

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>BR-0036</u>
WBS Element	<u>49074.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The proposed project in Division 4 involves replacing Bridge No. 041 on NC 33 over I-95 in Nash County (see attached vicinity map Figure 1).

Bridge No. 041 will be replaced on the existing alignment but approximately three feet above the existing grade and traffic will be maintained on an offsite detour utilizing NC 48 / NC 4 and SR 1515 (Shiloh Church Road) during the construction. The replacement structure will have a clear roadway width of 40 feet, including two 12-foot lanes with 8 foot offsets to rail. The approach roadway includes 12-foot lanes with 8 foot outside shoulders. The proposed bridge will be 226 feet long.

The approach work for the roadway will extend approximately 524 feet from the west end and 570 feet from the east end. The existing bridge is structurally deficient and is considered to be approaching the end of its useful life.

B. Consultation Phase:

Construction

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

FHWA Class II (CE) 5/17/2019

Additional Notes: Type 1(A)

D. Changes in Proposed Action & Environmental Consequences:

Changes in Proposed Action

The project has had no major design changes since the completion of the CE.

WATER RESOURCES

No wetlands streams or stream buffers were found in the project study area. However, the current project plans do not include any impacts to jurisdictional water resources.

PROTECTED SPECIES

Protected species were addressed in the CE, and the Natural Resources Technical Report completed in May 2019. However, the United States Fish and Wildlife Service (USFWS) list of federally protected species for Nash County was updated on July 17, 2020.

Table 1. Federally listed species for Nash County.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Fusconaia masoni</i>	Atlantic pigtoe	ARS	No	No Effect
<i>Haliaeetus leucocephalus</i>	Bald Eagle	BGPA	No	No Effect
<i>Noturus furiosus</i>	Carolina madtom	ARS	No	No Effect
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	E	No	No Effect
<i>Lasmigona subviridis</i>	Green floater	ARS	No	No Effect
<i>Rhus michauxii</i>	Michaux's sumac	E	Yes	No Effect
<i>Necturus lewisi</i>	Neuse River waterdog	ARS	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect
<i>Parvaspina steinstansana</i>	Tar River spiny mussel	E	No	No Effect
<i>Elliptio lanceolata</i>	Yellow lance	T	No	No Effect

BGPA – Bald & Golden Eagle Protection Act, E – Endangered, ARS – At Risk Species, T - Threatened

The Natural Resources Technical Report (2019) reached a Biological Conclusion of No Effect for bald eagle, Dwarf wedgemussel, Red-cockaded woodpecker, Tar River spiny mussel and yellow lance due to the absence of habitat. Since the completion of the NRTR, Atlantic pigtoe, Carolina madtom, green floater and Neuse River waterdog have been added for Nash County as ARS species. The lack of perennial aquatic habitat in the project study area indicates this project will not affect any of the listed aquatic species, and therefore the project will have No Effect on these species.

Due to the length of time since surveys were conducted, the biological conclusion needs to be updated for Michaux's sumac. Potential habitat was observed in the project study area, and the last survey in the recommended window took place in October 2018. A survey will be conducted for Michaux's sumac in May 2021. 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.

Bald Eagle

The NRTR found no water bodies large enough or sufficiently open to be considered potential feeding sources were identified. Since there was no foraging habitat within the

review area, a survey of the study area and the area within 660 feet of the project limits was not conducted.

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

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 Nash County where BR-0036 is located. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Cultural 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 NEPA 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, Benjamin Williamson, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Paul Garrett, PE (V&M)	2/15/21
Environmental Specialist:	Gordon Cashin (NCDOT)	2/11/21
Cultural Resource	Jamie Lancaster, PE (NCDOT)	2/11/21

G. Consultation Approval for NCDOT Project BR-0036

Prepared By:

3/24/2021

Date

DocuSigned by:

Benjamin Williamson

BE37C12CD0704B2

Benjamin Williamson, Project Manager
NCDOT, Project Management Unit

Prepared For:

DocuSigned by:

Jacquelyn Bowles

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Jacquelyn Bowles, PE
NCDOT, Structures Management Unit

Reviewed By:

3/24/2021

Date

DocuSigned by:

Colin Mellor

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Colin Mellor, 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.

3/24/2021

Date

DocuSigned by:

David Stutts

A1A2869A8BC04F8

David Stutts PE – Project Engineer
NCDOT Transportation 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

N/A

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

H. Project Commitments (as of 3/24/2021)

Nash County
Replace Bridge No. 041 on NC-33 Over I-95
Federal Aid Project No. N/A
W.B.S. No. 49074.3.1
T.I.P. No. BR-0036

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Current status to the project commitments are printed in italics.

Division Four Construction, Resident Engineer's Office

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

- *This commitment remains valid.*

Nash County Emergency Services should be contacted at least one month prior to construction to make the necessary temporary reassignments to primary response units.

- *This commitment remains valid.*

GeoEnvironmental Section – Impacts to Underground Storage Tanks (UST's)

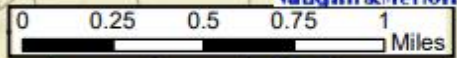
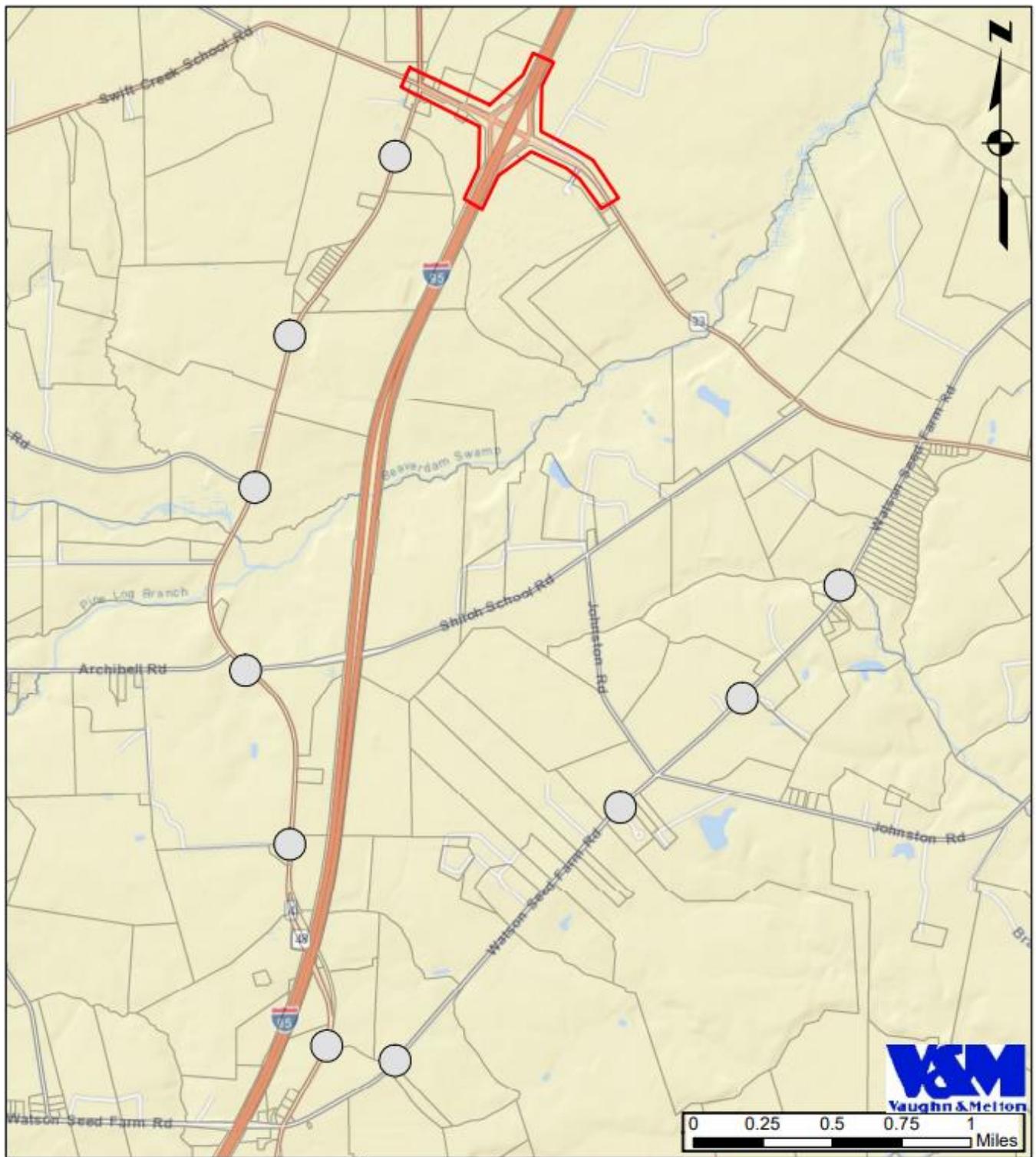
If further design indicates potential impact to UST's, preliminary site assessments for soil and groundwater contamination will be performed prior to right of way purchase.

- *This commitment has been completed.*

NCDOT Environmental Analysis Unit

Prior to construction activities, a biologist will conduct a survey for Michaux's sumac, during the optimal survey window, to update the Biological Conclusion.

- *This commitment remains valid.*



- Legend**
- Project Study Area
 - Offsite Detour

North Carolina Department of Transportation
Structures Management Unit

Nash County
Replace Bridge No. 41 on
NC 33 over I-95
BR-0036

Figure 1 - Vicinity Map