

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>BR-0029</u>
WBS Element	<u>67029.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 550026 on NC 106 (Dillard Road) over Middle Creek in Macon County, North Carolina. The proposed action has an approximate length of 0.40 miles (see Vicinity Map) and is listed in the Bridge Program as Project Number BR-0029.

The existing bridge is 88.0 feet long with a clear roadway width of 18.8 feet. The bridge was constructed in 1938 and is approaching the end of its functional life with a sufficiency rating of 36.2. The purpose of the project is to replace a functionally obsolete bridge with a structure that meets current NCDOT standards. The proposed project includes constructing a new bridge north of the existing bridge and widening the roadway approach to 40 feet. The new structure will be approximately 107 feet long with two, 12-foot travel lanes and two, eight-foot shoulders.

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)

- FHWA Class II (CE) 08/06/2019

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

D. Changes in Proposed Action & Environmental Consequences:

Design Changes

Following approval of the environmental document in August 2019, NCDOT evaluated a potential realignment of Happy Hill Road and determined the proposed elevation grade was too steep where Happy Hill Road would tie in to NC 106 (Dillard Road). In an effort to improve safety at the intersection of Happy Hill Road and NC 106 (Dillard Road), NCDOT is proposing to realign Happy Hill Road further to the west in order to flatten the grade, which requires a total residential property taking of Parcel 3.

Water Resources

The water resource classification for the stream identified in the FHWA Class II (CE) Type I (A) remains accurate.

Protected Species

Protected species were addressed in the Categorical Exclusion (CE), and the Natural Resources Technical Report (NRTR) completed in March 2019. The realignment of Happy Hill Road resulted in an expansion of 0.12 acre to the original project study area, and an NRTR Addendum was completed in April 2021 for the expanded study area. The United States Fish and Wildlife Service (USFWS) updated the list of federally protected species for Macon County on July 17, 2020. Two federally protected species, Mountain sweet pitcher plant and Swamp pink, have been added. There is no habitat for either of these two newly listed species within the project study area (including the expanded study area).

The federally protected species listed for Macon County is shown in **Table 1**.

Table 1. Federally Protected Species Listed for Macon County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Glyptemys muhlenbergii</i> *	Bog turtle	T(S/A)	No	Not Required
<i>Myotis grisescens</i>	Gray bat	E	Undetermined	Unresolved
<i>Myotis sodalis</i>	Indiana bat	E	Undetermined	Unresolved
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Undetermined	Unresolved
<i>Erimonax monachus</i>	Spotfin chub	T	Yes	No Effect
<i>Alasmidonta raveneliana</i>	Appalachian elktoe	E	Yes	No Effect
<i>Pegias fabula</i>	Little-wing pearlymussel	E	Yes	No Effect
<i>Bombus affinis</i> *	Rusty-patched bumble bee	E	N/A	N/A
<i>Sarracenia rubra</i>	Mountain sweet pitcher plant	E	No	No Effect
<i>Isotria medeoloides</i>	Small whorled pogonia	T	Yes	No Effect
<i>Helonias bullata</i>	Swamp pink	T	No	No Effect
<i>Spiraea virginiana</i>	Virginia spiraea	T	Yes	No Effect
<i>Gymnoderma lineare</i>	Rock gnome lichen	E	No	No Effect

E – Endangered, T – Threatened, T(S/A) – Threatened due to similarity of appearance

*No Section 7 survey or conclusion is required at this time.

For those species for which habitat is present in the project study area (including the expanded study area), updated surveys will be conducted in 2021.

Surveys for the gray bat, Indiana bat and Northern long-eared bat will be conducted by the NCDOT Biological Surveys Group (BSG) during the 2021 survey season.

Archaeology & Historic 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 CE and expanded study area. NCDOT has confirmed there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

Public Involvement

A Project Update Newsletter summarizing the proposed realignment was sent to residents along Happy Hill Road in March 2021. One comment was received during the comment period and was in support of the project.

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


Design Engineer:	Chris Haire, PE	6/11/2021
Environmental Specialist:	William A. Barrett	6/11/2021
FHWA (if applicable):	Click or tap here to enter text.	Date

G. Consultation Approval for NCDOT Project BR-0029


Prepared By:

6/11/2021	Shawn Blanchard
Date	Shawn Blanchard, Senior Transportation Planner DRMP

Prepared For:

DocuSigned by:

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 Jacquelyn Bowles, PE
 NCDOT – Structures Management Unit

Reviewed By:

6/11/2021	DocuSigned by:  CA004B4A0412432...
Date	John Jamison, 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.

6/14/2021

Date

DocuSigned by:



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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.

N/A

Date

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

H. Project Commitments (as of 06/11/2021)

Macon County
Bridge No. 550026 on NC 106 over Middle Creek
WBS No. 67029.1.1
Bridge Program Project No. BR-0029

NCDOT Environmental Analysis Unit

Section 7: In the spring of 2021, a biologist will conduct surveys during the optimal survey window for small whorled pogonia and Virginia spiraea to update the Biological Conclusions.

NCDOT Division 14 Right-of-Way

Section 4(f): The NCDOT and FHWA do not anticipate that the proposed project will have an adverse effect on the activities, features and attributes that qualify the Nantahala National Forest for protection under Section 4(f). NCDOT right-of-way agents will coordinate with the USFS to appraise the right-of-way required for the project prior to construction.

- *This commitment is still valid.*

NCDOT Division 14

Section 4(f): NCDOT Division 14 staff will coordinate with the USFS regarding project developments associated with the Nantahala National Forest.

- *This commitment is still valid.*

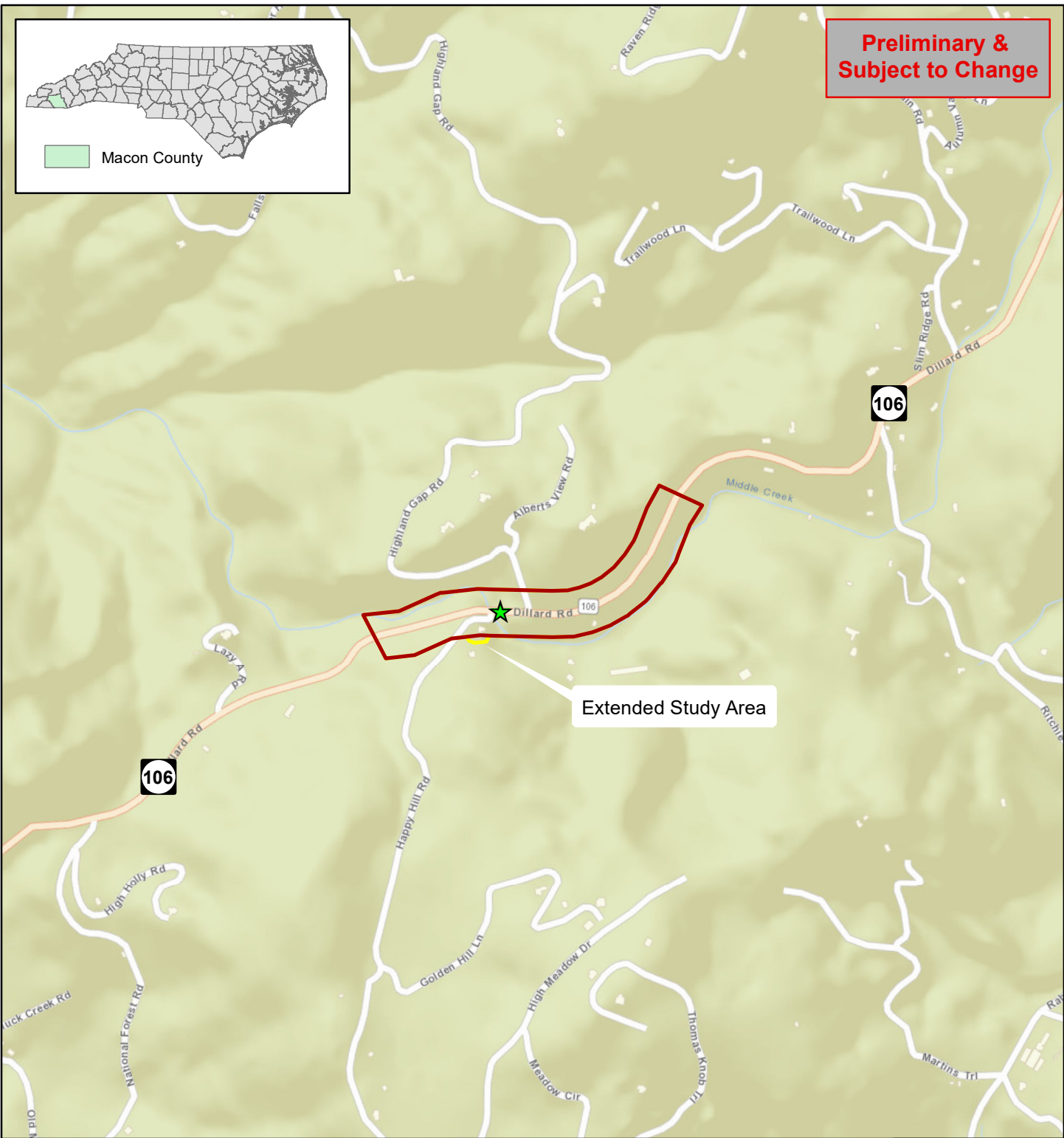
Bat Roosting Habitat: To minimize impacts to potential bat roosting habitat, a tree-clearing moratorium may be required between April 1 and August 15 of any given year.

Brown and Rainbow Trout Moratorium: At the request of the North Carolina Wildlife Resources Commission, NCDOT will adhere to an in-stream and 25-foot buffer work moratorium from October 15 to April 15 to protect the egg and fry stages of trout. Sediment and erosion control measures will adhere to the Design Standards in Sensitive Watersheds.

- *This commitment is still valid.*



**Preliminary &
Subject to Change**



Extended Study Area

June 2021

- BR-0029 Bridge Location
- BR-0029 Study Area
- BR-0029 Extended Study Area



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

