

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	BR-0011
WBS Element	67011.1.1
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:**Project Description**

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 190002 on NC 141 over Slow Creek in Cherokee County. The purpose of the project is to replace a structurally deficient bridge. The replacement structure will be approximately 70 feet long providing a minimum 39-foot 10-inch clear deck width. The bridge will include two twelve-foot lanes and seven-foot eleven-inch offsets on each side. The bridge length is based on preliminary design information and is set by hydraulic requirements. The roadway grade of the new structure will be approximately the same as the existing structure. Project construction will extend approximately 420 feet from the north end of the new bridge and 310 feet from the south end of the new bridge. The approaches will be widened to provide two twelve-foot lanes and eight-foot shoulders (two-foot paved). The roadway will be designed as a Major Collector using Regional Tier Guidelines with a 50-mile per hour design speed. The new bridge will be constructed at its existing location. Traffic will utilize an onsite detour via a temporary bridge, to be constructed just east of the existing bridge, during the construction period.

Purpose and Need

The purpose of the proposed project is to remove a structurally deficient bridge. NCDOT Bridge Management Unit records indicate Bridge No. 190002 currently has a sufficiency rating of 50.45 out of a possible 100 for a new structure. The existing bridge is considered structurally deficient due to a substructure condition appraisal of 4 out of a possible 9 points. The bridge is also considered functionally obsolete due to a structural appraisal of 3 out of a possible 9 points

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)



SEPA MCDC

5/28/19

Additional Notes: n/a

D. Changes in Proposed Action & Environmental Consequences:

There are minimal changes between the 100% design plans approved for LET and the 65% plans that were used to complete the SEPA MCDC. The construction limits are maintained at 12+00 to 20+00. There is an additional taking of permanent utility easement on the east side of the project to accommodate a relocated waterline east of the detour. All other elements of the design remain unchanged (roadway width, detour concept, final bridge concept, etc).

Water classifications and resources within the project area have not changed since the referenced 2019 Minimum Criteria Distribution Checklist (MCDC) and the referenced USACE Permit and referenced NCDWR Water Quality Certification.

As of July 17, 2020, there are nine federally listed species for Cherokee County. No new species have been added since the referenced 2019 Minimum Criteria Distribution Checklist (MCDC) and the referenced USACE Permit and referenced NCDWR Water Quality Certification.

The Biological conclusion for Cumberland bean has changed from No Effect to May Affect-Not Likely to Adversely Affect. This change in the Biological Conclusion is due to a change in Guidance, not due to any change in results of the most recent mussel survey (August 8, 2020). There are no changes to the Biological Conclusions for any other species.

The US Army Corps of Engineers has satisfied Section 7 for all of the federally-listed species.

Table 1. Federally protected species listed for Cherokee County.

Scientific Name	Common Name	Federal Status ¹	Habitat Present	Biological Conclusion
<i>Glyptemys muhlenbergii</i>	Bog turtle	T (S/A)	No	Not Required
<i>Myotis grisescens</i>	Gray bat	E	Yes	**
<i>Myotis sodalis</i>	Indiana bat	E	Yes	**
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes	**
<i>Villosa trabilis</i>	Cumberland bean (pearlymussel)	E	No	MA-NLAA ² **
<i>Pegias fabula</i> *	Littlewing pearlymussel	E	No ³	No Effect
<i>Epioblasma florentina walkeri</i> (= <i>E. walkeri</i>)*	Tan riffleshell	E	No ³	No Effect
<i>Isotria medeoloides</i>	Small whorled pogonia	T	No	No Effect
<i>Platanthera integrilabia</i> *	White fringeless orchid	T	No	No Effect

¹ T – Threatened, E – Endangered

² May Affect-Not Likely to Adversely Affect

³ Out of Range

* Historic record (the species was last observed in the county more than 50 years ago)

** The Corps has satisfied Section 7 for this species

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

Design Engineer:	Elizabeth Lawes	03/02/2021
Environmental Specialist:	William Barrett	03/02/2021
NCDOT Archaeology:	Damon Jones	2/16/2021
NCDOT Historic Architecture:	Kate Husband	2/15/2021
NCDOT Community Studies:	Herman Huang	2/17/2021

G. Consultation Approval for NCDOT Project BR-0011

Prepared By:

3/1/2021

Date

DocuSigned by:

Lauren Triebert

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Lauren Triebert, PE, Project Manager
VHB Engineering NC, P.C.

Prepared For:

DocuSigned by:

Jacquelyn Bowles

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Jacquelyn Bowles, PE
NCDOT, Structures Management Unit

Reviewed By:

3/1/2021

Date

DocuSigned by:

John Jamison

CA087B4A6412432

John Jamison, PWS Western 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.

3/1/2021

Date

DocuSigned by:

David Stutts

A4A2999A8BC64E2

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.

Date

N/A

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

H. Project Commitments (as of 02/26/2021)

**Replacement of Bridge 190002 on NC 141 over Slow Creek
Cherokee County
WBS 67011.1.1
STIP Project BR-0011**

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Current status of the project commitments as shown in the MCDC for the project are printed in italics.

Division 14:

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.

Coordination and communication regarding emergency response plans during construction will be conducted with Cherokee County Sheriff's Office (828-837-2589) and Peachtree Fire Department (828-837-0381) at least one month prior to the start of construction.

Coordination and communication regarding impacts to school bus routes during construction will be conducted with Cherokee County Schools/Peachtree Elementary School (828-837-2479) at least one month prior to the start of construction.

NCDOT Central Hydraulics Unit:

Hydraulics 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).

BR-0011 has been approved as a Type 2b project under the MOA (12/6/2019)

COMMITMENTS FROM PERMITTING

Division 14 and EAU-Biological Surveys Group

404 Permit Special Condition 1: Per the USFWS 3/11/2020 email, NCDOT will do the following:

- a. Remove the trees required for bridge replacement during October 15 to April 15, avoiding impacts to potentially roosting bats;
- b. Inspect the existing bridge prior to demolition for the presence of federally listed bats and contact the Corps and FWS if any bats are observed.

Division 14

401 Project Specific Condition 1: The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15 NCAC 02H.0506(b)(20)].