

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

May 26, 2023

U. S. Army Corps of Engineers

Regulatory Field Office

Transportation Permitting Branch
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, Mr. Kevin Mitchell NCDOT Coordinator NCDOT Coordinator

Subject: Application for Section 404 Regional General Permit 50, and Section 401 Water

Quality Certification for the Proposed Replacement of Bridge 40 on NC 226 over North Fork First Broad Creek in Rutherford County, Division 13, TIP No. BR-0100,

Debit \$570 from WBS 67100.1.1.

Dear Madam and Sir:

The North Carolina Department of Transportation (NCDOT) proposes to replace bridge number 40 on NC 226 over North Fork First Broad Creek with a new bridge on the same location. Traffic will be detoured on-site during construction via a temporary detour bridge to the north.

As a result of stabilizing banks under the new bridge and at ditch outlets, there will be a total of 96 linear feet of permanent stream bank stabilization impacts, and 101 linear feet (0.01 ac) of temporary 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 and Reports, Cultural Resource Documents, and NEPA/SEPA Document.

Telephone: (919) 707-6000

Customer Service: 1-877-368-4968

Website: www.ncdot.gov

This project calls for a letting date of December 19, 2023 and a review date of October 31, 2023.

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 or (919) 707-6108.

Sincerely,

Michael A. Turchy

Environmental Coordination and Permitting Group Leader

ec: 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)

April 13, 2022 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/0/edoc/624704/PCN%20Help%20File%202018-1-30.pdf

A. Processing Information	٥
Pre-Filing Meeting Date Request was submitted on: * 4/29/2022	
If this is a courtesy copy, please fill in this with the submission date.	
Is this project connected with ARPA funding?* ○ Yes ○ No	
County (or Counties) where the project is located:*	
Rutherford	
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?*	
(NCDOT only) T.I.P. or state project number: BR-0100	
WBS #* 67100.1.1 (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?*	

Regional General Permit (RGP) Number:

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

RGP Numbers (for multiple RGPS):

Yes No

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 - ExpressRiparian 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 ⑥ 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 im If so, attach the acceptance letter from mitigation bank or in-lieu fee program. Yes No 	pacts ?	
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/A	gency-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)xxxxxxx(919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner	(x0x):000-x00x	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 1e. Is there an Agent/Consultant for this project? *	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply)	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 1e. Is there an Agent/Consultant for this project? * Yes No	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 1e. Is there an Agent/Consultant for this project? * Yes No 2. Owner Information	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 1e. Is there an Agent/Consultant for this project? * Yes No 2. Owner Information 2a. Name(s) on recorded deed: * NCDOT	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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:	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address * Street Address	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address *	(900)000-x00x (919)707-6108	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address * Street Address 1598 Mail Service Center Address Line 2 City	(919)707-6108 Applicant (other than owner) State / Province / Region	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address * Streat Address 1598 Mail Service Center Address Line 2 City Raleigh Postal / Zip Code	(xx)xxxxxx (919)707-6108 ☑ Applicant (other than owner) State / Province / Region NC Country	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address * Street Address 1598 Mail Service Center Address Line 2 City Raleigh	(xx)xxxxxx (919)707-6108 ☑ Applicant (other than owner) State / Province / Region NC	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address * Street Address 1598 Mail Service Center Address Line 2 City Raleigh Postal / Zip Code 27699-1598 2e. Telephone Number: *	(xx)xxxxxx (919)707-6108 ☑ Applicant (other than owner) State / Province / Region NC Country	
1b. Primary Contact Email: * ekcheely@ncdot.gov 1d. Who is applying for the permit? * Owner (Check all that apply) 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.: (for Corporations) 2d. Address * Street Address 1598 Mail Service Center Address Line 2 City Raleigh Postal / Zip Code 27699-1598	(xx)xxxxxx (919)707-6108 ☑ Applicant (other than owner) State / Province / Region NC Country	

2g. Email Address: *			
ekcheely@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		State / Province / Region	
Raleigh		NC	
Postal / Zip Code		Country	
27699-1598		US	
3d. Telephone Number: *			
(919)707-6108		3e. Fax Number:	
(xxx)xxx-xxxx		(x0x)x0x-x00x	
3f. Email Address: *			
ekcheely@ncdot.gov			
C. Project Information and Prior	Project History		
4 Barta da Garaga da a			<u> </u>
1. Project Information			<u>^</u>
1a. Name of project:*			
BR-0100 - Bridge 40 on NC 226 over North Fork First Broad Cre	eek		
1b. Subdivision name:			
(if appropriate)			
1c. Nearest municipality / town: *			
Bostic			
2. Project Identification			<u>^</u>
2. Project identification			
		2b. Property size:	
2a. Property Identification Number:		(in acres)	
(tax PIN or parcel ID)		14	
2c. Project Address			
Street Address			
Address Line 2			
City		State / Province / Region	
Postal / Zip Code		Country	
2d. Site coordinates in decimal degrees			
		g a survey-grade GPS device) after the decimal place as appropriate, based on how the location was all degrees to map coordinates to 5 or 6 digits after the decimal place.)	
Latitude: *	Longitude: *		
	_		
35.525872 ex: 34.208504	-81.776623 -77.796371		
3. Surface Waters			
3a. Name of the nearest body of water to proposed project:	*		
North Fork First Broad Creek			

Little First Broad River
Surface Water Lookup

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

1. Impacts Summary

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

□ Wetlands□ Streams-tributaries□ Open Waters□ Pond Construction

3. Stream Impacts

Buffers

	3a. Reason for impact * (?)	3b.Impact type *	3c. Type of impact*	3d. S. name *	3e. Stream Type*	3f. Type of Jurisdiction *	3g. S. width*	3h. Impact length*
S1	S1 (Bank Stabilization)	Permanent	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	51 (linear feet)
S2	S1 (Bank Stabilization)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	17 (linear feet)
S3	S2 (Riprap at Embankment)	Permanent	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	14 (linear feet)
S4	S2 (Riprap at Embankment)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	10 (linear feet)
S5	S3 (Riprap at Embankment)	Permanent	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	19 (linear feet)
S6	S3 (Riprap at Embankment)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	10 (linear feet)
S7	S4 (Bank Stabilization)	Permanent	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	0 (linear feet)
S8	S4 (Bank Stabilization)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	0 (linear feet)
S9	S5 (Riprap at Embankment)	Permanent	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	12 (linear feet)
S10	S5 (Riprap at Embankment)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	10 (linear feet)
S11	S6 (Riprap at Embankment)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	33 (linear feet)
S12	S7 (Riprap at Embankment)	Temporary	Bank Stabilization	N. Fork First Broad Creek	Perennial	Both	30 Average (feet)	21 (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: 96

30

3i. Total temporary stream impacts:

101

3i. Total stream and ditch impacts:

197

3j. Comments:

For S4; Permanent and temporary impacts are accounted for in S1 impacts.

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 proposed bridge does not contain deck drains. Storm water from the bridge is captured in a closed drainage system at 17+20 LT and 16+98 RT along shoulder berm and gutter and discharged through a rip rap pad prior to entering North Fork First Broad River. Storm water is also captured before the bridge in a closed system to alleviate spread on the bridge at 19+66 LT and 19+48 RT. From the beginning of the project to the JS, runoff is carried in a 4' base ditch lined with grass and onto class II rip rap at embankment to dissipate velocities before entering the stream. From the end of the project to JS, two 4' base ditches with riprap convey runoff to the JS dispelling water with class II rip rap at embankment to dissipate velocities. Bank stabilization with class II riprap will be installed under the proposed bridge due to existing piers being removed from the top of the bank and an existing swale that will no longer be utilized since the base ditches will be installed.

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

An onsite detour will be utilized. Temporary base ditches on the left side will also be installed to convey existing flows to the JS while construction occurs. Where these base ditches meet with the top of bank, class II rip rap at embankment will be installed to dissipate velocity. Erosion control measures will be implemented on on the project site including placement of silt fences around the construction zone, checks and wattles along flow paths, and sediment traps, around existing inlet structures.

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

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

Asheville

The NCDOT does not propose mitigation for the temporary and bank stabilization impacts associated with this project. 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.

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 prot Yes © N For a list of options to meet the diffuse flow requiremen	
If no, explain why: No buffered resources within project area.	
2. Stormwater Management Plan	
2a. Is this a NCDOT project subject to compliance v Yes No Comments:	vith NCDOT's Individual NPDES permit NCS000250?*
G. Supplementary Informati	on
1. Environmental Documentation	
	ic (federal/state/local) funds or the use of public (federal/state) land?*
YesN1b. If you answered "yes" to the above, does the pr	lo oject require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina)
Environmental Policy Act (NEPA/SEPA)?* Yes N	lo
	cument review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.)*
Yes	o
2. Violations (DWR Requirement)	
2a. Is the site in violation of DWR Water Quality Cer Riparian Buffer Rules (15A NCAC 2B .0200)?*	tification Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), or DWR Surface Water or Wetland Standards or
○ Yes	0
3. Cumulative Impacts (DWR Rec	juirement)
3a. Will this project (based on past and reasonably	anticipated future impacts) result in additional development, which could impact nearby downstream water quality?*
○ Yes	
3b. If you answered "no," provide a short narrative Due to the minimal transportation impact resulting from	description. this bridge replacement, this project will not stimulate growth but may influence nearby land use.
4. Sewage Disposal (DWR Requi	rement)
4a. Is sewage disposal required by DWR for this pro Yes ○ No ◎ N/A	vject?*
5. Endangered Species and Desi	gnated Critical Habitat (Corps Requirement)
5a. Will this project occur in or near an area with fee	
5b. Have you checked with the USFWS concerning Yes	
5c. If was indicate the USEWS Field Office you have	

5d. Is another Federal agency involved?*		
Yes	○ No	○ Unknown
What Federal Agency is involved? USACE		
5e. Is this a DOT project located within Division O Yes No	's 1-8?*	
5f. Will you cut any trees in order to conduct the Yes No	e work in waters of the U.S.?*	
5g. Does this project involve bridge maintenance	ce or removal?*	
Yes No	o or removar:	
F, pages 3-7.	signs of bat use such as staining, guano, ba	ts, etc.? Representative photos of signs of bat use can be found in the NLEB SLOPES, Appendix
⊚ Yes ○ No		
Link to the NLEB SLOPES document: http://saw-reg.us		:S&apps.pdf
If you answered "Yes" to 5g(1), did you discover ○ Yes ○ No ○ Unknown	r any signs of bat use?*	
*** If yes, please show the location of the bridge	on the permit drawings/project plans.	
5h. Does this project involve the construction/in Yes No	stallation of a wind turbine(s)?**	
5i. Does this project involve (1) blasting, and/or	(2) other percussive activities that will be co	onducted by machines, such as jackhammers, mechanized pile drivers, etc.?*
5j. What data sources did you use to determine USFWS Information for Planning and Consultation		d Species or Designated Critical Habitat?*
species were found. Re-surveys for all three of thes long eared bat was issued in 2020. Due to the proje between October 15 through April 15th (the Division Percussive activities include pile driving, structure of	species (tricolored bat) within the project area. I heartleaf, small whorled pogonia, and white iris se species are currently underway in spring 202 ect schedule, we will need a conference opinion in has indicated that they should be able to clean demolition and guardrail installation (no blasting ting permanent lighting, nor is there any propositions.	No habitat exists for bog turtle or rock gnome lichen ette were conducted in 2019 and no individuals of any 83. Informal concurrence for Indiana bat and northern 1 for tricolored bats. Tree clearing will be conducted 1 trees between November 15th and March 15th). 1). It is not anticipated that temporary lighting will be ed. Existing bridge demolition is expected to occur in
6. Essential Fish Habitat (Corp	s Requirement)	
6a. Will this project occur in or near an area des	signated as an Essential Fish Habitat?*	
○ Yes	No	
6b. What data sources did you use to determine NMFS County Index	whether your site would impact an Essentia	al Fish Habitat?*
7. Historic or Prehistoric Cultu	ral Resources (Corps Requi	rement)
Link to the State Historic Preservation Office Historic	ic Properties Map (does not include archaeolog	ical data: http://gis.ncdcr.gov/hpoweb/
7a. Will this project occur in or near an area that designation or properties significant in North Ca		ve designated as having historic or cultural preservation status (e.g., National Historic Trust
○ Yes	No	
7b. What data sources did you use to determine See attached letters for Archeology and Historic Pro		
8. Flood Zone Designation (Co	rps Requirement)	
Link to the FEMA Floodplain Maps: https://msc.f	ema.gov/portal/search	
8a. Will this project occur in a FEMA-designated Yes	d 100-year floodplain?* No	
8b. If yes, explain how project meets FEMA required Hydraulic modeling for the build scenario does not in		ion.
8c. What source(s) did you use to make the floo	dplain determination?*	

Miscellaneous



Comment

A Categorical Exclusion (CE) was developed for this project in the event federal funds became available. However, federal funds have not and will not be used for this project, and FHWA involvement is not required. Therefore, the project is not "federalized" and the CE checklist provides our SEPA documentation of a Minimum Criteria Determination. NCDOT currently assumes that the Corps of Engineers is our lead federal agency based upon an anticipated 404 permit.

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

BR-0100 PCN Attachment Package.pdf

13.59MB

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

5/26/2023

Permit Drawings



North Carolina Department of Transportation

Highway Stormwater Program STORMWATER MANAGEMENT PLAN



(Version 2.08; Released April 2018)

FOR NCDOT PROJECTS

(Version 2.08; Released A					I PROJECTS						
WBS Element:	67100.1.1	TIP No.:	BR-0100	County(ies	: Rutherford				Page	1	of 1
				General Proje	ct Information						
WBS Element:		67100.1.1		TIP Number: BR-0100		Project	Type:	Bridge Replaceme	ent	Date:	7/5/2022
NCDOT Contact:		David Stutts			Contractor / Desig			/ Vidya Mohandas			
	Address:	1000 Birch Ridge	Drive			Address:	434 Fayett	eville Rd			
		Raleigh, NC 276					Suite 1500				
		. ta.o.g., . to 2. o					Raleigh, N				
	Phone:	919-707-6442				Phone	984-269-46				
		dstutts@ncdot.go	OV.					andas@wsp.com			
City/Town:	Linaii.	dStattS@Ticdot.gc		estic	County(ies):	Ruthe		aridas e wsp.com			
River Basin(s):		Bro	oad	istic is	CAMA County?	N					
Wetlands within Pro	iact Limite?	No	Dau		CAMA County?	I IN	U			<u> </u>	
Wetlanus Within F10	ect Lillits :	140		Drainet D	intian						
D		0.04			escription Residential, Agricul	tural					
Project Length (lin. r	niles or feet):	0.21	1 mi	Surrounding Land Use:	Residential, Agricul	I		E tur	. 0"		
				Proposed Project				Existin			
Project Built-Upon A		l include 0.40	5.1	ac.	a abauldarab	l indicals of	1.5		C.	a 4b a 1 1	of the project of
Typical Cross Section	n Description:			n 8' grass shoulders and 11' gra gth of the project all ditch front a				lanes with grass she es varies from 2:1 to			
				' paved shoulders with 4' grass		grass should		es valles ilolli 2.1 ti	J 4. 1 1 1- IIIC	diudes 2-10	paved laties with
		shoulders where			shouldere and 7 grace	grade driedia	010.				
	· · · · · · · · · · · · · · · · · · ·		• .								
Annual Avg Daily Tra	,	Design/Future			ar: 2040	Existing:		2,100		Year	
General Project Narr (Description of Minir		' '		e replacement of Bridge No. 800 . It is to be replaced by propose				0 0			
Quality Impacts)	ilization of water			ge will be skewed at a 110 degr							
Quality illipacts)				@ 50', 1 @ 46'-3" on a tempora				age, an onsite actor	ai briage wiii i	be asea. The	deteal bridge
				ntain deck drains, storm water fr				stem at 17+20 LT a	nd 16+98 RT	along shoul	der berm and
						Fork First Broad River. Stormwater is also captured before the bridge in a closed system to alleviate spread					
				+48 RT. From the beginning of t							
				ring the stream. From the end of							
			•	s. Bank stabilization with class			posed bridge	e due to existing pie	ers being rem	oved from th	e top of the bank
				onger be utilized since the base							
		The detour bridge contains deck drains due to spread encroaching on temporary travel lanes. Temporary base ditches on the left side will also be installed to convey existing flows to the JS while constuction occurs. Where these base ditches meet with the top of bank, class II rip rap at embankment will be installed to dissipate velocity.									
		Erosion control measures will be implemented on on the project site including placement of silt fences around the construction zone, checks and wattles along flow paths, and									
		Erosion control measures will be implemented on on the project site including placement of silt fences around the construction zone, checks and wattles along flow paths, and sediment traps, around existing inlet structures.									
		sediment traps, a	irouria existing in	iet structures.							
				Waterbody	Information						
Surface Water Body	(1):		North Fork Fi	rst Broad River	NCDWR Stream In	dex No.:			9-37		
		. W		Primary Classification:	Class	С					
NCDWR Surface Wa	ter Classification fo	r water Body		Supplemental Classification			Trout	Waters (Tr)			
Other Stream Classi	fication:	No	ne	Prisman Gladomodilon	(31177)		Troat				
Impairments:		None									
Aquatic T&E Species	:2	No	Comments								
NRTR Stream ID:		N/A	Comments				Duffer Del	on in Effect:			NI/A
	las Casanina M-1-		Vec	Dook Draine Discharge Com	Duffer?	No		es in Effect:	Dffa.r2		N/A
Project Includes Brid			Yes	Deck Drains Discharge Over		No Narrativo)	Dissipator Pads Provided in Buffer? /// N/A				
Deck Drains Dischar	•		Yes	(If yes, provide justification in the General Project Narrative) (If yes, describe in the General Project Narrative; if no General Project Narrative)			o, justily in the				
(If yes, provid	le justification in the	eneral Project N	arrative)	1				Genera	ar r roject ival	ialive)	

VICINITY MAP

65% PLAN SUBMITTAL

PROJECT LOCATION

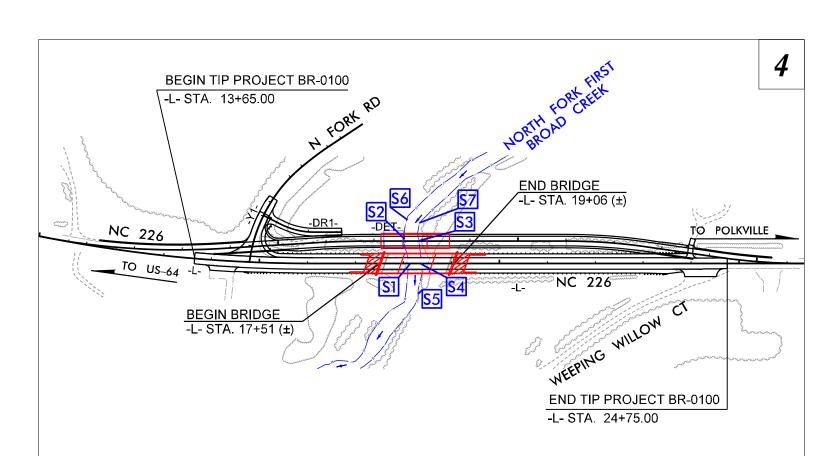
STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

RUTHERFORD COUNTY

LOCATION: BRIDGE No. 40 ON NC 226 OVER NORTH FORK FIRST BROAD CREEK

TYPE OF WORK: GRADING, DRAINAGE, SIGNING, TRAFFIC CONTROL AND STRUCTURE

WETLAND AND SURFACE WATER IMPACTS PERMIT 7-28-2022



STATE N.C. BR-0100 DESCRIPTION 67100.1.1 PE



PERMIT DRAWING SHEET 1 OF 8

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

CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.

GRAPHIC SCALES PROFILE (HORIZONTAL) PROFILE (VERTICAL)

DESIGN DATA ADT 2017 = 2,100 ADT 2040 = 2,100T = 12 % *V = 60 MPH(TTST = 7% + DUAL = 5%)FUNC CLASS = RURAL, MAJOR COLLECTOR **REGIONAL TIER GUIDELINES**

PROJECT LENGTH

LENGTH ROADWAY PROJECT BR-0100 = 0.181 MILENGTH STRUCTURE PROJECT BR-0100 = 0.029 MITOTAL LENGTH PROJECT BR-0100 = 0.210 MI

2018 STANDARD SPECIFICATIONS RIGHT OF WAY DATE: **DECEMBER 20, 2022** LETTING DATE: **DECEMBER 19, 2023** NCDOT CONTACT:

PREPARED IN THE OFFICE OF: HYDRAULICS ENGINEER FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SIGNATURE: HOLLY CHRISTENBURY, PE PROJECT ENGINEER ROADWAY DESIGN **ENGINEER** DYLAN O'NEAL DAVID STUTTS, PE

SIGNATURE:

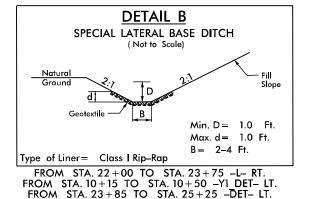


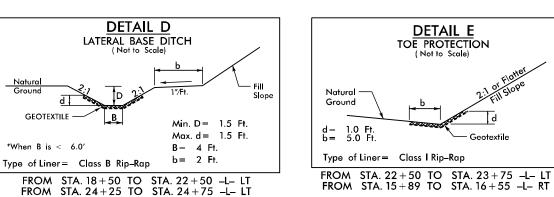


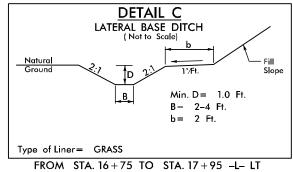
FROM STA. 13+75 TO STA. 14+40 –L– LT FROM STA. 12+75 TO STA. 14+25 –DET– LT

GEOTEXTILE

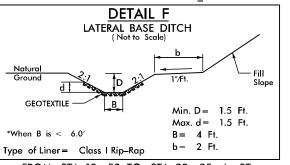
Min. D = 1.0 Ft.



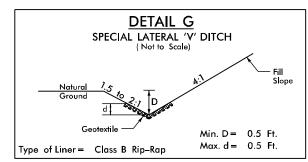




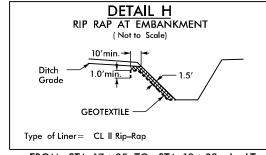
FROM STA. 16+75 TO STA. 17+95 -L- LT FROM STA. 14+75 TO STA. 15+89 -L- RT FROM STA. 15+25 TO STA. 17+50 -DET- LT FROM STA. 18+15 TO STA. 22+00 -DET- LT FROM STA. 15+60 TO STA. 17+75 -L PHASING- LT FROM STA. 18+89 TO STA. 22+44 -L PHASING- LT



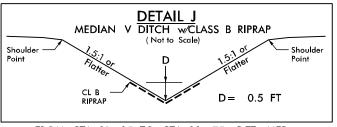
FROM STA. 18 + 50 TO STA. 22 + 95 -L- RT FROM STA. 22+00 TO STA. 22+50 -DET- LT FROM STA. 22+44 TO STA. 22+95 -L_PHASING- LT



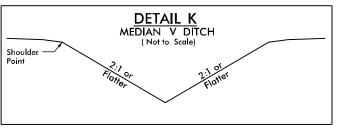
FROM STA. 10 + 25 TO STA. 11 + 25 -Y1- LT



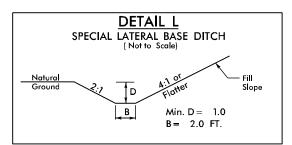
FROM STA. 17+95 TO STA. 18+03 -L- LT FROM STA. 18+32 TO STA. 18+45 -L- LT FROM STA. 18+30 TO STA. 18+50 –L– RT FROM STA. 17+56 TO STA. 17+64 -DET- LT FROM STA. 17+93 TO STA. 18+00 -DET- LT



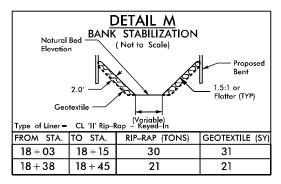
FROM STA. 21+25 TO STA. 22+75 -DET- MED FROM STA. 21+50 TO STA. 23+00 -L PHASING- MED

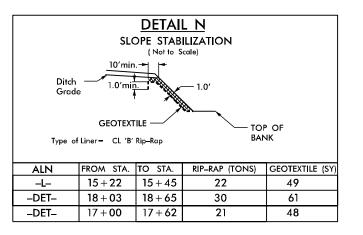


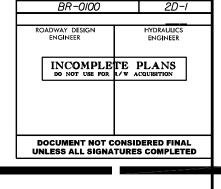
FROM STA. 15+25 TO STA. 17+00 -DET- MED FROM STA. 18 + 75 TO STA. 21 + 25 -DET- MED FROM STA. 15+50 TO STA. 17+50 -L_PHASING- MED FROM STA. 19+25 TO STA. 21+50 -L PHASING- MED



FROM STA. 15+50 TO STA. 16+75 -L- LT.



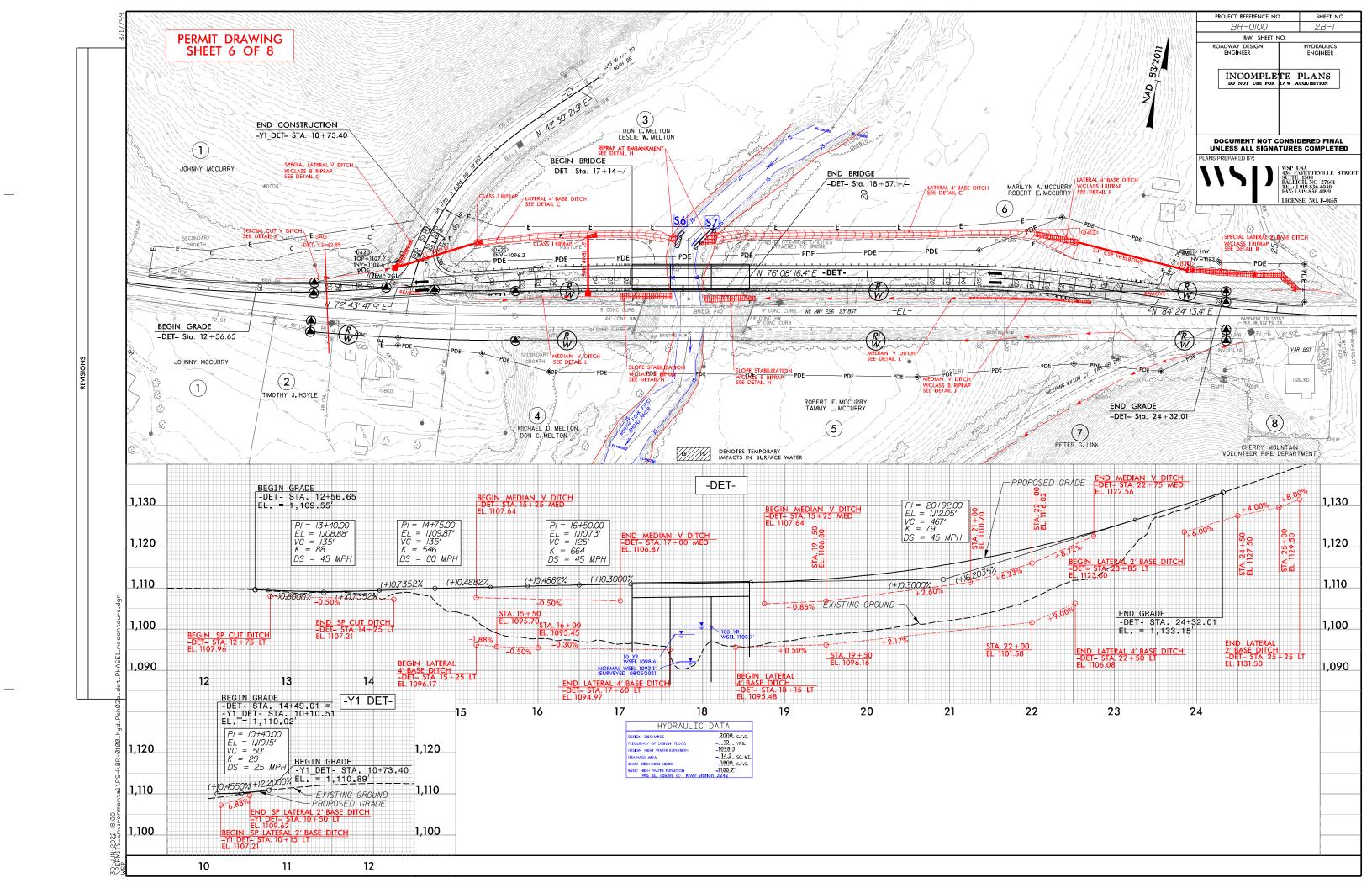


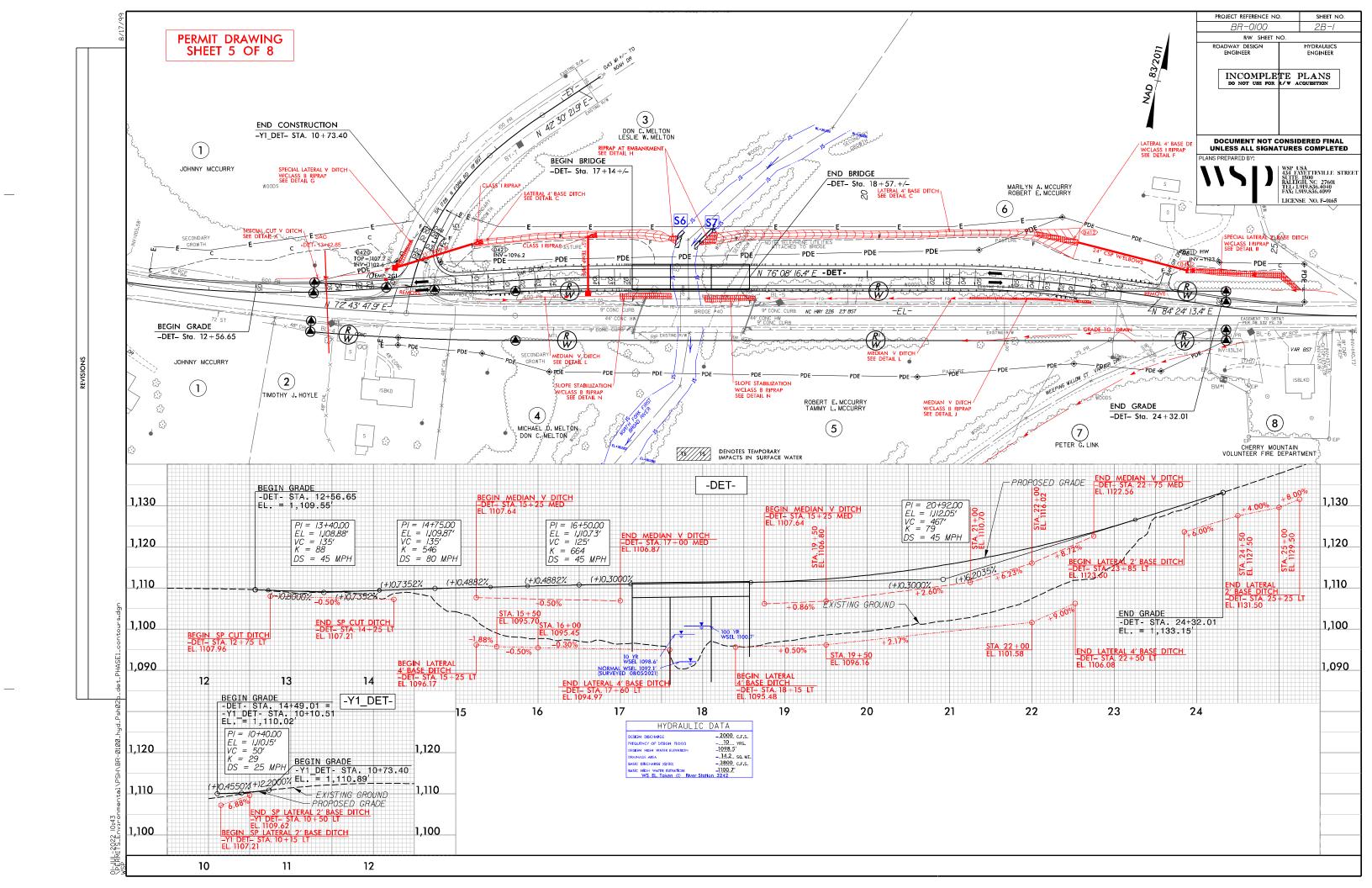


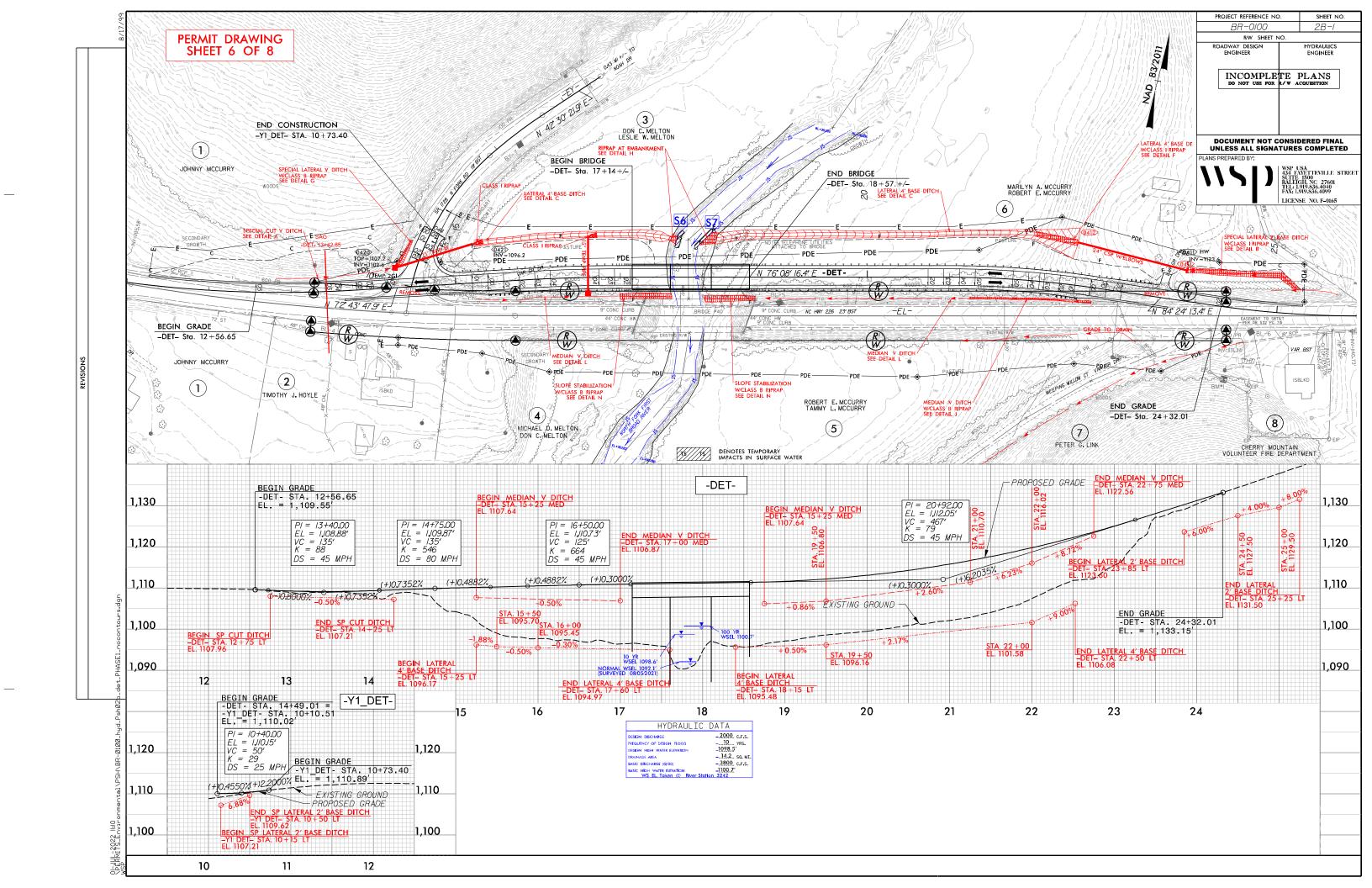
SHEET NO.

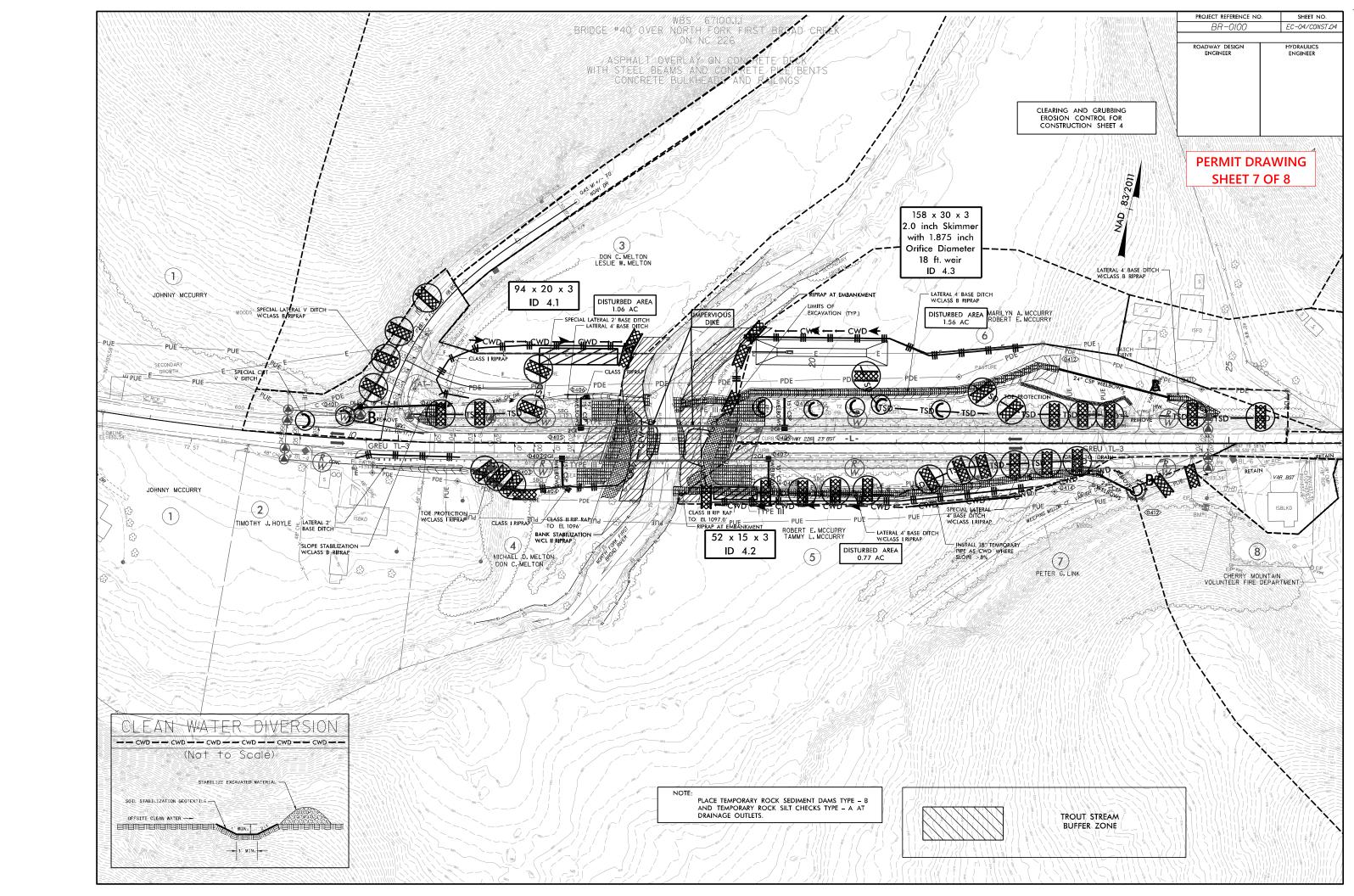
PROJECT REFERENCE NO.

PERMIT DRAWING SHEET 2 OF 8









Site No.								SURFACE WATER IMPACTS				
			Permanent	Temp.	Excavation	Mechanized	Hand Clearing	Permanent	Temp.	Existing Channel	Existing Channel	Natural
No.	Station	Structure	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Stream
	(From/To)	Size / Type	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Temp.	Design
			(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ft)	(ft)	(ft)
S1	L 18+03 to 18+15	Bank Stabilization						< 0.01	< 0.01	51	17	
S2	L 17+95 to 18+03 LT	Riprap at Embankment						< 0.01	< 0.01	14	10	
S3	L 18+32 to 18+45 LT	Riprap at Embankment						< 0.01	< 0.01	19	10	
S4	L 18+38 to 18+45	Bank Stabilization						< 0.01	< 0.01	Note a	Note b	
S5	L 18+30 to 18+50 RT	Riprap at Embankment						< 0.01	< 0.01	12	10	
S6	DET 17+56 to 17+64 LT	Riprap at Embankment							< 0.01		33	
S7	DET 17+93 to 18+00 LT	Riprap at Embankment							< 0.01		21	
												<u> </u>
												†

*Rounded totals are sum of actual impacts

NOTES:

a. Permanent impacts (LF) are accounted for in Site 1 impacts

b. Temporary impacts (LF) are accounted for in Site 1 impacts

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

July 5, 2022 Rutherford BR-0100

67100.1.1

8

SHEET

OF

8

Revised 2018 Feb

Protected Species/ Section 7



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

SECRETARY

January 12, 2023

TO: Michael Turchy, Environmental Coordination and Permitting Group Leader

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), Indiana bat

(Myotis sodalis, MYSO), 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 Number 40 over North Fork

First Broad Creek on NC 226 in Rutherford County, TIP No. BR-0100.

The North Carolina Department of Transportation (NCDOT, Division 13) proposes to replace Bridge No. 40 over North Fork First Broad Creek on NC 226 in Rutherford County, TIP No. BR-0100. The existing bridge is a three span structure with steel beams and concrete deck, end walls and guard rails. The overall length of the bridge is 136 feet. 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 July 27, 2022, Three Oaks biologists assessed all of the structures in the project study area. Crevices suitable for roosting are present on Bridge No. 40. No evidence of bats (bats, staining, guano) was observed on the structure. Bridge No. 40 was previously surveyed by NCDOT biologists (2019). No evidence of bats was observed during that survey. Trees greater than 3" dbh are present in the project area. Snags (river birch) greater than 5" dbh were 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.

Telephone: (919) 707-6000

Customer Service: 1-877-368-4968

Website: www.ncdot.gov

As of January 12, 2023, the following federally protected bat species are listed in IPaC

(<u>https://ecos.fws.gov/ipac/</u>) as occurring in the action area:

Species †	Federal Status	Habitat Present*	Biological Conclusion	Distance to Nearest Record**
MYGR †	Е	Yes	MANLTAA	20 mile S
MYSO	Е	Yes	MANLTAA	25 mile W
MYSE	Е	Yes	MANLTAA	6.8 mile W
PESU	PE	Yes	MANLTAA	9.3 mile W
MYLU***	FL	Yes	MANLTAA	7.2 mile E

^{*}See detailed habitat information in table below

MANLTAA=May Affect Not Likely To Adversely Affect

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

Species	Summer	Roosting	Winter	Foraging	Commuting
Species	Tree	Structure	Roosting	Habitat	Habitat
MYGR†	NA	√	X	✓	✓
MYSO	√	√	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 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 and bridge demolition 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.

^{**}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 Rutherford County.

[†] MYGR is not listed for the action area in IPaC at this time

[External] Re: Informal Concurrence Request Distribution: BR-0101

Ellwanger, Claire F < claire_ellwanger@fws.gov>

Mon 3/16/2020 11:29 AM

To: Turchy, Michael A <maturchy@ncdot.gov>

Cc: Miller, Melissa R <mrmiller2@ncdot.gov>; Bryan, Roger D <rdbryan@ncdot.gov>

1 attachments (160 KB)

20-145_Concurrence_BridgeNo.104_BR-0101_RutherfordCo.pdf;

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Concurrence for BR-0101 is attached, the last one was for BR-0100.

Claire Ellwanger Biologist U.S. Fish and Wildlife Service 160 Zillicoa St # B Asheville, NC 28801 (828) 258-3939 x 42235

From: Ellwanger, Claire F <claire_ellwanger@fws.gov>

Sent: Monday, March 16, 2020 11:13 AM **To:** Turchy, Michael A <maturchy@ncdot.gov>

Cc: Miller, Melissa R <mrmiller2@ncdot.gov>; Bryan, Roger D <rdbryan@ncdot.gov>

Subject: Re: Informal Concurrence Request Distribution: BR-0101

Concurrence is attached, thank you.

Claire Ellwanger Biologist U.S. Fish and Wildlife Service 160 Zillicoa St # B Asheville, NC 28801 (828) 258-3939 x 42235

From: Turchy, Michael A <maturchy@ncdot.gov>

Sent: Thursday, February 6, 2020 6:10 PM

To: Mizzi, Janet <janet_mizzi@fws.gov>; Ellwanger, Claire F <claire_ellwanger@fws.gov>

Cc: Cox, Marissa R <mrcox@ncdot.gov>; Loretta (Lori) Beckwith <loretta.a.beckwith@usace.army.mil>; Bryan,

Roger D <rdbryan@ncdot.gov>; Miller, Melissa R <mrmiller2@ncdot.gov>; smupef <smupef@ncdot.gov>

Subject: [EXTERNAL] Informal Concurrence Request Distribution: BR-0101

Please see the attached informal concurrence request letter and survey information for project BR-0101, the replacement of Bridge 104 on US 64 over Cove Creek in Rutherford County.

Let me know if you have any questions or need additional information.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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

March 16, 2020

Michael Turchy ECAP Western regional Team Lead Environmental Coordination & Permitting Group, EAU

Subject: **20-144,** Section 7 Concurrence for Rutherford County Bridge No. 40

Replacement, BR-0100

Dear Mr. Turchy,

On February 6, 2020, we received your email requesting section 7 concurrence on effects the subject project may have on the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened northern long-eared bat (NLEB, *Myotis septentrionalis*). The following comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

You have committed to remove trees required for the project during October 15th to April 15th, avoiding impacts to potentially roosting bats. Additionally, surveys for bats and evidence of roosting bats on May 16, 2019 were negative. Accordingly, we concur with your determination that the proposed project may affect, but is not likely to adversely affect, the Indiana bat and northern long-eared bat.

Therefore, we believe the requirements under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 15 31 - 1543), are fulfilled. Obligations under Section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this 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 identified action.

If you have questions about these comments please contact Ms. Claire Ellwanger of our staff at 828/258-3939, Ext. 42235. In any future correspondence concerning these projects, please reference our Log Number 20-144.

Sincerely,

-- original signed –

Janet Mizzi Field Supervisor

Informal Concurrence Request Distribution: BR-0100

Turchy, Michael A <maturchy@ncdot.gov>

Thu 2/6/2020 6:05 PM

To: janet_mizzi@fws.gov <janet_mizzi@fws.gov>; 'claire_ellwanger@fws.gov' <claire_ellwanger@fws.gov> Cc: Cox, Marissa R <mrcox@ncdot.gov>; Loretta (Lori) Beckwith <loretta.a.beckwith@usace.army.mil>; Bryan, Roger D <rdbryan@ncdot.gov>; Miller, Melissa R <mrmiller2@ncdot.gov>; smupef <smupef@ncdot.gov>



1 attachments (584 KB)

BR-0100 Concurrence Request.pdf;

Please see the attached informal concurrence request letter and survey information for project BR-0100, the replacement of Bridge 40 on NC 226 over North Fork First Broad Creek in Rutherford County.

Let me know if you have any questions or need additional information.

Thanks, Michael

Michael Turchy

Environmental Coordination and Permitting North Carolina Department of Transportation

919 789-1102 mobile 919 707-6157 office

1598 Mail Service Center Raleigh, NC 27699-1598

1000 Birch Ridge Drive Raleigh, NC 27610

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 23, 2020

TO: Michael Turchy, ECAP Western regional Team Lead

Environmental Coordination & Permitting Group, EAU

FROM: Melissa Miller, Environmental Program Consultant

Biological Surveys Group, EAU

SUBJECT: Section 7 survey results for the northern long-eared bat (Myotis

septentrionalis) and Indiana bat (Myotis sodalis) associated with the replacement of Bridge No. 40 over North Fork First Broad Creek on NC 226

in Rutherford County, TIP No. BR-0100.

The North Carolina Department of Transportation (NCDOT, Division 13) proposes to replace Bridge No. 40 over North Fork First Broad Creek on NC 226 in Rutherford County, TIP No. BR-0100. The existing bridge is a three span structure with steel beams, concrete deck, end walls and guard rails. The overall length of the structure is 136 feet.

Northern long-eared bat

The project to replace Bridge No. 40 has been reviewed for effects on the northern long-eared bat (NLEB). As of May 4, 2015, NLEB is listed by the U.S. Fish and Wildlife Service (USFWS) as "Threatened" under the Endangered Species Act of 1973. As of January 23, 2020, NLEB is listed by USFWS (http://www.fws.gov/raleigh/species/cntylist/nc counties.html) as "current" in Rutherford County.

According to the North Carolina Natural Heritage Program (NHP) Biotics Database, most recently updated January 2020, the nearest NLEB hibernacula record is 24 miles west of the project and no known NLEB roost trees occur within 150 feet of the project area.

NCDOT has also reviewed the USFWS Asheville Field office website (http://www.fws.gov/asheville/htmls/project review/NLEB in WNC.html) for consistency with NHP records. This project is located entirely outside of the red highlighted areas (12-digit HUC) that the USFWS Asheville Field Office has determined to be representative of an area that may require consultation. The closest 12 digit (030501050303) red HUC is approximately 22 miles away (Lake Lure-Broad River).

On May 16, 2019, NCDOT biologists assessed Bridge No. 40 for potential northern long-eared bat habitat. Deep vertical unsealed crevices suitable for roosting were present on the structure. No evidence (bats, staining, and guano) of bats was observed. Snags and shaggy barked trees greater than 3"dbh are present within the project area. Based on the presence of suitable roost trees, NCDOT recommends a Biological Conclusion of *May Affect Not Likely To Adversely Affect* for the northern long-eared bat. In order to minimize impacts to potential roosting habitat, a tree clearing moratorium may be required between April 15 and August 15 of any year.

Indiana bat

The project to replace Bridge No. 40 has also been reviewed for effects on the Indiana bat (MYSO). As of March 11, 1967, the Indiana bat was listed by the U.S. Fish and Wildlife Service (USFWS) as "Endangered" under the Endangered Species Act of 1973. As of January 23, 2020, the Indiana bat is listed by USFWS as "current" in Rutherford County (http://www.fws.gov/raleigh/species/cntylist/nc counties.html).

According to the North Carolina Natural Heritage Program (NHP) Biotics Database, most recently updated in January 2020, MYSO have been documented in Rutherford County. USFWS, North Carolina Wildlife Resources Commission (WRC) and NHP data indicate that the closest known occurrence of MYSO is approximately 29 miles west of the project site.

On May 16, 2019, NCDOT biologists assessed Bridge No. 40 for potential Indiana bat roosting habitat. No evidence (bats, staining, and guano) of bats was observed. Snags and shaggy barked trees greater than 5"dbh are present in the project area. Therefore, suitable summer roosting habitat for MYSO is present. No caves or mines were observed during the field visit. Therefore, no suitable winter roosting habitat for MYSO is present. Based on the lack of evidence of bats during the bridge inspection, the lack of caves or mines in the project vicinity as well as the presence of suitable summer roost trees, NCDOT recommends a biological conclusion of *May Affect Not Likely To Adversely Affect* for Indiana bats. In order to minimize impacts to potential roosting habitat, a tree clearing moratorium may be required between April 15 and October 15 of any year.

Final design, tree clearing, and percussive activities information will be provided in the permit application.

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

Archaeology

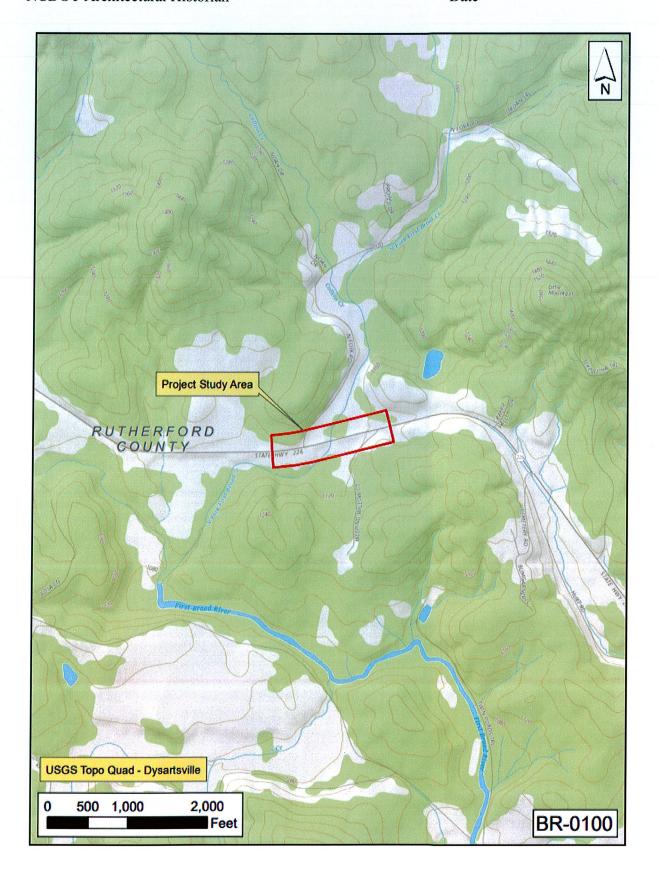
18-09-0073

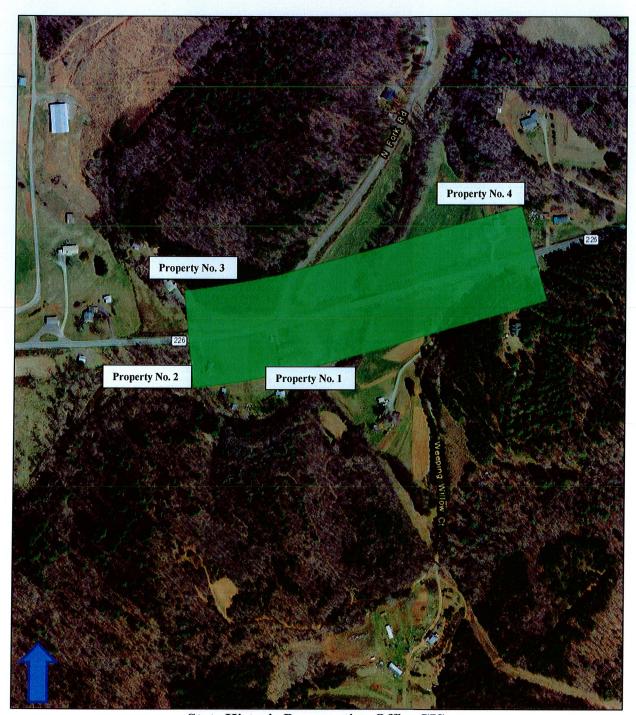


HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED FORM

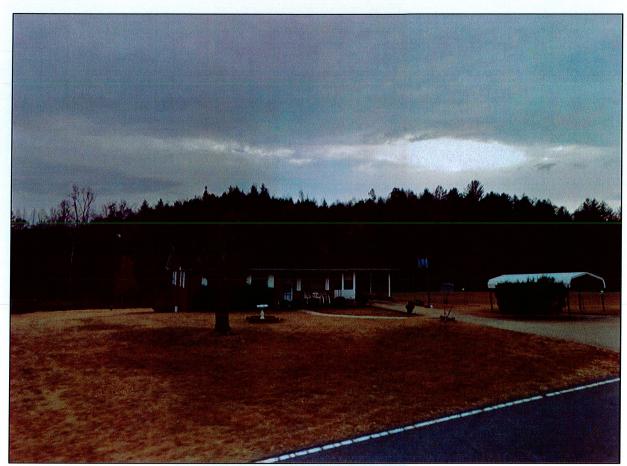
This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION							
Project No:	BR-0100	County:	Rutherford				
WBS No.:	67100.3.1	Document	MCC				
		Type:					
Fed. Aid No:	N/A	Funding:	State				
Federal	⊠ Yes □ No	Permit	USACE				
Permit(s):		Type(s):					
Project Description	n: Replace Bridge No. 40 on	NC 226 over No	rth Fork First Broad Creek.				
Description of rev Review of HPO q		nclusions: tion, historic desi	gnations roster, and indexes was				
follows the bound aerial imagery, Go years of age are u and do not warran No. 40 is not elig	undertaken on September 24, 2018. Based on this review, there are no existing NR, SL, LD, DE, or SS properties in the Area of Potential Effects, which defined on the following maps and follows the boundary of the Study Area. All properties within the APE were surveyed through aerial imagery, Google Maps Street View, and tax parcel information. All properties over fifty years of age are unremarkable and/or have been altered in a way that has diminished integrity, and do not warrant further evaluation; they are not eligible for National Register listing. Bridge No. 40 is not eligible for National Register listing. There are no National Register listed or eligible properties and no survey is required. If design plans change, additional review will be						
Why the available	e information provides a rel	iable basis for r	easonably predicting that there				
are no unidentifi	ed significant historic archi	itectural or land	scape resources in the project				
<u>area</u> : HPO quad maps and GIS information recording NR, SL, LD, DE, and SS properties for the Rutherford County survey, Rutherford County GIS/Tax information, and Google Maps are considered valid for the purposes of determining the likelihood of historic resources being present. There are no National Register listed or eligible properties within the APE and no survey is required.							
SUPPORT DOCUMENTATION Map(s) Previous Survey Info. Photos Correspondence Design Plans FINDING BY NCDOT ARCHITECTURAL HISTORIAN							
Historic Architecture and Landscapes NO SURVEY REQUIRED							
	Hull.		124/2012				





State Historic Preservation Office GIS.



3363 NC Hwy 226. Property No. 1



3408 NC Hwy 226 Property No. 2



3408 NC Hwy 226 Property No. 3



3262 NC Hwy 226 Property No. 4

Historic Architecture and Landscapes

18-09-0073



NO NATIONAL REGISTER OF HISTORIC PLACES ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES PRESENT FORM



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

PROJEC	CT INFORMATION			_
Project l	No: B-0100	County:	Rutherford	
WBS No	: 67100.1.1	Document:	MCC	
F.A. No:		Funding:	State	☐ Federal
Federal	Permit Required?	Yes No Pe	ermit Type: USA	CE tbd
For purpo areas and sand easem and easem nundred to designs su current roa The project Historic Pa	ses of this investigation, the soils likely to be disturbed duents. The project length is to either side of NC 226, the ggest a construction easemed adway. It is state funded and but will reservation Act applies.	e archaeological Are uring the construction 1500 feet, or about ough with an emphant may be necessary I be permitted by the	ea of Potential Efforming right of the 0.28 miles. The asis on the north up to about 100 features.	ects (APE) includes all of way, cut and fill lines width is 400 feet, two side where preliminary et from pavement of the
	h Carolina Department of T	Transportation (NCI	OOT) Archaeology	Team has reviewed
∏ TI	nere are no National Register potential effects. (Attach and o subsurface archaeological absurface investigations didustrace investigations didustra	y notes or document investigations were a not reveal the presen not reveal the presen	s as needed.) required for this pr ce of any archaeol	oject. ogical resources.
A co	onsidered eligible for the Nat Il identified archaeological s ompliance for archaeological reservation Act and GS 121-	ites located within the resources with Section	ion 106 of the Nati	onal Historic

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

The original review recommending survey was submitted in October of 2019. The following is a summary of that review which is relevant to the archaeological investigation, survey and results. USGS mapping and aerial photography was examined (see Figures 1 and 2). Most of the terrain surrounding the bridge is open, alluvial agricultural land in a rural setting. The broader project location contains some wooded hillsides and residences, including driveways and utilities. The North Fork of First Broad Creek joins First Broad River about 3000 feet (0.56 miles) downstream.

18-09-0073

There are no recorded archaeological sites in the immediate vicinity, though 31Rf203 is about 6,600 feet to the southeast, 1.25 miles away. No cemeteries are present in close proximity to the bridge replacement project according to USGS mapping and the GIS database of cemeteries maintained by NCDOT Archaeologist, Paul Mohler.

Soils data shows the wider limits of the APE, the approaches to the bridge on NC 226, to be eroded and sloped. The alluvial floodplains closer to the bridge is Toccoa sandy loam (ToA), an occasionally flooded but otherwise moderately well drained soil. Representing about 50% of the soils in the APE, the Toccoa sandy loam has potential for sustained, past human activities that could form an archaeological site, although in a plowed context. Interestingly, site 31Rf203 noted above is on Dogue loam (DoB), a rarely flooded and well drained soil, rather than the Toccoa sandy loam present at Bridge No. 40.

A review of historic maps and also somewhat later aerials from the second half of the twentieth century yielded no especially interesting features or notations. An examination of a series of aerial photography dated from 1947-1963 indicates that this segment of NC 226 and the bridge was built around 1955 on an entirely new alignment; the original road was the field to the south. In that imagery, earthmoving leading up to the current crossing and to either side has been mounded up for fill. Further, suggestion of a relic stream or overflow was present in the northwest quadrant. For these reasons, it was suggested in the original review that designs that would position a new structure, temporary or otherwise, immediately adjacent to the bridge may encounter only disturbed soils. Prior to archaeological fieldwork, a review of updated alternatives and plans, in consultation with the Project Engineers, determined that impacts to the north of NC 226 would be likely. Therefore, archaeological fieldwork, including subsurface testing, was warranted and concentrated on the suitable terrain and soils on the north side of US 226.

Soils, topographic and LIDAR mapping were reexamined prior to fieldwork to identify landforms with greater probability to contain archaeological sites, especially significant, intact resources. Areas of lower probability were also noted, such as those seen to be modified during mid-century roadway construction, were sloped and/or eroded according to setting and soil mapping. The APE was transferred to field GPS equipment which was used to navigate and plan subsurface testing, and also to record and map specific locations and results.

Archaeological testing of the APE was conducted on February 11, 2022 by Brian Overton, NCDOT Archaeologist. Landforms, microtopography and terrain modification evident in aerials and LIDAR mapping were easily recognizable on the ground. A total of four shovel test pits were fully excavated and screened (1/4 inch) on the relatively well drained, fallow fields adjacent to NC 226 near and to either side of the bridge and creek. A driveway into the field on the northwest quadrant was avoided as was very recent ditching near the bottom of the sloped fill for the roadway on the northeast side. For this project, the STPs were placed in transects parallel to NC 226 at an interval of 30 meters in the grassy fields. The anticipated cuts, fill episodes and other modifications to the landform were apparent inside the APE and were avoided. Shovel test pits No. 1 and 2 northwest of the bridge avoided the built-up drive access into the field from North Fork Road and began 30 meters west of North Fork First Broad Creek. The soil profile recorded was a rich silty sandy loam trending towards a sandy loam with excavation halted at about 70 cmbs. Shovel test pit No. 1, closer to the creek in this quadrant, contained water worn pebbles and small cobbles (2-12 cm across) with a concentration towards the bottom 56-70 cmbs. This may correspond to a relic stream or possible deviation hinted at in mid-century aerial photography. Shovel test pit No. 2 had similar soils but lacked cobbles; none were present. No cultural materials were identified during the screening of excavated soils. Northeast of the bridge is where Shovel test pits 3 and 4 were placed starting about 30 meters east of the water. Soils, a silty sandy loam, were similar to the other side of the creek and excavated to similar depths, though no cobbles were encountered like those present at Shovel Test Pit No. 1. The clay content increased somewhat in Shovel Test Pit 4 where the terrain just begins to rise and is at

18-09-0073

the margin of an eroded soil type. Again, no cultural materials were identified. As mentioned earlier, ditching at the bottom of NC 226's sloped embankment was fresh. No artifacts were seen, however the expected trash and broken bottle glass typical of roadside contexts was observered.

Other areas of the project were visually inspected. Impacts south of the current roadway are expected to be less compared to the north. The southwest quadrant is characterized by a bluff-like topographic feature, apparently fill or an abrupt cut. Mid-centuery aerial photography showed this area heavily modified, an apparent staging area for building the bridge and modern roadway. The southeast contains pasture land which shifts into eroded soils and steeply climbing terrain. No subsurface testing was located south of the bridge where impacts will be less.

In summary, subsurface testing for archaeological sites yielded no cultural materials or identifiable occupation levels. The APE was subjected to inspection which confirmed conditions and expectations. Four shovel test pits were excavated and screened on the relatively level northern floodplain within the APE where impacts are also greater. No shovel test pit yielded artifacts and no archaeological sites were identified.

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

SUPPORT DOCUMENTATION				
See attached:	Map(s)	Previous Survey Info	Photos	Correspondence
Signed:	Other:			
BRIAN P. OVERTON			2/16/2022	
NCDOT ARCHAEOLOGIST Date		Date		

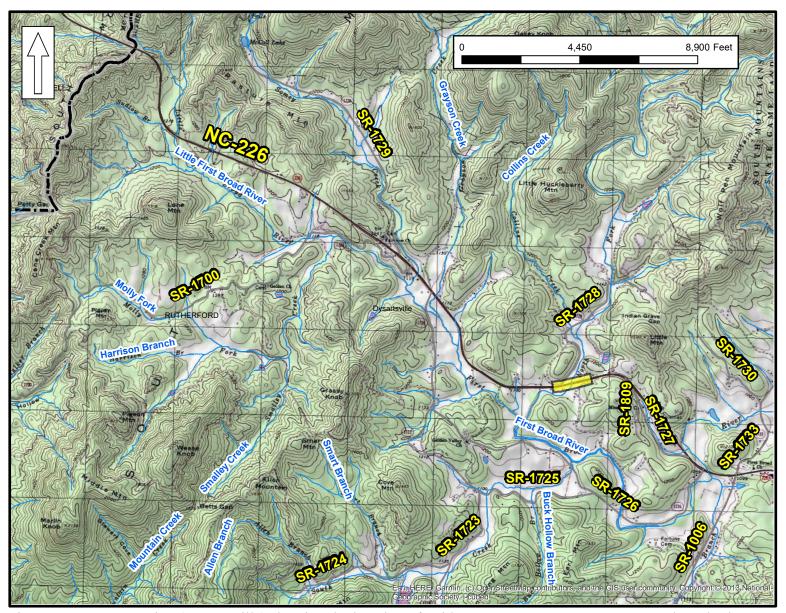


Figure 1. USGS mapping (Dysartsville) showing the location of Bridge No. 0040 on NC 226 over North Fork First Broad Creek, TIP BR-0100/PA 18-09-0073, in northeast Rutherford County. The APE is shown in yellow.

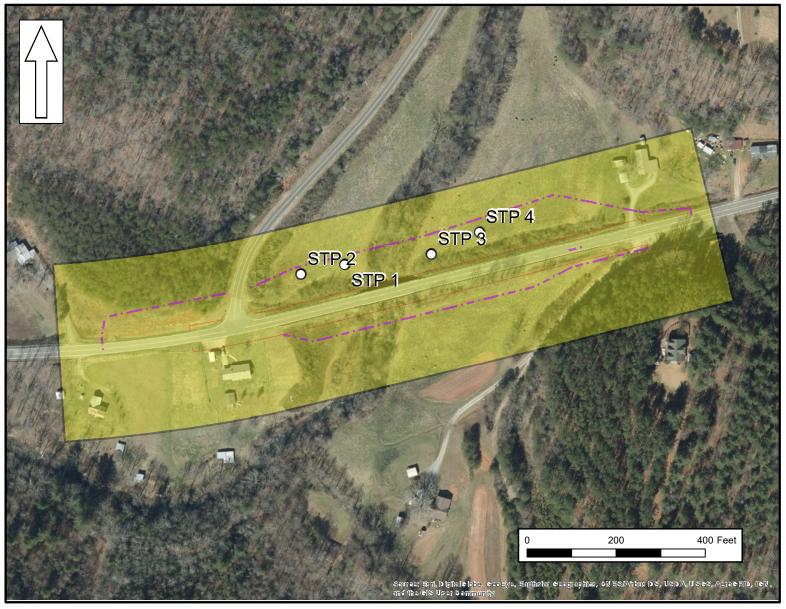


Figure 2. Aerial showing current conditions, APE (yellow), conceptual construction easement limits (purple dashed line) and negative shovel test pits for TIP BR-0100 / PA 18-09-0073. Survey concentrated on impacts north of NC 226.

NEPA/SEPA Document

.

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	BR-0100
WBS Element	67100.1.1
Federal Project No.	N/A

A. Project Description:

BR-0100 proposes to replace Bridge No. 40 on NC 226 over North Fork First Broad Creek (also referred to as North Fork First Broad River) in Rutherford County. The existing structure is a 136-foot, three span reinforced concrete floor on I-beams bridge. The replacement bridge is proposed to be a 1@45', 1@65', 1@45', prestressed concrete girder structure with 12-foot travel lanes and 8-foot paved shoulders.

B. <u>Description of Need and Purpose:</u>

The purpose of the project is to replace existing Bridge No. 40. The bridge is considered structurally deficient and has a sufficiency rating of 52.79 of 100 as documented in the 2021 *Structure Safety Report* for the bridge.

C. <u>Categorical Exclusion Action Classification:</u>

Type I(A) - Ground Disturbing Action

D. <u>Proposed Improvements:</u>

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:

Alternatives Discussion

No Build. The No Build Alternative would result in eventually closing the road, which is unacceptable given the necessary property access NC 226 provides.

Rehabilitation. Due to the age and extensive deterioration of the existing bridge, rehabilitation would result in effectively replacing the bridge.

Replace In-Place with Onsite Detour (Preferred). Bridge No. 40 is proposed for replacement on the existing alignment. Traffic will be detoured through a temporary bridge built north of the existing bridge during the construction period.

Replace In-Place with Staged Construction. Staged construction was not considered because of the availability of an acceptable on-site detour route.

Replace on New Alignment. Given that the alignment for NC 226 is acceptable, and a new alignment would unnecessarily increase project impacts, replacing the bridge on new alignment was not considered as an alternative.

Replace In-Place with Offsite Detour. An off-site detour route was not considered to avoid impacts to Chery Mountain Volunteer Fire Department – Golden Valley Station response time. Potential off-site detour routes would have been at least six miles in length.

Cultural Resources

The Historic Architecture and Landscapes No Survey Required Form for BR-0100 was issued September 24, 2018. No National Register of Historic Places (NRHP) eligible properties were identified within the Area of Potential Effects (APE). Properties with structures over the age of 50 years in the APE were determined to not warrant further evaluation.

An Archaeological Survey Required Form for BR-0100, dated November 6, 2019, indicated the potential for intact sites within the APE. A Phase I archaeology survey was completed in February 2022 and did not identify new archaeology sites or cultural materials. A No National Register of Historic Places Eligible or Listed Archaeology Sites Present Form concluded the results of the archaeology survey and was issued in February 2022.

A Start of Study letter was mailed to the Catawba Indian Nation, Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians, and the Muscogee (Creek) Nation in March 2022. A response was received from the Catawba Indian Nation in April 2022 indicating the tribe had no immediate concerns but to notify the tribe if Native American artifacts and/or human remains are located during the ground disturbance phase of the project. As of June 9, 2022, responses from the other tribes were not received. If responses are received, they will be placed on the project SharePoint site.

Documentation of the cultural resource reviews can be found on the project SharePoint site.

Community Resources

Chery Mountain Volunteer Fire Department – Golden Valley Station is located in the southeast quadrant of Bridge No. 40. Approximately 0.01 acres of right-of-way and temporary construction easement are anticipated from the fire department property, but the fire department structure is not anticipated to be impacted. Access to the property is not anticipated to be disrupted during construction as the on-site detour would allow for normal operations for response vehicles. NCDOT will coordinate with the fire department to communicate the construction schedule and potential disruptions to access.

School and Emergency Service Transportation

The presence of residences along NC 226 indicates the road may be used by school and emergency service vehicles, beyond traffic generated by the Chery Mountain Volunteer Fire Department – Golden Valley Station. The proposed on-site detour route would not likely notably alter travel patterns and increase travel time for these vehicles during construction. Responses were not received from Rutherford County Schools or Rutherford County Emergency Management during project scoping. Prior to construction, Division 13 will coordinate with Rutherford County Schools and Rutherford County Emergency Management to communicate construction schedules and the on-site detour to minimize disruptions to school and emergency services transportation.

Bicycle and Pedestrian Facilities

There are currently no existing bicycle or pedestrian facilities within the project study area. In accordance with the 2019 North Carolina Department of Transportation's (NCDOT) *Complete Streets Policy*, bicycle or pedestrian facilities were not recommended in existing plans. Due to the average annual daily traffic of 2,000 vehicles per day and the posted speed limit of 55 miles per hour, a scoping memorandum issued by the Integrated Mobility Division recommended incorporating paved shoulders between five and eight feet in width on the replacement bridge. Preliminary plans include 8-foot paved shoulders on the replacement structure. A copy of the memorandum can be found on the project SharePoint site.

The Complete Streets Project Sheet for BR-0100 was approved in November 2021.

GeoEnvironmental

The GeoEnvironmental Pre-Scoping Comments for the project, issued in July 2021, indicated no sites of concern within the project study area. A copy of the comments can be found on the project SharePoint site.

Right-of-Way Impacts

Based on preliminary plans, the project would result in approximately 0.62 acres of right-of-way acquisition and 2.75 acres of temporary construction easement. Impacts would occur on residential, undeveloped, and potentially agricultural properties. Relocations are not anticipated. Aerial imagery and a site visit indicated the property immediately adjacent north and south of the existing bridge has been cultivated for agriculture in the past, but it was not determined if that use is current.

Cost Estimate

Preliminary cost estimates for the project developed in October 2018 are listed in Table 1.

Table 1: Preliminary Project Costs

Right-of-Way	\$270,000
Construction Costs	\$2,700,000
Total Costs	\$2,970,000

Anticipated Permits and Agency Coordination

Water Resources

The Natural Resources Technical Report (NRTR) was prepared in August 2019 and can be found on the project SharePoint site. North Fork First Broad Creek was delineated within the study area and is classified as a Class C, Outstanding Resource Water, and Trout resource by the North Carolina Department of Environmental Quality (NCDEQ). Two wetlands, WA and WB, were delineated adjacent to the stream north of the existing bridge. Using preliminary right-of-way limits, approximately 170 feet of impacts to North Fork First Broad Creek are anticipated. Wetland WB is entirely within the proposed temporary construction easement, but preliminary plans do not indicate cut or fill within the wetland. Impacts to Wetland WA are not anticipated.

Scoping comments received from the North Carolina Wildlife Resource Commission noted North Fork First Broad Creek is within the First Broad River Headwaters Aquatic Habitat, a North Carolina Natural Heritage Program natural area.

A Nationwide or Regional General Permit from the United States Army Corps of Engineers (USACE), along with a corresponding 401 Certification, is anticipated for this project.

Endangered Species Coordination

The bat memorandum prepared by NCDOT for BR-0100 noted habitat for the Northern Long-eared bat (NLEB) (*Myotis septentrionalis*) was present within the study area, but individuals were not observed. Therefore, a May Affect Not Likely to Adversely Affect biological conclusion was issued for the species. The USACE will act as the lead agency for issues related to the NLEB. The USACE has developed a Standard Local Operating Procedure for Endangered Species (SLOPES) to address NLEB when they are the lead agency, which NCDOT will be required to follow for this project. This procedure applies to projects in NCDOT Divisions 9-14. The requirements of the SLOPES for NLEB will be completed prior to Let and should be submitted to USACE. Final design, estimated tree clearing, and percussive activities information should be provided in the permit application. The project may need to adhere to a tree clearing moratorium between April 1 – October 15.

The bat memorandum noted North Carolina Natural Heritage Program (NCNHP) records, accessed in April 2019, indicated the nearest hibernacula record being 24 miles west of the project area and no known NLEB roost trees were recorded within 150 feet of the project area. The NRTR noted NCNHP records, accessed in August 2019, indicated a known occurrence of the species within one mile of the study area.

USFWS is anticipated to change the species listing for the NLEB. If the species listing does change prior to let, consultation for the NLEB will need to be revisited.

A May Affect Not Likely to Adversely Affect biological conclusion was issued for the Indiana bat (*Myotis sodalist*) due to the presence of suitable summer habitat in the study area. However, individuals were not observed in the study area.

Concurrence on the impacts and mitigation measures for the two bat species was granted from the United States Fish and Wildlife Service in March 2020 (Appendix B).

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)				
Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.				
• /	If any question 1-7 is checked "Yes" then NCDOT certification for FHWA approval is required. If any question 8-31 is checked "Yes" then additional information will be required for those questions in Section G.			
	OJECT IMPACT THRESHOLDS WA 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)?		V	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?		V	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?		V	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?		A	
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?		A	
6	Does the project require an Individual Section 4(f) approval?		$\overline{\mathbf{A}}$	
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)?		V	
	y question 8-31 is checked "Yes" then additional information will be required for those ion G.	questio	ns in	
<u>Othe</u>	er Considerations	Yes	No	
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?		$\overline{\mathbf{A}}$	
9	Is the project located in anadromous fish spawning waters?		$\overline{\mathbf{A}}$	
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)?	V		
11	Does the project impact Waters of the United States in any of the designated mountain trout streams?		$\overline{\mathbf{A}}$	
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?		\checkmark	
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?		$\overline{\checkmark}$	

Other Considerations for Type I and II Ground Disturbing Actions (continued)			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?		V
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?		$\overline{\mathbf{V}}$
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?	V	
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)?		V
18	Does the project require a U.S. Coast Guard (USCG) permit?		\checkmark
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?		V
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?		V
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?		V
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?		V
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?		V
24	Will maintenance of traffic cause substantial disruption?		$\overline{\checkmark}$
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?		V
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?		V
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?		V
28	Does the project include a de minimis or programmatic Section 4(f)?		$\overline{\checkmark}$
29	Is the project considered a Type I under the NCDOT Noise Policy?		V
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?		V
31	Are there other issues that arose during the project development process that affected the project decision?		V

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

Response to Question 10

North Fork First Broad Creek is a classified as an Outstanding Resource Water by NCDEQ. Erosion and sediment control measures should be taken during construction to avoid impacts to water quality.

Response to Question 16

As the temporary detour bridge is anticipated to be in place longer than twelve months, hydraulic modelling was conducted for a worst-case scenario where both the existing bride and temporary detour bridge are both online. The hydraulic modelling indicated a rise in the 100-year base flood elevation may occur under this scenario. Coordination will be conducted with FEMA regarding the temporary rise, but initiation of the Conditional Letter of Map Revision process is not anticipated.

Hydraulic modelling for the build scenario does not indicate in rise in the 100-year base flood elevation.

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

NCDOT PROJECT COMMITMENTS

STIP Project No. **BR-0100**Replacement of Bridge No. 40 on NC 226 over North Fork First Broad Creek
Rutherford County
Federal Aid Project No. N/A

NCDOT Division 13

- Prior to construction, Division 13 will determine whether a pre-demolition survey is needed for
 protected bat species and determine appropriate mitigation measures for the Northern Long-eared
 bat and Indiana bat, including a potential tree clearing moratorium between April 1 and October 15.
- Division 13 will coordinate with the Chery Mountain Volunteer Fire Department Golden Valley Station to communicate the construction schedule and potential disruptions to access.

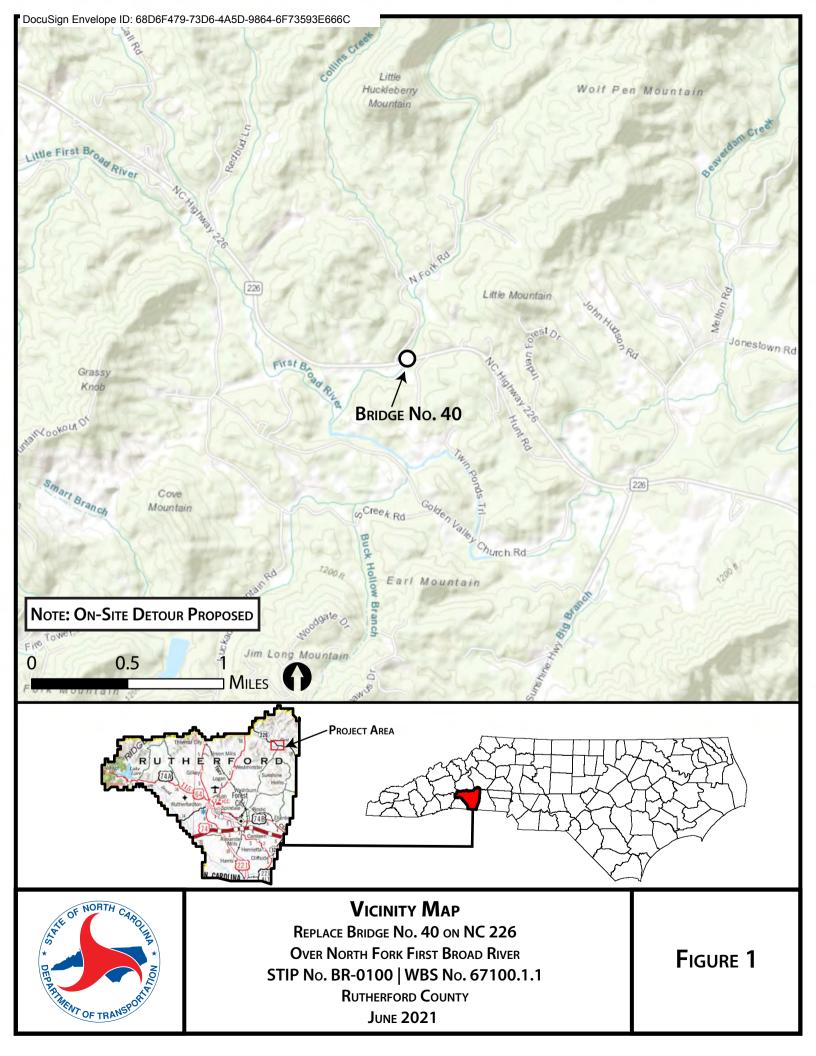
I. Categorical Exclusion Approval:

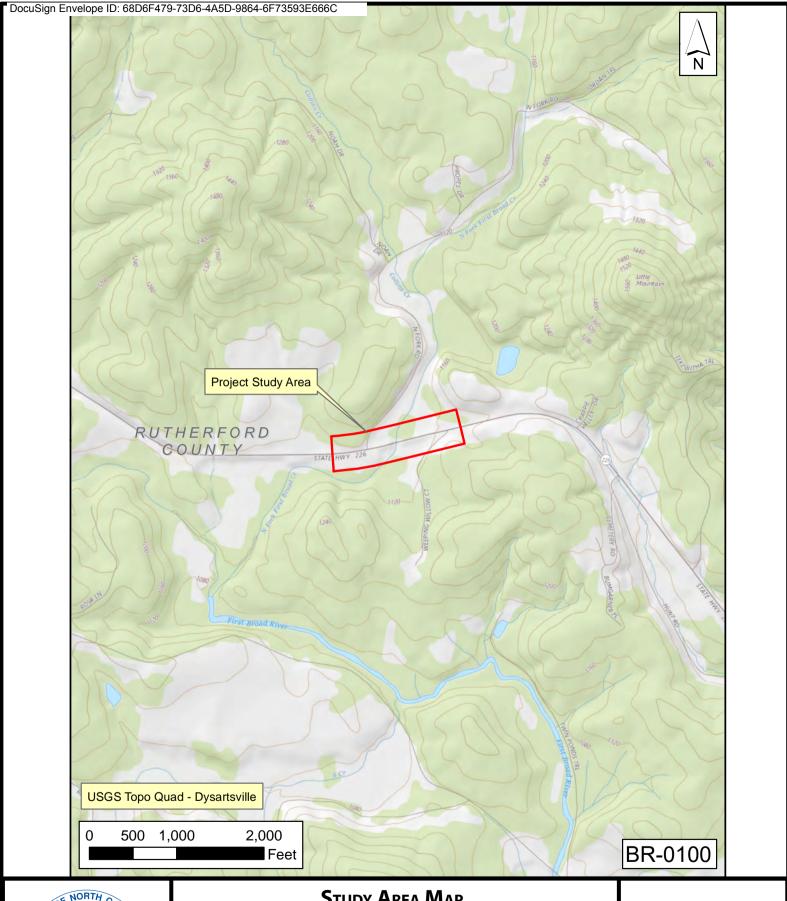
STIP Project No.	BR-0100
WBS Element	67100.1.1
Federal Project No.	. N/A
Prepared By:	— DocuSigned by:
7/20/2022	Kna
Date	Katharine Mather, AICP WSP
Prepared For:	Highways Division 13
Reviewed By: 7/20/2022	Pocusigned by: Roger D Bryan
Date	Roger D. Bryan, Division Environmental Officer Highways Division 13, NCDOT
Approve	If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.
Certifie	 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.
7/21/2022	Steve Cannon
	Steve Cannon, PE, Division Project Development Engineer Highways Division 13, North Carolina Department of Transportation
FHWA Approved: F	For Projects Certified by NCDOT (above), FHWA signature required.
Date for	John F. Sullivan, III, PE, Division Administrator
	Federal Highway Administration

Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).

Appendix: Attachments

- A. Figures
- B. United States Fish and Wildlife Concurrence Letter March 2020



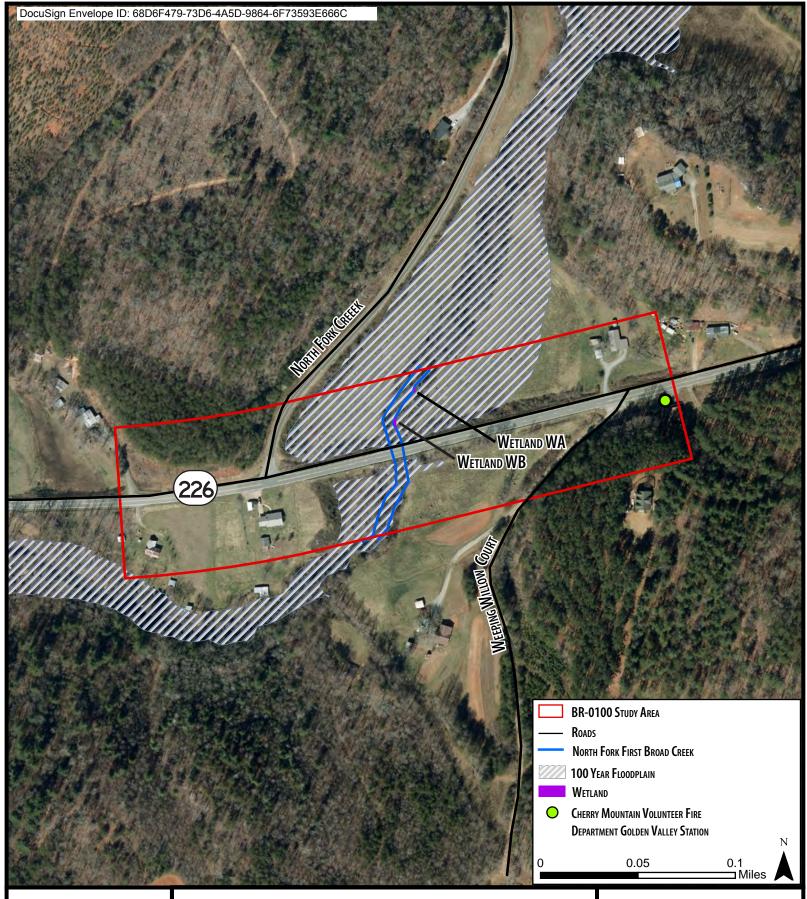




STUDY AREA MAP

REPLACE BRIDGE No. 40 ON NC 226 OVER NORTH FORK FIRST BROAD RIVER STIP No. BR-0100 | WBS No. 67100.1.1 RUTHERFORD COUNTY **JUNE 2021**

FIGURE 2





ENVIRONMENTAL CONSTRAINTS MAP

REPLACE BRIDGE No. 40 ON NC 226
OVER NORTH FORK FIRST BROAD CREEK
STIP No. BR-0100 | WBS No. 67100.1.1
RUTHERFORD COUNTY
JUNE 2022

FIGURE 3



United States Department of the Interior

FISH & WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE

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

March 16, 2020

Michael Turchy ECAP Western regional Team Lead Environmental Coordination & Permitting Group, EAU

Subject: **20-144,** Section 7 Concurrence for Rutherford County Bridge No. 40

Replacement, BR-0100

Dear Mr. Turchy,

On February 6, 2020, we received your email requesting section 7 concurrence on effects the subject project may have on the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened northern long-eared bat (NLEB, *Myotis septentrionalis*). The following comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

You have committed to remove trees required for the project during October 15th to April 15th, avoiding impacts to potentially roosting bats. Additionally, surveys for bats and evidence of roosting bats on May 16, 2019 were negative. Accordingly, we concur with your determination that the proposed project may affect, but is not likely to adversely affect, the Indiana bat and northern long-eared bat.

Therefore, we believe the requirements under Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 15 31 - 1543), are fulfilled. Obligations under Section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this 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 identified action.

If you have questions about these comments please contact Ms. Claire Ellwanger of our staff at 828/258-3939, Ext. 42235. In any future correspondence concerning these projects, please reference our Log Number 20-144.

Sincerely,

-- original signed –

Janet Mizzi Field Supervisor