

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>B-5662</u>
WBS Element	<u>45617.1.2</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT), in consultation with the Federal Highway Administration (FHWA), proposes to replace Bridge No. 93 on NC 561 over Conoconnara Swamp in Halifax County (see Vicinity Map).

Bridge No. 93 will be replaced on the existing alignment and traffic will be maintained on an onsite detour during the construction. The replacement structure will have a minimum clear roadway width of 32 feet, this includes two 12-foot lanes and a minimum of four-foot offsets on each side. The proposed bridge length will be 110 feet in length.

The approach work for the roadway will extend approximately 424 feet from the north end of the proposed bridge and 506 feet from the south end. The roadway will consist of two 12-foot lanes with six-foot shoulders, nine-foot with guardrail.

The purpose of this project is to replace a bridge built in 1939 that is structurally deficient. The existing structure length of the Bridge No. 93 is 68 feet with a clear roadway width of 30 feet. The NCDOT Bridge Management Unit records indicate the existing structure has a sufficiency rating of 35 out of a possible 100 for a new structure. Replacement of the bridge is needed to provide safe access and mobility in the study area.

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) September 6, 2019

Additional Notes: Categorical Exclusion (CE) Type I (A)

D. Changes in Proposed Action & Environmental Consequences:

There have been no significant changes in the final design since the completion of the CE.

Water Resources

Water resource classifications have not changed since CE was completed.

Protected Species

There are no changes in the potential environmental effects from those presented in the Type I (A) Categorical Exclusion (CE) and Natural Resources Technical Report (2016) which reached Biological Conclusions of No Effect for red cockaded woodpecker, Tar River spiny mussel and dwarf wedgemussel due to the absence of habitat. The CE reached a Biological Conclusions of No Effect for Atlantic Sturgeon and shortnose sturgeon following coordination with the National Marine Fisheries Service in 2018. Additional protected species have been listed since the CE was completed. Based on surveys in July 2019 it has been concluded No Effect for green floater and Atlantic pigtoe. A Biological Conclusions of No Effect has been determined for the Carolina madtom, Neuse River waterdog and yellow lance due to the project's location being outside of the known range of the species.

The United States Fish and Wildlife Service (USFWS) list of federally protected species for Halifax County was update on July 17, 2020 and lists ten federally protected species as “at risk”, “threatened”, or “endangered”.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Fusconaia masoni</i>	Atlantic pigtoe	ARS	No	No Effect
<i>Noturus furiosus</i>	Carolina madtom	ARS	No	No Effect
<i>Alasmidonta hetrodon</i>	Dwarf wedgemussel	E	No	No Effect
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	Yes	No Effect
<i>Lasmigona subviridis</i>	Green floater	ARS	Yes	No Effect
<i>Necturus lewisi</i>	Neuse River waterdog	ARS	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	Yes	No Effect
<i>Parvaspina steinstansana</i>	Tar River spiny mussel	E	No	No Effect
<i>Elliptio lanceolata</i>	Yellow lance	T	No	No Effect

E – Endangered
ARS—At Risk Species
T—Threatened

Bald Eagle Golden Eagle Protection Act

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 project study area, as well as the area within a 1.13-mile radius (1.0 mile plus 660 feet) of the project limits, was performed on June 25, 2015 using 2013 color aerials. One body of water sufficiently large enough to be considered potential feeding sources was identified. A survey of the area within 660 feet of the project limits was conducted and no nests were observed. Additionally, a review of NCNHP records, updated October 2020 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 to occur 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 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 Halifax County where B-5662 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.
- 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 Halifax County.

Archaeology & Historic Architecture

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. 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. The NCDOT Project Manager, Elmo Vance, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Dewayne Sykes- KCI	Dec 7, 2020
Environmental Specialist:	Gordon Cashin- NCDOT	Nov 24, 2020
NCDOT Culture Resources	Jamie Lancaster- NCDOT	Nov. 16, 2020

G. Consultation Approval for NCDOT Project B-5662

Prepared By:

1/5/2021

Date

DocuSigned by:
Elmo Vance
64D0D89D692A44C

Elmo Vance
NCDOT, Project Management Unit

Prepared For:

DocuSigned by:
Jacquelyn Bowles
DD26E87EDFB647E...

Jacquelyn Bowles, PE
NCDOT, Structures Management Unit

Reviewed By:

1/5/2021

Date

DocuSigned by:
Colin Mellor
33883EFFF0F44D3...

Colin Mellor, 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.

1/5/2021

Date

DocuSigned by:



A4A2999A8BC64F2

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.

N/A

Date

N/A

John F. Sullivan, III, PE Division Administrator
Federal Highway Administration

H. Project Commitments (as of December 31, 2020)

**Halifax County
Bridge No. 93 on NC 561
Over Conoconnara Swamp
WBS No. 45617.1.1
TIP No. B-5662**

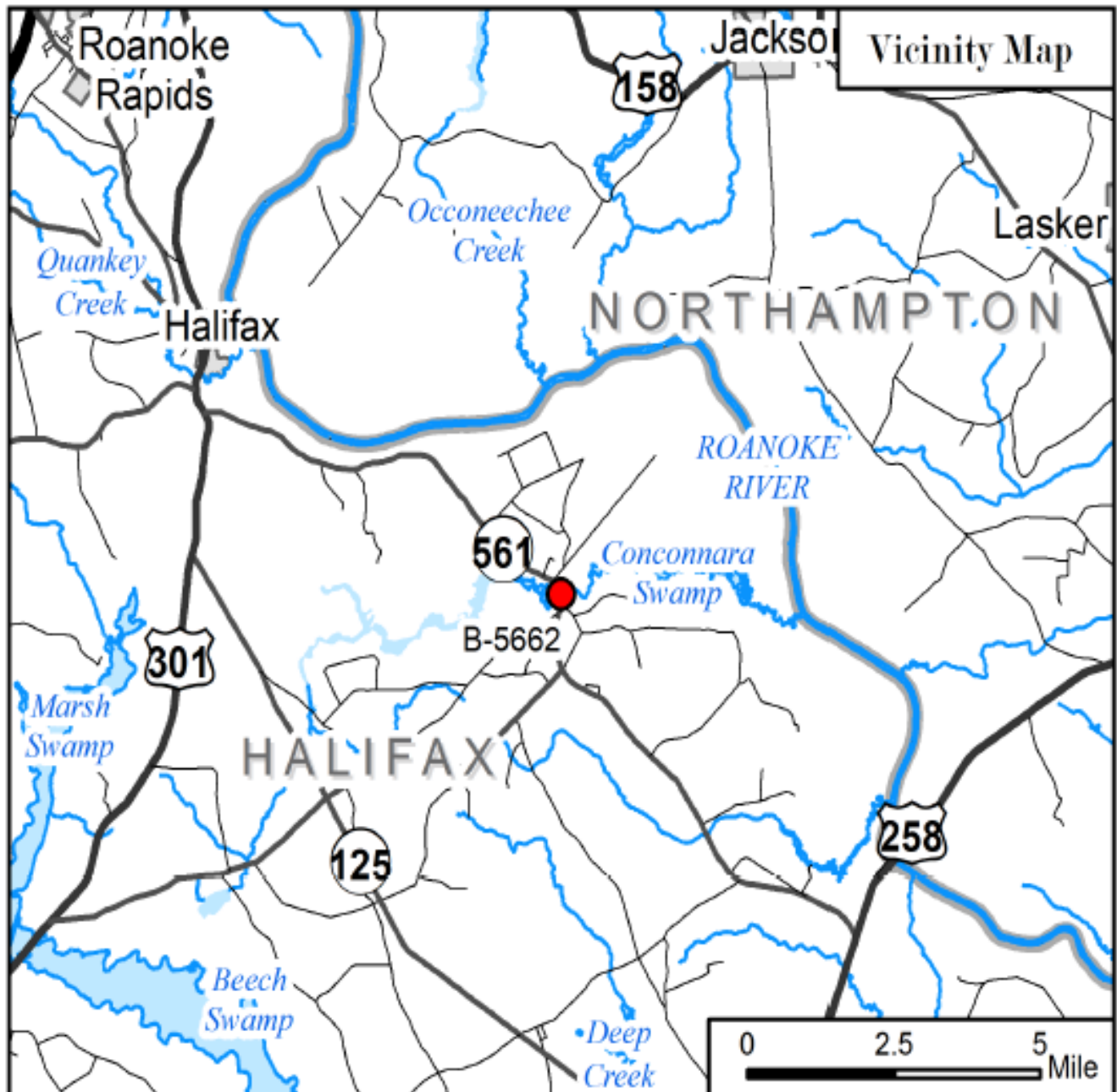
COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

No special commitments were made during project development and design.










COMMITMENTS FROM PERMITTING

No special commitments were made during permitting.

Vicinity Map



LEGEND

-  B-5662
-  River/Streams
-  Interstate
-  Water Bodies
-  US Highway
-  Municipal Boundaries
-  NC Route
-  County Boundary
-  Local Roads

