

NCDOT NEPA Consultation Form

NCDOT STIP Project No.	B-5326
WBS Element	46040.1.1
Federal Aid Project No.	BRZ-2555(1)

A. Project Description, Location and Purpose:

The proposed project in Division 5 involves replacing Bridge No. 247 on SR 2555 (Raynor Road) over White Oak Creek in the Town of Garner in Wake County (Figure 1). The proposed replacement structure includes a bridge approximately 153 feet long and 51 feet wide (out to out), with three 12-foot lanes. A five-foot six-inch sidewalk is proposed on the east side of the bridge, with a three-foot nine-inch offset to the travel lane. The roadway grade of the new bridge would be raised to accommodate a greenway.

SR 2555 will be widened to three 12-foot lanes with curb and gutter and a ten-foot berm on each side from the end of the existing curb and gutter northwest of the bridge to the proposed bridge. A five-foot sidewalk is proposed on the east side of SR 2555 from the end of the existing sidewalk to April Court. Southeast of the new bridge, SR 2555 will be widened to three 12-foot lanes from the proposed bridge to southeast of April Court. Southeast of April Court, SR 2555 will transition to two lanes. Curb and gutter and a ten-foot berm are proposed on the east side of the road from the proposed bridge to April Court. Shoulders are proposed on the west side of the road southeast of the proposed bridge.

Project construction would extend approximately 663 feet northwest and 713 feet southeast from the bridge. The bridge will be replaced in place with traffic maintained on a temporary onsite detour. The temporary bridge would be 90 feet long with two ten-foot lanes and four-foot offset with a clear roadway width of 28 feet.

The purpose of this project is to replace a structurally deficient bridge. Bridge No. 247 was built in 1952. The 2020 *Structure Safety Report* classified the bridge as structurally deficient due the substructure rating of four out of nine.

A Categorical Exclusion (CE) for B-5326 was prepared and approved in October 2017. A construction consultation was completed in January 2021 to address changes in environmental conditions, including changes to federally protected species. This construction consultation is intended to address changes in environmental conditions that have occurred since January 2021.

B. Consultation Phase: (Check one)

- ☐ Right-of-Way
- ☒ Construction
- ☐ Other:

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

FHWA Class II (CE)

October 27, 2017

Additional Notes: Type 1(A) Ground Disturbing CE

D. Changes in Proposed Action & Environmental Consequences:

Since the completion of the CE in October 2017, the bridge length has increased from 90 feet to 153 feet to accommodate a greenway. Otherwise, there have been no other significant changes to the project design. However, development plans for parcels within the project study area have been submitted. Based on a review of those site plans, revisions to the project would not be necessary and additional potential impacts on adjacent development associated with implementation of the proposed project would not occur.

Project commitments are included in the attached Green Sheet and notes the status of project commitments listed in the 2017 CE and includes new commitments identified in January 2021 and this construction consultation.

Water Resources

The water resource classifications for the streams identified 2013 *Natural Resources Technical Report*, used for the preparation of the October 2017 CE, remain accurate. Both White Oak Creek and an unnamed tributary of White Oak Creek are listed as Class C waters and Nutrient Sensitive Waters.

Protected Species

There have been changes in the list of protected species in Wake County since the previous consultation. The Neuse River waterdog (*Necturus lewisi*) and Carolina madtom (*Noturus furiosus*) are now listed as threatened and endangered respectively. Surveys have been completed in the project study area, but have expired or will expire by the time this project is Let. Since White Oak Creek is an Identified Stream Reach (ISR) for the Neuse River waterdog and Carolina madtom and the surveys have expired, the biological conclusions for both species are May Affect, Not Likely to Adversely Affect.

To mitigate potential impacts to the Neuse River waterdog and the Carolina madtom, payment will be made to the N.C. Nongame Aquatic Research Fund to address these biological conclusions and satisfy Section 7 for the project. Adherence to the construction conditions contained within the Programmatic Biological Opinion are required, which were agreed to previously in regard to freshwater mussels on the project.

Surveys for all other protected species known to occur in the study area remain applicable and up to date. As such, the biological conclusions noted for those species remain appropriate.

Since the completion of the 2017 CE, 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 federally-listed northern long-eared bat (NLEB) (*Myotis septentrionalis*) known to occur 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 (including the proposed project) 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 Wake County, where B-5326 is located.

E. Conclusion:

The CE prepared in October 2017 has been reevaluated (as required by either 23 CFR 771). The proposed project is essentially the same as the project evaluated in 2017. 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"/>

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:	Holly Christenbury, PE - WSP	11/24/21
FHWA Engineer:	N/A	
Environmental Specialist:	Jason Dilday - NCDOT	11/16/2021
Other:	N/A	

H. Consultation Approval for NCDOT Project B-5326**Prepared By:**

2/16/2022

Date

DocuSigned by:



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Katharine Mather, AICP
WSP**Prepared For:**

2/16/2022

Date

DocuSigned by:



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Jacquelyn Bowles, PE
NCDOT, Structures Management Unit**Reviewed By:**

2/16/2022

Date

DocuSigned by:



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John Jamison, 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.

2/16/2022

Date

DocuSigned by:



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David Stutts, PE – Project Engineer, PEF/Program Manager
NCDOT, Structures Management Unit

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

Date

N/A

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

I. Project Commitments (as of December 2, 2021)

**Wake County
Replace Bridge No. 247 on SR 2555 (Raynor Road)
Over White Oak Creek
Federal Project No. BRZ-2555(1)
WBS No. 46040.1.1
TIP No. B-5326**

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

**Current status to the project commitments are printed in italics*

NES, Hydraulics Unit, Roadside Environmental, Division – Design Standards in Sensitive Watersheds

White Oak Creek and its tributaries are protected under provisions of the Neuse River Buffer Rules. Therefore, Design Standards in Sensitive Watersheds will be implemented during project construction.

This commitment remains valid.

Roadway Design/Program Development- Greenway and Sidewalks

The Town of Garner requests greenway access under the bridge. A cost share agreement has been prepared between NCDOT and the Town of Garner. NCDOT will grade the greenway as part of the bridge replacement project. The greenway will be paved and maintained by the Town of Garner. The Town of Garner will pay for a portion of cost for the increase in bridge length due to accommodating the greenway. A sidewalk will be included in the design along the east side of the bridge north of the bridge and will extend south of the bridge to April Court. The Town of Garner will participate in the cost of an accept maintenance and liability responsibilities of the new sidewalk. A municipal agreement will be prepared prior to project construction regarding the Town of Garner's participation in the cost of sidewalks.

A municipal agreement between the Town of Garner and NCDOT has been completed.

Hydraulics Unit, Division Five Construction- FEMA

The Hydraulics Unit will coordinate with NC Floodplain Mapping Program (FMP) to determine the status of the 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).

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

Coordination resulted in approval on July 11, 2018 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP.

This commitment has been completed.

Commitments from Permitting- Environmental Analysis Unit

401 Condition #1: Compensatory mitigation for impacts to 775 square feet of protected riparian buffers in Zone 1 and 4372 square feet of protected riparian buffers in Zone 2 shall be required. Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided via deduction of 8883 square feet of Buffer Credits at the Talecris Mitigation Site in accordance with 15ANCAC 28.0295, as stated in your application.

This commitment has been completed.

Division 5 Construction, Roadside Environmental Unit

USFWS Protected Species: Conservation Measures (Section 2.5), RPM 2 of the Reasonable and Prudent Measures (Section 9.2), as well as T&C 2 of the Terms and Conditions (Section 9.3) of the Revised Mussel Programmatic Biological Opinion will be adhered to during construction.

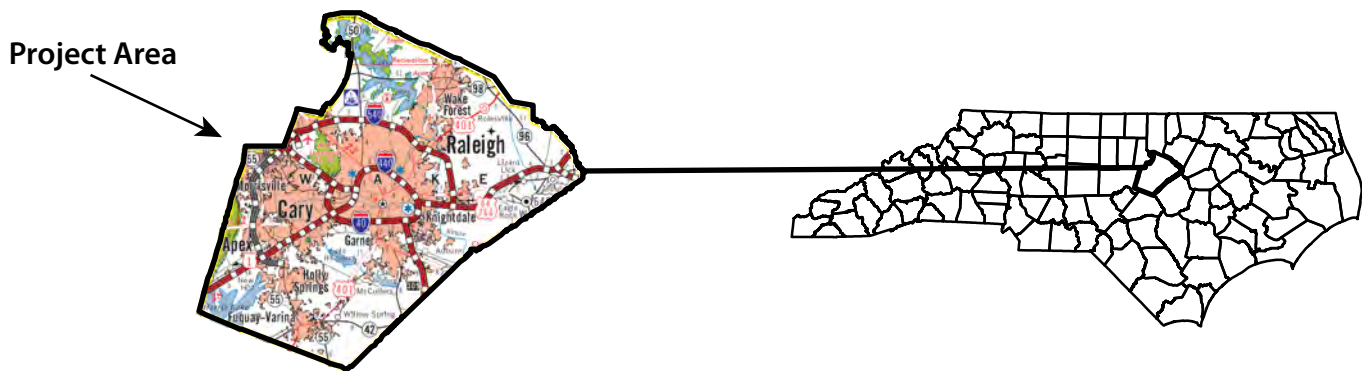
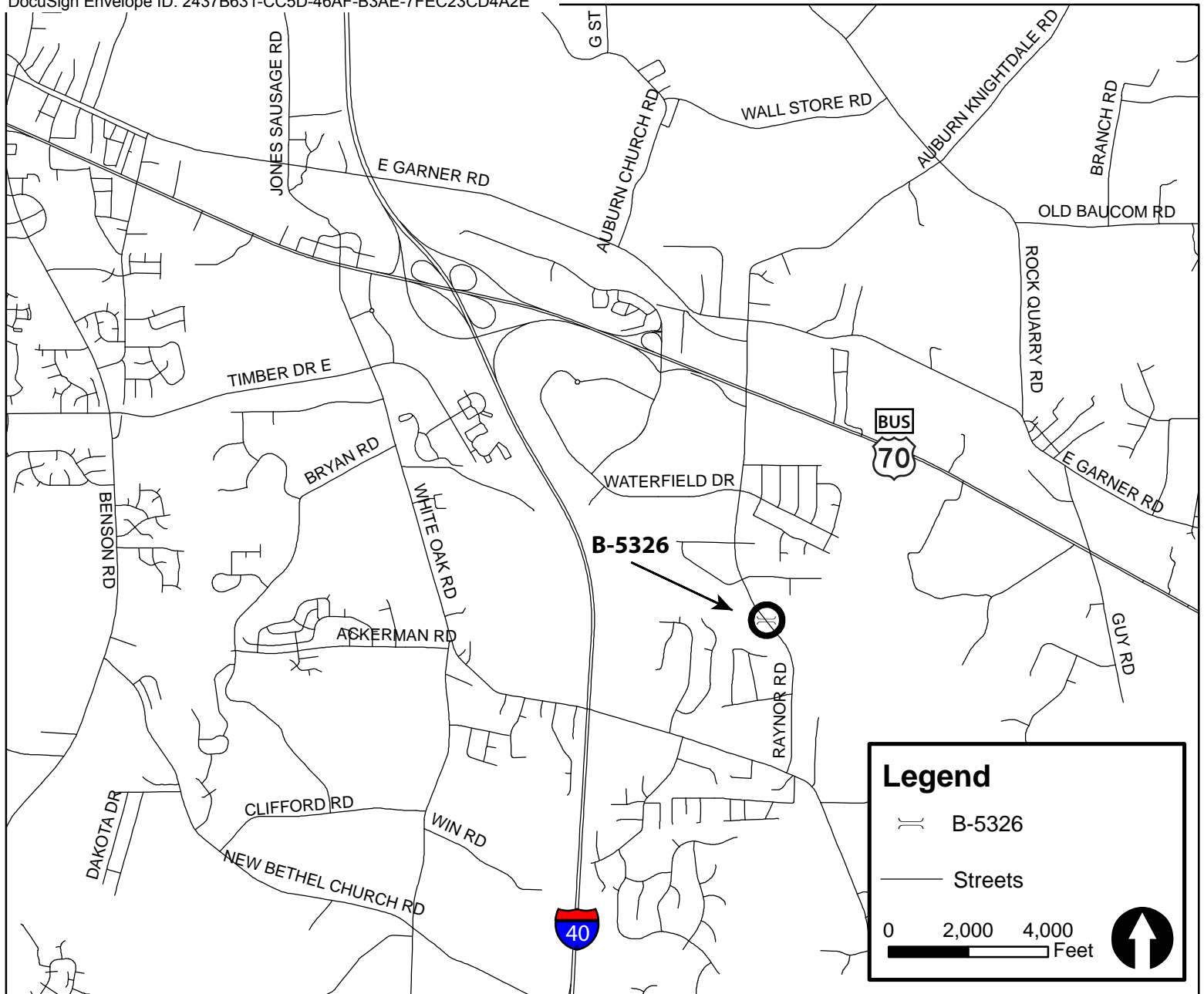


Figure 1

Vicinity Map
 Replace Bridge No. 247 on S.R. 2555 (Raynor Road)
 over White Oak Creek
 TIP Project B-5326
 Wake County

