

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>B-5671</u>
WBS Element	<u>45626.1.2</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The proposed project involves replacing Bridge No. 87 on NC 97 over Swift Creek in Edgecombe County (see attached vicinity map). The existing structure has a length of 187 feet with a clear roadway width of 26.2 feet. The proposed bridge is 200 feet long and includes approximately 400' of approach work on both sides. Proposed clear roadway width on the new structure is 32 feet.

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

The NCDOT Structure Management Unit records indicate the existing structure has a sufficiency rating of 64.71 out of a possible 100 for a new structure and a rating of 5 out of 9 for the superstructure and substructure. The bridge was built in 1951 and has had priority maintenance performed on the superstructure and substructure. This maintenance is only considered to be temporary. While the bridge is not currently structurally deficient, the bridge substructure is experiencing continuing deterioration, and the rating is expected to drop from good to fair condition prior to the planned bridge replacement. Replacement of the bridge is needed to provide safe access and mobility in the study area in the long term.

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) 9/9/2019

Additional Notes: Type I(B)

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

The water resource classifications for the streams identified in the Categorical Exclusion Type I(B) remain accurate.

### Federal Protected species

The list of protected species has not changed for this project since completion of the Categorical Exclusion. All biological conclusions stated in the Categorical Conclusion for the protected species remain valid. An updated survey for red-cockaded woodpecker was conducted on November 30, 2020. No species were observed.

The US Fish and Wildlife Services (USFWS) has listed the Carolina madtom, Neuse River waterdog, Atlantic pigtoe and green floater as At-Risk Species (ARS) for Edgecombe County. These species may receive federal protection during the construction of the project. Mussel surveys for these species, as well as the previously listed species, have been conducted and updated as of May 15, 2019. Due to the project being located within a known Identified Stream Reach (ISR) for the Carolina madtom and Neuse River waterdog, surveys were not required. The biological conclusions for Carolina madtom, Neuse River waterdog and Atlantic pigtoe are “May Affect, Likely to Adversely Affect”. The biological conclusion for green floater is “May Affect, Not Likely to Adversely Affect”. If these species receive their federal protective status during construction of the project, further coordination will be required with the USFWS to satisfy Section 7 of the Endangered Species Act (ESA).

Due to the “May Affect, Likely to Adversely Affect” conclusion for the Tar River spiny mussel, payment into the N.C. Non-Game Aquatic Species Fund as set forth in the Freshwater Mussel Programmatic Biological Opinion (PBO) has been made to satisfy Section 7 of the Endangered Species Act (ESA) for this project.

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) 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 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 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 Edgecombe County, where B-5671 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](#).

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, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Bryan E. Hough, PE	12/3/2020
Environmental Specialist:	Chris Rivenbark	11/12/20
FHWA	Bill Marley	12/18/20
Cultural Resource	Jamie Lancaster	11/19/20

G. Consultation Approval for NCDOT Project B-5671

**Prepared By:**  
1/4/2021

DocuSigned by:  
*Mel. N. Nguyen*  
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Date

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

**Prepared For:**  
1/4/2021

DocuSigned by:  
*Jacquelyn Bowles*  
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Date

Jacquelyn Bowles, PE  
NCDOT, Structure Management Unit

**Reviewed By:**  
1/5/2021

DocuSigned by:  
*Colin Mellor*  
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Date

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.


1/5/2021  
\_\_\_\_\_  
Date

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David Stutts, PE – Project Engineer – PEF/Program Management  
NCDOT, Structure Management Unit

FHWA Approved:

1/5/2021  
\_\_\_\_\_  
Date

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

## H. Project Commitments (as of December 2020)

**Edgecombe County  
Bridge No. 87 on NC 97 over Swift Creek  
WBS No. 45626.1.2  
TIP No. B-5671**

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

### **NCDOT Division 4 Construction Moratorium**

Town Creek is designated by the North Carolina Wildlife Resources Commission (NCWRC) as an Anadromous Fish Spawning Area. As a result, an in-water construction moratorium will be in effect from February 15 to June 30.

- *This commitment remains valid.*

### **NCDOT Division 4**

Due to possible disruption of access and EMS response delays and public schools transportation, it is recommended that NCDOT coordinate with the county EMS ((252) 641-7835) and Public Schools ((252) 641-2600) to minimize potential impact.

- *This commitment remains valid.*

### **NCDOT Division 4 Buffer Rules – Protected Species**

Streamside riparian zones within the study area are protected under provisions of the Tar Pamlico Buffer Rules administered by NCDWR. Potential impacts to protected stream buffers will be determined once a final alignment and design have been determined. In addition, formal consultation for Tar River Spiny mussel and informal concurrence for Yellow lance from USFWS has been satisfied.

- *Permit drawing have been completed with potential impacts to protected stream buffers.*
- *Section 7 for this project has been satisfied by payment to the N.C. Non-game Aquatic Species Fund as set in the USFWS Programmatic Biological Opinion for freshwater mussels.*

## **COMMITMENTS FROM PERMITTING**

### **Division 4 Construction, Roadside Environmental Unit - Protected Species**


*Conservation Measures (Section 2.5), RPM 2 of the Reasonable and Prudent Measures (Section 9.2), as well as T&C 2 of the Terms and Conditions (Section 9.3) of the Revised Mussel Programmatic Biological Opinion will be adhered to during construction.*

### Vicinity Map



— Detour Route



	NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
	<b>EDGECOMBE COUNTY                  REPLACE BRIDGE NO. 87                  ON NC 97 OVER A SWIFT CREEK                  TIP PROJECT B-5671</b>
VICINITY MAP	