



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J.R. "JOEY" HOPKINS  
SECRETARY

November 15, 2023

U. S. Army Corps of Engineers  
Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28805

NC Division of Water Resources  
Transportation Permitting Branch  
1617 Mail Service Center  
Raleigh NC 27699-1617

ATTN: Ms. Lori Beckwith,  
NCDOT Coordinator

Mr. Kevin Mitchell  
NCDOT Coordinator

Subject: **Application for Section 404 Regional General Permit 50, and Section 401 Water Quality Certification** for the Proposed Replacement of Bridge Nos 122 and 126 on US 52 over Toms Creek in Surry County, Division 11, TIP No. B-5527, Debit \$323 from WBS 55027.1.FS1.

Dear Madam and Sir:

The North Carolina Department of Transportation (NCDOT) proposes to replace bridge Nos. 122 and 126 on US 52 over Toms Creek with new bridges at the existing locations. Traffic will be detoured on-site during construction.

As a result of stabilizing banks under one side of the northbound bridge, there will be a total of 64 linear feet of permanent stream bank stabilization impacts. These impacts do not require permanent fill in the stream bed, therefore, under Section 404 of the Clean Water Act, do not constitute Loss of Waters of the U.S., and are not subject to compensatory mitigation.

Please see enclosed copies of the Pre-Construction Notification (PCN), Stormwater Management Plan, Permit Drawings, Protected Species Info, Cultural Resource Documents, and Categorical Exclusion (CE).

This project calls for a letting date of April 16, 2024.

A copy of this permit application has been posted on the NCDOT Website at:  
<http://connect.ncdot.gov/resources/Environmental>. If you have any questions or need additional information, please contact Erin Cheely at [ekcheely@ncdot.gov](mailto:ekcheely@ncdot.gov) or (919) 707-6108.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erin Cheely".

Michael A. Turchy  
Environmental Coordination and Permitting Group Leader

cc: NCDOT Permit Application Standard Distribution List

# Pre-Construction Notification



## Pre-Construction Notification (PCN) Form

For Nationwide Permits and Regional General Permits  
(along with corresponding Water Quality Certifications)

October 2, 2023 Ver 4.3

Please note: fields marked with a red asterisk \* below are required. You will not be able to submit the form until all mandatory questions are answered.

Also, if at any point you wish to print a copy of the E-PCN, all you need to do is right-click on the document and you can print a copy of the form.

Below is a link to the online help file.

<https://edocs.deq.nc.gov/WaterResources/DocView.aspx?dbid=0&id=2196924>

### A. Processing Information

Pre-Filing Meeting Date Request was submitted on: \*

6/30/2023

If this is a courtesy copy, please fill in this with the submission date.

Does this project involve maintenance dredging funded by the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund or involve the distribution or transmission of energy or fuel, including natural gas, diesel, petroleum, or electricity? \*

☐ Yes ☒ No

Is this project connected with ARPA funding? \*

☐ Yes ☒ No

County (or Counties) where the project is located: \*

Surry

Is this a NCDMS Project? \*

☐ Yes ☒ No

Click Yes, only if NCDMS is the applicant or co-applicant.

DO NOT CHECK YES, UNLESS YOU ARE DMS OR CO-APPLICANT.

Is this project a public transportation project? \*

☒ Yes ☐ No

This is any publicly funded by municipal, state or federal funds road, rail, airport transportation project.

Is this a NCDOT Project? \*

☒ Yes ☐ No

(NCDOT only) T.I.P. or state project number:

B-5527

WBS # \*

55027.1.FS1

(for NCDOT use only)

1a. Type(s) of approval sought from the Corps: \*

- ☒ Section 404 Permit (wetlands, streams and waters, Clean Water Act)  
☐ Section 10 Permit (navigable waters, tidal waters, Rivers and Harbors Act)

Has this PCN previously been submitted? \*

☐ Yes  
☒ No

1b. What type(s) of permit(s) do you wish to seek authorization? \*

- ☐ Nationwide Permit (NWP)  
☒ Regional General Permit (RGP)  
☐ Standard (IP)

1c. Has the NWP or GP number been verified by the Corps? \*

☐ Yes ☒ No

Regional General Permit (RGP) Number:

201902350 - Work associated with bridge construction, widening, replacement, and interchanges

### RGP Numbers (for multiple RGPS):

List all RGP numbers you are applying for not on the drop down list.

#### 1d. Type(s) of approval sought from the DWR: \*

check all that apply

- ☒ 401 Water Quality Certification - Regular  
☐ Non-404 Jurisdictional General Permit  
☐ Individual 401 Water Quality Certification

- ☐ 401 Water Quality Certification - Express  
☐ Riparian Buffer Authorization

#### 1e. Is this notification solely for the record because written approval is not required?

\*

For the record only for DWR 401 Certification:

☐ Yes ☒ No

For the record only for Corps Permit:

☐ Yes ☒ No

#### 1f. Is this an after-the-fact permit application? \*

☐ Yes ☒ No

#### 1g. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts?

If so, attach the acceptance letter from mitigation bank or in-lieu fee program.

☐ Yes ☒ No

#### Acceptance Letter Attachment

Click the upload button or drag and drop files here to attach document

FILE TYPE MUST BE PDF

#### 1h. Is the project located in any of NC's twenty coastal counties? \*

☐ Yes ☒ No

#### 1j. Is the project located in a designated trout watershed? \*

☒ Yes ☐ No

You must submit a copy of the appropriate Wildlife Resource Commission Office.

Link to trout information: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout.aspx>

## B. Applicant Information



#### 1a. Who is the Primary Contact? \*

Erin Cheely

#### 1b. Primary Contact Email: \*

ekcheely@ncdot.gov

#### 1c. Primary Contact Phone: \*

(xxx)xxx-xxxx

(919)707-6108

#### 1d. Who is applying for the permit? \*

☐ Owner

(Check all that apply)

☒ Applicant (other than owner)

#### 1e. Is there an Agent/Consultant for this project? \*

☐ Yes ☒ No

## 2. Owner Information

#### 2a. Name(s) on recorded deed: \*

NCDOT

#### 2b. Deed book and page no.:

#### 2c. Contact Person:

(for Corporations)

#### 2d. Address \*

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699-1598

State / Province / Region

NC

Country

US

#### 2e. Telephone Number: \*

(xxx)xxx-xxxx

(919)707-6157



2f. Fax Number:

(xxx)xxx-xxxx

2g. Email Address: \*

maturchy@ncdot.gov

3. Applicant Information (if different from owner)

3a. Name: \*

Erin Cheely

3b. Business Name:

(if applicable)

3c. Address \*

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699-1598

State / Province / Region

NC

Country

US

3d. Telephone Number: \*

(919)707-6108

(xxx)xxx-xxxx

3e. Fax Number:

(xxx)xxx-xxxx

3f. Email Address: \*

ekcheely@ncdot.gov

C. Project Information and Prior Project History

1. Project Information

1a. Name of project: \*

B-5527

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: \*

Pilot Mountain

2. Project Identification

2a. Property Identification Number:

(tax PIN or parcel ID)

2b. Property size:

(in acres)

2c. Project Address

Street Address

Address Line 2

City

Postal / Zip Code

State / Province / Region

Country

2d. Site coordinates in decimal degrees

Please collect site coordinates in decimal degrees. Use between 4-6 digits (unless you are using a survey-grade GPS device) after the decimal place as appropriate, based on how the location was determined. (For example, most mobile phones with GPS provide locational precision in decimal degrees to map coordinates to 5 or 6 digits after the decimal place.)

Latitude: \*

36.397285

ex: 34.208504

Longitude: \*

-80.491543

-77.796371

3. Surface Waters

3a. Name of the nearest body of water to proposed project: \*

Toms Creek

3b. Water Resources Classification of nearest receiving water: \*

C

[Surface Water Lookup](#)

3c. What river basin(s) is your project located in? \*

Yadkin-PeeDee

3d. Please provide the 12-digit HUC in which the project is located. \*

03040101

[River Basin Lookup](#)

## 4. Project Description and History

4a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: \*

The project is located just outside the town of Pilot Mountain, in a rural setting. General land use in the vicinity is somewhat fragmented, consisting of some forested land interspersed with open and maintained yards and roads. A narrow riparian buffer exists along most portions of Toms Creek within the project. Vegetation is regularly mowed between northbound and southbound NC 52, while heavily forested in the rest of the project study area.

4b. Have Corps permits or DWR certifications been obtained for this project (including all prior phases) in the past? \*

☐ Yes ☒ No ☐ Unknown

4f. List the total estimated acreage of all existing wetlands on the property:

0

4g. List the total estimated linear feet of all existing streams on the property:

(intermittent and perennial)

1,090

4h. Explain the purpose of the proposed project: \*

The purpose of the proposed project is to replace two structurally deficient bridges. Bridges 122 and 126 were built in 1960. NCDOT records indicate they are considered structurally deficient because they both have substructure condition appraisals of 4 out of 9 according to Federal Highway Administration (FHWA) standards.

4i. Describe the overall project in detail, including indirect impacts and the type of equipment to be used: \*

The proposed project involves replacing Surry County bridge numbers 122 and 126 on US 52 northbound and southbound, respectively, over Toms Creek in unincorporated Surry County.

Both existing bridges will be replaced with bridges that will have a minimum 40-foot clear deck width. Each will include two 12-foot lanes, a 4-foot inside shoulder, and a 12-foot full depth paved outside shoulder. The roadway portions associated with each bridge will have two 12-foot lanes, a 4-foot inside shoulder, and a 10-foot full-depth paved outside shoulder. Bridge numbers 122 and 126 will be 230 and 210 feet long, respectively.

Existing bridge 122 will be demolished and constructed first. To maintain traffic on US 52 northbound during its demolition and construction, an onsite detour bridge and temporary roadway lanes will be constructed in the median. After the completion of bridge 122, bridge 126 will be closed. Its traffic will be rerouted onto the aforementioned detour and demolition and construction will begin on bridge 126.

Standard road building equipment, such as trucks, bulldozer, backhoe, and cranes will be used.

## 5. Jurisdictional Determinations

5a. Have the wetlands or streams been delineated on the property or proposed impact areas? \*

☒ Yes ☐ No ☐ Unknown

Comments:

Only impact is to named stream, Toms Creek

5b. If the Corps made a jurisdictional determination, what type of determination was made? \*

☐ Preliminary ☐ Approved ☒ Not Verified ☐ Unknown ☐ N/A

Corps AID Number:

Example: SAW-2017-99999

5c. If 5a is yes, who delineated the jurisdictional areas?

Name (if known):	Phil May/Matt Harnell
Agency/Consultant Company:	Carolina Ecosystems
Other:	Original NRTR: P. May/B. Smith

## 6. Future Project Plans

6a. Is this a phased project? \*

☐ Yes ☒ No

Are any other NWP(s), regional general permit(s), or individual permits(s) used, or intended to be used, to authorize any part of the proposed project or related activity? This includes other separate and distant crossing for linear projects that require Department of the Army authorization but don't require pre-construction notification.

## D. Proposed Impacts Inventory



### 1. Impacts Summary

1a. Where are the impacts associated with your project? (check all that apply):

- ☐ Wetlands
- ☒ Streams-tributaries
- ☐ Buffers
- ☐ Open Waters
- ☐ Pond Construction

3. Stream Impacts

If there are perennial or intermittent stream impacts (including temporary impacts) proposed on the site, then complete this question for all stream sites impacted.

"S." will be used in the table below to represent the word "stream".

	3a. Reason for impact <sup>*</sup> (?)	3b. Impact type <sup>*</sup>	3c. Type of impact <sup>*</sup>	3d. S. name <sup>*</sup>	3e. Stream Type <sup>*</sup> (?)	3f. Type of Jurisdiction <sup>*</sup>	3g. S. width <sup>*</sup>	3h. Impact length <sup>*</sup>
S1	Bridge	Permanent	Bank Stabilization	Toms Creek	Perennial	Both	40 Average (feet)	64 (linear feet)

\*\* All Perennial or Intermittent streams must be verified by DWR or delegated local government.

3i. Total jurisdictional ditch impact in square feet:

0

3i. Total permanent stream impacts:

64

3i. Total temporary stream impacts:

0

3i. Total stream and ditch impacts:

64

3j. Comments:

E. Impact Justification and Mitigation

1. Avoidance and Minimization

1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing the project: \*

The drainage design within the project maintains existing flow patterns. All pipe outfalls are outside of the jurisdictional stream and channel. Based on the SELDM Catalog, minimum measurements are needed to treat stormwater runoff. Minimum measurements are implemented throughout the project design and include utilizing natural features and drainage pathways, stabilizing embankments and drainage ditches, and minimizing direct discharge from bridges. Natural features and drainage pathways are utilized by maintaining the existing flow patterns. Embankments and drainage ditches will be stabilized to prevent erosion. Direct discharge is minimized from bridges as the northbound bridge does not contain deck drains and the southbound bridge has deck drains that do not drain over the stream channel.

1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques: \*

NCDOT's Best Management Practices (BMP) for Construction and Maintenance Activities and Protection of Surface Waters will be adhered to. Erosion control devices such as silt fence, rock inlet sediment traps, slope drains, clean water diversions and silt bags will be utilized as necessary. Tree clearing will be limited to the winter months to minimize impacts to listed bat species in the area.

2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State

2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?

- ☐ Yes
- ☒ No

2b. If this project DOES NOT require Compensatory Mitigation, explain why:

The bank stabilization impacts do not constitute a loss of waters and therefore do not require mitigation.

NC Stream Temperature Classification Maps can be found under the Mitigation Concepts tab on the Wilmington District's RIBITS website.

F. Stormwater Management and Diffuse Flow Plan (required by DWR)

\*\*\* Recent changes to the stormwater rules have required updates to this section .\*\*\*

1. Diffuse Flow Plan

1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules?

- ☐ Yes
- ☒ No

For a list of options to meet the diffuse flow requirements, click [here](#).

If no, explain why:

The water resources within the project area are located within the Yadkin PeeDee River Basin to which no stream buffer rules apply.

2. Stormwater Management Plan

2a. Is this a NCDOT project subject to compliance with NCDOT's Individual NPDES permit NCS000250? \*

☒ Yes ☐ No

Comments:

## G. Supplementary Information



### 1. Environmental Documentation

1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? \*

☒ Yes ☐ No

1b. If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)? \*

☒ Yes ☐ No

1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) \*

☒ Yes ☐ No

### 2. Violations (DWR Requirement)

2a. Is the site in violation of DWR Water Quality Certification Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), or DWR Surface Water or Wetland Standards or Riparian Buffer Rules (15A NCAC 2B .0200)? \*

☐ Yes ☒ No

### 3. Cumulative Impacts (DWR Requirement)

3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? \*

☐ Yes ☒ No

3b. If you answered "no," provide a short narrative description.

Due to the minimal transportation impact resulting from these bridge replacements, this project will not stimulate growth but may influence nearby land use.

### 4. Sewage Disposal (DWR Requirement)

4a. Is sewage disposal required by DWR for this project? \*

☐ Yes ☐ No ☒ N/A

### 5. Endangered Species and Designated Critical Habitat (Corps Requirement)

5a. Will this project occur in or near an area with federally protected species or habitat? \*

☒ Yes ☐ No

5b. Have you checked with the USFWS concerning Endangered Species Act impacts? \*

☒ Yes ☐ No

5c. If yes, indicate the USFWS Field Office you have contacted.

Asheville

5d. Is another Federal agency involved? \*

☒ Yes ☐ No ☐ Unknown

What Federal Agency is involved?

FHWA

5e. Is this a DOT project located within Division's 1-8? \*

☐ Yes ☒ No

5f. Will you cut any trees in order to conduct the work in waters of the U.S.? \*

☒ Yes ☐ No

5g. Does this project involve bridge maintenance or removal? \*

☒ Yes ☐ No

5g(1). If yes, have you inspected the bridge for signs of bat use such as staining, guano, bats, etc.? Representative photos of signs of bat use can be found in the NLEB SLOPES, Appendix F, pages 3-7.

☒ Yes ☐ No

Link to the NLEB SLOPES document: [http://saw-reg.usace.army.mil/NLEB/1-30-17-signed\\_NLEB-SLOPES&apps.pdf](http://saw-reg.usace.army.mil/NLEB/1-30-17-signed_NLEB-SLOPES&apps.pdf)

If you answered "Yes" to 5g(1), did you discover any signs of bat use? \*

☒ Yes ☐ No ☐ Unknown

\*\*\* If yes, please show the location of the bridge on the permit drawings/project plans.

**5h. Does this project involve the construction/installation of a wind turbine(s)?\***

☐ Yes ☒ No

**5i. Does this project involve (1) blasting, and/or (2) other percussive activities that will be conducted by machines, such as jackhammers, mechanized pile drivers, etc.?\***

☒ Yes ☐ No

**5j. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat?\***

USFWS Information for Planning and Consultation (IPaC).

FHWA is the lead federal agency for this project.

See attached Section 7 Concurrence Request dated September 13, 2023, for current survey information and issued Informal Concurrence, dated November 9, 2023.

NC DOT will commit to the conservation measures outlined in the Informal Concurrence letter, including limiting tree clearing to the winter months (clearing from October 16 to March 31).

## 6. Essential Fish Habitat (Corps Requirement)

**6a. Will this project occur in or near an area designated as an Essential Fish Habitat?\***

☐ Yes ☒ No

**6b. What data sources did you use to determine whether your site would impact an Essential Fish Habitat?\***

National Oceanic and Atmospheric Administration Essential Fish Habitat Mapper

## 7. Historic or Prehistoric Cultural Resources (Corps Requirement)

Link to the State Historic Preservation Office Historic Properties Map (does not include archaeological data: <http://gis.ncdcr.gov/hpweb/>)

**7a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)?\***

☐ Yes ☒ No

**7b. What data sources did you use to determine whether your site would impact historic or archeological resources?\***

Included Archaeology Letter, Historic Properties and Landscapes Letter and Tribal Response Letter.

## 8. Flood Zone Designation (Corps Requirement)

Link to the FEMA Floodplain Maps: <https://msc.fema.gov/portal/search>

**8a. Will this project occur in a FEMA-designated 100-year floodplain?\***

☒ Yes ☐ No

**8b. If yes, explain how project meets FEMA requirements:**

While the project is located within a 100-year floodplain, the proposed bridges and grading are outside of the floodway. There will be temporary encroachments for both bridges into the floodway due to existing pier removal and new pier construction. However, this will not cause permanent adverse effects to the floodway or floodplain. Based on the HECRAS modeling results of the proposed bridge, no floodway revision will be required. This project meets the State Floodplain Compliance (SFC) Type A classification criteria since the reduction in base flood elevation (BFE) is contained within the NC DOT ROW. With respect to this, the Division and NC DOT Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP) to obtain approval.

**8c. What source(s) did you use to make the floodplain determination?\***

FEMA Floodmaps

## Miscellaneous

### Comments

Please use the space below to attach all required documentation or any additional information you feel is helpful for application review. Documents should be combined into one file when possible, with a Cover Letter, Table of Contents, and a Cover Sheet for each Section preferred.

[Click the upload button or drag and drop files here to attach document](#)

B-5527 Surry November 15 2023.pdf

15.29MB

File must be PDF or KMZ

## Signature

\*

☒ By checking the box and signing below, I certify that:

- The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief; and
- The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.
- I have given true, accurate, and complete information on this form;
- I agree that submission of this PCN form is a "transaction" subject to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I agree to conduct this transaction by electronic means pursuant to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature; AND
- I intend to electronically sign and submit the PCN form.

**Full Name: \***

Erin K. Cheely

**Signature \***

*Erin K. Cheely*

**Date**

11/15/2023

# Permit Drawings



## North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS



(Version 3.00; Released August 2021)

WBS Element: 55027.1.FS1 TIP/Proj No: B-5527 County(ies): Surry Page 1 of 2

## General Project Information

WBS Element:	55027.1.FS1	TIP Number:	B-5527	Project Type:	Bridge Replacement	Date:	8/23/2023
NCDOT Contact:	David Stutts	Contractor / Designer:	Kimi Schmidt, PE; A. Morton Thomas & Associates				
Address:				Address:	900 Ridgefield Drive Suite 325 Raleigh, NC 27608		
Phone:				Phone:	667-206-2287		
Email:				Email:	<a href="mailto:kschmidt@amtengineering.com">kschmidt@amtengineering.com</a>		
City/Town:	Pilot Mountain			County(ies):	Surry		
River Basin(s):	Yadkin-Pee Dee			CAMA County?	No		
Wetlands within Project Limits?	No						

## Project Description

Project Length (lin. miles or feet):	.408 miles	Surrounding Land Use:	Rural, Agriculture
Proposed Project		Existing Site	
Project Built-Upon Area (ac.)	3.7 ac.	2.8 ac.	
Typical Cross Section Description:	The northbound bridge replacement is three (3) spans: 1@75', 1@80', and 1@75' on 45" prestressed concrete girder with 4' deep end caps. The southbound bridge replacement is three (3) spans: 1@65', 1@80', and 1@65' on 45" prestressed concrete girder with 4' deep end caps.		
Annual Avg Daily Traffic (veh/hr/day):	Design/Future: 39,000	Year: 2045	Existing: 30,670
			Year: 2020

General Project Narrative:  
(Description of Minimization of Water  
Quality Impacts)

Project Number 55027.1.FS1 involves the replacement of the northbound and southbound bridges along US 52 over Toms Creek; bridge 850122 and 850126 respectively. The total project length is 0.408 miles. The project is located within a 29.7 square mile drainage area to Toms Creek in the Yadkin-Pee Dee river basin. The drainage design within the project maintains existing flow patterns. All pipe outfalls are outside of the jurisdictional stream and channel. Based on the SELDM Catalog, minimum measurements are needed to treat stormwater runoff. Minimum measurements are implemented throughout the project design and include utilizing natural features and drainage pathways, stabilizing embankments and drainage ditches, and minimizing direct discharge from bridges. Natural features and drainage pathways are utilized by maintaining the existing flow patterns. Embankments and drainage ditches will be stabilized to prevent erosion. Direct discharge is minimized from bridges as the northbound bridge does not contain deck drains and the southbound bridge has deck drains that do not drain over the stream channel.





North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS



(Version 3.00; Released August 2021)

WBS Element: 55027.1.FS1 TIP/Proj No.: B-5527 County(ies): Surry Page 2 of 2

General Project Information

Waterbody Information

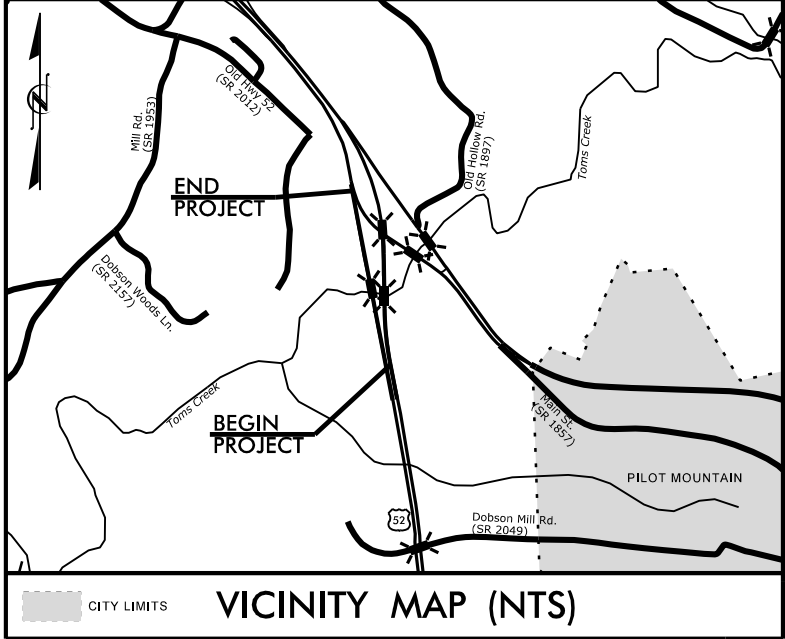
Surface Water Body (1):	Toms Creek		NCDWR Stream Index No.:	12-72-14-(4)	
NCDWR Surface Water Classification for Water Body	Primary Classification:	Class C			
	Supplemental Classification:	None			
Other Stream Classification:	None				
Impairments:	None				
Aquatic T&E Species?	No	Comments:			
NRTR Stream ID:			Buffer Rules in Effect:	N/A	
Project Includes Bridge Spanning Water Body?	Yes	Deck Drains Discharge Over Buffer?	N/A	Dissipator Pads Provided in Buffer?	
Deck Drains Discharge Over Water Body?	No	(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)					

09/08/99  
10/9/2023  
X:\Raleigh\14-783.005D - B-5527 CE Update\05-CAD\B5527\Hydraulics\CADD\PSH\B5527\_Hyd\_permit\_.tsh.dgn  
F:\rolis

TIP PROJECT: B-5527

CONTRACT: C204208

See Sheet 1A For Index of Sheets  
See Sheet 1B For Conventional Symbols



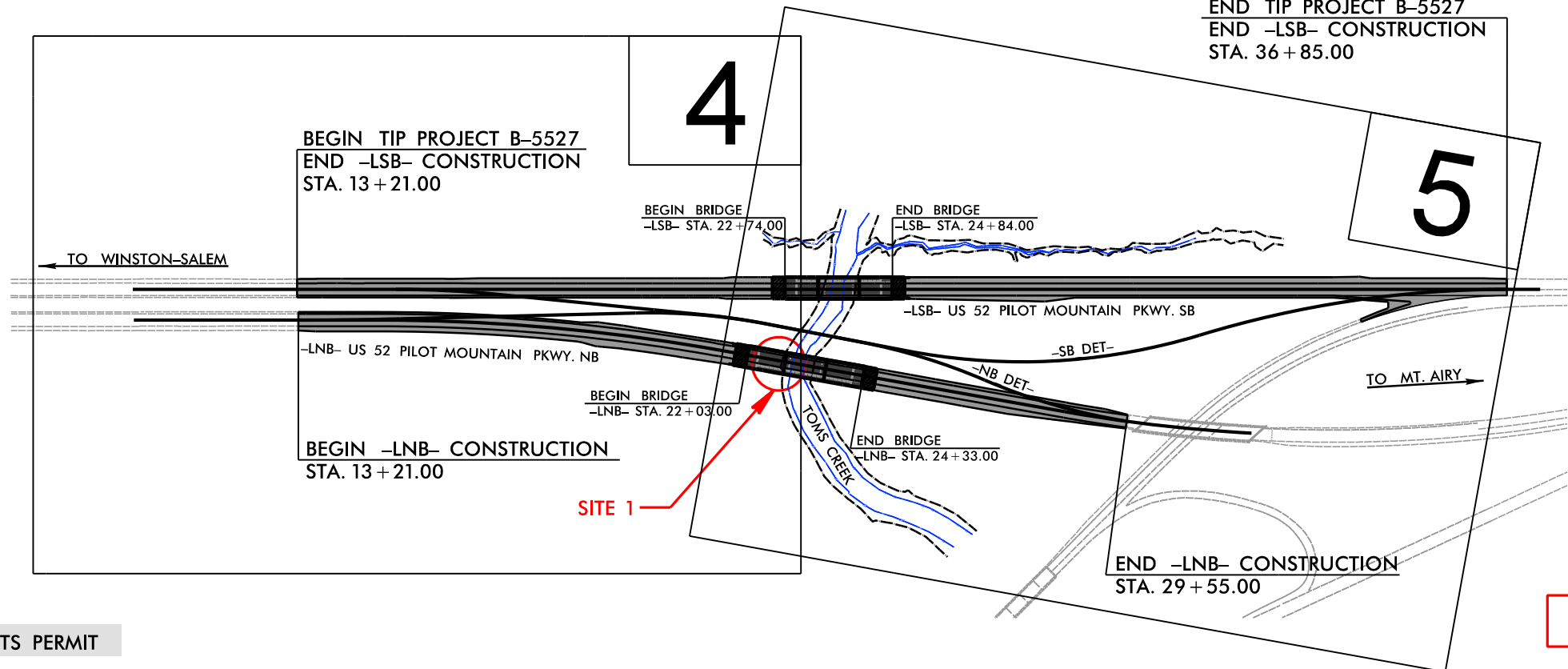
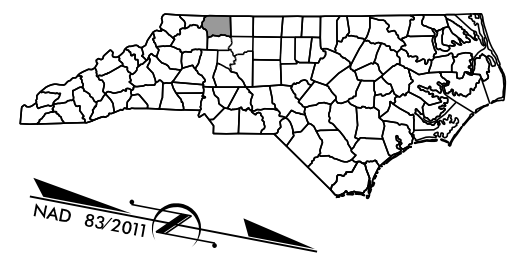
RELE.

PERMIT DRAWINGS  
10-10-2023

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS  
**SURRY COUNTY**

LOCATION: BRIDGES 122 AND 126 OVER TOMS CREEK  
ON US 52 NB AND SB  
TYPE OF WORK: GRADING, DRAINAGE, PAVING, & STRUCTURES

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-5527	1	179
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
55027.1.FS1	BRSTP-0052(49)	PE	
55027.2.1		ROW	
55027.2.1		UTIL	
55027.3.1		CONSTR.	



WETLAND AND SURFACE WATER IMPACTS PERMIT

- NOTES:
1. THIS IS A CONTROLLED-ACCESS PROJECT WITH ACCESS BEING LIMITED TO INTERCHANGES.
  2. THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.

PERMIT DRAWING  
SHEET 1 OF 8

DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

**GRAPHIC SCALES**

PLANS: 50 25 0 50 100

PROFILE (HORIZONTAL): 50 25 0 50 100

PROFILE (VERTICAL): 10 5 0 10 20

**DESIGN DATA**

ADT 2020 = 30,670  
ADT 2045 = 39,000  
K = 9 %  
D = 50 %  
T = 19 % \*  
V = 70 MPH  
\* TTST = 13% DUAL = 6%  
TIER = STATEWIDE  
FUNC CLASS = INTERSTATE

**PROJECT LENGTH**

LENGTH ROADWAY TIP PROJECT B-5527 = 0.408 MI.  
LENGTH STRUCTURE TIP PROJECT B-5527 = 0.040 MI.  
TOTAL LENGTH TIP PROJECT B-5527 = 0.448 MI.

NOTE: -LSB- ALIGNMENT USED TO DETERMINE LENGTH OF PROJECT.

**AMT**  
2024 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: JUNE 15, 2023

LETTING DATE: APRIL 16, 2024

Prepared for the North Carolina Department of Transportation in the Office of:  
A. MORTON THOMAS AND ASSOCIATES, INC.  
900 RIDGEFIELD DRIVE, SUITE 325 • RALEIGH, NC 27609  
(919) 855-9989 • NC LICENSE NO. F-1049  
WWW.AMTENGINEERING.COM

MATTHEW A. DOUGLAS, PE  
PROJECT ENGINEER

JP HAINLINE, EI  
PROJECT DESIGN ENGINEER

DAVID STUTTS, PE  
NCDOT CONTACT

**HYDRAULICS ENGINEER**

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 53931  
KIM C. SCHMIDT, P.E.

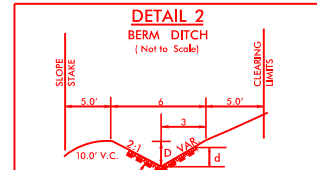
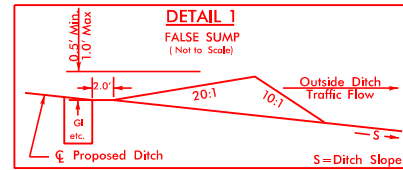
SIGNATURE: ROADWAY DESIGN ENGINEER

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 38649  
MATTHEW A. DOUGLAS, P.E.

SIGNATURE:

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PROJECT REFERENCE NO.	SHEET NO.
<i>B-5527</i>	<i>4</i>
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<p><b>DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</b></p>	



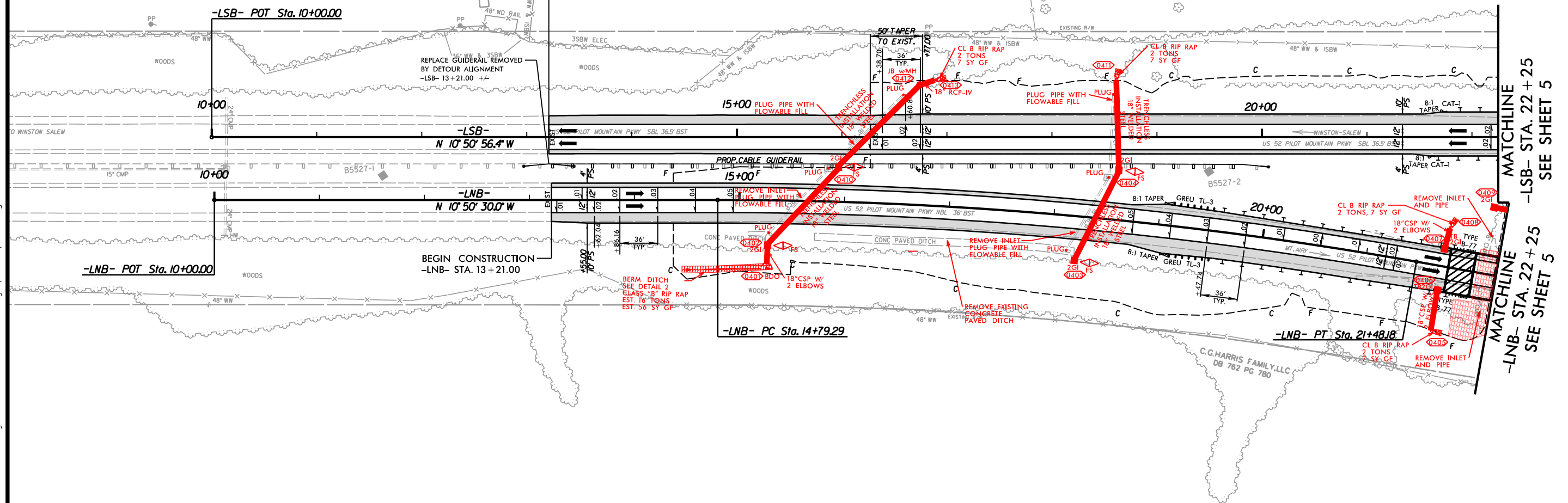
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FROM STA. 18+28 TO STA. 18+46 - LNB - RT  
FROM STA. 16+00 TO STA. 16+18 - LNB - LT  
FROM STA. 18+64 TO STA. 18+82 - LNB - LT

Type of Liner = Class "B" Rip-Rap      Max. d=1.0 Ft.

FROM STA. 14+50 TO STA. 15+25 - LNB - RT

**BEGIN TIP PROJECT B-5527**  
**BEGIN CONSTRUCTION**  
**-LSB- STA. 13 + 21.00**

LESLIE G. BENNETT  
WENDI G. BENNETT  
DB 1066 PG 233  
PB 20 PG 64

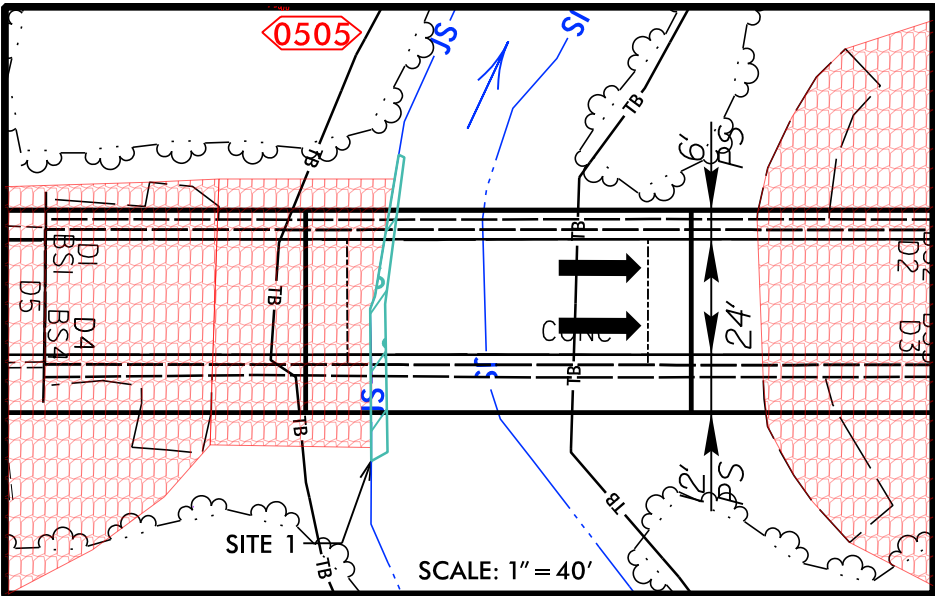


MATCHLINE  
 -LNB- STA. 22 + 25  
 SEE SHEET 5

FOR -LNB- PROFILE SEE SHEET 6  
FOR -LSB- PROFILE SEE SHEET 7

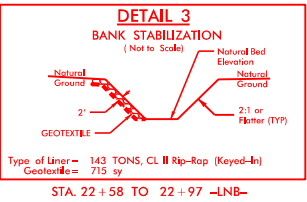
FOR TEMPORARY ALIGNMENTS SEE SHEETS 2B-1 THRU 2B-4.  
FOR CROSS-SECTION LAYOUT SEE SHEET 2B-5.  
FOR BRIDGE SKETCH SEE SHEET 5.

10/9/2023  
X:\Raleigh\114-783.0050 - B-5527 CE Update\05-CAD\B5527\Hydraulics\CADD\PSH\B5527-Hyd-permit\_psh\_03.dgn  
Project


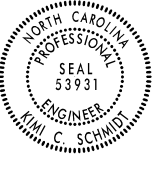


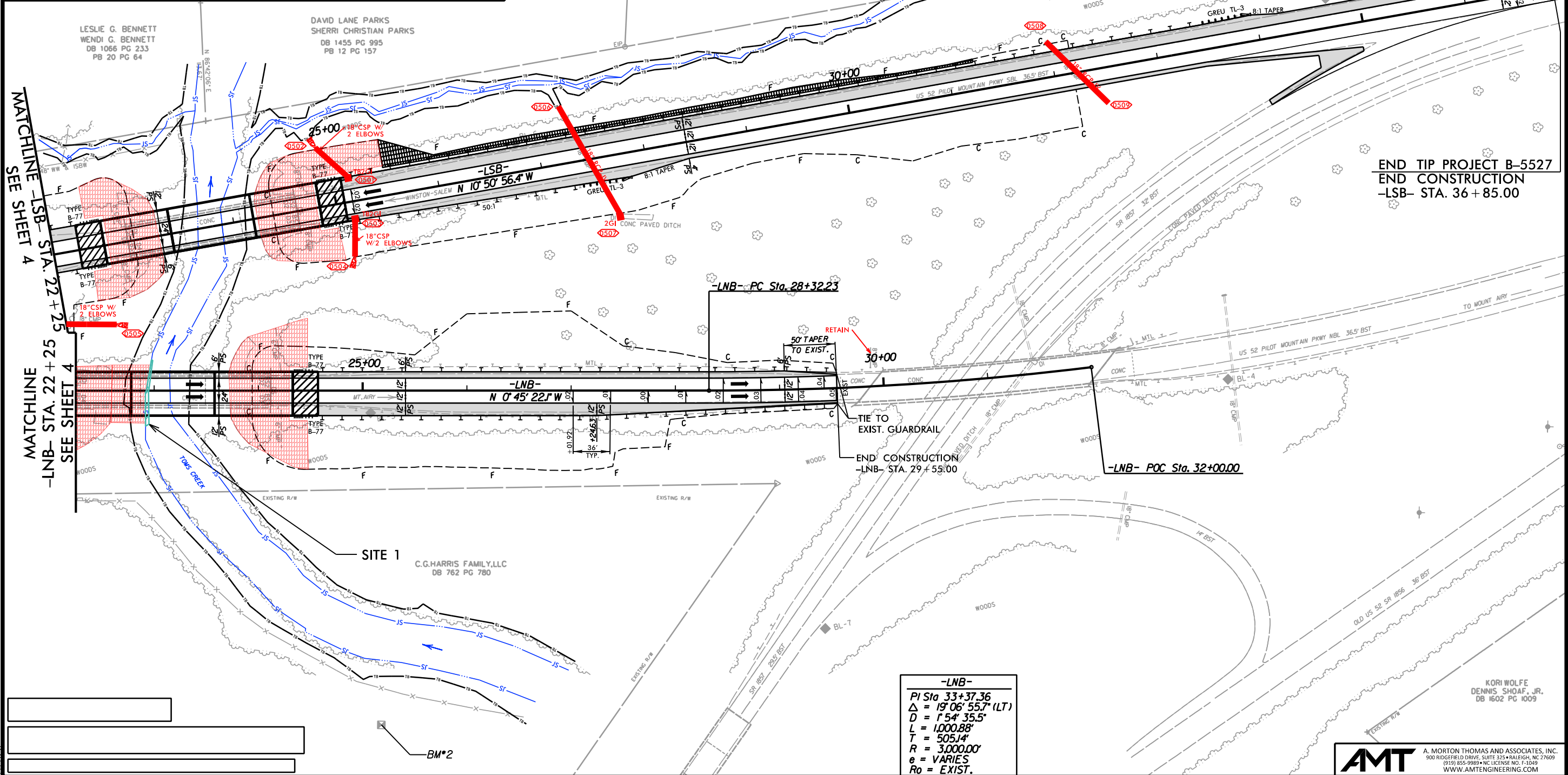
PERMIT DRAWING  
SHEET 3 OF 8

 SURFACE WATER IMPACTS



NAD 83/2011

PROJECT REFERENCE NO.		SHEET NO.
B-5527		5
RW SHEET NO.		HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER		
		
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED		



-LNB-  
PI Sta 33+37.36  
 $\Delta = 19^\circ 06' 55.7''$  (LT)  
 $D = 1,541.355'$   
 $L = 1,000.88'$   
 $T = 505.14'$   
 $R = 3,000.00'$   
 $e = \text{VARIES}$   
 $R_o = \text{EXIST.}$

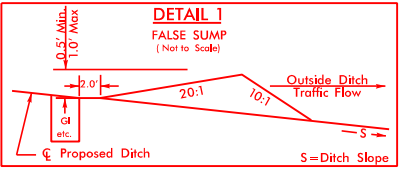


-LNB-  
PI Sta 18+14.60  
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 $e = 5.0\%$   
 $R_o = 180'$

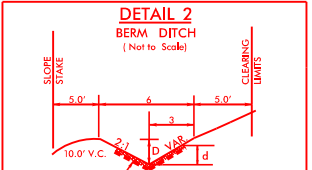
PERMIT DRAWING  
SHEET 4 OF 8

NAD 83/2011

PROJECT REFERENCE NO.		SHEET NO.	
B-5527		4	
R/W SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED			



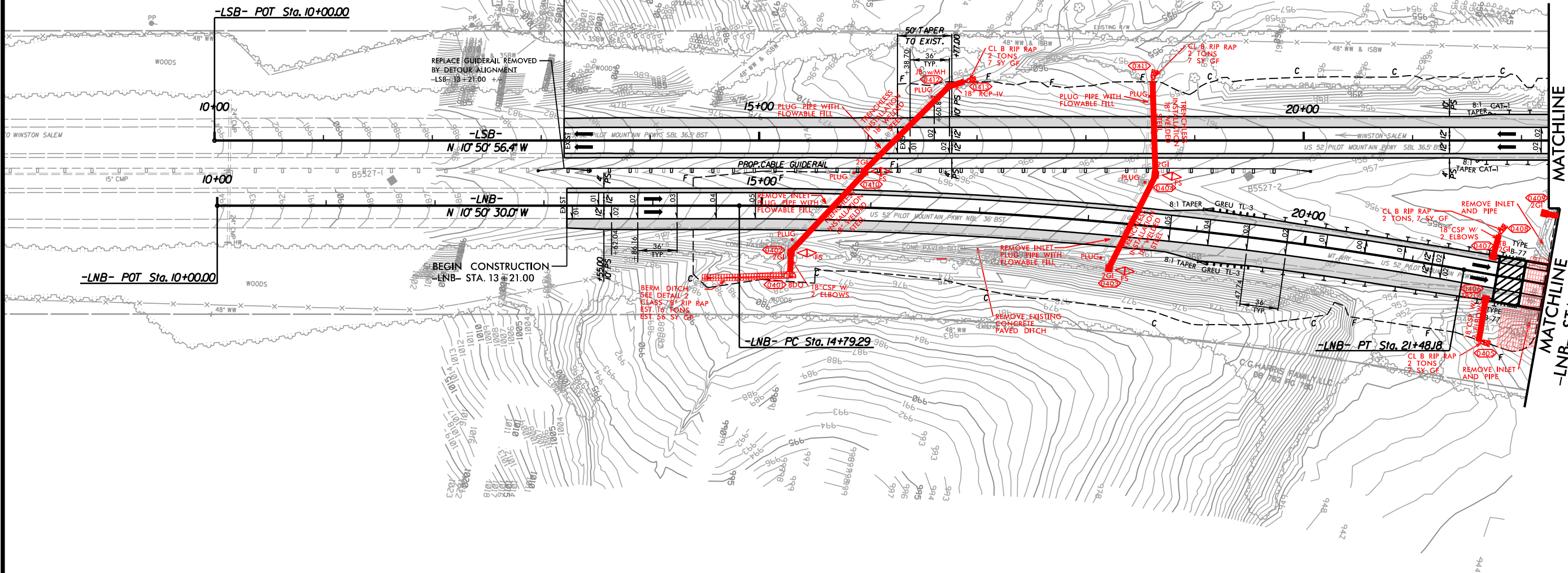
FROM STA. 15+32 TO STA. 15+50 - LNB - RT  
FROM STA. 18+28 TO STA. 18+46 - LNB - RT  
FROM STA. 16+00 TO STA. 16+18 - LNB - LT  
FROM STA. 18+64 TO STA. 18+82 - LNB - LT



Type of Liner = Class "B" Rip-Rap  
FROM STA. 14+50 TO STA. 15+25 - LNB - RT

BEGIN TIP PROJECT B-5527  
BEGIN CONSTRUCTION  
-LSB- STA. 13+21.00

LESLIE G. BENNETT  
WENDI G. BENNETT  
DB 1066 PG 233  
PB 20 PG 64



MATCHLINE  
-LSB- STA. 22+25  
SEE SHEET 5

MATCHLINE  
-LNB- STA. 22+25  
SEE SHEET 5

FOR -LNB- PROFILE SEE SHEET 6  
FOR -LSB- PROFILE SEE SHEET 7

FOR TEMPORARY ALIGNMENTS SEE SHEETS 2B-1 THRU 2B-4.  
FOR CROSS-SECTION LAYOUT SEE SHEET 2B-5.  
FOR BRIDGE SKETCH SEE SHEET 5.







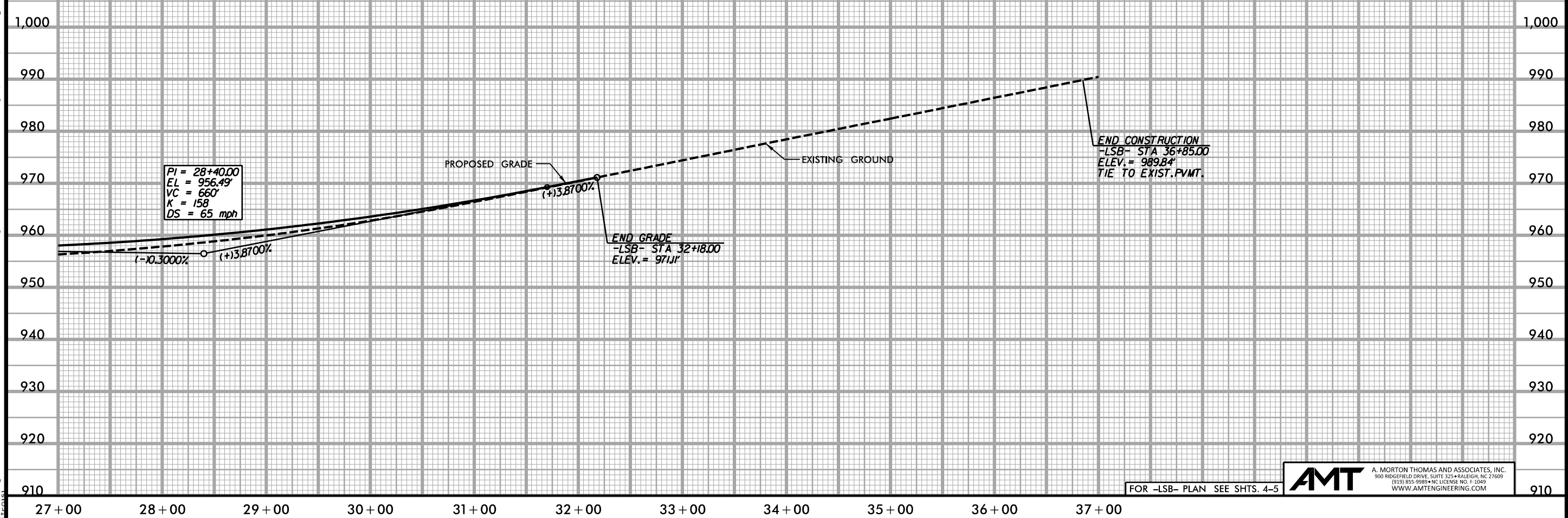
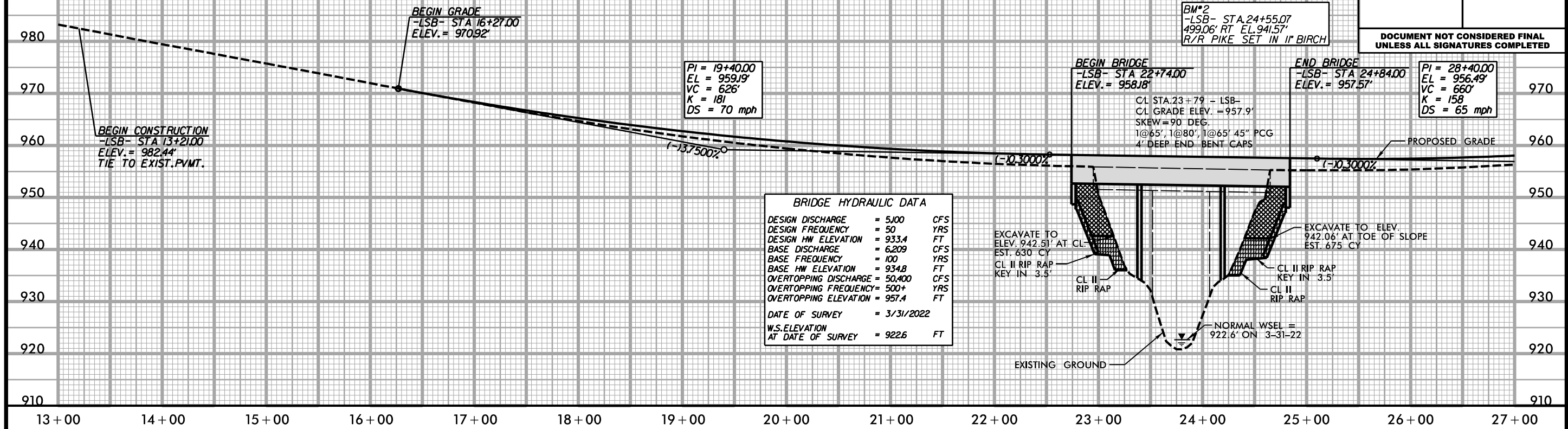


5/28/99  
10/9/2023  
X:\Road\Design\114-783.0050 - B-5527 CE Update\05-CA0-B5527-Hydraulics\CADD\PSH\B5527\_Hyd-permit\_psh\_07.dgn

PERMIT DRAWING  
SHEET 7 OF 8

—LSB—

PROJECT REFERENCE NO.		SHEET NO.
B-5527		7
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED		



FOR —LSB— PLAN SEE SHTS. 4-5



WETLAND AND SURFACE WATER IMPACTS SUMMARY												
			WETLAND IMPACTS					SURFACE WATER IMPACTS				
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-LNB- STA. 22+75/23+00	N. Bound Bank Stabilization						< 0.01		64		
TOTALS*:								< 0.01		64	0	0

NOTES:

SHEET 8 OF 8

# Protected Species/ Section 7



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Asheville Field Office  
160 Zillicoa Street Suite B  
Asheville, North Carolina 28801



November 9, 2023

Erin Cheely  
ECAP Western Team Lead, Environmental Analysis Unit  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina 27699

Subject: Informal Consultation and Conference for Replacement of Bridges 122 and 126 on U.S. Highway 52 over Toms Creek, Surry County, County (TIP No. B-5527, Service Log #21-331)

Dear Erin Cheely:

On September 13, 2023, we received your request to initiate informal consultation and section 7 concurrence on effects the subject project may have on federally listed species and conference procedures for effects the subject project may have on federally proposed species. We have reviewed the information you submitted along with a prior scoping letter issued from this office for the subject project on July 21, 2021, 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) Division 11 proposes to replace Bridges 122 and 126 over Toms Creek on US 52 in Surry County. Each existing bridge is a three-span structure with concrete beams, deck, end walls, and guard rails. The overall length of each bridge is 188 and 165 feet, respectively. No culverts  $\geq 3$  feet in diameter and 60 feet in length are present within the action area. Tree clearing will occur in the area surrounding the project bridges. Guardrail installation will occur and blasting and pile driving are unlikely but may occur. Night work may occur. The project is scheduled to Let in January of 2024. The Federal Highway Administration (FHWA) is the federal lead for this project for section 7 purposes, with authority delegated to NCDOT.

NCDOT has agreed to implement the following conservation measures for the project:

1. Tree clearing will take place from October 16 to March 31.
2. Should demolition occur during the bat active season (March 15 – November 15 for the purposes of this commitment), bridge structures will be surveyed within two weeks of demolition to ensure absence of bats.
4. Should night work occur, temporary lighting will be configured to only illuminate the active work areas and not the surrounding landscape.
6. Permanent lighting will not be added to the roadway or bridges.

### **Federally Listed Species**

The information provided states that a “No Effect” (NE) determination was made for Schweinitz’s sunflower (*Helianthus schweinitzii*). In instances of suitable habitat being absent from the action area, we

would agree that NE determinations are appropriate. In instances where suitable habitat is present and botanical surveys conducted during the optimal survey window and within the past 1 or 2 years (depending on the species) have negative results, we would concur with a biological determination of “may affect, not likely to adversely affect” (NLAA). We acknowledge that the request for consultation did not include this species. This information is provided for the sake of the administrative record.

The correspondence received from NCDOT requests consultation on gray bat (*Myotis grisescens*) and northern long-eared bat (*Myotis septentrionalis*) and requests conference for the tricolored bat (*Perimyotis subflavus*) and little brown bat (*Myotis lucifugus*).

Suitable bridge roosts and suitable commuting and foraging habitat for gray bat, northern long-eared bat, little brown bat, and tricolored bat occur within the action area. Bridge surveys for bats and signs of bat use on June 29, 2022 revealed one roosting big brown bat (*Eptesicus fuscus*) on Bridge 122 and old staining and guano on Bridges 122 and 126. Surveys from previous years have similarly revealed small numbers of big brown bats and/or guano.

The completed structure surveys and proposed conservation measures minimize effects to bats potentially occurring within the action area. However, effects from construction noise to unknown tree roosts within the action area but outside the construction limits, while minimized, are not avoided. Bats that are present in proximity to transportation corridors are expected to be tolerant of baseline noise and vibration levels (or have already modified their behaviors to avoid them). How temporary increases in noise and vibration from construction activities effect bats within existing transportation corridors has not been well studied to our knowledge, though one study found that bats habituated rapidly to traffic noise (Luo et al. 2014). Given the information available and conservation measure commitments, we concur with the NCDOT that the project is NLAA gray bat and northern long-eared bat. With the implementation of conservation measures, we believe the project is consistent with the *Interim Consultation Framework for the Northern Long-eared Bat* (Service, March 6, 2023).

On September 14, 2022, the U.S. Fish and Wildlife Service (Service) published a proposal in the Federal Register to list the tricolored bat as endangered under the Act. As a result, NCDOT has requested a conference for the tricolored bat as the project may be on-going after the effective date of any final listing rule, if one is published. Little brown bat is considered an at-risk species. At-risk 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. While lead federal agencies are not prohibited from jeopardizing the continued existence of an at-risk 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. NCDOT has requested a conference for the little brown bat, as the project may be on-going after a potential proposal for listing and effective date of any final listing rule, if one is published. Based on the information provided, the analysis above, and the commitments to minimize project impacts, we have determined that the proposed project will not jeopardize the continued existence of the tricolored bat or little brown bat. Additionally, we would concur with the NCDOT’s determination that the project is NLAA the tricolored bat and the little brown bat should the species become listed

### **Conservation Recommendations**

Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. General recommendations for the benefit of fish and wildlife resources were provided in our letter on July 21, 2021 and remain valid. We offer additional recommendations here:

- **Provide Terrestrial Wildlife Passage:** Where riparian corridors suitable for wildlife movement occur adjacent to a project, a spanning structure that also spans a portion of the floodplain and provides or maintains a riprap-free level path underneath for wildlife passage would provide a safer roadway and facilitate wildlife passage. A 10-foot strip may be ideal, though smaller widths can also be beneficial. Alternatively, a “wildlife path” can be constructed with a top-dressing of finer stone (such as smaller aggregate or on-site alluvial material) to fill riprap voids if full bank plating is required. If a multi-barrel culvert is used, the low flow barrel(s) should accommodate the entire stream width and the other barrel should have sills to the floodplain level and be back-filled to provide dry, riprap-free wildlife passage and well as periodic floodwater passage.
- **Riparian Replanting:** Because the removal of forested riparian habitat can affect the quality and suitability of foraging and commuting habitat for bats and the water quality for aquatic organisms, we recommend replanting the riparian zone with native, fast-growing trees and shrubs that would serve to stabilize the stream bank, filter runoff and reduce erosion and sedimentation, block light pollution, and generally improve the quality of the habitat for bats and aquatic species. Examples of potential native tree species to plant include: Sycamore, tulip poplar, black cherry and river birch. Planting with established (e.g. containerized) young trees can increase the survival rate of plantings and contribute to faster improvement of riparian habitat.
- **Noise Considerations for Bats:** If suitable roost trees are present near high-decibel activity (81 – 162 dBA) and would experience noise above background levels (41 – 70 dBA), avoid conducting those high-decibel activities during the bat maternity season (May 15 – August 15). Alternatively, activity could avoid the pup season (June 1 and July 31). To minimize noise levels, incorporate sound-dampening devices such as noise shrouds for pile driving.

#### **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. Holland Youngman of our staff at [holland\\_youngman@fws.gov](mailto:holland_youngman@fws.gov) if you have any questions. In any future correspondence concerning this project, please reference our Service Log #21-331.

Sincerely,

*-- original signed --*

Janet Mizzi  
Field Supervisor

Electronic CC:  
Kevin Hining, NCDOT Division 11, Environmental Supervisor



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

September 13, 2023

Ms. Janet A. Mizzi  
Field Office Supervisor  
US Fish and Wildlife Service  
160 Zillicoa Street  
Asheville, NC 28801

Subject: **Section 7 Concurrence Request** for the replacement of bridge numbers 122 and 126 over Toms Creek on US 52 in Surry County, WBS No. 55027.1.FS1 in Division 11, **TIP No. B-5527**

Reference: Bat Survey Report, dated November 9, 2022

Dear Ms. Mizzi:

The purpose of this letter is to request concurrence from the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.) (ESA). The North Carolina Department of Transportation (NCDOT) proposes to replace bridges 122 and 126 over Toms Creek in Surry County.

As of July 19, 2023, the US Fish and Wildlife Service's Information for Planning and Consultation (IPaC) lists the following federally protected species in the project area. Little brown bat, while not yet listed in IPaC for this area, has been included in the table below.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Clemmys muhlenbergii</i>	Bog turtle	T(S/A)	No	Not Required
<i>Myotis grisescens</i>	Gray bat	Endangered	Yes	MA-NLAA
<i>Myotis septentrionalis</i>	Northern long-eared bat	Endangered	Yes	MA-NLAA
<i>Perimyotis subflavus</i>	Tricolored bat	Proposed Endangered*	Yes	MA-NLAA
<i>Myotis lucifugus</i>	Little brown bat	Future Listing	Yes	MA-NLAA
<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	Endangered	Yes	No Effect

T(S/A) – Threatened due to similarity of appearance

MAN-NLAA – May Affect - Not Likely to Adversely Affect

\* Proposed for federal listing

### Species Summary – Bats

The North Carolina Department of Transportation (NCDOT, Division 11) proposes to replace bridges 122 and 126 over Toms Creek on US 52 in Surry County, TIP No. B-5527. Each existing bridge is a three-span structure with concrete beams, deck, end walls, and guard rails. The overall length of each bridge is 188 and 165 feet, respectively. No culverts meeting NCDOT's Standard Operating Procedures for Preliminary Bat Habitat Assessments were identified meeting the criteria of greater than 3 feet wide and 60 feet in length during this site visit.

On June 29, 2022, NCDOT biologists assessed all the structures in the project study area. Crevices suitable for roosting are present on both structures. One big brown bat (*Eptesicus fuscus*, EPFU) was observed in the southernmost expansion joint of Bridge No. 122 as well as old staining and guano. Old staining and guano were observed on Bridge No. 126. Prior surveys for Bridge No. 122 are as follows; "bats present, staining and guano found on two interior girders" (2015), Guano and staining, no bats (2017), One EPFU, staining, guano (2019), no evidence (2020). Prior surveys for Bridge No. 126 are as follows; One EPFU, staining and guano (2019), One EPFU (2021). Trees greater than 3" dbh are present in the project area. There are no known caves or mines within one half mile of the project footprint and no caves or mines were observed during the field visit. Large, continuous forests are present in the project vicinity, providing potential foraging and commuting habitat.

Species	Federal Status	Habitat Present <sup>1</sup>	Biological Conclusion	Distance to Nearest Record <sup>2</sup>
MYGR	Endangered	Yes	MA-NLAA	11 miles W
MYSE	Threatened	Yes	MA-NLAA	32 miles W
PESU	Proposed Endangered	Yes	MA-NLAA	12.4 miles E
MYLU <sup>3</sup>	Future Listing	Yes	MA-NLAA	12.4 miles E

<sup>1</sup> Detailed habitat information shown in table below

<sup>2</sup> Nearest known record from latest NHP, WRC, or NCDOT data

<sup>3</sup> Little Brown Bat (*Myotis lucifugus*), which may become federally listed in the future, may also be found in Surry County

MA-NLAA – May Affect, Not Likely to Adversely Affect

Species	Summer Roosting		Winter Roosting	Foraging Habitat	Commuting Habitat
	Tree	Structure			
MYGR	NA	✓	X	✓	✓
MYSE	✓	✓	X	✓	✓
PESU	✓	✓	X	✓	✓
MYLU	✓	✓	X	✓	✓

A Biological Conclusion of **May Affect, Not Likely To Adversely Affect** is given to each of the above species based on the presence of suitable foraging and commuting habitat. No evidence of federally listed bats was found on the structures, no caves or mines are in the area, and a large area of alternative available suitable habitat exists in the project vicinity. Permanent roadway lighting is not present in the project area and BSG is not aware of any plans to install new roadway lighting with this project. Due to current traffic levels at these bridges, night work could be needed. If nighttime work during the bat active season becomes necessary, temporary lighting will only be used to illuminate work areas. This project is scheduled to let in January 2024, so tree clearing is anticipated to be completed prior to the active season. Bridge demolition cannot currently be committed to be completed during the winter months (October 15 – March 15) as there are three bridges associated with this project (two permanent and one temporary). The division has committed to surveying the structures two week prior to demolition, if it were to occur outside of the winter months. BSG and USFWS would be notified of any bats observed during those surveys. Blasting and pile driving are unlikely for this project but could occur. Guardrail installation will occur as part of this project.

Pursuant to the ESA Handbook Section 3.5, NCDOT does not request concurrence from the Service for the remaining species, but identifies them below:

Scientific Name	Common Name	Federal Status	Survey Date(s)	Habitat Present	Biological Conclusion
<i>Clemmys muhlenbergii</i>	Bog turtle	T(S/A)	N/A	No	Not Required
<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	Endangered	10/02/2015 10/28/2019 10/14/2022	Yes	No Effect

T(S/A) – Threatened due to similarity of appearance

NCDOT, under the delegation authority provided in 50 CFR § 402.08 by the Federal Highway Administration (FHWA), believes that the requirements of Section 7(a)(2) of the ESA have been satisfied and hereby request your concurrence.

If you have any questions, please contact Erin Cheely at [ekcheely@ncdot.gov](mailto:ekcheely@ncdot.gov) or 919-707-6108.

Sincerely,



Erin Cheely, ECAP Western Team Lead  
Environmental Analysis Unit

Enclosures:

Bat Survey Report, dated November 9, 2022

ec:

Ms. Holland Youngman, USFWS  
Mr. Kevin Hining, DEO-Div. 11, NCDOT  
Ms. Jacquelyn Bowles, NCDOT SMU  
Mr. Tyler Stanton, NCDOT BSG-EAU





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

November 9, 2022

TO: Erin Cheely, Environmental Program Consultant  
Environmental Coordination & Permitting Group, EAU

FROM: Melissa Miller, Environmental Program Consultant  
Biological Surveys Group, EAU

SUBJECT: Section 7 survey results for the gray bat (*Myotis grisescens*, MYGR), northern long-eared bat (*Myotis septentrionalis*, MYSE), tricolored bat (*Perimyotis subflavus*, PESU) and little brown bat (*Myotis lucifugus*, MYLU), associated with the replacement of Bridge Numbers 122 and 126 over Toms Creek on US 52 in Surry County, **TIP No. B-5527**.

The North Carolina Department of Transportation (NCDOT, Division 11) proposes to replace Bridge Nos. 122 and 126 over Toms Creek on US 52 in Surry County, TIP No. B-5527. Each existing bridge is a three span structure with concrete beams, deck, end walls and guard rails. The overall length of each bridge is 188 and 165 feet, respectively. No culverts meeting NCDOT's Standard Operating Procedures for Preliminary Bat Habitat Assessments were identified meeting the criteria of greater than 3 feet wide and 60 feet in length during this site visit.

On June 29, 2022, NCDOT biologists assessed all of the structures in the project study area. Crevices suitable for roosting are present on both structures. One big brown bat (*Eptesicus fuscus*, EPFU) was observed in the southern most expansion joint of Bridge No. 122 as well as old staining and guano. Old staining and guano was observed on Bridge No. 126. Prior surveys for Bridge No. 122 are as follows; "bats present, staining and guano found on two interior girders" (2015), Guano and staining, no bats (2017), One EPFU, staining, guano (2019), no evidence (2020). Prior surveys for Bridge No. 126 are as follows; One EPFU, staining and guano (2019), One EPFU (2021). Trees greater than 3" dbh are present in the project area. There are no known caves or mines within one half mile of the project footprint and no caves or mines were observed during the field visit. Large, continuous forests are present in the project vicinity, providing potential foraging and commuting habitat.

As of November 9, 2022, the following federally protected bat species are listed in IPaC (<https://ecos.fws.gov/ipac/>) as occurring in the action area:

Species	Federal Status	Habitat Present*	Biological Conclusion	Distance to Nearest Record**
MYGR	E	Yes	MANLTAA	11 mile W
MYSE	T	Yes	MANLTAA	32 mile W
PESU	PE	Yes	MANLTAA	12.4 mile E
MYLU***	FL	Yes	MANLTAA	12.4 mile E

\*See detailed habitat information in table below

\*\*Nearest known record from latest NHP, WRC, or NCDOT data

\*\*\* The Little Brown Bat (*Myotis lucifugus*), which may become federally listed in the future (FL), may also be found in Surry County.

MANLTAA=May Affect Not Likely To Adversely Affect

Presence (✓) or Probable Absence (X) of various habitat types for bat species present in project area.

Species	Summer Roosting		Winter Roosting	Foraging Habitat	Commuting Habitat
	Tree	Structure			
MYGR	NA	✓	X	✓	✓
MYSE	✓	✓	X	✓	✓
PESU	✓	✓	X	✓	✓
MYLU	✓	✓	X	✓	✓

A Biological Conclusion of May Affect Not Likely To Adversely Affect is given to each of the above species based on the presence of suitable foraging and commuting habitat. No evidence of federally listed bats was found on the structure, no caves or mines are in the area, and a large area of alternative available suitable habitat exists in the project vicinity. Permanent roadway lighting is not present in the project area and BSG is not aware of any plans to install new roadway lighting with this project. If nighttime work during the bat active season becomes necessary, temporary lighting will only be used to illuminate work areas. If avoidance and minimization measures, such as prohibiting tree clearing during the active season can be implemented, this project is Not Likely to Adversely Affect federally listed bats.

If you need any additional information, please contact Melissa Miller at 919-707-6127.

# Archaeology

15-03-0059

Resubmit

**NO ARCHAEOLOGICAL SURVEY REQUIRED 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 Group.

**PROJECT INFORMATION***Project No:* **B-5527***County:* **Surry***WBS No:* **55027.3.1***Document:* **Federal CE***F.A. No:**Funding:*☐ State☒ Federal*Federal Permit Required?*☒ Yes☐ No*Permit Type:* **USACE**

**Project Description:** Replacement of Bridge Nos. 122, 126, & 342 over Toms Creek and Old US 52 northbound lane in Surry County, North Carolina. The archaeological Area of Potential Effects (APE) encompasses the entire project study area as depicted on the attached ARC-GIS mapping. It measures 14.65 acres in area.

**SUMMARY OF CULTURAL RESOURCES REVIEW*****Brief description of review activities, results of review, and conclusions:***

Permitting and funding information was reviewed for determining the level of archaeological input required by state and federal laws. Based on the submitted "request for cultural resources review" form, the project is federally-funded with federal permit interaction. As such, Section 106 of the National Historic Preservation Act will apply and the Federal Highway Administration (FHWA) will serve as the lead federal agency. Next, construction design and other data was examined (when applicable) to define the character and extent of potential impacts to the ground surfaces embracing the project locale. The APE was primarily designed to capture any federal permit areas or areas of potential ground disturbing activity.

Once an APE was outlined, a map review and site file search was conducted at the Office of State Archaeology (OSA) on Tuesday, March 17, 2020. No NRHP eligible archaeological sites or any other previously documented archaeological sites are located within the APE or proximal. An archaeological survey of the original project study area was conducted in August 2015, by New South Associates. The survey area was robust and covered the majority of the new project study area (see attached map). During the course of the survey work by New South Associates, no archaeological sites were identified. The portions of the newly defined project area not covered by the original survey work are disturbed and encompass for the most part existing right-of-way. Further work at this location is unlikely to document significant or any other archaeological resources.

Examination of National Register of Historic Places (NRHP), State Study Listed (SL), Locally Designated (LD), Determined Eligible (DE), and Surveyed Site (SS) properties employing resources available on the NCSHPO website is important in establishing the location of noteworthy historic occupations related to a perspective construction impact area. A cross-check of these mapped resources concluded that no meaningful historic properties with possible contributing archaeological elements were located inward of the archaeological APE margins. In addition, historic maps of Surry County were appraised to identify former structure locations, land use patterns, or other confirmation of historic occupation in the project vicinity. Archaeological/historical reference materials were inspected as well. In general, the cultural background review established that no NRHP listed properties or cemeteries are located within the APE. Based on cultural-historical factors, the APE is considered to have a low potential for the documentation of archaeological resources.

Further, topographic, geologic, flood boundary, and NRCS soil survey maps were referenced to evaluate pedological, geomorphological, hydrological, and other environmental determinants that may have resulted in



15-03-0059  
Resubmit

past occupation at this location. Aerial and on-ground photographs (NCDOT Spatial Data Viewer) and the Google Street View map application (when amenable) were also examined/utilized for additional assessment of disturbances, both natural and human induced, which compromise the integrity of archaeological sites. Environmental/impact factors do not suggest a heightened potential for archaeological resource recovery.

***Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:***

The majority of the currently defined APE has been previously surveyed for archaeological resources. No sites were identified during the course of the survey work. The remaining portions of the APE that had not been previously surveyed encompass disturbed and impacted existing right-of-way. Environmental and cultural-historical factors do not suggest a heightened potential for archaeological resource recovery in the APE. Intact NRHP eligible archaeological sites are unlikely to be present or preserved within the currently defined APE. No further consultation is advocated. A finding of "no archaeological survey required" is considered appropriate.

This project falls within a North Carolina County in which the Catawba Indian Nation has expressed an interest: Surry County. It is recommended that you contact each federal agency involved with your project to determine their Section 106 Tribal consultation requirements.

**SUPPORT DOCUMENTATION**

See attached: ☒ Map(s) ☒ Previous Survey Info ☐ Photos ☐ Correspondence  
☐ Photocopy of County Survey Notes Other:

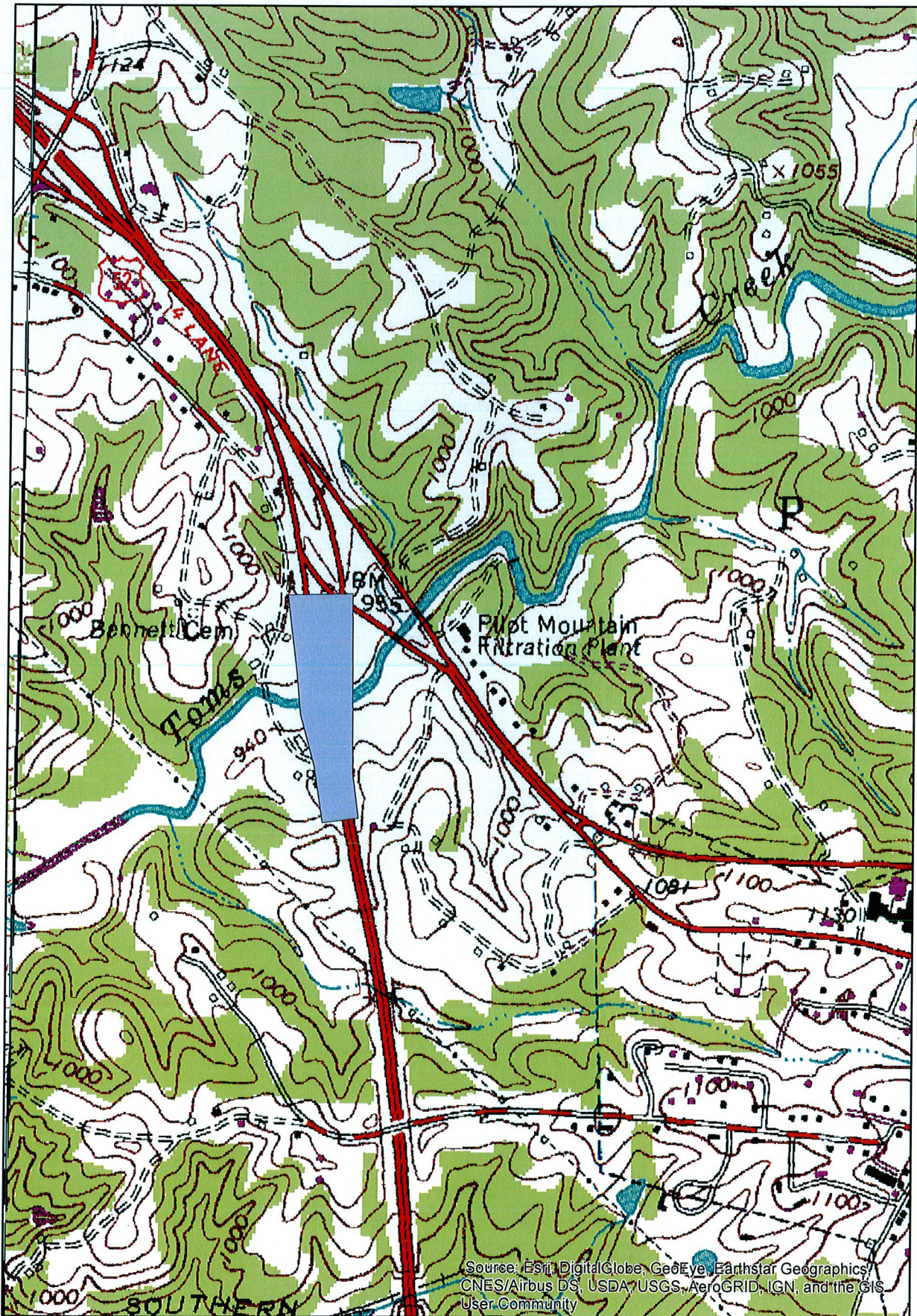
**FINDING BY NCDOT ARCHAEOLOGIST**

**NO ARCHAEOLOGY SURVEY REQUIRED**

*Scott Eric Halverson*  
\_\_\_\_\_  
NCDOT

3.19.2020  
~~14.0.2020~~





Portion of the Pilot Mountain topographic map illustrating the location of the archaeological Area of Potential Effects (APE) in Surry County, North Carolina.





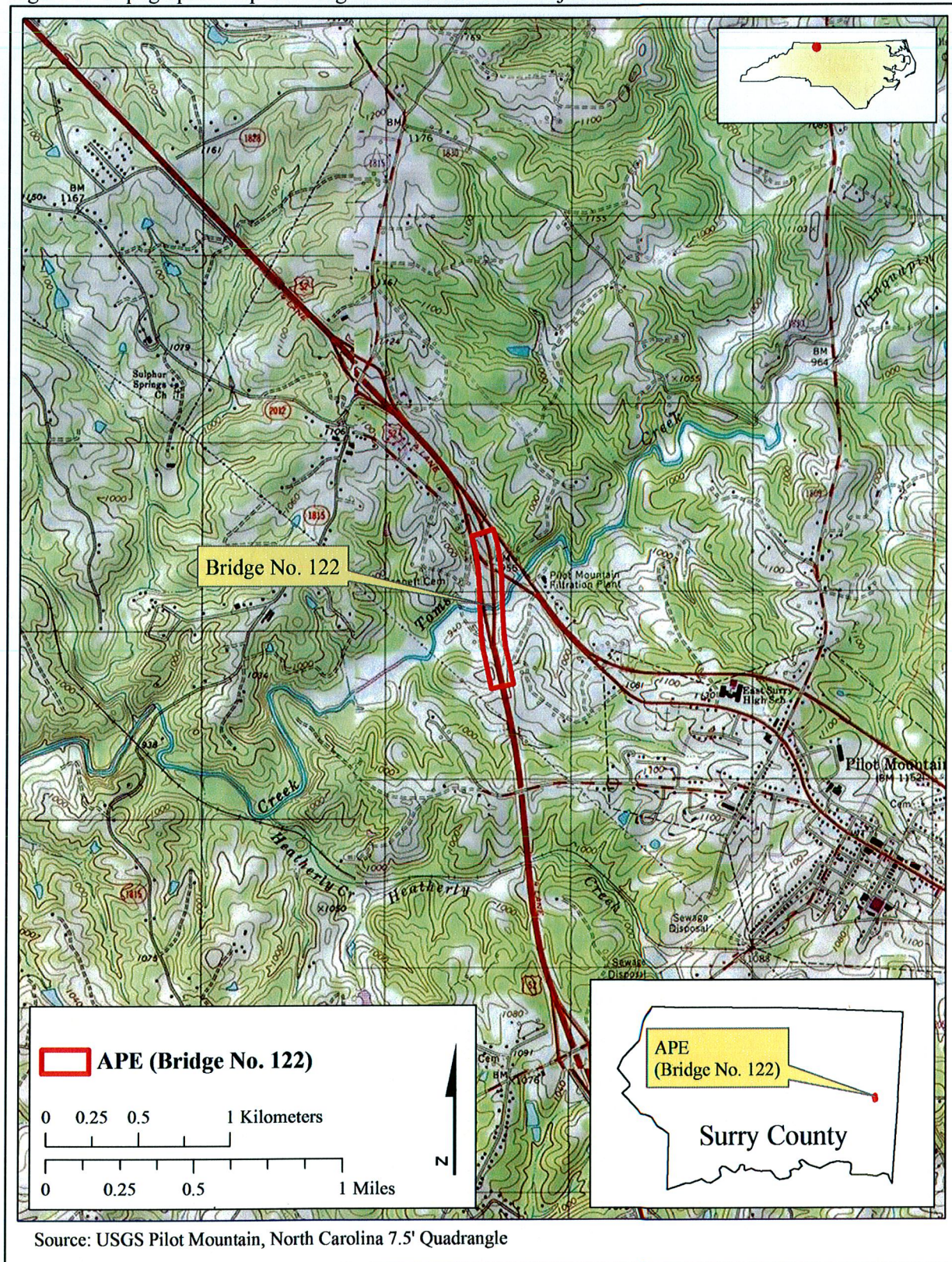
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ARC-GIS aerial shape file map illustrating the location of the archaeological Area of Potential Effects (APE) in Surry County, North Carolina.



15-03-0059

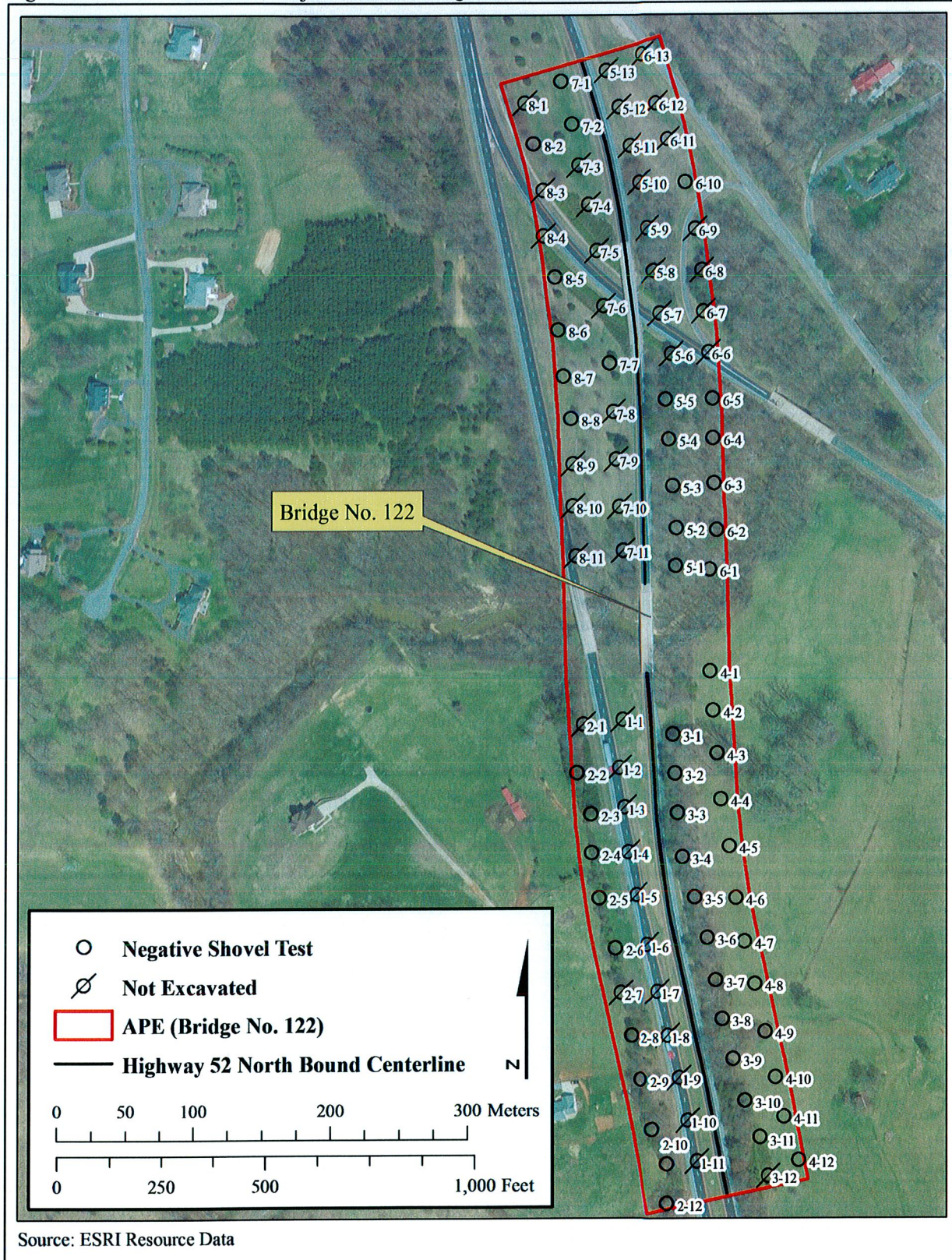
Figure 1. Topographic Map Showing the Location of the Project APE.





15-03-0059

Figure 6. Aerial View of the Project Area showing Shovel Test Results.



# Historic Architecture and Landscapes



15-03-0059  
updated

## HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED 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

<b>Project No:</b>	B-5527	<b>County:</b>	Surry
<b>WBS No.:</b>	55027.1.FS1	<b>Document Type:</b>	PCE
<b>Fed. Aid No:</b>	unknown	<b>Funding:</b>	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
<b>Federal Permit(s):</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Permit Type(s):</b>	unknown
<b><u>Project Description:</u></b> Replace Bridge Nos. 342, 122, & 123 on US 52 over Tom's Creek. (updated project description)			

### SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

**Description of review activities, results, and conclusions:**

Review of HPO quad maps, relevant background reports, historic designations roster, and indexes was undertaken on April 2, 2015. Based on this review there are no NR, DE, LL, SL, or SS in the project area. There are no structures greater than 50 years of age in the Area of Potential Effect (APE) of this project. No survey is required. This project has been resubmitted to include two more bridges. The new APE is shown in yellow on the map below. There are no properties over 50 years of age in the APE of the updated project. No survey is required.

**Why the available information provides a reliable basis for reasonably predicting that there are no unidentified significant historic architectural or landscape resources in the project area:**

Using HPO GIS website and Surry County ArcGIS website provides reliable information regarding the structures in the APE. These combined utilities are considered valid for the purposes of determining the likelihood of historic resources being present.

### SUPPORT DOCUMENTATION

☒ Map(s)    ☐ Previous Survey Info.    ☒ Photos    ☐ Correspondence    ☐ Design Plans

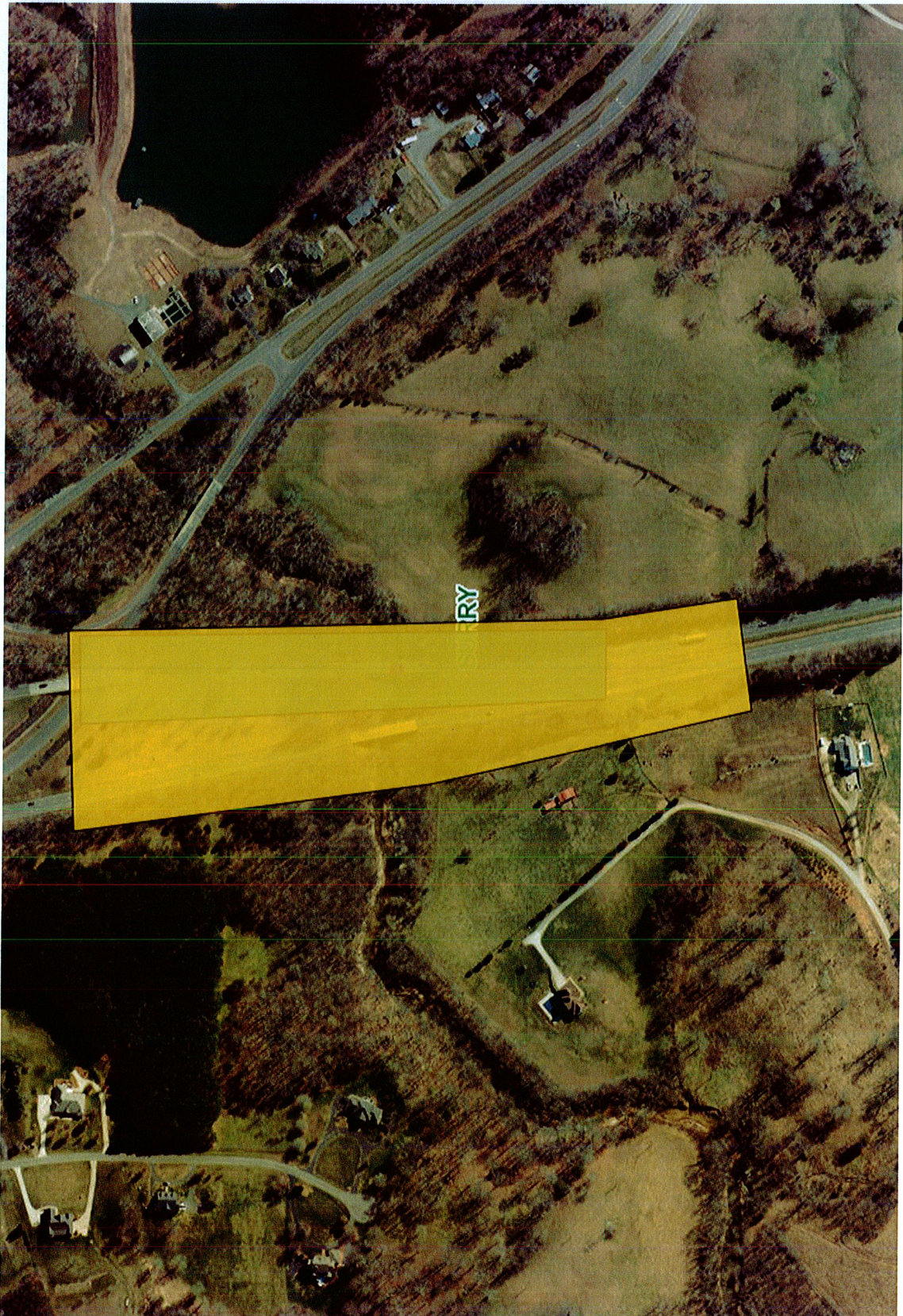
### FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

NCDOT Architectural Historian

Date



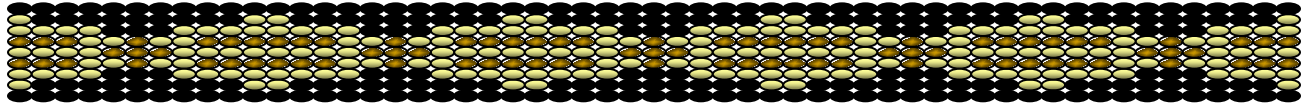


# Tribal Coordination



Catawba Indian Nation  
Tribal Historic Preservation Office  
1536 Tom Steven Road  
Rock Hill, South Carolina 29730

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



September 7, 2021

Attention: Bill Rice  
Rice LLC  
107 Craven Hill Court  
Cary, NC 27518

Re. THPO #	TCNS #	Project Description
2021-193-148		NCDOT STIP project number B-5527

Dear Mr. Rice,

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](mailto:Caitlin.Rogers@catawba.com).

Sincerely,

Wenonah G. Haire  
Tribal Historic Preservation Officer

# NEPA/SEPA Document

## Type I and II Ground Disturbing Categorical Exclusion Action Classification Form

TIP Project No.	<b>B-5527</b>
WBS Element	<b>55027.1.FS1</b>
Federal Project No.	<b>BRSTP-0052(49)</b>

**A. Project Description:**

The proposed project involves replacing Surry County bridge numbers 122 and 126 on US 52 northbound and southbound, respectively, over Toms Creek in unincorporated Surry County. Refer to attached Figure 1 (Vicinity Map).

Both existing bridges will be replaced with bridges that will have a minimum 40-foot clear deck width. Each will include two 12-foot lanes, a 4-foot inside shoulder, and a 12-foot full-depth paved outside shoulder. The roadway portions associated with each bridge will have two 12-foot lanes, a 4-foot inside shoulder, and a 10-foot full-depth paved outside shoulder. Bridge numbers 122 and 126 will be 230 and 210 feet long, respectively.

Existing bridge 122 will be demolished and constructed first. To maintain traffic on US 52 northbound during its demolition and construction, an onsite detour bridge and temporary roadway lanes will be constructed in the median. After the completion of bridge 122, bridge 126 will be closed. Its traffic will be rerouted onto the aforementioned detour and demolition and construction will begin on bridge 126. Refer to attached Figure 2 (Project Designs). It is important to note that within the project limits, US 52 is anticipated to be upgraded to interstate standards as a separate project to accommodate future I-74.

**B. Description of Need and Purpose:**

The purpose of the proposed project is to replace two structurally deficient bridges. Bridges 122 and 126 were built in 1960. NCDOT records indicate they are considered structurally deficient because they both have substructure condition appraisals of 4 out of 9 according to Federal Highway Administration (FHWA) standards.

**C. Categorical Exclusion Action Classification:**

☒ TYPE I A

**D. Proposed Improvements:**

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e) (1-6).

**E. Special Project Information:**

- **Costs** – As of October 2022, the construction cost for replacing both bridges is estimated to be \$12,100,000. No additional right-of-way is required and utilities are not in the project area.



- Alternative Analysis – One alternative, “replace-in-place with on-site detour”, was considered for this project. The on-site detour would be located in the US 52 median between bridges 122 and 126.
- Potentially Impacted Resources –The Biological Conclusion (BC) for the federally endangered gray bat is unresolved as it was added to the USFWS list for this area after the 2019 NRTR Addendum. NCDOT Biological Surveys Group (BSG) will complete required assessments/surveys to resolve the BC prior to project permitting.
- Public Involvement – A newsletter that contained information about the project’s location, detour, improvements, schedule, costs, development process, website and project contacts was sent the public and stakeholders on September 22, 2021. The newsletter was accompanied by an NCDOT Title VI Public Involvement Form, and a sheet for remitting comments or questions. While a project website, email, phone number, and mailing address was provided for comments or questions, none were obtained.
- Tribal Coordination – A tribal coordination letter was sent to the Catawba Indian Nation on July 26, 2021. The letter provided a brief project history, discussed project improvements, and requested information that would be helpful in evaluating potential environmental impacts on tribal resources. A response was obtained from the Catawba Indian Nation on September 7, 2021 that stated they have no immediate concerns with the project, but would like to be notified if artifacts or human remains are found during construction.

F. Project Impact Criteria Checklists:

<u>Type I &amp; II - Ground Disturbing Actions</u>			
<u>FHWA APPROVAL ACTIVITIES THRESHOLD CRITERIA</u>			
If any of questions 1-7 are marked “yes” then the CE will require FHWA approval.		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 (BGPA)?	<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 of questions 8 through 31 are marked “yes” then additional information will be required for those questions in Section G.			

<u>Other Considerations</u>		Yes	No
8	Does the project result in a finding of “may affect not likely to adversely affect” for listed species, or designated critical habitat under Section 7 of the Endangered Species Act (ESA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project impact waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include a Section 106 of the NHPA effects determination other than a no effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve hazardous materials and/or landfills?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control?	<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 or the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP) (where applicable)?	<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), or other unique areas or special lands that were acquired in	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	fee or easement with public-use money and have deed restrictions or covenants on the property?		
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's 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

- Response to Question 8 – The gray bat is the only species listed by USFWS within the study area that has an unresolved BC. NCDOT BSG will assess the project and render a BC as appropriate. If the BC is "may affect, not likely to adversely affect" for this species, an informal consultation request will be sent to the USFWS, and Section 7 will be resolved prior to permitting.
- Response to Question 16 – While the project is located within a 100-year floodplain, the proposed bridges and grading are outside of the floodway. There will be temporary encroachments for both bridges into the floodway due to existing pier removal and new pier construction. However, this will not cause permanent adverse effects to the floodway or floodplain. Based on the HECRAS modeling results of the proposed bridge, no floodway revision will be required. This project meets the State Floodplain Compliance (SFC) Type A classification criteria since the reduction in base flood elevation (BFE) is contained within the NCDOT ROW. With respect to this, the Division and NCDOT Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP) to obtain approval.

H. Project Commitments

**Surry County Bridge Nos. 122 and 126 on US 52 over Toms Creek**  
**Federal Project No. BRSTP-0052(49)**  
**WBS No. 55027.1.FS1**  
**TIP No. B-5527**

- NCDOT Division 11/SMU/Hydraulics Unit - **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.
  - The Division/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).
- NCDOT Structures Management Unit - **Stakeholder Coordination**
  - NCDOT will continue coordination with the Town of Pilot Mountain and Surry County to discuss potential future greenway accommodations along Toms Creek.

I. Categorical Exclusion ApprovalTIP Project No. B-5527WBS Element 55027.1.FS1Federal Project No. BRSTP-0052(49)**Prepared By:**4/14/23

Date

William Rice, AICP, CEI, Principal Planner  
Rice LLC**Prepared For:** NCDOT Structures Management Unit (SMU)**Reviewed By:**4/21/2023

Date

DocuSigned by:



David Stutts – Project Manager, NCDOT SMU

**Approved**

If all of the threshold questions (1 through 7) of Section F are answered “no,” NCDOT approves this Categorical Exclusion.

**Certified**

If any of the threshold questions (1 through 7) of Section F are answered “yes,” NCDOT certifies this Categorical Exclusion.

4/21/2023

Date

DocuSigned by:

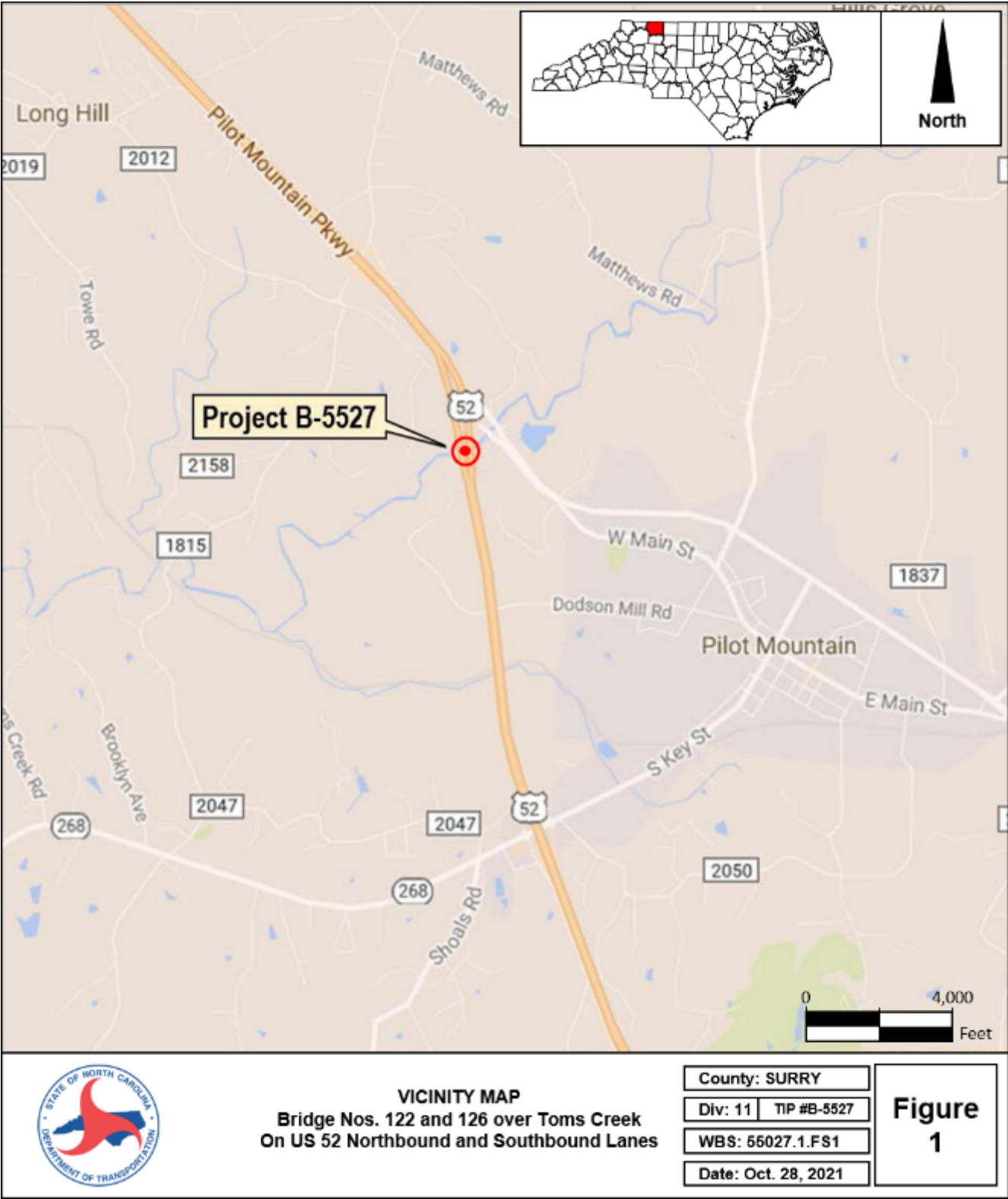


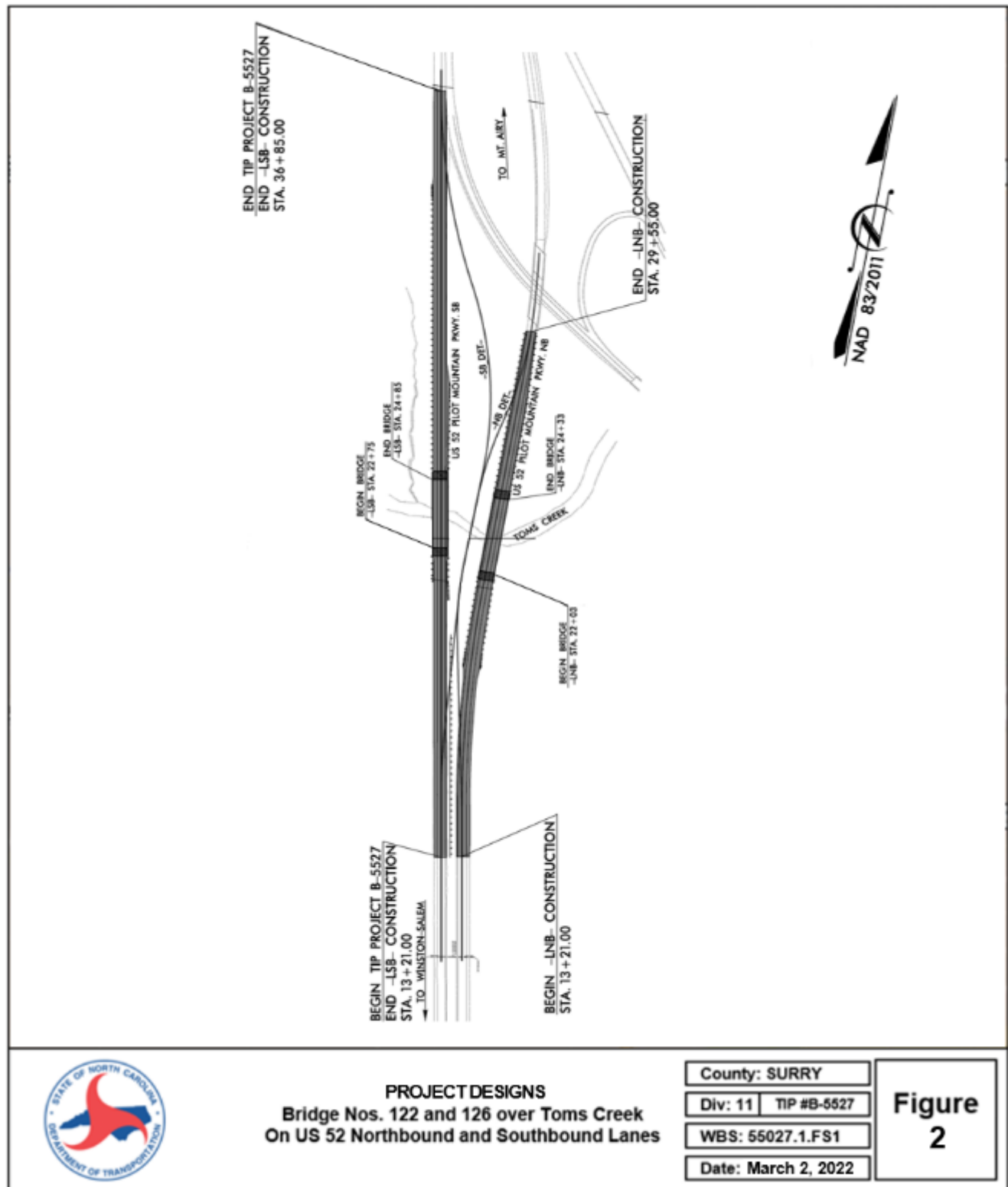
John Jamison – Environmental Policy Unit Head

**FHWA Approved:** For Projects Certified by NCDOT (above), FHWA signature required.Not Applicable

Date

John F. Sullivan, III, PE, Division Administrator  
Federal Highway Administration







# Appendix

Project Tracking No.:

15-03-0059 Resubmit
------------------------



## NO ARCHAEOLOGICAL SURVEY REQUIRED 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 Group.



### PROJECT INFORMATION

Project No: **B-5527**County: **Surry**WBS No: **55027.3.1**Document: **Federal CE**

F.A. No:

Funding: ☐ State ☒ Federal

Federal Permit Required?

☒ Yes ☐ No Permit Type: **USACE**

**Project Description:** Replacement of Bridge Nos. 122, 126, & 342 over Toms Creek and Old US 52 northbound lane in Surry County, North Carolina. The archaeological Area of Potential Effects (APE) encompasses the entire project study area as depicted on the attached ARC-GIS mapping. It measures 14.65 acres in area.

### SUMMARY OF CULTURAL RESOURCES REVIEW

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

Permitting and funding information was reviewed for determining the level of archaeological input required by state and federal laws. Based on the submitted "request for cultural resources review" form, the project is federally-funded with federal permit interaction. As such, Section 106 of the National Historic Preservation Act will apply and the Federal Highway Administration (FHWA) will serve as the lead federal agency. Next, construction design and other data was examined (when applicable) to define the character and extent of potential impacts to the ground surfaces embracing the project locale. The APE was primarily designed to capture any federal permit areas or areas of potential ground disturbing activity.

Once an APE was outlined, a map review and site file search was conducted at the Office of State Archaeology (OSA) on Tuesday, March 17, 2020. No NRHP eligible archaeological sites or any other previously documented archaeological sites are located within the APE or proximal. An archaeological survey of the original project study area was conducted in August 2015, by New South Associates. The survey area was robust and covered the majority of the new project study area (see attached map). During the course of the survey work by New South Associates, no archaeological sites were identified. The portions of the newly defined project area not covered by the original survey work are disturbed and encompass for the most part existing right-of-way. Further work at this location is unlikely to document significant or any other archaeological resources.

Examination of National Register of Historic Places (NRHP), State Study Listed (SL), Locally Designated (LD), Determined Eligible (DE), and Surveyed Site (SS) properties employing resources available on the NCSHPO website is important in establishing the location of noteworthy historic occupations related to a perspective construction impact area. A cross-check of these mapped resources concluded that no meaningful historic properties with possible contributing archaeological elements were located inward of the archaeological APE margins. In addition, historic maps of Surry County were appraised to identify former structure locations, land use patterns, or other confirmation of historic occupation in the project vicinity. Archaeological/historical reference materials were inspected as well. In general, the cultural background review established that no NRHP listed properties or cemeteries are located within the APE. Based on cultural-historical factors, the APE is considered to have a low potential for the documentation of archaeological resources.

Further, topographic, geologic, flood boundary, and NRCS soil survey maps were referenced to evaluate pedological, geomorphological, hydrological, and other environmental determinants that may have resulted in

"No ARCHAEOLOGY SURVEY REQUIRED" form for the Amended Minor Transportation Projects as Qualified in the 2015 Programmatic Agreement.

1 of 2



Project Tracking No.:

15-03-0059  
Resubmit

past occupation at this location. Aerial and on-ground photographs (NCDOT Spatial Data Viewer) and the Google Street View map application (when amenable) were also examined/utilized for additional assessment of disturbances, both natural and human induced, which compromise the integrity of archaeological sites. Environmental/impact factors do not suggest a heightened potential for archaeological resource recovery.

***Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:***

The majority of the currently defined APE has been previously surveyed for archaeological resources. No sites were identified during the course of the survey work. The remaining portions of the APE that had not been previously surveyed encompass disturbed and impacted existing right-of-way. Environmental and cultural-historical factors do not suggest a heightened potential for archaeological resource recovery in the APE. Intact NRHP eligible archaeological sites are unlikely to be present or preserved within the currently defined APE. No further consultation is advocated. A finding of "no archaeological survey required" is considered appropriate.

This project falls within a North Carolina County in which the Catawba Indian Nation has expressed an interest: Surry County. It is recommended that you contact each federal agency involved with your project to determine their Section 106 Tribal consultation requirements.

**SUPPORT DOCUMENTATION**

See attached: ☒ Map(s) ☒ Previous Survey Info ☐ Photos ☐ Correspondence  
☐ Photocopy of County Survey Notes Other:

**FINDING BY NCDOT ARCHAEOLOGIST**

**NO ARCHAEOLOGY SURVEY REQUIRED**

*Scott Eric Halverson*  
\_\_\_\_\_  
NCDOT

3.17.2020  
~~14.03.2020~~

15-03-0059  
updated

## HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED 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

<b>Project No:</b>	B-5527	<b>County:</b>	Surry
<b>WBS No.:</b>	55027.1.FS1	<b>Document Type:</b>	PCE
<b>Fed. Aid No:</b>	unknown	<b>Funding:</b>	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
<b>Federal Permit(s):</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Permit Type(s):</b>	unknown
<b><u>Project Description:</u></b> Replace Bridge Nos. 342, 122, & 123 on US 52 over Tom's Creek. (updated project description)			

### SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

**Description of review activities, results, and conclusions:**

Review of HPO quad maps, relevant background reports, historic designations roster, and indexes was undertaken on April 2, 2015. Based on this review there are no NR, DE, LL, SL, or SS in the project area. There are no structures greater than 50 years of age in the Area of Potential Effect (APE) of this project. No survey is required. This project has been resubmitted to include two more bridges. The new APE is shown in yellow on the map below. There are no properties over 50 years of age in the APE of the updated project. No survey is required.

**Why the available information provides a reliable basis for reasonably predicting that there are no unidentified significant historic architectural or landscape resources in the project area:**

Using HPO GIS website and Surry County ArcGIS website provides reliable information regarding the structures in the APE. These combined utilities are considered valid for the purposes of determining the likelihood of historic resources being present.

### SUPPORT DOCUMENTATION

☒ Map(s)    ☐ Previous Survey Info.    ☒ Photos    ☐ Correspondence    ☐ Design Plans

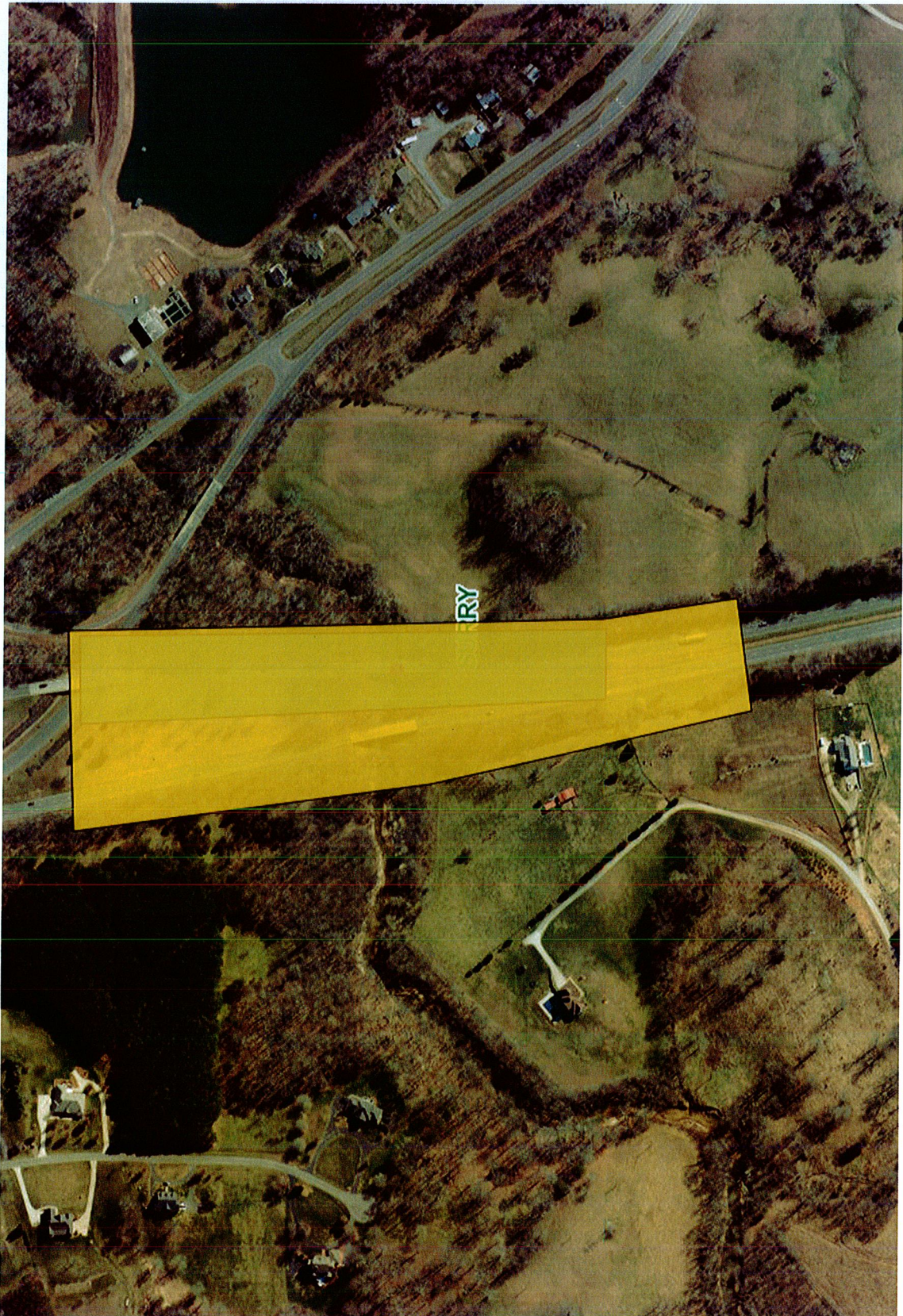
### FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

NCDOT Architectural Historian

Date

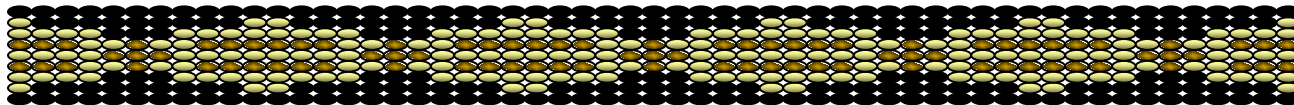






Catawba Indian Nation  
Tribal Historic Preservation Office  
1536 Tom Steven Road  
Rock Hill, South Carolina 29730

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



September 7, 2021

Attention: Bill Rice  
Rice LLC  
107 Craven Hill Court  
Cary, NC 27518

Re. THPO #	TCNS #	Project Description
2021-193-148		NCDOT STIP project number B-5527

Dear Mr. Rice,

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](mailto:Caitlin.Rogers@catawba.com).

Sincerely,

Wenonah G. Haire  
Tribal Historic Preservation Officer