

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>B-5642</u>
WBS Element	<u>45597.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The proposed project is to replace a structurally deficient bridge. Bridge No. 65 on NC 87 over Batarora Branch in Brunswick County (see attached vicinity map). The existing structure was built in 1973 and has a length of 61 feet with clear roadway width of 29 feet. The proposed bridge is 72.25 feet long with clear roadway width of 39 feet 10 inches. The proposed bridge approaches include approximately 384 feet of approach work from the north end and 394 feet from the south end of the new bridge.

The proposed bridge will be replaced at existing crossing, and traffic will be maintained by an offsite detour during construction phase.

NCDOT Bridge Management Unit records as of March 6, 2019 indicate Bridge No. 65 has a sufficiency rating of 47.57 out of a possible 100 for a new structure. Bridge No. 65 is considered structurally deficient due to a superstructure and substructure condition of 4 out of a possible 9 points.

B. Consultation Phase:

Right-of-Way

C. NEPA/SEPA Class of Action Initially Approved as:

FHWA Class II (CE) 8/20/2019

Additional Notes: Type 1(A)

D. Changes in Proposed Action & Environmental Consequences:

**Changes in Proposed Action**

The project has had no major design changes since the completion of the CE.

**Environmental Consequences**

The design will occur within the study area identified in the 2019 CE for the project.

Water resources

Water resource classifications have not changed since the referenced CE was completed. A review of the NC Surface Water Classifications map hosted by the NC Division of Water Resources in January 2021 shows the stream name at the project site is Batarora Branch, which flows downstream to Hood Creek, not Hold Creek as previous documentation states.

Federal Protected species

Protected species were addressed in the CE, and the Natural Resources Technical Report completed in August 2016. However, the United States Fish and Wildlife Service (USFWS) list of federally protected species for Brunswick County was updated on July 17, 2020.

Table 1. Federally protected species listed for Brunswick County.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	No	No Effect
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect
<i>Alligator mississippiensis</i>	American alligator	T (S/A)	Yes	Not required
<i>Amaranthus pumilus</i>	Seabeach amaranth	T	No	No Effect
<i>Calidris canutus rufa</i>	Red knot	T	No	No Effect
<i>Caretta caretta</i>	Loggerhead sea turtle	T	No	No Effect
<i>Charadrius melodus</i>	Piping plover	T	No	No Effect
<i>Chelonia mydas</i>	Green sea turtle	T	No	No Effect
<i>Dermochelys coriacea</i>	Leatherback sea turtle	E	No	No Effect
<i>Eretmochelys imbricata</i>	Hawksbill (=carey) sea turtle	E	No	No Effect
<i>Lepidochelys kempii</i>	Kemp's (=Atlantic) ridley sea turtle	E	No	No Effect
<i>Lysimachia asperulaefolia</i>	Rough-leaved loosestrife	E	Yes	No Effect
<i>Menidia extensa</i>	Waccamaw silverside	T	No	No Effect
<i>Mycteria americana</i>	Wood stork	T	Yes	MANLAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	Yes	No Effect
<i>Thalictrum cooleyi</i>	Cooley's meadowrue	E	Yes	No Effect
<i>Trichechus manatus</i>	West Indian manatee	T	No	No Effect

T S/A) - Threatened by Similarity of Appearance, ARS – At Risk Species MANLAA – May Affect, Not Likely to Adversely Affect, E – Endangered, T – Threatened

Since the completion of the NRTR, Waccamaw silverside has been added for Brunswick County. The Natural Resources Technical Report (2016) reached a Biological Conclusion of No Effect for shortnose sturgeon, Atlantic sturgeon, seabeach amaranth, red knot, loggerhead sea turtle, piping plover, green sea turtle, leatherback sea turtle, hawksbill sea turtle, Kemp's ridley, rough-leaved loosestrife, Cooley's meadowrue and West Indian manatee.

A Biological Conclusion of No Effect was reached for red-cockaded woodpecker (RCW) after detailed surveys were conducted in 2016. The availability of potential habitat for wood stork resulted in a conclusion of Biological Conclusion of May Affect, Not Likely to Adversely Affect after no storks were observed in March 2016.

Due to the length of time since the NRTR was completed, conclusions need to be updated for rough-leaved loosestrife, Cooley's meadowrue, red-cockaded woodpecker and wood stork. Potential habitat, although not ideal habitat, was observed in the project study area for these four species. Surveys will be conducted for rough-leaved loosestrife, Cooley's meadowrue and wood stork prior to project letting. The 2016 RCW assessment identified foraging habitat within the project study area. A half-mile survey found no nesting habitat or cavity trees. This RCW assessment, including any necessary surveys, will be updated prior to project letting.

### **Waccamaw silverside**

This fish species is primarily found in Lake Waccamaw in Columbus County. The silverside is also found in the upper Waccamaw River, but only during periods of high water and is not a permanent resident. This range is primarily in Columbus County, but extends into Brunswick County.

Biological Conclusion: No Effect

The project study area is outside of the known range of Waccamaw silverside.

### **Bald Eagle**

The NRTR found 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.

### **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, 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 Brunswick County where B-5642 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 1 – June 30 in order to protect non-volant young. Winter roost trees are not considered maternity roost trees.

A review of GIS data on January 4, 2020 confirmed there are no **known** maternity roost trees in Brunswick County, so this clearing moratorium will not apply to B-5642.

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 in Figure 2 of the [2020 PBO](#), which includes Brunswick County.

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

Cultural Resources

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. 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

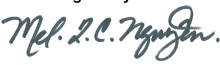
NCDOT personnel have discussed the current project parameters with qualified NCDOT representatives and FHWA (where applicable). The NCDOT Project Manager, Melanie Nguyen, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Adam Conrad, PE (CDM Smith)	1/13/2021
Environmental Specialist:	Gordon Cashin (NCDOT)	1/20/2021
Hydraulics	Brian Radakovic, PE (NCDOT)	1/26/21
Cultural Resource:	Jamie Lancaster, PE (NCDOT)	1/26/21

G. Consultation Approval for NCDOT Project B-5642

**Prepared By:**  
2/3/2021


Date

DocuSigned by:  
  
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Melanie Nguyen, PE  
NCDOT, Project Management Unit – Division 5 & 8

**Prepared For:**  
2/3/2021


Date

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Jacquelyn Bowles, PE  
NCDOT, Structure Management Unit

**Reviewed By:**  
2/3/2021

Date

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Colin Mellor, Team Lead  
NCDOT, Environmental Policy Unit  
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.

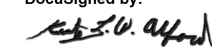
or

**Certified**

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

2/4/2021

Date

DocuSigned by:  
  
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Kristy Alford, PE – Project Engineer – PEF/Program Management  
NCDOT, Structure 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

**Brunswick County**  
**Bridge No. 65 over Batarora Branch on NC 87**  
**WBS No. 45597.1.1**  
**TIP No. B-5642**

*Status for the project commitments as shown in the CE are in italic.*

### **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 August 30, 2019 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP.*

### **NCDOT Division 3 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 3 Construction – Community Coordination**

NCDOT will contact Brunswick County Schools at (910) 253-2880 at least one month prior to construction to coordinate construction activities with school transportation schedules.

- *This commitment is still valid.*

Brunswick County Emergency Services will be contacted at (910) 253-2569 at least one month prior to construction to make the necessary temporary reassignments to primary response units.

- *This commitment is still valid.*

### **EAU-Environmental Coordination & Permitting**

*Updated surveys for rough leaved loosestrife, Cooley's meadowrue and wood stork will be completed at the project site after the appropriate survey windows open in 2021. The results of the surveys will be submitted to the US Fish and Wildlife Service prior to work commencing at the site.*

*Updated analysis of possible impacts of the project on red-cockaded woodpecker will be completed in the spring of 2021. The results of the analysis will be submitted to the US Fish and Wildlife Service prior to work commencing at the site.*



NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION  
DIVISION OF HIGHWAYS

VICINITY MAP  
Replace Bridge No. 65 on NC 87  
over Batarora Branch in Brunswick County  
TIP Project B-5642



Div: 3	TIP# B-5642
Date: DECEMBER 2015	

Figure  
**1**