

## North Carolina Department of Transportation

## NEPA/SEPA Consultation Form

STIP Project No.	<u>BR-0026</u>
WBS Element	<u>67026.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

NCDOT Project BR-0026 proposes to replace Bridge No. 500050 on NC 210 over Middle Creek in Johnston County, North Carolina (refer to Figure 1). The project will remove the existing bridge and replace it with a new bridge in its existing location. The replacement structure will include two 12-foot vehicular lanes and 8-foot shoulders on each side. The roadway will be designed as a Minor Arterial using Regional Tier Guidelines with a 45 mile per hour design speed. Traffic will be detoured off-site during the construction period. The purpose of the proposed project is to replace a structurally deficient bridge. The existing structure was built in 1934 and reconstructed in 1961. The bridge is considered structurally deficient due to a superstructure condition appraisal of 4 out of 9 according to Federal Highway Administration standards.

B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other:

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

- FHWA Class II (CE) 02/19/2020
- Other: Right of Way Consultation 04/26/2022

Additional Notes: **Type IA**

D. Changes in Proposed Action & Environmental Consequences:**Design Changes**

There have been no substantial design changes since the completion of the BR-0026 Categorical Exclusion (02/19/2020) or the BR-0026 Right of Way Consultation (04/2022). With the refinement of the 90% plans, the permanent drainage easement on the south side of the bridge has been extended approximately 5 feet out from its previous location. The project continues to stay within the original study area and does not result in any additional environmental impacts.

## Historic Architecture and Archaeology

NCDOT has reviewed the Section 106 effects findings for historic properties and archaeological resources within the project's area of potential effects (APE), that were made as part of the NEPA analysis. NCDOT has confirmed that there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

## Wetland and Stream Impacts

As noted in the permit drawings, further refinement of the design plans (90%) show potential stream impacts to be 273 feet of existing channel impacts (permanent) and 161 feet of existing channel impacts (temporary). Since the Right of Way Consultation, potential wetland impacts were reduced to <0.01 acres of permanent fill in wetlands and 0.04 acres of hand clearing in wetlands.

## Threatened and Endangered Species Updates

The Natural Resources Technical Report (NRTR) for the subject project was completed in April 2019, and an Aquatic Species Survey Report was completed in November of 2019. Since that time, the method for determining potentially affected Threatened and Endangered (T&E) species has changed. Some of the species listed in the 2019 NRTR are no longer considered as potentially impacted, due to the location of the subject project. An updated list of species is provided below (Table 1).

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) list the following federally protected species within the study area, under the Endangered Species Act (ESA) (Table 1). For each species, a discussion of the presence or absence of habitat is included below along with the Biological Conclusion rendered based on previous analysis and survey results in the study area.

**Table 1. ESA federally protected species within the Study Area<sup>1</sup>**

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	E	Yes	MA-LAA
<i>Elliptio lanceolata</i>	Yellow lance	T	Yes	MA-NLAA
<i>Perimyotis subflavus</i>	Tricolored bat	P	Yes	N/A
<i>Necturus lewisi</i>	Neuse River waterdog	T	Yes	MA-NLAA
<i>Noturus furiosus</i>	Carolina madtom	E	Yes	MA-NLAA
<i>Fusconaia masoni</i>	Atlantic pigtoe	T	Yes	MA-NLAA

<sup>1</sup> IPaC data checked on September 7, 2023

E – Endangered; P – Proposed; T – Threatened; MA-NLAA - May Affect – Not Likely to Adversely Affect; MA-LAA - May Affect – Likely to Adversely Affect

### Red-cockaded woodpecker

USFWS optimal survey window: year-round; November – early-March (optimal)

Biological Conclusion: **No Effect**

Per the NCDOT – Biological Surveys Group (BSG), suitable foraging (open to semi-open pine stands 30-60 years in age) and nesting (open to semi-open pine stands  $\geq 60$  years old) habitat for the red-cockaded woodpecker (RCW) does not exist within the study area. Due to the absence of suitable habitat within the study area, a 0.5-mile survey outside of habitat within the study area was not conducted. No birds or cavities were observed during fieldwork for the project. A review of the July 2023 North Carolina Natural Heritage Program (NCNHP) database (via the Natural Heritage Data Explorer website) indicates no known RCW occurrences within 1.0 mile of the study area.

#### Atlantic sturgeon

USFWS/ NMFS Recommended Survey Window: surveys not required; assume presence in appropriate waters.

#### Biological Conclusion: **No Effect**

There is no Designated Critical Habitat for Atlantic sturgeon present within the project study area. However, the Neuse River, which is approximately 2.75 miles downstream of the project study area, is listed as Critical Habitat within Johnston County. No large river, ocean, or estuarine habitat is present within the study area that would constitute suitable habitat for either adults or juveniles. Middle Creek is not considered large enough to support this species.

#### Dwarf wedgemussel, Yellow lance, and Atlantic pigtoe

Section 7 compliance for the Dwarf wedgemussel, Yellow lance, and Atlantic pigtoe mussel has been met through the **Eastern Mussel Programmatic Biological Opinion (PBO)** issued by the USFWS. The use of the PBO indicates the following biological conclusions: Dwarf wedgemussel: **May Affect, Likely to Adversely Affect**, Yellow lance: **May Affect, Not Likely to Adversely Affect**, Atlantic pigtoe: **May Affect, Not Likely to Adversely Affect**. The Department will adhere to the PBO Methodology, Conservation Measures, Reasonable and Prudent Measures, Terms and Conditions, and Monitoring and Reporting Requirements. Payment to the NC Nongame Aquatic Species Fund will be submitted pursuant to the agreement by appropriate parties. If updated surveys are required, they will be completed prior to Let.

#### Tricolored bat

On September 14, 2022, the USFWS announced a proposal to list the tricolored bat (*Perimyotis subflavus* - PESU) as endangered under the Endangered Species Act. Given the proposal to list PESU as Federally Endangered, NCDOT and its federal partners, FHWA and US Army Corps of Engineers (USACE) are initiating a conference programmatic consultation to address impacts to this species. USFWS has not provided an official effective listing date, but it is anticipated to occur in the second half of 2023. Upon listing, USFWS is expected to provide habitat descriptions and an area of influence/distribution range for PESU. When this information is provided, it will help to inform NCDOT's determinations on habitat that could be impacted by NCDOT actions.

#### Carolina madtom and Neuse River waterdog

Section 7 compliance for the Carolina madtom and Neuse River waterdog has been met through the **Bridge and Culvert Replacement/Repair/Rehabilitation Effects on Carolina Madtom and Neuse River Waterdog in NCDOT Divisions 2,4,5, and 7 Programmatic Conference Opinion (PCO)** issued by the USFWS in 2020 and converted to a PBO in 2021. The use of the PBO indicates the following biological conclusions: Carolina madtom: **May**

**Affect, Not Likely to Adversely Affect**, Neuse River waterdog: **May Affect, Not Likely to Adversely Affect**. The Department will adhere to the PBO Methodology, Conservation Measures, Reasonable and Prudent Measures, Terms and Conditions, and Monitoring and Reporting Requirements. Payment to the NC Nongame Aquatic Species Fund will be submitted pursuant to the agreement by appropriate parties. If updated surveys are required, they will be completed prior to Let.

#### Northern long-eared bat (NLEB)

The USFWS has issued a **Programmatic Biological Opinion (PBO)** in conjunction with FHWA, 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 PBO covers Divisions 1-8, the USFWS only considers NLEBs to be known or potentially found in 30 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, which **does not include Johnston County**. 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 Johnston County, where BR-0026 is located.

#### Bald and Golden Eagle Protection Act

The bald eagle is protected under the Bald and Golden Eagle Protection Act and enforced by the USFWS. Habitat for the bald eagle primarily consists of mature forests in proximity to large bodies of open water for foraging. Large dominant trees are utilized for nesting sites, typically within 1.0 mile of open water.

A desktop-GIS assessment of the study area, as well as the area within a 1 mile radius of the project limits, was performed on November 5, 2018, using the most recently available orthoimagery. Water bodies large and sufficiently open enough to be considered potential feeding sources were identified. Since foraging habitat was present within the review area, a survey of the study area and the area within 660 feet of the project limits was conducted on November 6, 2018. No bald eagles or nests were observed during the field visit. A review of the July 2023 NCNHP database revealed no known occurrences of this species within 1.0 mile of the study 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, Jacquelyn Bowles, hereby verifies the involvement of the following staff and the incorporation of their technical input:

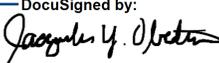
Design Engineer:	Paul Garrett, PE - JMT	08/30/2023
Environmental Specialist:	Nancy Oberle - Three Oaks Engineering	09/12/2023
FHWA (if applicable):		
Other: ECAP Reviewer	Jason Dilday	10/06/2023

**G. Consultation Approval for NCDOT Project BR-0026**

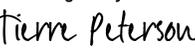
**Prepared By:**

10/31/2023

Date

DocuSigned by:  
  
 ER137ABC1AE64D0  
 Jackie Obediente, PE  
 Three Oaks Engineering

**Prepared For:**

DocuSigned by:  
  
 38C25066A2054FB  
 Tierne Peterson, PE  
 NCDOT - Structures Management Unit

**Reviewed By:**

11/1/2023

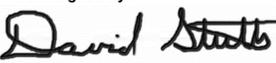
Date

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 CA084B4A0412432...  
 John Jamison, Unit Head  
 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.

11/3/2023

Date

DocuSigned by:  
  
 A4A2999A0BC64F2  
 David Stutts, PE – Project Engineer – PEF/Program Management  
 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  
 Yolonda K. Jordan, Division Administrator  
 Federal Highway Administration

# PROJECT COMMITMENTS

Replace Bridge 50 on NC 210 over Middle Creek

T.I.P Number:BR-0026

Johnston

Federal Aid Number:

WBS:67026.1.1

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

### Division Environmental Staff - Construction Moratoria

The North Carolina Wildlife Resources Commission (NCWRC) identifies Middle Creek as Anadromous Fish Spawning Area (AFSA). NCDOT is committed to an in-stream construction moratorium from February 15 – June 30.

### Division Office - FEMA Floodplains and Floodways

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall: (1) construct all vertical and horizontal elements within the floodplain as designed; and (2) consult with the Hydraulics Unit of any planned deviation of these elements within the floodplain prior to commencing any such changes; and (3) submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction. The Hydraulics Unit will then verify either: (1) the drainage structure(s) and roadway embankment located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically; or (2) any changes made to the plans were reviewed and approved to meet FEMA SFHA compliance; or (3) appropriate mitigation measures will be achieved prior to project close-out.

### Hydraulics - Floodplain Mapping 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).

### Division Environmental Staff - Mussels, Carolina Madtom, and Neuse River Waterdog

If NCDOT and the project's contractor cannot adhere to the Programmatic Biological Opinion (PBO) Methodology, Conservation Measures, Reasonable and Prudent Measures, Terms and Conditions, and Monitoring and Reporting Requirements, additional and possibly formal coordination with USFWS will be required.

Update: This condition has been resolved. The project was redesigned to allow it to meet the parameters of the PBOs.

## COMMITMENTS FROM PERMITTING

No commitments developed during project permitting.

\*\*\*\*\*END OF PROJECT COMMITMENTS\*\*\*\*\*

Replace Bridge 50 on NC 210 over Middle Creek

67026.1.1

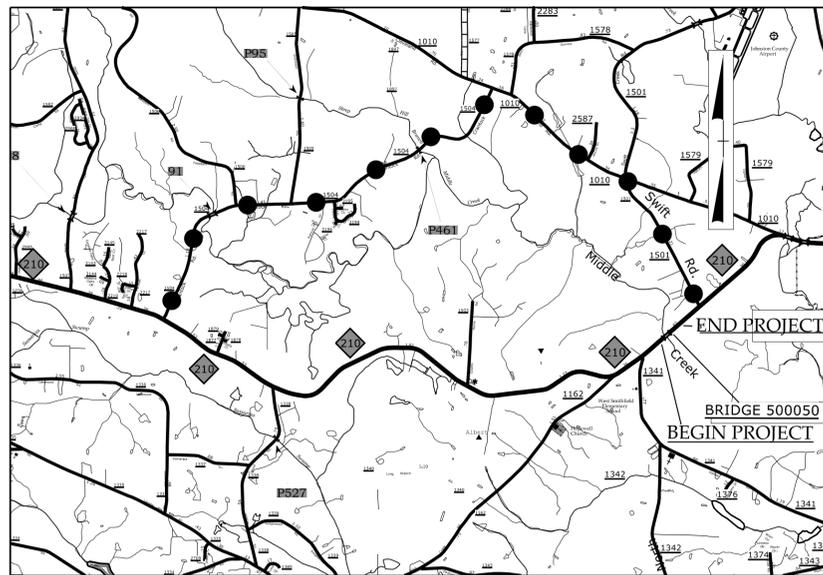


09/28/2023

See Sheet 1A For Index of Sheets

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	BR-0026	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
67026.1.1		P.E.	
67026.2.1		RW & UTILITIES	
67026.3.1		CONSTRUCTION	

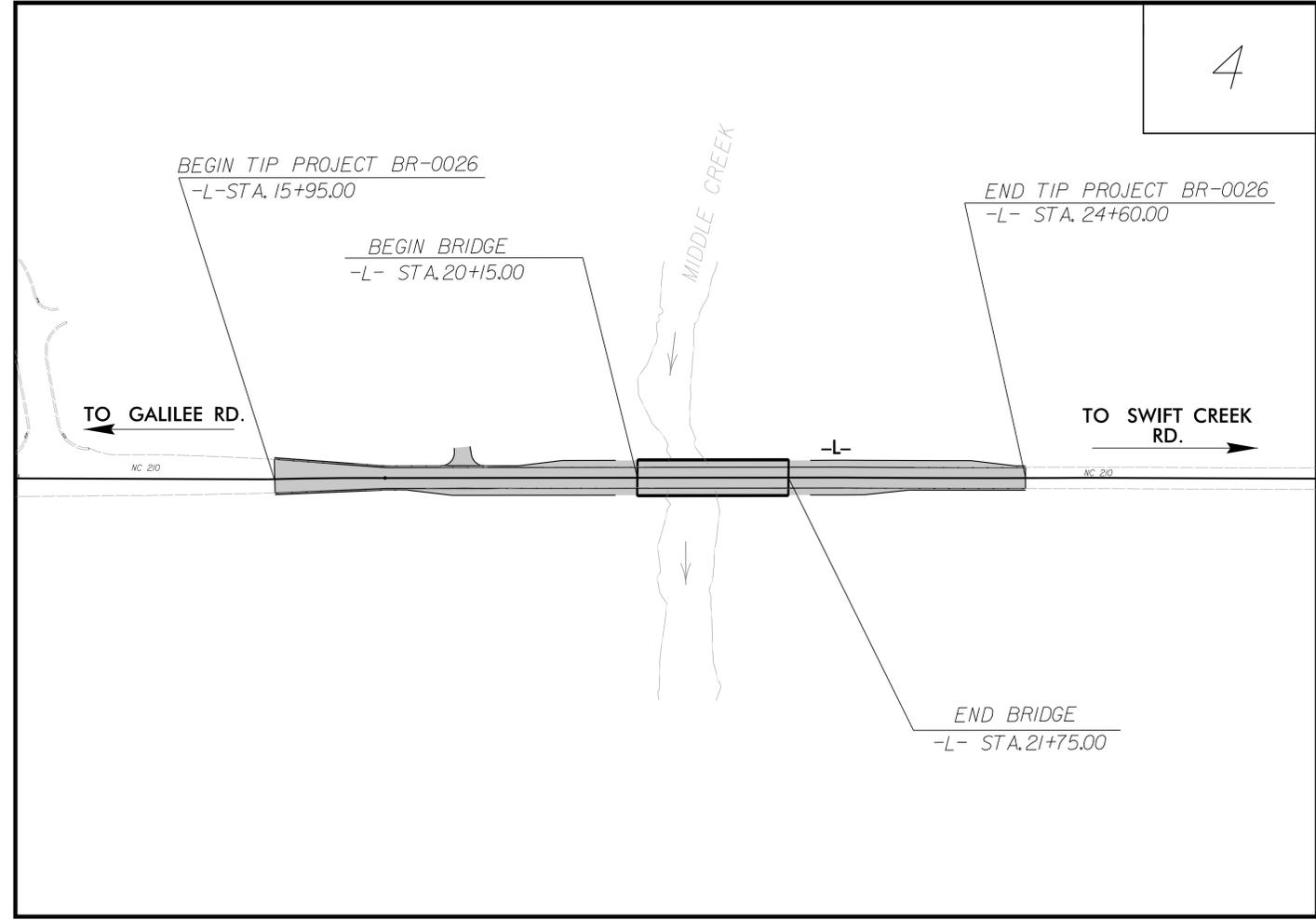
TIP PROJECT: BR-0026



**VICINITY MAP**  
OFF-SITE DETOUR ●●●●●

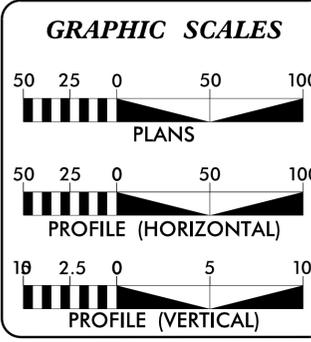
STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS  
**JOHNSTON COUNTY**

**LOCATION: REPLACE BRIDGE (500050) ON NC-210 OVER MIDDLE CREEK**  
**TYPE OF WORK: GRADING, DRAINAGE, PAVING AND STRUCTURE**



DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

CONTRACT: C204792



**DESIGN DATA**

ADT 2020 = 8,900  
ADT 2045 = 14,000

K = 10%  
D = 65%  
T = 4%  
V = 45 MPH

\* TTST = 1% DUAL = 3%  
FUNC CLASS = MINOR ARTERIAL  
REGIONAL TIER

**PROJECT LENGTH**

LENGTH ROADWAY PROJECT = 0.134 MI  
LENGTH STRUCTURE PROJECT = 0.030 MI  
TOTAL LENGTH OF PROJECT = 0.164 MI

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NCDOT CONTACT: DAVID STUTTS, P.E.  
PROJECT ENGINEER, PEF/PRG MGT.

Prepared in the Office of:  
**JOHNSON, MIRMIRAN, & THOMPSON**  
4700 Falls of Neuse Road, Suite 100, Raleigh, NC 27609  
License No: C-3097

2024 STANDARD SPECIFICATIONS

**RIGHT OF WAY DATE:**  
APRIL 26, 2022

**LETTING DATE:**  
JANUARY 16, 2024

**JOHN LANSFORD, P.E.**  
PROJECT ENGINEER

**KEITH BRIDGERS**  
PROJECT DESIGN ENGINEER

**HYDRAULICS ENGINEER**

SIGNATURE: \_\_\_\_\_ P.E.

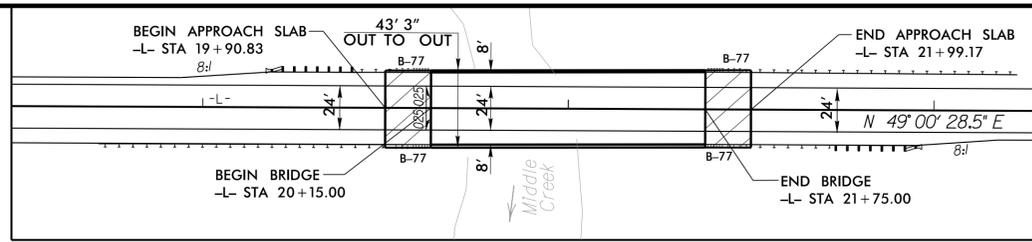
**ROADWAY DESIGN ENGINEER**

SIGNATURE: \_\_\_\_\_ P.E.



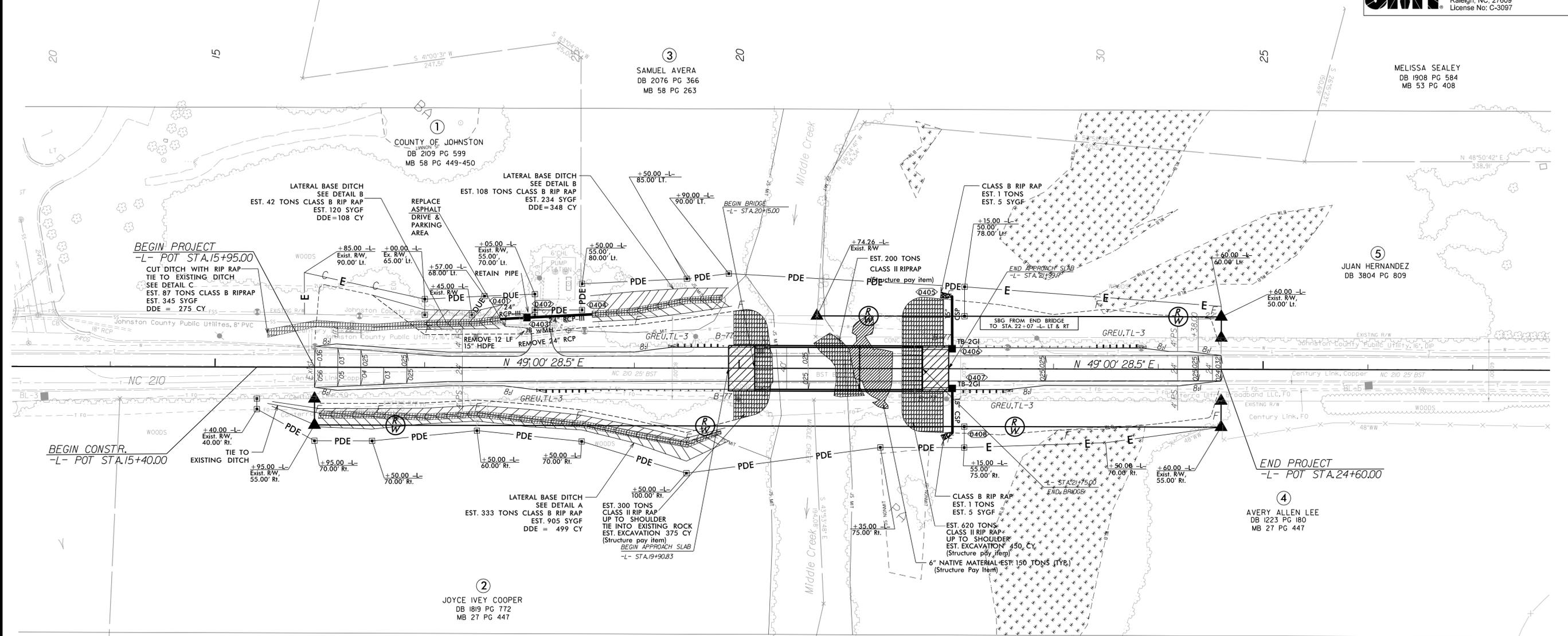
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User: S Taylor

5/14/2011



PROJECT REFERENCE NO. <b>BR-0026</b>	SHEET NO. <b>4</b>
RW SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</b>	
<b>Johnson, Mirmiran, &amp; Thompson Inc.</b> 4700 Falls of Neuse Rd, Suite 100, Raleigh, NC, 27609 License No: C-3097	

JOHNSTON COUNTY UTILITIES DEPARTMENT REQUIRES  
 24 / 7 ACCESS TO EXISTING PUMP STATION LOCATED AT 18+30 LT.  
 COORDINATE ANY ACTIVITIES WITH MIKE KEEN 919-209-8333,  
 JOHNSTON COUNTY UTILITY PROJECT MANAGER



③  
 SAMUEL AVERA  
 DB 2076 PG 366  
 MB 58 PG 263

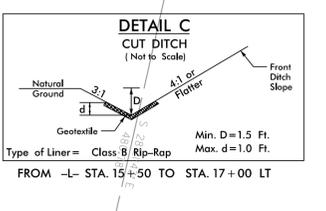
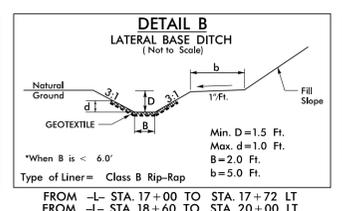
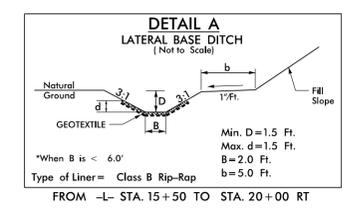
MELISSA SEALEY  
 DB 1908 PG 584  
 MB 53 PG 408

①  
 COUNTY OF JOHNSTON  
 DB 2109 PG 599  
 MB 58 PG 449-450

⑤  
 JUAN HERNANDEZ  
 DB 3804 PG 809

②  
 JOYCE IVEY COOPER  
 DB 1819 PG 772  
 MB 27 PG 447

④  
 AVERY ALLEN LEE  
 DB 1223 PG 180  
 MB 27 PG 447



**SEE SHEET S-1 THRU S-25 FOR  
STRUCTURE PLANS**

**SEE SHEET 5 FOR PROFILE**

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