U.S. Department of Transportation
Federal Highway Administration

Eastern Federal Lands Highway Division
NEPA Categorical Exclusion Form

Project Number:	FS TN ERFO CHRKE304 2020 2(2)	**Date:** 7/17/2025
Project Name:	Repair Storm and Flood Damage on McFarland Road	
Location:	Cherokee National Forest Polk County, Tennessee	
CE Category	23 CFR 771.117(c)(26): Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e)[..]	

See 23 CFR 771.117 for full description of CE categories, including additional requirements when applying (c)26-28.

Project Description

FHWA-EFLHD in cooperation with the U.S. Forest Service proposes to repair McFarland Road (FS 23) in Cherokee National Forest that was damaged by storms in 2020. The storms resulted in significant amounts of aggregate being washed away from the roadway surface. Slope failures occurred in three locations along the route. Drainage features such as ditches, culverts and drain dips were also damaged and no longer function.

Approximately 14.5 miles of aggregate roadway will be reconditioned with 6-inches of aggregate surface. Slopes will be repaired and stabilized through the construction of gravity walls and mechanically stabilized earth (MSE) walls. In addition, new culverts will be installed, numerous culverts will be cleaned or replaced, ditches will be reconditioned, and dips will be established or reconditioned. Some areas of the roadway will have fill brought in to help with the severe rutting.

Environmental Commitments and Mitigation Measures

- Do not clear trees greater than 8 inches in diameter on stream side of road when road edge is less than 100 feet from a stream course unless tree is specifically marked for removal. Trim tree limbs by sawing as near flush with the trunk as practicable and to a height of 14 feet above the proposed roadway surface.
- If dewatering is required, the FS fisheries biologist will be notified prior to any work.

- Report to the FS fisheries biologist if preexisting large wood from streams needs to be removed or if downed trees will be left in streams.

Summary of Section 7 of the Endangered Species Act Compliance
The FS has taken the lead for Section 7 consultation. The FS determined that the project may affect and is likely to adversely affect Northern Long-eared bats and Tricolored bats as there is a known summer roost site within or adjacent to the project area. The Incidental Take used for the proposed activities is covered in the following two documents:

> Biological Opinion for Reinitiation of Consultation on the Programmatic Consultation for Activities Affecting Indiana Bats on the Cherokee National Forest to Include and Address the Northern Long-Eared Bat FWS ECOSphere Project Code: 2023-0044196 [USFWS 2023]
>
> Conference Opinion for Proposed Activities Affecting Tricolored Bat and Little Brown Bat on the Cherokee National Forest FWS ECOSphere Project Code: 2023-0044196 [USFWS 2024]

There will be no effect to threatened and endangered fish as a result of the project. If dewatering is required for culvert installation or replacement, the FS fisheries biologist will be notified and consultation under Section 7 will be re-evaluated.

Summary of Section 106 of the National Historic Preservation Act Compliance
The FS was the lead on Section 106 consultation with the State Historic Preservation Office (SHPO) and tribal consultation for the project. Consultations have occurred under the 2022 Forest-Wide Road Maintenance Decision. There are no known historic properties within the project area.

Additional Agency Coordination and Compliance
No additional compliance is required for the project. According to the Cherokee National Forest staff, the project is covered under Clean Water Act Silviculture Exemption and thus no permits are required. Best management practices will be employed during construction to reduce erosion and sedimentation from leaving the project site.

Categorical Exclusion Recommendation:
On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I believe the project should be categorically excluded from further NEPA analysis.

TIMBERLEY BELISH Digitally signed by TIMBERLEY BELISH
Date: 2025.07.17 11:30:52 -04'00'

Timberley Belish
Environmental Protection Specialist
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

Categorical Exclusion Determination:
On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. The project meets the 23 CFR 771.117(a) definition of a categorical exclusion. No unusual circumstances per 23 CFR 771.117(b) apply.

KEVIN S ROSE Digitally signed by KEVIN S ROSE
Date: 2025.07.17 11:34:00 -04'00'

Kevin S. Rose
Environmental Team Leader
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

Appendix A: Environmental Checklist

Section 7 of the Endangered Species Act:
• Are Federally-listed species potentially present in the study area? ☒Yes, see Notes[i] ☐No If Yes, effects determination: ☐No Effect ☐May Affect, Not Likely to Adversely Affect ☒May Affect, Likely to Adversely Affect
Section 106 of the National Historic Preservation Act:
• Are historic properties known to be present in the study area? ☐Yes ☒No If Yes, will they be impacted by the project? ☐Yes ☐No • Will previously undisturbed ground be disturbed? ☐Yes ☒No • Effects determination: ☒No Historic Properties Affected ☐No Adverse Effect ☐Adverse Effect, MOA Executed • Was tribal consultation completed? ☒Yes ☐No
Water and Wetlands:
• Section 404 of the Clean Water Act Are impacts to Waters of the US anticipated? ☒Yes ☐No If Yes, approval anticipated: **Cherokee NF uses the CWA silviculture exemption** ☐Nationwide Permit (NWP) ☐Regional General Permit ☐Individual Permit • Section 401 of the Clean Water Act ☐NWP certified by State ☐Individual Certification • Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System) Will the land disturbance threshold likely be exceeded to require a permit and SWPPP? ☐Yes ☐ No • Is post-construction stormwater management review/approval anticipated? ☐Yes ☒No • ☒Project is consistent with Executive Order 11990, Protection of Wetlands
Floodplains:
• Is the project in a FEMA floodplain? ☐Yes ☒No ☐ Floodplain not mapped • ☒ Project is consistent with Executive Order 11988, Floodplain Management
Section 4(f) of the USDOT Act:
• Does the project meet the Section 4(f) exemption for Federal lands transportation facilities under Section 1119(c)(2) of MAP-21, 23 U.S.C. 138(a)? ☒Yes ☐No • Is there a use of a Section 4(f) property in the study area? ☐Yes ☐No If Yes, De Minimis Finding:☐ Programmatic:☐ Individual 4(f): ☐
Section 6(f) of the Land and Water Conservation Fund:

• Was the property purchased with grant funds from the Land and Water Conservation Fund? ☐Yes ☒No • If Yes, was documentation of approval from National Park Service Director received for the conversion or replacement of 6(f) property? ☐Yes ☐No
Coastal Zone Management Act of 1972:
• Is the project in a Coastal Zone? ☐Yes ☒No • If yes, will a Federal Consistency Review be completed? ☐Yes ☐No
Right of Way:
• Is the project completely within the transportation facility's right-of-way? ☒Yes ☐No • If no, will the project require relocations or easements? ☐Yes ☐No
Hazardous Waste and Materials:
• Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, County Environmental Health, etc.) present? ☐Yes ☒No • If Yes, is the nature and extent of the hazardous materials or contamination fully known? ☐Yes ☐No, plan for securing information provided in Notes
Section 7(a) of the Wild and Scenic Rivers Act:
• Are there Wild and Scenic Rivers? ☐Yes ☒No ☐Eligible If Yes, has review by the river-administering agency been completed? ☐Yes ☐No
Clean Air Act:
• Is the project in a non-attainment area? ☐Yes ☒No If Yes, is the project on the Transportation Improvement Program(TIP)/State Implementation Plan(SIP)? ☐ Yes ☐No
Highway Traffic and Construction Noise Regulations:
• ☐ The proposed project is a Type I project (highway on a new location, substantial horizontal or vertical alteration, new through or auxiliary lanes). Noise analysis is required. • ☐ The proposed project is a Type II project (retrofit for noise abatement). • ☒ The proposed project is a Type III project (noise analysis not required). • ☐ Does not apply.
Farmland Protection Policy Act for Highway Projects:
• Does the project displace, require acquisition of, or require an easement from farmland? ☐Yes ☒No
Does the project affect any other resources not listed above? Explain below and list anticipated permits:
Cherokee NF uses the CWA silviculture exemption

[i] Federally-listed species per U.S. Fish and Wildlife Service's IPaC: