

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	B-5985A
WBS Element	47749.1.1
Federal Aid Project No.	TBD

A. Project Description, Location, and Purpose:

The purpose of this project is to replace Robeson County Bridge No. 770125 on NC 41/72 over Lumber River. Bridge No. 770125 is 285 feet long.

The replacement structure for Bridge No. 770125 will be a bridge approximately 295 feet long providing a minimum 40 feet clear deck width. The bridge for Bridge No. 770125 will include three 12-foot lanes and 2-foot offsets with a 5-foot 6-inch sidewalk on both sides of the bridge. The bridge length is based on preliminary design information and is set by hydraulic requirements. The approach roadway will extend approximately 640 feet from the west end of the new bridge and 245 feet from the east end of the new bridge. The approaches will be widened to include a 36-foot pavement width providing three 12-foot lanes. Curb and gutter will be provided on each side with a 10' berm and 5' sidewalk. The roadway will be designed as a Principal Arterial Route with a 40 mile per hour design speed.

Traffic will be detoured off-site during construction (see Figure 1). The expected construction time is 1.5 years. A section of the detour route along North Waters Street from West 5th Street to NC 41/72 will be milled and resurfaced to improve the detour route.

This project was originally known as B-5985 and included both the replacement of Bridge No. 770125 and Bridge No. 770175. There are utility relocation delays associated with Bridge No. 175 that necessitate the two bridges being separated into two projects. Bridge No. 770175 will be replaced at a later date.

NCDOT Bridge Management Unit records indicate Bridge No. 770125 is considered structurally deficient due to a rating of 4 out of 9 for substructure and deck.

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) 9/8/22

Additional Notes: **Type II(A)**

D. Changes in Proposed Action & Environmental Consequences:**Design Changes**

No major design changes have occurred since the signing of the Categorical Exclusion, and no additional impacts to any resources have occurred due to these design changes. This project was originally known as B-5985 and included both the replacement of Bridge No. 770125 and Bridge No. 770175. There are utility relocation delays associated with Bridge No. 175 that necessitate the two bridges being separated into two projects. Bridge No. 770175 will be replaced at a later date.

Water Resources

The water resource classifications for the streams identified in the Categorical Exclusion remain accurate.

Tribal Coordination

Tribal coordination letters were distributed on November 23, 2021 to the Catawba Indian Nation, and the Lumbee tribe. Comments on the proposed project were requested by December 20, 2021. The Catawba Indian Nation responded that they “have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas.”

Public Involvement

A newsletter was sent on 10/20/21 to all property owners affected directly by project B-5985. Property owners were invited to comment. No comments have been received to date.

Protected Species

The list of protected species has changed since the Categorical Exclusion was completed. A query of the USFWS Information for Planning and Consultation (IPaC) on 1/4/2023 listed the potential for the following species within the study area.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	TSA	Yes	Not Required
<i>Perimyotis subflavus</i>	Tricolored bat	PE	TBD	Unresolved
<i>Mycteria americana</i>	Woodstork	T	Yes	MANLAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Rhus michauxii</i>	Michaux's sumac	E	Yes	No Effect

E-Endangered, T-Threatened, TSA-Threatened Due to Similarity of Appearance, MANLAA-May Affect, Not Likely to Adversely Affect PE-Proposed Endangered

Surveys for wood stork and Michaux's sumac were updated on June 29, 2022. No specimens were observed and the biological conclusions remain the same.

Tricolored bat (*Perimyotis subflavus*)

On September 13, 2022, the U.S. Fish and Wildlife Service announced a proposal to list the tricolored bat (*Perimyotis subflavus* - PESU) as endangered under the Endangered Species

Act. Given the proposal to list PESU as Federally Endangered, NCDOT is initiating a conference programmatic consultation to address impacts to this species. USFWS has not provided an official effective listing date but it is anticipated to occur in the second half of 2023. Construction activities for this project will not take place until Endangered Species Act compliance is satisfied for PESU.

Wood stork (*Mycteria americana*)

The U.S. Fish and Wildlife Service issued a programmatic biological evaluation (PBE) for the wood stork (*Mycteria americana*) for certain transportation projects in Divisions 1-8 with a federal nexus which fall under one of the included categories. Additionally, in Bladen, Brunswick, Columbus, Duplin, Robeson, and Sampson Counties, NCDOT has committed to surveying each individual project site for the presence of wood storks and their foraging and nesting habitat during the reproductive season of April 15 – July 15. Surveying outside this timeframe is acceptable if the project occurs entirely within existing NCDOT right-of-way and work will occur outside the timeframe. If a survey determines that a project is within “line-of-sight” of nests, roosts, or foraging congregations (> 5 wood storks), NCDOT will consult with the Service under separate consultation. The PBE will ensure compliance with Section 7 of the Endangered Species Act for ten years (effective through June 30, 2031) for NCDOT projects that fall within the counties and the categories included in the PBE. Project B-5985 located in Robeson County. A survey for wood stork was conducted on June 29, 2022 and no wood storks, nests, or roosts were observed, therefore the project falls within the PBE parameters and the biological conclusion for wood stork for is **May Affect, Not Likely to Adversely Affect**.

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 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 Robeson County, where B-5985 is located.

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.

Hazardous Materials

A GeoEnvironmental Impact Evaluation was conducted for the proposed project study area. Upon review of the proposed construction plans, significant earthwork/construction activities are anticipated in the vicinity of two site with potential geoenvironmental impact:

- Parcel 4 - Strick's Tire 7 Auto – 203 West 2nd Street
- Parcel 5 - Lee's Auto Sales – 126 West 2nd Street
- Parcel 6 – Taylor Insurance Agency, Inc. – No Physical Address (SE quadrant of N. Waters Street and West 2nd Street)

A GeoEnvironmental Phase II investigation was conducted at each of these sites and the findings are as follows:

- Parcel 4 - Strick's Tire 7 Auto - The findings of this investigation indicate the presence of a reinforced concrete slab beneath the asphalt pavement on the eastern portion of the proposed right-of-way. In addition, a small area of urban fill was detected (approximately 10 feet x 10 feet) on the western portion of the site. Soil samples submitted for analysis indicated concentrations of TPH GRO and DRO above laboratory MDL, but below NCDEQ UST Section Action Limits.

According to NCDOT's slope stake plans, grading for the proposed project will include minor amounts of fill soils to establish the proposed grade. No below grade features appear to be proposed (such as stormwater drainage devices). Therefore, it is not likely that contaminated soil will be encountered during site grading activities. However, if contaminated soils are encountered, NCDOT recommends managing and disposing of these soils in accordance with federal, state, and local guidelines.

- Parcel 5 - Lee's Auto Sales - The findings of this investigation indicate the presence of four probable USTs at the site; however, these USTs appear to be located beyond the proposed NCDOT right-of-way. Soil samples submitted for analysis indicated concentrations of TPH GRO and DRO above laboratory MDL, but below NCDEQ UST Section Action Limits.

According to NCDOT's slope stake plans, grading for the proposed project will include minor grading associated with the realignment of curbing and sidewalk. In addition, portions of an existing subsurface storm drain system will be removed and replaced. Based on the results of this investigation, it is not likely that contaminated soil will be encountered during these construction activities. However, if contaminated soils are encountered, NCDOT recommends managing and disposing of these soils in accordance with federal, state, and local guidelines.

- Parcel 6 – Taylor Insurance Agency, Inc. - The findings of this investigation indicate the presence of three probable USTs at the site and they appear to be within the proposed NCDOT right-of-way. If contaminated soils are encountered during construction, NCDOT recommends managing and disposing of these soils in accordance with federal, state, and local guidelines.

A project special provision for the handling of contaminated soils will be included in the contract proposal.

Project Commitments (Greensheet)

The Categorical Exclusion included a Greensheet with project commitments. Permits are in the process of being obtained for this project, and a revised Greensheet is attached.

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

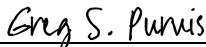
Design Engineer:	Greg S. Purvis, PE	1/12/23
Environmental Specialist:	Jason Dilday	1/12/23
FHWA (if applicable):	N/A	
Other:	N/A	

G. Consultation Approval for NCDOT Project B-5985A**Prepared By:**

2/7/2023

Date

DocuSigned by:

Greg S. Purvis, PE Project Manager
Wetherill Engineering, Inc.**Prepared For:**

DocuSigned by:

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

2/7/2023

Date

DocuSigned by:

Colin Mellor, Eastern Regional 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.

2/7/2023

Date

DocuSigned by:

David Stults, 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

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

H. Project Commitments (as of 1/12/23)

**STIP No. B-5985A
Bridge No. 770125 on NC 41/72 over Lumber River
Robeson County
Federal Aid Project No. TB D
WBS No. 47749.1.1**

NCDOT Hydraulic 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 March 9, 2022 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP. This commitment has been completed.

NCDOT Division Six Construction, Resident Engineer's Office -FEMA

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.

NCDOT Division Six Construction, Resident Engineer's Office – Offsite Detour

In order to have time to adequately reroute school busses, Robeson County Schools will be contacted at (910) 671-3250 at least one month prior to road closure.

Robeson County Emergency Services will be contacted at (910) 671-6000 Ext. 1400 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

Hazardous Materials (Division Construction Engineer/Resident Engineer and Right of Way Agent):

All Right of Way Branch procedures regarding the acquisition of contaminated property and any Right of Way Acquisition Recommendations by the NCDOT's Geotechnical consultant will be followed.

A GeoEnvironmental Phase II Investigation was conducted for the following sites:

- *Strick's Tire 7 Auto – 203 West 2nd Street*
- *Lee's Auto Sales – 126 West 2nd Street*
- *Taylor Insurance Agency, Inc. – No Physical Address (SE quadrant of N. Waters Street and West 2nd Street)*

If contaminated soils are encountered during construction, NCDOT recommends managing and disposing of these soils in accordance with federal, state, and local guidelines. A project special provision will be provided to direct the contractor to properly manage petroleum contaminated soil that is encountered during construction.

NCDOT Division Six Construction, Resident Engineer's Office – Division of Parks and Recreation

Recreational access to the Lumber River will be maintained during the construction of both bridges.

NCDOT Environmental Analysis Unit, Environmental Policy Unit – Wild and Scenic River

When the type of permit is determined, the Environmental Analysis unit will coordinate with the National Park Service regarding the Lumber River, which is classified as a Wild and Scenic River.

Consultation with the National Park Service has concluded with a letter issued by the National Park Service received December 23, 2022. The letter states “Based on our review of these materials, numerous video conferences between NPS and NCDOT during the planning and design phase, as well as a site visit, we have concluded that the B5985 bridge replacement project is not likely to result in direct and adverse effects to the river’s free flow, water quality or outstandingly remarkable values as defined by the Act. Further, given removal of existing support piers from the main channel and minimization of new piers and various other onsite improvements, we believe that the project meets the “protect and enhance” clause of Section 10 of the Act”.

NCDOT Structure Management Unit – Bridge Design

Based on coordination with the State Historic Preservation Office (SHPO) the following elements will be incorporated into the bridge design.

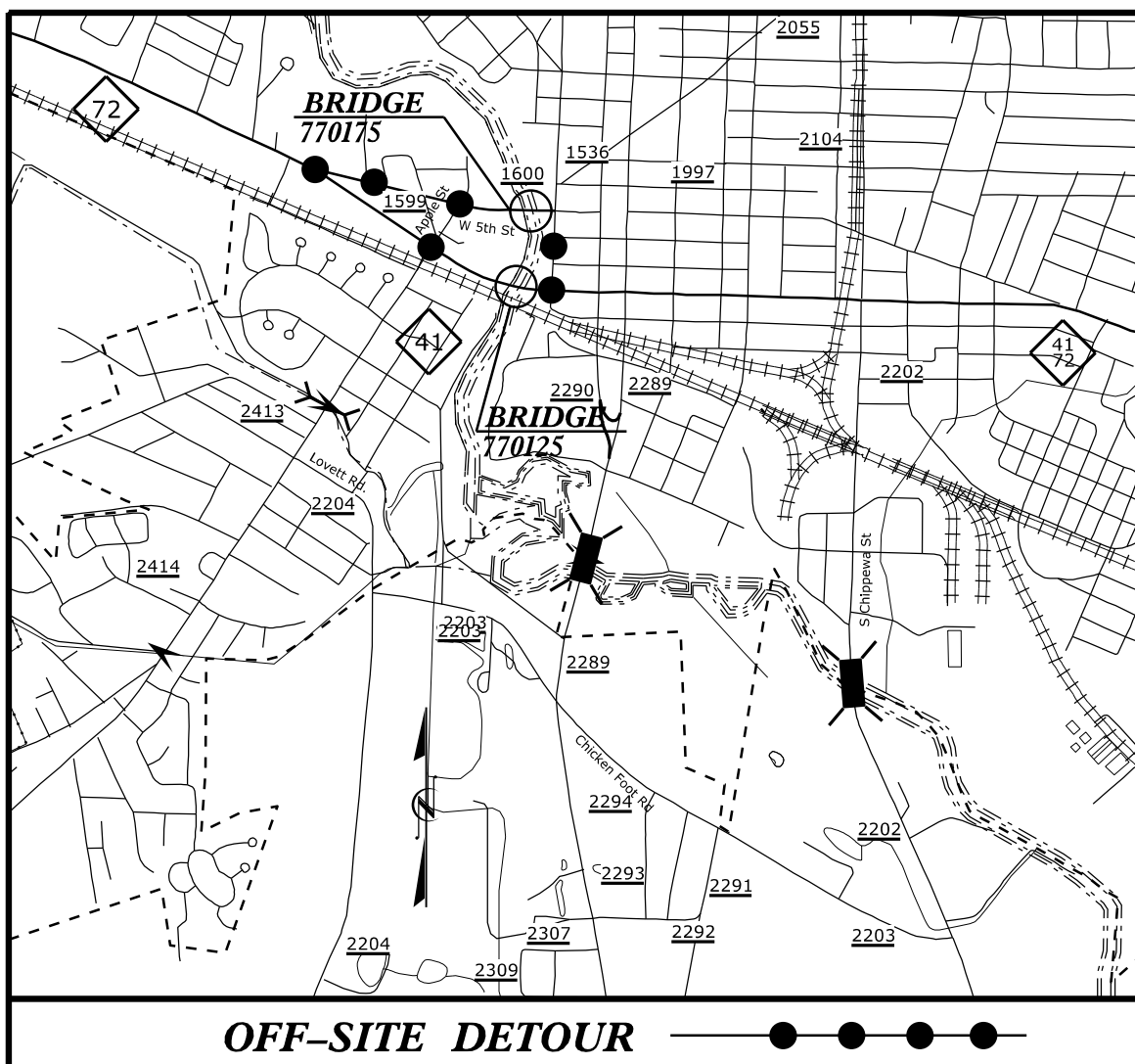
- The proposed bridge rail for the bridge will be Texas Classic.
- The existing lights on Bridge No. 770125 will be replaced in-kind.

These elements have been included in the final Structure plans for the project.

NCDOT Roadway Design/Program Development- Multi-Use Path

The City of Lumberton requests that a Multi-Use Path be added along the north side of SR 1600 (West 5th Street) from the intersection with the Riverwalk Greenway to the intersection with Waters Street. A cost share agreement will be prepared between NCDOT and the City of Lumberton. The City of Lumberton will pay for a portion of cost for the increase in bridge width due to accommodating the Multi-Use Path. A Multi-Use Path will be included in the design along the north side of the bridge and will extend east of the bridge to Waters Street. The City of Lumberton will participate in the cost of and accept maintenance and liability responsibilities for the new Multi-Use Path. A municipal agreement will be prepared prior to project construction regarding the City of Lumberton’s participation in the cost of the Multi-Use Path.

These elements have been included in the final plans for the project.



B-5985A

**REPLACE BRIDGE NO. 770125
OVER LUMBER RIVER ON NC 41/NC 72**

ROBESON COUNTY

**NORTH CAROLINA
DEPT. OF TRANSPORTATION
DIVISION 6**

VICINITY MAP