

North Carolina Department of Transportation

NEPA Consultation Form

STIP Project No. **B-5156**
WBS Element **42331.1.2**
Federal Project No. **N/A**

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 28 on NC 210 over Long Creek in southwestern Pender County. NCDOT Structures Management Unit (SMU) Bridge Program Project No. B-5156 proposes to replace the bridge on new location to the north of the existing bridge.

The detailed project description has not changed since the 2019 Categorical Exclusion (CE).

The purpose of the proposed project is to replace Bridge No. 28. In 2012, NCDOT Bridge Management Unit records indicated Bridge No. 28 had a substructure condition of 4 out of a possible 9 points; therefore, the bridge was considered structurally deficient. Maintenance was performed to improve safety and extend the life of the bridge; however, since maintenance to the bridge is considered temporary, and because the bridge is 103 years old, the bridge is in need of replacement. Built in 1921 and reconstructed in 1956, Bridge No. 28 exhibits cracking on the underside of beams, spalling on concrete piers and pile caps, and areas of delamination. Rehabilitation of the bridge is not practical due to its age and deteriorated condition. Components of both the concrete superstructure and substructure have experienced an increasing degree of deterioration that can no longer be addressed by maintenance activities. Construction is scheduled for April 2024.

B. Consultation Phase:

☒ Construction

C. NEPA Class of Action Initially Approved as:

☒ FHWA Class II (Type I(A) CE) 7/29/2019

D. Changes in Proposed Action & Environmental Consequences:

Design Changes

There have been no changes to the proposed bridge and roadway design since the Categorical Exclusion was approved. However, some additional utility design updates have occurred (i.e., water meter relocation, power pole conflict with septic field, fiber optic line relocation). Also, it should be noted that the project study area has been slightly expanded outside of the original study area used to complete CE, so additional coordination and review for the project has been completed. The project study area is shown in Figure 1.

Water Resources

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

A Pre-Construction Notification has been submitted to the US Army Corps of Engineers for 0.928 acres of wetland impacts and 0.01 acres of surface water impacts. The Section 401 and 404 permits have been approved for the project site on March 10, 2023 and May 9, 2023 respectively. A CAMA Major permit was submitted and approved by the Coastal Resources Commission on June 30, 2023. As a condition of the permit, in order to protect fisheries resources in Long Creek, and due to the classification of Long Creek as an anadromous fish spawning area, no in-water work shall be conducted between February 15 through June 30 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the appropriate resource agencies.

Protected Species

As of May 31, 2023, US Fish and Wildlife (USFWS) Information for Planning and Conservation (IPaC) database lists seventeen threatened or endangered species with potential to be affected by activities at the project site. Additionally, the IPaC database lists the tricolored bat (*Perimyotis subflavus*) as Proposed Endangered.

The US Fish and Wildlife Service has issued a programmatic conference opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the tricolored bat (TCB) (*Perimyotis subflavus*) in eastern North Carolina. The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. NCDOT, FHWA, and USACE have agreed to three conservation measures (listed in the PCO) which will avoid/minimize take to TCBs. These conservation measures apply to all counties in Divisions 1-8. The programmatic determination for TCB for the NCDOT program is **May Affect, Likely to Adversely Affect**. Once the TCB is officially listed, the PCO will become the programmatic biological opinion (PBO) by formal request from FHWA and USACE. The PBO will ensure compliance with Section 7 of the Endangered Species Act for approximately five years (effective through December 31, 2028) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Pender County, where B-5156 is located.

The US Fish and Wildlife Service has issued a 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, 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. Pender county is listed as a county within the known range of the NLEB therefore these conservation measures will apply to the project. 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 Pender County, where B-5156 is located.

Table 1. Federally Protected Species Listed Within the Project Vicinity

Species	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Myotis septentrionalis</i>	Northern Long-eared bat	E	Yes	MALAA
<i>Perimyotis subflavus</i>	Tricolored bat	PE	Yes	MALAA
<i>Trichechus manatus</i>	West Indian manatee	T	No	No Effect
<i>Alligator mississippiensis</i>	American alligator	SAT	Yes	Not Required
<i>Chelonia mydas</i>	Green sea turtle	T	No	No Effect
<i>Lepidochelys kempii</i>	Kemp's Ridley sea turtle	E	No	No Effect
<i>Dermochelys coriacea</i>	Leatherback sea turtle	E	No	No Effect
<i>Caretta caretta</i>	Loggerhead sea turtle	T	No	No Effect
<i>Acipenser oxyrinchus</i>	Atlantic sturgeon	E	Yes	No Effect
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	Yes	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Charadrius melodius</i>	Piping plover	T	No	No Effect
<i>Calidris canutus rufa</i>	Red knot	T	No	No Effect
<i>Thalictrum cooley</i>	Cooley's meadowrue	E	Yes	No Effect
<i>Lysimachia asperulaefolia</i>	Rough-leaved loosestrife	E	No	No Effect
<i>Amaranthus pumilus</i>	Seabeach amaranth	T	No	No Effect

BGPA – Bald and Golden Eagle Protection Act

E – Endangered

PE – Proposed Endangered

T – Threatened

SAT – Similar Appearance (Threatened)

MALAA – May Affect, Likely to Adversely Affect

Cultural Resources

The NCDOT Historic Architecture group determined that no survey was required for the project in October of 2018. Due to developments in the project, including a revised study area, the NCDOT Historic Architecture group revisited this determination multiple times, with the latest review occurring on June 19, 2023. The conclusion that no survey is required remained valid.

The NCDOT Archaeology group determined that no survey was required for the project in October of 2018. However, due to the expanded study area it was determined in July 2023 that an archeological survey would be required. An archeological study was conducted by NCDOT in September 2023 which found some cultural materials, including Site 31PD509. However, the overall study concluded that the site was not recommended as eligible for the National Register of Historic Places and no further work was recommended.

A letter to the Catawba Indian Nation was sent on December 7, 2023, summarizing the results of this archaeological study. A response from the Catawba Indian Nation was received on January 16, 2024. The Catawba Indian Nation will be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project

E. Conclusion:

The above NEPA 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 and their representatives have discussed the current project parameters with qualified NCDOT representatives. The Project Manager (Jacquelyn Bowles, PE) hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer (Kimley-Horn):	Seth Denney, PE	4-27-2023
Environmental Specialist:	Jason Dilday	1-17-2024
Architectural Historian:	Vanessa E. Patrick	1-26-2024
FHWA (if applicable):	N/A	

Consultation Approval for B-5156:

Prepared By:

2/9/2024

Date

DocuSigned by:

FFAC6E7441B4BF...
Tad Hardy, P.E.
Kimley Horn (NCDOT Consultant)

Prepared For:

2/11/2024

Date


DocuSigned by:

DB26E87EDFB647E...
Jacquelyn Bowles, PE, Structures Management Unit Project Manager

Reviewed By:

2/12/2024

Date

DocuSigned by:

CA084D4A6412432...
John Jamison, PWS, CPM
Environmental Policy Unit Head
North Carolina Department of Transportation



Approved

In adherence with 23 CFR 771 (NEPA) or NC General Statute Chapter 113A Article 1 (SEPA), NCDOT approves this Consultation.

or

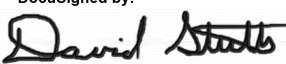


Certified

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

2/12/2024

Date

DocuSigned by:

A4A2998A8BC64F2...
David Stutts, PE
Structures Management Unit Project Engineer
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
for Yolonda K. Jordan, Division Administrator
Federal Highway Administration

G. Project Commitments (as of 2/8/2024)

**Pender County
Bridge No. 28 over Long Creek on NC 210
WBS No: 42331.1.2
TIP Project No.: B-5156**

Hydraulics Unit / Division 3 Construction – FEMA – As-Built Construction Plans

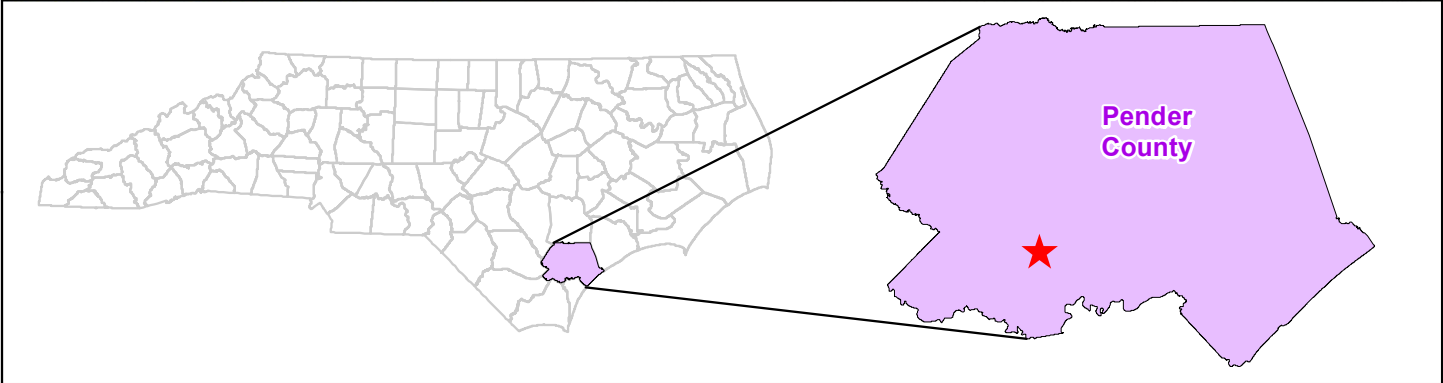
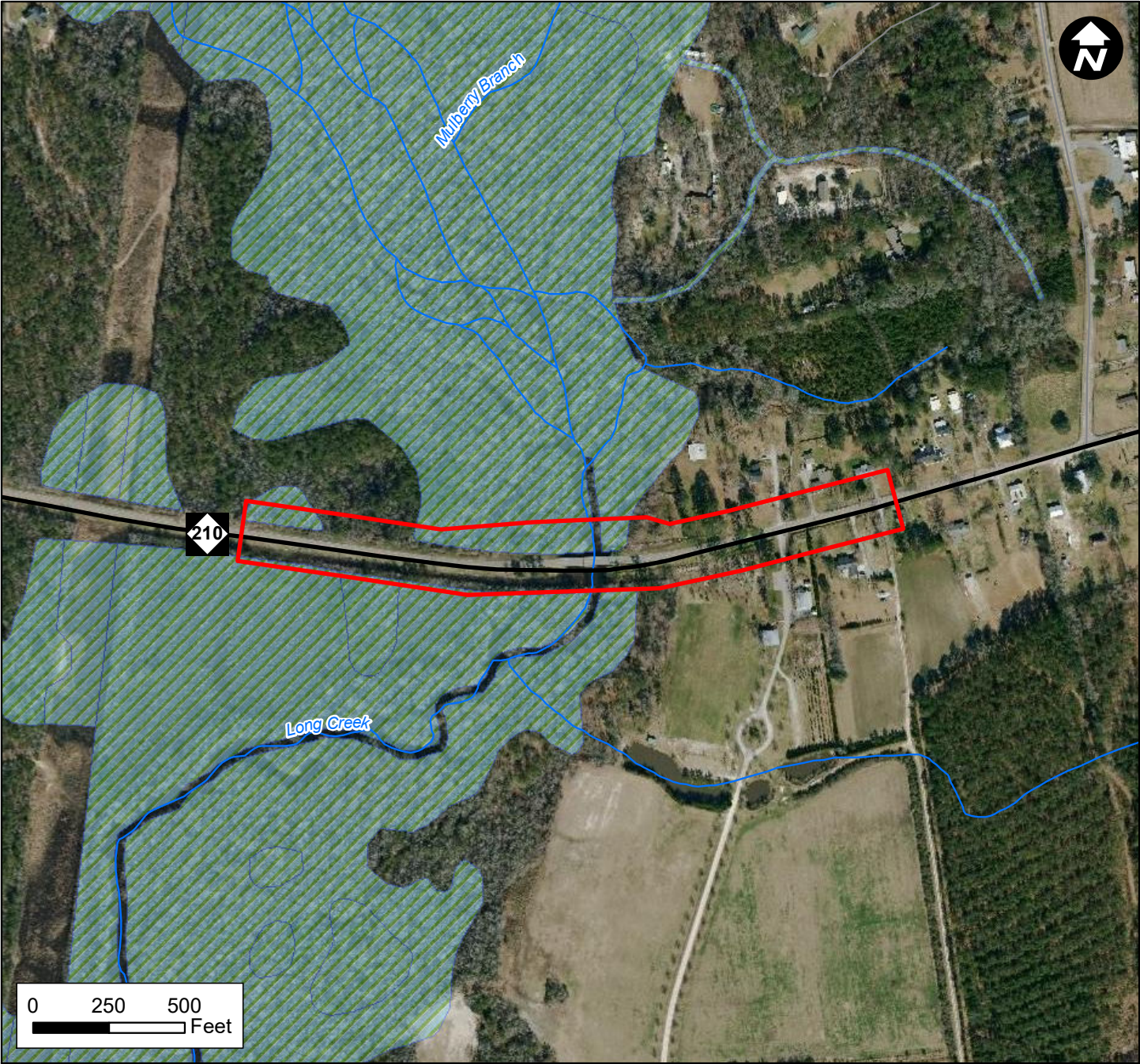
This project involves construction on or adjacent to a FEMA-regulated stream. Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the project was built as shown on the construction plans.

Hydraulics Unit – FEMA Coordination

The Hydraulics Unit coordinated with the N.C. Floodplain Mapping Program (FMP) regarding the status of the project and applicability of NCDOT's Memorandum of Agreement (MOA), or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR). A NC FMP and NCDOT MOA Project Review was completed August 29, 2019, and recommended the project for approval as a type 2a project.

Environmental Analysis Unit / Hydraulics Unit – In-Water Work Moratorium

In order to protect fisheries resources in Long Creek, and due to the classification of Long Creek as an anadromous fish spawning area, no in-water work shall be conducted between February 15 through June 30 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the appropriate resource agencies.







-  B-5156 Project Study Area
-  Streams (NCDEQ)
-  Wetland (NWI)
-  Body of Water (NWI)

Figure 1: Project Study Area
Replace Bridge No. 28
on NC 210 over Long Creek
STIP Project No.B-5156
Pender County