

NCDOT NEPA/SEPA Consultation Form

NCDOT STIP Project No.	<b>B-4626</b>
WBS Element	<b>38443.1.FS2</b>
Federal Aid Project No.	<b>BRNHP-0049(33)</b>

A. Project Description, Location and Purpose:

NCDOT proposes to replace the existing superstructure with a wider superstructure on bridge 790003 on NC 8/NC 49 over Yadkin River and Winston-Salem Southbound railroad in Rowan, Davidson, and Stanly Counties. Substructure bent cap retrofitting will be required to accommodate the new superstructure. The project would also apply deck preservation treatment to the parallel bridge 790008.

B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other:

C. NEPA/SEPA Class of Action: (Check one)

- FHWA TYPE CE                      CE Signed 5/10/18

D. Changes in Proposed Action & Environmental Consequences Since 2018:

Since the 2018 CE was signed, design changes have consisted of inclusion a hazard retention basin and slope stabilization.

**Water Resources**

NCDOT received a Nationwide Permit 14 and a 401 General Certification, both of which expire March 18, 2022. Based on the permit application, the action will result in 18 feet of permanent impacts to the Yadkin River from bank stabilization and 0.05 ac of temporary impacts from causeways for bridge construction/rehabilitation. No stream mitigation will be required for this project.

**Historic Architecture Resources**

As part of the 2018 CE, NCDOT established that the project had an adverse effect in consultation with the State Historic Preservation Office and FHWA on May 24, 2017. Accordingly, NCDOT prepared a Finding of Adverse Effect (FAE) and a Memorandum of Agreement (MOA) dated, respectively, October 2017 and April 2018. The Advisory Council on Historic Preservation (ACHP) has accepted both documents, and the stipulated photodocumentation of the bridge is complete. A second stipulation will be satisfied by the addition of an entry to our historic bridge website.

Based on the previous documentation, and the fact that there have been no changes to the project limits, the conditions of the MOA are still in effect. This being the case, on August 20, 2021, NCDOT concluded that the project may be considered in compliance with both GS 121-12(a) and Section 106 for historic architecture.

### **Protected Species Resources**

Based on the 2015 Natural Resources Technical Report (NRTR), suitable habitat was found in the project study area for Schweinitz's sunflower (*Helianthus schweinitzii*), Northern long-eared bat (*Myotis septentrionalis*) and Bald eagle (*Haliaeetus leucocephalus*).

Fulfilling the project commitment in the 2018 CE, a Schweinitz's sunflower survey was conducted on 10/21/19 for suitable habitat within the project study area. As no individuals were detected, the biological conclusion was "No Effect." An eagle survey was conducted August 2017 with no nests or birds observed. Another survey will be conducted prior to construction.

In addition, this consultation includes updated language with regards to protections for the Northern long-eared bat (NLEB) for western North Carolina. NCDOT will follow the US Army Corps of Engineers Standard Local Operating Procedures for Endangered Species (SLOPES) Act Compliance for the Northern Long-Eared Bat in North Carolina. The guidance is located at the following website: [http://saw-reg.usace.army.mil/NLEB/1-30-17-signed\\_NLEB-SLOPES&apps.pdf](http://saw-reg.usace.army.mil/NLEB/1-30-17-signed_NLEB-SLOPES&apps.pdf).

### **E. Conclusion:**

The above NEPA/SEPA documentation has been reevaluated (as required by either 23 CFR 771 or by NC General Statute Chapter 113A Article 1). The current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted below. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the above referenced document(s) unless noted otherwise herein. Therefore, the original Administration Action remains valid.

### **F. FHWA Appendix C Criteria:**

If any of questions 1-7 below are marked "yes" then please review NCDOT and/or FHWA procedures prior to approval.		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 checked="" type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGPA)?	<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 a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>

**TIP No.: B-4626**  
**Rowan, Davidson, and Stanly Counties**  
**Bridge No. 3 Superstructure Replacement &**  
**Deck Preservation Treatment For Bridge 8 on**  
**NC 8/49 over the Yadkin River (Tuckertown Reservoir)**  
**Federal Aid No.: BRNHP-0049(33)**  
**WBS No.: 38443.1.FS2**

**COMMITMENTS FROM PROJECT DEVELOPMENT**

**Section 106**

NCDOT will meet the stipulations of the attached Memorandum of Agreement (MOA) for the adverse effect to the historic bridge, including photodocumentation of the Rowan County Bridge No. 3, photodocumentation of the bridges demolition, and the development and implementation of content to feature on the NCDOT Historic Bridges of North Carolina website.

*Photodocumentation of existing bridge complete.*

**FEMA Coordination**

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

*No FEMA study is needed as the new superstructure on Bridge 003 is being built on top of the existing interior bents.*

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

**FERC Coordination**

NCDOT will continue to coordinate with Cube Hydro Carolinas, the current FERC licensee for the Yadkin Project, through the course of project development. NCDOT will prepare the applicable FERC license and prepare an amended easement agreement, as necessary.

*The FERC Permit was issued on August 31, 2021 and expires on February 28, 2023*

**Impaired Waters**

NCDOT's *Best Management Practices for Protection of Surface Waters* will be followed throughout the design and construction of the project.

### **Erosion Control**

Since the Yadkin River (Tuckertown Reservoir) is classified as WS-IV, B;CA (Critical Area) waters, the Erosion Control plans will have to adhere to the Design Standards in Sensitive Watersheds.

### **Railroad Coordination**

The Division will coordinate with NCDOT Rail Unit and CSX through the design and construction of the project.

### **Schweinitz's Sunflower**

A complete survey for the Schweinitz's sunflower will be conducted prior to construction let.

*A Schweinitz's sunflower survey was conducted on 10/21/19 for suitable habitat within the project study area. As no individuals were detected, the recommended biological conclusion was "No Effect" and the Corps utilized this conclusion when issuing the Nationwide Permit #14 in May 2021 for construction of the project.*

### **Northern long-eared bat**

NCDOT has committed to the following conservation measures: No alterations of a known hibernacula entrance or interior environment if it impairs an essential behavioral pattern, including sheltering northern long-eared bats (January 1 through December 31); no tree removal within a 0.25 mile radius of a known hibernacula (January 1 through December 31); and no cutting or destroying a known, occupied maternity roost tree, or any other trees within a 150-foot radius from the known, occupied maternity tree during the period from June 1 through and including July 31.

NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule.

### **COMMITMENTS FROM PERMITTING**

#### **Division Construction/EAU**

From the 404 Permit issued May 4, 2021, Special Condition 1:

The Permittee shall fully implement the Memorandum of Agreement between the Permittee, the North Carolina State Historic Preservation Officer and the Federal Highway Administration, dated, April 12, 2018, including Appendix A, which is incorporated herein by reference.

**G. Coordination**

NCDOT personnel have discussed the current project parameters with qualified NCDOT representatives. The Project Manager (Jacquelyn Bowles) hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Roy Tellier, P.E., HNTB Corporation	9/7/21
FHWA Engineer:	NA	
Environmental Specialist:	Michael Turchy	9/9/21
Other:	Vanessa Patrick	8/20/21

**H. Consultation Approval for NCDOT STIP Project B-4626**

**Prepared By:**

9/29/2021

Date

DocuSigned by:  
*Ken Gilland*

Ken Gilland  
HNTB Corporation

**Prepared For:**

DocuSigned by:  
*Jacquelyn Bowles*

Jacquelyn Bowles, PE Engineer III  
NCDOT Structures Management Unit

**Reviewed By:**

9/29/2021

Date

DocuSigned by:  
*John Jamison*

John Jamison, Western Regional Team Lead  
NCDOT Environmental Policy Unit

**Approved**

In adherence with 23 CFR 771 (NEPA) or NC General Statute Chapter 113A Article 1 (SEPA), NCDOT approves this Consultation.

or

**Certified**

If any of the threshold questions (1 through 7) of Section F are answered "yes," NCDOT certifies this Consultation.

9/29/2021

Date

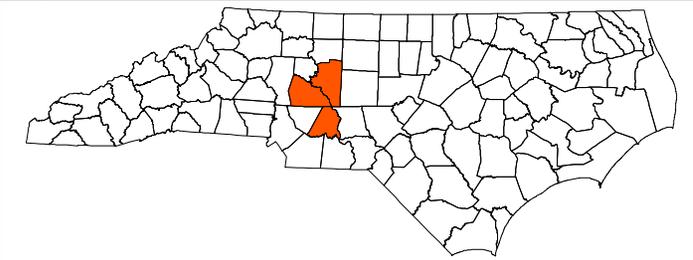
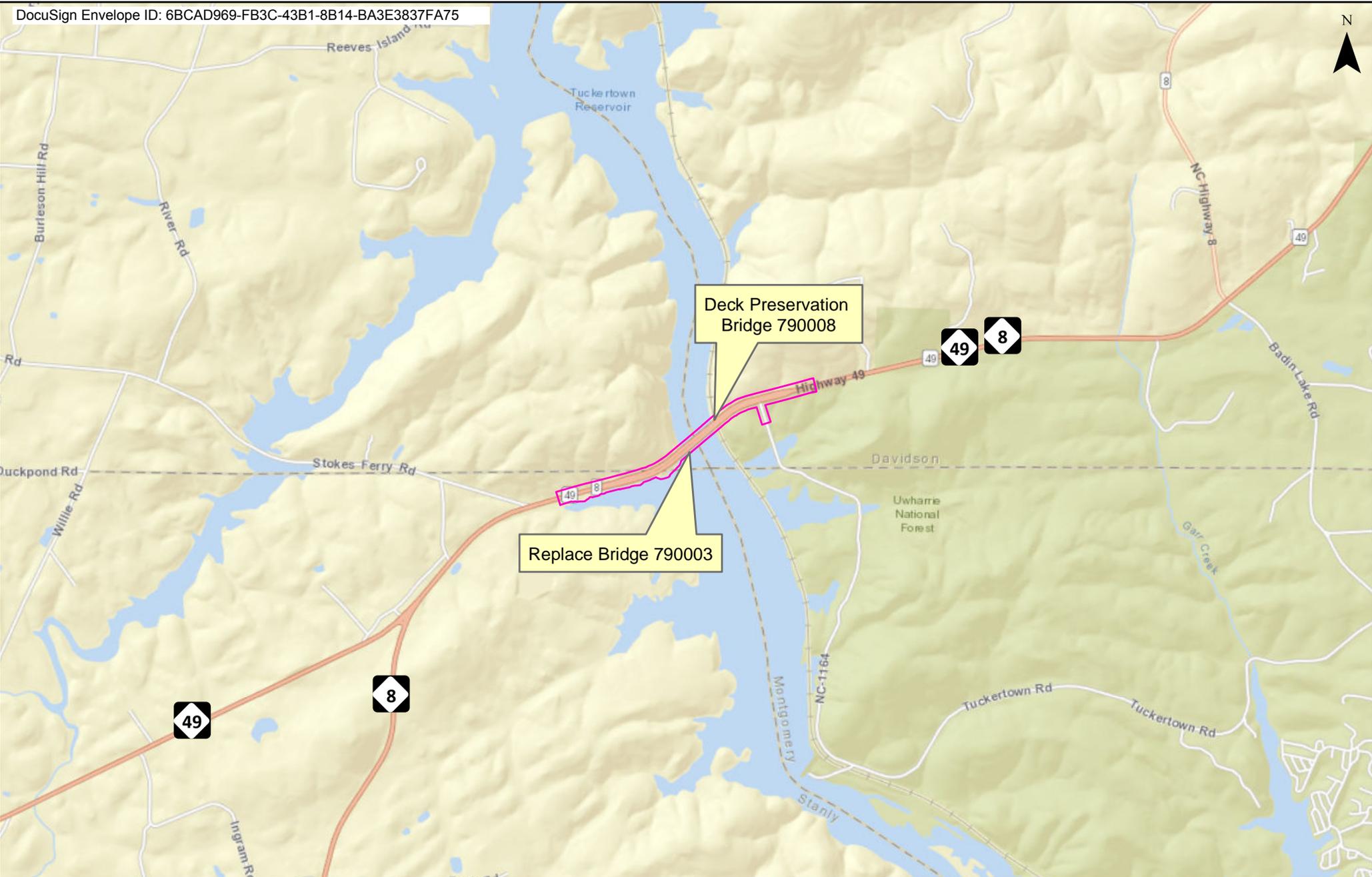
DocuSigned by:  
*Kevin Fischer*

for Kevin Fischer, P.E - Assistant State Structures Engineer – PEF  
Coordination, Program Management & Field Ops. NCDOT

**FHWA Approved:** FHWA signature required for Projects where an additional threshold has been exceeded or for any Type III CE, FONSI or ROD.

Date

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



### Legend

 B-4626 Study Area

0 0.5 1 Miles

Sources: ESRI, NCDOT, HNTB North Carolina, PC.  
Credit: HNTB North Carolina PC, 2018

**Project Location Map**  
**NCDOT STIP Project B-4626**  
 Replace Bridge 790003 and Apply Deck Preservation Treatment to Bridge 790008 Over Yadkin River and Winston-Salem Southbound Railroad.  
 Rowan, Davidson, and Stanly Counties