

North Carolina Department of Transportation
PROJECT ENVIRONMENTAL CONSULTATION FORM
TIP Project R-5014

I. GENERAL INFORMATION

- a. Consultation Phase: Right of Way
- b. Project Description SR 1217 (Colington Road), From End of Road to US 158, Dare County
- c. State Project: 41162.1.1
Federal Project: STP-1217(6)
- d. Document Type: Categorical Exclusion 11/10/15
Date

II. CONCLUSIONS

The above environmental document has been reevaluated as required by 23 CFR 771. It was determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted below in Section III. 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.

III. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES

Project Design

At the request of the National Park Service, a 10-foot multi-use path is now proposed along the south side of Colington Road between Baum Bay Drive and Bermuda Bay Boulevard. The proposed multi-use path will be constructed on property that is a part of the Wright Brothers National Memorial, which is listed on the National Register of Historic Places and is a National Historic Landmark. The design discussed in the categorical exclusion did not include this multi-use path. The portion of Colington Road adjacent to the Wright Brothers Memorial property will be resurfaced and a ditch will be added between the road and the path.

Historic Resources

At a meeting held on August 15, 2016, the State Historic Preservation Office concurred the proposed project, including the multi-use path, will have “no adverse effect” on the National Register-listed Wright Brothers Memorial.

Section 4(f) Resources

The proposed multi-use path will be constructed within a temporary construction easement, no additional permanent right of way will be acquired from the Wright Brothers Memorial property. Following project completion, the multi-use path will be owned by the National Park Service and the Park Service will be responsible for maintenance and liability of

the path. The proposed multi-use path will be an enhancement to the Wright Brothers Memorial property. Based on 23 CFR 774.13(d) (temporary occupancy of land) and 23 CFR 774.13(g) (transportation enhancement projects and mitigation activities), a Section 4(f) evaluation is not required for the temporary construction easement required to construct this multi-use path.

Wetlands

The majority of the multi-use path will be constructed in uplands. A pedestrian bridge will be constructed to carry the proposed multi-use path over the one wetland area it crosses

Federally-Protected Species

As of March 15, 2016, one additional species has been added to the list of federally-protected species for Dare County since completion of the categorical exclusion. The northern long-eared bat *Myotis septentrionalis* is listed as threatened.

Although the northern long-eared bat was not previously listed for Dare County, the categorical exclusion did discuss the programmatic biological opinion developed by the US Fish and Wildlife Service in conjunction with the Federal Highway Administration, the US Army Corps of Engineers and NCDOT for the northern long-eared bat. The programmatic biological opinion covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. The programmatic determination for the NCDOT program is “May Affect, Likely to Adversely Affect”. The programmatic biological opinion provides incidental take coverage for northern long-eared bat and will ensure compliance with Section 7 of the Endangered Species Act for five years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Dare County.

The proposed multi-use path is located within areas previously evaluated for federally-protected species. The biological conclusions presented in the categorical exclusion for the project remain valid.

IV. LIST OF ENVIRONMENTAL COMMITMENTS

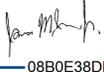
See attached list of environmental commitments.

V. COORDINATION

Project Development and Environmental Analysis Unit personnel have discussed current project proposals with others as follows:

Design Engineer:	<u>Gary Lovering</u>	<u>1/12/17</u> Date
FHWA Engineer:	<u>Ron Lucas</u>	<u>2/2/17</u> Date
NES Environmental Specialist	<u>Chris Rivenbark</u>	<u>1/13/17</u> Date

VI. NCDOT CONCURRENCE

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Project Engineer
Project Development and Environmental Analysis Unit

Date

VII. FHWA CONCURRENCE

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FOR
Federal Highway Administration
Division Administrator

Date

PROJECT COMMITMENTS

SR 1217 (Colington Road)
From End of Road to US 158
Dare County
Federal-Aid Project STP-1217(6)
State Project 41162.1.1
TIP Project R-5014

Current status, changes, or additions to the project commitments as shown in the categorical exclusion are printed in *italics*.

Roadway Design Unit/Division One Construction

In accordance with Section 106 of the National Historic Preservation Act, the original gateposts on Colington Road for the Wright Brothers National Memorial, a National Historic Landmark, will not be affected by construction of the proposed project.

The parking area and access path within NCDOT right of way adjacent to the Colington Creek bridge shall be retained and shall remain open for public use after the project is complete. During construction, NCDOT will attempt to keep the parking area and access path open for public use as much as possible

Status: These commitments will be implemented during project design and construction. The design shown on current project plans avoids the gate posts at the Wright Brothers Memorial and would resurface the parking area at the Colington Creek bridge.

Roadway Design Unit

The steepest side slopes practical and safe will be utilized along the length of the project.

The use of 2:1 side slopes will be considered, if needed, to avoid or minimize submerged aquatic vegetation (SAV) impacts in areas where riprap is already present, or where future riprap will be allowed.

During final design, the use of reduced shoulder widths on the approaches to the existing bridge structures to further reduce wetlands impacts will be investigated.

Status: These commitments will be implemented during final design.

Division One Construction

An in-water construction moratorium will be implemented from April 1 to September 30 in order to protect SAV and juvenile fishes

Status: This commitment will be implemented during project construction.

Project Development and Environmental Analysis Unit

NCDOT will obtain concurrence from the NEPA/404 merger team regarding avoidance and minimization measures for the project (Concurrence Point 4A) prior to beginning final design.

Status: The NEPA/404 merger team concurred on avoidance and minimization measures for the project in September 2016.

Roadway Design Unit/Structure Management Unit

A pedestrian bridge will be constructed to carry the proposed multiuse path on the Wright Brothers Memorial property over Wetland Site WAA.

Status: Current design plans show a pedestrian bridge at Wetland Site WAA.