

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>B-4605</u>
WBS Element	<u>38430.1.2</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT), in coordination with the Federal Highway Administration (FHWA), propose to replace Pitt County Bridge No. 5 on SR 1777 (Blackjack-Grimesland Road) over Chicod Creek. The bridge will be replaced on existing alignment while detouring traffic offsite (see attached vicinity map).

The purpose of the project is to replace the existing bridge which was built in 1972 that is structurally deficient and has a deteriorating substructure and a low posted weight limit.

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) June 21, 2017

Additional Notes: Categorical Exclusion (CE) Type I (A)

D. Changes in Proposed Action & Environmental Consequences:

Changes in Proposed Action

There have been no significant changes in the final design since the completion of the CE.

Environmental Consequences

The design occurs within the study area identified in the CE for the project.

Water Resources

The water resource classifications for the streams identified in the CE have not changed.

Federal Protected Species

Protected species were addressed in the CE and during the permit approval process in 2019. The United States Fish and Wildlife Service (USFWS) list of federally protected species for Pitt County was updated on July 17, 2020.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	T(S/A)	Yes	Not required
<i>Fusconaia masoni</i>	Atlantic pigtoe	ARS	Yes	MANLAA
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect
<i>Noturus furiosus</i>	Carolina madtom	ARS	Yes	MANLAA
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	E	Yes	MANLAA
<i>Lasmigona subviridis</i>	Green floater	ARS	Yes	MANLAA
<i>Necturus lewisi</i>	Neuse River watchdog	ARS	Yes	MANLAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Parvaspina steninstansana</i>	Tar River spiny mussel	E	Yes	MANLAA
<i>Trichechus manatus</i>	West Indian manatee	E	No	No Effect
<i>Elliptio lanceolata</i>	Yellow lance	T	Yes	MANLAA

T S/A – Threatened by Similarity of Appearance, ARS – At Risk Species, MANLAA – May Affect, Not Likely to Adversely Affect, E – Endangered, T – Threatened

The Natural Resources Technical Report (June 2015) reached Biological Conclusion of No Effect for Atlantic sturgeon, red cockaded woodpecker, and West Indian manatee due to the absence habitat. An aquatic survey conducted in 2017 resulted in the Biological Conclusions of May Affect, Not Likely to Adversely Affect for Atlantic pigtoe, Carolina madtom, dwarf wedgemussel, green floater, Neuse River waterdog, Tar River spiny mussel and yellow lance.

Bald Eagle Golden Eagle Protection Act

A desktop-GIS assessment of the study area, as well as the area within a 1.13-mile radius (1 mile plus 660 feet) of the project limits, was performed on February 19, 2015 color aerials during preparation of the NRTR. No water bodies large enough or sufficiently open to be considered potential feeding sources were identified. Since there was no foraging habitat within the review area, a survey of the study area and the area within 660 feet of the project limits was not conducted.

Additionally, a review of NCNHP records, updated December 2020, revealed no known occurrences of this species within 1.0 mile of the project study area. 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.

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 Division 1-8, including all NCDOT projects and activities. Although this programmatic covers Division 1-8, NLEBs are currently only known in 19 counties, but may potentially occur in 11 additional counties within Division 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 Division 1-8, which includes Pitt County where B-4605 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 to protect non-volant young. Winter roost trees are not considered maternity roost trees.

A review of GIS data on December 4, 2020 confirmed there are no **known** maternity roost trees in Pitt County, so this clearing moratorium will not apply to B-4605.

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 Pitt County.

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

Cultural Resources

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 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, Elmo Vance, hereby verifies the involvement of the following staff and the incorporation of their technical input.

Design Engineer:	Tommy Register	Dec 14, 2020
Environmental Specialist:	Gordon Cashin	Dec 7, 2020
NCDOT Culture Resources	Jamie Lancaster	Nov 16, 2020
Division Environmental Officer	Jay Johnson	Dec. 14, 2020

G. Consultation Approval for NCDOT Project B-4605

Prepared By:

1/5/2021

Date

DocuSigned by:

Elmo Vance

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Elmo Vance

NCDOT, Project Management Unit

Prepared For:

DocuSigned by:

Jacquelyn Bowles

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Jacquelyn Bowles, PE

NCDOT, Structures Management Unit

Reviewed By:

1/5/2021

Date

DocuSigned by:

Colin Mellor

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Colin Mellor, 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.

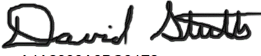
or

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



Certified

1/5/2021

DocuSigned by:

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Date

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

H. Project Commitments (as of June 17, 2017)

PROJECT COMMITMENTS

Replacement of Bridge No. 5 over Chicod Creek on SR 1777
Pitt County
WBS 38430.1.2
STIP B-4605

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Current status to the project commitments are in italics

Hydraulics Unit, PDEA Natural Environment Section

The Tar-Pamlico River Buffer Rule applies to this project.

This commitment remains valid

Hydraulics Unit

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 October 29, 2018 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP. This commitment has been completed.

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.

This commitment remains valid

Division 2 Construction

Pitt County Schools Director of Transportation will be contacted at least one month prior to closure to make the necessary plans to adequately reroute school busses at 252-916-0944.

Pitt County Emergency Management Director will be contacted at least one month prior to road closure to make the necessary temporary reassignments to primary response units at 252-902-3952.

Wetlands will be cleared by hand

These commitments remain valid.

COMMITMENTS FROM PERMITTING

No special commitments were developed during permitting.

COMMITMENTS FROM PROTECTED SPECIES COORDINATION

Division 2 Construction

With the exception of no new bents being placed in the channel, 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.

