

# Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	<b>R-5777D &amp; I-5986C</b>
WBS Element	<b>44648.1.1 &amp; 47532.1.1</b>
Federal Project No.	<b>0070235 &amp; 0095071</b>

A. Project Description:

Three 1.25" diameter conduits containing broadband fiber optic cable will be installed in the right-of-way of the 181-mile border-to-border span of I-95 and traverse the length of US 70 (future I-42) from I-40 to Havelock. Broadband fiber will be coupled with microcell towers and Intelligent Transportation Systems (ITS) equipment to provide variable message signs along I-95 and US 70 (future I-42) and to implement integrated corridor management. Counties served along US 70 (future I-42): Wake, Johnston, Wayne, Lenoir, Jones, Craven & Carteret. Counties served along I-95: Northampton, Halifax, Nash, Wilson, Johnston, Harnett, Cumberland & Robeson.

B. Description of Need and Purpose:

Installation of conduit containing broadband fiber will be coupled with microcell towers and Intelligent Transportation Systems (ITS) equipment to provide variable message signs along I-95 and US 70 (future I-42) and to implement integrated corridor management. These systems will enhance mobility and safety along I-95 when severe crashes occur and along both the I-95 and US 70 corridors during major storms/flooding events. The broadband fiber will also be able to be connected to rain and river gauges in the Flood Inundation Mapping and Alert Network for Transportation (FIMAN-T), providing flood forecasting and real time flood warning capabilities.

Additionally, installation of conduit maximizes the innovative contracting opportunities that can arise from allowing private sector to have access to the trunk line. Implementation will provide high speed internet access to underserved communities closing the internet service gap between urban and rural households in eastern North Carolina. Installation of broadband fiber optic cable also allows for the future integration of connected and autonomous vehicles.

C. Categorical Exclusion Action Classification:

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

D. Proposed Improvements:

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, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, 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. 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. 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 Infra Grant project that was awarded to the NCDOT to install broadband fiber along US 70 and I-95 that is to be completed within three years of award date.

Traffic control will be minimal due to the location of the broadband fiber (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 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"/>	

Other Considerations for Type I and II Ground Disturbing Actions (continued)		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 developed a 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. 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 five years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Wake, Johnston, Wayne, Lenoir, Craven, Carteret, Northampton, Halifax, Nash, Wilson, Johnston, Harnett, Cumberland & Robeson Counties, where R-5777D & I-5986C is located. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2020 (the USFWS, FHWA, USACE, and NCDOT are coordinating to reinstate Section 7 to extend the PBO beyond this date).
- #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 by 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 Tar River which is designated as Critical Area. Streams subject to the Neuse River Basin Buffer Rules and Tar-Pamlico River Basin Buffer Rules will also be crossed. Impacts will be minimized by the use of directional bore or attachment to existing spanning structures.
- #19. I-95 crosses a section of the Lumber River designated as Wild & Scenic (federal) and Natural & Scenic (state) in Lumberton. 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. R-5777D & I-5986C  
Installation of broadband fiber along US 70 and I-95  
Wake, Johnston, Wayne, Lenoir, Jones, Craven, Carteret, Northampton,  
Halifax, Nash, Wilson, Johnston, Harnett, Cumberland & Robeson  
Federal Aid Project No. 0070235 & 0095071  
WBS Element 44648.1.1 & 47532.1.1**

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 measure consistent with the above mentioned design standards will be employed at these sites.

No construction activities or staging should occur within any of the NRHP boundaries or potential NRHP eligible tax parcels depicted in the R-5777D and I-5986C historic architecture and archaeology screening memos. Impacts to 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.

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.

I. Categorical Exclusion Approval:

STIP Project No.	<u>R-5777D &amp; I-5986C</u>
WBS Element	<u>44648.1.1 &amp; 47532.1.1</u>
Federal Project No.	<u>0070235 &amp; 0095071</u>

**Prepared By:**

10/23/2020

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:**

10/23/2020

Date

DocuSigned by:  
*Colin Mellor*  
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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.

10/26/2020

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).*