

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	BR-0046
WBS Element	67046.1.1
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:

This project will replace Bridge No. 22 on US 701 over Bills Creek/Bills Swamp in Sampson County. A temporary bridge will be built to the north of the existing bridge, traffic will be shifted, then the existing bridge will be removed and replaced with a new bridge. The typical section for the new bridge will be approximately 120 feet long and will include two 12-foot lanes and two 3-foot offsets. The L-line design will be approximately 875 feet long and the temporary alignment approximately 1980 feet long.

Bridge No. 22 has a sufficiency rating of 74.19 out of 100 with a structure rating of 6 out of 9 and a deck geometry rating of 4 out of 9. The 68 year old structure is approaching the end of its useful life; hence, bridge replacement is the purpose of this project.

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)

- ☒ Type I(A) CE – Ground Disturbing Action 4/6/2020

D. Changes in Proposed Action & Environmental Consequences:

Water Resources

Water resource classifications have not changed since the referenced CE was completed. A review of the NC Surface Water Classifications map hosted by the NC Division of Water Resources shows the stream name at the project site is Bills Creek, which flows into Great Coharie Creek just southeast of the project, not Black River as the project description states in SAP. This has also been pointed out previously by the N.C. Division of Water Resources and N.C. Wildlife Commission during project coordination. Great Coharie Creek flows into Black River several miles downstream from the project.

Federally Protected Species

Protected species were addressed in the CE. The United States Fish and Wildlife Service (USFWS) lists the following federally protected species within the study area under the Endangered Species Act (ESA) (Table 1). For each species, a discussion of the presence or absence of habitat is included below along with the Biological Conclusion rendered based on survey results in the study area.

Table 1 – ESA Federally Protected Species within the Study Area¹

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	T (S/A)	Yes	Not Required
<i>Lindera melissifolia</i>	Pondberry	E	Yes	No Effect
<i>Mycteria americana</i>	Wood stork	T	Yes	MANLAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	No	No Effect

¹IPaC data checked on 1/24/22

T(S/A) – Threatened by Similarity of Appearance; E – Endangered; T – Threatened; MANLAA – May Affect, Not Likely to Adversely Affect

American alligator

USFWS optimal survey window: year-round (only warm days in winter)

Biological Conclusion: Not Required

Surveys are not required for species listed as T(S/A). A review of the October 2021 North Carolina Natural Heritage Program (NCNHP) database indicates no known American alligator occurrences within 1.0 mile of the study area.

Red-cockaded woodpecker

USFWS optimal survey window: year-round; November – early March (optimal)

Biological Conclusion: No Effect

Suitable foraging (open to semi-open pine stands 30-60 years in age) and nesting (open to semi-open pine stands ≥60 years old) habitat for the red-cockaded woodpecker (RCW) does not exist within the study area. The study area is comprised of either maintained/disturbed habitat or deciduous-dominant forested areas. Additionally, there are no pine stands of appropriate age/density to support this species. Due to the absence of suitable habitat within the study area, a 0.5-mile survey outside of habitat within the study area was not conducted. No birds or cavities were observed during fieldwork for the project. A review of the October 2021 NCNHP database indicates no known RCW occurrences within 1.0 mile of the study area.

Pondberry

USFWS Optimal Survey Window: February-October

Biological Conclusion: No Effect

Pondberry, for the most part, is associated with wetland habitats such as bottomland and hardwoods in the interior areas, and the margins of sinks, ponds, and other depressions in the more coastal sites. The plants generally grow in shaded areas but may also be found

in full sun. Suitable habitat in the form of bottomlands exists in the project area. The project area was surveyed for pondberry by NCDOT staff on September 27, 2019, and no individuals were found. A review of the October 2021 NCNHP database indicates no known pondberry occurrences within 1.0 mile of the study area. An updated survey for this plant will be conducted in Spring 2022.

Wood Stork

USFWS Optimal Survey Window: April 15- July 15

Biological Conclusion: May Affect Not Likely to Adversely Affect

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 BR-0046 is located in Sampson County. No wood storks have been observed during previous natural resource investigation site visits. An updated survey will be conducted in Spring 2022. If no wood storks, nests, or roosts are observed, the project will fall within the PBE parameters and the biological conclusion for wood stork for is “May Affect, Not Likely to Adversely Affect”.

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 PBO 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 include Sampson County, where BR-0046 is located.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act is enforced by the USFWS. Golden eagles do not nest in North Carolina. Habitat for the bald eagle primarily consists of mature forests 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 of the project limits, was performed on April 22, 2019, using the most currently available orthoimagery. Water bodies large and sufficiently open enough to be considered potential feeding sources exist within the area, including Great Coharie Creek. A survey of the study area and the area within 660 feet of the project limits was conducted, and no evidence of eagles was found. A review of the October 2021 NCNHP database revealed no known occurrences of this species within 1.0 mile of the study area. The bald eagle survey will be updated in spring 2022.

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

Design Engineer:	William Akabi-Davis	2/17/2022
Environmental Specialist:	Gordon Cashin	1/26/2022
FHWA (if applicable):	N/A	N/A
Other:	Brian Radakovic	1/18/2022

G. Consultation Approval for NCDOT Project BR-0046

Prepared By:

03/04/2022

Date

DocuSigned by:
Kim L. Gillespie
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Kim L. Gillespie, PE
NCDOT – Project Management Unit (PMU)

Reviewed By:

03/07/2022

Date

DocuSigned by:
Colin Mellor
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Colin Mellor
NCDOT – Environmental Policy Unit (EPU)



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.

03/07/2022

Date

DocuSigned by:
Kristy L. W. Alford
F2245838930BF40E

Kristy Alford, PE, SMU Project Engineer
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

Sampson County
Replace Bridge No. 22 on US 701 over Bills Creek/Bills Swamp
WBS No. 67046.1.1
STIP Project No. BR-0046

Environmental Analysis Unit – Environmental Coordination & Permitting

Updated surveys for pondberry, wood stork, and bald eagle will be conducted in the spring of 2022. Coordination with USFWS for wood stork will occur if necessary.

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).

This commitment is still valid.

NCDOT Division 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.

NCDOT Division 3 – Schools and Emergency Services

NCDOT will coordinate construction activities with Sampson County Schools (Vicki Westbrook, Transportation Director, (910) 592-3191) and Sampson County Emergency Services (Rick Sauer, Emergency Services Director, (910) 592-8996) at least one month prior to construction.

Added due to information from DIST form.



NC Center for Geographic Information & Analysis

Ingold Quadrangle

0 0.03 0.06 0.12 Miles

BR 0046 Sampson County

Bridge No. 22 over Black River overflow on US 701

