



## Pre-Construction Notification (PCN) Form

For Nationwide Permits and Regional General Permits  
(along with corresponding Water Quality Certifications)

December 4, 2023 Ver 4.3

Please note: fields marked with a red asterisk \* below are required. You will not be able to submit the form until all mandatory questions are answered.

Also, if at any point you wish to print a copy of the E-PCN, all you need to do is right-click on the document and you can print a copy of the form.

Below is a link to the online help file.

<https://edocs.deq.nc.gov/WaterResources/DocView.aspx?dbid=0&id=2196924>

### A. Processing Information



If this is a courtesy copy, please fill in this with the submission date.

Does this project involve maintenance dredging funded by the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund or involve the distribution or transmission of energy or fuel, including natural gas, diesel, petroleum, or electricity? \*

Yes  No

Is this project connected with ARPA funding? \*

Yes  No

County (or Counties) where the project is located: \*

Nash

Halifax

Is this a NCDMS Project? \*

Yes  No

Click Yes, only if NCDMS is the applicant or co-applicant.

**DON'T CHECK YES, UNLESS YOU ARE DMS OR CO-APPLICANT.**

Is this project a public transportation project? \*

Yes  No

This is any publicly funded by municipal, state or federal funds road, rail, airport transportation project.

Is this a NCDOT Project? \*

Yes  No

(NCDOT only) T.I.P. or state project number:

BR-0090

WBS # \*

67090.1.1

(for NCDOT use only)

1a. Type(s) of approval sought from the Corps: \*

- Section 404 Permit (wetlands, streams and waters, Clean Water Act)  
 Section 10 Permit (navigable waters, tidal waters, Rivers and Harbors Act)

Has this PCN previously been submitted? \*

Yes  
 No

1b. What type(s) of permit(s) do you wish to seek authorization? \*

- Nationwide Permit (NWP)  
 Regional General Permit (RGP)  
 Standard (IP)

1c. Has the NWP or GP number been verified by the Corps? \*

Yes  No

Nationwide Permit (NWP) Number:

13 - Bank Stabilization

Nationwide Permit (NWP) Number:

14 - Linear transportation

**NWP Numbers (for multiple NWPS):**

List all NW numbers you are applying for not on the drop down list.

**1d. Type(s) of approval sought from the DWR: \***

check all that apply

- 401 Water Quality Certification - Regular
- Non-404 Jurisdictional General Permit
- Individual 401 Water Quality Certification
- 401 Water Quality Certification - Express
- Riparian Buffer Authorization

**1e. Is this notification solely for the record because written approval is not required?**

\*

For the record only for DWR 401 Certification:

Yes  No

For the record only for Corps Permit:

Yes  No

**1f. Is this an after-the-fact permit application? \***

Yes  No

**1g. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts?**

If so, attach the acceptance letter from mitigation bank or in-lieu fee program.

Yes  No

**Acceptance Letter Attachment**

Click the upload button or drag and drop files here to attach document

FILE TYPE MUST BE PDF

**1h. Is the project located in any of NC's twenty coastal counties? \***

Yes  No

**1j. Is the project located in a designated trout watershed? \***

Yes  No

Link to trout information: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout.aspx>

## B. Applicant Information



**1a. Who is the Primary Contact? \***

Shane Tapper

**1c. Primary Contact Phone: \***

(xxx)xxx-xxxx  
(919)707-6062

**1b. Primary Contact Email: \***

kstapper@ncdot.gov

**1d. Who is applying for the permit? \***

- Owner  
(Check all that apply)
- Applicant (other than owner)

**1e. Is there an Agent/Consultant for this project? \***

Yes  No

### 2. Owner Information

**2a. Name(s) on recorded deed: \***

NCDOT

**2b. Deed book and page no.:**

**2c. Contact Person:**

(for Corporations)

**2d. Address \***

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

Wake

**2e. Telephone Number: \***

(xxx)xxx-xxxx

(919)707-6062

**2f. Fax Number:**

(xxx)xxx-xxxx

2g. Email Address: \*

kstapper@ncdot.gov

## C. Project Information and Prior Project History

### 1. Project Information

1a. Name of project: \*

Bridge 36 on NC 561 over Fishing Creek (BR-0090 Central)

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: \*

Centerville

### 2. Project Identification

2a. Property Identification Number:

(tax PIN or parcel ID)

2b. Property size:

(in acres)

2c. Project Address

Street Address

Address Line 2

City

Postal / Zip Code

State / Province / Region

Country

2d. Site coordinates in decimal degrees

Please collect site coordinates in decimal degrees. Use between 4-6 digits (unless you are using a survey-grade GPS device) after the decimal place as appropriate, based on how the location was determined. (For example, most mobile phones with GPS provide locational precision in decimal degrees to map coordinates to 5 or 6 digits after the decimal place.)

Latitude: \*

36.201066  
ex: 34.208504

Longitude: \*

-78.003946  
-77.796371

### 3. Surface Waters

3a. Name of the nearest body of water to proposed project: \*

Fishing Creek

3b. Water Resources Classification of nearest receiving water: \*

WS-V;NSW

[Surface Water Lookup](#)

3c. What river basin(s) is your project located in? \*

Tar-Pamlico

3d. Please provide the 12-digit HUC in which the project is located. \*

030201020304

[River Basin Lookup](#)

### 4. Project Description and History

4a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: \*

Land use in the project vicinity consists of forested communities, floodplain swamps, and agricultural fields.

4b. Have Corps permits or DWR certifications been obtained for this project (including all prior phases) in the past? \*

Yes  No  Unknown

4f. List the total estimated acreage of all existing wetlands on the property:

1.7

4g. List the total estimated linear feet of all existing streams on the property:

(intermittent and perennial)

200

4h. Explain the purpose of the proposed project: \*

The purpose of this project is to replace a structurally deficient bridge.



S1	Site 1	Permanent	Bank Stabilization	Fishing Creek	Perennial	Both	60 Average (feet)	160 (linear feet)
S2	Site 1	Temporary	Bank Stabilization	Fishing Creek	Perennial	Both	60 Average (feet)	205 (linear feet)

\*\* All Perennial or Intermittent streams must be verified by DWR or delegated local government.

**3i. Total jurisdictional ditch impact in square feet:**

0

**3i. Total permanent stream impacts:**

160

**3i. Total temporary stream impacts:**

205

**3i. Total stream and ditch impacts:**

365

**3j. Comments:**

### 4. Open Water Impacts

If there are proposed impacts to lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean, or any other open water of the U.S. then individually list all open water impacts below.

4a. Site #* (?)	4a1. Impact Reason	4b. Impact type* (?)	4c. Name of waterbody (?)	4d. Activity type*	4e. Waterbody type*	4f. Impact area*
Site 1	Riprap removal	T	Fishing Creek	Dewatering	Tributary	0.03 (acres)

**4g. Total temporary open water Impacts:**

0.03

**4g. Total permanent open water impacts:**

0.00

**4g. Total open water impacts:**

0.03

**4h. Comments:**

Open water impact is due to access needed for removal of existing riprap in channel.

### 6. Buffer Impacts (for DWR)

If project will impact a protected riparian buffer, then complete the chart below. Individually list all buffer impacts below.

**6a. Project is in which protect basin(s)?\***

Check all that apply.

- Neuse
- Catawba
- Goose Creek
- Other
- Tar-Pamlico
- Randleman
- Jordan Lake

6b. Impact Type* (?)	6c. Per or Temp* (?)	6d. Stream name*	6e. Buffer mitigation required?*	6f. Zone 1 impact*	6g. Zone 2 impact*
Site 1	P	Fishing Creek	No	10,416 (square feet)	6,800 (square feet)

### 6h. Total buffer impacts:

	Zone 1	Zone 2
Total Temporary impacts:	0.00	0.00
<hr/>		
Total Permanent impacts:	10,416.00	6,800.00
<hr/>		
Total combined buffer impacts:	10,416.00	6,800.00

## 6i. Comments:

566 square feet of Zone 2 impact occur in impacted wetlands (Wetland E). As a condition for temporarily impacting properties on parcels 2 and 4, the sites will be revegetated. With this, 3043 sqft of Zone 1 and 1,715 sqft of Zone 2 buffers will be restored. This encompasses the area between the new ROW and the temporary easement for parcels 2 and 4. A revegetation plan is attached.

## E. Impact Justification and Mitigation

### 1. Avoidance and Minimization

#### 1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing the project: \*

The proposed bridge will be longer, with no bents in the stream. No deck drains on the bridge. Removal of existing riprap in channel. Reforestation of the onsite detour outside of the proposed right of way. See stormwater management plan for additional minimizations.

#### 1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques: \*

NCDOT Design Standards in Sensitive Watersheds will be employed during all facets of construction and demolition.

### 2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State

#### 2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?

Yes  No

#### 2b. If this project DOES NOT require Compensatory Mitigation, explain why:

All impacts are considered either minimal or not a "loss of Waters of the U.S."

NC Stream Temperature Classification Maps can be found under the Mitigation Concepts tab on the Wilmington District's [RIBITS](#) website.

## F. Stormwater Management and Diffuse Flow Plan (required by DWR)

\*\*\* Recent changes to the stormwater rules have required updates to this section.\*\*\*

### 1. Diffuse Flow Plan

#### 1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules?

Yes  No

1b. All buffer impacts and high ground impacts require diffuse flow or other form of stormwater treatment. If the project is subject to a state implemented riparian buffer protection program, include a plan that fully documents how diffuse flow will be maintained.

All Stormwater Control Measures (SCM)s must be designed in accordance with the [NC Stormwater Design Manual](#). Associated supplement forms and other documentation shall be provided.

#### What type of SCM are you providing?

- Level Spreader
- Vegetated Conveyance (lower SHWT)
- Wetland Swale (higher SHWT)
- Other SCM that removes minimum 30% nitrogen
- Proposed project will not create concentrated stormwater flow through the buffer

(check all that apply)

For a list of options to meet the diffuse flow requirements, click [here](#).

### 2. Stormwater Management Plan

#### 2a. Is this a NCDOT project subject to compliance with NCDOT's Individual NPDES permit NCS000250? \*

Yes  No

Comments:

## G. Supplementary Information

### 1. Environmental Documentation

#### 1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? \*

Yes  No

#### 1b. If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)? \*

Yes  No

#### 1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) \*

Yes  No

Comments:\*

Type I Categorical Exclusions do not require submittal to the State Clearing House.

## 2. Violations (DWR Requirement)

2a. Is the site in violation of DWR Water Quality Certification Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), or DWR Surface Water or Wetland Standards or Riparian Buffer Rules (15A NCAC 2B .0200)? \*

Yes  No

## 3. Cumulative Impacts (DWR Requirement)

3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? \*

Yes  No

3b. If you answered "no," provide a short narrative description.

Due to minimal transportation impact resulting from this bridge replacement, this project will neither influence nearby land uses nor stimulate growth. Therefore, a detailed indirect or cumulative effects study will not be necessary.

## 4. Sewage Disposal (DWR Requirement)

4a. Is sewage disposal required by DWR for this project? \*

Yes  No  N/A

## 5. Endangered Species and Designated Critical Habitat (Corps Requirement)

5a. Will this project occur in or near an area with federally protected species or habitat? \*

Yes  No

5b. Have you checked with the USFWS concerning Endangered Species Act impacts? \*

Yes  No

5c. If yes, indicate the USFWS Field Office you have contacted.

Raleigh

5d. Is another Federal agency involved? \*

Yes  No  Unknown

5e. Is this a DOT project located within Division's 1-8? \*

Yes  No

5j. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? \*

N.C. Natural Heritage Program database; USFWS-IPaC query; biological surveys for protected species identified for the project area, which include Tar spiny mussel, Dwarf wedgemussel, Yellow lance, Atlantic pigtoe, Green floater, Red-cockaded woodpecker, Neuse River waterdog, Carolina Madtom, Atlantic sturgeon, Michaux's sumac. All aquatic species received a determination of MALAA. Payment has been made into the NC Non-Game Aquatic Fund and project was designed to comply with species PBO. Habitat for red-cockaded woodpecker does not exist in the study area. The tricolored bat is currently listed as proposed endangered by FWS. In the event the species receives its official listing during project construction, it is anticipated to be covered under a programmatic agreement for the species. Habitat is present for Michaux's sumac. Surveys were conducted 8-9-2022 with no specimens observed.

Habitat for Bald eagle does not exist in the project vicinity.

## 6. Essential Fish Habitat (Corps Requirement)

6a. Will this project occur in or near an area designated as an Essential Fish Habitat? \*

Yes  No

6b. What data sources did you use to determine whether your site would impact an Essential Fish Habitat? \*

NMFS county index.

## 7. Historic or Prehistoric Cultural Resources (Corps Requirement)

Link to the State Historic Preservation Office Historic Properties Map (does not include archaeological data: <http://gis.ncdcr.gov/hpweb/>)

7a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)? \*

Yes  No

7b. What data sources did you use to determine whether your site would impact historic or archeological resources? \*

NEPA documentation.

## 8. Flood Zone Designation (Corps Requirement)

Link to the FEMA Floodplain Maps: <https://msc.fema.gov/portal/search>

8a. Will this project occur in a FEMA-designated 100-year floodplain? \*

Yes  No

**8b. If yes, explain how project meets FEMA requirements:**

NCDOT Hydraulics Unit coordination with FEMA.

**8c. What source(s) did you use to make the floodplain determination? \***

FEMA floodplain mapping.

## Miscellaneous



### Comments

Please use the space below to attach all required documentation or any additional information you feel is helpful for application review. Documents should be combined into one file when possible, with a Cover Letter, Table of Contents, and a Cover Sheet for each Section preferred.

[Click the upload button or drag and drop files here to attach document](#)

BR0090 ePCN attachments.pdf

11.32MB

File must be PDF or KMZ

## Signature



\*

By checking the box and signing below, I certify that:

- The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief; and
- The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.
- I have given true, accurate, and complete information on this form;
- I agree that submission of this PCN form is a "transaction" subject to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I agree to conduct this transaction by electronic means pursuant to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature; AND
- I intend to electronically sign and submit the PCN form.

**Full Name: \***

Jason Dilday

**Signature \***



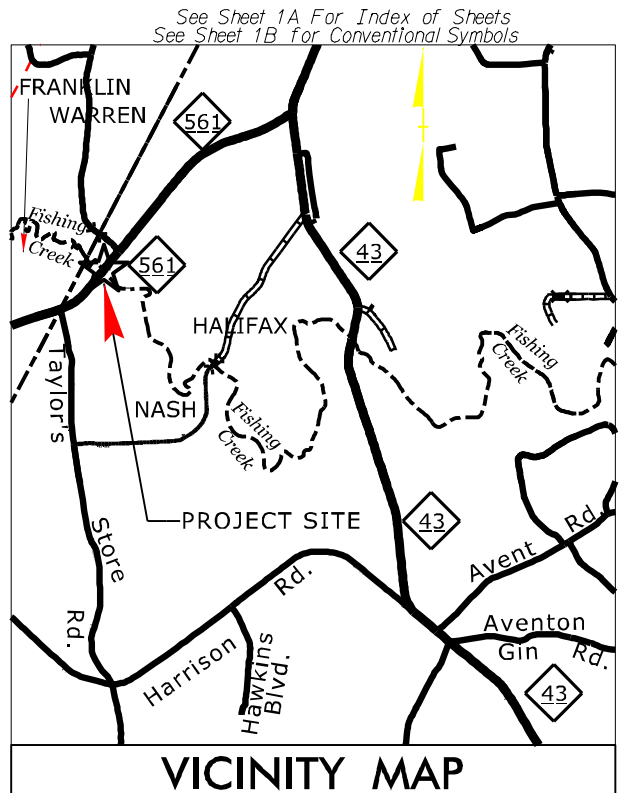
**Date**

5/31/2024



09/08/19

**TIP PROJECT: BR-0090**



**RAW PLANS**

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

**HALIFAX & NASH COUNTIES**

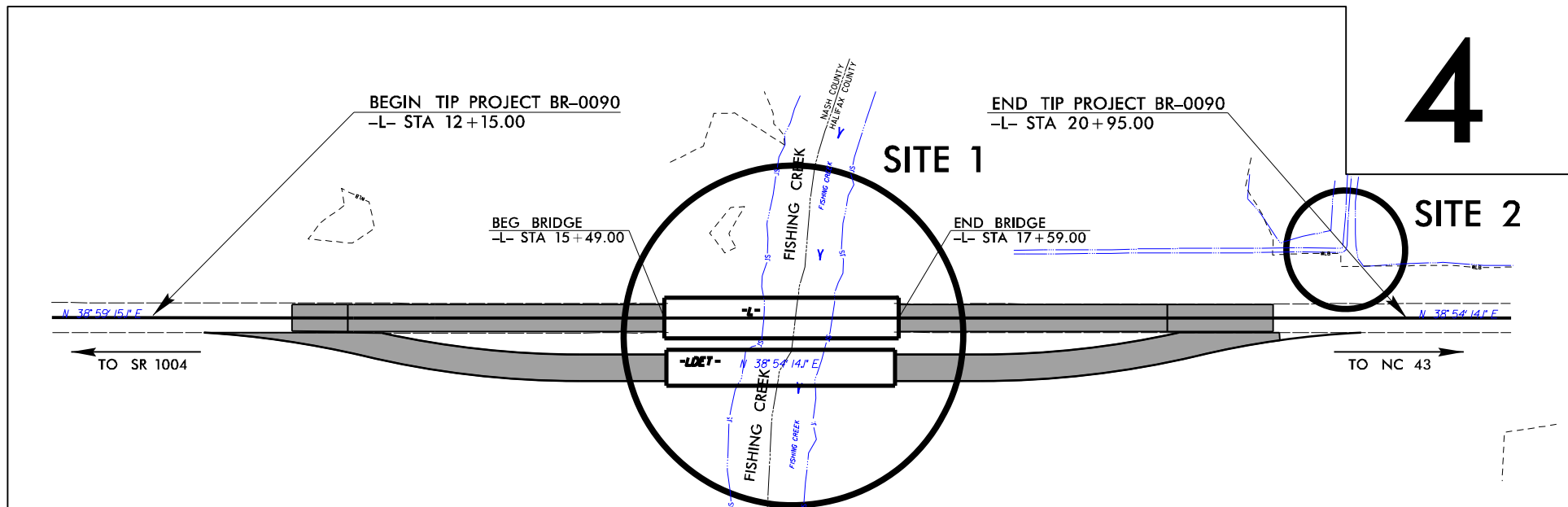
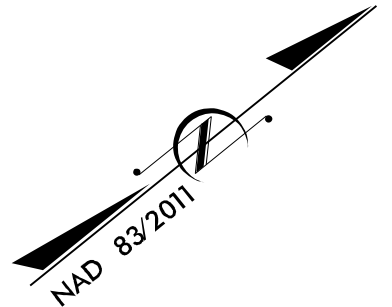
LOCATION: BRIDGE NO. 630036 OVER FISHING CREEK  
ON NC 561

TYPE OF WORK: GRADING, DRAINAGE, PAVING AND STRUCTURE

**WETLAND AND SURFACE WATER IMPACTS PERMIT**

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	BR-0090	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
67090.1.1	NA	P.E.	
67090.2.1	NA	RW & UTIL	
67090.3.1	NA	CONSTR	

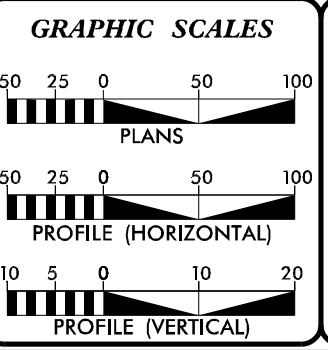
**PERMIT DRAWING  
SHEET 1 OF 8**



- NOTES:
- CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III
  - THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES
  - THIS PROJECT IS NOT A CONTROL ACCESS PROJECT

**INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED**

**CONTRACT:**



**DESIGN DATA**

ADT 2022 =	1615
ADT 2042 =	2188
K =	— %
D =	— %
T =	15 % *
V =	60 MPH
* TTST =	10 DUAL 5
FUNC CLASS =	MINOR ARTERIAL
REGIONAL TIER	

**PROJECT LENGTH**

LENGTH ROADWAY TIP PROJECT BR-0090 =	0.127 MILES
LENGTH STRUCTURE TIP PROJECT BR-0090 =	0.040 MILES
TOTAL LENGTH TIP PROJECT BR-0090 =	0.167 MILES

Prepared in the Office of:  
**DIVISION OF HIGHWAYS**  
1000 Birch Ridge Dr., Raleigh NC, 27610

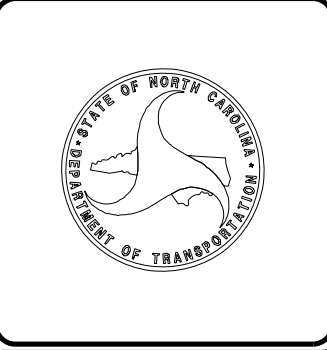
2018 STANDARD SPECIFICATIONS	
RIGHT OF WAY DATE: AUGUST 17, 2022	KRISTY ALFORD, PE PROJECT MANAGER
LETTING DATE: JUNE 20, 2023	JORDAN WOODARD, PE PROJECT ENGINEER
	DOUG KRETCHMAN, PE PROJECT TEAM LEAD

**HYDRAULICS ENGINEER**

\_\_\_\_\_  
SIGNATURE: P.E.

**ROADWAY DESIGN ENGINEER**

\_\_\_\_\_  
SIGNATURE: P.E.



5/24/2024  
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 \$\$\$\$\$\$ USERNAME \$\$\$\$\$\$

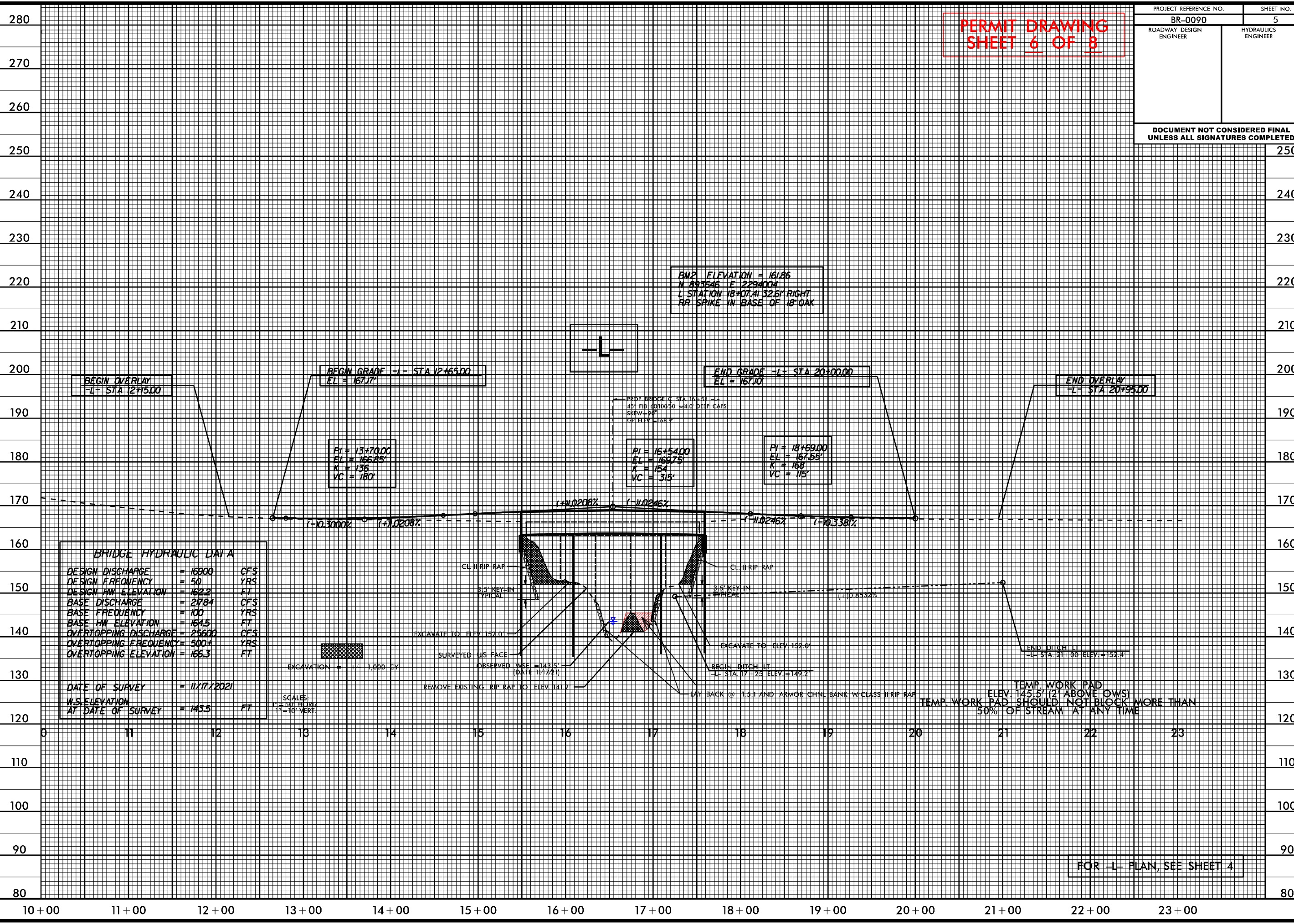








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**PERMIT DRAWING  
SHEET 6 OF 8**

PROJECT REFERENCE NO. BR-0090	SHEET NO. 5
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

**DOCUMENT NOT CONSIDERED FINAL  
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FOR -L- PLAN, SEE SHEET 4



**WETLAND AND SURFACE WATER IMPACTS SUMMARY**

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-L-15+90 TO 16+21(LT)	HAND CLEARING					0.01					
1	-L-16+07 TO 17+13	RIPRAP EMBANKMENT						0.10	0.10	160	205	
1	-L-16+61 TO 16+89	RIPRAP REMOVAL							0.03			
2	-L-20+74 TO 21+15 (LT)	HAND CLEARING					0.04					
<b>TOTALS*:</b>							0.05	0.10	0.13	160	205	0

\*Rounded totals are sum of actual impacts

NOTES:

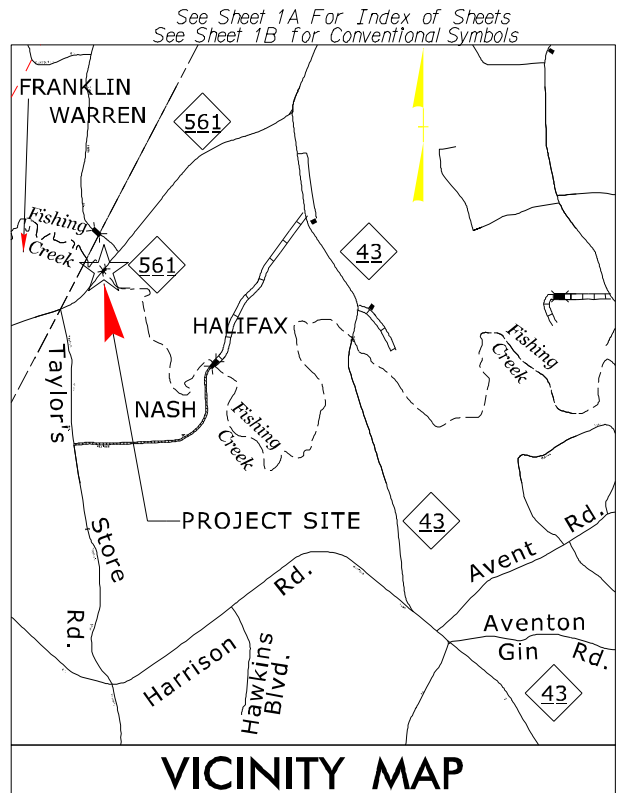
<0.015 acre of Temp Fill in wetlands in the hand clearing areas for EC measures.

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 May 22, 2024  
 NASH COUNTY  
 BR-0090  
 WBS#: 67090.1.1  
 SHEET 8 OF 8



09/05/19

**TIP PROJECT: BR-0090**



**R/W PLANS**

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

# HALIFAX & NASH COUNTIES

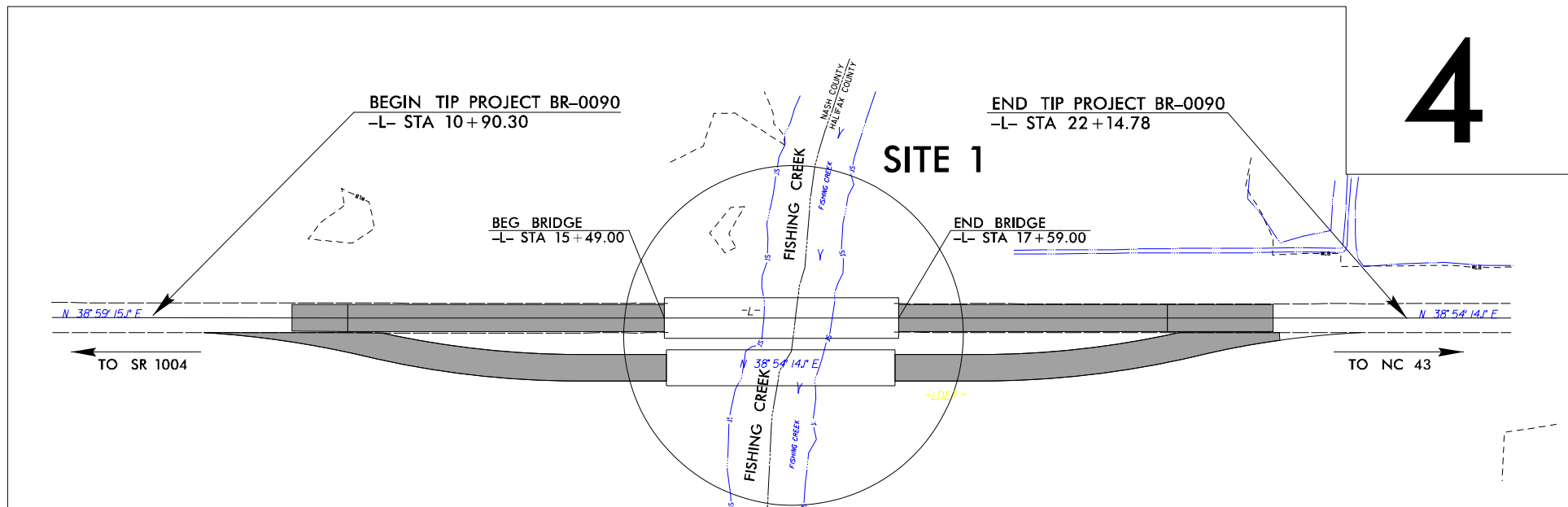
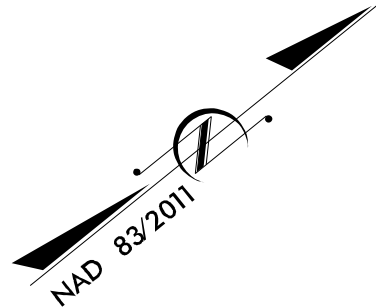
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**TYPE OF WORK: GRADING, DRAINAGE, PAVING AND STRUCTURE**

**BUFFER IMPACTS PERMIT**

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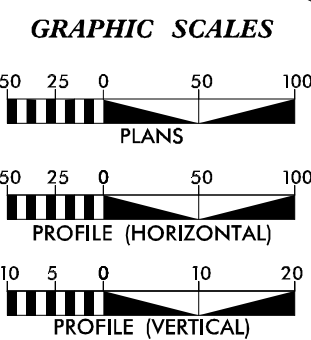
**BUFFER DRAWING  
SHEET 1 OF 3**



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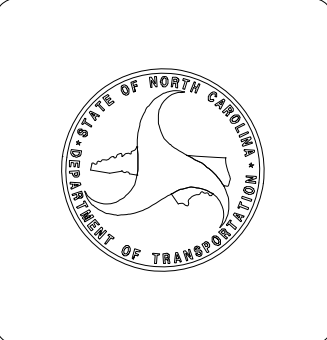
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	<b>DOUG KRETCHMAN, PE</b> PROJECT TEAM LEAD

**HYDRAULICS ENGINEER**

\_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ P.E.

**ROADWAY DESIGN ENGINEER**

\_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ P.E.



5/24/2024  
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## RIPARIAN BUFFER IMPACTS SUMMARY

Site No.	Station (From/To)	Structure Size / Type	IMPACTS									BUFFER REPLACEMENT	
			TYPE			ALLOWABLE			MITIGABLE			ZONE 1 (ft <sup>2</sup> )	ZONE 2 (ft <sup>2</sup> )
			ROAD CROSSING	BRIDGE	PARALLEL IMPACT	ZONE 1 (ft <sup>2</sup> )	ZONE 2 (ft <sup>2</sup> )	TOTAL (ft <sup>2</sup> )	ZONE 1 (ft <sup>2</sup> )	ZONE 2 (ft <sup>2</sup> )	TOTAL (ft <sup>2</sup> )		
1	-15+57 (RT) TO 17+68 (L)	BRIDGE		X		10416	6800	17215					
<b>TOTALS*:</b>						<b>10416</b>	<b>6800</b>	<b>17215</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

NOTES:

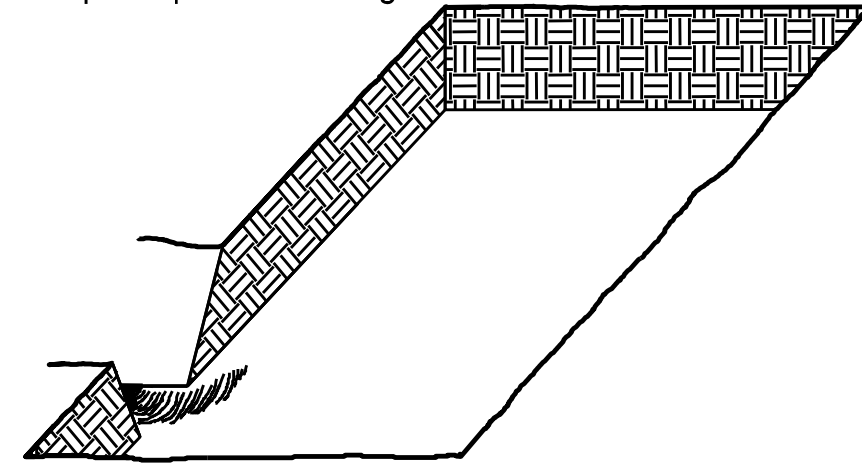
NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 12.8.22  
 NASH COUNTY  
 BR-0090  
 67090.1.1  
 SHEET 3 OF 3

## PLANTING DETAILS

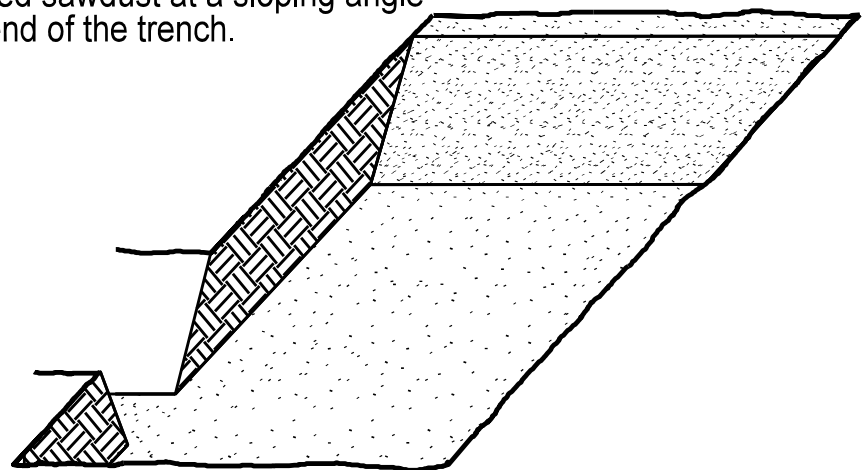
### SEEDLING / LINER BAREROOT PLANTING DETAIL

#### HEALING IN

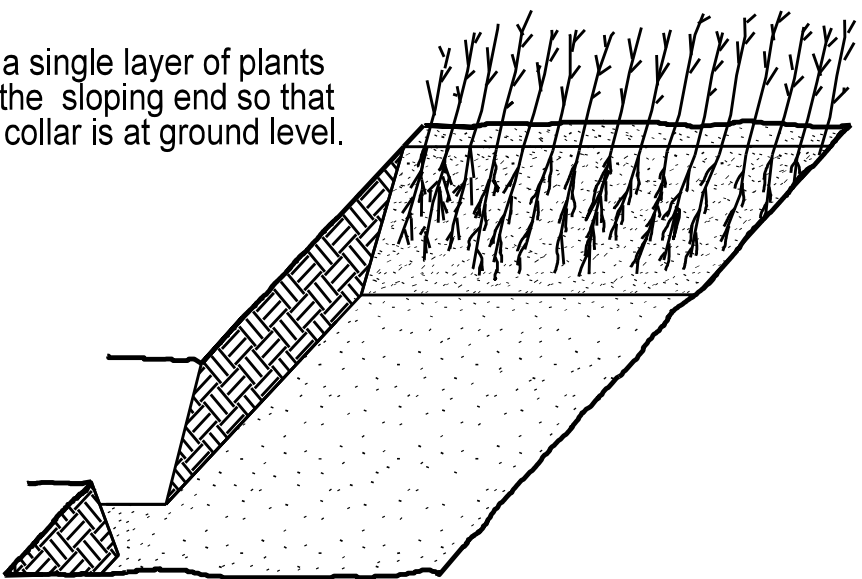
1. Locate a healing-in site in a shady, well protected area.
2. Excavate a flat bottom trench 12 inches deep and provide drainage.



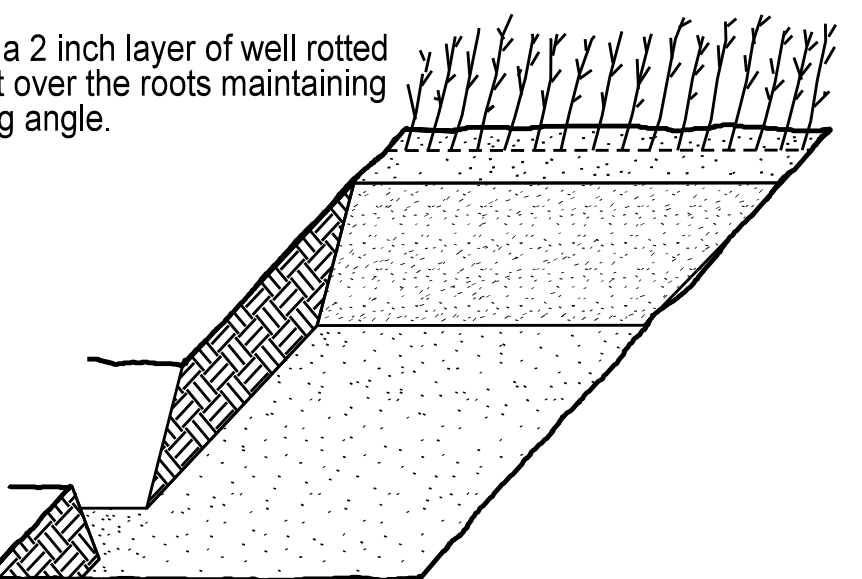
3. Backfill the trench with 2 inches well rotted sawdust. Place a 2 inch layer of well rotted sawdust at a sloping angle at one end of the trench.



4. Place a single layer of plants against the sloping end so that the root collar is at ground level.

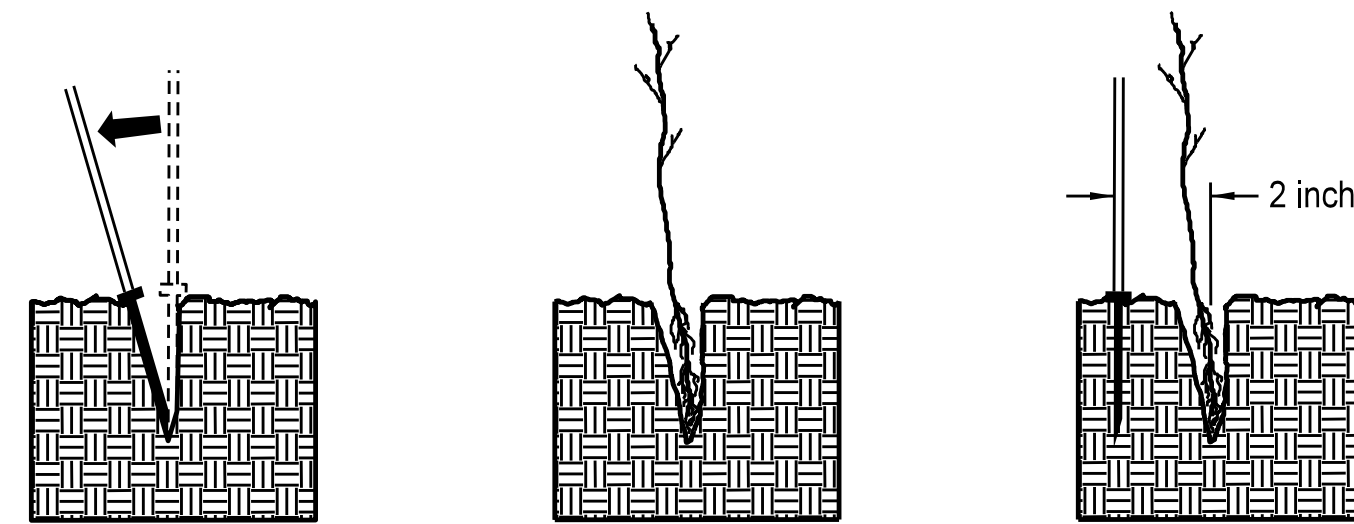


5. Place a 2 inch layer of well rotted sawdust over the roots maintaining a sloping angle.



6. Repeat layers of plants and sawdust as necessary and water thoroughly.

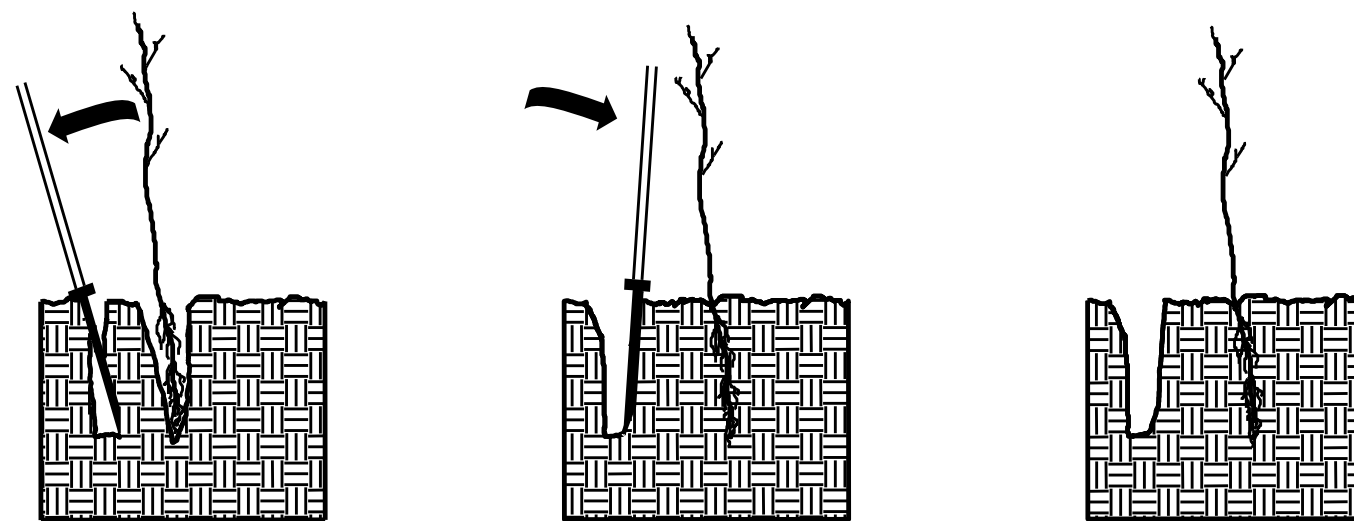
#### DIBBLE PLANTING METHOD USING THE KBC PLANTING BAR



1. Insert planting bar as shown and pull handle toward planter.

2. Remove planting bar and place seedling at correct depth.

3. Insert planting bar 2 inches toward planter from seedling.



4. Pull handle of bar toward planter, firming soil at bottom.

5. Push handle forward firming soil at top.

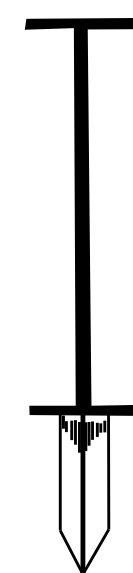
6. Leave compaction hole open. Water thoroughly.

#### PLANTING NOTES:

**PLANTING BAG**  
During planting, seedlings shall be kept in a moist canvas bag or similar container to prevent the root systems from drying.



**KBC PLANTING BAR**  
Planting bar shall have a blade with a triangular cross section, and shall be 12 inches long, 4 inches wide and 1 inch thick at center.



**ROOT PRUNING**  
All seedlings shall be root pruned, if necessary, so that no roots extend more than 10 inches below the root collar.

## REFORESTATION

- TREE REFORESTATION SHALL BE PLANTED 6 FT. TO 10 FT. ON CENTER, RANDOM SPACING, AVERAGING 8 FT. ON CENTER, APPROXIMATELY 680 PLANTS PER ACRE.

#### REFORESTATION

MIXTURE, TYPE, SIZE, AND FURNISH SHALL CONFORM TO THE FOLLOWING:

20% LIRIODENDRON TULIPIFERA	YELLOW POPLAR	12 in - 18 in BR
20% QUERCUS MICHAUXII	SWAMP CHESTNUT OAK	12 in - 18 in BR
20% QUERCUS PHELLOS	WILLOW OAK	12 in - 18 in BR
20% PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	12 in - 18 in BR
		Must meet a min. of 2 of the following size criteria:
10% FAGUS GRANDIFLORIA	AMERICAN BEECH	#3 CONT. OR LARGER, >= 3 ft ht, >1 in CALIPER
10% ILEX OPACA	AMERICAN HOLLY	#3 CONT. OR LARGER, >= 3 ft ht, >1 in CALIPER

## REFORESTATION DETAIL SHEET

N.C.D.O.T. - ROADSIDE ENVIRONMENTAL UNIT



## NO ARCHAEOLOGICAL SURVEY REQUIRED FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.



### PROJECT INFORMATION

**Project No:** Br No 36 / Br 0090      **County:** Nash / Halifax  
**WBS No:** 67090.1.1      **Document:** M C C  
**F.A. No:**      **Funding:**  State       Federal  
**Federal Permit Required?**       Yes       No      **Permit Type:** usace

**Project Description:** NCDOT proposes to replace Bridge No. 36 on NC 561 over Fishing Creek in extreme northwestern Nash County and southeastern Halifax County where Nash, Halifax Franklin and Warren Counties meet. While state-funded, a federal permit is required from the USACE, therefore, Section 106 of the National Historic Preservation Act applies. No alternative has been selected for this project; however, preliminary designs show a possible bridge replacement in place with an onsite detour shifting downstream/southeast of the existing facility. This suggests the scale and location of possible new impacts. For purposes of this archaeological review, the Area of Potential Effects is the current project length of 1200 feet by the width of 150 feet to either side of the roadway, centered on the existing facility and allowing for several design solutions.

### SUMMARY OF CULTURAL RESOURCES REVIEW

#### **Brief description of review activities, results of review, and conclusions:**

The project area along NC 561 passes through a "four corners" area where Nash, Halifax, Franklin and Warren counties meet. It is generally a wooded and rural landscape where it crosses Fishing Creek at Bridge No. 36 according to USGS mapping (Centerville) and various aerial views. Ransoms Bridge is a place name frequently associated with this location, where mapping shows a previous crossing of Fishing Creek north of the current project.

Virtual drive by viewing was accomplished using Google Maps. No cemeteries were noted during the virtual viewing or on the USGS mapping at the project location, nor were any noted on cemetery data maintained by NCDOT archaeologist, Paul Mohler.

The Office of State Archaeology was consulted to determine if any previous archaeological reviews, surveys or sites area associated with the nearby vicinity. There are no recorded archaeological sites near the project area, though 31Hx49 is recorded 1.25 miles away downstream. An environmental review has taken place which overlaps the southwestern quadrant of the APE. ER 07-1956 was a review of a Tar River Land Conservancy acquisition; no archaeological survey was recommended. In fact, three of the four project quadrants are conservation properties according to simple property searches, with both northern quadrants potentially now owned by the State of North Carolina.

Historic mapping was examined. As noted previously, Ransoms Bridge is a place name on earlier and mid-century mapping, a reference an earlier crossing north of Bridge No. 0036. The old road is visible in LIDAR imaging. Nearby to the southeast, mainly in Franklin County, was a gold mining operation which operated well into the twentieth century. Sketch mapping of Nash County north of the Tar River from the 1860s show Ransoms Bridge, reference gold mining which was known as the Portis Mine. Detailed maps of the mining operation was examined and found to be down the road from the subject bridge. Early twentieth

century county and soils mapping show show the old bridge. By the mid twentieth century, the gold mining operation was closed, and the new route and bridge was in place around 1947.

References to free people of color living in the vicinity of Ransoms Bridge was noted in research. The Meadows, associated with the Haliwa-Saponi Native American Tribe, is shown on early twentieth century mapping about four miles northeast into Halifax County. This is a state recognized Tribe. The research and maps did not indicate any occupation in the immediate vicinity of the bridge to be replaced.

About two thirds of the APE falls in frequently flooded soils (Chewacla and Wehadkee) which are poorly drained or somewhat poorly drained and not favorable for habitation. A narrow landform of State fine sandy loam is crossed by NC 561 immediately north of the bridge, though LIDAR imagery shows little relief. Site 31Hx49 was present on the same well drained soil type, though on a more expansive and elevated landform near a major bend in the creek.

For this undertaking, the proposed bridge replacement of the existing transportation facility Bridge No. 36, will likely have new impacts adjacent to previous soil disturbances. Much of the APE has been modified for the current roadway, bridge and drainage, lessening expectations for encountering intact and significant archaeological sites. Surrounding soils are, generally, not well drained. While there was some historic period industry (gold mining) and notable communities noted living nearby, maps and other sources do not indicate people were living adjacent to this bridge or the earlier one to the north, outside of the APE.

As a result of this review, we conclude that the likelihood of encountering intact, NRHP-eligible resources are low based on previous disturbances, the scale of the project, presence of poorly drained soils and lack of suggestion of sustained activity or occupation very close to the bridge. Further, the Office of State Archaeology reviewed a project which overlaps the APE and no archaeological survey was recommended. The project should be considered compliant with Section 106. No archaeological survey is recommended for this undertaking as currently proposed.

***Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:***

The scale and nature of the project is limited to the replacement of an existing bridge, possibly shifted or with a temporary detour. The portion of the APE that overlays the current transportation facility and is heavily disturbed by the original 1947 roadway and bridge construction. New impacts will be limited to work adjacent to the bridge. Review of background archaeological information, examination of mapping, and soils data suggests low probability for the presence of significant, intact archaeological resources within the APE. No archaeological survey is recommended. Therefore, this federally permitted undertaking should be considered compliant with Section 106.

This project falls within North Carolina counties in which the Catawaba Indian Nation and the Tuscarora Nation have expressed an interest. It is recommended that you contact each federal agency involved with this project to determine their Section 106 Tribal Consultation requirements.

**SUPPORT DOCUMENTATION**

See attached:  Map(s)  Previous Survey Info  Photos  Correspondence  
 Photocopy of County Survey Notes  Other:

**FINDING BY NCDOT ARCHAEOLOGIST**

*NO ARCHAEOLOGY SURVEY REQUIRED*

  
 NCDOT ARCHAEOLOGIST

10/16/2019

Date

**18-09-0063**

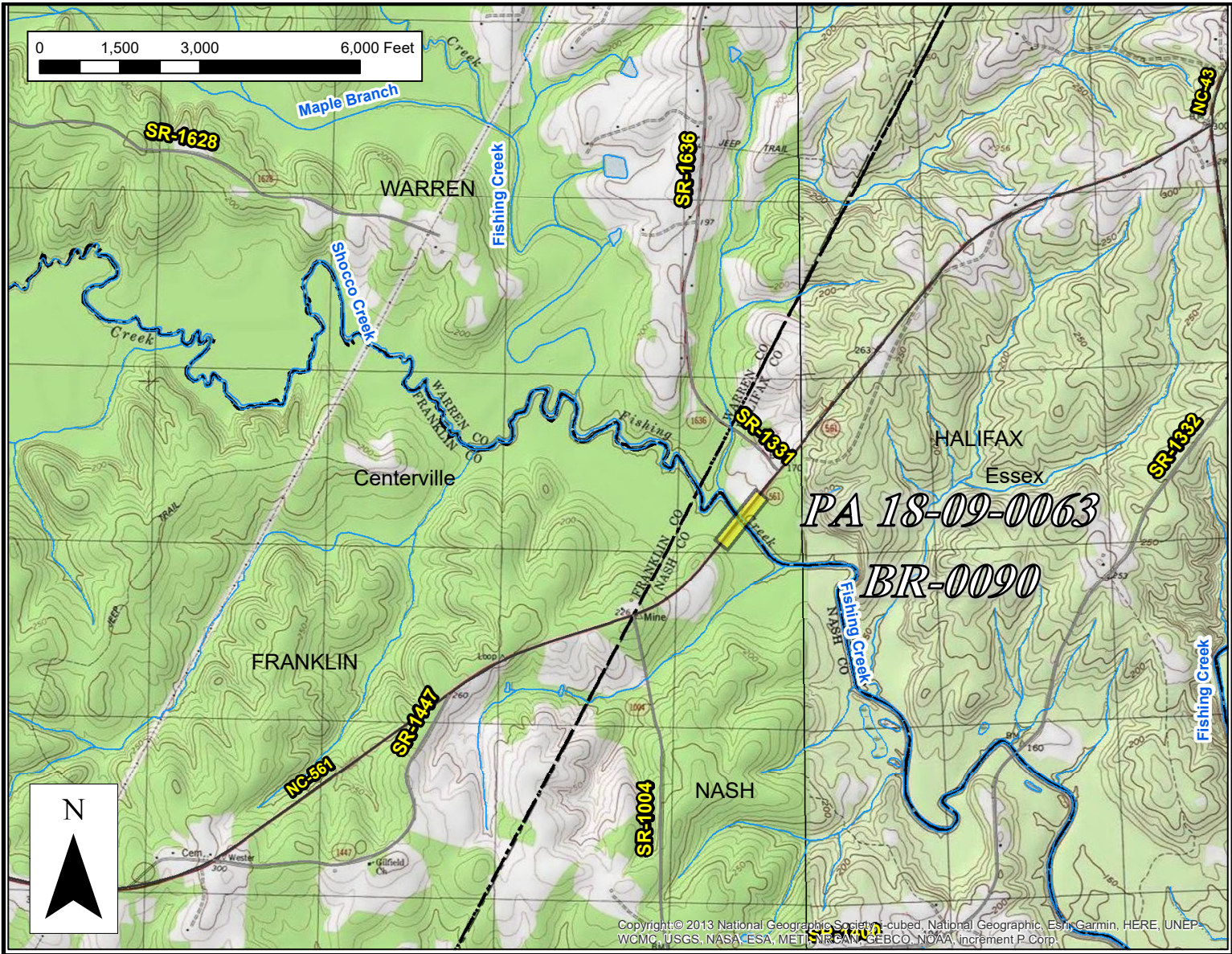


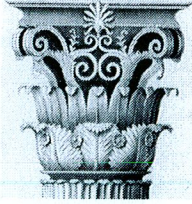
Figure 1. Vicinity of PA # 18-09-0063, on USGS topographic mapping (Nash and Halifax), showing Bridge No. 0036 along NC 561 over Fishing Creek in Nash and Halifax Counties.



**Figure 2. Aerial map of PA 18-09-0063, Br. No. 0036 project on NC 561 over Fishing Creek in Nash and Halifax County. The APE is shown in yellow. Land ownership includes the Tar River Land Conservancy and the State of North Carolina.**



18-09-0063



## HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

### PROJECT INFORMATION

<b>Project No:</b>	BR-0090	<b>County:</b>	Nash and Halifax
<b>WBS No.:</b>	67090.1.1	<b>Document Type:</b>	
<b>Fed. Aid No:</b>		<b>Funding:</b>	X State    Federal
<b>Federal Permit(s):</b>	X Yes    No	<b>Permit Type(s):</b>	USACE
<b>Project Description:</b> Replace Bridge No. 36 on NC 561 over Fishing Creek (no off-site detour specified in review request).			

### SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

**DESCRIPTION OF REVIEW ACTIVITIES, RESULTS, AND CONCLUSIONS:** HPOWeb reviewed on 16 October 2018 and yielded NR, LD, DE, SL, or SS properties in the Area of Potential Effects (APE). Nash and Halifax Counties current GIS mapping and aerial photography indicated an undeveloped, wooded APE containing no above-ground resources besides the existing bridge. Nash County Bridge No. 36, constructed in 1947, is not eligible for the National Register according to the NCDOT Historic Bridge Inventory as it is neither technologically nor aesthetically significant. Google Maps "Street View" confirmed the absence of critical architectural or landscape resources standing in the APE (viewed 16 October 2018).

**No architectural survey is required for the project as currently defined.**

**WHY THE AVAILABLE INFORMATION PROVIDES A RELIABLE BASIS FOR REASONABLY PREDICTING THAT THERE ARE NO UNIDENTIFIED SIGNIFICANT HISTORIC ARCHITECTURAL OR LANDSCAPE RESOURCES IN THE PROJECT AREA:** APE equates with the study area provided in the review request (see attached). The comprehensive county architectural surveys (Nash 1984 and Halifax 1986-88), as well as later studies record no properties in the APE (Richard L. Mattson. *The History and Architecture of Nash County, North Carolina* (Nashville, NC: Nash County Planning Department, 1987) and Henry Taves, et al., *The Historic Architecture of Halifax County, North Carolina* (Halifax, NC: Halifax County Historical Association, 2010). County GIS/tax materials and other visuals support the absence of significant architectural and landscape resources in the APE. No National Register-listed properties are located in the APE.

**Should the design of the project change, please notify  
NCDOT Historic Architecture as additional review may be necessary.**

### SUPPORT DOCUMENTATION

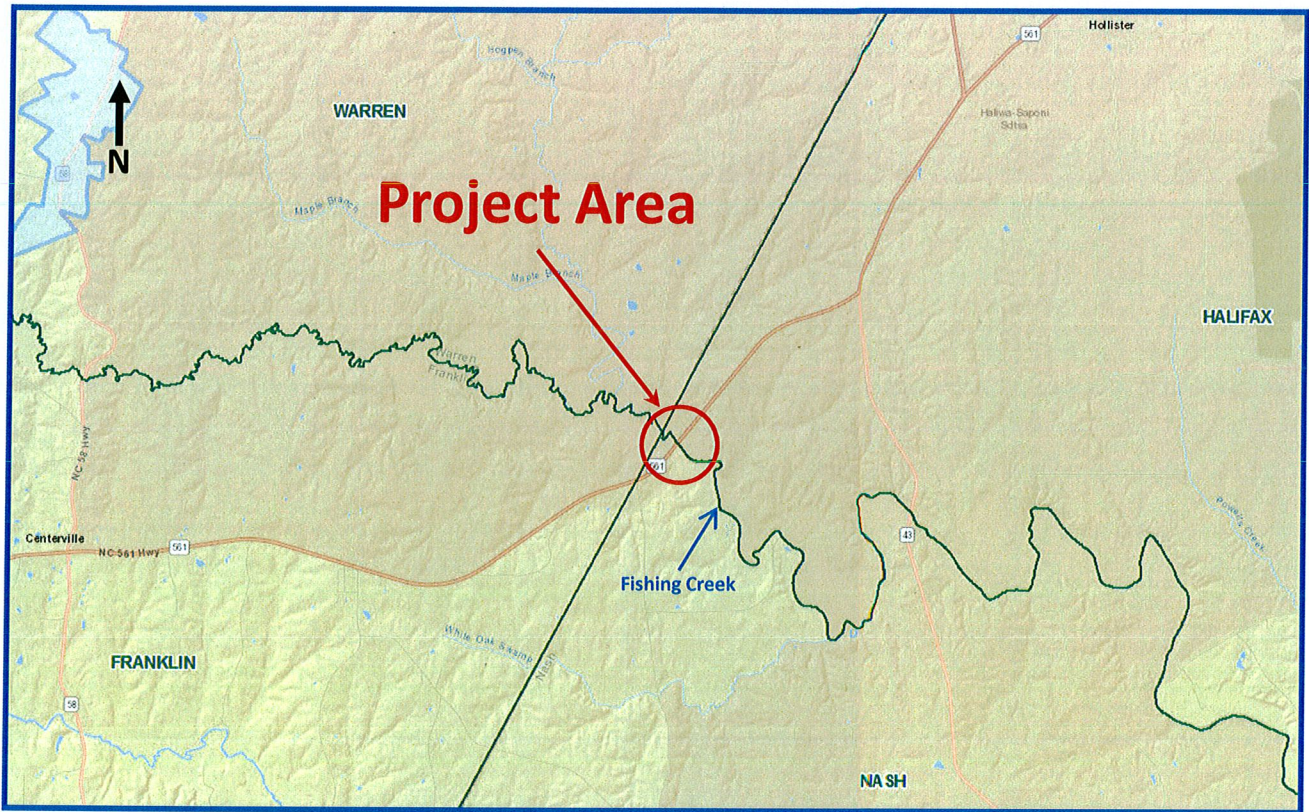
X Map(s)     Previous Survey Info.     Photos     Correspondence     Design Plans

### FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- **NO SURVEY REQUIRED**

*Vanessa E. Patrick*  
NCDOT Architectural Historian

*17 October 2018*  
Date



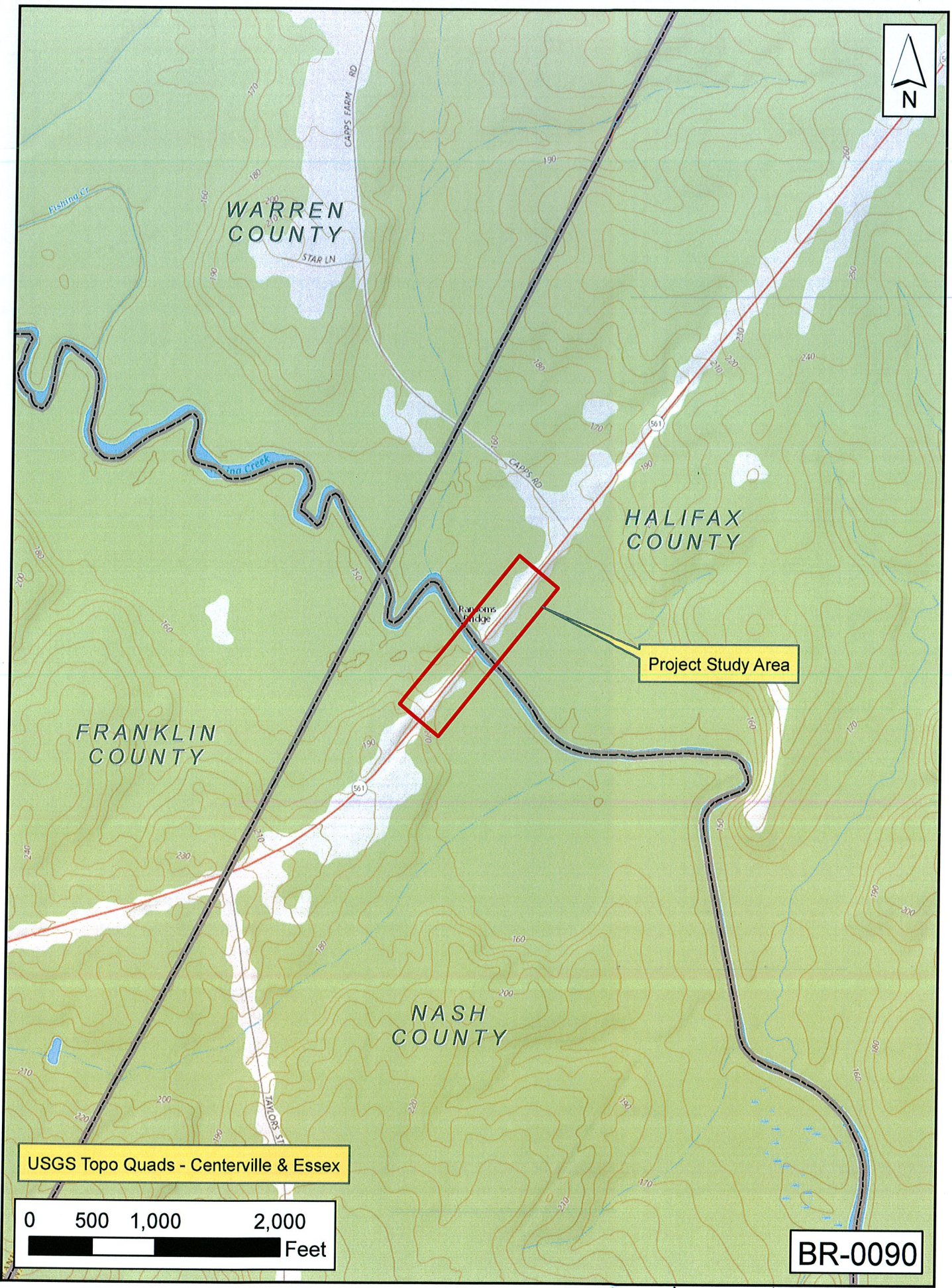
BR-0090

Bridge No. 36 Replacement

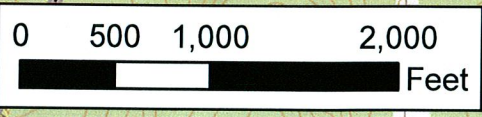
Nash County

WBS No. 67090.1.1

Base map: HPOWeb, nts



USGS Topo Quads - Centerville & Essex

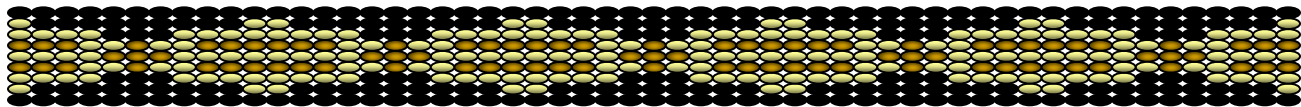


BR-0090

Bridge No. 36, Nash County  
PA No. 18-09-0063

Catawba Indian Nation  
Tribal Historic Preservation Office  
1536 Tom Steven Road  
Rock Hill, South Carolina 29730

Office 803-328-2427  
Fax 803-328-5791



January 19, 2022,

Attention: Kim Gillespie  
NC Department of Transportation  
1582 Mail Service Center  
Raleigh, NC 27699

Re. THPO #	TCNS #	Project Description
2022-193-65		Replacement of Bridge No. 630036 on NC 561 over Fishing Creek in Nash and Halifax Counties as TIP Project BR-0090

Dear Ms. Gillespie,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail [Caitlin.Rogers@catawba.com](mailto:Caitlin.Rogers@catawba.com).

Sincerely,

Wenonah G. Haire  
Tribal Historic Preservation Officer

# Haliwa-Saponi Indian Tribe

Dr. B. Ogletree Richardson  
Chief

Dr. Marvin Richardson  
Vice-Chief

39021 Hwy 561 · P.O. Box 99  
Hollister, North Carolina 27844  
Phone: (252) 586-4017 · Fax: (252) 586-3918  
Email: info@haliwa-saponi.com



Jamie K. Oxendine  
Tribal Administrator

Tribal Council  
Gideon Lee, Chair  
Linda Hedgepeth, Vice-Chair  
Karen Harley, Secretary  
Charles Richardson, Jr., Treasurer  
Marvlet Lynch  
Angela Richardson  
Rev. Michael Richardson  
Karen R. Franco  
Valerie Richardson

February 3, 2022

Kim L. Gillespie, PE  
Eastern Region Project Manager  
Project Management Unit  
NC Department of Transportation  
1582 Mail Service Center  
Raleigh, NC 27699-1582

RE: Project BR-0090  
WBS Element 67090.1.1  
Nash & Halifax Counties

Dear Ms. Gillespie:

It is with pleasure and honor that the Tribal Council of the Haliwa-Saponi ("Tribe") provides comments about Project BR-0090, which proposes to replace Bridge No. 630036 located over Fishing Creek on NC 561, in Nash and Halifax Counties. The existing bridge and the proposed replacement bridge are within our Tribe's traditional territories and the Haliwa-Saponi State Designated Tribal Statistical Area, per the 2020 United States Census. The roadway and bridge are well-traveled by Tribal citizens and is near the heart of the Tribal community. Our main comments and concerns relate to protecting Fishing Creek, our Tribe's lifeblood for many years, and the plants, animals, and fish within the creek and nearby ecosystems. Also, in the unlikely event that construction workers uncover historical and cultural artifacts of our ancestors, or the remains of our ancestors, we request that work stop immediately and that you notify and consult our Tribe. Otherwise, we hope the replacement bridge is well-constructed and safe for our Tribal citizens and others to travel. If you have any questions or concerns, please contact us to discuss this matter further. Thank you for your consideration of the Tribe's comments and requests regarding Project BR-0090.

Sincerely,

Dr. B. Ogletree Richardson, Chief  
Haliwa-Saponi Indian Tribe

# Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	<b>BR-0090</b>
WBS Element	67090.1.1
Federal Project No.	N/A

A. Project Description:

The proposed project involves replacing Bridge 630036 on NC 561 over Fishing Creek in Nash and Halifax Counties (refer to Vicinity Map Figure 1). The proposed project consists of closing the bridge and routing traffic onto an offsite detour during construction.

The existing bridge is a five-span bridge, 200 feet in length, with a deck width of 31 feet (clear roadway width is 26 feet) and two 12-foot travel lanes. The replacement structure will be a three-span bridge approximately 210 feet in length. The bridge will include two 12-foot travel lanes and a minimum of 6-foot offsets on the existing alignment. The new bridge will span Fishing Creek with no bents in the water.

Project BR-0090 is included in the NCDOT 2020-2029 State Transportation Improvement (STIP). Right-of-way is scheduled for August 2022 and construction is currently scheduled in fiscal year (FY) 2023.

B. Description of Need and Purpose:

The purpose of the proposed project is to replace an obsolete bridge.

NCDOT Bridge Management Unit records indicate Bridge 630036 has a sufficiency rating of 48.66 out of a possible 100 for a new structure. The bridge's aging structure is approaching the end of its useful life and needs replacement.

C. Categorical Exclusion Action Classification:

**Type I(A) - Ground Disturbing Action**

D. Proposed Improvements:

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e)(1-6).

The bridge will be replaced. Permanent right of way is needed. No retaining walls are anticipated.

*NOTE: The following Type I(C) Actions (NCDOT-FHWA 2019 CE Agreement, Appendix A) only require completion of Sections A through D to substantiate and document the CE classification: 1, 5, 8 (signs and pavement markings only), 11, 13, 14, 15, 16, 17, 19, and 20; or several other Type I Action subcategories identified in past NCDOT-FHWA CE Programmatic Agreements (see Appendix D). **Pre-approval as a CE does not exempt activities from compliance with other federal environmental laws.***

E. Special Project Information:

A no-build alternative would avoid the anticipated impacts of the project, but would not provide the safety and operational benefits of the project. Therefore, the no-build alternative was not selected for the project.

Agency/Public Involvement: Twenty-nine agencies received a Start of Study (SOS) package. Fourteen agencies returned comments on the project. The Chairman of the Nash County Commissioners informed NCDOT that they received the request for comments, but gave no comments. The NC Wildlife Resources Commission suggested to use spanning structures, bridge bents should not be placed in the stream, and to follow the Design Standards for Sensitive Watersheds for threatened and endangered species. NCWRC also mentioned multiple conservation areas within the project area including Shoco Creek Game Land (which is also an NC Natural Heritage Program designated nature preserve) and Tar River Land Conservancy Preserve. They suggested to include additional bridge length over the floodplain. The US Corps of Engineers suggested that a preliminary jurisdiction determination needs to occur for the project, as Fishing Creek is a perennial tributary. They also recommended avoiding or reducing the number of in-water bents to the minimal amount necessary. The NC Division of Environmental Equality – Division of Water Resources (NCDEQDWR) recommended to use highly protective sediment and erosion control Best Management Practices (BMPs) on Fishing Creek to reduce the risk of nutrient runoff into Fishing Creek. They also noted that the project is within the Tar-Pamlico River Basin, so riparian buffer impacts shall be avoided and minimized to the greatest extent possible. According to the US Fish and Wildlife Service (USFWS), a Section 7 consultation will be required for the project for certain threatened and endangered species. However, the USFWS stated use of the Programmatic Biological Opinion (PBO) for some of those species, and that the bridge design should completely span the channel with no bents in the water. The Nash County Sheriff's office suggested signage during bridge replacement (which is a definite). The Catawba Indian Nation had no immediate concerns with the project. The Haliwa-Saponi Indian Tribe stressed the importance of Fishing Creek to them, but had no immediate concerns with the project as well. More information for these two agencies is in the Commitments page.

Nine input forms were sent to surrounding businesses after being contacted by phone. One citizen called to give answers to a phone interview of the input form. His main concern was how commute time to his church would be affected by the bridge construction. He also said his preference is an on-site detour. One school principal called and noted that staff would be affected if the bridge were closed, as they use the bridge from Rocky Mount to access the school. One person noted an onsite detour would prevent long-range detour mileage cost for the Postal Service for mail route deviation. This person also stated their business would be highly impacted if the bridge were closed or at reduced capacity for up to a year.

On January 6, 2022, input forms were sent to the following departments and officials: EMS input forms were sent to the EMS contact for Nash and Halifax counties (Scott Rogers and Phil Ricks, respectively); schools input forms were sent to the Schools contact for Nash and Halifax counties (Brian Littke and Tony Alston, respectively); and planning input forms were sent to both the Halifax County Planning (Chris Rountree and Dia Denton) and Nash County Planning (Adam Tyson) departments. A Halifax Planner said there would be moderate impact if the bridge was closed for 6 months-1 year. This Planner was also concerned about farming on Capps Rd in Nash County near the bridge, and possible detour routes for Capps Rd residents traveling west on NC 561. Both EMS contacts sent a completed input form. A Halifax County school contact noted any detour route (if an offsite detour is chosen) needed to be paved for bus access (in response to a suggestion of a detour

route using an unpaved road (which would probably be paved for the detour)), and that school staff would be moderately impacted if the bridge was closed or at reduced capacity from 3 months to a year.

Anticipated Permit or Consultation Requirements: The proposed project will affect approximately 0.03 acres of wetlands. Even though the NRTR anticipated a Section 404 Individual Permit will be required for this project and a North Carolina Division of Water Resources Section 401 Water Quality Certification will be required prior to issuance of the Section 404 permit, the low number of wetlands affected suggest otherwise.

### Protected Species

As of 12/15/21, the U.S. Fish and Wildlife Service (USFWS) lists ten federally-protected species under the Endangered Species Act (ESA) for Nash and Halifax Counties (table below). 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.

### Protected Species for Nash and Halifax Counties

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Picoides borealis</i> *#	Red-cockaded woodpecker	E	No	No Effect
<i>Necturus lewisi</i>	Neuse River waterdog	T	Yes	Unresolved
<i>Noturus furiosus</i>	Carolina madtom	E	Yes	Unresolved
<i>Fusconaia masoni</i>	Atlantic pigtoe	T	Yes	Unresolved
<i>Alasmidonta heterodon</i> #	Dwarf wedgemussel	E	Yes	Unresolved
<i>Parvaspina steinstansana</i> #	Tar River spiny mussel	E	Yes	Unresolved
<i>Elliptio lanceolata</i> #	Yellow lance	T	Yes	Unresolved
<i>Rhus michauxii</i> +	Michaux's sumac	E	Yes	No Effect
<i>Myotis septentrionalis</i> #	Northern Long-Eared bat	T	Yes	MA-LAA
<i>Haliaeetus leucocephalus</i> #	Bald Eagle	BGPA	No	No Effect

E – Endangered; T – Threatened; MA-LAA – May Affect, Likely to Adversely Affect; BGPA – Bald & Golden Eagle Protection Act; + - listed in Nash County only; # - listed in both counties; \* - Historic record (the species was last observed in the counties more than 50 years ago)

### **Red-cockaded woodpecker**

Biological Conclusion: No Effect

Habitat for the red-cockaded woodpecker does not exist within the study area. The majority of the forested areas within study area are dominated by hardwoods with an understory consisting of tall, densely spaced trees and shrubs. A single pine stand under 30 years of age is located within the study area. A North Carolina Natural Heritage Program (NCNHP) data explorer report for the project study area dated July 9, 2019 indicates there are no known populations of red-cockaded woodpecker



within 1.0 mile of the study area. The species is listed as historic in Nash and Halifax Counties. Due to the lack of habitat within the study area, the biological conclusion for the red-cockaded woodpecker is No Effect.

### **Neuse river waterdog**

Biological Conclusion: Unresolved

Neuse river waterdog is designated as a “range by basin” species and this project is within this species’ range. Section 7 compliance for the Neuse river waterdog will be met through the Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO would involve the Department adhering to all PBO project-specific requirements as well as all monitoring and reporting requirements. This use would also involve an in-lieu fee payment being made to the NC Nongame Aquatic Species Fund by NCDOT.

### **Carolina madtom**

Biological Conclusion: Unresolved

Carolina madtom is designated as a “range by basin” species and this project is within this species’ range. Section 7 compliance for the Carolina madtom will be met through the Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO would involve the Department adhering to all PBO project-specific requirements as well as all monitoring and reporting requirements. This use would also involve an in-lieu fee payment being made to the NC Nongame Aquatic Species Fund by NCDOT.

### **Atlantic pigtoe**

Biological Conclusion: Unresolved

Atlantic pigtoe is designated as a “range by basin” species and this project is within this species’ range. Section 7 compliance for the Atlantic pigtoe will be met through the Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO would involve the Department adhering to all PBO project-specific requirements as well as all monitoring and reporting requirements. This use would also involve an in-lieu fee payment being made to the NC Nongame Aquatic Species Fund by NCDOT.

### **Dwarf wedgemussel**

Biological Conclusion: Unresolved

Dwarf wedgemussel is designated as a “range by basin” species and this project is within this species’ range. If required, habitat evaluations and a biological conclusion will be provided by the NCDOT-BSG. Section 7 compliance for the Dwarf wedgemussel will be met through the Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO would involve the Department adhering to all PBO project-specific requirements as well as all monitoring and reporting requirements. This use would also involve an in-lieu fee payment being made to the NC Nongame Aquatic Species Fund by NCDOT separate from the payment made for the Carolina Madtom and the Neuse River Waterdog.

### **Tar River spiny mussel**

Biological Conclusion: Unresolved

Tar River spiny mussel is designated as a “range by basin” species and this project is within this species’ range. If required, habitat evaluations and a biological conclusion will be provided by the NCDOT-BSG. Section 7 compliance for the Tar River spiny mussel will be met through the Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO would involve the Department adhering to all PBO project-specific requirements as well as all monitoring and reporting requirements. This use would also involve an in-lieu fee payment being

made to the NC Nongame Aquatic Species Fund by NCDOT separate from the payment made for the Carolina Madtom and the Neuse River Waterdog.

### **Yellow lance**

Biological Conclusion: Unresolved

Yellow lance is designated as a “range by basin” species and this project is within this species’ range. If required, habitat evaluations and a biological conclusion will be provided by the NCDOT-BSG. Section 7 compliance for the Yellow lance will be met through the Programmatic Biological Opinion (PBO) issued by the U.S. Fish & Wildlife Service (USFWS). The use of the PBO would involve the Department adhering to all PBO project-specific requirements as well as all monitoring and reporting requirements. This use would also involve an in-lieu fee payment being made to the NC Nongame Aquatic Species Fund by NCDOT.

### **Michaux’s sumac**

Biological Conclusion: No Effect

Habitat for Michaux’s sumac within the study area consists of forest edges and periodically maintained roadsides. A NCNHP data explorer report for the project study area dated July 9, 2019 indicates there are no known records of Michaux’s sumac within 1.0 mile of the study area. Plant-by-plant surveys for this species were conducted by two observers on July 24, 2019, with the result that no specimens of Michaux’s sumac were observed. Based on these findings, the biological conclusion for this species is No Effect.

### **Northern long-eared bat**

Biological Conclusion: May Affect, Likely to Adversely Affect

The USFWS 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 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. 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 includes Nash and Halifax Counties, where BR-0090 is located.

### **Bald and Golden Eagle Protection Act**

Biological Conclusion: No Effect

The bald eagle is protected under the Bald and Golden Eagle Protection Act, which is enforced by the USFWS. 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 project study area, as well as the area within a 1.13-mile radius (1.0 mile plus 660 feet) of the project limits, was performed in June 2019 using 2017 color aerials. No water bodies of suitable size for bald eagle foraging are located within this radius. Due to the lack of potentially suitable foraging habitat, no additional survey for bald eagle nests was performed. No bald eagles or bald eagle nests were incidentally observed during natural resources field work on July 24, 2019. A NCNHP data explorer report for the project study area dated July 9, 2019 indicates there are no known records of bald eagle nests within 1.0 mile of the study area. Due to the lack of foraging habitat and known occurrences and the minimal impact anticipated for this project, this project will not affect this species.

F. Project Impact Criteria Checklists:

<b>F2. Ground Disturbing Actions – Type I (Appendix A) &amp; Type II (Appendix B)</b>				
<p>Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &amp;/or 30; &amp;/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.</p> <ul style="list-style-type: none"> <li>• If any question 1-7 is checked “Yes” then NCDOT certification for <b>FHWA approval is required.</b></li> <li>• If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.</li> </ul>				
<u>PROJECT IMPACT THRESHOLDS</u> (FHWA signature required if any of the questions 1-7 are marked “Yes”.)			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"/>	<input checked="" type="checkbox"/>	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	<input checked="" type="checkbox"/>	
If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.				
<u>Other Considerations</u>			Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11	Does the project impact Waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Other Considerations for Type I and II Ground Disturbing Actions (continued)		Yes	No
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g., U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

G. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes' or '\*' Supporting information for select questions marked No):

1. Refer to Special Project Information section.

8. Refer to Special Project Information section.

10. Refer to Commitments pages for more information on the buffer rules.

12.\* The low number of wetlands affected suggest no Section 404 Individual Permit nor a North Carolina Division of Water Resources Section 401 Water Quality Certification will be required for this project.

26. The Shoco Creek Game Land (NC Natural Heritage Program designated nature preserve) and Tar River Land Conservancy Preserve are located near the bridge. This project does not impact the conservation easement made by the Tar River Land Conservancy, Inc. The conservation easement is in the study area, but is not impacted by the slope stakes or proposed ROW line. Opportunities to avoid and minimize jurisdictional impacts for the Shoco Creek Game Land will be identified as the project progresses into the final design stage.

31. A long-term road closure could potentially have minor to moderate traffic impacts along the route, as in longer delays/difficulties for emergency vehicles or other vehicles. According to the TIMS Operator for Halifax County Schools, no school buses cross the bridge, and no students walk across the bridge to school. The TIMS Operator is concerned the school staff may be moderately impacted if the bridge was closed or at reduced capacity from three months to a year. If an off-site detour is chosen, this detour may potentially disrupt bus access. For this reason, the off-site detour preference by the school districts is to have a paved off-site detour. The project will be designed to minimize permanent and temporary operational and detour impacts to the extent feasible.

## H. Project Commitments

### **NCDOT PROJECT COMMITMENTS**

STIP Project No. **BR-0090**  
Replace Bridge 630036 on NC 561 over Fishing Creek  
Nash and Halifax Counties  
WBS Element 67090.1.1

#### **Division 4 Environmental Office – Threatened and Endangered Species**

Division Environmental staff will ensure PBO payments have been made for: Dwarf wedgemussel, Tar River Spiny mussel, Neuse river waterdog, Atlantic pigtoe, Yellow lance, and Carolina madtom prior to initiating construction activities. All applicable conservation measures detailed within the Programmatic Agreement will be strictly adhered to.

*These commitments are still valid.*

#### **NCDOT Division 4**

In order to have time to adequately reroute school buses, Nash County and Halifax County Schools will be contacted at least one month prior to road closure. The contact person for Nash County Public Schools is Brian Hopkins – Director of Transportation Services at (252) 462-2480. The contact person for Halifax County Schools is Tony Alston – Director of School Operations at (252) 583-2381.

Nash County and Halifax County Emergency Services will be contacted at least one month prior to road closure to make the necessary temporary reassignments to primary response units. The contact person for Nash County is Scott Rogers – Emergency Services Director at (252) 459-9805. The contact person for Halifax County is Phil Ricks - Emergency Services Director at (252) 583-2088.

*These commitments are still valid.*

#### **NCDOT Hydraulics Unit**

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 4 Construction, Resident Engineer's Office**

Any contractor working on-site should use highly protective sediment and erosion control BMPs and should address any potential impacts to off-site streams and waterways. Additionally, site grading, excavation, and construction plans should include implementable measures to prevent erosion and sediment runoff from the project site during and after construction.

The Catawba Indian Nation and the Haliwa-Saponi Indian Tribe shall be notified if Native American artifacts and/or human remains are located during the ground disturbance phase of this project.

*These commitments are still valid.*

#### **NCDOT Division 4 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 Hydraulics Unit– Buffer Rules**

The Tar-Pamlico River Basin (Buffer) Rules apply to this project. Streamside riparian zones within the study area are protected under provisions of these Buffer Rules. Riparian buffer impacts shall be avoided and minimized.

*This commitment is still valid.*

**COMMITMENTS FROM PERMITTING**

**NCDOT Environmental Analysis Unit (EAU)**

Per NCDEQDWR, if the old bridge is removed, no discharge of bridge material into surface waters is allowed unless authorized by USACE. Strict adherence to USACE guidelines for bridge demo will be a condition of the 401 Water Quality Certification.

Per the Tar- Pamlico River Basin (Buffer) Rules, a buffer mitigation plan, coordinated with the NC Division of Mitigation Services, must be provided to the NCDEQDWR prior to approval of the Water Quality Certification.

*These commitments are still valid.*

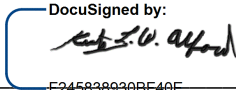
I. Categorical Exclusion Approval:

STIP Project No.	<b>BR-0090</b>
WBS Element	67090.1.1
Federal Project No.	N/A

**Prepared By:**

06/02/2022	 <small>E9AA3A8EE2574FE...</small>
Date	Kim L. Gillespie, PE, Project Manager NCDOT Project Management Unit

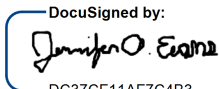
**Prepared For:**

	 <small>F245838930BF40E...</small>
	Kristy Alford, PE, Project Engineer NCDOT Structures Management Unit

**Reviewed By:**

06/08/2022	 <small>33863EFFD0F44D3...</small>
Date	Colin Mellor NCDOT – Environmental Policy Unit

- Approved**
  - If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.
- Certified**
  - If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
  - If classified as Type III Categorical Exclusion.

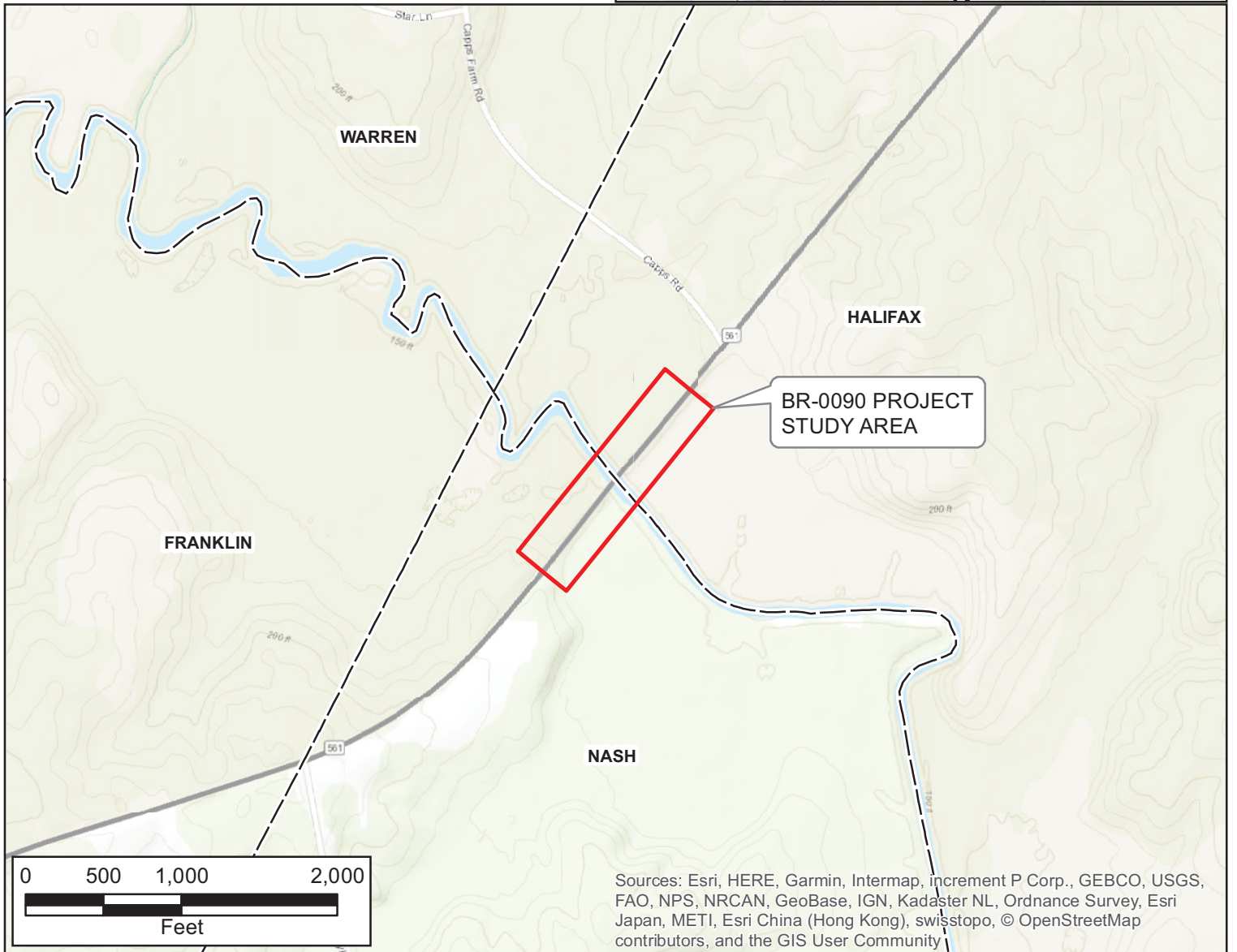
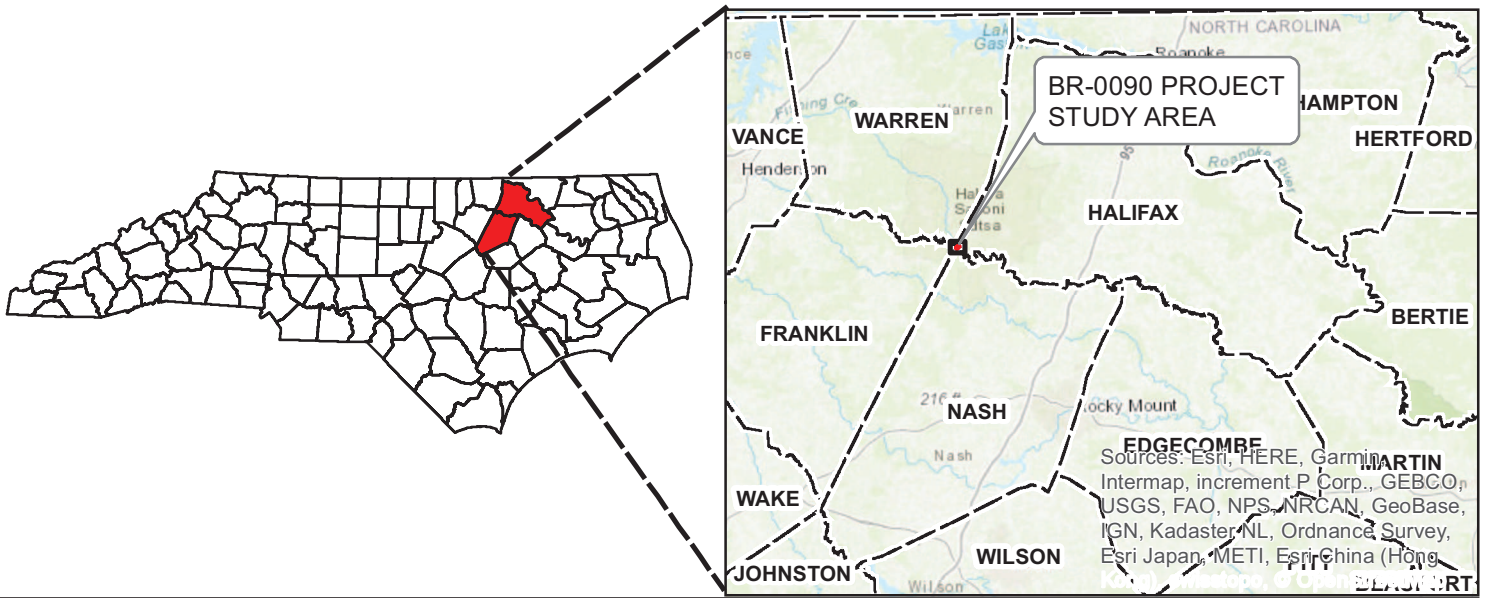
06/09/2022	 <small>DC37CF11AF7C4B3...</small>
Date	Jennifer A. Evans, PE, Project Management Unit Team Lead North Carolina Department of Transportation

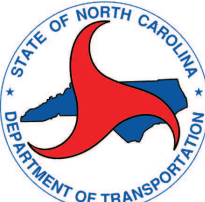
FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

	N/A
Date	John F. Sullivan, III, PE, Division Administrator Federal Highway Administration

*Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).*








**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**  
DIVISION OF HIGHWAYS  
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

**VICINITY MAP**  
**REPLACE BRIDGE NO 36**  
**ON NC 561**  
**OVER FISHING CREEK**  
**TIP PROJECT BR-0090**



County:	Nash/Halifax
Division:	4
WBS:	67090.1.1

**Figure 1**