

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	B-5610
WBS Element	45565.1.1
Federal Aid Project No.	NHP-0012(016)

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. Bridge No. 8 will be replaced-in-place using an off-site detour. The proposed structure will be an approximately 95-foot long, two-span, prestressed concrete girder. The bridge typical section is two 15-foot lanes with 5-foot sidewalks on each side. The roadway typical section is two 15-foot lanes with 10-foot berm (5-foot sidewalks) on each side. The proposed design speed is 40 mph. The project length is approximately 850 feet.

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**

D. Changes in Proposed Action & Environmental Consequences:

There are no design revisions that need to be noted in this consultation. Due to the upcoming right of way acquisition on the project, this consultation is being completed to continue the original CE, Type 1A document since its signing.

The list of protected species has changed since the previous Categorical Exclusion was completed. Below is a table of protected species for Dare County and their current status.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	TSA	Yes	Not Required
<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	T	Yes	MALAA
<i>Acipenser oxyrinchus</i>	Atlantic sturgeon	E	Yes	No Effect
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	Yes	No Effect
Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Laterallus jamaicensis</i>	Black rail	T	No	No Effect

The black rail (*Laterallus jamaicensis*) has been added to the list of species under federal protection for Dare County. Habitat for the species does not exist in the study area. The biological conclusion for black rail is “No Effect”. The biological conclusions for Atlantic sturgeon, shortnose sturgeon, green sea turtle, hawksbill sea turtle, Kemp’s ridley sea turtle, leatherback sea turtle and loggerhead sea turtle have changed to No Effect. Conversations with NMFS staff concluded that this project will have No Effect on these species. Section 7 is satisfied for the West Indian manatee by adhering to the USFWS Guidelines For Avoiding Impacts To The West Indian Manatee: Precautionary Measures for Construction Activities in North Carolina Waters.

Northern long-eared bat (*Myotis septentrionalis*)

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 19 counties, but may potentially occur in 11 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 April 2021, indicates no known occurrences within one mile of the project area.

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 Project Manager, Kristy Alford, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Andrew Young, PE (Stewart)	July 2021
Environmental Specialist:	Jason Dilday (NCDOT)	July 2021
Hydraulics Engineer:	David Talbert, PE (Sungate Design)	July 2021
Other:		

G. Consultation Approval for NCDOT Project B-5610

Prepared By:

7/19/2021

Date

DocuSigned by:

Andrew P. Young

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Andrew P. Young, PE, Manager, Transportation Design
Stewart

Prepared For:

Kristy Alford, PE
NCDOT, Structures Management Unit

Reviewed By:

8/3/2021

Date

DocuSigned by:

Colin Mellor

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Colin Mellor, 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.

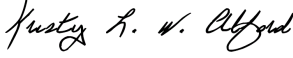
or

**Certified**

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

7/19/2021

Date

DocuSigned by:

F245838930BF40E

Kristy Alford, PE, Project Engineer
NCDOT, Structures Management Unit

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

N/A

Date

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

H. Project Commitments (as of July 2021)

**Dare County
Replacement of Bridge No. 8
Federal Project No. NHP-0012(016)
WBS No. 45565.1.1
TIP No. B-5610**

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.

There are not sufficient pedestrian accommodations in the vicinity to warrant a separate pedestrian plan during construction. No further action is required.

NCDOT will contact the Dare County Emergency Medical Services' Planning 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 NCDWR's Design Standards for Sensitive Watersheds to avoid and minimize impacts to the designated HQW (The Slash).

During the hydraulic design of the project, this requirement was fulfilled via coordination and review from NCDOT Hydraulics Unit.

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).