

NCDOT NEPA/SEPA Consultation Form

NCDOT STIP Project No.	BR-0097
WBS Element	67097.1.1
Federal Aid Project No.	N/A

A. Project Description, Location and Purpose:

The proposed Bridge Replacement BR-0097 project involves replacing Bridge No. 780178 on S.R.1929 over U.S. 29 in Rockingham County. The proposed bridge is 0.041 miles long, providing a minimum 28' width with two 10' lanes and 4' shoulders. The total roadway project length is 0.442 miles. Roadway width is 20' with two 10' lanes. The total shoulder width is 3' turfed, 7' with guardrail. Side slopes are NCDOT Local Design Side Slopes (LDSS) due to an Average Daily Traffic (ADT) of less than 2,000 vehicles per day (vpd). The current ADT in 2024 is 240 vpd, and the projected future ADT in 2044 is 340 vpd. The Design Speed V = 60 mph. The Functional Classification is Local – Sub-Regional Tier. No design exceptions are anticipated. The bridge replacement on new alignment will be located North of the existing structure. The new bridge will be constructed parallel to the existing bridge. Existing traffic can be maintained on the existing bridge during construction, so no offsite detour is required. The purpose of the proposed project is to remove a structurally deficient bridge. NCDOT Bridge Management Unit records from 2022 indicate Bridge No. 780178 was built in 1970 and is considered structurally deficient due to a deck condition and superstructure condition appraisal of 4 out of 9 according to Federal Highway Administration standards. This bridge has priority maintenance repair issues and is rated as "Poor" condition.

B. Consultation Phase:

Construction

C. NEPA/SEPA Class of Action:

FHWA TYPE I A CE Date **3/15/2023**

D. Changes in Proposed Action & Environmental Consequences:

The guardrail attachments to the bridge in the median needed to be adjusted and included a slight modification to the median ditch grading. This change will occur within the original study area and does not change the findings of the original CE document. Driveways on Parcels 001 and 004 were widened and drainage has been modified on Parcels 001 and 002.

Table 1. ESA Federally Protected Species Listed in IPaC Database (December 2023) for Rockingham County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Perimyotis subflavus</i>	Tricolored Bat	PE	Undetermined	Unresolved. No critical habitat has been designated for this species.
<i>Percina rex</i>	Roanoke logperch	E	No	No Effect
<i>Fusconaia masoni</i>	Atlantic pigtoe	T	No	No Effect.
<i>Lasmigona subviridis</i>	Green floater	PT	No	No Effect

E – Endangered; PE – Proposed Endangered; T – Threatened; PT – Proposed Threatened

Tricolored Bat

The USFWS has issued a programmatic conference opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the Tricolored bat (TCB) (*Perimyotis subflavus*) in eastern North Carolina. The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. NCDOT, FHWA, and USACE have agreed to three conservation measures (listed in the PCO) which will avoid/minimize take to TCBs. These conservation measures apply to all counties in Divisions 1-8. The programmatic determination for TCB for the NCDOT program is *May Affect, Likely to Adversely Affect*. Once the TCB is officially listed, the PCO will become the programmatic biological opinion (PBO) by formal request from FHWA and USACE. The PBO will ensure compliance with Section 7 of the ESA for approximately five years (effective through December 31, 2028) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Rockingham County, where BR-0097 is located.

NCDOT will ensure compliance with the ESA for all protected species for this project.

Candidate Species

The Monarch butterfly, a federal candidate species, has a range that could extend into the project area within Rockingham County. Federal candidate species are not afforded any protections under the ESA. The USFWS IPaC database indicates that no critical habitat has been designated for this species.

Migratory Birds and Bald & Golden Eagles

Certain birds are protected under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act. The USFWS IPaC database indicates five (5) migratory birds that could occur within the project area (see Table 2) and that are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention within the project area. These migratory birds are listed as a BCC throughout their entire continental U.S. and Alaskan ranges. The BCC species are protected under the MBTA, which prohibits the killing, capturing, selling, trading and transport of listed birds.

Table 2. Migratory Birds Listed in IPaC Database (December 2023) for Rockingham County

Scientific Name	Common Name	Breeding Season
<i>Chaetura pelagica</i>	Chimney Swift	Breeds Mar 15 to Aug 25
<i>Antrastomus vociferus</i>	Eastern Whip-poor-will	Breeds May 1 to Aug 20
<i>Dendroica discolor</i>	Prairie warbler	Breeds May 1 to Jul 31
<i>Melanerpes erythrocephalus</i>	Red-headed woodpecker	Breeds May 10 to Sep 10
<i>Hylocichla mustelina</i>	Wood thrush	Breeds May 10 to Aug 31

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, BGEPA) prohibits, among other things, the killing and disturbance of eagles. According to the USFWS IPaC database (accessed December 2023), there are no documented cases of eagles being present at the project location. Therefore, it is anticipated that this project will have no effect on this species.

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). The current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted below. 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. FHWA Appendix C Criteria:

If any of questions 1-7 below are marked "yes" then please review NCDOT and/or FHWA procedures prior to approval.		Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	X
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGPA)?	<input type="checkbox"/>	X
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	X
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	X
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	X
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	X
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	X

G. Coordination

NCDOT personnel have discussed the current project parameters with qualified NCDOT representatives. The Project Manager (Name of PM) hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Trent Huffman, P.E., Moffatt & Nichol	Date	3/4/2024
FHWA Engineer:			
Environmental Specialist:	Michael Turchy		
Other:	Marc Hamel, M&N NEPA Specialist		3/4/2024

H. Consultation Approval for NCDOT Project TIP OR OTHER #

Prepared By:

4/18/2024
Date

DocuSigned by:
Marc Hamel
Marc Hamel, NEPA Specialist, M&N

Prepared For:

DocuSigned by:
Tierre Peterson
Tierra Peterson, P.E., NCDOT Structures Management Unit

Reviewed By:

4/18/2024
Date

DocuSigned by:
Marissa Cox
Marissa Cox, Western Regional Team Lead, EPU

Approved

In adherence with 23 CFR 771 (NEPA) or NC General Statute Chapter 113A Article 1 (SEPA), NCDOT approves this Consultation.

or

Certified

If any of the threshold questions (1 through 7) of Section F are answered "yes," NCDOT certifies this Consultation.

4/18/2024
Date

DocuSigned by:
David Stutts
David Stutts, PE – PEF/Program Manager SMU
North Carolina Department of Transportation

FHWA Approved: FHWA signature required for Projects where an additional threshold has been exceeded or for any Type III CE, FONSI or ROD.

N/A
Date Yolanda K. Jordan, Division Administrator, FHWA

PROJECT COMMITMENTS

Replace Bridge 178 on SR 1929 over US 29

T.I.P. Number: BR-0097

Rockingham County

Federal Aid Number: N/A

WBS:67097.1.1

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

EAU – ECAP - Tricolored Bat Protection

ECAP or Division Environmental staff will evaluate measures to avoid or minimize mortality of Tricolored Bats. No tree clearing will occur within 150 feet of known maternity roost trees May 1 - July 15 to protect non-volant young. Winter roost trees are not considered maternity roost trees. NCDOT will cross reference information provided by the USFWS for location of maternity roosts.

COMMITMENTS FROM PERMITTING

No commitments developed during project permitting.

*******END OF PROJECT COMMITMENTS*******

Replace Bridge 178 on SR 1929 over US 29
67097.1.1

