U.S. Department of Transportation
Federal Highway Administration

Eastern Federal Lands Highway Division
NEPA Categorical Exclusion Form

Project Number:	FS TN ERFO CHRKE804 2020 2(5)	**Date:** 2/11/2026
Project Name:	Repair Storm and Flood Damage on Spring Creek Road (FS 27) and Citico Creek Road (FS 35-1)	
Location:	Cherokee National Forest Monroe and Polk Counties, Tennessee	
CE Category	23 CFR 771.117(d)(13): Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.	

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 propose to repair Spring Creek Road (FS 27) and Citico Creek Road (FS 35-1) in Cherokee National Forest that were damaged by storms in 2020. The storms resulted in significant amounts of aggregate being washed away from the roadway surface. Drainage features such as ditches, culverts and drain dips were also damaged and no longer function.

The project involves 4.8 miles of repairs along Spring Creek Road (FS 27) and 8.2 miles on Citico Creek Road. The aggregate along these portions of roadway will be reconditioned with 6-inches of aggregate surface. Some areas along the roadway will have additional fill brought in to help with the severe rutting. Areas where landslides occurred will be stabilized through the construction of 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.

The project also proposes the installation of two aquatic organism passages (AOP) on Spring Creek Road (FS 27) at Master Pin (MP) 433 and MP 452. In both locations, a 42-inch culvert will be replaced by an approximate 12-foot by 4.5-foot arched culvert.

These structures provide passage through road-stream crossings for all native aquatic and riparian species to provide for robust ecological communities.

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.
- A FS fisheries biologist will be notified in advance of dewatering activities and will perform fish removals prior to the 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

A review of the USFWS Information for Planning and Consultation (IPaC) website indicated 10 federal-listed species or proposed for listing have the potential to occur within the project area. The listed mammal species include the endangered gray bat (*Myotis grisescens*) and northern long-eared bat (*Myotis septentrionalis*), the tricolored bat (*Perimyotis subfavus*) is proposed for listing as endangered. Whooping crane (*Grus americana*) is considered an experimental population in Tennessee. Listed clam species include the threatened Longsolid (*Fusconaia subrotunda*), proposed endangered Tennessee clubshell (*Pleurobema oviforme*) and proposed endangered Tennessee pigtoe (*Pleuronaia barnesiana*). Insect species include the proposed threatened monarch butterfly (Aanaus Plexippus). Listed plant species include the endangered Ruth's golden aster (*Pityopsis ruthii*) and the threatened white fringeless orchid (*Platanthera integrilabia*).

The impacts to the northern long-eared and tricolored bat species were evaluated under the FS programmatic consultation with USFWS under Section 7 of the Endangered Species Act. With the potential for tree removal during the bat's active season, the FS has 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]

The gray bat is the only other listed species with potential to occur. However, gray bats are unlikely to be present adjacent to the road as no cave habitats or suitable roosting habitat is present in the project area. Therefore, the project would have no effect on this species.

The project is not expected to have an effect on whooping cranes as the project area is predominantly within the roadway prism and adjacent forested habitat, which is not suitable habitat for the species.

The areas where AOPs will be constructed were further investigated as disturbance in these areas will occur beyond the original clearing limits of the roadway. These areas were further investigated to determine the potential for the project to affect the other listed and proposed species. Longsolid, Tennessee clubshell and Tennessee pigtoe clam species do not occur within the two small streams in the project area or in Spring Creek. With implementation of erosion and sediment control BMPs during construction, there is not expected to be any indirect impacts to populations downstream. Therefore, there will be no effect to these species as a result of this project.

While it is possible for the Monarch butterfly to transit the project area, it is anticipated that only small amounts of wildflowers would be disturbed during ditch reconditioning, slope stabilization, and AOP construction reducing foraging opportunities for the monarch. To reduce the risk of direct and indirect impacts, the project footprints have been minimized as much as possible. Potential impacts to foraging habitat are considered negligible due to the relatively small amount of affected acreage scattered along existing roadway.

The Ruth's golden aster is narrowly restricted to two stretches of river in Polk County. The streams within the project area does not provide the suitable habitat for the plant. The white fringeless orchid grows in wet, low-fertility, acidic soils associated with seeps and bogs and stream banks. The species were not found during field surveys of the project areas. Therefore, the project will have no effect on these two plant species.

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 under the 2022 Forest-Wide Road Maintenance Decision. The project work covered under this decision included road maintenance activities within the original clearing limits of the road. Through consultation with the Tennessee State Historic Preservation Office (SHPO) and Tribal Historic Preservation Officers, no American Indian or cultural sites were identified.

An architectural survey of the Area of Potential Effect (APE) was conducted in May 2024 for properties that were 45 years in age or older. Three resources within the APE were examined: the culvert at MP 433, culvert at MP 452 and Spring Creek Road (HS 3). The three resources were found to lack significance under National Register of Historic Places (NRHP) eligibility criteria A, B and C. Based on the results of the survey, research and analysis, FHWA has determined that the three properties are not eligible for listing in the NRHP.

An archeological survey was conducted on September 10, 2024 in the area where an aquatic organism passage is proposed as the area of disturbance will extend beyond the original clearing limits. The survey found no cultural material within the area of potential affect.

Based on the prior consultation and the current survey, there are no known historic properties within the project area. FHWA has determined that there will be no historic properties affected by the project pursuant to 36 CFR 800.5 (b) of the National Historic Preservation Act.

FHWA initiated consultation with the SHPO on January 27, 2026. The SHPO provided concurrence on the determination on February 11, 2026.

Additional Agency Coordination and Compliance

Four field surveys of the project area were performed between April and September 2024 and a biological evaluation was prepared for the project where AOP structures are proposed. The report evaluated the project effects on 44 Regional Forester Sensitive Species (RFSS) animal species with potential to be directly or indirectly impacted by the project and 62 RFSS plant species.

At the AOP locations, field reconnaissance surveys observed no sensitive plant species within or adjacent to the project limits of disturbance. In addition, Forest Service resource staff reviewed the AOP location with no documented sensitive plant species near the site. The biological evaluation separated the species into aquatic and terrestrial species for efficiency.

Aquatic RFSS species may occur within or downstream of the project area. Indirect impacts as a result of increased turbidity and sedimentation have the potential to occur during construction. However, with implementation of erosion and sediment control best management practices, this is anticipated to be negligible. Therefore, the project may impact individuals but is not likely to cause a trend to federal listing or loss of viability.

Terrestrial RFSS included gastropods, mammals, and plant species. The biological evaluation concluded that project may directly impact individual snails that may be present in the project

area and will temporarily alter 0.47 acres of forest habitat. RFSS bat species with the potential to occur may be displaced from roosting and foraging in the project area as a result of noise and human presence. The biological evaluation concluded that the project may impact individuals terrestrial RFSS but is not likely to cause a trend to federal listing or loss of viability.

Twenty-one (21) plant RFSS were identified as having potential habitat within the project area. These species were surveyed for at both AOP locations. Only one species of vascular plant, American ginseng (*Panax quinquefolius*), was documented during field surveys adjacent to the project area. With implementation of protective measures to limit disturbance during construction, there will be no effect to RFSS vascular plant species as a result of the project. Seven (7) non-vascular plant RFSS were identified to have potential habitat within the project area. One RFSS liverwort, Sharp's Pouncewort (*Lejeunea sharpie*) was identified upstream of the project site. With implementation of protective measures to limit disturbance to the species during construction, the project may impact individuals but is not likely to cause a trend to federal listing or loss of viability.

No additional compliance is required for the project. The project is covered under Forest Service 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: 2026.02.11 16:56:55 -05'00'

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: 2026.02.12 16:23:40 -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: **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 CWA silviculture exemption applied to the project.

Federally-listed species per U.S. Fish and Wildlife Service's IPaC

Common Name	Scientific Name	Federal Status
Mammals		
Northern Long-eared Bat	*Myotis septentrionalis*	Endangered
Tricolored Bat	*Perimyotis subflavus*	Proposed Endangered
Gray Bat	*Myotis grisescens*	Endangered
Birds		
Whooping Crane	*Grus americana*	Endangered (Exper Pop)
Mussels		
Longsolid	*Fusconaia subrotunda*	Endangered
Tennessee Clubshell	*Pleurobema oviforme*	Proposed Endangered
Tennessee Pigtoe	*Pleuronaia barnesiana*	Proposed Endangered
Insects		
Monarch butterfly	*Danaus plexippus*	Proposed Threatened
Plants		
Ruth's Golden Aster	*Pityposis ruthii*	Endangered
White Fringeless Orchid	*Platanthera integrilabia*	Threatened

References:

U.S. DOT, Federal Highway Administration (FHWA) 2024. Spring Creek Road (FSR 27) Aquatic Organism Passage (AOP) Improvements at Master Pins (MP) 433 & 452. Biological Assessment and Evaluation for project TN ERFO CHRKE804 2020 – 2(5). On File at FHWA Eastern Federal Lands Division

U.S. DOT, Federal Highway Administration (FHWA) 2024. Phase I Archaeological Survey for Two Proposed Culvert Replacements at MP 433 and 452 on Spring Creek Road in the Cherokee National Forest, Ocoee Ranger District Polk County, TN. Report for project TN ERFO CHRKE804 2020 – 2(5). On File at FHWA Eastern Federal Lands Division.

U.S. DOT, Federal Highway Administration (FHWA) 2024. Historic Architectural Survey Report for Proposed Culvert Replacements at MP 433 and 452 on Spring Creek Road in the Cherokee National Forest, Ocoee Ranger District Polk County, TN. Report for project TN ERFO CHRKE804 2020 – 2(5). On File at FHWA Eastern Federal Lands Division.

From:	TN Help
To:	Belish, Timberley (FHWA)
Cc:	abigail.zahoroiko@usda.gov
Subject:	Culvert Replacements at MP 433 and 452 on Spring Creek Road in The Cherokee National Forest - Project # SHPO0008375
Date:	Wednesday, February 11, 2026 4:11:26 PM
Attachments:	Miranda Sig.png image

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2026-02-11 15:09:43 CST

Ms. Timberley Belish
FHWA
timberley.belish@dot.gov

RE: Federal Highway Administration (FHWA), Culvert Replacements at MP 433 and 452 on Spring Creek Road in The Cherokee National Forest, Project#: SHPO0008375, Polk County, TN

Dear Ms. Timberley Belish:

In response to your request, we have reviewed the cultural resources survey report and accompanying documentation submitted by you regarding the above-referenced undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicants for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering the information provided, we find that no historic properties eligible for listing in the National Register of Historic Places will be affected by this undertaking. If project plans are changed or archaeological remains are discovered during project construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Please provide your Project # when submitting any additional information regarding this undertaking. Questions or comments may be directed to Kelley Reid, who drafted this response, at Kelley.Reid@tn.gov.

Sincerely,

Miranda Montgomery
State Historic Preservation Officer

Ref:MSG18082177_GpS8uO0cfY5jcJGSxsB