

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>BR-0017</u>
WBS Element	<u>67017.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The purpose of this project is to replace Duplin County Bridge No. 12 on NC 11 over Little Rockfish Creek. Bridge No. 12 is 150 feet long. The replacement structure will be a bridge approximately 160 feet long providing a minimum 39-foot clear deck width. The new structure will include two 12-foot lanes, a 4-foot offset on the east side and an 11-foot offset on the west side to accommodate sight distance. The bridge length for each bridge is based on preliminary design information and is set by hydraulic requirements.

The approach roadway will extend 291.74 feet from the south end and 353.67 feet from the north end of the new structure. The approaches will be widened to include a 24-foot pavement width providing two 12-foot lanes. The shoulders on either side will be 8- feet wide (11-feet wide where guardrail is to be included); that width will include a 2-foot full depth paved shoulder. The roadway will be designed as a Major Collector with a 50 mph design speed.

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)                      December 20,2019

Additional Notes: **Type I A**

D. Changes in Proposed Action & Environmental Consequences:

The study area change has been reflected in previous studies. 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 potentially impacted by the project and serves to update the referenced Categorical Exclusion (CE).

**Water Resources**

Water resource classifications have not changed since the referenced CE was completed.

## Protected Species

The United States Fish and Wildlife Service (USFWS) federally listed species for Duplin County was updated on July 17, 2020.

Table 1. Federally listed species for Duplin County.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	T (S/A)	No	Not required
<i>Fusconaia masoni</i>	Atlantic pigtoe	ARS	Yes	No Effect
<i>Noturus furiosus</i>	Carolina madtom	ARS	Yes	No Effect
<i>Necturus lewisi</i>	Neuse River waterdog	ARS	Yes	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Mycteria americana</i>	Wood stork	T	No	No Effect

T S/A) - Threatened by Similarity of Appearance, ARS – At Risk Species, E – Endangered, T - Threatened

The Natural Resources Technical Report reached a Biological Conclusion of No Effect for red-cockaded woodpecker due to the absence of habitat. Since the completion of the NRTR, Atlantic pigtoe, Carolina madtom, Neuse River waterdog, and wood stork have been added to the list for Duplin County. The project site is out of the known ranges for Atlantic pigtoe, Carolina madtom, and Neuse River waterdog resulting in No Effect Biological Conclusions. The Biological Conclusion for wood stork is No Effect due to no habitat.

## Bald Eagle

Habitat for the bald eagle (*Haliaeetus leucocephalus*) primarily consists of mature forest in proximity to large bodies of open water for foraging. Large dominant trees are utilized for nesting sites, typically within 1.0 mile of open water. A desktop-GIS assessment of the study area, as well as the area within a 1.13-mile radius (1 mile plus 660 feet) of the project limits, was performed during preparation of the NRTR. Water bodies large enough or sufficiently open to be considered potential feeding sources were identified. Since there was foraging habitat within the review area, a survey of the study area and the area within 660 feet of the project limits was conducted. No bald eagles or their nests were observed during the survey. Additionally, a review of NCNHP records, updated October 2020, revealed no known occurrences of this species within 1.0 mile of the project study area. Due to the lack of habitat, known occurrences, and minimal impact anticipated for this project, it has been determined that this project will not affect this species.

## 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 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 currently 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 Duplin County where BR-0017 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.

A review of GIS data on January 21, 2020 confirmed there are no known maternity roost trees within 150 feet of the project area, so this clearing moratorium will not apply to BR-0017.

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

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

Roadway Design Engineer:	Douglas Kretchman	2/12/2021
Environmental Specialist:	Chris Rivenbark	1/28/2021
Hydraulics	Brian Radakovic	2/11/2021

G. Consultation Approval for NCDOT Project TIP BR-0017

**Prepared By:**

3/3/2021

Date

DocuSigned by:

Allison N. Woodall

Allison Woodall, Transportation Engineering Associate  
NCDOT

3/3/2021

Date

DocuSigned by:

Kristina Solberg

Kristina Solberg, PE, Senior Project Manager  
NCDOT, Project Management Unit

**Prepared For:**

Kristy Allford

Kristy Allford, PE  
NCDOT, Structures Management Unit

**Reviewed By:**

3/3/2021

Date

DocuSigned by:

Colin Mellor

Colin Mellor  
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.

3/3/2021

Date

DocuSigned by:

David Stutts

David Stutts, PE- Project Engineer- PEF/  
North Carolina Department of Transportation

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 2/12/2021)

**Duplin County**  
**Bridge No. 12 on NC 11 over Little Rockfish Creek**  
**WBS No. 67017.1.1**  
**TIP No. BR-0017**

**COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN**

**NCDOT Division 3**

In order to have time to adequately reroute school busses, Duplin County Schools will be contacted at least one month prior to road closure.

Duplin County Emergency Services will be contacted at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

**Hydraulics 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 February 15 2021 for the FEMA NFIP (National Flood Insurance Program) under NCDOT's MOA with the FMP with approval expected prior to project construction.*

**NCDOT Division 3 Construction FEMA Coordination**

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.

*This commitment is still valid.*

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**NCDOT Division 3 Construction, Resident Engineer's Office**

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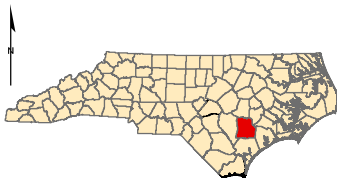
floodplain were built as shown in the construction plans, both horizontally and vertically.

**NCDOT Division 3 Construction, Resident Engineer's Office**

Due to proximity of the Henderson Field Airport, coordination between the contractor and the **Federal Aviation Administration** will need to occur prior to construction in order to complete form 7460.

**COMMITMENTS FROM PERMITTING**

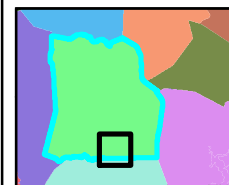
No additional commitments were added during permitting.



# BR-0017

*Duplin County*

Bridge No. 12 on NC 11 South  
over Little Rockfish Creek



**FIGURE 1**



Prepared by  
NCDOT  
Environmental Analysis Unit