



NORTH CAROLINA
Department of Transportation

Environmental Policy & Documents

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September 2024

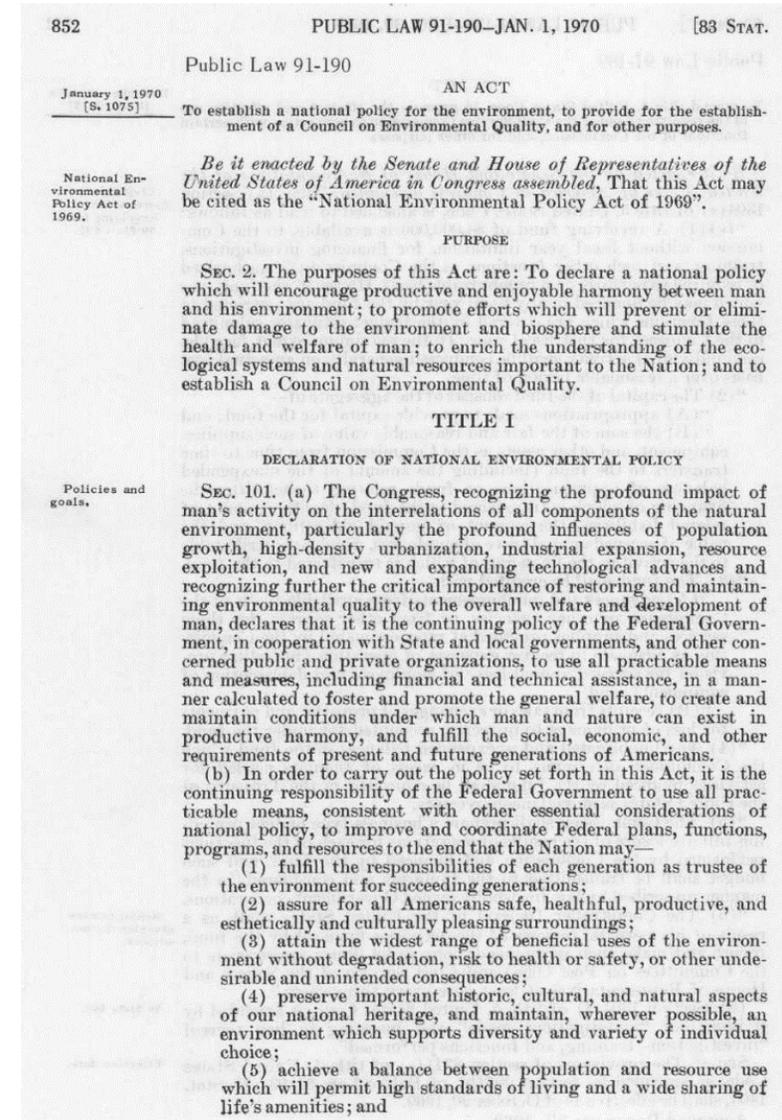
Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

What is Environmental Policy?

At the Federal level...

National Environmental Policy Act (NEPA) of 1969

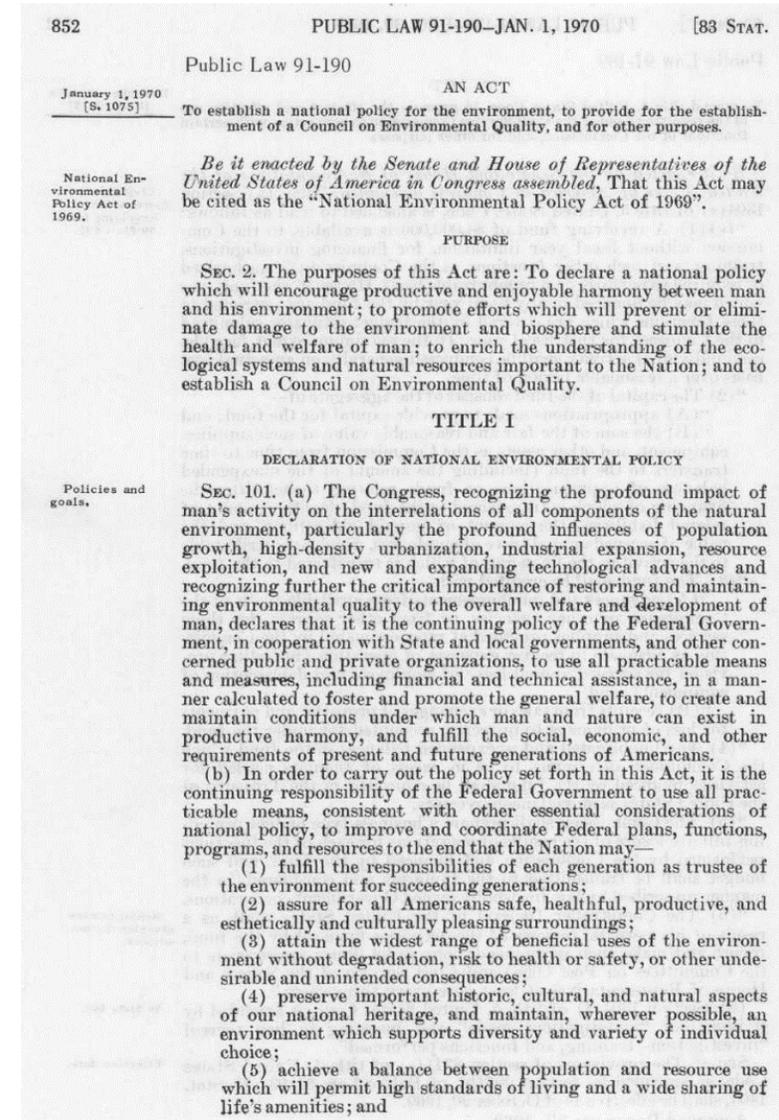
- January 1, 1970
- “Recognizing the profound impact of man’s activity on...the natural environment...and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man...”
- “...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”



At the Federal level...

National Environmental Policy Act (NEPA) of 1969

- Establishes procedures for major actions
- Requires Federal agencies to prepare a detailed statement on
 - (1) the environmental impacts;
 - (2) any unavoidable adverse effects;
 - (3) alternatives;
 - (4) the relationship between local short-term effects and the maintenance and enhancement of long-term productivity; and
 - (5) any irreversible and irretrievable resource commitments



At our state level...

NC Environmental Policy Act of 1971

- “Recognizing the profound influence of man's activity on the natural environment, and desiring, in its role as trustee for future generations, to assure that an environment of high quality will be maintained for the health and well-being of all, declares...policy of the State of North Carolina to conserve and protect its natural resources and to create and maintain conditions under which man and nature can exist in productive harmony.”



At our state level...

NC Environmental Policy Act of 1971

- “Further...to seek, for all of its citizens, safe, healthful, productive and aesthetically pleasing surroundings; to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety; and to preserve the important historic and cultural elements of our common inheritance.”



Policies & Processes

What are some examples?

- Resiliency & Climate Change
- Interagency Coordination
- Funded Agency Positions
- Project Commitments Guidance (green sheets)
- 404/NEPA Merger Process MOU
- Project Initiation & Screenings
- Wildlife Passage MOU



NORTH CAROLINA ZEV PLAN

A Strategic Plan for Accelerating
Electric Vehicle Adoption in
North Carolina



OCTOBER 1, 2019

VERSION 1.0

*Prepared by the North Carolina Department of Transportation
for the North Carolina Climate Change Interagency Council*

Project Development

How do we implement our policies and processes each day?

Doing Business Bidding & Letting Projects **Resources** Local Governments Search...

Asset Management **Environmental** Geotechnical GIS Hydraulics Materials & Tests Photogrammetry Contract Standards

Environmental Policy

Helping staff ensure compliance with the National Environmental Policy Act and other environmental policies and regulations

Home > Connect NCDOT > Resources > Environmental > Environmental Policy

Merger Process

NCDOT's NEPA/404 Merger Process is used to achieve regulatory concurrence on project decisions to garner streamlined permit approvals.

NEPA/SEPA Guidance

EPU provides guidance based on FHWA policies and internal procedures to help staff meet NEPA and SEPA regulatory requirements.

Policies, Guidance and Initiatives

EPU helps NCDOT staff interpret our policies and guidance.

Training and Other Topics

EPU facilitates training opportunities in environmental compliance across the Department.

FAQs

Customer Service

EPU Customer Service

Quick Links

FEDERAL REGULATION

Upload form for CE's (via Sharepoint or ATLAS only)

In support of FHWA's annual NEPA Categorical Exclusion need to capture all of the documentation without a libraries or the ATLAS Web include research activities landscaping, guardrail repair and other similar actions.

- Websites
- Staff Training & Coordination
- Lots of Emails!
- Consultant Outreach
- Merger Pre-Screening
- Project Initiation or “Scoping”
- NEPA/SEPA Documentation
- Permitting

connect.ncdot.gov/resources/Environmental/EPU

Why do we have to do so much?

Lead Federal Agency

- Could be FHWA or the Corps of Engineers (or FAA for Aviation or FRA for Rail or FTA for IMD)
- Driven by the federal agency action (a “nexus”)
 - Funding
 - Approvals
 - Permits
- Up to NCDOT to determine
- Sets us on a path for technical studies based on that agency’s regulations

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Regional General Permit No. SAW-2019-02350 (RGP 50)
Name of Permittee: North Carolina Department of Transportation
Effective Date: May 26, 2020
Expiration Date: May 25, 2025

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT

A regional general permit (RGP) to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby issued by authority of the Secretary of the Army by the

District Commander
U.S. Army Engineer District, Wilmington
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

TO AUTHORIZE THE DISCHARGE OF DREDGED OR FILL MATERIAL IN WATERS OF THE UNITED STATES (U.S.), INCLUDING WETLANDS, ASSOCIATED WITH MAINTENANCE, REPAIR, AND CONSTRUCTION PROJECTS CONDUCTED BY THE VARIOUS DIVISIONS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), INCLUDING THE NCDOT DIVISION OF HIGHWAYS, RAIL BICYCLE/PEDESTRIAN ETC

Which regulations matter?

And which ones require we follow a particular process?

Procedural Laws

- Nat'l Historic Preservation Act – Section 106 process
- Administrative Procedures Act
- CERCLA (Superfund)

Substantive Laws

- Clean Water Act
- Endangered Species Act
- Wild and Scenic Rivers Act
- USDOT Act of 1966 – Section 4(f)
- Clean Air Act

National Environmental Policy Act



- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Section 4(f) of USDOT Act (49 USC 303)
- Clean Air Act
- Safe Water Drinking Act
- Farmland Protection Policy Act
- Solid Waste Disposal Act
- Resource Conservation and Recovery Act of 1976 (RCRA)
- Title VI of Civil Rights Act of 1964
- Americans with Disabilities Act
- Executive Order 12898 (Environmental Justice)

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Emergency Planning and Community Right to Know Act of 1986
- National Historic Preservation Act
- Economic, Social and Environmental Effects of Highways and Transit
- Highway Noise Standards
- Public Hearing Requirements
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- AND MORE...

Most, including NEPA, have a foot in each
Procedural for EISs
Substantive in its broader goals
Procedural regulations from each agency

What is an Environmental Document?

Basic Contents



- Project Needs
- Project Purpose
- Alternatives Analysis
- Impacts
- Mitigation
- Interagency Participation
- Public Involvement
- Documentation/Disclosure

Document vs. Documentation

Documents are more formal and include:

- Environmental Impact Statement (EIS)
- Record of Decision (ROD)
- Environmental Assessment (EA)
- Finding of No Significant Impact (FONSI)

Documentation is less formal and include:

- Categorical Exclusion (CE)
- Minimum Criteria Determination Checklist (MCDC)

ADMINISTRATIVE ACTION

I-26 ASHEVILLE CONNECTOR
 Buncombe County, North Carolina
 Federal Aid Project No. NHF-26-1(53)
 WBS Element 34165.1.2
 STIP I-2513

FINAL ENVIRONMENTAL IMPACT STATEMENT

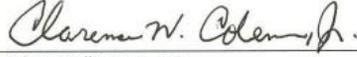
VOLUME 1 OF 2

**U.S. Department of Transportation
 Federal Highway Administration
 and
 North Carolina Department of Transportation**

Submitted Pursuant to the National Environmental Policy Act 42 U.S.C. 4332(2)(c)

1/9/2020 
 Date of Approval Derrick Weaver, P.E.

Environmental Policy Unit -Unit Head
North Carolina Department of Transportation

1/9/2020 
 Date of Approval John F. Sullivan, III, P.E.

Division Administrator
Federal Highway Administration

The following persons may be contacted for additional information concerning this document:

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 Federal Highway Administration
 310 New Bern Avenue, Suite 410
 Raleigh, NC 27601-1418
 (919) 856-4346

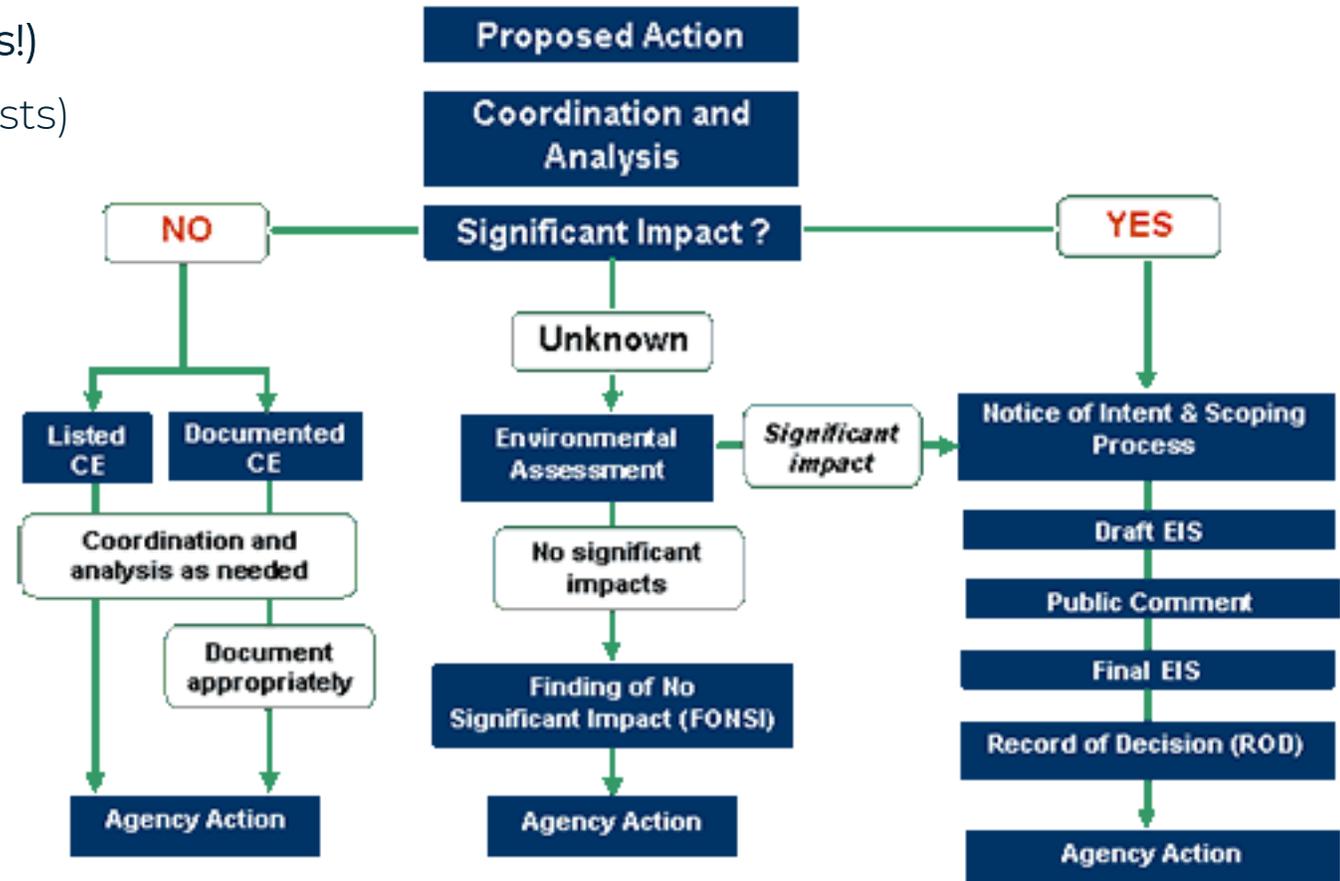
Derrick Weaver, P.E.
 North Carolina Department of Transportation
 1582 Mail Service Center
 Raleigh, NC 27699-1582
 (919) 707-6253

The documented needs for the transportation project in Buncombe County are presented in the report. The existing conditions of the study area are described and the alternatives are assessed in terms of environmental

What is a Significant Impact?

It depends! (this is why we have NEPA Practitioners!)

- Context (societal, regional, local, affected interests)
- Intensity (severity)
- Unique characteristics
- Controversy
- Indirect/Cumulative effects



What's the difference in document types?

EIS/ROD

- Most formal and detailed
- EIS culminates with a ROD
- Allows for “significant impacts”
- Regulations are fairly stringent
- Requires a formal public hearing

EA/FONSI

- EA culminates with a FONSI or an EIS/ROD
- Less formal, less detail
- Summarizes impacts
- Regulations are less stringent
- Requires advertisement for need of a public hearing

Most (~95%) NCDOT actions are Categorically Excluded

“Documents” not required

CE documentation references technical reports

Does not exempt us from adhering to other regulations

Provides public disclosure

(assuming FHWA for simplicity's sake)

CE or MCDC?

What are the basic differences?

Categorical Exclusion (CE)

- FHWA-specific regulations
- Checklist varies depending on type of project & impacts
- May require FHWA signature
- Must meet FHWA requirements
- Can be audited by FHWA
- Provides federal documentation for other cooperating agencies
- 23 CFR 771.117 (c), (d), (e)

Minimum Criteria Determination Checklist (MCDC)

- NCDOT-specific form
- Verifies we fall below SEPA thresholds for our “Minimum Criteria”
- Less-detailed than a CE
- Does not meet many federal requirements
- 19A NCAC 02F .0102

What it is and is not

What it is

- Documentation that we followed a process
- **Summary** of relevant issues/impacts
- Explains our decision
- Method for notifying public
- Clock-starter (for lawsuit challenges)
- A snapshot of what we currently know

What it isn't

- A permit
- A statement that there are no impacts
- A free pass throughout the life of the project
- Something to file away and forget about



Let's Revisit



These pieces are scalable!

- Purpose can range from 1 sentence to a 5-page report
- Alternatives analyses vary widely
- Public involvement effort could be very targeted or widespread across a region
- Interagency coordination may be very informal via email, but could be formal in Merger across many meetings
- Mitigation – that means promises we made that we must keep

What kinds of impacts?

It depends on the project!

STIP R-5763 | Transylvania County

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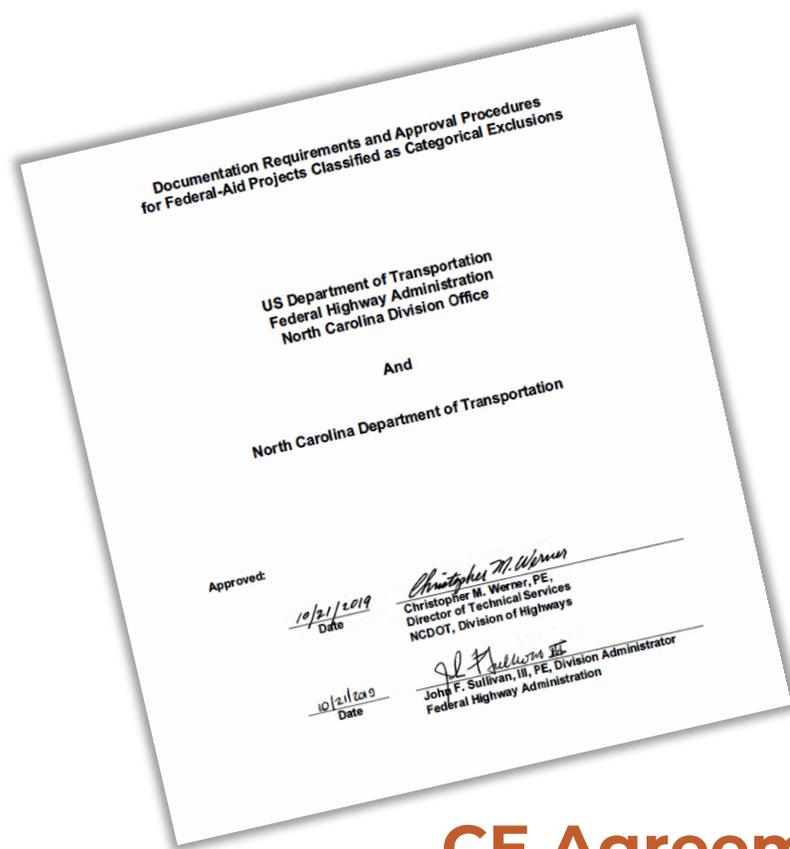
F3. Type III Actions

Proposed improvement(s) that fit Type III Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix C) answer questions below.

- NCDOT will certify the Categorical Exclusion for FHWA approval.
- If any questions are marked "Yes" then additional information will be required for those questions in Section G.

		Yes	No
1	Does the project involve potential effects to Threatened or Endangered species listed by the US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<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 substantial residential or commercial displacements or right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Does the project include a determination under Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Is a project-level analysis for direct, indirect, or cumulative effects required based on the NCDOT community studies screening tool?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Does the project impact anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Does the project impact waters classified as Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply Watershed Critical Areas, 303(d)-listed impaired water bodies, buffer rules, or submerged aquatic vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact Waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project require a US Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Does the project include Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project require work encroaching and adversely effecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Areas of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Type III Actions (continued)		Yes	No
17	Does the project require a US Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve Coastal Barrier Resource Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project impact federal lands (e.g., US Forest Service (USFS), US Fish and Wildlife Service (USFWS), etc.) or Tribal (Trust) Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, TVA, Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project involve Federal Emergency Management Act (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Is the project considered a Type I under the NCDOT's Noise Policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29	Is the project in an Air Quality non-attainment or maintenance area for a National Ambient Air Quality Standard (NAAQS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



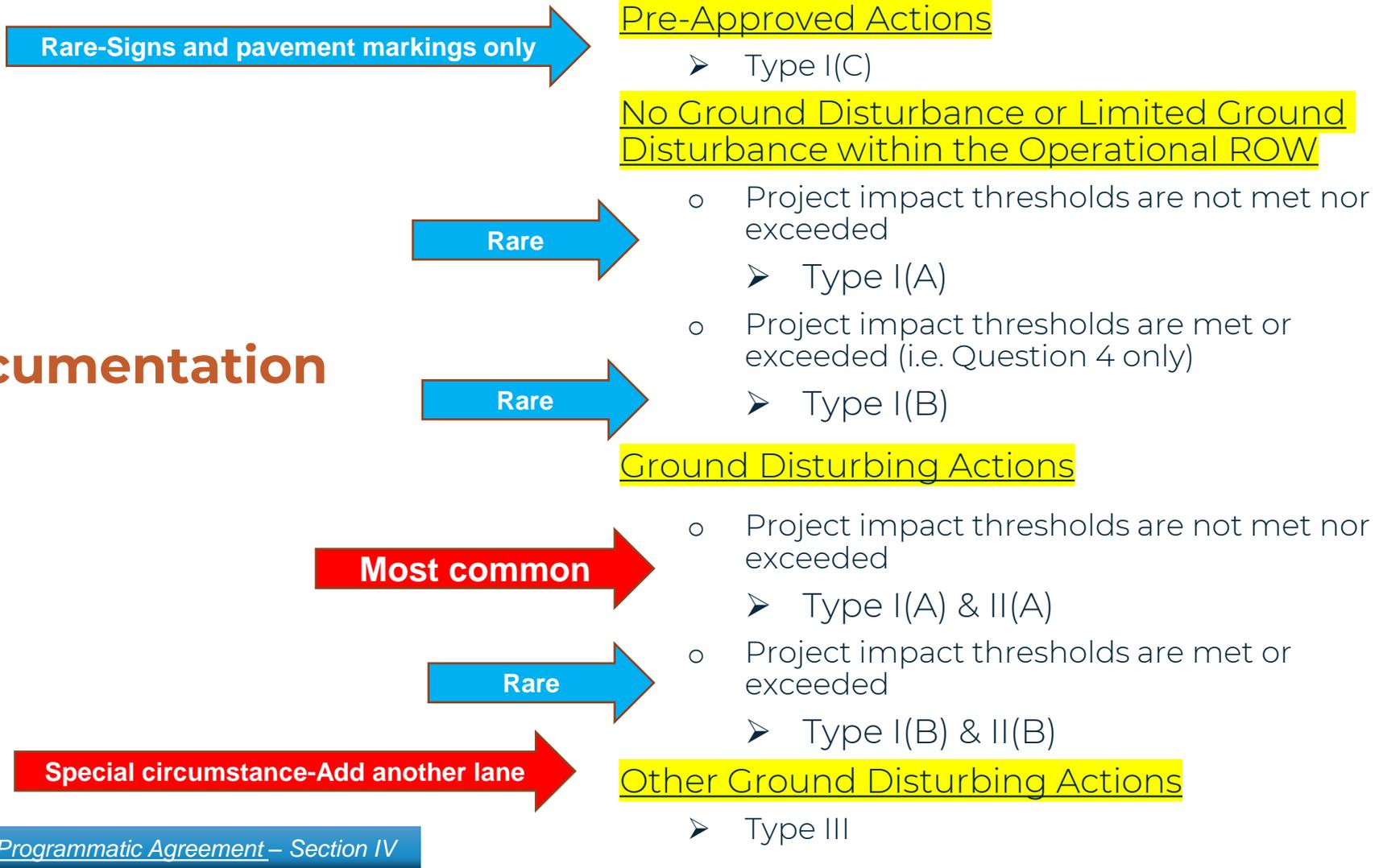
CE Agreement between FHWA and NCDOT

Current CE Format – getting updated later in 2024.

- Continues NCDOT responsibility for verifying project is a CE.
- NCDOT will continue to sign most CE's for Type I and Type II projects.
- FHWA signature required for Type III CE Projects
- Defines threshold criteria when FHWA signature is required for Type I and Type II projects.
- Provides clarification or revisions to several issues including the following:
 - Threatened and Endangered Species issues
 - Geo Environmental issues

CE Documentation

Actions are documented in 1 of 4 types with specific descriptions:



Pre-Approved & No Ground Disturbance or Limited Ground Disturbance within Operational ROW

Type	Descriptions	Identified Actions	Required Documentation	Grey Box Checked	Who Approves
I(C)	Pre-Approved (No Further CE Approval Required)	Appendix A Actions including: 1, 5, 8 (signs and pavement markings only), 11, 13, 14, 15, 16, 17, 19, and 20 and several other Type I Action subcategories identified in past programmatic agreements included in Appendix D.	Appendix E Section A-D	N/A	N/A
I(A)	No Ground Disturbance or Limited Ground Disturbance within the Operational ROW	Appendix A Actions including 4, 7, 8 (except for signs and pavement markings), 10, 22 (no to limited ground disturbing) and/or 29 and that result in either no, or limited, ground disturbance within the operational ROW.	Appendix E Section A-E, F1, & G-I	No	NCDOT
I(B)	No Ground Disturbance or Limited Ground Disturbance within the Operational ROW	Appendix A Actions including 4, 7, 8 (except for signs and pavement markings), 10, 22 (no to limited ground disturbing) and/or 29 and that result in either no, or limited, ground disturbance within the operational ROW.	Appendix E Section A-E, F1, & G-I	Yes	FHWA

Pre-approval as a CE does not exempt activities from compliance with other federal environmental laws

Type I (A) or Type 1(B) - No Ground Disturbance or Limited Ground Disturbance within the Operational ROW

F1. No Ground Disturbance or Limited Ground Disturbance within the Operational ROW			
<p>Proposed improvement(s) that fit within one of the following Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 4, 7, 8 (except for signs and pavement markings), 10, 22 (no to limited ground disturbing) and/or 29 and that result in either no, or limited, ground disturbance within the operational ROW. Answer questions 1, 2, 3, and 4.</p> <ul style="list-style-type: none"> • If any question is checked "Yes", additional information will be required for those questions in Section G. • If question 4 is checked "Yes," NCDOT certification for FHWA approval is required. 			
		Yes	No
1	Is the project inconsistent with the federally approved State Transportation Improvement Program (STIP) or the Metropolitan Planning Organization's (MPO's) TIP (where applicable)?	<input type="checkbox"/>	<input type="checkbox"/>
2	Is the project located within a Historic District? If yes, FHWA coordination is required to determine the effects of the project on the district. FHWA approval on the CE may not be required (see Question 4 below).	<input type="checkbox"/>	<input type="checkbox"/>
3	Does the project include habitat associated with Threatened and Endangered Species listed by the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	<input type="checkbox"/>
4	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 type="checkbox"/>

Locally Administered Project examples

- Noise barriers
- Landscaping
- Deployment of electronics/communications used in a fully integrated system
- Bike and pedestrian lanes, paths and facilities
- Projects which take place entirely within existing operational ROW (ROW that has been disturbed for an existing transportation facility or is managed for a transportation purpose) and includes the following:
 - roadway
 - bridges
 - interchanges
 - culverts
 - drainage
 - clear zone
 - traffic control signage

NOTE: PORTIONS OF ROW THAT HAVE NOT BEEN DISTURBED OR THAT ARE NOT MAINTAINED FOR TRANSPORTATION PURPOSES ARE NOT IN THE EXISTING OPERATIONAL ROW.

Type I and Type II Ground Disturbing Actions

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)			
<p>Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.</p> <ul style="list-style-type: none"> • 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. 			
<p>PROJECT IMPACT THRESHOLDS (FHWA signature required if any of the questions 1-7 are marked “Yes”.)</p>		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 type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input type="checkbox"/>
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input 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 type="checkbox"/>
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input 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 type="checkbox"/>

Other Locally Administered Projects

Type	Descriptions	Identified Actions	Required Documentation	Grey Box Checked	Who Approves
III	Other Ground Disturbing Actions	These are activities not identified as Type I or II and do not involve significant environmental impacts.	Appendix E Sections A-E, F3, & G-I	N/A	FHWA

- These are activities not identified as Type I or Type II and do not individually or cumulatively have a significant affect on the human or natural environments.
- Including:
 - Highway widening projects that add an additional lane of capacity
 - Projects that add or modify an interchange while changing capacity (projects that require an Interchange Access Report)

Type III Other Ground Disturbing Actions

F3. Type III Actions			
Proposed improvement(s) that fit Type III Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix C) answer questions below.			
<ul style="list-style-type: none"> NCDOT will certify the Categorical Exclusion for FHWA approval. If any questions are marked "Yes" then additional information will be required for those question in Section G. 			
		Yes	No
1	Does the project involve potential effects to Threatened or Endangered species listed by the US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	<input type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input type="checkbox"/>
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input type="checkbox"/>
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7	Is a project-level analysis for direct, indirect, or cumulative effects required based on the NCDOT community studies screening tool?	<input type="checkbox"/>	<input type="checkbox"/>
8	Does the project impact anadromous fish spawning waters?	<input type="checkbox"/>	<input type="checkbox"/>
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10	Does the project impact waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input type="checkbox"/>
11	Does the project require a US Army Corp of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input type="checkbox"/>
12	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input type="checkbox"/>
13	Does the project include Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input type="checkbox"/>	<input type="checkbox"/>
14	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.	<input type="checkbox"/>	<input type="checkbox"/>
15	Does the project require work encroaching and adversely effecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input type="checkbox"/>
16	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Areas of Environmental Concern (AEC)?	<input type="checkbox"/>	<input type="checkbox"/>
17	Does the project require a US Coast Guard (USCG) permit?	<input type="checkbox"/>	<input type="checkbox"/>

Type III Actions (continued)		Yes	No
18	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 type="checkbox"/>
19	Does the project involve Coastal Barrier Resource Act (CBRA) resources?	<input type="checkbox"/>	<input type="checkbox"/>
20	Does the project impact federal lands (e.g. US Forest Service (USFS), US Fish and Wildlife Service (USFWS), etc.) or Tribal Lands?	<input type="checkbox"/>	<input type="checkbox"/>
21	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input type="checkbox"/>
22	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input type="checkbox"/>
23	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input type="checkbox"/>
24	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input type="checkbox"/>
25	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, TVA, Tribal Lands, or other unique areas or special lands that were acquired in fee or assessment with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input type="checkbox"/>
26	Does the project involve Federal Emergency Management Act (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input type="checkbox"/>
27	Is the project considered a Type I under the NCDOT's Noise Policy?	<input type="checkbox"/>	<input type="checkbox"/>
28	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input type="checkbox"/>
29	Is the project in an Air Quality non-attainment or maintenance area for a National Ambient Air Quality Standard (NAAQS)?	<input type="checkbox"/>	<input type="checkbox"/>
30	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input type="checkbox"/>

CE Checklists - Section I for All Types except I(C)

I. Categorical Exclusion Approval:

STIP Project No. _____ Project Number (e.g. R-1234)
WBS Element _____ WBS Element Number (e.g. 12345.1.1)
Federal Project No. _____ Federal Aid Number

Prepared By: _____

Date Name of Preparer, Title of Preparer
Preparer's Organization/Division

Prepared For: _____ PM's Name, PM's Organization (typically NCDOT)

Reviewed By: _____

Date Reviewer's Name, Reviewer's Title
Reviewer's Organization (typically NCDOT)

Approved

- If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.

Certified

- If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
- If classified as Type III Categorical Exclusion.

Date Approver/Certifier's Name, Approver/Certifier's Title
North Carolina Department of Transportation

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

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

Only NCDOT signature required for Type IA and Type IIA CEs (not FHWA)

NCDOT and FHWA signatures required for Type IB, Type IIB, and Type III CEs

FHWA signature required for all Type IB, Type IIB and Type III CEs

CE Checklists Templates

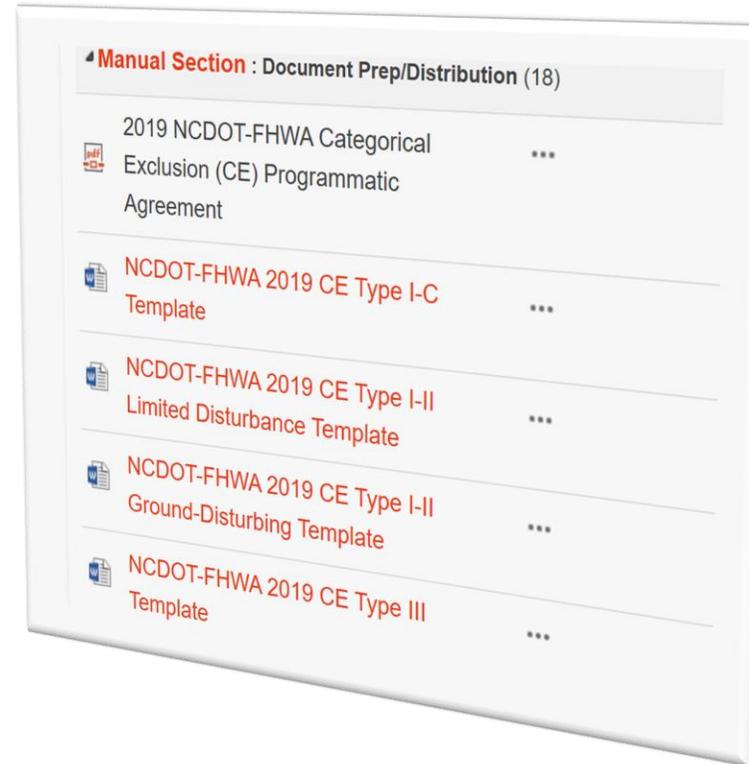
Links to the NCDOT-FHWA 2019 CE Checklist Templates located on the Connect NCDOT site are provided below:

[NCDOT-FHWA 2019 CE Type I\(C\) – Pre-Approved](#)

[NCDOT-FHWA 2019 CE Type I – No/Limited Ground Disturbance](#)

[NCDOT-FHWA 2019 CE Type I & II – Ground Disturbance](#)

[NCDOT-FHWA 2019 CE Type III](#)



CE Checklists

Section H for All Types

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

NCDOT PROJECT COMMITMENTS

STIP Project No. Project Number (e.g. R-1234)

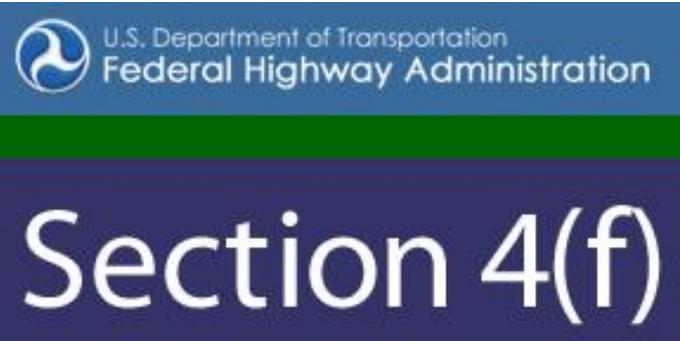
Short Project Description

County

Federal Aid Project No. Federal Aid Number

WBS Element WBS Element Number (e.g. 12345.1.1)

- A Green Sheet is needed for all projects, even if there are no Commitments
- Commitments should be unique to the project – do not include standard procedures
- Provide brief context for design or construction staff who won't know the commitment's origin
- Regularly review (and update as needed) commitments with project team to ensure compliance



de minimis

- A *de minimis* impact involves the use of Section 4(f) property that is generally minor in nature that results in no adverse effect to the activities, features and attributes
- 4(f) properties include publicly owned parks and wildlife refuges
- FHWA makes Section 4(f) determination for highway projects
- The municipality should provide a letter from appropriate staff indicating *de minimis* findings including information regarding satisfaction of the three *de minimis* criteria.

DE MINIMIS IMPACT AND PARKS, RECREATION AREAS, AND REFUGES

A determination of *de minimis* impact on parks, recreation areas, and wildlife and waterfowl refuges, may be made when all three of the following criteria are satisfied:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and
3. The official(s) with jurisdiction over the property are informed of U.S. DOT's intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).



Federally recognized Tribal coordination

- Federally recognized Tribes include the Catawba Indian Nation (all 100 counties) and 3 Cherokee tribes
- Start of Study letters to Catawba Indian Nation sent out via USPS (i.e. mail)
- Start of Study letter sent out on NCDOT letterhead signed by Division staff member
- Information to others sent out from an NCDOT email account
- Any substantive comments sent to FHWA



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

February 9, 2021

Dr. Wenonah George ~~Haire~~
Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, SC 29730

Subject: Request for Scoping Comments--Widening of SR 2000 (Smith Road)/SR 3555 (Rogers Road) from SR 2015/SR 2041 (Main Street) to US 5 (First Street) in Wake County (TIP Number: U-7000)

Dear ~~Dr. Haire~~,

The City of Raleigh has begun the project development, environmental and engineering studies for the SR 2000 (Smith Road)/SR 3555 (Rogers Road) from SR 2015/SR 2041 (Main Street) to US 5 (First Street) in Wake County. These improvements will be funded with Locally Administered Project Program (LAPP) Funds, in coordination with the North Carolina Department of Transportation (NCDOT). The Federal Highway Administration (FHWA) is the lead federal agency for compliance with National Environmental Policy Act (NEPA) for LAPP-funded projects. Based on reviews of the project study area, no environmental permits are anticipated under Section 404 process with the United States Army Corps of Engineers (USACE). The coordinates of the project are approximately 35.00000; -78.00000.

We would appreciate any information that you might have that would be helpful in evaluating potential environmental impacts of the project. Your comments may be used in preparation of a NEPA Environmental Document. Please find attached maps, ~~documents~~ and figures to assist in your review of the project.

In accordance with Section 106 of the NHPA, we also request that you inform us of any historic properties of traditional religious or cultural importance that you are aware of that may be affected by the proposed project. Be assured that, in accordance with confidentiality and disclosure stipulations in Section 304 of the NHPA, we will maintain strict confidentiality about certain types of information regarding historic properties.

Please respond by March 9, 2021 so that your comments can be used in the scoping of this project. Any comments that you may have should be sent to the following:

Tammy Richards
FHWA-NC Division of Transportation Specialist
310 New Bern Avenue
Suite 410
Raleigh, NC 27601
tammy.richards@dot.gov

This project is Federally funded through Capital Area Metropolitan Planning Organization's (CAMPO) Locally Administered Projects Program (LAPP) to prioritize and program local transportation projects. The project is being locally administered by the City of Raleigh with NCDOT providing technical and administrative oversight.

If you have any questions concerning this project, or would like any additional information, please contact me at tparrott@ncdot.gov. Please include the TIP Number: U-7000 in all correspondence and comments.

Sincerely,

Tracy N. Parrott, P.E.
NCDOT Division 5 Project Delivery Engineer
2612 N. Duke Street
Durham, NC 27704
tparrott@ncdot.gov

cc: Tammy Richards, FHWA
Steve Smith, PE, City of Bluster Project Manger
Sally Smith, Consultant Project Manager (for City of Bluster)

Why do our NEPA documents get challenged?

- Administrative Procedures Act
- Alternatives analysis
- Permit issuance
- Endangered Species Act consultation
- Public controversy
- Outdated data or assumptions

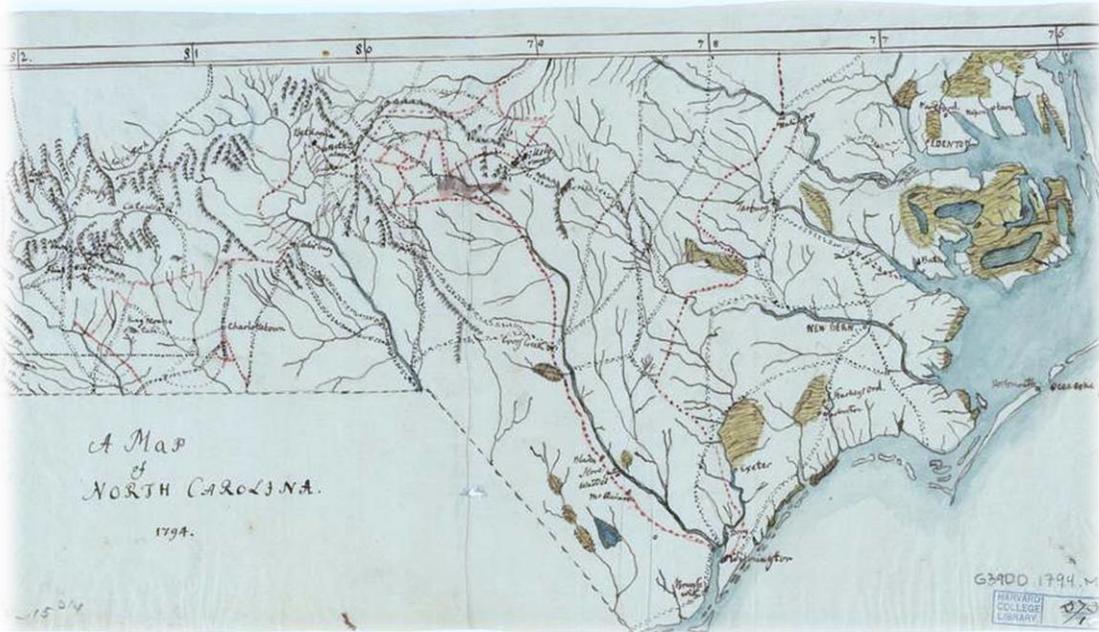


What have we learned over the years?



- Relationships Matter
- Collaboration Works (Coordination isn't enough)
- Institutional Knowledge is Important
- Teamwork is Imperative! (no one person can do everything)
- Requirements will Evolve
- There's More than One Way to Achieve Success
- Understanding Risks and Opportunities is Integral
- Document Everything
(if it isn't written down, then it didn't happen)

Other Topics (if time allows)



Why funding matters

404 Permitting

NEPA/SEPA Consultations

4(f) Protections

Project Commitments

Avoidance & Minimization

NEPA 101 webinars on our site

Lots more info at

connect.ncdot.gov/resources/Environmental/EPU/ and

connect.ncdot.gov/resources/Environmental

Contact Us

John Jamison, PWS

johnjamison@ncdot.gov

919-707-6140

Marissa Cox (Western Lead)

mrcox2@ncdot.gov

919-707-6153

Environmental Policy Unit

EPU@ncdot.gov

connect.ncdot.gov/resources/Environmental/EPU



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