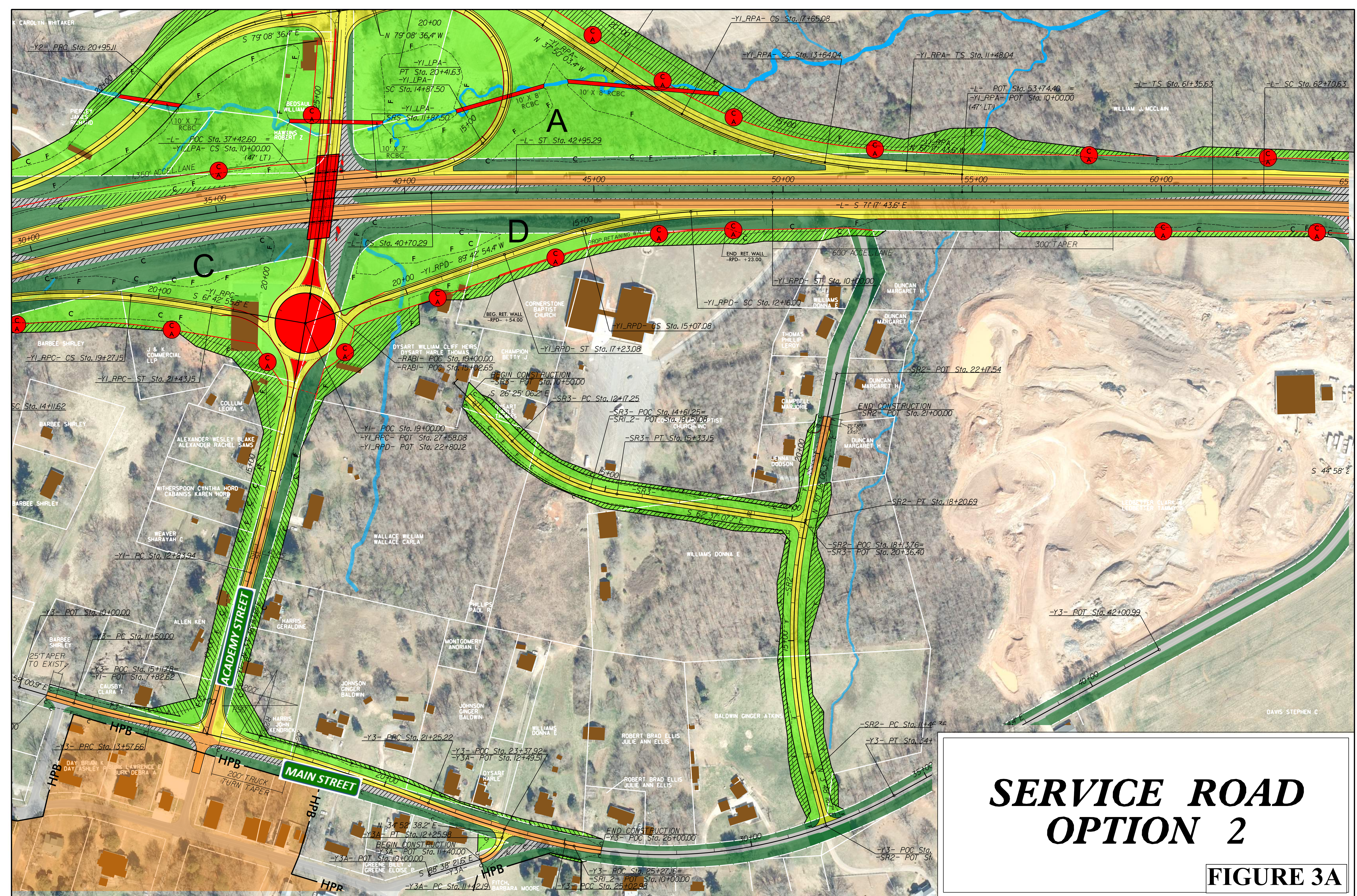
**PUBLIC MEETING MAP
ALTERNATE 2**
TIP NO. R-4045
CLEVELAND COUNTY

**UPGRADE US 74 FROM Bus. US 74 TO PROPOSED
SHELBY BYPASS TO INTERSTATE STANDARDS**



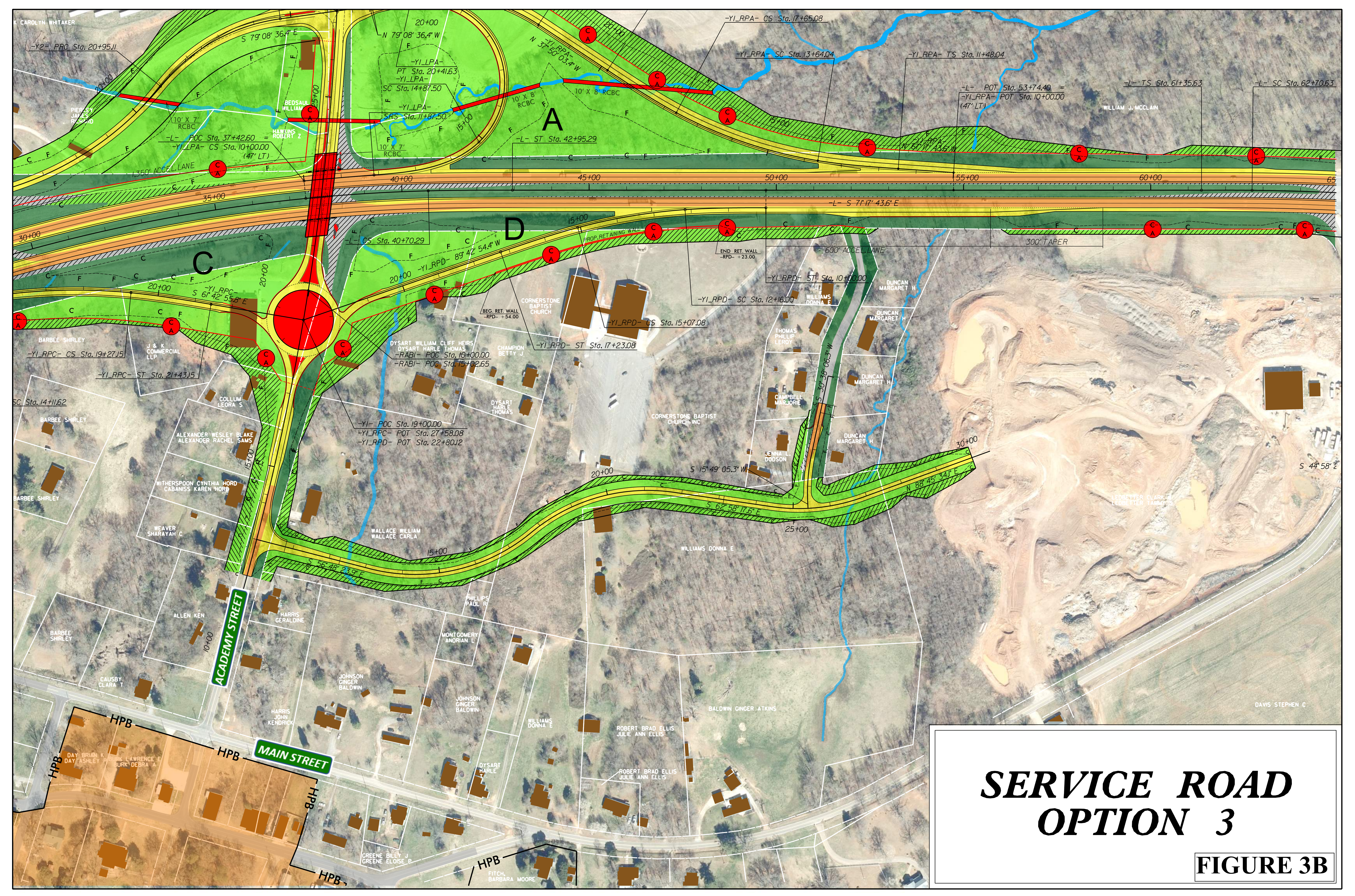
RK&K
AUGUST 2022

FIGURE 2B



SERVICE ROAD OPTION 2

FIGURE 3A



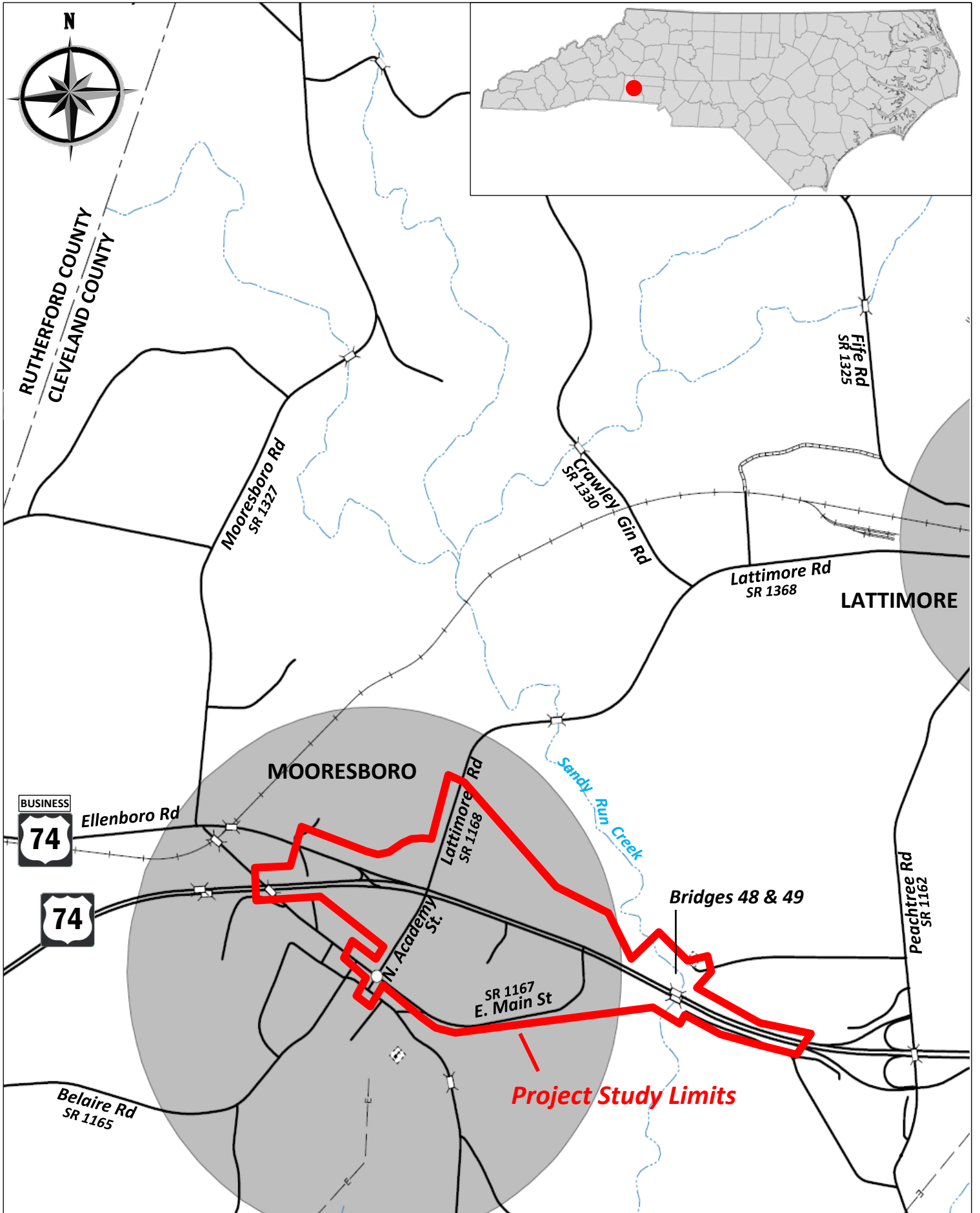
SERVICE ROAD OPTION 3

FIGURE 3B

Option 3 with Minimized Stream Impact



FIGURE 4



R-4045/BR-0012
 Controlled Access Improvements to US 74
 and replacing Bridge 48 and 49

VICINITY MAP
FIGURE 5

R-4045: US 74 from Structures 6 and 8 over abandoned Railroad to Structures 48 and 49 over Sandy Run Creek (4/1/2015 - 3/31/2020)



FIGURE 6

ATTACHMENTS

Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 1
Project Purpose and Need and Study Area Defined

Project Name/Description: Improvements Along US 74 from Main Street (west) and the Shelby Bypass.
STIP Project: R-4045/BR-0012

Project Purpose and Need Statement:

US 74 is currently a 4-lane freeway with a grass median and varying control of access (primarily fully access-controlled). NCDOT and FHWA have functionally classified this portion of US 74 as a Freeway, and NCDOT and their federal/state/regional stakeholders designated it a Strategic Transportation Corridor (Corridor U) for North Carolina. Based upon the NCDOT review of needs in the project vicinity (see memo dated June 2021 and provided to the Merger Team in March 2022), the subject 1.2-mile portion of US 74 does not meet the aforementioned functional classification and is noncompliant with current roadway design requirements. The subject portion of US 74 also does not satisfy the highway network's established long-term vision, and lacks continuity that negatively affect driver expectations and safety. Additionally, NCDOT identified the existing US 74 at-grade intersection at SR 1168 (Academy Street/Lattimore Road) in the 2021 Highway Safety Improvement Program (HSIP) because of the historical pattern of frontal impact crashes, and the relative severity of personal injuries involved in those crashes. **The purpose of the R-4045 project is to provide a consistent facility to meet drivers' expectations for the US 74 corridor (from Kings Mountain to Columbus, NC) by upgrading this portion of US 74 to meet NCDOT freeway standards.**

Project Study Area

The project study area boundaries are shown in **the attached figure**, dated May 19, 2022. The study area encompasses approximately 321 acres along US 74 between Main Street and the Shelby Bypass.

The Merger Team has concurred on this date of 5/19/22, on the above project purpose and need and the study area as shown in **the attached figure** for STIP Project R-4045/BR-0012.

DocuSigned by:
USA *Eric Illsmeyer* _____
BBEF8D982D56417...

DocuSigned by:
FH *Donnie Brew* _____
B96E8B70991E42C...

DocuSigned by:
USE *Amaretta Somerville* _____
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DocuSigned by:
NC *Bryan Sowell* _____
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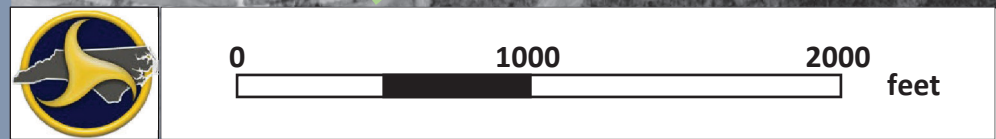
DocuSigned by:
USI *Jan B L/k* _____
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DocuSigned by:
NCH *Renee Gledhill-Earley* _____
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DocuSigned by:
NCD *Amy Chapman* _____
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DocuSigned by:
GCL *Randi Gates* _____
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DocuSigned by:
NCV *David Mettenry* _____
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R-4045 and BR-0012
US 74 Controlled Access and Replacement of Bridges 48 and 49

STUDY AREA
MAY 19, 2022



Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 2
Detailed Study Alternatives Carried Forward

Project Name/Description: Improvements Along US 74 from Main Street (west) and the Shelby Bypass.
STIP Project: R-4045/BR-0012

Detailed Study Alternatives Carried Forward:

Alternative 1

Replace Bridge 48 and 49 on the existing location while maintaining traffic on a temporary onsite detour to the north. Apply Fully Controlled access to the US 74 within the project study limits. Add an interchange at the current intersection of Lattimore Rd/Academy St. with US 74 with the following configuration:

1. in the NE quadrant, include a US 74 off-ramp and a US 74 on-loop combination
2. in the NW quadrant, connect Ellenboro Rd. to Lattimore Rd. where the Ramp Loop Combination terminates from item 1 above.
3. in the SW quadrant, include a US 74 off ramp terminating to a traffic circle on Academy St.
4. in the SE quadrant, include a US 74 on-ramp from the traffic circle.

Alternative 1A (Structure Variation)

Alternative 1A is identical to Alternative 1 except that the structure on the NE quadrant ramp will be a bridge instead of a culvert.

Alternative 2

Alternative 2 is identical to Alternate 1 in the bridge replacements, controlled access, and the configuration southern half of the interchange (bullets 3 and 4 above). The northern half uses the following interchange configuration:

1. in the NE quadrant, include a US 74 off-ramp that terminates at an oblong traffic circle.
2. in the NW quadrant:
 - a. connect Ellenboro Rd. to Lattimore Rd. across from the NE Quadrant ramp/loop terminus.
 - b. Include a US 74 on-ramp from the oblong traffic circle.

Alternative 2A (Structure Variation)

Alternative 2A is identical to Alternate 2 except that the structure on the NE quadrant ramp will be a bridge instead of a culvert.

Service Roads Study

NW Quadrant of Bridges – There are three homes cut off from US 74 in the NW quadrant of the bridges that as a result of applying controlled access would lose their access to US 74. A service road to connect the homes to Red Bird Lane via a bridge over Sandy Run Creek is being studied.

SW Quadrant of Bridges – There is a business and a mobile home park on the SW quadrant of the bridge that as a result of applying controlled access would lose their access to US 74. A service road study is being conducted. A service road to connect the mobile home park and business to E. Main Street is being studied

SE Quadrant of Academy Street/US 74 Intersection - There are residents on Duncan Road and near Academy Street along with Cornerstone Baptist Church that as a result of applying controlled access and construction of the proposed interchange, would lose their access to US 74. In addition, a Grading Company at the corner of E Main St and US 74 would have its direct access to US 74 cut off. Three approaches being studied:

Main Street/Chapel Drive Connector – Study improving E. Main Street including the intersection of Main Street and Academy Street to allow for larger vehicles. Study connecting service road utilizing the existing private narrow gravel path known as Chapel Drive currently connecting Cornerstone Baptist Church to Main Street. This service road would T into another road connecting Duncan Drive and the residents on Main Street

Main Street/Duncan Road Connector– Study improving E. Main Street including the intersection of Main Street and Academy Street to allow for larger vehicles. Study a service road to connect Main Street directly with Duncan Drive with a T-Service Road connecting the church and residents near Main Street.

Academy Street Connector – Study a service road connecting Academy Street to the Grading Company with connections for the residences and the church.

The Merger Team has concurred on this date (5-19-222), on the above Detailed Study Alternatives Carried Forward for STIP Project R-4045/BR-0012.

DocuSigned by:
USA *Eric Alsmeyer* _____
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DocuSigned by:
FH *Donnie Brew* _____
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DocuSigned by:
USE *Amaretta Somerville* _____
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DocuSigned by:
NCI *Bryan Sowell* _____
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DocuSigned by:
USFV *[Signature]* _____
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DocuSigned by:
NCH *Renee Gledhill-Earley* _____
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DocuSigned by:
NCD *Amy Chapman* _____
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DocuSigned by:
GCLN *Randi Gates* _____
F42B142E3CEC4D5...

DocuSigned by:
NCW *David McHenry* _____
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Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 2A
Major Hydraulic Structures and Alignment Review

Project Name/Description: Improvements Along US 74 from Main Street (west) and the Shelby Bypass.
STIP Project: R-4045/BR-0012

The Merger Team has concurred on this date of 5-19-22 , on the use of box culverts for all crossings of Stream B except for the NE quadrants Off-Ramps considered in Alternatives 1 and 2 where both a box culvert and a bridge will be studied. The decision on structure type will be made during CP 3 (LEDPA).

All culverts along stream SB will utilize rock plating to achieve a 1.5:1 slope.

USAC	DocuSigned by: <i>Eric Alsmeyer</i> BBEF8D962D56417...	_____	FHWA	DocuSigned by: <i>Donnie Brew</i> B96E8B70991E42C...	_____
USEP	DocuSigned by: <i>Amaretta Somerville</i> 4A37089ED457408...	_____	NCDOT	DocuSigned by: <i>Bryan Sowell</i> 79EABDC0D6EA4D1...	_____
USFV	DocuSigned by: <i>k pl/s</i> 6B574C520CDE43C...	_____	NCHPC	DocuSigned by: <i>Renee Gledhill-Earley</i> C26A1556A275464...	_____
NCDV	DocuSigned by: <i>Amy Chapman</i> 9C9886312DCD474...	_____	GCLMF	DocuSigned by: <i>Randi Gates</i> F42B142E3CEC4D5...	_____
NCW	DocuSigned by: <i>David McKenry</i> D96C60C0F3C647B...	_____			

Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 3
Least Environmentally Damaging Practicable Alternative

Project Name/Description: Improvements Along US 74 from Main Street (west) and the Shelby Bypass.
STIP Project: R-4045/BR-0012

The Merger Team has concurred on this date of October 12, 2022, on the following are collectively the Least Environmentally Damaging Practicable Alternative for STIP Project R-4045/BR-0012:

Alternative 1A - Replace Bridge 48 and 49 on the existing location while maintaining traffic on a temporary onsite detour to the north. Apply Fully Controlled access to the US 74 within the project study limits. Add an interchange at the current intersection of Lattimore Rd/Academy St. with US 74 with the following configuration:

1. in the NE quadrant, include a US 74 off-ramp and a US 74 on-loop combination
2. in the NW quadrant, connect Ellenboro Rd. to Lattimore Rd. where the Ramp Loop Combination terminates from item 1 above.
3. in the SW quadrant, include a US 74 off ramp terminating to a traffic circle on Academy St.
4. in the SE quadrant, include a US 74 on-ramp from the traffic circle.

In the north half of the interchange, the slopes near the streams crossed by Ellenboro Road, Lattimore Road and the Loop will be 1.5:1 rock plated in order to minimize stream impacts. The off-ramp bridge in the NE quadrant will utilize a bridge over the stream.

Service Road Option 3 (Academy Street Connector)– the service road would run from Academy Street to the grading company near E. Main Street creating access for Cornerstone Baptist Church and Duncan Road as well as a more direct route for the grading company.

E. Main Street Service Road – a service road to connect Davis Mobile Home Park with E. Main Street near the SW quadrant of the US 74 bridges over Sandy Run Creek.

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US DocuSigned by: Lauren Wilson _____ NC DocuSigned by: Renee Gledhill-Earley _____
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NC DocuSigned by: Amy Chapman _____ GCLM DocuSigned by: Randi Yates _____
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Section 404/NEPA Merger Project Team Meeting Agreement

Concurrence Point No. 4A - Minimization

Project Name/Description: Improvements Along US 74 from Main Street (west) and the Shelby Bypass.

STIP Project: R-4045/BR-0012

As part of CP 2A and CP 3 discussions, the Merger Team has agreed to minimizations to stream impacts and by informal consultation dated August 2, 2022 for the dwarf flowered heartleaf, USFWS has agreed to minimizations for that species as summarized below.

Interchange Minimizations to Streams

In the north half of the interchange, the slopes near the streams crossed by Ellenboro Road, Lattimore Road and the Loop will be 1.5:1 rock plated in order to minimize stream impacts. The off-ramp bridge in the NE quadrant will utilize a bridge over the stream.

Service Road Option 3 (Academy Street Connector)– Service Road Option 3 will include an alignment shifted approximately 100 feet south on the west end of the alignment near the grading company to avoid a more sinuous portions of stream SC.

Hydraulic Design will follow NCDOT Hydraulic Manual Guidance (Chapter 9) to minimize impacts to aquatic passage.

Dwarf flowered heartleaf

NCDOT will build a retaining wall along US 74 to avoid direct impacts to the dwarf flowered heartleaf located just south of US 74 along Stream SC. The retaining wall would eliminate the need for tree clearing and construction equipment access to 35% of the dwarf-flowered heartleaf population.

A new 54" pipe will be placed parallel to the existing 48" pipe on Stream SC under US 74 ensuring a more stable stream with less susceptibility to stream blockages, minimizing impacts to dwarf-flowered heartleaf plants located feet from the stream edge.

Service Road Option 3 (Academy Street Connector) will cross Stream SC more than 500 feet upstream of the current dwarf-flowered heartleaf locations. The pipe placed at this crossing will be designed at an appropriate size so as not to affect the flow of water either upstream or downstream, thereby avoiding affects to dwarf-flowered heartleaf.

Human Environment Avoidance and Minimization

Avoidance of 9 low income relocatees took place in the selection of Service Road Option 3.

NCDOT's ROW Relocation reports have verified that comparable housing is available for those relocations that cannot be avoided.

As part of the project, the bridge over US 74 carrying the abandoned NS RR corridor that is a proposed future Carolina Thread Trails foot path will be removed and replaced with a graded area for a future footpath just outside the control of access fence connecting under the proposed US 74 bridges over Sandy Run Creek.

The Merger Team has concurred on this date of December 13, 2022 with the Avoidance and Minimization measures listed above for the STIP Project R-4045/BR-0012.

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USI DocuSigned by: Lauren B. Wilson _____ NCI DocuSigned by: Renee Gledhill-Earley _____
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NCI DocuSigned by: Amy Chapman _____ GCLN DocuSigned by: Randi Gates _____
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NCV DocuSigned by: David McHenry _____
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**NO NATIONAL REGISTER OF HISTORIC PLACES
ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES
PRESENT FORM**



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

PROJECT INFORMATION

Project No: **R-4045** *County:* Cleveland
WBS No: 34598.1.2 *Document:* Federal Categorical Exclusion
F.A. No: TBD *Funding:* State Federal

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

Project Description: Upgrade the at-grade intersection of US 74 and SR 1168 (Lattimore Rd.) in Mooresboro to an interchange, and replace Bridges 48 and 49 on US 74 over Sandy Run Creek in Cleveland County. The Area of Potential Effects (A.P.E.), based on the study area provided by the project manager, includes a 320-acre tract that is approximately 2,861 meters (9,387 ft.) long (along US 74) and 1,108 meters (3,637 ft.) wide (along SR 1168). Bridges 48 and 49 are located at the east end of the A.P.E. The project is federally funded and will require federal permits, so this project is conducted pursuant to Section 106 of the National Historic Preservation Act.

SUMMARY OF ARCHAEOLOGICAL FINDINGS

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

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

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

The archaeological survey of the A.P.E. focused on three study areas (1-3) with the potential for archaeological sites that had been identified in the *Archaeology Survey Required* form submitted on 6/23/2021. The field survey was conducted by New South Associates, Inc. on October 11-15, 2021. The survey identified three archaeological sites (31CL175-177) in study area 2, and no sites in study areas 1 and 3. The three sites are the remains of late nineteenth to mid twentieth century farmsteads (on also has a precontact component) that are recommended ineligible for the National Register of Historic Places (NRHP). No additional archaeological work is recommended for this project. (See attached archaeological survey report by Samantha Taylor and Brittany McKee Hyder for a detailed description of the project.)

(This project falls within a North Carolina County in which the following federally recognized tribes have expressed an interest: The Cherokee Nation; the Eastern Band of Cherokee Indians; the United Keetoowah Band of Cherokee Indians; the Catawba Nation. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.)

SUPPORT DOCUMENTATION

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

Other: see attached archaeological survey report

Signed:

CALEB SMITH

2/28/2022

NCDOT ARCHAEOLOGIST

Date



HISTORIC ARCHITECTURE AND LANDSCAPES ASSESSMENT OF EFFECTS 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:	R-4045	County:	Cleveland
WBS No.:	34598.1.1	Document Type:	CE
Fed. Aid No:	NHF-74(40)	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):	USACE
<u>Project Description:</u>			
Upgrade the at-grade intersection of US 74 and SR 1168 (Lattimore Rd.) in Mooresboro to an interchange and replace Bridges 48 and 49 on US 74 over Sandy Run Creek. The Area of Potential Effects (APE) is based on the study area provided by the project manager.			

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

<u>Description of review activities, results, and conclusions:</u>
Project area first surveyed in 2002 and HPO concurred that there were two eligible properties in the APE: Mooresboro Historic District (CL0576) and Will McBrayer Farm (CL0122). In 2006 the APE was expanded, and surveys concluded that the Flora Burrus House (CL0803) was also eligible. In 2006, the project alternatives were reviewed and HPO, FHWA, and NCDOT agreed that Alternative 1A would have no effect on any of the eligible properties and Alternative 4A would have an adverse effect on the Mooresboro Historic District. In May 2013 an architectural historian revisited the three eligible properties and confirmed that they remain eligible. In June 2013 work on the project was suspended because the project was placed on hold. The project was reactivated in April 2020 and NCDOT architectural historian indicated that the sites remained eligible, and an effects assessment would be required if the design plans had changed. In May 2022 two new alternatives were shown to the Merger Team at a CP2 meeting. Effects need to be assessed for the three eligible resources.

ASSESSMENT OF EFFECTS

Property Name:	Mooresboro Historic District	Status:	DE (Criterion C)
Survey Site No.:	CL0576	PIN:	multiple
Effects			
<input type="checkbox"/> No Effect <input checked="" type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect			

Explanation of Effects Determination:
 Alt. 1, 1a, 2, 3, 2a
 no ROW required w/in historic district 3;
 cross section will remain the same
 Option 3 for service road no effect

List of Environmental Commitments:

Property Name:	Will McBrayer Farm	Status:	DE (Criteria A & C)
Survey Site No.:	CL0122	PIN:	

Effects
 No Effect No Adverse Effect Adverse Effect

Explanation of Effects Determination:
 No construction activities w/in or adjacent
 to history boundary.

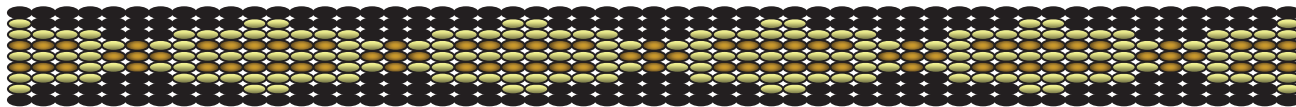
List of Environmental Commitments:

Property Name:	Flora Burrus House	Status:	DE (Criterion C)
Survey Site No.:	CL0803	PIN:	

Effects
 No Effect No Adverse Effect Adverse Effect

Explanation of Effects Determination:
 Alt 1, 1a, 2, 3, 2a
 no ROW required w/in historic boundary
 3 cross section the same
 Option 3 for service road no effect

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



May 18, 2021

Attention: Bryan K. Sowell
NC Department of Transportation
P.O. Box 47
Shelby, NC 28151

Re. THPO #	TCNS #	Project Description
2021-193-103		US 74 from Ellenboro Road to east of the bridges over Sandy Run Creek as projects R-4045 and BR-0012

Dear Mr. Sowell,

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Asheville Field Office
160 Zillicoa Street Suite B
Asheville, North Carolina 28801



August 02, 2022

Philip S. Harris III, P.E., C.P.M
Environmental Analysis Unit Head
North Carolina Department of Transportation
1000 Birch Ridge Drive
Raleigh, North Carolina 27610

Subject: Informal Consultation for Proposed Controlled Access Improvements to US 74 and Bridge 48 and 49 Replacements in Mooresboro, Cleveland County (WBS No. 34598.1.2, TIP R-4045, FWS Log No. 21-232)

Dear Philip S. Harris III:

On June 14, 2022, we received (via e-mail) your request for informal consultation and section 7 concurrence on effects the subject project may have on federally listed species. We reviewed the revised information you submitted on July 25, 2022 along with information from the Merger process and a site visit we conducted on June 17, 2022, and the following is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 - 667e); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 - 1543) (Act).

Project Description

According to the information provided, the North Carolina Department of Transportation (NCDOT) proposes controlled access improvements to 1.2 miles of US 74 and replacement of Bridges 48 and 49 over Sandy Creek in and near the town of Mooresboro, Cleveland County. The purpose of R-4045 is to provide a consistent facility to meet drivers' expectations for the US 74 corridor by upgrading this portion of US 74 to meet NCDOT freeway standards. This project proposes to close all driveways with access to US 74, build additional roads in the town of Mooresboro to connect all businesses and residences to other roads, make roadway improvements in the town of Mooresboro as needed to accommodate expected traffic changes, and create one controlled access point to US 74 at the existing intersection of US 74 and SR 1168 (Academy Street/Lattimore Road). The project involves extensive yet typical road construction activities, bridge demolition and construction activities, and roadway operations and maintenance activities on several sections of road. Extensive stream and wetland impacts are expected.

Six alternative configurations are under consideration. All alternatives replace the 48-inch diameter reinforced concrete pipe culvert that carries Stream SC under US 74 (Figure 1) with a 54-inch diameter culvert. One alternative (Figure 2) includes a new road crossing about 430 feet upstream of the dwarf-flowered heartleaf population over Stream SC but would not affect stream flow.

The project is in the process of moving through the NCDOT - U.S. Army Corp of Engineers Merger Process with numerous partner agencies. For R-4045, the Federal Highway Administration is the lead federal agency for section 7 purposes.

NCDOT has committed to the following conservation measures: NCDOT will build a retaining wall (Figure 3) to reduce the road fill adjacent to the dwarf-flowered heartleaf population at Stream SC. The retaining wall would eliminate the need for tree clearing and construction equipment access to the dwarf-flowered heartleaf population. Without the retaining wall, approximately 35% of the dwarf-flowered heartleaf population would be impacted.

Federally Listed Species

Your letter provides a recent and complete list of federally listed species that may occur within the project area per our Information for Planning and Consultation (IPaC) website and an effect determination for each species.

Suitable occupied habitat for dwarf-flowered heartleaf (*Hexastylis naniflora*) is present within the action area. Biologists performed a field survey in May 2021 and observed 283 plants on the north facing slopes along Stream SC in mixed hardwood forest. The moist soils and semi-open canopy provide habitat for this species. There is another population located about 300 feet outside of the action area along Stream SB and Wetland WA; no impacts are expected.

The dwarf-flowered heartleaf population located along Stream SC occurs within several feet of the banks of Stream SC, which is classified as a high-quality stream. The population is also located within a few dozen feet of the 48-inch culvert that carries Stream SC under US 74. Due to the upsizing of the culvert, the stream is expected to remain stable and susceptibility to stream blockages should be reduced. If a service road is built across Stream SC (Figure 2), it will be placed about 430 feet upstream from the current dwarf-flowered heartleaf population and would be designed to have no effect on stream flow. Based on the proposed conservation measures which should minimize any impact to the dwarf-flowered heartleaf populations, we concur with the NCDOT's determination that the project may affect, but is not likely to adversely affect the species.

Based on the information provided, suitable summer roosting habitat for northern long-eared bat in the form of trees, bridges, and culverts may be present in the action area. Based on the information provided, the project is consistent with the final section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016 for northern long-eared bat. This rule exempts take of this species for any tree cutting activity that occurs more than 0.25 mile from a known hibernation site or more than 150 feet from a known maternity roost during the pup rearing season (June 1 - July 31). Because this project meets the "exempt" criteria, any take associated with the project has already been addressed in the Biological Opinion for the 4(d) rule, and no further action under section 7 of the Act is required for this species. Although not required by the 4(d) rule, we encourage the project proponent to avoid any associated tree clearing activities during the northern long-eared bat active season from April 1 – October 15.

On March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat as endangered under the Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the northern long-eared bat by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome, a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the northern long-eared bat, as these rules may be applied only to threatened species. Depending on the type of effects a project has on northern long-eared bats, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of northern long-eared bat after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an incidental take

statement. If your project may require re-initiation of consultation, please contact our office for additional guidance

Little brown bat (*Myotis lucifugus*), tricolored bat (*Perimyotis subflavus*), and Carolina hemlock (*Tsuga caroliniana*) are at-risk species and Monarch butterfly (*Danaus plexippus*) is a candidate species. These species occur or have the potential to occur in Cleveland County. At-risk and candidate species are not legally protected under the Act and are not subject to any of its provisions, including section 7, unless they are formally proposed or listed as endangered or threatened. The Service is expected to make listing determinations for some of these species in the near future. While lead federal agencies are not prohibited from jeopardizing the continued existence of an ARS or proposed species unless the species becomes listed, the prohibition against jeopardy and taking a listed species under section 9 of the Act applies as soon as a listing becomes effective, regardless of the stage of completion of the proposed action. We include this notification to make you aware of these species' current status and potential occurrence within the action area.

Reinitiation Notice

We believe the requirements under section 7 of the Act are fulfilled for the federally listed species discussed above. However, obligations under section 7 must be reconsidered if: (1) new information reveals impacts of this proposed action may affect listed species or critical habitat in a manner not previously considered, (2) this proposed action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed, or critical habitat is determined that may be affected by the proposed action.

We appreciate the opportunity to provide these comments. Please contact Ms. Lauren B. Wilson of our staff at lauren_wilson@fws.gov if you have any questions. In any future correspondence concerning this project, please reference our Log Number 21-232.

Sincerely,

-- original signed --

Janet Mizzi
Field Supervisor

Enclosures: Figures