

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	B-5670
WBS Element	45625.1.1
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:

The proposed project involves replacing Bridge No. 29 on US 64ALT over Tar River in Nash County. Construction is scheduled to begin November 2022.

Bridge No. 29 will be replaced on the existing alignment. The replacement structure will have a minimum clear roadway width of 36 feet. The bridge will include two twelve-foot lanes and six-foot shoulders on each side. The roadway grade of the new structure will be slightly higher than the existing bridge, by approximately three feet on the east end of the bridge and by approximately one foot on the west end. A design exception was approved for the maximum grade of five percent, where a slightly higher (5.3 percent) grade was required to tie in to the existing grade. The approach roadway will extend approximately 485 feet to the west of the proposed bridge and 355 feet to the east of the proposed bridge. The approach roadway will consist of two 12-foot lanes with 8-foot shoulders (11-foot with guardrail). The existing right-of-way width is 150 feet. It is asymmetrical with 50 feet along the north and 100 feet along the south. The proposed right-of-way is 70 feet along the north side and does not change along the south side. It is anticipated that a small (1000 SF) Temporary Drainage Easement (TDE) is needed to build the project.

The project will replace the existing bridge that is functionally obsolete due to a deck rating of 4 out of 9. Ongoing and continued maintenance would not address the deficient deck rating.

Due to available nearby alternative routes of this major collector, traffic will be detoured off-site during the construction period (see Vicinity Map). The proposed detour is approximately 5.5 miles long and includes includes US 64 and NC 581. Local access to active farming in the immediate vicinity of the bridge replacement will be maintained during the construction period.

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)



Additional Notes: None

D. Changes in Proposed Action & Environmental Consequences:

There have been no significant changes to the project design or context. However, listed protected species have changed, and programmatic agreements have been updated.

Four species have been added to the protected species list: Atlantic pigtoe, Carolina madtom, yellow lance, and Neuse River waterdog. A freshwater mussel and fish survey completed in October 2017 identified suitable habitat for all four species in the project area. A biological conclusion of May Affect, Likely to Adversely Affect was given for all four species, and USFWS Section 7 concurrence will be satisfied using two Programmatic Biological Opinions (PBO). One PBO addresses Atlantic pigtoe, Tar River spiny mussel, and yellow lance. A second PBO will be used for Carolina madtom and Neuse River waterdog.

In addition, Atlantic surgeon has been added as a protected species under the National Marine Fisheries Act. While Tar River is designated as Critical Habitat for Atlantic sturgeon, this project is above the Rocky Mount Dam and will not have an effect on the species.

The US Fish and Wildlife Service has revised the previous 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 22 counties, but may potentially occur in 8 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 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 Nash County, where B-5670 is located.

A survey conducted in June 2020 for Michaux's sumac did not find the species within the study area, confirming the biological conclusion of "No Effect".

Letters were sent to the Catawba Indian Nation and Tuscarora Indian Nation in August 2022 informing them of the project and inviting comments. No comments were received.

E. Conclusion:

The above NEPA/SEPA documentation has been reevaluated as required 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, Tierre Peterson, hereby verifies the involvement of the following staff and the incorporation of their technical input:

KCI Design Engineer:	Dewayne Sykes	9/12/22
Environmental Specialist:	Deanna Riffey	10/11/22
FHWA (if applicable):	N/A	Date
Other:	Name	Date

G. Consultation Approval for NCDOT Project B-5670**Prepared By:**

10/26/2022

Date

DocuSigned by:

Dewayne Sykes

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Dewayne L. Sykes, PE, Project Manager
KCI**Prepared For:**

DocuSigned by:

Jacquelyn Bowles

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Jacquelyn Bowles, PE
NCDOT, Structures Management Unit**Reviewed By:**

10/26/2022

Date

DocuSigned by:

Collin Mellor

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Collin Mellor
Eastern 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.

10/26/2022

Date

DocuSigned by:

Kristy Alford

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Kristy Alford, PE – Project Engineer – Field Operations
NCDOT, Structure 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

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

H. Project Commitments (as of 10/13/2022)

Nash County
Bridge N. 29 on US 64 ALT over Tar River.
WBS No. 45625.1.1
TIP No. B-5670

Updates to project commitments shown in italics.

Hydraulics Unit

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP) to determine the status of the project with regard to the 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). *The Memorandum of Agreement was approved for this project on June 15, 2022.*

Division 4 Construction

According to the Nash County Public Schools Assistant Director of Transportation, anytime school is in session, detours disrupt transportation system and any roadway closure related to this project will have a moderate impact on the county school system. Nash County Emergency Services Director also mentioned that any detour could delay response time for emergency services and cause moderate impacts on EMS services. There are concerns with a delay in response to the populated area west of the bridge and a detour would have an adverse impact on response times in this section.

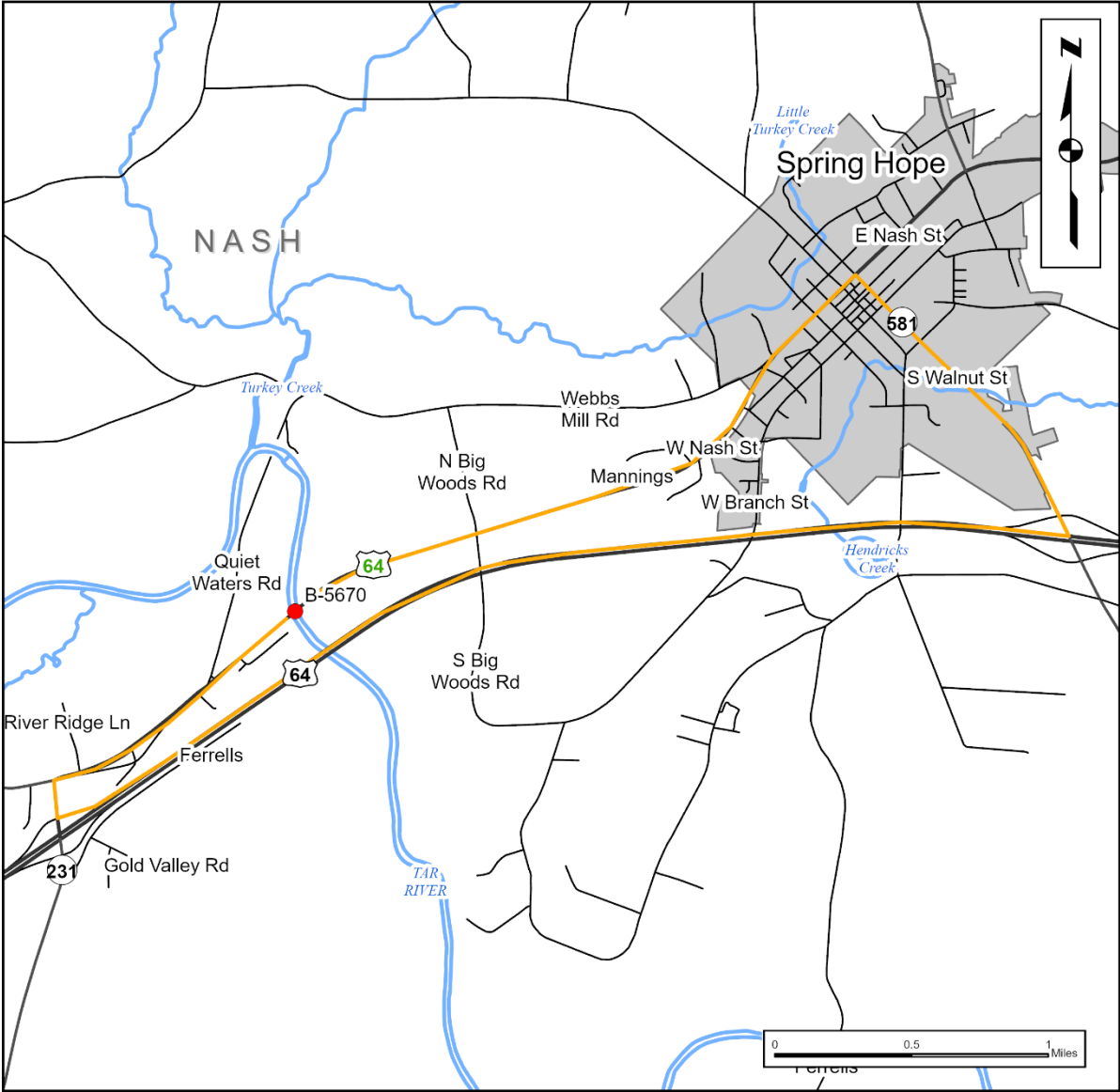
NCDOT will contact Nash County EMS at 252-459-1634 and Nash County Public Schools at 252-462-2480 at least 1 month prior to road closure.

COMMITMENTS FROM PERMITTING

Environmental Analysis Unit-Biological Surveys Group/ Division 4 Construction


Section 7 compliance for the Atlantic pigtoe, Tar River spiny mussel, and Yellow lance has been met through the Eastern Mussel Programmatic Biological Opinion (PBO) and the Neuse River waterdog and Carolina Madtom which has been met through the Carolina Madtom and Neuse River Waterdog Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO(s) indicates the following biological conclusions: Atlantic pigtoe, Tar River spiny mussel, Yellow lance, Neuse River waterdog, and Carolina Madtom: May Affect, Likely to Adversely Affect. The Department will adhere to the PBO(s) Methodology, Conservation Measures, Reasonable and Prudent Measures, Terms and Conditions, and Monitoring and Reporting Requirements. Payment to the NC Nongame Aquatic Species Fund will be submitted pursuant to the agreement by appropriate parties.

Vicinity Map



— Detour Route



	NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
	NASH COUNTY REPLACE BRIDGE NO. 29 ON US 64 ALT OVER TAR RIVER TIP PROJECT B-5670
	VICINITY MAP





STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

DATE: October 11, 2022

MEMORANDUM TO: Tierre Peterson, Project Manager

FROM: Deanna Riffey, Environmental Program Consultant
Environmental Analysis Unit

SUBJECT: B-5670 Water Resources and Protected Species Review for
Construction Consultation

REFERENCE: 1) B-5670 Natural Resources Technical Report (NRTR), September 2016
2) B-5670 Minimum Criteria Determination Checklist (MCDC), June 2019

The following memorandum provides information to assist in the preparation of a FHWA Construction Consultation for the proposed project. It addresses water resources and federally protected species, under the Endangered Species Act (ESA), potentially impacted by the project and serves to update the previously submitted documents with respect to these issues for B-5670. B-5670 proposes to replace bridge No. 29 on US 64 Alternate over the Tar River in Nash County.

WATER RESOURCES

Water resources in the study area remain unchanged since the NRTR and MCDC were completed. The Tar River and two unnamed tributaries (UT) to the Tar River (SA and SB) are the only water resources in the project area. All three streams are perennial streams that are located in the Tar-Pamlico River Basin. All three streams are subject to the Tar-Pamlico Buffer Rules.

One wetland is present in the study area and has not changed since the NRTR and MCDC were completed.

FEDERALLY PROTECTED SPECIES

The United States Fish and Wildlife Service (USFWS) list the following federally protected species within the study area, under the Endangered Species Act (ESA) (Table 1). Also, a protected species has been listed under National Marine Fisheries. ESA species have changed since the NRTR and MCDC document. See Table 1 for the presence or absence of habitat and the Biological Conclusion rendered based on survey results in the study area.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

Telephone: (919) 707-6000
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610

Table 1. ESA federally protected species within the Study Area¹

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Fusconaia masoni</i>	Atlantic pigtoe	T	Yes	MA-LAA
<i>Acipenser oxyrinchus oxyrinchus*</i>	Atlantic sturgeon	E	No	No Effect
<i>Haliaeetus leucocephalus</i>	Bald Eagle	BGPA	Yes	No Effect
<i>Noturus furiosus</i>	Carolina madtom	E	No	MA-LAA
<i>Rhus michauxii</i>	Michaux's sumac	E	Yes	No Effect
<i>Necturus lewisi</i>	Neuse River waterdog	T	Yes	MA-LAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Parvaspina steinstansana</i>	Tar River spiny mussel	E	Yes	MA-LAA
<i>Elliptio lanceolata</i>	Yellow lance	T	Yes	MA-LAA

¹ IPaC data checked on October 6, 2022

E – Endangered; T= Threatened; MA-LAA = May Affect Likely to Adversely Affect; BGPA –Bald and Golden Eagle Protection Act; * National Marine Fisheries

Atlantic pigtoe, Carolina madtom, yellow lance, and Neuse River Waterdog have been added to the USFWS protected species list for B-5670 study area. A Freshwater Mussel and Fish Survey Report was completed in October 2017, which included Atlantic pigtoe, Carolina madtom, yellow lance, and Tar River spiny mussel. Suitable habitat for all four species is present in the project area. Habitat is also present for the Neuse River waterdog in the project area. Due to all five species having habitat presence and all but yellow lance being in an identified stream reach (ISR) a biological conclusion of May Affect, Likely to Adversely Affect was given. A Programmatic Biological Opinion (PBO) will be used for Atlantic pigtoe, Tar River spiny mussel, and yellow lance and a second PBO will be used for Carolina madtom and Neuse River waterdog to satisfy USFWS Section 7 concurrence.

Atlantic sturgeon has been added under the National Marine Fisheries protected species for B-5670. The Tar River is designated as Critical Habitat for the Atlantic sturgeon; however, the project is above the Rocky Mount Dam and will not have an effect on the Atlantic sturgeon. A review of North Carolina National Heritage Program (NCNHP) records, updated April 2022, did not identify any known populations of Atlantic sturgeon located within 1.0 mile of the project area.

The species below have had updated surveys or updated programmatic biological opinion (PBO) language since the NRTR or MCDC were completed.

Michaux's sumac

USFWS optimal survey Window: mid-June - early July

Michaux's sumac habitat is found within the project study. A resurvey was done on June 25, 2020 to update the June 2016 survey. Michaux's sumac was not found within the study area during the June 2020 resurvey. A review of North Carolina National Heritage Program (NCNHP) records, updated April 2022, did not identify any known populations of Michaux's sumac located within 1.0 mile of the project area. Michaux's sumac biological conclusion of “**No Effect**” remains valid.

There has been a change in the PBO language for the Northern long-eared bat. The biological conclusion remains valid. See below for the revised PBO language.

Northern long-eared bat

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 22 counties, but may potentially occur in 8 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 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 Nash County, where B-5670 is located.

The NCNHP was last updated April 2022 and was reviewed for nearby NLEB roost trees for B-5670. No roost trees are located in Nash County.