U.S. Department of Transportation
Federal Highway Administration

Eastern Federal Lands Highway Division
NEPA Categorical Exclusion Form

Project Number:	WV NP NERI 107(3)	**Date:** 1/18/2024
Project Name:	Cunard River Access Road Slide Repairs Sites 5&6	
Location:	National Park Service Fayette County, WV	
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

The project will repair sites 4 and 5 on Cunard River Access Road by correcting erosion and drainage issues. Several other damaged portions of the roadway (sites 1,2,3,4,7,8,9,10, and 11) were included in project NERI 107(2). The road is the singular road providing access to the most visited river launch site within New River Gorge National Park and Preserve for both public and private boaters. Sections of the road show signs of sliding and the potential for failure. The project area is experiencing slipping and possible failures. These slips will require complete excavation, stabilization, and improved drainage to repair the road. Project work will consist of vegetation and debris removal from the construction area, installation of subterranean drainage structures with rip rap outfall structures, installation of retaining walls (soldier pile or Mechanically Stabilized Earth walls) to hold up the outside edge of the roadway, repair of ditches, removal and replacement of guardrails, addition of approximately 260’ of new guardrail, and re-grading and re-surfacing of the impacted roadway sections with asphalt concrete pavement on top of aggregate base. The existing road width and slopes will be matched.

Environmental Commitments and Mitigation Measures

- Best management practices such as silt fence and fiber roll will be used to prevent erosion and control sediment
- The contractor will perform confirmation borings to full construction depth prior to starting full excavations or piling work to confirm the absence of underground mine works or voids in these areas.

- Although the nature of the ground below the road surface is not known, sinking posts deeply into the slope could encounter the Cunard mineworks. If this occurs, the contractor should immediately notify the park archeologist, Dave Fuerst, at 304-465-6530 or david_fuerst@nps.gov
- All removal and trimming of vegetation larger than 3 inches DBH must occur between November 15 and March 31 to protect federally listed bats.

Summary of Section 7 of the Endangered Species Act Compliance
NPS is the lead federal agency for Section 7 compliance. NPS has determined that the project would not have a significant impact on any regulated species. Five species of federally regulated bats may be present near the project area. NPS has recommended a time of year restriction for tree cutting to protect the bats. All removal and trimming of vegetation larger than 3 inches DBH must occur between November 15 and March 31 to protect federally listed bats.

Summary of Section 106 of the National Historic Preservation Act Compliance
NPS is the lead federal agency for Section 106 compliance. NPS has determined that no historic properties would be affected by the undertaking. NPS determined that the project is eligible for streamlined review under an unspecified agreement established in accordance with 36 CFR 800.7 or 36 CFR 800.14 and no SHPO consultation is required.

Additional Agency Coordination and Compliance
NPS is the lead federal agency and prepared a Categorical Exclusion for the project (PEPC PIN 92404).

The project is expected to disturb less than 1 acre of land; therefore, no NPDES permit will be needed.

No aquatic resources will be filled, dredged or impacted. A 404/401 permit is not required.

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.

RYAN DEFOREST KIMBERLEY Digitally signed by RYAN DEFOREST KIMBERLEY
Date: 2024.01.18 09:49:33 -05'00'

Ryan Kimberley
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: 2024.01.18 10:27:36 -05'00'

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: ☐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.
Environmental Justice and Title IV Act:
• Is an Environmental Justice population, as identified in Executive Order 12898, present? ☐Yes, explanation provided in Notes section ☒No • Will the project induce disproportionately high and adverse impacts to minority, low income, or special groups? ☐Yes, additional analysis is needed ☐No
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:
N/A/

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