

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	17BP.1.R.90
WBS Element	17BP.1.R.90
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:

The purpose of this project is to replace Bridge No. 650015 on SR 1505 (NCHS East Road) over Wildcat Swamp in Northampton County. The bridge will be replaced on the existing alignment while detouring traffic offsite. The proposed bridge will be approximately 107 feet long with a minimum clear roadway width of 30.83 feet. The approach roadway will extend approximately 455 feet and 355 feet on the south and north ends of the bridge, respectively. No paved shoulders will be provided except within the bridge approaches.

Built in 1965 the bridge requires replacement due to deterioration of structural elements. The posted weight limits for the bridge are currently 20 Tons and 26 Tons for single vehicles and truck tractors-semitrailers, respectively. The existing bridge is 60 feet long with a clear roadway width of 24.2 feet. Bridge No. 015 has a sufficiency rating of 28.07, and is categorized as "Structurally Deficient" due to the superstructure rating of 3 out of 9 vs. the sufficiency rating. The superstructure and substructure concrete and timber elements show signs of deterioration and have had priority maintenance repairs performed on both the superstructure and substructure elements. This is a bridge replacement and safety improvement project.

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 Type I(A) CE 12/19/2019

D. Changes in Proposed Action & Environmental Consequences:

Water Resources

The water resource classifications for the streams identified in the Categorical Exclusion remain accurate.

Protected Species

The United States Fish and Wildlife Service (USFWS) list of federally protected species for Northampton County was updated on July 17, 2020 and includes two species. The National Marine Fisheries Service (NMFS) lists two fish species, Atlantic and shortnose sturgeon, as potentially occurring in the Chowan River Basin in Northampton County (Table 1).

Table 1. Federally protected species listed for Northampton County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Fusconaia masoni</i>	Atlantic pigtoe	ARS	No	No Effect
<i>Acipenser oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	No	No Effect

ARS - At Risk Species

E – Endangered

The Natural Resources Technical Report found the project to have No Effect on the Atlantic sturgeon and red-cockaded woodpecker due to the absence of habitat. Similarly, the shortnose sturgeon is not currently known from the Chowan basin, and the absence of anadromous fish habitat suggests it is not present in Wildcat Swamp at this location.

Atlantic pigtoe Biological Conclusion: No Effect

In North Carolina, the Atlantic pigtoe is known from the Chowan, Roanoke, Tar, Neuse, Cape Fear, and Pee Dee, river basins. However, the project study area is outside the known range of the species as documented by the USFWS. While this species is not currently federally protected and a biological conclusion is not necessary at the time of the writing of this memorandum, if this species were to receive federal protection, the appropriate biological conclusion would be No Effect.

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 currently 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 provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for ten years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Northampton County where 17BP.1.R.90 is located. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

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.

A review of GIS data on February 26, 2021 confirmed there are no **known** maternity roost trees in Northampton County, so this clearing moratorium will not apply to 17BP.1.R.90.

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, which includes Northampton County.

Proposals and Specifications Management will add a special provision to the contract if clearing will exceed 1.0 acre.

Bald Eagle and Golden Eagle Protection Act

Habitat for the bald eagle (*Haliaeetus leucocephalus*) primarily consists of mature forest 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. Due to the lack of habitat, known occurrences, and minimal impact anticipated for this project, it has been determined that this project will not affect this species.

Historic Architecture and Archaeology

NCDOT has reviewed the Section 106 effects findings for historic properties 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.

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, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:


Design Engineer:	Sam Cullum	3/16/21
Environmental Specialist:	Gordon Cashin	3/2/21
FHWA (if applicable):	N/A	
Hydraulic Engineer:	Brian Radakovic	2/22/21

G. Consultation Approval for NCDOT Project 17BP.1.R.90

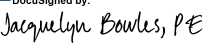
Prepared By:

3/31/2021

Date

DocuSigned by:

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Kim L. Gillespie, PE, Project Manager
NCDOT, Project Management Unit

Prepared For:

DocuSigned by:

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Jacquelyn Bowles, PE
NCDOT – Structures Management Unit

Reviewed By:

4/5/2021

Date

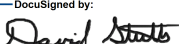
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33993EFD0F44D9
Colin Mellor, Eastern Region Team Lead
NCDOT – Environmental Policy Unit

- ☒ **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.

4/5/2021

Date

DocuSigned by:

7A1299A93001F2
David Stutts, PE, PEF Project Engineer, Structures Management Unit
North Carolina Department of Transportation

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 2, 2021)

PROJECT COMMITMENTS

T.I.P Project No. 17BP.1.R.90
Replacement of Bridge No. 650015 on SR 1505 (NCHS East Road) over Wildcat Swamp
Northampton County
WBS Element 17BP.1.R.90

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Current status to the project commitments is printed in italics.

Hydraulics Unit – 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).

Coordination resulted in approval on April 7, 2020 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP.

NCDOT Division Construction – FEMA Coordination

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.

NCDOT Division 1 – Emergency Services

Northampton County emergency services ((252) 534-6811) will be contacted at least one month prior to the beginning of construction.

NCDOT Division 1 – Northampton County Schools

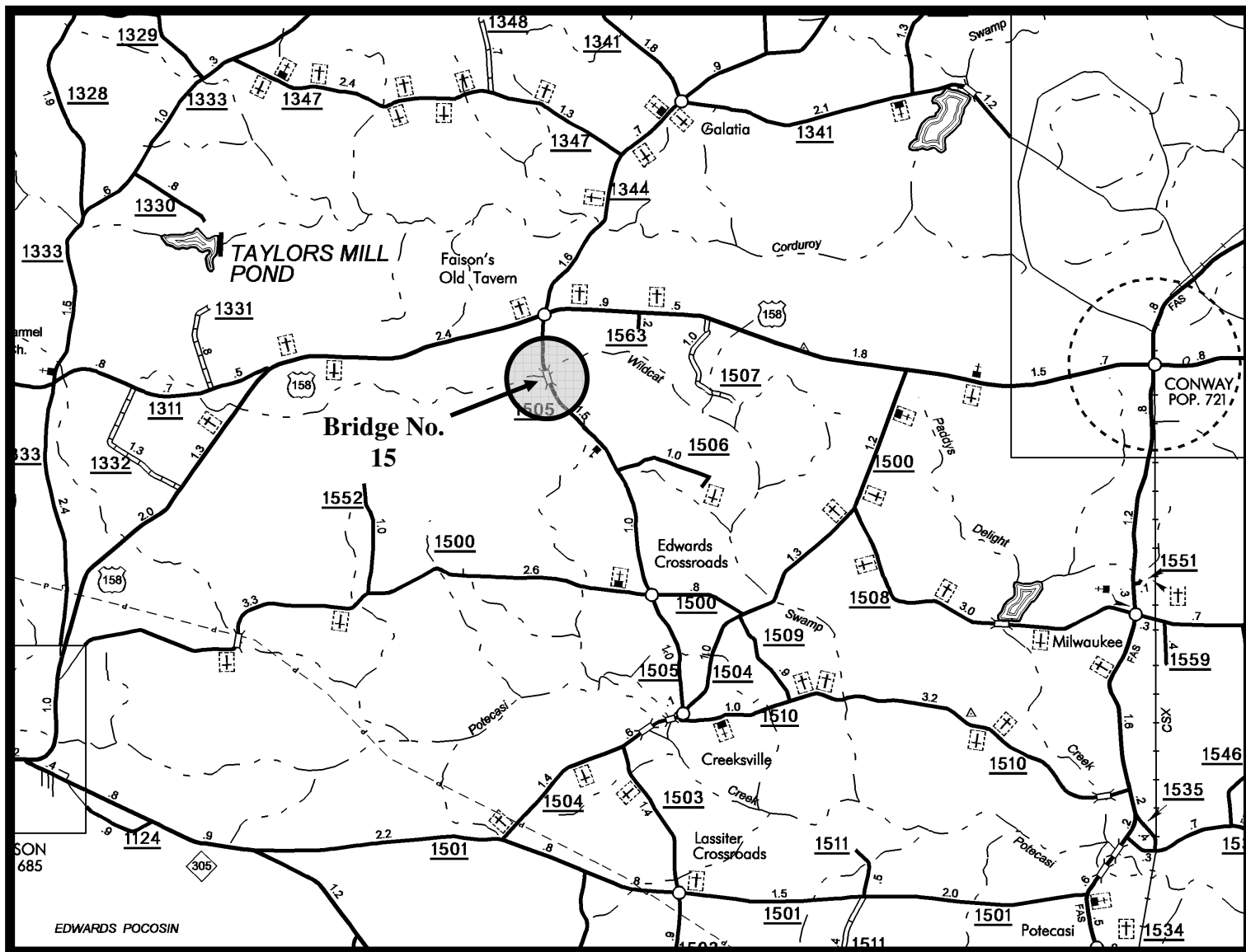
Northampton County School System ((252) 534-1371) will be contacted at least one month prior to the beginning of construction.


NCDOT Division 1 – Access

Access will be maintained throughout construction for local traffic as well as for farms and active fields that are located near both ends of the bridge. Early coordination efforts will be implemented with farmers to minimize impact on operations and avoid project delays.

COMMITMENTS FROM PERMITTING

No new special commitments were developed during permitting.



	<p>NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS BRANCH</p>
<p>NORTHAMPTON COUNTY REPLACE BRIDGE NO. 15 ON SR 1505 OVER WILDCAT SWAMP B-4920</p>	
<p>Figure 1</p>	