

Eastern Federal Lands Highway Division
NEPA Categorical Exclusion Form

Project Number: VA ST FL MHN GT **Date:** 3/30/2023

Project Name: Fort Gregg-Adams Sustainment Gate Improvements

Location: U.S. Army Garrison Fort Gregg-Adams
City of Petersburg and Prince George County,
Virginia

CE Category 23 CFR 771.117(c)(23): Federally funded projects
(i) That receive less than \$6,000,000; or (ii) with a
total estimated cost of not more than \$35,000,000
and federal funding comprising less than 15% of
total estimated project cost.

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

Project Description

The Eastern Federal Lands Highway Division of the Federal Highway Administration (FHWA), in cooperation with the U.S. Department of Defense, Army and Virginia Department of Transportation, proposes to extend the second northbound travel lane for entering U.S. Army Garrison (USAG), Fort Gregg-Adams (formerly Fort Lee) at the Sustainment Avenue (formerly Mahone Avenue) Gate Access Control Point (ACP) located in Prince George County, Virginia.

USAG, Fort Gregg-Adams plans to relocate their ACP entrance for the Sustainment Avenue Gate southwest of its present location along Hickory Hill Road to provide security to portions of the Fort not covered by the current ACP. Due to long traffic queues caused by vehicles waiting to enter Fort Gregg-Adams for security checks, relocation of the ACP necessitates construction of an additional travel lane to allow authorized vehicles to continue through the gate during peak hours. The proposed project will extend the existing second northbound travel lane for approximately 4,210 linear feet to match the existing lane configuration at both ends of Hickory Hill Road.

Additional work will include milling and overlay, extensions and improvements to existing drainage facilities, vegetation clearing and grubbing, utility relocation, security fence relocation, signage, striping, and other miscellaneous road work.

Environmental Commitments and Mitigation Measures

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- Project work shall comply with the Avoidance and Minimization Measures outlined in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB):
 - Tree removal is not permitted within the active season of April 1st to November 15th;
 - Tree removal is limited to that specified in the project plans. Contractors must understand the clearing limits and trees shall be clearly demarcated;
 - Any lighting shall use downward-facing, full cut-off lens lights, or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable;
- Avoid vegetation clearing from April 1 – July 31 to avoid take of species protected under the Migratory Bird Treaty Act and state listed threatened or endangered bird species. If vegetation must be cleared within this window, have a qualified biologist conduct bird nesting surveys prior to the removal of vegetation.
- Project construction must adhere to USAG Fort Lee, Directorate of Public Works Environmental Special Conditions 2019, or most recent.
- All solid waste debris will be recycled to the maximum extent possible and reported monthly to the USAG, Fort Gregg-Adams Directorate of Public Works, Environmental Management Division (EMD). A Final solid waste/recycling report will be provided to the EMD upon completion of construction.

Summary of Section 7 of the Endangered Species Act Compliance

FHWA obtained an official species list from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) system on 10/3/2022 and 1/9/2023. The IPaC query identified the following species have the potential to occur in or adjacent to the project action area:

- Northern Long-eared Bat, *Myotis septentrionalis* (Endangered)
- Monarch Butterfly, *Danaus plexippus* (Candidate)

FHWA has also assumed presence for two additional species – the Indiana bat (Endangered) and Tri-colored bat (Proposed Endangered) – due to positive acoustic surveys conducted at Petersburg National Battlefield and portions of Fort Gregg-Adams within the past five years.

On October 19, 2022, a 6-step project review package was submitted electronically to the USFWS, Virginia Ecological Field Office (USFWS Consultation Code: 2022-0077713). In the project review package, FHWA determined the proposed action would have *no effect* on the

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Monarch butterfly as no suitable habitat is present in the project area. FHWA also determined the proposed project *may affect, but is not likely to adversely affect* the NLEB, Indiana bat, and Tri-colored bat (Proposed) due to implementation of species recommended avoidance and minimization measures. No response from USFWS was received as of February 17, 2023.

On February 17, 2023, the FHWA submitted a project Self-Certification Letter to the Virginia Ecological Field Office per the Virginia Ecological Field Office online project review process guidance. The Self-Certification Letter completes the project review in accordance with the Endangered Species Act of 1973, as amended.

Summary of Section 106 of the National Historic Preservation Act Compliance

FHWA completed a Phase I cultural resources survey of the project area of potential effect (APE) from 9/20/2021 to 9/27/2021. The Phase I survey identified three new multicomponent archaeological sites (Sites 44DW0605, 44DW0606, and 44DW0607) within or adjacent to the project APE. A Phase II evaluation was conducted for Site 44DW0606 from 4/4/2022 to 4/7/2022; a Phase II evaluation was not recommended for Sites 44DW0605 and 44DW0607.

Based on the results of the Phase II evaluation, FHWA found that Site 44DW0605 was *not eligible* for listing in the National Register of Historic Places (NRHP). Although a Phase II evaluation was not conducted for Sites 44DW0605 and 44DW0607, both sites lie within the boundaries of Petersburg II Battlefield and may contain additional information pertaining to Petersburg II Battlefield. As such, FHWA treated Sites 44DW0605 and 44DW0607 as *potentially eligible* for listing in the NRHP and found that the proposed project would have *no adverse effect* on Site 44DW0607 and *no effect* on Site 44DW0605.

Additionally, FHWA found that the proposed project would have *no adverse effect* on the Petersburg II Battlefield (VDHR 123-5025) or Petersburg National Battlefield (VDHR 123-0071) as no contributing elements of the Petersburg II Battlefield are present within the project APE and Petersburg National Battlefield is located outside the project APE.

The Virginia Department of Historic Resources concurred with FHWA's findings and determinations of eligibility in a letter dated 3/1/2023.

FHWA initiated consultation with the Chickahominy Indian Tribe, Upper Mattaponi Indian Tribe, Nansemond Indian Nation, Pamunkey Indian Tribe, and Rappahannock Tribe on 3/16/2022. No Tribes responded to the consultation initiation.

On 1/25/2023, FHWA submitted the results of the combined Phase I Identification and Phase II Evaluation report and project finding of *no adverse effect* determination to the Chickahominy Indian Tribe, Upper Mattaponi Indian Tribe, Nansemond Indian Nation, Pamunkey Indian Tribe, and Rappahannock Tribe. The Pamunkey Indian Tribe responded on 1/27/2023, that they did not

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have any comments. No other Tribes have responded to FHWA's *finding of no adverse effect* or results of the combined Phase I/II report as of the date of this CE.

Additional Agency Coordination and Compliance

FHWA has worked in close coordination with the Virginia Department of Transportation, City of Petersburg, Prince George County, and U.S. Army Garrison, Fort Gregg-Adams throughout the NEPA process and all stages of preliminary engineering.

FHWA also coordinated with state-level biological resource agencies as a courtesy. On 1/9/2023, FHWA requested a project review through the Virginia Department of Conservation and Recreation's (DCR) Natural Heritage Data Explorer Web Service. The results found that portions of the project area are immediately adjacent to Ecological Core(s) C4 and C5 in the Virginia Natural Landscape Assessment. Ecological Cores C4 and C5 are the lower-ranked ecological core natural areas, ranked as moderate and general, respectively. DCR recommends avoiding impacts to ecological core areas, particularly those ranked at C1 (outstanding) and C2 (very high).

The Virginia Department of Game and Inland Fisheries – Fish and Wildlife Information Service (VaFWIS) geographic database was used to identify state listed endangered or threatened species which may occur in the project area. The database identified six state listed species which have the potential to occur in the project area, including, the little brown bat, tri-colored bat, Rafinesque's eastern big-eared bat, peregrine falcon, loggerhead shrike, and Bachman's Sparrow. Best Management Practices, such as seasonal restrictions to vegetation clearing, will be implemented as practicable to avoid or minimize adverse impacts to state listed species.

Public Outreach and Involvement

FHWA will follow the Virginia Department of Transportation's (VDOT) procedures for a [Notice of Willingness](#). FHWA will place legal a notice in the Richmond Times Dispatch per VDOT's *Governance Document on Document Availability Requirements for Public Hearings (PCE and CE)*, approved on 4/29/2021. The notice will run two times one week apart.



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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.

Kim Campo-Allen
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
Environmental Team Leader
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

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Appendix A: Environmental Checklist

<p>Section 7 of the Endangered Species Act:</p> <ul style="list-style-type: none"> • Are Federally-listed species potentially present in the study area? <input checked="" type="checkbox"/> Yes, see Notesⁱ <input type="checkbox"/> No <p>If Yes, effects determination:</p> <p><input checked="" type="checkbox"/> No Effect <input checked="" type="checkbox"/> May Affect, Not Likely to Adversely Affect <input type="checkbox"/> May Affect, Likely to Adversely Affect</p>
<p>Section 106 of the National Historic Preservation Act:</p> <ul style="list-style-type: none"> • Are historic properties known to be present in the study area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, will they be impacted by the project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Will previously undisturbed ground be disturbed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Effects determination: <input type="checkbox"/> No Historic Properties Affected <input checked="" type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect, MOA Executed • Was tribal consultation completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Water and Wetlands:</p> <ul style="list-style-type: none"> • Section 404 of the Clean Water Act Are impacts to Waters of the US anticipated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, approval anticipated: <input checked="" type="checkbox"/> Nationwide Permit (NWP) <input type="checkbox"/> Regional General Permit <input type="checkbox"/> Individual Permit • Section 401 of the Clean Water Act <input checked="" type="checkbox"/> NWP certified by State <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Is post-construction stormwater management review/approval anticipated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • <input checked="" type="checkbox"/> Project is consistent with Executive Order 11990, Protection of Wetlands
<p>Floodplains:</p> <ul style="list-style-type: none"> • Is the project in a FEMA floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Floodplain not mapped • <input checked="" type="checkbox"/> Project is consistent with Executive Order 11988, Floodplain Management
<p>Section 4(f) of the USDOT Act:</p> <ul style="list-style-type: none"> • 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Is there a use of a Section 4(f) property in the study area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>If Yes, De Minimis Finding: <input type="checkbox"/> Programmatic: <input type="checkbox"/> Individual 4(f): <input type="checkbox"/></p>
<p>Section 6(f) of the Land and Water Conservation Fund:</p>

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<ul style="list-style-type: none"> • Was the property purchased with grant funds from the Land and Water Conservation Fund? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • If Yes, was documentation of approval from National Park Service Director received for the conversion or replacement of 6(f) property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Coastal Zone Management Act of 1972:
<ul style="list-style-type: none"> • Is the project in a Coastal Zone? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • If yes, will a Federal Consistency Review be completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right of Way:
<ul style="list-style-type: none"> • Is the project completely within the transportation facility's right-of-way? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • If no, will the project require relocations or easements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Hazardous Waste and Materials:
<ul style="list-style-type: none"> • Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, County Environmental Health, etc.) present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • If Yes, is the nature and extent of the hazardous materials or contamination fully known? <input type="checkbox"/> Yes <input type="checkbox"/> No, plan for securing information provided in Notes
Section 7(a) of the Wild and Scenic Rivers Act:
<ul style="list-style-type: none"> • Are there Wild and Scenic Rivers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Eligible If Yes, has review by the river-administering agency been completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clean Air Act:
<ul style="list-style-type: none"> • Is the project in a non-attainment area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, is the project on the Transportation Improvement Program(TIP)/State Implementation Plan(SIP)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Highway Traffic and Construction Noise Regulations:
<ul style="list-style-type: none"> • <input checked="" type="checkbox"/> 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. • <input type="checkbox"/> The proposed project is a Type II project (retrofit for noise abatement). • <input type="checkbox"/> The proposed project is a Type III project (noise analysis not required). • <input type="checkbox"/> Does not apply.
Environmental Justice and Title IV Act:
<ul style="list-style-type: none"> • Is an Environmental Justice population, as identified in Executive Order 12898, present? <input checked="" type="checkbox"/> Yes, explanation provided in Notesⁱⁱ section <input type="checkbox"/> No • Will the project induce disproportionately high and adverse impacts to minority, low income, or special groups? <input type="checkbox"/> Yes, additional analysis is needed <input checked="" type="checkbox"/> No
Farmland Protection Policy Act for Highway Projects:
<ul style="list-style-type: none"> • Does the project displace, require acquisition of, or require an easement from farmland? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Greenhouse Gas Emissions and Climate Change

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<ul style="list-style-type: none"> • Have greenhouse gas (GHG) emissions and climate change considerations been integrated into the planning, design, acquisition and/or construction processes? <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No Comments: See below. • Have GHG emissions or reductions been quantified for the expected lifetime of the action? <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No Comments: The purpose of the proposed project is to reduce traffic queuing times caused by vehicles entering Fort Gregg-Adams’s Sustainment Gate ACP for security checks. The proposed project does not increase the number of vehicles entering Fort Gregg-Adams at the Sustainment Gate ACP and is not expected to induce development in the project area. A 2020 Transport Energy/Emission Research report from Australia (https://www.transport-e-research.com/files/ugd/d0bd25_8f1b26917f384fa4a554c57c099cb776.pdf) found that passenger vehicles idle more than 20 percent of their drive time. The report found that engine idling contributes up to 8 percent of total carbon dioxide emissions over the journey, depending on the vehicle type, and 2 percent of total NOx emissions. While newer vehicles may come equipped with stop-start technology to reduce engine idling, older vehicles do not. The proposed project will reduce idle time for queued vehicles entering Fort Gregg-Adams at the Sustainment Gate ACP. Temporary increases in GHG emissions would occur during project construction due to the presence of construction vehicles and equipment, but impacts will be minimized by implementing best management practices during project construction to reduce emissions generated from construction vehicles and equipment. • Does the project consider biogenic carbon dioxide sources, carbon stock, and the project’s overall carbon footprint? <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No Comments: N/A • Does the project include resilience and adaptation measures to address climate change? <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No Comments: N/A
Does the project affect any other resources not listed above? Explain below and list anticipated permits:
Additional anticipated permits: Virginia Pollutant Discharge Elimination System CGP; Virginia Erosion and Sediment Control (ESC) and Stormwater Management (SWM) Plan review and approval.

ⁱ Federally-listed species per U.S. Fish and Wildlife Service’s IPaC: Northern Long-Eared Bat (*Myotis septentrionalis*), Monarch Butterfly (*Danaus plexippus*).

ⁱⁱ Per the Environmental Protection Agency’s Environmental Justice Screening Tool, the City of Petersburg has a higher-than-average population of low income, limited education, and minority households. The project area provides access to some neighborhoods off Armistead and Breckenridge Avenues, but the project area is not predominately residential. Disproportionate or adverse impacts to these populations would not occur as a result of the proposed project.