North Carolina Department of Transportation

NEPA/SEPA Consultation Form

| STIP Project No. | B-5614 |
|-------------------------|-----------|
| WBS Element | 45569.1.2 |
| Federal Aid Project No. | 1112019 |

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes the replacement of Bridge No. 9 over Blounts Creek on S.R. 1112 (Mouth of the Creek Road) in Beaufort County. The purpose of the proposed project is to replace a structurally deficient bridge. The replacement structure will be an eight-span 963'-9" long bridge, with two 10-foot lanes and 5-foot paved shoulders. The roadway approaches will have two 10-foot lanes and three-foot total shoulders, of which two feet will be paved.

The proposed design speed is 60 mph. The project length is approximately 2,100 feet. NCDOT Bridge Management Unit records indicate Bridge No. 9 is structurally deficient due to a superstructure and substructure rating of 4 out of 9 according to Federal Highway Administration standards as of August 9, 2022.

Bridge No. 9 will be replaced on new alignment south of the existing bridge, while traffic is maintained on the existing bridge during construction. Pedestrians may use the existing bridge to cross Blounts Creek during the construction period. Traffic will be maintained on the existing bridge during construction and boater access will be maintained under the bridge during construction, except for the possibility of short duration closures when construction or demolition has to take place in the channel. Advanced notice will be provided.

B. <u>Consultation Phase:</u> (Check one)

- Right-of-Way
- Construction
- \square

Other: Identify the trigger – (e.g., design change, change in impacts)

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

- \bowtie
- FHWA TYPE II(B) CE N

November 8, 2021

D. Changes in Proposed Action & Environmental Consequences:

There are no significant design revisions that need to be noted in this consultation, however, it will be more than one year since the CE was signed on November 8, 2021 when this project is LET. The existing bridge, the existing bridge abutment on the western

side of Blounts Creek, and the temporary work bridges will be removed within 90 days after they are no longer needed. However, if the timeframe occurs during the moratorium period between February 15 – June 30, the existing bridge, the existing bridge abutment on the western side of Blounts Creek, and the temporary work bridges will be removed within 90 days after the moratorium end date. The existing bridge piles will be cut at the mudline due to the existing water line utility potentially being bored through the existing piles. As of April 2024, the estimated right of way acquisition cost is \$148,000, utility relocation cost is \$600,000, and construction cost is \$12,900,000, for a total estimated B-5614 project cost of \$13,648,000.

Water Resources

The water resource classifications have not changes since the previous referenced consultation was completed. Blounts Creek is the only stream identified in the study area. Blounts Creek is subject to the Tar-Pamlico Buffer Rules. There are four wetlands identified in the study area.

Protected Species

The list of protected species has changed since the CE was completed in 2021. The NCDOT Environmental Analysis Unit (EAU) updated the list of protected species on March 15, 2024. Below is a table of protected species within the study area, their current Federal status and biological conclusion.

| Name | Listing Since Last Document or Consultation | Federal Status | Habitat Present | Biological Conclusion |
|--|---|-------------------|--------------------|--------------------------|
| American alligator | Added | SAT | Yes | No Effect |
| Atlantic sturgeon | Unchanged | Е | Yes | MANLAA ¹ |
| Kemp's (Atlantic) Ridley sea turtle | Unchanged | Е | No | No Effect |
| green sea turtle | Added | Т | No | No Effect |
| Leatherback sea turtle | Added | Е | No | No Effect |
| red wolf | Unchanged | EXP | Yes | MANLAA ¹ |
| red-cockaded woodpecker | Unchanged | Е | No | No Effect |
| Rufus red knot | Unchanged | Т | No | No Effect |
| northern long-eared bat | Unchanged | Т | Yes | MALAA ² |
| tricolored bat | Added | Р | Yes | MALAA ² |
| West Indian manatee | Unchanged | Е | Yes | MANLAA ¹ |
| rough-leaf loosestrife | Unchanged | Е | No | No Effect |
| sensitive joint-vetch | Unchanged | Т | Yes | No Effect |

Table 1. ESA federally protected species with the Study Area¹

IPaC data checked on March 14, 2024

Federal Status: T = Threatened, E = Endangered, P = Proposed, SAT = Similarity of Appearance (Threatened), EXP = Experimental Population

¹ May Affect, Not Likely to Adversely Affect

² May Affect, Likely to Adversely Affect

Atlantic sturgeon

In a June 4, 2021 email from Fritz Rohde, NOAA – NMFS, he concurred with the proposed biological conclusion of May Affect Not Likely to Adversely Affect (MANLAA) due to suitable habitat being present within study area. A review of the North Carolina Natural Heritage Program (NCNHP) database, updated January 29, 2024, identified no known occurrences of Atlantic sturgeon within 1.0 mile of the study area.

Rough-leaf loosestrife

Rough-leaved loosestrife habitat is found within the study area. A resurvey was done on September 14, 2021 to update the September 10, 2020 survey. Rough-leaved loosestrife was not found within the study area during the September 14 resurvey. A review of NCNHP records, updated January 29, 2024, did not identify any known populations of Rough-leaved loosestrife located within 1.0 mile of the project area. Rough-leaved loosestrife loosestrife biological conclusion of "No Effect" remains valid.

Sensitive joint-vetch

Sensitive joint-vetch habitat is found within the study area. A resurvey was done on September 14, 2021 to update the September 10, 2020 survey. Sensitive joint-vetch was not found within the study area during the September 14, 2021 resurvey. A review of NCNHP records, updated January 29, 2024, did not identify any known populations of Sensitive joint-vetch located within 1.0 mile of the project area. Sensitive joint-vetch biological conclusion of "No Effect" remains valid.

Tricolored bat

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 Beaufort County, where B-5614 is located.

Northern long-eared bat

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. 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 Beaufort County, where B-5614 is located.

Bald eagle

Nesting habitat for the bald eagle does not exist within 660 ft of the project study area. A review of the NC NHP database, updated January 29, 2024, indicates no known occurrences within one mile of the project area.

Archaeological Resources

To satisfy Section 106 requirements of the National Historic Preservation Act and the Archaeological Survey Required form provided on January 27, 2016, NCDOT's consultant completed an in-water remote sensing survey on June 26, 2023. The land components of the Area of Potential Effects (APE) were previously surveyed on July 8, 2021, but did not include any in-water components. Therefore, the in-water survey evaluated the underwater components of the APE. Ultimately, the in-water remote sensing survey did not identify any potentially significant submerged cultural resources and resulted in no additional recommended archaeological work. If unidentified shipwreck remains or other cultural materials are discovered during construction, work should immediately cease long enough to allow NCDOT, it's maritime survey consultant, and SHPO sufficient time to evaluate reasonable efforts to avoid, minimize, or remove the cultural resources. The State Historic Preservation Office (SHPO) concurred with the findings and unanticipated discovery procedures identified in the Phase I Submerged Archaeological Resources Survey on October 13, 2023.

Surveys for both the land and underwater portions of the APE resulted in the identification of no significant sites or resources considered eligible for the National Register of Historic Places (NRHP).

Tribal Coordination

NCDOT submitted a letter to the Catawba Indian Nation (CIN) informing the tribe of the project and the results of the in-water archaeological surveys on November 15, 2023.

The CIN responded on December 13, 2023 and indicated no immediate concerns regarding traditional cultural properties, sacred sites, or Native American archaeological sites within the boundaries of the proposed project area; CIN to be notified if "Native American artifacts and/or human remains are located during the ground disturbance phase of this project."

Boater Safety Plan:

The Boater Safety Plan was completed in February 2021 and all information and requirements were confirmed in October 2022. The contractor will adhere to the conditions outlined in the Boater Safety Plan during the construction of Bridge No. 9.

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 SMU Team Leader (PEF Coordination), Tierre Peterson, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

| Design Engineer: | Michael Burns, PE (Stewart) | 04/16/2024 |
|---------------------------|-----------------------------|------------|
| Environmental Specialist: | Deanna Riffey (NCDOT) | 04/16/2024 |
| Hydraulics Engineer: | Reid Robol, PE (VHB) | 04/16/2024 |

G. Consultation Approval for NCDOT Project B-5614

| Prepared By: 4/16/2024 | Harrison Wenchell |
|----------------------------------|--|
| Date | Harrison Wenchell, AICP, Transportation Planning Team Lead Stewart |
| Prepared For: 4/16/2024 | DocuSigned by: Tierre Peterson 38C2508642054EB |
| Date | Tierre Peterson, PE, Team Leader – PEF Coordination NCDOT, Structures Management Unit |
| Reviewed By: 4/16/2024 | Docusigned by: Morgan Weatherford |
| Date | Morgan Weatherford, Eastern Regional Team Lead NCDOT, Environmental Policy Unit |
| 🔀 Appro | Chapter 113A Afficie 1 (SEPA), NODOT approves this Consultation. |
| or | NCDOT staff cortifies if EHWA signature was providually required or |
| 4/16/2024 | DocuSigned by: |
| 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 for Yolanda K. Jordan, Division Administrator Federal Highway Administration |

Beaufort County Replace Bridge No. 9 over Blounts Creek on SR 1112 (Mouth of the Creek Road) Federal Project No. 1112019 TIP No. B-5614 WBS No. 45569.1.2

All commitments developed during the project development and design phase for the project are listed below. Updates to project commitments shown in italics.

NCDOT Division 2 Construction:

Roadway Construction, Lane Reductions and Closures

NCDOT will contact the Beaufort County Emergency Medical Services Director at 252-940-6512 at least one month prior to the start of construction to allow first responders to prepare for the anticipated action.

NCDOT will contact the Chocowinity Emergency Medical Services Captain at 252-948-2446 at least one month prior to the start of construction to allow first responders to prepare for the anticipated action.

NCDOT will contact the Beaufort County Fire Marshall at 252-946-2046 at least one month prior to the start of construction to allow first responders to prepare for the anticipated action.

NCDOT will contact the Blounts Creek Volunteer Fire Department Fire Chief at 252-322-5242 at least one month prior to the start of construction to allow first responders to prepare for the anticipated action.

NCDOT will contact the Beaufort County Schools Transportation Director at 252-946-6209 ext. 6562 at least one month prior to the start of construction to allow schools to prepare for the anticipated action.

NCDOT will contact all local officials mentioned above at least one week prior to lane reduction and/or roadway closure to allow them to prepare for the anticipated action.

Boater Access and Safety

Contractor will adhere to the conditions outlined in the Boater Safety Plan During Construction of Bridge No. 9, completed in February 2021.

All information and requirements in the Boater Safety Plan were confirmed in October 2022.

NCDOT will contact the North Carolina Wildlife Resources Commission at 252-917-2663 at least one month prior to the start of construction to allow the Agency to prepare for the anticipated action.

NCDOT will contact the North Carolina Wildlife Resources Commission at 252-917-2663 at least one week prior to short duration closures and temporary disruptions to boater access underneath the existing and new bridges over Blounts Creek to allow the Agency to prepare for the anticipated action.

Manatee Guidelines

Suitable habitat for West Indian manatee is present in the study area. Construction activities will adhere to the guidelines outlined in <u>GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN</u> <u>MANATEE: Precautionary Measures for Construction Activities in North Carolina Waters</u>.

Construction activities will adhere to the guidelines outlined in Guidelines for Avoiding Impacts

to the West Indian Manatee Precautionary Measures for Construction Activities in North Carolina Waters (2003 USFWS).

Anadromous Fish Moratorium

Blounts Creek is designated as an anadromous fish water by North Carolina Wildlife Resources Commission (NCWRC).

NCDOT will follow all stream crossing guidelines for anadromous fish passage, including an in-water construction work moratorium from February 15 to June 30.

Environmental Analysis Unit:

Atlantic Sturgeon

Informal Consultation with the National Oceanic and Atmospheric Administration for the Atlantic sturgeon will be required prior to permitting.

Informal concurrence was received from NOAA on June 4, 2021. The concurrence given by NOAA was a biological conclusion of May Affect Not Likely to Adversely Affect for the Atlantic Sturgeon. No moratorium was requested for this species.

U.S. Coast Guard Navigable Waters

The project will require a U.S. Coast Guard Permit. NCDOT Structures Management Unit (SMU), Environmental Coordination and Permitting (ECAP), and Division 2 will coordinate and complete the Coast guard Bridge Permit Application (CGBPA) and its associated tasks.

A USCG Permit Application was submitted in November 2022. The USCG Permit is expected to be issued in Spring 2024.

NCDOT Hydraulics Unit:

The NCDOT Hydraulics Unit will coordinate with the Federal Emergency Management Agency (FEMA) to determine if a Conditional Letter of Map Revision (CLOMR) and a subsequent final Letter of Map Revision (LOMR) are required for the project. If required, NCDOT Division 2 will submit sealed as-built construction plans to the Hydraulics Unit upon project completion certifying the project was built as shown on construction plans.

Riparian Buffer Rules

The project is within the Tar-Pamlico River Basin where buffer rules are applicable. Design Standards for Sensitive Watersheds will be implemented during project construction.

COMMITMENTS FROM PERMITTING

NCDOT Division 2 Construction:

USACE Condition #12/ DWR Condition #3/ CAMA Condition #3

In-water Work Moratorium: To avoid adverse impacts to spawning populations of fish species at this project site, no in-water work shall be conducted between February 15 – June 30 at Blounts Creek, and its associated perennial tributaries. For the purpose of this moratorium, "in water" is defined as those waters within Blounts Creek, and its associated perennial tributaries, and its adjacent wetlands that have an active connection to these tributaries during periods of inundation.

DWR Condition #3

The permittee shall conform to the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.

CAMA Condition #19

The demolition plan for removal of the existing bridge structure shall be submitted to DCM for review and approval prior to commencement of the demolition activities.

CAMA Condition #21

In accordance with the permit application, piles of the existing bridge may be cut off at the mudline due to the existing water line which is thought to be bored through the existing piles.

CAMA Condition #22

In accordance with the permit application, the existing bulkhead at the landing of the existing bridge on the eastern side of Blounts Creek shall remain in place.

CAMA Condition #23

The existing bridge, and existing bridge abutment on the western side of Blounts Creek, and the temporary work bridges, including piles, shall be removed within 90 days after they are no longer needed. However, if this timeframe occurs while the moratorium referenced in Condition No. 3 of this permit is in effect, then the existing bridge, and the existing bridge abutment on the western side of Blounts Creek, and the temporary work bridges, including piles, shall be removed within 90 days of the moratorium end date.



ATTACHMENT A – Vicinity Map

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Updated 04/16/2024

ATTACHMENT B – Study Area Map



Updated 04/16/2024

ATTACHMENT C – Archaeological No Sites Present Form (CIN)



Project Description: Replace Bridge No. 9 over Blounts Creek on SR 1112 in Beaufort County, North Carolina. The area of potential effects (APE) measures approximately 11 acres [ac] (4.5 hectares [ha]). The underwater component of the APE includes the open channels on either side of the proposed new bridge location. The APE includes a distance of 61 meters (m; 200 feet [ft]) off the centerline of the existing bridge to the north and south, and is inclusive of all waters contained between the existing and new bridge structures.

SUMMARY OF ARCHAEOLOGICAL FINDINGS

The North Carolina Department of Transportation (NCDOT) Archaeology Team has reviewed the subject project and determined:

- There are no National Register listed ARCHAEOLOGICAL SITES within the project's area of potential effects. (Attach any notes or documents as needed.)
- No subsurface archaeological investigations were required for this project.
- Subsurface investigations did not reveal the presence of any archaeological resources. Subsurface investigations did not reveal the presence of any archaeological resources
- Subsurface investigations did not reveal the presence of any archaeological resources considered eligible for the National Register.
- All identified archaeological sites located within the APE have been considered and all compliance for archaeological resources with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.

Brief description of review activities, results of review, and conclusions:

Historic charts were reviewed to understand the historic setting of the APE. SEARCH reviewed cartographic images (see Figure 12), secondary sources (Berman 1972), and databases of reported shipwrecks to complement the predictive model by identifying reported submerged cultural resources within or adjacent to the APE. The database sources include the following: • Bureau of Ocean Energy Management Archaeological Resource Information Database • Global GIS Data Services, LLC, Global Maritime Wrecks Database (GMWD) • NOAA Automated Wreck and Obstruction Information System • NOAA electronic navigational charts (ENCs).

SEARCH conducted background research at the Underwater Archaeology Branch (UAB) at the OSA and identified a number of shipwreck sites in the vicinity of the APE in Beaufort County (Table 3). Richard Lawrence and Mark Wilde-Ramsing conducted a brief investigation of the upper Blounts Creek area in 1985 ahead of possible bridge construction. The Blounts Creek Rudder Wreck, charted

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ATTACHMENT C – Archaeological No Sites Present Form (CIN)

| Project Tracking No | ŀ. |
|---------------------|----|
| 15-12-0021 | |

by NOAA as #11554, is a likely sunken historic wreck along the east side of the creek. A wooden rudder was recovered from the bank and a magnetometer search yielded a 30-gamma monopolar signature. However, a bottom search did not yield any remains of a vessel, so the site is likely buried below the creek bed. The other wreck located during this survey is the Cotton Patch Landing Barge, an exposed, abandoned barge near the charted NOAA wreck.

Three archaeological investigations were conducted in 1988 that surveyed the area. Then in 1994, a wooden rudder was snagged during the preparation of the area for a marina. The Underwater Archaeology Unit inspected the wreck, dubbed the Cyprus Landing Wreck. It lies along the southern shore of Chocowinity Bay between Sidney and Silas Creeks. Along the shoal near the wreck is a pile of broken brick rubble and the investigators suspect the wreck is associated with the brick-making industry of the region in the nineteenth and early twentieth centuries (Wilde-Ramsing 1995). Initially suspected to be a "centerboard schooner with unusual dimensions, measuring approximately 83 feet by 14 feet" further investigation indicated it is likely a scow schooner measuring "73 by 14 feet" after 10 days of excavation (Merriman 1997:vii). The wreck is the only known scow schooner shipwreck in North Carolina. In addition to these three sites, two sunken barges are reported as Blount Creek Bridge Barge 1 and 2.

SEARCH identified 16 magnetic anomalies and 27 acoustic contacts within the APE, none of which indicate potentially significant submerged cultural resources. A single, square reflector observed in the sub-bottom data was interpreted as remnant material from earlier bridge work. No potential historic resources or areas of high potential for archaeological significance were viewed in the sub-bottom profiler datasets. No evidence of the previously recorded Blount Creek Bridge Barge 1 (PMR0064) was viewed by any magnetic or acoustic dataset. SEARCH recommends no additional archaeological work.

(See attached report for in-depth survey and analysis information)

(This project falls within a North Carolina County in which the following federally recognized tribes have expressed an interest: Catawba Indian Nation. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.)

SUPPORT DOCUMENTATION

| See attached: 🗌 Map | o(s) Previous Survey Info | Photos | Correspondence |
|---------------------|---------------------------|--------|----------------|
| Other: o Signed: | lraft report | | |
| SCOTT HALVORSEN | Scott Halvorsen | | 8/15/2023 |

NCDOT ARCHAEOLOGIST

Date

2020 PROGRAMMATIC AGREEMENT ARCHAEOLOGY TEAM "NO NATIONAL REGISTER ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES PRESENT" FORM

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ATTACHMENT D – SHPO Concurrence of Archaeological No Sites Present Form and Results of In-Water Remote Sensing Survey



North Carolina Department of Natural and Cultural Resources

State Historic Preservation Office Ramona M. Bartos, Administrator

Governor Roy Cooper Secretary D. Reid Wilson Office of Archives and History Deputy Secretary, Darin J. Waters, Ph.D.

October 13, 2023

MEMORANDUM

TO: Matt Wilkerson Environmental Analysis Unit NCDOT Division of Highways mtwilkerson@ncdot.gov

FROM: Ramona M. Bartos, Deputy State Historic Preservation Officer

Relefor Ranona M. Bartos

SUBJECT: Replace Bridge No. 9 over Blounts Creek on SR 1112, Beaufort County, ER 22-3027

We have received the Project Information form and Phase I Submerged Archaeological Resources Survey prepared by SEARCH, Inc. and submitted August 15, 2023, by Scott Halvorsen of your office for the above-referenced undertaking. We have reviewed the submittal and offer the following comments.

We concur that the 16 magnetic anomalies and 27 acoustic contacts identified within the APE do not have properties indicative of potentially significant submerged cultural resources. Additionally, no contacts or areas of high potential for significant submerged cultural resources were indicated by sub-bottom profiler data. Therefore, no additional archaeological investigations are recommended. However, we support adherence to the unanticipated discovery procedures recommended in Appendix C, by SEARCH, Inc.

Please send a hard copy of the archaeology survey report at your earliest convenience.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or <u>environmental review@dncr.nc.gov</u>. In all future communication concerning this project, please cite the above referenced tracking number.

Location: 109 East Jones Street, Raleigh NC 27601 Mailing Address: 4617 Mail Service Center, Raleigh NC 27699-4617 Telephone/Fax: (919) 814-6570/814-6898