

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	B-5810
WBS Element	45764.1.1
Federal Aid Project No.	N/A

A. Project Description, Location, and Purpose:

This project is comprised of the replacement of Bridge No. 22 on eastbound NC 24/NC 27 over Rocky River in the Town of Midland, Cabarrus County. The project will replace the bridge in place while using a cross-over detour with a total project length of 1,167'.

The replacement structure will be a bridge 520' long with a 37' clear roadway width. The bridge will include two 12' lanes with a 5' inside shoulder and an 8' outside shoulder. The bridge length is set by hydraulic requirements.

The approach roadway is comprised of two 12' lanes with a 6' inside shoulder (2' paved) and a 8' outside shoulders (4' paved), and 3' of additional shoulder where guardrail is required. The roadway is designed as a Minor Arterial with a design speed of 60 mph.

Traffic will remain on the existing roadway and the westbound bridge during construction by use of a cross-over detour.

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)

- ☒ SEPA MCDC 11/26/2018

Additional Notes: **N/A**

D. Changes in Proposed Action & Environmental Consequences:

Natural Environment Update The classifications of the two jurisdictional streams within the project area have not changed since the MCDC was signed. North Carolina 2020 Final 303(d) list does identify Rocky River as an impaired water for turbidity, copper, and zinc levels, but not due to sedimentation.

Threatened and Endangered Species Update A review of the USFWS Information for Planning and Consultation (IPAC) on February 9, 2022, resulted in the same three federally protected species listed in the project footprint: Schweinitz sunflower, NLEB, and Carolina heelsplitter.

Northern long-eared bat (NLEB) – A bat survey in 2021 found roosting habitat on the bridge but no evidence of bat use. Based on the lack of evidence of bats using the bridge and no known roost trees within 150 feet of the project area, a Biological Conclusion of **May Affect, Not Likely to Adversely Affect** was reached. USFWS issued Informal Concurrence on June 10, 2022 with the caveat that the language could possibly change due to an update expected this fall.

Schweinitz's sunflower - A survey for Schweinitz's sunflower was conducted on October 11, 2021 in which no specimens were found. The Biological Conclusion for Schweinitz's sunflower is **No Effect**.

Carolina heelsplitter - A 2021 mussel survey indicates that no native freshwater mussel fauna is present within the survey reach. No Carolina Heelsplitter individuals were detected during the survey; however, the survey area contains habitat for the Carolina Heelsplitter. Given the presence of habitat at the project location, completion of this project may affect the Carolina Heelsplitter. The recommended biological conclusion for the Carolina heelsplitter is **May Affect, Not Likely to Adversely Affect**.

There are no new green sheet commitments.

Tribal Coordination In accordance with NCDOT's tribal coordination procedures, a letter was sent to the Catawba Indian Nation on December 13, 2019, requesting their input on the project (see attachments). A response was received on January 16, 2020, stating they had no immediate concerns with regards to cultural properties or archaeological sites within the project study area. They requested that they be notified if artifacts or human remains are discovered during construction.

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, Adam Cole, hereby verifies the involvement of the following staff and the incorporation of their technical input:

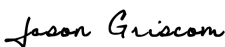
Design Engineer (STV):	Maamoon Abdelaziz	6/17/22
Environmental Specialist:	Jeff Hemphill	6/20/22
FHWA (if applicable):	N/A	N/A
Other:	N/A	N/A

G. Consultation Approval for NCDOT Project B-5810**Prepared By:**

7/1/2022

Date

DocuSigned by:



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Jason Griscom, PE, Project Manager
STV Engineers, Inc.

Prepared For:

DocuSigned by:



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Jacquelyn Bowles, PE
NCDOT, Structure Management Unit

Reviewed By:

7/1/2022

Date

DocuSigned by:



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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.

7/1/2022

Date

DocuSigned by:



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Adam Cole, Project Engineer – Field Operations Divisions 8-14
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

N/A

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

TIP B-5810
Bridge No. 22 over Rocky River on NC 24/NC 27 EBL
in Cabarrus County
WBS No. 45764.1.1

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Structures Management Unit, Project Manager

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).

Memorandum of Agreement (MOA) has been approved as of May 6, 2022.

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.

Division Ten, Division Bridge Program Manager

Northern-Long Eared Bat (NLEB)

The USACE has developed a Standard Local Operations Procedure for Endangered Species (SLOPES) to address NLEB when they are the lead agency, which NCDOT will follow for this project. This procedure applies to projects in NCDOT Divisions 9-14. The requirements of the SLOPES for the NLEB will be completed prior to Let and will be submitted to the USACE. *A Biological Conclusion is not required.*

A survey completed in 2021 found roosting habitat on the bridge but no evidence of bat use.

Division Ten, Division Bridge Program Manager, NCDOT Environmental Analysis Unit (EAU) – Bald Eagle Surveys

Due to the presence of habitat within the study area, the EAU will conduct surveys of the study area within 660 feet of the project limits for the Bald Eagle. These surveys will be conducted prior to project construction.

Survey was completed on February 1, 2022. No eagles or nests were observed.

Division Ten, Roadside Environmental

Rocky River is listed on the North Carolina 2022 Final 303(d) list of impaired water for turbidity at the bridge site; therefore, Design Standards in Sensitive Watersheds will be implemented for this project.

COMMITMENTS FROM PERMITTING

Division Ten Construction

In adherence to the Migratory Bird Treaty Act (MBTA) demolition activities should occur between September and March of any given year. If demolition activities must occur outside of those months, the Division Environmental Officer should be consulted to advise on nesting exclusion activities to prevent birds from nesting in the structure.

