

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	U-5710
WBS Element	50115.1.2
Federal Aid Project No.	NHPP-0074228

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes to upgrade the at-grade intersection of Eastwood Road (US 74) and Military Cutoff Road (US 17/ US 76/ SR 1409) in Wilmington, New Hanover County to an interchange (see **Figure 1**). The project is included in the NCDOT 2020-2029 State Transportation Improvement Program (STIP) as Project No. U-5710. The improvements and surrounding area for U-5710 that were evaluated in the Categorical Exclusion (CE) are referred to as the study corridor or project study area. The proposed project is included in the Wilmington Metropolitan Planning Organization (WMPO) *Cape Fear Moving Forward 2045 Metropolitan Transportation Plan* (November 2020).

U-5710A is the portion of the project from Military Cutoff Road (US 17) at Drysdale Drive to Eastwood Road (US 74) on new location and referred to as the Drysdale Extension. U-5710A is currently under construction.

B. Consultation Phase: (Check one)

- ☒ Right-of-Way
- ☐ Construction
- ☐ Other:

C. NEPA/SEPA Class of Action Initially Approved as: (Check one)

- ☒ FHWA Class III (CE) 10/30/2018

Additional Notes: **Type III CE, U-5710A Construction Consultation 11/25/2019 and 11/11/2021.**

D. Changes in Proposed Action & Environmental Consequences:Design Changes

Since the signing of the CE document in October 2018, NCDOT has divided the project into two phases. Phase A, referred to as U-5710A, is the 0.25 miles portion of roadway on new location northwest of the Military Cutoff Road/Eastwood Road intersection that provides a connection from US 17 (Military Cutoff Road) at Drysdale Drive to US 74 (Eastwood Road). The U-5710A portion is currently under construction. U-5710 is the remaining portion of the

original 2-mile project. Recent additions include a modification of the intersection of US 74 (Eastwood Road) and Commonwealth Drive. Vehicles traveling westbound on US 74 will be able to make a leftover onto southbound Commonwealth Drive to access the properties along this roadway. This will provide improved access to local businesses and help eliminate longer travel patterns. In addition, the project has eliminated the outside northbound thru lane widening on US 17 (Military Cutoff Road) from the Project's southern terminus to the Progress Pointe driveway. The primary benefit of this revision was to reduce impacts to the existing Duke Energy Transmission easement along the eastern side of US 17 (Military Cutoff Road). Finally, a Texas U-turn accommodation has been incorporated along US 74 (Eastwood Road) on the eastern side of US 17 (Military Cutoff Road). The Texas U-turn revision requires widening Ramp A and lengthening the proposed bridge over US 17 by incorporating a third bridge span. The Texas U-turn design accommodation will allow traffic east of US 17 to make a U-turn movement from Ramp A directly to Ramp D, without interacting with US 17 through traffic. This design revision will also provide improved access to local businesses and help eliminate longer travel patterns in the vicinity of the project.

Protected Species

Federal Protected species were addressed in the CE completed in October 2018. At that time, habitat was found to be present within the study area for Cooley's Meadowrue (*Thalictrum cooleyi*), Rough-leaved Loosestrife (*Lysimachia asperulaefolia*), Northern long-eared bat (*Myotis septentrionalis*) and Red-cockaded woodpecker (*Picoides borealis*). Updated surveys will be completed prior to construction.

The US Fish and Wildlife Service (USFWS) has issued a 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, the USFWS only considers NLEBs to be known or potentially found in 30 counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimize mortality of NLEBs. These conservation measures only apply to the 30 current known/potential counties shown on Figure 2 of the PBO at this time. The programmatic determination for NLEB for the NCDOT program is May Affect, Likely to Adversely Affect. The PBO will ensure compliance with Section 7 of the Endangered Species Act for ten years (effective through December 31, 2030) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes New Hanover County, where U-5710 is located.

On September 13, 2022, USFWS announced a proposal to list the Tricolored bat (*Perimyotis subflavus* - PESU) as endangered under the Endangered Species Act. Given the proposal to list PESU as Federally Endangered, NCDOT is initiating a conference programmatic consultation to address impacts to this species. USFWS has not provided an official effective listing date, but it is anticipated to occur in the second half of 2023. Construction activities for this project will not take place until Endangered Species Act compliance is satisfied for PESU once listed. Upon listing, USFWS is expected to provide habitat descriptions and an area of influence/distribution range for PESU. When this information is provided, NCDOT will be able to make informed determinations on habitat that could be impacted by NCDOT actions.

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, Trace Howell, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Phillip Rogers, PE	4/5/23
Environmental Specialist:	Sara Easterly	4/5/23
FHWA (if applicable):	Bill Marley	4/6/23
Other:	Colin Mellor	4/6/23

G. Consultation Approval for NCDOT Project U-5710**Prepared By:**

4/24/2023
Date
Jeffrey Dayton
Jeffrey Dayton, PE
HDR Engineering, Inc. of the Carolinas

Prepared For: NCDOT, Division 3 Project Development Unit

Reviewed By:

4/25/2023
Date
David Leonard
David Leonard, PE, Division 3 Project Team Lead
North Carolina Department of Transportation

☐ **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.

4/24/2023
Date for
Mason Herndon
Mason Herndon
Chad Kimes, PE, Division 3 Engineer
North Carolina Department of Transportation

FHWA Approved: FHWA signature required for Type I(B) CE, Type II(B) CE, Type III CE, FONSI or ROD.

4/24/2023
Date for
Bill Marley
Bill Marley
John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration

H. Project Commitments (as of April 5, 2023)

TIP No. U-5710

Upgrade the at-grade intersection of Eastwood Road (US 74) and
Military Cutoff Road (US 17/US 76)

New Hanover County

Federal Aid Project No. NHPP-0074228

WBS No. 50115.1.2

The Division 3 Project Manager will coordinate with the Wilmington Urban Area MPO and City of Wilmington on including design features to enhance the aesthetic quality and visual appearance of the project. Municipal agreements will be prepared, as applicable, prior to project construction.

The Division 3 Project Manager will coordinate with New Hanover County Emergency Management and E911 (910-798-6907), New Hanover County Schools Transportation Department (910-254- 4080), and WAVE Transit (910-343-0106), to notify them of the schedule for potential closures and detour routes during construction activities at least one month prior to closure.

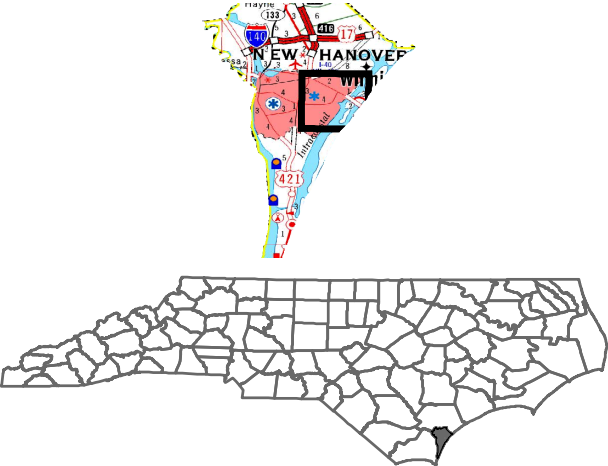
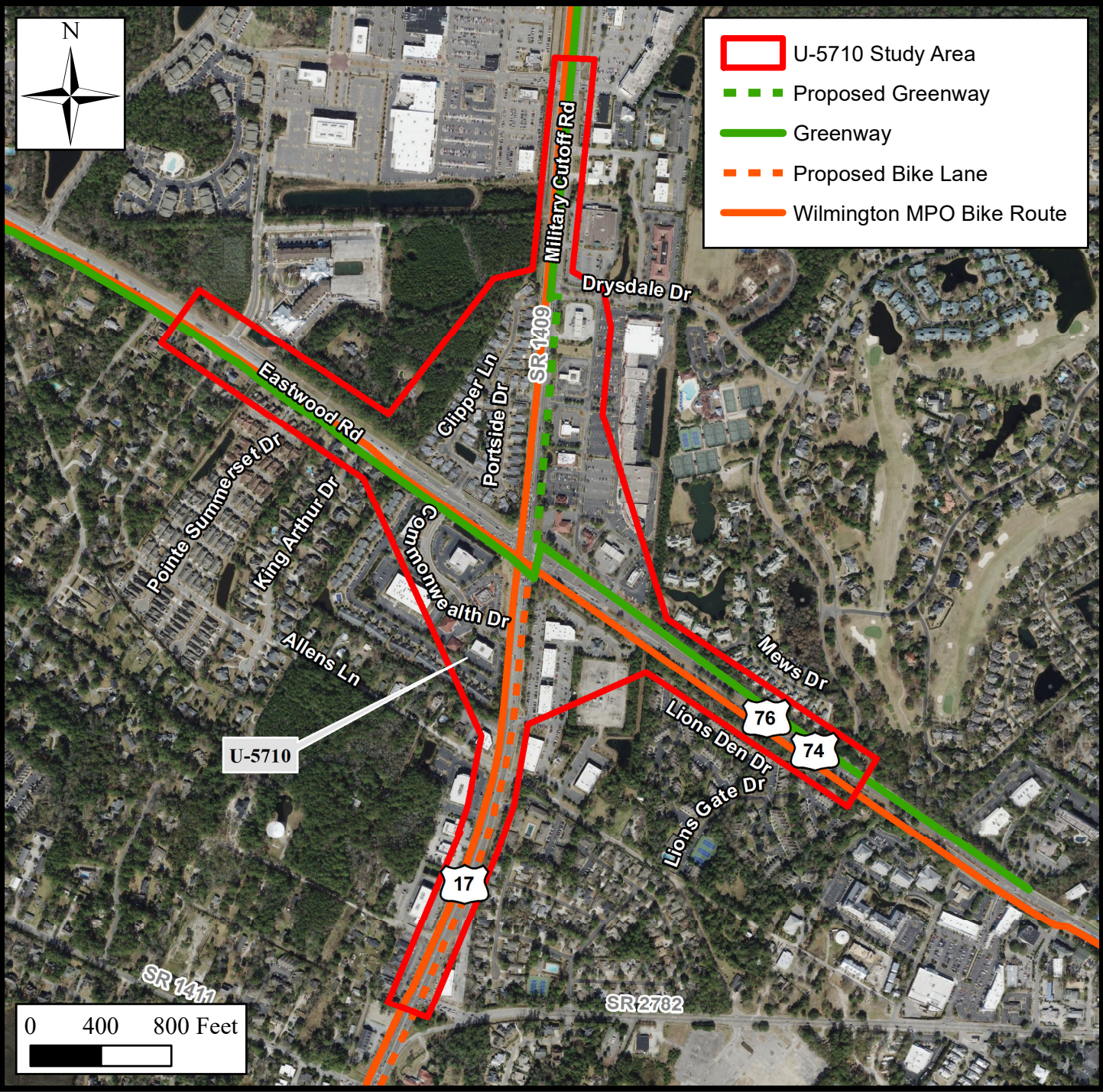
The Division 3 Project Manager shall notify affected property owners and businesses of the schedule for potential closures and detour routes during construction activities at least one month prior to construction.


Bicycle and pedestrian accommodations will be further coordinated with the City during final design.

The Division 3 Project Manager will coordinate with the NCDOT Integrated Mobility Division and with the City regarding the type and location of bicycle/ pedestrian crossings at major intersections.

NCDOT Hydraulics Unit

The Division 3 Project Manager will submit sealed as-built construction plans to the NCDOT Hydraulics Unit upon completion of project construction, certifying that the drainage structures were built as shown in the construction plans, both horizontally and vertically.



	<p>NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT</p>
<p>WILMINGTON INTERSECTION OF US 74/ US 76 (EASTWOOD RD) AND US 17 (MILITARY CUTOFF RD) NEW HANOVER COUNTY STIP PROJECT U-5710</p>	
<p>Figure 1</p>	