

# North Carolina Department of Transportation

## NEPA/SEPA Consultation Form

STIP Project No.	<u>B-5610</u>
WBS Element	<u>45565.1.2</u>
Federal Aid Project No.	<u>0012068</u>

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 8 on NC 12 over the Slash in Dare County, NCDOT Division 1. The purpose of the proposed project is to replace a structurally deficient bridge. The proposed structure will be an approximately 95-foot long, two-span, prestressed cored slab superstructure. The bridge typical section is two 12-foot lanes with 5-foot shoulders and 5.75-foot sidewalks on each side. The roadway typical section is two 15-foot lanes with 6-foot berm on each side, which includes 5-foot sidewalks at the back of curb.

The proposed design speed is 40 mph. The project length is approximately 825 feet. NCDOT Bridge Management Unit records indicate Bridge No. 8 has a substructure rating of 3 out of 9 as of June 1, 2021.

Bridge No. 8 will be replaced-in-place using an offsite detour. The offsite detour will utilize S.R. 1241 (Eagle Pass Road) to N.C. 12 and is approximately 0.75 miles long. Eagle Pass Road contains sidewalk for separating pedestrians and bicyclists from vehicular traffic.

B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other: Identify the trigger – (e.g., design change, change in impacts)

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

- FHWA Class II (CE) July 24, 2019

Additional Notes: Type 1A

A Right of Way Consultation was signed on August 3, 2021.

D. Changes in Proposed Action & Environmental Consequences:

Minor design changes have occurred since the previous Right-of-Way (ROW) Consultation was signed on August 3, 2021. The project length has decreased from 850 feet to 825 feet, and the proposed structure has changed from a two-span prestressed concrete girder to a two-span, prestressed cored slab superstructure. The berm width was reduced from a 10-foot to 6-foot berm with proposed 5-foot sidewalk being placed at the back of curb, which reduced right of way, easements, and overall environmental impacts. The B-5610 project

now also includes the resurfacing of the Eagle Pass Road detour route in order to provide a sufficient travel route for vehicles detouring around Bridge No. 8. The resurfacing of Eagle Pass Road will cost approximately \$450,000 and the overall construction cost estimate for the B-5610 project design is \$4,800,000 as of February 2024.

## Water Resources

The water resource classifications for the waters identified for the project remain accurate.

## Protected Species

The list of protected species has changed since the previous ROW Consultation was completed in 2021. The NCDOT Environmental Analysis Unit (EAU) updated the list of protected species on February 27, 2024. Below is a table of protected species within the study area, their current Federal status and biological conclusion.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	TSA	Yes	Not Required
<i>Canis rufus</i>	Red wolf	EXP	No	No Effect
<i>Charadrius melodus</i>	Piping plover	T	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Calidris canutus rufa</i>	Red knot	T	No	No Effect
<i>Chelonia mydas</i>	Green sea turtle	T	No	No Effect
<i>Eretmochelys imbricate</i>	Hawksbill sea turtle	E	No	No Effect
<i>Lepidochelys kempii</i>	Kemp's ridley sea turtle	E	No	No Effect
<i>Dermochelys coriacea</i>	Leatherback sea turtle	E	No	No Effect
<i>Caretta caretta</i>	Loggerhead sea turtle	T	No	No Effect
<i>Trichechus manatus</i>	West Indian manatee	E	Yes	MANLAA
<i>Myotis septentrionalis</i>	Northern long-eared bat	E	Yes	MALAA
<i>Acipenser oxyrinchus</i>	Atlantic sturgeon	E	Yes	No Effect
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	Yes	No Effect
<i>Perimyotis subflavus</i>	Tricolored bat	PE	Yes	MALAA
<i>Laterallus jamaicensis</i>	Black rail	T	No	No Effect

E- Endangered; T- Threatened; PE – Potentially Endangered; TSA – Threatened due to similarity of appearance; EXP – Experimental population; MANLAA – May Affect, Not Likely to Adversely Affect; MALAA – May Affect, Likely to Adversely Affect

The red-cockaded woodpecker (*Picoides borealis*) has been re-added to the list of species under federal protection for Dare County. Habitat for the species does not exist in the study area.

### **Tricolored bat**

The US Fish and Wildlife Service has issued a programmatic conference opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the tricolored bat (TCB) (*Perimyotis subflavus*) in eastern North Carolina. The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. NCDOT, FHWA, and USACE have agreed to three conservation measures (listed in the PCO) which will avoid/minimize take to TCBs. These conservation measures apply to all counties in Divisions 1-8. The programmatic determination for TCB for the NCDOT program is **May Affect, Likely to Adversely Affect**. Once the TCB is officially listed, the PCO will become the programmatic biological opinion (PBO) by formal request from FHWA and USACE. The PBO will ensure compliance with Section 7 of the Endangered Species Act for approximately five years (effective through December 31, 2028) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Dare County, where B-5610 is located.

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

The US Fish and Wildlife Service has revised the previous programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. Although this programmatic covers Divisions 1-8, NLEBs are currently only known in 22 counties, but may potentially occur in 8 additional counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimize mortality of NLEBs. These conservation measures only apply to the 30 current known/potential counties shown on Figure 2 of the PBO at this time. The programmatic determination for NLEB for the NCDOT program is **May Affect, Likely to Adversely Affect**. The PBO will ensure compliance with Section 7 of the Endangered Species Act for ten years (effective through December 31, 2030) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Dare County, where B-5610 is located.

#### **Measures to Avoid/Minimize Mortality**

1. No tree clearing will occur within 150 feet of a known maternity roost tree May 1 - June 30 in order to protect non-volant young. Winter roost trees are not considered maternity roost trees.
2. At individual project sites where a total of 1.0 acre or more of tree clearing will occur, no tree clearing will occur during the portion of the day that the air temperature is <40 degrees Fahrenheit in order to protect NLEBs that may be in torpor. This restriction is only subject to the known/potential range (30 coastal counties) that is shown in Figure 2 of the [2020 PBO](#).

### **Bald eagle**

Nesting habitat for the bald eagle does not exist within 660 ft of the project study area. A review of the NC NHP database, updated November 2022, indicates no known occurrences within one mile of the project area.

## **Public Involvement**

All property owners within the study area were sent notification letters and informed of the proposed project initially on February 16, 2016 (when project planning and engineering first began). A newsletter was sent in July 2019 to all property owners adjacent to the project study area on N.C. 12 as well as those adjacent to the detour route on Eagle Pass Road; no comments were received from the newsletter. After the project planning and design resumed in 2022, design refinements were presented through continued public input. A project website was created (<https://www.publicinput.com/NC12-BridgeReplacement-Dare>) for the B-5610 project in October 2022. An in-person Local Officials Informational Meeting (LOIM) and in-person Public Meeting were held on November 10, 2022. Local officials were notified via email from NCDOT Public Involvement sent on October 27, 2022. All 844 property mailing addresses in Hatteras Village were notified of the public website and in-person public meeting via a postcard mailed on October 26, 2022. A total of 50 people attended the public meeting.

An informational handout was created for the LOIM and Public Meetings that contained key project highlights, the anticipated project timeline, estimated costs, explanation of the right of way process, project team contact information, the public meeting maps and a comment form. The public was able to provide comments by submitting the comment form at the public meeting, sending it via mail, or by submitting comments on the project website, via email, or phone/voicemail transcription. The public comment period lasted from November 10, 2022 to November 24, 2022. NCDOT received a total of 19 comments between the various methods.

The website contained key project highlights, location maps, and public meeting maps of the design. Public comments received were mixed responses ranging from those in support of the project to those hesitant about the proposed bridge replacement. The project team fielded questions from residents and business owners and provided information specific to how the applicable properties would be impacted. NCDOT posted responses to public comments received for subject TIP project B-5610 on the public website.

## **Tribal Coordination**

NCDOT submitted a letter to the Catawba Indian Nation (CIN) informing the Tribe of the project and results of the archaeological screening on April 6, 2023. As of the signing date of this consultation, NCDOT has not received a response from the CIN. The CIN will be notified if Native American artifacts and/or human remains are located during the ground disturbance phase of this project.

### **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). It has been determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted in Section D. 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. Coordination

NCDOT personnel have discussed the current project parameters with qualified NCDOT representatives and FHWA (where applicable). The NCDOT Engineer III, Jacquelyn Bowles, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Andrew Young, PE (Stewart)	03/21/2024
Environmental Specialist:	Jason Dilday (NCDOT)	03/21/2024
Hydraulics Engineer:	David Talbert, PE (Sungate Design)	03/21/2024
Other:		

G. Consultation Approval for NCDOT Project B-5610

**Prepared By:**

3/21/2024

Date

DocuSigned by:

*Harrison Wenchell*

AE57EF5E28F34A0...

Harrison Wenchell, AICP, Transportation Planning Team Lead  
Stewart

**Prepared For:**

3/21/2024

Date

DocuSigned by:

*Jacquelyn Bowles*

DD26E87EDFB647E...

Jacquelyn Bowles, PE, Engineer III  
NCDOT, Structures Management Unit

**Reviewed By:**

3/27/2024

Date

DocuSigned by:

*Morgan Weatherford*

B8ED986C65CEB44E...

Morgan Weatherford, Eastern 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**

NCDOT staff certifies if FHWA signature was previously required or where changes have resulted in FHWA signature being required.

3/21/2024

Date

DocuSigned by:

*Kristy Alford*

F245839938BE40E...

Kristy Alford, PE, Project Engineer – Field Operations Divisions 1-7  
NCDOT, Structures Management Unit

FHWA Approved: FHWA signature required for Type I(B) CE, Type II(B) CE, Type III CE, FONSI or ROD.

Date

N/A

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

H. Project Commitments (as of March 21, 2024)

**Replacement of Bridge No. 8 on N.C. 12 over the Slash  
Dare County, NCDOT Division 1  
Federal Project No. 0012068  
WBS No. 45565.1.2  
TIP No. B-5610**

*Updates to project commitments shown in italics.*

**NCDOT Hydraulics Unit:**

FEMA

The project may encroach but will not adversely affect the FEMA-regulated stream. The Hydraulics Unit will coordinate with FEMA to determine if a CLOMR and a subsequent final LOMR are required for the project.

*It was determined via coordination with NCDOT Hydraulics Unit that a CLOMR is not required for this project. No further action will be required.*

**NCDOT Environmental Analysis Unit:**

Federally Threatened Species

NCDOT will initiate informal consultation with the NMFS to confirm biological conclusions for the Loggerhead sea turtle, Hawksbill sea turtle, Green sea turtle, Leatherback sea turtle, and Kemp's Ridley sea turtle.

*Conversations with the NMFS concluded that replacement of Bridge 8 will have "No Effect" on the listed sea turtle species.*

**NCDOT Division 1 Construction:**

Construction and Roadway Closure

NCDOT will develop methods to address pedestrian and bicycle accommodations during construction, in coordination with Work Zone Safety.

*The project will be constructed utilizing an off-site detour route for vehicular traffic. Pedestrian traffic will be accommodated via pedestrian transport service. No further action is required.*

NCDOT will contact the Dare County Emergency Medical Services' Director at 252-475-5713 at least one month prior to construction to allow first responders to prepare for the anticipated action.

NCDOT will contact the Hatteras Island Rescue Squad at 252-995-5490 at least one month prior to construction to allow marine first responders to prepare for the anticipated action.

NCDOT will contact the Hatteras Village Volunteer Fire Department at 252-986-2356 at least one month prior to construction to allow emergency personnel to prepare for the anticipated action.

NCDOT will contact the Dare County Schools' Supervisor of Transportation at 252-473-3717 Ext. 3402 at least one month prior to construction to allow schools to prepare for the anticipated action.

#### FEMA

If a CLOMR and subsequent final LOMR are required for the project, NCDOT will submit sealed as-built construction plans to the Hydraulics Unit upon project completion certifying the project was built as shown on construction plans.

*It was determined via coordination with NCDOT Hydraulics Unit that a CLOMR is not required for this project. No further action will be required.*

#### HQW

NCDOT will adhere to the Design Standards for Sensitive Watersheds to avoid and minimize impacts to the designated HQW (The Slash).

*The Roadside Environmental Unit has verified that the sedimentation and erosion control measures on this project adhere to the Design Standards in Sensitive Watersheds.*

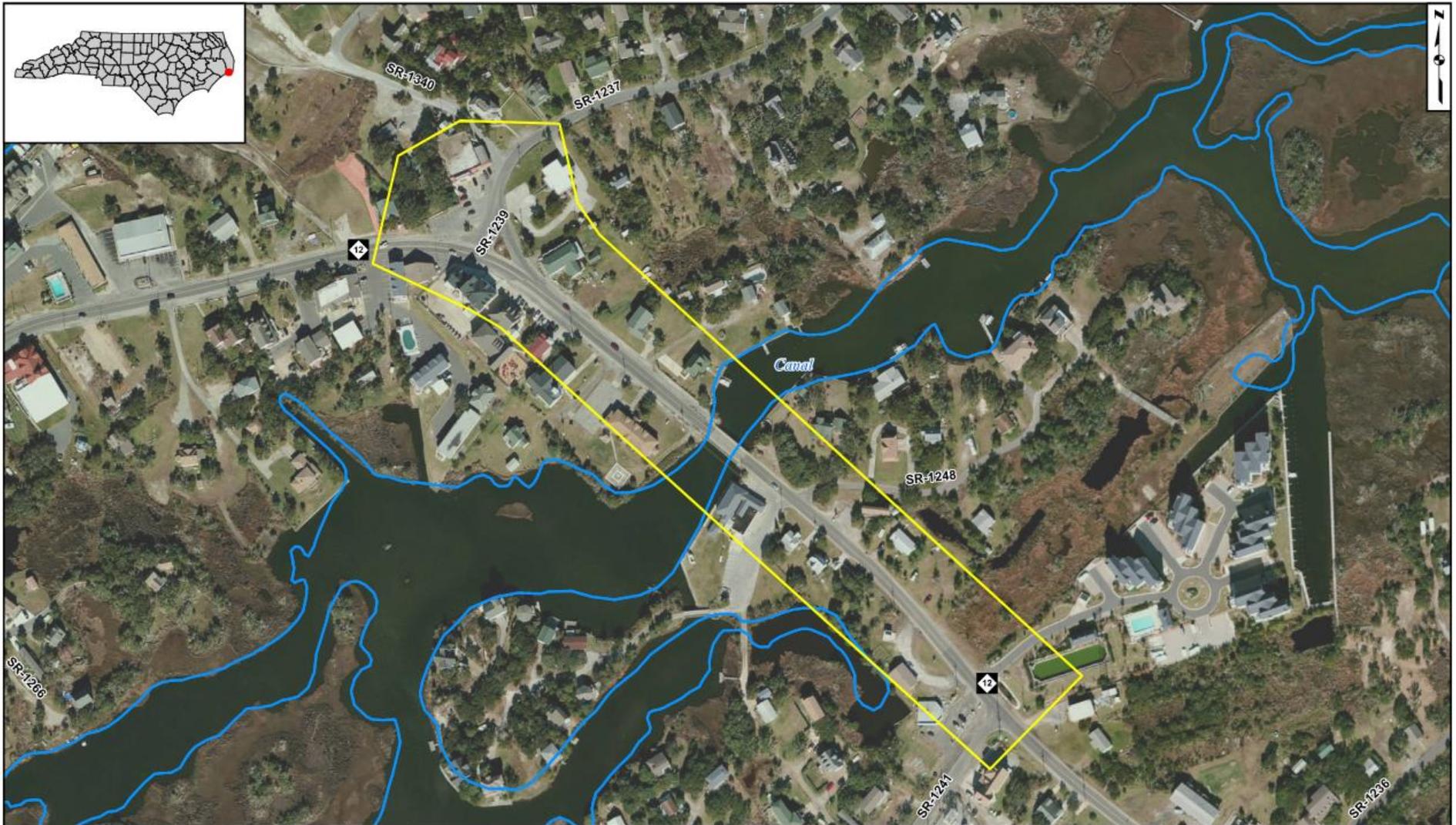
#### West Indian Manatee

NCDOT will provide conditions to contractors to adhere to guidelines outlined in GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATEE Precautionary Measures for Construction Activities in North Carolina Waters (2003 USFWS).

# ATTACHMENT A – VICINITY MAP

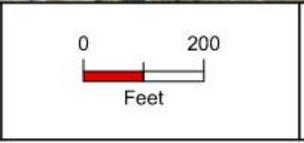


# ATTACHMENT B – STUDY AREA MAP




NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
PROJECT DEVELOPMENT AND  
ENVIRONMENTAL ANALYSIS UNIT

**STUDY AREA MAP**  
**Replace Bridge No. 8 on NC 12**  
**over Canal in Dare County**  
 TIP Project B-5610



Div: 1	TIP# B-5610
Date: DECEMBER 2015	

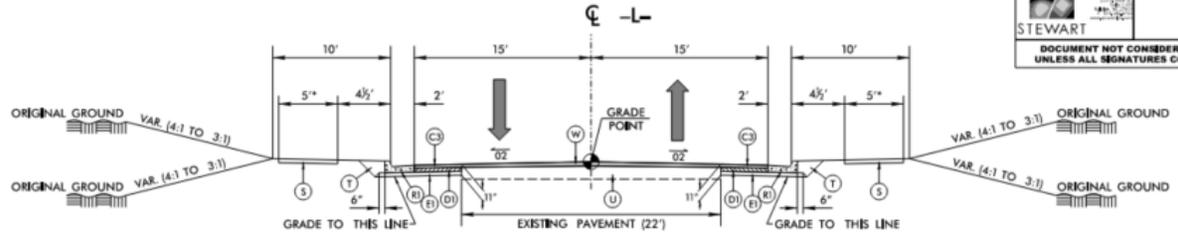
**Figure**  
**2**

# ATTACHMENT C – STRUCTURE TYPICAL SHEET

PROJECT REFERENCE NO. B-5500	SHEET NO. 24-1
ROADWAY DESIGN ENGINEER	PAVEMENT DESIGN ENGINEER
STEWART	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	

PAVEMENT SCHEDULE (FINAL PAVEMENT DESIGN)	
C1	PROP. APPROX. 1 1/2" ASPHALT CONCRETE SURFACE COURSE, TYPE 59,58, AT AN AVERAGE RATE OF 165 LBS. PER SQ. YD.
C2	PROP. APPROX. 2 1/2" ASPHALT CONCRETE SURFACE COURSE, TYPE 59,58, AT AN AVERAGE RATE OF 137.5 LBS. PER SQ. YD. IN EACH OF TWO LAYERS.
C3	PROP. APPROX. 3" ASPHALT CONCRETE SURFACE COURSE, TYPE 59,58, AT AN AVERAGE RATE OF 165 LBS. PER SQ. YD. IN EACH OF TWO LAYERS.
C4	PROP. VAR. DEPTH ASPHALT CONCRETE SURFACE COURSE, TYPE 59,58, AT AN AVERAGE RATE OF 110 LBS. PER SQ. YD. PER 1" DEPTH, TO BE PLACED IN LAYERS NOT TO EXCEED 1 1/2" IN DEPTH.
D1	PROP. APPROX. 4" ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 119,0C, AT AN AVERAGE RATE OF 456 LBS. PER SQ. YD.
D2	PROP. VAR. DEPTH ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 119,0C, AT AN AVERAGE RATE OF 114 LBS. PER SQ. YD. PER 1" DEPTH, TO BE PLACED IN LAYERS NOT LESS THAN 2 1/2" IN DEPTH OR GREATER THAN 4" IN DEPTH.
E1	PROP. APPROX. 4" ASPHALT CONCRETE BASE COURSE, TYPE 825,0C, AT AN AVERAGE RATE OF 456 LBS. PER SQ. YD.
E2	PROP. VAR. DEPTH ASPHALT CONCRETE BASE COURSE, TYPE 825,0C, AT AN AVERAGE RATE OF 114 LBS. PER SQ. YD. PER 1" DEPTH, TO BE PLACED IN LAYERS NOT LESS THAN 3" IN DEPTH OR GREATER THAN 5 1/2" IN DEPTH.
R1	2'-6" CONCRETE CURB AND GUTTER.
S	4" CONCRETE SIDEWALK.
T	EARTH MATERIAL.
U	EXISTING PAVEMENT.
W	VARIABLE DEPTH ASPHALT PAVEMENT (SEE STANDARD WEDGING DETAIL).

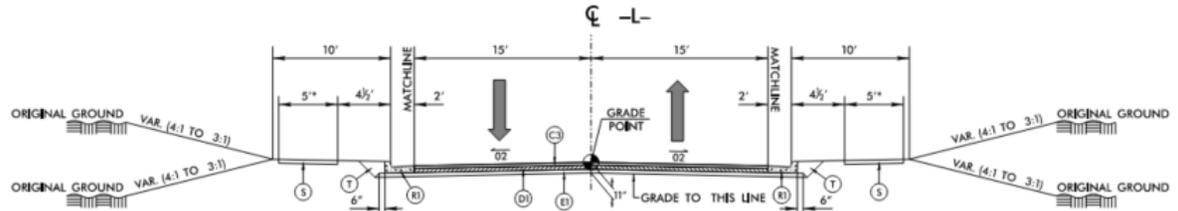
NOTE: PAVEMENT EDGE SLOPES ARE 1:1, UNLESS SHOWN OTHERWISE



**TYPICAL SECTION NO. 1**

← STA. 11+00.00 TO ← STA. 13+00.00  
← STA. 17+00.00 TO ← STA. 19+50.00

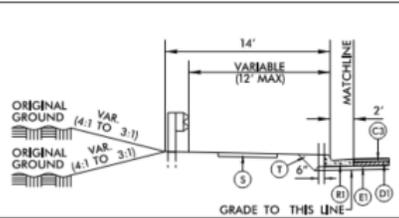
\* SIDEWALK WILL BE PROVIDED ON ROADWAY APPROACHES PENDING MUNICIPAL AGREEMENT WITH HATTERAS VILLAGE



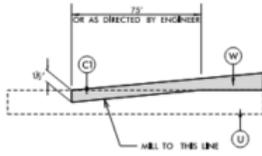
**TYPICAL SECTION NO. 2**

← STA. 13+00.00 TO ← STA. 14+93.75 (BEGIN BRIDGE)  
← STA. 15+91.25 (END BRIDGE) TO ← STA. 17+00.00

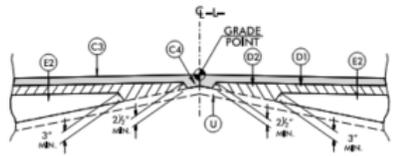
\* SIDEWALK WILL BE PROVIDED ON ROADWAY APPROACHES PENDING MUNICIPAL AGREEMENT WITH HATTERAS VILLAGE



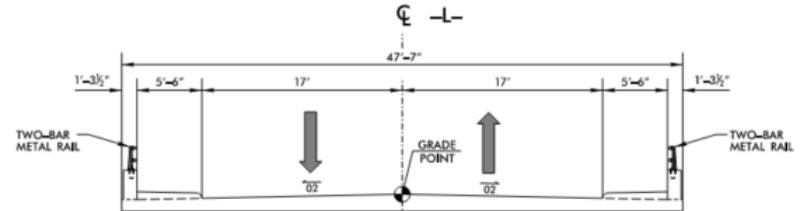
**DETAIL SHOWING GUARDRAIL PLACEMENT BEHIND SIDEWALK**



**DETAIL SHOWING MILLED PAVEMENT PROFILE TIE-IN**



**DETAIL SHOWING METHOD OF WEDGING**

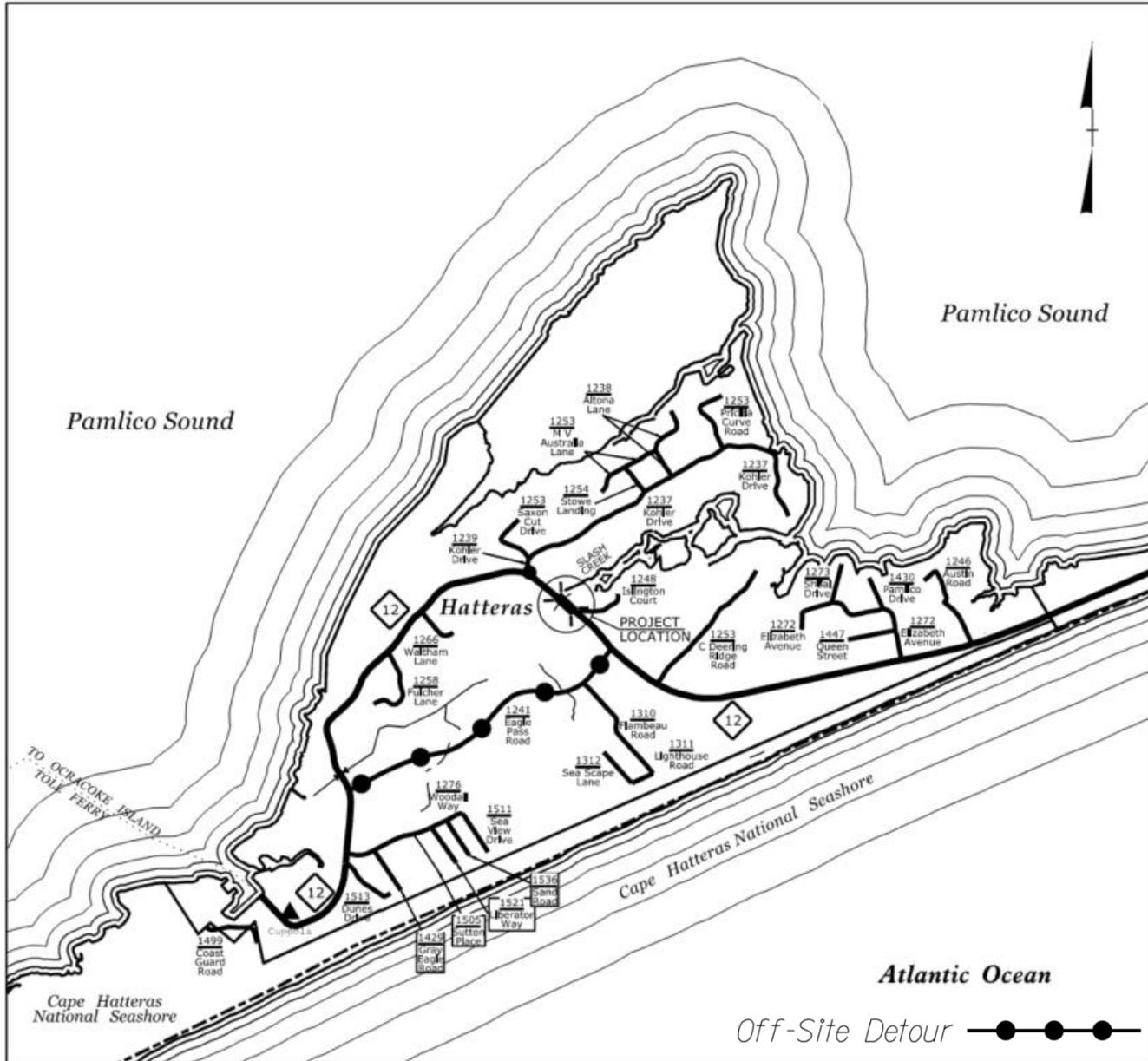


**TYPICAL SECTION NO. 3**

← STA. 14+93.75 TO ← STA. 15+91.25  
36" PRESTRESSED CONCRETE GIRDER



# ATTACHMENT D – OFFSITE DETOUR MAP



# ATTACHMENT E – PUBLIC MEETING MAP

