

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	B-5639
WBS Element	45594.1.2
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:

The purpose of this project is to replace Bridge No. 36 on NC 11 over Maxwell Creek in Duplin County. The existing bridge was built in 1962 and is 108 feet in length. The project proposes to construct a new 3 span bridge that is 172.5 feet in length with two 12-foot travel lanes and 4-foot 11-inch paved shoulders. The proposed approach roadway will extend approximately 780 feet from the southwest end of the new bridge and approximately 785 feet from the northwest end of the new bridge. The approaches will include two 12-foot travel lanes and 2-foot paved shoulders. Eight-foot grassed shoulders will be included and will widen to 11-feet where guardrail is located. Several utility lines currently located in the road right of way will need to be relocated for the bridge replacement. The roadway is a major collector. It will be designed using 2018 NCDOT Standard Specifications & Drawings design standards with a 60 mile per hour design speed.

Due to limitations with potential off-site detour routes, an on-site detour was selected for this bridge replacement. Based on terrain and wetlands, the on-site detour is proposed to the east, or downstream side of the existing bridge. ROW and a temporary easement will be necessary. The posted speed limit for the detour bridge will be 45 mph.

B. Consultation Phase: (Check one)

- ☐ Right-of-Way
☒ Construction
☐ Other: Identify the trigger – (e.g., design change, change in impacts)

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

- ☒ FHWA Class II (CE) (Type I A) 10/17/2019

D. Changes in Proposed Action & Environmental Consequences:

Water Resources

Water resources and classifications in the project area have not changed since the above referenced document was completed.

Protected Species

As of July 17, 2020, the US Fish & Wildlife Service (USFWS) lists six protected species for Duplin County.

The Natural Resources Technical Report (2016) reached a Biological Conclusion of No Effect for red-cockaded woodpecker due to the absence of habitat. Since the completion of the NRTR, Atlantic pigtoe, Carolina madtom, Neuse River waterdog, and wood stork have been added to the list for Duplin County. The project site is out of the known ranges for Atlantic pigtoe, Carolina madtom and Neuse River waterdog resulting in No Effect Biological Conclusions. Coordination with the U.S. Fish and Wildlife Service in 2020 prior to permitting regarding the wood stork resulted in a Biological Conclusion of May Affect, Not Likely to Adversely Affect. The NRTR listed Atlantic sturgeon and Shortnosed sturgeon as possible species but left the conclusion unresolved. NCDOT staff subsequently determined the Biological Conclusions to be No Effect for both sturgeon species.

Habitat for the bald eagle (*Haliaeetus leucocephalus*) primarily consists of mature forest in proximity to large bodies of open water for foraging. Large dominant trees are utilized for nesting sites, typically within 1.0 mile of open water. 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 July 6, 2015 using 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 January 2021, 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.

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, including all NCDOT projects and activities. Although this programmatic covers Divisions 1-8, NLEBs are currently only known in 19 counties, but may potentially occur in 11 additional 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 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 Divisions 1-8, which includes Duplin County where B-5534 is located. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Historic Architecture and Archaeology

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 that there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

Farmland

No protected farmland soils are present within the project footprint; therefore no notable project impacts to eligible soils may be anticipated.

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:	Martha Register	12/29/2020
Community Planner:	Herman Huang, PhD	12/16/2020
Environmental Specialist:	Gordon Cashin	1/6/2021
FHWA (if applicable):		
Other:	Jerry Snead	9/22/2020

G. Consultation Approval for NCDOT Project B-5639


Prepared By:

1/8/2021

Date

DocuSigned by:

EB45A0CE6204E
Kim L. Gillespie, PE, Project Manager
NCDOT, Project Management Unit

Prepared For:

DocuSigned by:

DD26E67EDFB047E
Jacquelyn Bowles, PE
NCDOT – Structures Management Unit

Reviewed By:

1/8/2021

Date


DocuSigned by:

3383EFCDF0F44B3
Colin Mellor, Eastern Region 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.

1/8/2021

Date

DocuSigned by:

7A712399193C04F72
David Stutts, PE, PEF Project Engineer, Structures Management Unit
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
John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration

H. Project Commitments (as of January 8, 2021)

PROJECT COMMITMENTS

T.I.P Project No. B-5639
Replacement of Bridge No. 36 on NC 11 over Maxwell Creek
Duplin County
WBS Element 45594.1.2

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Current status to the project commitments are printed in italics.

NCDOT 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 October 19, 2019 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP. This commitment has been completed.

NCDOT Division 3 Construction – FEMA Floodplains and Floodways

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.

NCDOT Structures Management Unit – Public Involvement Newsletter

Land Owner Notification Letters were addressed to property owners on February 16, 2016 to inform them of the project.

NCDOT Division 3 – Voluntary Agricultural Districts/Farmland

The parcel in the southwest quadrant of the bridge is one that participates in the Duplin County Voluntary Agricultural District (VAD) program. It is unclear whether active agricultural operations occur within the bridge impact area, as the portion of the VAD in the project area is either jurisdictional wetland and/or woodland. Approximately 0.36 acres of this parcel may be impacted by right-of-way acquisition and land within the VAD may be temporarily converted to non-agricultural use as part of a temporary construction easement.

Section 1002 of Duplin County's Voluntary Agricultural Districts ordinance (<http://www.duplincountync.com/wp-content/uploads/Voluntary-Aq-District-Ordinance.pdf>) addresses the "Expenditure of County Funds for Non-Farm Uses." The enabling ordinance does not appear to exert any authority on government agencies other than Duplin County. Only involuntary acquisition might involve VAD Board review, but in this particular ordinance the Board is not empowered to review involuntary conversion. However, if the property owner filed an appeal, the Board has regular quarterly meetings and may call special meetings as needed. If an appeal is filed, then right-of-way acquisition would be delayed until the hearing is completed. The NCDOT Project Engineer should comply with the requirements of the Duplin County VAD program, as well as contact an NCDOT Public Involvement Officer for help, during the right-of-way acquisition process.

NCDOT Division 3 Construction, Structures Management Unit, EAU – Archaeology

A.M.E. Zion Church Cemetery is located approximately 800 feet south of the bridge on the west side of NC 11. The proposed project does not impact the cemetery, but the project limits are close to the cemetery. Any ground disturbing activities existing ROW in the immediate vicinity of the AME Zion Church Cemetery/Elder Church Cemetery will require additional consultation with the NCDOT Cultural Resources Group. As such, NCDOT has confirmed that there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

COMMITMENTS FROM PERMITTING

Division 3 Construction, Roadside Environmental Unit

Upon completion of the permanent bridge, the temporary detour should be removed immediately. Once the filter fabric (which was to be placed under the temporary fill) is removed please contact the Corps Project manager to schedule an on-site meeting to discuss any remediation activities necessary before replanting as described in the wetland reforestation plan.

Once the site has been replanted, the Department should monitor the site for a minimum of two years to demonstrate site restoration. At the conclusion of the second year an on-site meeting should be scheduled with the Corps project manager to demonstrate site restoration. If the site still shows signs of disturbance a second remediation plan will be necessary or mitigation credits for the failed restoration area.

While moving the utilities the trenched areas should separate the sub soils and topsoil and replace in reverse order to assure the topsoil is placed last. Any extra soil as a result of the pipe displacement should be removed from the project and placed in high ground.

EAU - Environmental Coordination & Permitting

The North Carolina Department of Transportation has committed to conducting a wood stork survey at the project site after the survey window opens on April 15, 2020. The results of the survey must be submitted to the US Fish and Wildlife Service prior to work commencing at the site.

A survey was conducted for wood stork in June 2020 and no birds were found. The U.S. Fish and Wildlife Service has concurred that the appropriate Biological Conclusion for this project is May Affect Not Likely to Adversely Affect.

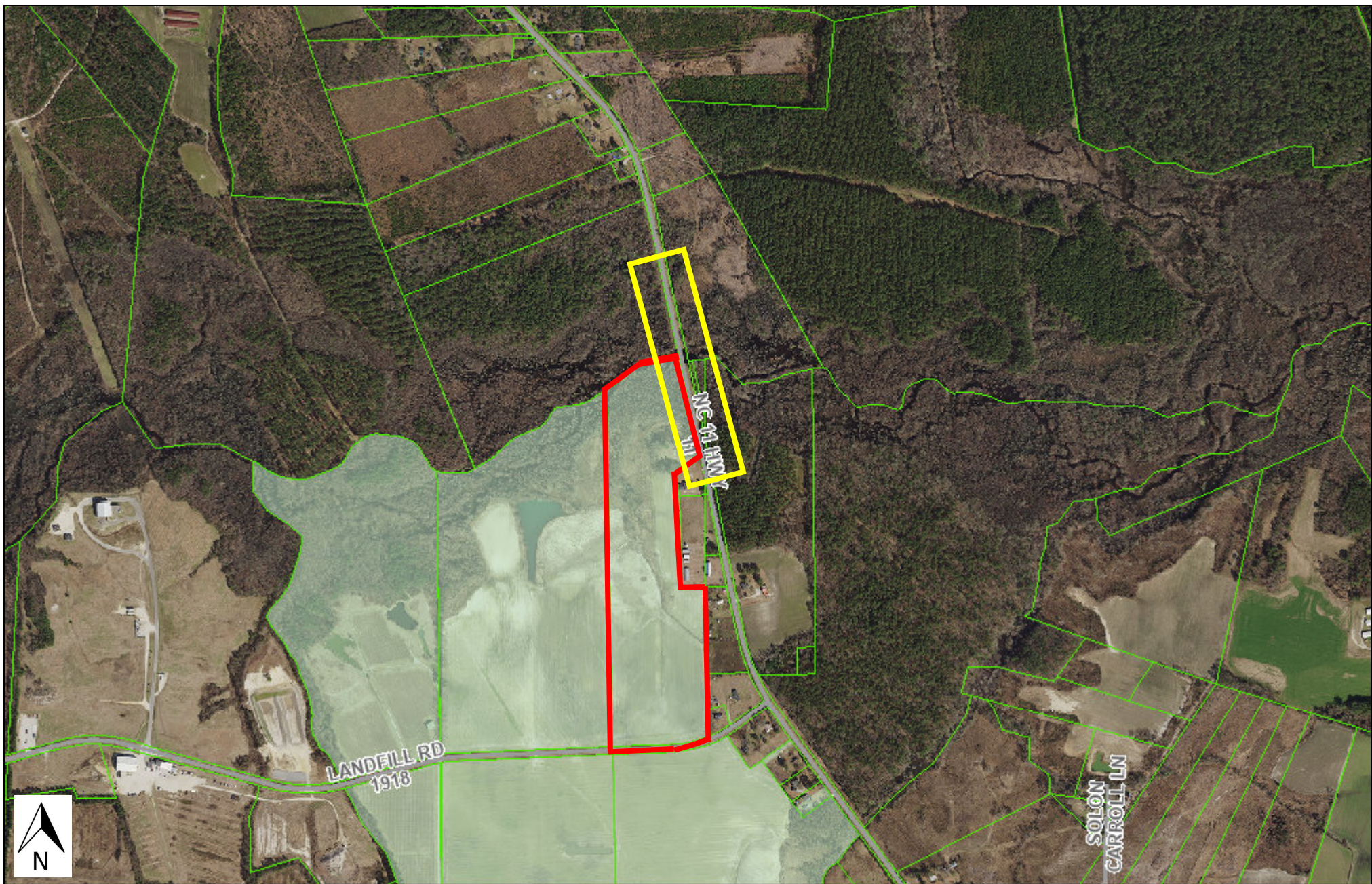


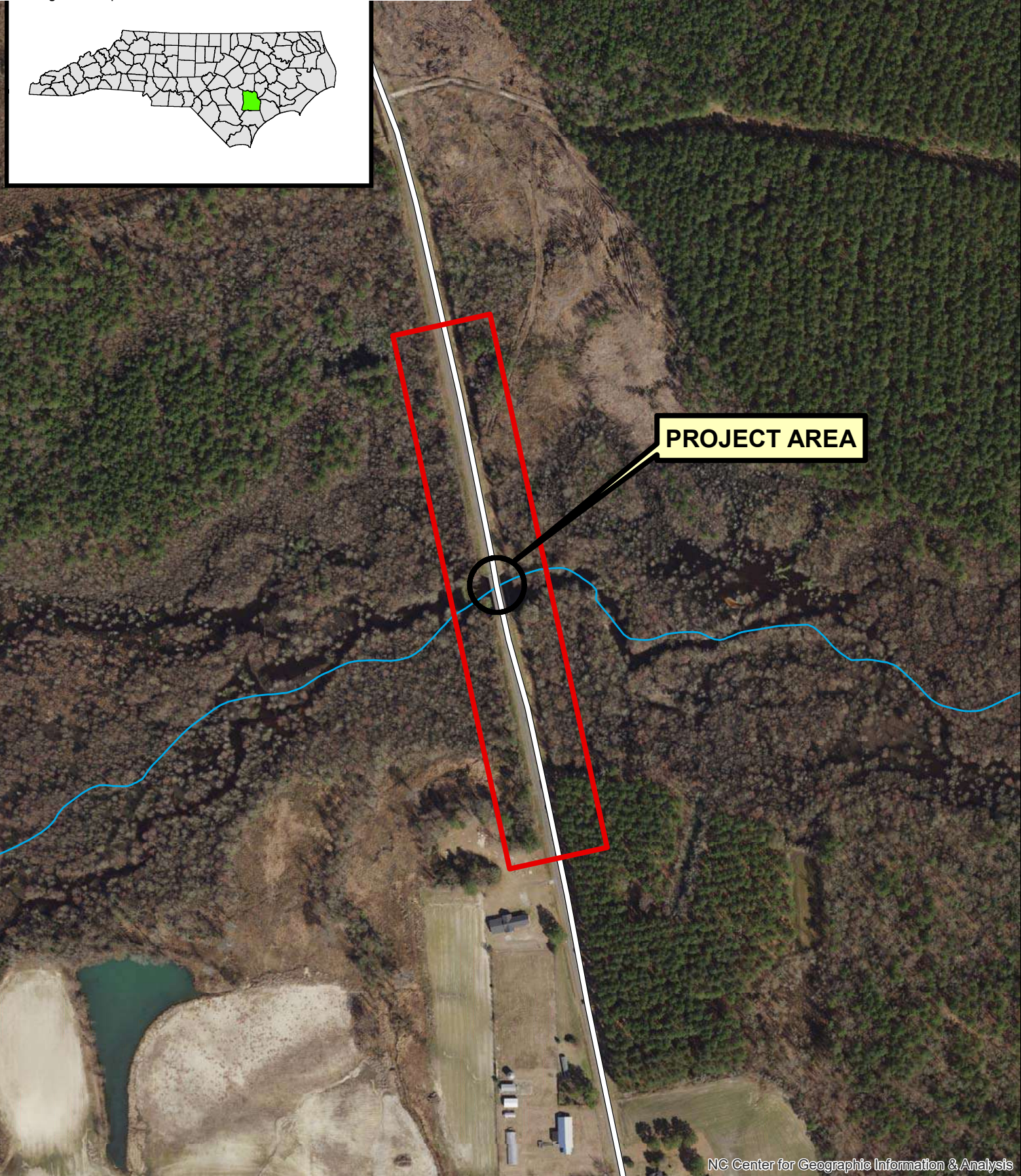


Figure 1
 Affected Voluntary Agricultural District Map
 STIP B-5639
 January 2021
 Division 3
 Duplin County

Legend	
	Affected VAD Parcel
	Study Area





NC Center for Geographic Information & Analysis



NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION
STRUCTURES MANAGEMENT UNIT

**STUDY AREA
REPLACE BRIDGE NO. 36**

 Study Area



County:	Duplin
Division:	3
STIP:	B-5639
Date:	April 12, 2019

**Figure
2**