

North Carolina Department of Transportation
NEPA/SEPA Consultation Form

TIP Project No. **B-5831**

WBS Element **45784.1.2**

Federal Aid Project No. **NHP-0077(006)** *construction only*

A. Project Description, Location, and Purpose:

This project replaces Bridge 850006 on I-77 NBL over the Yadkin River, Norfolk Southern Railroad, and NC 268 in Yadkin and Surry Counties. The bridge will be replaced in place. Traffic will be maintained on-site. Traffic will be shifted to the existing south bound bridge (Bridge 850013) during construction. Crossovers will be utilized. The crossover length will be approximately 2,300-feet to the north and 1,800-feet to the south. The project is shown in Figure 1.

The replacement structure will utilize 63-inch Florida I-beams. The 7-span structure will be approximately 815-feet long and include two 12-foot travel lanes and 12-foot offsets. The bridge length is based on preliminary design information and is set by minimum vertical roadway clearance requirement and horizontal requirements.

The bridge and approach project construction on I-77 NBL will extend approximately 825-feet from the southern end of the new bridge and 325-feet from the northern end of the new bridge. The approaches will provide two 12-foot travel lanes with 4-foot paved shoulders inside and 12-foot paved shoulders outside.

NC 268 will be widened to the north under I-77 for 550-feet to include a 6-foot shoulder (9-feet with guardrail).

The purpose of this project is to replace a fifty-eight year old bridge. NCDOT records indicate Bridge 850006 was built in 1965. The bridge is considered functionally obsolete due to a deck geometry of 3 out of 9 and an approach alignment of 3 out of 9 according to Federal Highway Administration (FHWA) standards. Continued maintenance is a temporary solution to prolong the life of the fifty-eight year old structure which needs replacement.

B. Consultation Phase:



Right-of-Way

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

FHWA Class II (CE) 07.20.2020 TYPE 1(A)

D. Changes in Proposed Action & Environmental Consequences:

Design Changes

There have been no substantial design changes since the July 2020 CE.

Water Resources

The classification of the jurisdictional stream within the project area, Yadkin River, has not changed since the May 2020 NRTR Addendum and July 2020 CE. Water resources and classifications in the project study area have not changed since the July 2020 CE. No jurisdictional wetlands were identified in the study area.

Geoenvironmental

A spill occurred on I-77 south of MM83 in the Town of Elkin on August 22, 2020, in the southbound lane along the right side of the road at the bridge rail. An undetermined amount of diesel fuel was lost. A majority of the fuel spilled onto I-77 and drained through a vertical pipe into a bed of rip rap beneath the bridge. Excavation of the diesel fuel contaminated soil and rip rap was performed on August 24, 2020. No groundwater or competent rock was discovered during the excavation.

The NCDEQ Division of Waste Management Section provided a Notice of No Further Action (October 14, 2020) for the incident since soil contamination after cleanup does not equal or exceed the TPH action level. NCDOT concurs with the findings.

Archaeology

NCDOT examined topographic maps, soil surveys, aerial photography, listings of previously recorded sites, previous archaeological surveys, and previous reviews at the Office of State Archaeology. A visual reconnaissance of the project area was conducted in February 2016. There are no previously recorded sites within or adjacent to the APE. The APE has not been previously surveyed for archaeological sites. Land on both sides of the river appears to have low potential for archaeological sites. This project was reviewed in July 2020 and on October 6, 2023; it was determined that conditions and previously examined maps and files had not changed since the 2016 archaeological screening. A finding of *No Archaeology Survey Required* was rendered for this project on April 12, 2016, and remains valid.

Historic Architecture and Landscapes

A historic architectural review of the project area was undertaken in February 2016, and it was determined that there are no NR, DE, LL, SL, OR SS in the area of potential effects (APE). There are no National Register listed or eligible properties within the APE. This project was reviewed in May 2020 and on September 12, 2023; it was determined that conditions had not changed since the original screening that would alter the original no survey call. A finding of *No Survey Required* was rendered for this project on February 8, 2016, and remains valid.

Tribal Resources

One Federally recognized tribe with interests in Yadkin and Surry Counties, the Catawba Indian Nation, was notified in 2020 of this proposed project. The response received in July 2020 indicated no immediate concerns but requested notification if Native American artifacts and/or human remains are located during ground disturbing activities.

Protected Species

The USFWS IPaC data, reviewed on August 10, 2023, identified four species that could occur in or near the project area. Updated surveys will be conducted and concurrence from USFWS will be obtained prior to permit acquisition.

Schweinitz's sunflower: A pedestrian survey conducted in September 2016 and September 2018 did not find any individuals; although, suitable habitat does exist. NCNHP records, updated July 2023, indicated no known occurrences within 1.0 mile of the study area. Due to the lack of individuals, a biological conclusion of *No Effect* is rendered for this species in 2016 and 2018. Resurveys for this species will be conducted within 2 years of the Let date for this project.

Gray bat: USFWS and NCWRC data indicate that the closest known occurrence of MYGR is approximately 13.5 miles northeast of the site. NCNHP records, updated July 2023, indicated no known occurrences within 1.0 mile of the study area. A July 2021 survey determined that suitable roosting habitat was present in the project area. Based upon the bridge type, and lack of caves or mines in the project vicinity, a biological conclusion of *May Affect, Not Likely to Adversely Affect* was rendered for gray bats in 2021. Resurveys for this species will be conducted within 2 years of the Let date for this project.

Tricolored Bat: USFWS has added the Tricolored bat (*Perimyotis subflavus*) as “Proposed Endangered” and may be listed for the project study area. NCNHP records, updated July 2023, indicated no known occurrences within 1.0 mile of the study area. Habitat is present in potential roost trees and within bridges and culverts. Should the species become listed then NCDOT will need to reconsult with USFWS and may have additional project commitments implemented.

Northern long-eared bat and Small whorled pogonia: These species are not listed as being within range of the proposed project per USFWS IPaC data as of August 10, 2023. NCNHP records, updated July 2023, indicated no known occurrences within 1.0 mile of the study area.

Bog Turtle: Habitat for the bog turtle is not present in the study area. This species is listed as Threatened due to Similarity of Appearance; therefore, it is not afforded protection under Section 7 of the Endangered Species Act and does not require a biological conclusion. A search of the NCNHP database, updated July 2023, indicates no known occurrences of this species within 1.0 mile of the project study area.

Bald Eagle: The Yadkin River is large enough to support foraging habitat for the bald eagle. A review of the NCNHP database, updated July 2023, revealed no known occurrence of this species within 1.0 mile of the project study area. No individuals or nests were observed during the field review conducted on June 25, 2019.

E. Conclusion:

The above NEPA 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 documents unless noted otherwise herein. Therefore, the original Administrative Action remains valid.

F. Coordination

TGS personnel have shared TIP B-5831 current project parameters with qualified NCDOT and TGS representatives. TGS Project Engineer, Stacy Oberhausen, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

TGS Design Engineer/Project Manager:	Marcus Lowery, PE, PLS	08.07.2023
TGS Hydraulics Engineer:	Rusty Lassiter	08.07.2023
NCDOT Senior Environmental Specialist – ECAP, Western Region:	Bill Barrett	08.23.2023
NCDOT Division 11 Environmental Officer	Kevin Hining	08.10.2023
NCDOT Division 11 Construction Engineer	Ivan Dishman, PE	08.09.2023

G. Consultation Approval for NCDOT Project B-5831**Prepared by:** 10/16/2023 | 8:01 AM EDT

Date

DocuSigned by:

*Stacy Oberhausen*Stacy B. Oberhausen, PE, CPM
TGS Engineers**Prepared for:** 10/16/2023 | 1:15 PM EDT

Date

DocuSigned by:

*Tierre R. Peterson*Tierre R. Peterson, PE
NCDOT, Structures Management Unit**Reviewed by:** 10/16/2023 | 1:58 PM EDT

Date

DocuSigned by:

*John Jamison*John Jamison, Environmental Policy Unit Head
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.

10/16/2023 | 11:00 AM PDT

Date

DocuSigned by:

*David Statts*David Statts, 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

Date

N/A

William G. Marley, III, Planning and Environmental Engineer
Federal Highway Administration

H. Project Commitments (as of 10.16.2023)

TIP No. B-5831
Replace Bridge No. 6 on I-77 NBL over
the Yadkin River, Norfolk Southern Railroad, and NC 268
Yadkin and Surry Counties
WBS No. 45784.1.2
Federal Aid No. NHP-0077(006) *construction only*

The current status for the project commitments as shown in the CE are printed in italics

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

NCDOT Hydraulics Design Unit and Division 11– Construction in FEMA Floodplain

This project involves construction activities on or adjacent to FEMA-related stream(s). Therefore, the Division shall: (1) construct all vertical and horizontal elements within the floodplain as designed; and (2) consult with the Hydraulics Unit of any planned deviation of these elements within the floodplain prior to commencing any such changes; and (3) submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction. The Hydraulics Unit will then verify either: (1) the drainage structure(s) and roadway embankment located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically; or (2) any changes made to the plans were reviewed and approved to meet FEMA SFHA compliance; or (3) appropriate mitigation measures will be achieved prior to project close-out.

Structures Management Unit – Greenway Coordination

NCDOT will continue coordination with PTRC and Yadkin County to provide adequate clearance under the proposed bridge to accommodate a future greenway and continued coordination during the final design phase.

08.31.2023: NCDOT SMU will continue coordination with PTRC and Yadkin County.

NCDOT will continue coordination with PTRC and Yadkin County on all existing and proposed greenways within the project the project limits.

Division 11 and Structures Management Unit – Paddler Safety Plan

NCDOT shall require the contractor to install and maintain a rigid, non-drooping catchment device on the overhead structure of the bridge to prevent material from falling on river users or in the water.

~~Environmental Coordination & Permitting (ECAP) – Gray bat~~

~~The NCDOT Biological Surveys Group will be responsible for habitat assessment, and if needed, surveys for the gray bat prior to construction.~~

08.23.2023: Completing updated surveys, when applicable, and obtaining concurrence from the USFWS prior to permit acquisition is a standard NCDOT procedure; therefore, a project commitment is not required.

