

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	B-5372
WBS Element	46087.1.1
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:

The proposed project involves replacing Bridge No. 109 on S.R. 1706 (Martin Luther King Jr. Avenue) over U.S. 29 (N. Cannon Blvd) in Cabarrus County (see Figure 1). The project will also add curb and gutter and sidewalks along both sides of U.S. 29. Bridge No. 109 is 190 feet long and the replacement structure will be a bridge approximately 175 feet long, providing a minimum 49-foot clear deck width. The new bridge will include two 12-foot travel lanes and 7-foot paved offsets, or "shoulders", on each side to accommodate bicycles. 5-foot 6-inch sidewalks and a 42-inch classic rail will be provided on both sides of the bridge. The roadway grade of the new structure will be approximately two feet higher than the existing structure to allow for the proper vertical roadway clearance over U.S. 29.

Along S.R. 1706, the roadway approaches will extend approximately 275 feet from the west end of the new bridge and 435 feet from the east end of the new bridge. The approaches will be widened to provide two 12-foot travel lanes, 5-foot bicycle lanes, 5-foot 6-inch sidewalks, and 10-foot grassed shoulders on both sides.

Along U.S. 29 (under the bridge), improvements will extend approximately 249 feet north of S.R. 1706 and 239 feet south of S.R. 1706. Improvements include upgrading U.S. 29 to a curb and gutter section, with 5-foot paved offsets, and 5-foot sidewalks along each side of U.S. 29.

The new bridge will be constructed on existing location, with traffic being detoured off site during construction. The existing ramps on the west side of the bridge will remain open to local and business traffic, while the ramps on the east side of the bridge (-Y2- and -LPC-) will be closed during construction (see Figure 2).

S.R. 1706 will be designed as a Minor Collector and U.S. 29 will be designed as an Urban Collector, both utilizing Sub-Regional Tier Guidelines with a 40 mile per hour design speed.

The purpose of the proposed project is to replace a structurally deficient bridge. NCDOT Bridge Management Unit records indicate Bridge No. 109 is considered structurally deficient due to a deck condition and superstructure condition appraisal of 4 out of 9 according to Federal Highway Administration standards.

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)

10/05/2022

Additional Notes: **Type I(A) - Ground Disturbing Action**D. Changes in Proposed Action & Environmental Consequences:**Design Changes**

There have been no substantial design changes since the completion of the B-5372 Categorical Exclusion (10/05/2022). After reviewing the erosion control plans, in order to address constructability and ponding issues at the southwestern corner of the project, a proposed "Double Frame & Grate Inlet (2GI)" curb drain and associated drainage pipe were added. In addition, after coordination with the municipality and at their request, the proposed 54-inch two bar metal rail on both sides of the bridge was changed to a 42-inch classic rail.

With these revisions, the project remains within the original project study area and does not result in any additional environmental impacts.

Historic Architecture and Archaeology

NCDOT Cultural Resource Unit has reviewed the Section 106 effects findings for historic properties and archaeological resources within the project's area of potential effects (APE), that were made as part of the NEPA analysis. No Survey Required forms were submitted for both Archaeology and Historic Architecture on January 2 and January 7, 2020, respectively. NCDOT has confirmed that there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

Threatened and Endangered Species Updates

As of 1/09/2024, the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website lists the following federally protected species as potentially occurring with the project limits – tricolored bat (proposed for listing), Michaux's sumac, and Schweinitz's sunflower. Since the completion of the B-5372 Categorical Exclusion (10/05/2022), the Northern long-eared bat has been removed, tricolored bat is proposed for listing, and Michaux's sumac has been added.

Schweinitz's sunflower (*Helianthus schweinitzii*) -

A review of the USFWS IPaC website confirmed the Federally Endangered Schweinitz's sunflower could occur in the project study area. NCDOT biologists visited the B-5372 study area on 09/20/2023, to update plant surveys for Schweinitz's sunflower. The previously completed plant survey was conducted on 10/18/2021. A desktop review indicates potential habitat for this species is found in the project area in the transition zones from maintained right of way and the NRTR-mapped terrestrial community Dry-Mesic Oak Hickory Forest and Pine Forest. All on-site, observed potential habitat was surveyed on foot. However, no individuals of Schweinitz's sunflower or associated species were found in the project area. A review of the North Carolina Natural Heritage Program (NCNHP) Winter (January) 2024 dataset conducted on 01/31/2024, indicates that no occurrences of this species are located within one mile of the project study area. Due to the negative survey results of this survey and no known occurrences within one mile, the Biological Conclusion rendered for Schweinitz's sunflower is **No Effect**.

Michaux’s sumac (*Rhus michauxii*)–

A review of the USFWS IPaC website confirmed the Federally Endangered Michaux’s sumac could occur in the project study area. This species was added in 2023, after the Fall Schweinitz’s sunflower survey was completed. Habitat is present for the species; therefore, surveys within the species’ optimal survey window will be completed in Spring 2024. Until then, the Biological Conclusion for this species will remain **Unresolved**.

Tricolored bat (*Perimyotis subflavus* - PESU) –

On September 14, 2022, the U.S. Fish and Wildlife Service announced a proposal to list the tricolored bat as endangered under the Endangered Species Act. Given the proposal to list PESU as Federally Endangered, NCDOT and its federal partners, FHWA and USACE are initiating a conference programmatic consultation to address impacts to this species. USFWS has not provided an official effective listing date, but it is anticipated to occur in 2024. Upon listing, USFWS is expected to provide habitat descriptions and an area of influence/distribution range for PESU. When this information is provided, it will help to inform NCDOT’s determinations on habitat that could be impacted by NCDOT actions. As noted in the project commitment green sheets, it is anticipated that USFWS will require tree clearing moratorium for tricolored bat (*Perimyotis subflavus* - PESU) to take place during the winter (October 16 – March 31). NCDOT will seek Section 7 informal consultation with the USFWS for protected bat species with a biological conclusion of **May Affect- Not Likely to Adversely Affect**.

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:	Jon Ford, JMT	10/05/2023
Environmental Specialist:	James Mason, Three Oaks	12/18/2023
NCDOT ECAP:	Robert Crowther, PWS, NCDOT	2/14/2024
FHWA (if applicable):	N/A	N/A
Other: Highway Floodplain Program	Brian Radakovic, PE, CFM	12/12/2023

G. Consultation Approval for NCDOT Project B-5372

Prepared By:

3/1/2024

Date

DocuSigned by:

B8137A9C1AF64D0

Jackie Obediente, PE
Three Oaks Engineering

Prepared For:

DocuSigned by:

DD26E37EDFB047E

Jacquelyn Bowles, PE
NCDOT - Structures Management Unit

Reviewed By:

3/5/2024

Date

DocuSigned by:

A47BC39FA88347F

Marissa Cox, Western Regional 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.

3/5/2024

Date

DocuSigned by:

A47A299C788BC64F7

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

Yolanda K. Jordan, Division Administrator
Federal Highway Administration

H. Project Commitments (as of 3/01/2024)

**TIP Project No. B-5372
 Replace Bridge No. 109 in S.R. 1706 (Martin Luther King Jr. Ave.) over U.S. 29
 Cabarrus County
 Federal Aid Project No. N/A
 WBS Element 46087.1.1**

Continued Coordination and Outreach (NCDOT Division 10, NCDOT Structures Management Unit [SMU])

- In order to have time to adequately reroute school buses, Kannapolis City Schools will be contacted at (704) 938-4848 at least one month prior to road closure.
- Kannapolis Fire and EMS departments will be contacted at (704) 920-4260 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.
- The Division will coordinate with the officials from the “Rider – Concord Kannapolis Area Transit” [(704) 920-7433] regarding temporary impacts to the “Blue Route” bus route and associated transit stops.
- The A.L. Brown High School athletic director [(704) 932-6125] will be notified at least one month prior to the project construction.

A commitment shall be included in the Construction Contract for the contractor to notify these agencies at least one month prior to bridge closure.

Sidewalks (Division 10 Construction, NCDOT SMU)

- The City of Kannapolis has committed to cost share for the construction of sidewalks on the project. NCDOT-SMU and Division 10 will continue to coordinate with the City in the development of a municipal agreement.

FEMA Floodplains and Floodways (Division 10 Construction, NCDOT SMU)

- ~~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.~~

Because no work will be encroaching with in the floodway, this commitment can be removed.

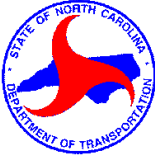
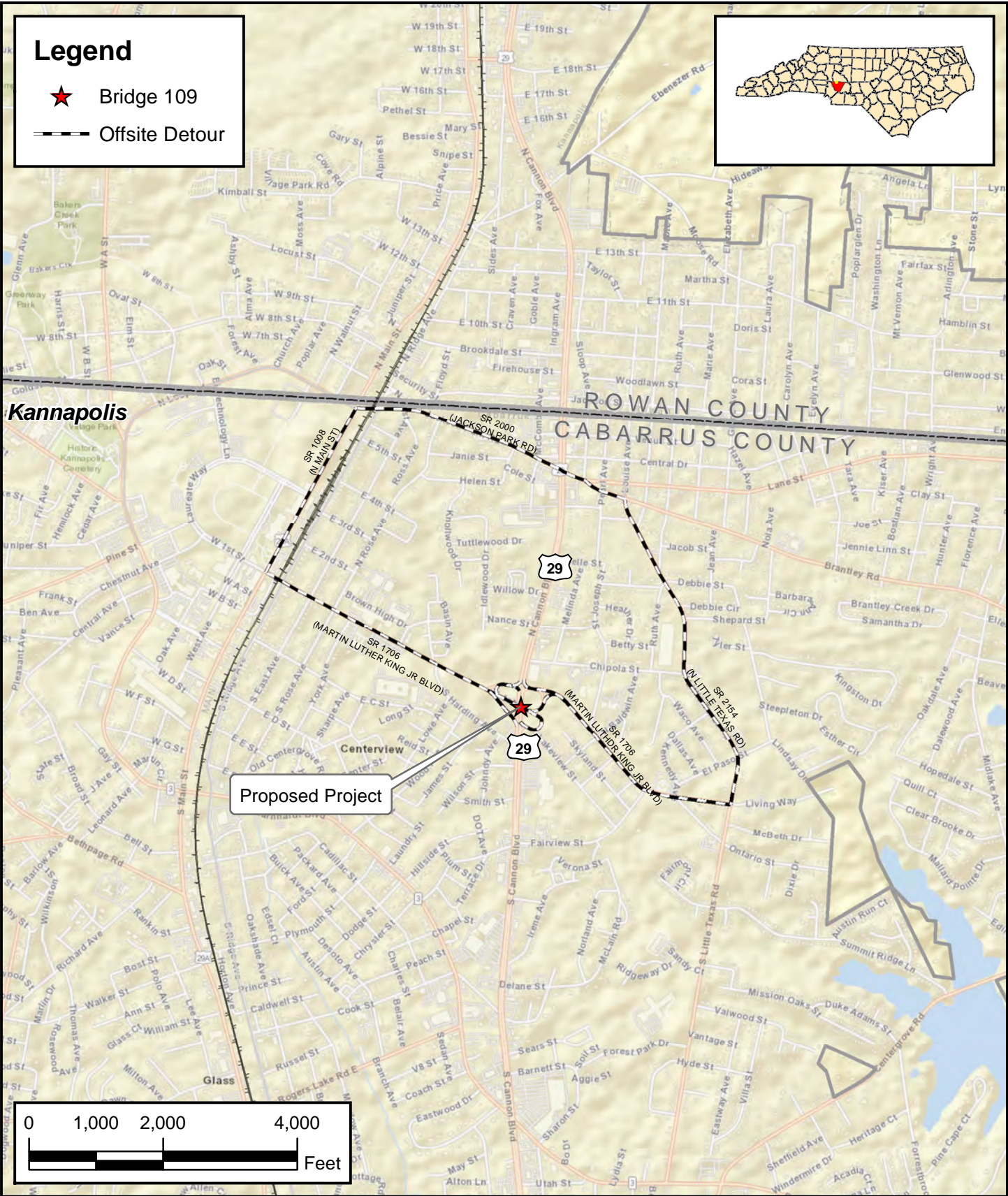
Floodplain Mapping Coordination (NCDOT Hydraulic Design Unit)

- ~~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).~~

Because no work will be encroaching with in the floodway, this commitment can be removed.

Tricolored Bat (Division 10 Environmental Officer, Biological Surveys Group)

- *It is anticipated that USFWS will require a tree clearing moratorium for tricolored bat (Perimyotis subflavus - PESU) to take place during the winter (October 16 – March 31).*



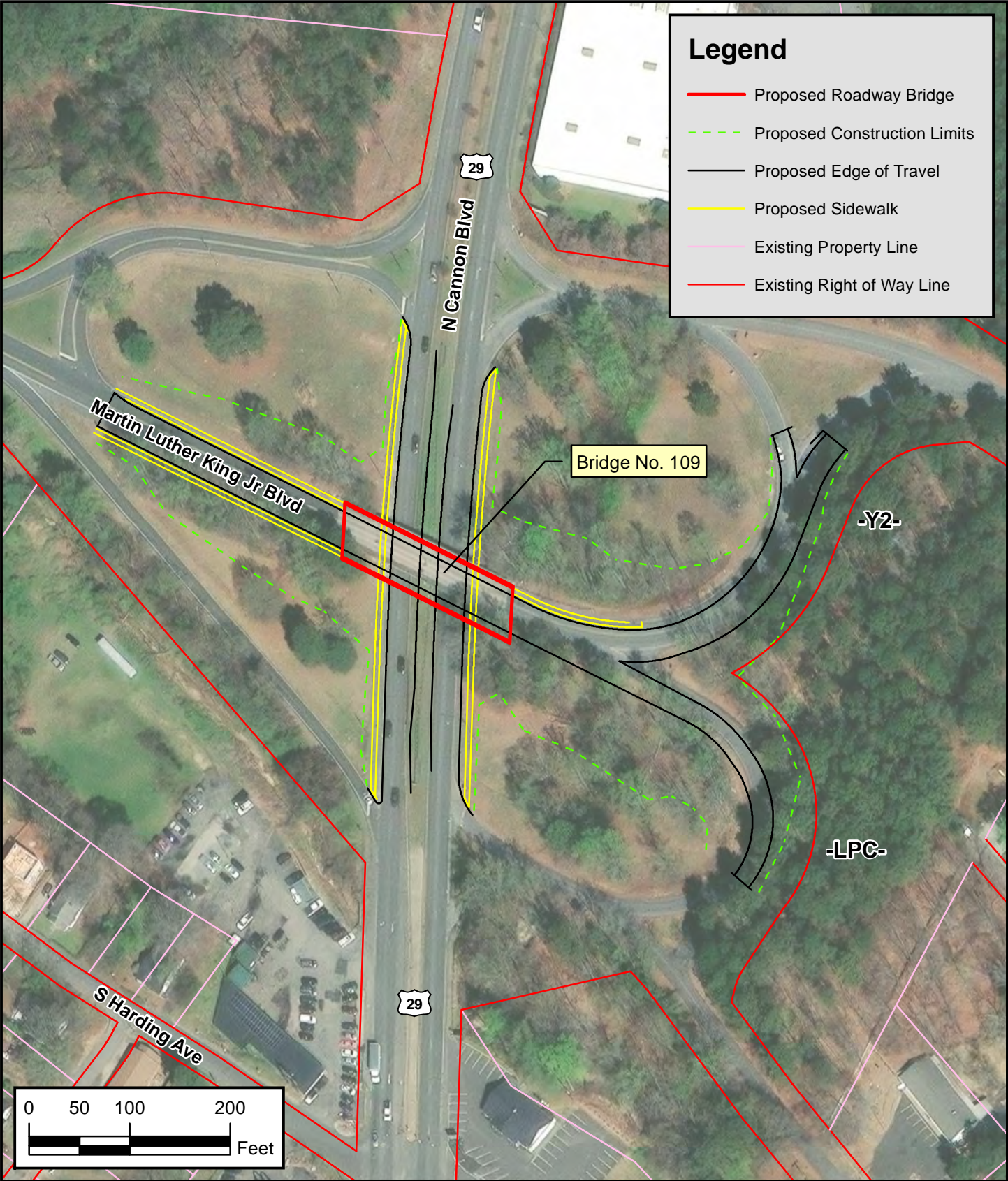
NORTH CAROLINA
DEPARTMENT
OF TRANSPORTATION
DIVISION OF HIGHWAYS

VICINITY MAP
REPLACE BRIDGE NO. 109
ON SR 1706
(MARTIN LUTHER KING JR BLVD)
OVER US 29.
CITY OF KANNAPOLIS



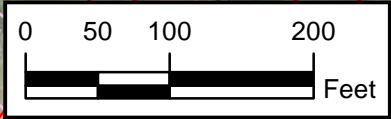
County:	CABARRUS
Div:	10
TIP#	B-5372
WBS:	46087.1.1
Date:	JULY 2022

Figure
1



Legend

- Proposed Roadway Bridge
- Proposed Construction Limits
- Proposed Edge of Travel
- Proposed Sidewalk
- Existing Property Line
- Existing Right of Way Line



NORTH CAROLINA
DEPARTMENT
OF TRANSPORTATION
DIVISION OF HIGHWAYS

**PROJECT DESIGN MAP
REPLACE BRIDGE NO. 109
ON SR 1706
(MARTIN LUTHER KING JR BLVD)
OVER US 29.**
CITY OF KANNAPOLIS



County: CABARRUS	
Div: 10	TIP# B-5372
WBS: 46087.1.1	
Date: FEBRUARY 2024	

**Figure
2**