

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>B-4931</u>
WBS Element	<u>40134.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT), in consultation with the Federal Highway Administration (FHWA), proposes to replace Bridge No. 22 on US 258 over Town Creek in Edgecombe County (see Vicinity Map).

Bridge No. 22 will be replaced on the existing alignment. The replacement structure will have a minimum clear roadway width of 32 feet. The bridge will include two twelve-foot lanes and four-foot shoulders on each side. The proposed bridge length is 170 feet.

The approach roadway will extend approximately 367 feet from the north end of the proposed bridge and 369 feet from the south end of the bridge. The approach roadway will consist of two 12-foot lanes with 8-ft graded shoulders including 2-ft paved.

Due to low traffic volumes on this minor arterial, traffic will be detoured off-site during the construction period. The off-site detour includes Bynum Farm Road or Colonial/Brown Farm Road; both routes will provide a detour of approximately 6 miles.

The purpose of this project is to replace a bridge built in 1948 that is considered structurally deficient due to superstructure and substructure condition ratings of 4 out of a possible 9 for each category. The NCDOT Bridge Management Unit records indicate the existing structure has a sufficiency rating of 47.44 out of a possible 100 for a new structure. Replacement of the bridge is needed to provide safe access and mobility in the study area.

B. Consultation Phase: (Check one)

Construction

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

FHWA Class II (CE) September 6, 2019

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

D. Changes in Proposed Action & Environmental Consequences:

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

Water Resources

Water resource classifications for the streams identified in the CE remain accurate.

Protected Species

The list of protected species has not changed for this project since completion of the Categorical Exclusion. The biological conclusion stated in the Categorical Exclusion for the protected species have changed. Below is the updated status for protected species listed for Edgecombe County.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	Yes	No Effect
<i>Elliptio steinstansana</i>	Tar River spiny mussel	E	Yes	No Effect
<i>Elliptio lanceolata</i>	Yellow lance	T	No	No Effect
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	E	No	No Effect

E – Endangered

T—Threatened

An updated survey for red-cockaded woodpecker was conducted on November 30, 2020. No Species were observed.

Updated mussel surveys conducted on August 1, 2019 caused the biological conclusions to change for Tar River spiny mussel and yellow lance to “No Effect”. Habitat for Tar River spiny mussel was present within the study area, however no individuals were observed during the survey. It was determined that yellow lance does not occur in the projects range by basin for the species.

The USFWS has listed the Carolina madtom, Neuse River waterdog, Atlantic pigtoe and green floater as At-Risk Species (ARS) for Edgecombe County. These species may receive federal protection during the construction of the project. Aquatic surveys for these species, as well as the previously listed species, have been conducted and updated as of August 1, 2019. The biological conclusions for Carolina madtom and Neuse River waterdog are “May Affect, Likely to Adversely Affect”. The biological conclusion for Atlantic pigtoe is “No Effect”. If these species receive their federal protective status during construction of the project, further coordination will be required with the USFWS to satisfy Section 7 of the Endangered Species Act (ESA).

Due to the “May Affect, Likely to Adversely Affect” conclusion for the Carolina madtom and Neuse River waterdog, payment into the N.C. No-Game Aquatic Species Fund as set forth in the Carolina madtom and Neuse River waterdog Programmatic Conference Opinion (PCO)

will be made to satisfy Section 7 of the Endangered Species Act (ESA) for this project. This will occur if the species receive their federal designation and design/construction can adhere to the PCO conditions.

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, 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 Edgecombe County where B-4931 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—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 17, 2021 confirmed there are no **known** maternity roost trees in Edgecombe County, so this clearing moratorium will not apply to B-4931.

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 Figure 2 or the [2020 PBO](#), which includes Edgecombe County.

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

Archaeology & Historic Architecture

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. 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. The NCDOT Project Manager, Elmo Vance, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Dewayne Sykes- KCI	Jan 25, 2021
Environmental Specialist:	Jason Dilday- NCDOT	Feb 17, 2021
NCDOT Culture Resources	Jamie Lancaster- NCDOT	Feb 17, 2021
NCDOT Hydraulics	Brian M. Radakovic- NCDOT	Feb 18, 2021

G. Consultation Approval for NCDOT Project B-4931

Prepared By:

3/3/2021

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:

3/4/2021

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




Certified

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

3/4/2021

Date

DocuSigned by:

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Kristy Alford, 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.

N/A

Date

N/A

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

H. Project Commitments (as of March 3, 2021)

**Edgecombe County
Bridge No. 22 on US 258
Over Town Creek
WBS No. 40134.1.1
TIP No. B-4931**

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

**Current status for 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 September 16, 2019 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP.

NCDOT Division 4 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.

This commitment is still valid.

NCDOT Division 4 Construction Moratorium

Town Creek is designated by the North Carolina Wildlife Resources Commission (NCWRC) as an Anadromous Fish Spawning Area. As a result, a construction moratorium will be in effect from February 15 to June 30.

This commitment remains valid

NCDOT Division 4

Due to the possible disruption of access and EMS response delays and impact on school buses. NCDOT will notify Edgecombe County Emergency Services (252)-641-7816 and Edgecombe County Schools (252)-641-2660 at least one month prior to construction.

This commitment remains valid

NCDOT Division 4 Buffer Rules

Streamside riparian zones within the study area are protected under provisions of the Tar-Pamlico River Buffer Rules administered by NCDWR. Potential impacts to protected stream buffers will be determined once a final alignment and design have been determined.

Buffer impacts were accounted for in the issued permit.

NCDOT Division 4 Threatened and Endangered Species

Informal concurrence from USFWS will be required for Tar River spiny mussel and Yellow lance prior to construction.

Section 7 for this project will be satisfied by payment to the N.C. Non-game Aquatic Species Fund as set in the USFWS Programmatic Biological Opinion for freshwater mussels. Updated surveys conducted in late 2019 changed the biological conclusions for Tar River spiny mussel and yellow lance to "No Effect". Informal concurrence is not required nor payment to the N.C. Non-game Aquatic Species Fund for impact to currently protected freshwater mussels.

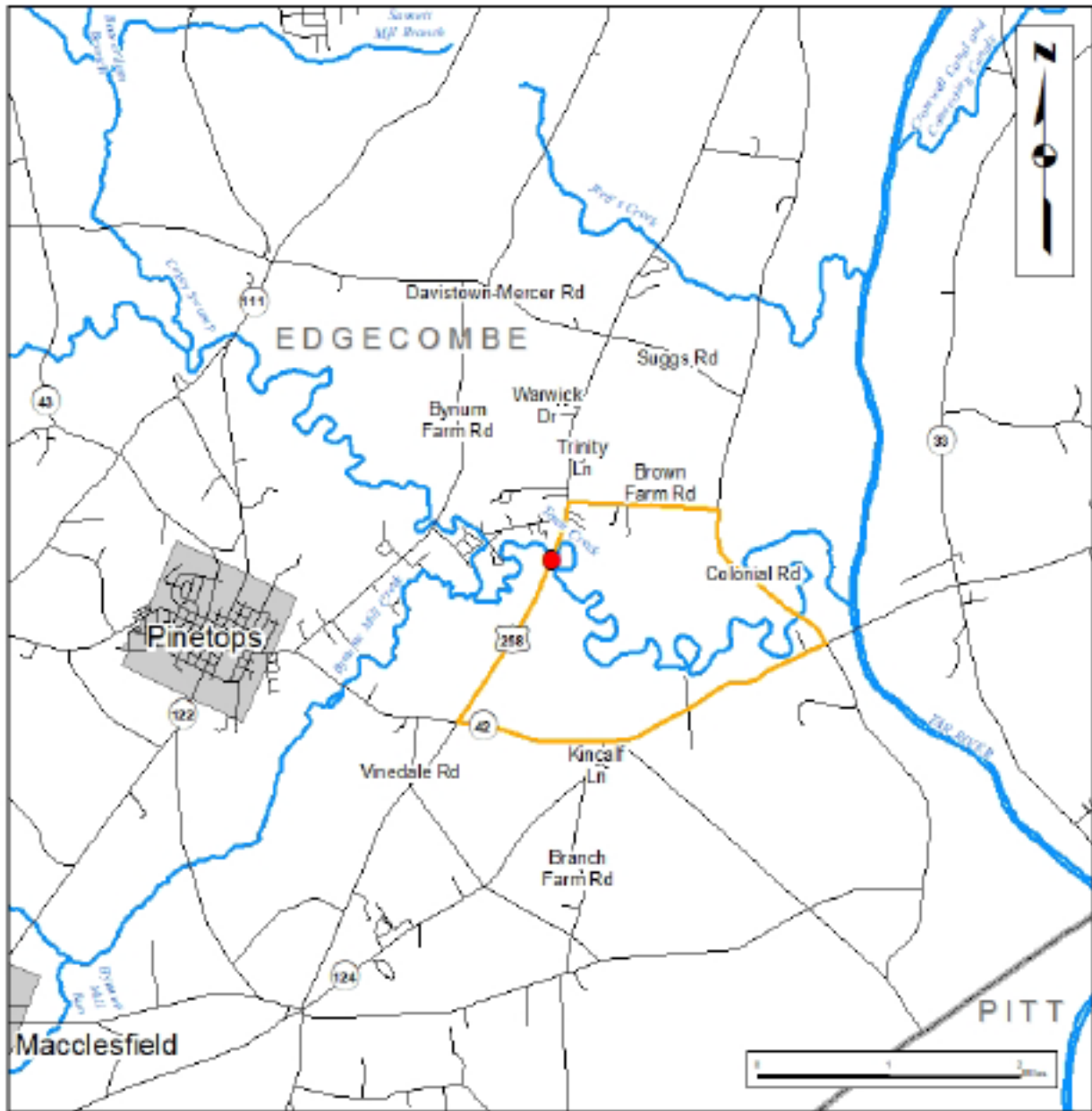
COMMITMENTS FROM PERMITTING

Division 4 Construction, Natural Environment Unit


Due to the "May Affect, Likely to Adversely Affect" conclusion for the Carolina madtom, Neuse River waterdog and Atlantic pigtoe, payment into the N.C. Non-Game Aquatic Species Fund as set forth in the Freshwater Mussel Programmatic Biological Opinion (PBO) and the Carolina madtom, Neuse River waterdog and Atlantic pigtoe, payment into the N.C. Non-Game Aquatic Species Fund as set forth in the Freshwater Mussel Programmatic Biological Aquatic Species Fund as set forth in the Freshwater Mussel Programmatic Biological Opinion (PBO) and the Carolina madtom and Neuse River waterdog Programmatic Conference Opinion (PCO) will be made to satisfy Section 7 of the Endangered Species Act (ESA) for this project, if the species receive their federal designation and design/construction can adhere to the PBO/PCO conditions.

This commitment remains valid

Figure 1: Vicinity Map



— Detour Route

	NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
EDGECOMBE COUNTY REPLACE BRIDGE NO. 22 ON US 258 OVER TOWN CREEK	
VICINITY MAP	