

Date of Summary: 12/14/23, rev. 2/20/24

Concurrence Point (CP) 1 Meeting Summary Purpose & Need, Study Area Defined

Replacement of Bridge Number 640013 (Cape Fear Memorial Bridge) over
the Cape Fear River

New Hanover and Brunswick Counties

STIP No. HB-0039

Thursday December 14, 2023 / 10:00 AM **Amended 2/6/24 based on NCDOT follow up discussions with
SHPO/EPA**

Meeting Attendees

Name	Organization	E-mail Address
Monte Matthews	US Army Corps of Engineers (USACE)	Monte.K.Matthews@usace.army.mil
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*Attended via phone/Teams

On December 14, 2023, NCDOT hosted a Concurrence Point (CP) 1 meeting to establish Purpose & Need and Study Area limits for the STIP Project HB-0039, replacement of Bridge Number 640013 (Cape Fear Memorial Bridge) over the Cape Fear River. NCDOT distributed the meeting packet to the participating agencies and team members for their review prior to the meeting on November 30, 2023.

NCDOT EPU began the meeting with a brief summary of the purpose of the meeting, and introductions were made by each member of the group present or participating via telephone. Following introductions, the CP1 Packet was reviewed and discussed. The following summarizes the main topics discussed.

- Division 3 noted NCDOT has applied for a federal grant for this project, and is waiting to hear back on the results.
- HDR noted prior to the meeting, there was a question about the length of the study area in comparison to the existing bridge structure.
 - USEPA inquired whether the proposed structure would be longer.
 - HDR confirmed that the existing bridge structure itself is approximately 0.66 miles in length, and the proposed structures would likely be slightly longer.
- HDR noted two WMPO nearby projects, Wooster Street and Dawson Street streetscape improvements, are funded through the City's Transportation Bond Program and scheduled for construction in 2024-2025.
- WMPO noted they anticipated traffic on Front Street to be higher.
 - HDR stated traffic presented in Table 3 of the packet reflected North Front Street, and traffic on South Front Street would likely be higher. HDR also noted the draft Traffic Analysis Technical Memorandum was under review by NCDOT.
- HDR noted the study area contained populations exceeding the Environmental Justice (EJ) threshold for low-income and minority, and the draft Community Characteristics Report (CCR) was under review by NCDOT.

HDR reviewed the identified needs for the project, and noted the CFMB serves as the main connection between Brunswick County and the New Hanover Regional Medical Center. HDR also noted the next major deck rehabilitation is scheduled to begin in January 2024.

- NCDOT Division 3 noted the bridge served as a major throughfare between Brunswick and New Hanover Counties, providing connections to Cape Fear Community College, UNC Wilmington, and cultural resources in Wilmington. They also noted they had heard

- feedback from the public on the upcoming deck repairs as lanes will need to be shut down.
- NCDOT EPU noted the upcoming rehabilitation was an approximately \$5 million maintenance cost.
 - NCDOT EPU noted the purpose statement was revised to address capacity needs as well as the state of disrepair and costly rehabilitation efforts: “The purpose for the proposed project is to replace the functionally-obsolete US 17/76/421 bridge over the Cape Fear River (Cape Fear Memorial Bridge) and to address the forecasted capacity needs of the bridge corridor in the design year.”
 - WMPO inquired whether the purpose statement should address structural rehabilitation and deficiency.
 - NCDOT EPU noted typically language included in purpose statements for bridge replacements was general as the condition of the bridge was subject to change.
 - USEPA inquired whether any modeling had been completed to determine whether the proposed three lanes in each direction would address the need.
 - HDR noted the traffic analysis was under review by NCDOT but showed an improvement from the existing and future no-build scenarios, however, with the bridge tying into downtown, the scope of the project was limited to the bridge replacement and approaches.
 - USEPA noted in the future, documentation would need to demonstrate this improvement to address the need of the project.
 - USACE inquired whether the project was anticipated to be design build.
 - NCDOT Division 3 noted design build was an option.
 - NCDOT EPU noted if the project won the USDOT grant, this could change, and there were other options for alternative delivery that could be considered such as Construction Manager/General Contractor (CM/GC).
 - USACE inquired whether tolling was still an option.
 - NCDOT Division 3 confirmed.
 - USACE noted if tolling became a possibility, they would ask NCDOT work with the local officials to show support of tolling.
 - NCDOT EPU noted the decision had not been made yet but the group would reconvene to discuss purpose and need if tolling was a likelihood.
 - WMPO stated the Board had been asked to provide NCDOT with a decision on whether the project should consider tolling as an option for prioritization by February 1, 2024.
 - NCDOT inquired whether there was still a requirement for a “toll-free” route if tolling is pursued.
 - NCDOT Division 3 noted they were not aware of this requirement.
 - USEPA stated that since the bridge transverses a predominately EJ area, NCDOT should be aware of the potential for tolling costs to disproportionately affect EJ populations if a toll bridge is considered in the future.
 - WMPO noted in February 2022 they had asked NCDOT to investigate all funding opportunities and that a funding option had not yet been selected.
 - USACE inquired whether this included Public-Private Partnership (P3) options.
 - WMPO confirmed.
 - USACE noted that was fine but the group would need to re-group if P3 was selected as the funding option for the project as this could change things, and they wanted USEPA and FHWA to be comfortable with EJ analysis associated with the funding options.
 - USEPA noted there had been other bridge projects converted to toll roads which had not considered alternatives for EJ communities.

- NCDOT inquired whether the federal grant had a resiliency or sea level rise component.
 - HDR confirmed, and noted the grant addressed resiliency.
 - NCDOT inquired whether this should be incorporated into the purpose and need and alternative analysis.
- USACE inquired whether there was a “use or lose” date for grant funding if awarded.
 - NCDOT Division 3 confirmed, but noted there were different dates depending on the award date.
 - NCDOT EPU noted there was flexibility with federal grants, and money could likely be put towards the design side of the project and not necessarily construction.
- NCDOT ECAP inquired whether the grant would fund the entire bridge replacement, and noted the Alligator River Bridge Replacement recently won a grant for a portion of the project, and as a result many other bridge projects were put on hold.
 - HDR noted it would not fund the entire project but the project team had coordinated with the NCDOT STIP/SPOT offices.
- NCDOT EPU inquired whether the study area presented in the CP1 packet reflected the scoping packet.
 - HDR noted it had been modified slightly to capture all potential improvements.
- NCDOT Division 3 noted the delineations were almost complete for the project, and had primarily been completed previously with the Cape Fear Crossing project.
- NCHPO inquired whether the group should assume the new bridge is south of the current bridge, to maintain access to the existing bridge during construction.
 - Division 3 confirmed this was correct.
- NCHPO inquired whether Alternative B (135’ fixed span) the bottom of the bridge would be at 135 feet, which is the height of the towers on the existing bridge.
 - Division 3 noted it would be lower, as the bottom of the deck in the open position is 135 feet and the towers are above the raised deck.
 - HDR stated the vertical clearance (bottom of the girder) would be 135 feet for navigational purposes.
 - NCHPO inquired how tall the bridge would be.
 - HDR noted this depended on the girder and bridge deck height and had not been determined at this time.
 - NCHPO noted the bridge would need fencing for safety of pedestrians.
 - Division 3 confirmed.
- NCHPO noted they believed the study area was too small given the anticipated visual impacts.
 - NCDOT EPU inquired whether NCHPO would like the study area to be as large as the Section 106 Area of Potential Effects (APE).
 - NCHPO noted yes it needed to be larger as the project was federally funded with Section 4(f) resources.
 - FHWA inquired whether their concerns were based on visual impacts of the bridge.
 - NCHPO noted visual impacts and concerns that the group was not considering impacts of tying into Front Street.
 - FHWA inquired whether NCDOT could review the design impacts anticipated on Front Street.
 - Division 3 noted from a design standpoint and how the alternatives tie into downtown Wilmington and Front Street, this was considered and incorporated into the study area.
 - HDR confirmed the study area captured the design and as part of the public meetings renderings would be prepared to display potential visual impacts, including from the Battleship and downtown Wilmington.

- Division 3 noted they agreed the Section 106 APE was larger than the study area, unsure whether the study area needed to match the APE.
 - NCHPO noted the team should be assessing long term and indirect and cumulative effects, and the traffic which would increase in the future and indirectly effect historic resources including visual and construction impacts. NCHPO stated the Front Street project (STIP Project # U-5734) anticipates higher traffic as a result of HB-0039.
 - Division 3 inquired whether NCHPO thought HB-0039 would be causing more traffic.
 - NCHPO stated drivers were not currently using Front Street to access the CFMB as they would in the future.
 - HDR noted traffic forecasts are based on a regional model which incorporates all surrounding projects.
- NCHPO noted they could agree to the purpose and need but not the study area.
 - NCDOT EPU noted they may not have enough design information to answer NCHPO's questions on the larger area.
 - NCDOT inquired the downside of expanding the study area.
 - Division 3 noted the current study area captures all direct impacts, and eliminates wetland delineations and other work in areas that would not be impacted in a larger area.
 - NCDOT EPU also noted potential public perception concerns if a large study area was drawn with no proposed alignments, residents and business owners may think they are impacted.
 - USEPA noted it sounded as though NCHPO was requesting an analysis of a larger study area to justify the smaller study area to move forward.
 - NCDOT EPU noted should a Future Land Use Study Area (FLUSA) be prepared it would capture potential indirect and cumulative impacts, typically prepared at a later date once alternatives were selected. The CCR was currently underway, and may recommend an Indirect and Cumulative Effects (ICE) report.
 - HDR noted the draft CCR was under review which includes the Direct Community Impact Area boundary and assessment of community impacts.
- NCDOT EPU noted study areas often were tweaked through the project development process based on alternative development, roadway profiles, etc. and inquired whether NCHPO would abstain from concurrence on study area, with the understanding the project team would revisit the study area based on how ongoing studies played out.
 - NCHPO noted they agreed with this approach.
 - USACE noted the merger guidance states, "It is generally best to establish a slightly wider than anticipated study area to ensure inclusion of service roads, potential roadway realignments, avoidance of impacts to parks and potential historic resources, and sufficient storage for turning movements." and the merger plan states alternative design would be based on LIDAR data.
 - NCDOT EPU noted final surveys were not available at this point and this information was not yet available.
 - USACE agreed with the approach to revisit the study area.
 - NCDOT EPU noted NCDOT would gather information from community studies and NCDOT Historic Architecture.
 - NCDOT inquired whether the group could agree to a larger study area, and if necessary revisit to make the study area smaller.

- HDR noted the current proposed study area captures all potential service roads, loops, roadway realignments, and ties and is larger than the anticipated designs and captures all direct impacts.
 - NCHPO noted they would abstain and take a further look, and potentially could adjust the area to not study all resources in a larger area such as historic resources in a larger area and not wetlands.
 - USEPA concurred with this approach as long as the follow up meeting was held prior to CP2.
 - NCHPO, Division 3, and USACE concurred.
 - USEPA proposed holding CP1 in two parts, and held CP1 study area in early 2024 prior to CP2.
 - Division 3 noted the concurrence form would be revised to only capture purpose and need for today's meeting.
 - ***Action Item: At the close of the meeting, NCDOT and FHWA/USACE staff determined a follow up discussion was needed to clarify the proposed study area (as noted by FHWA during the meeting) would not restrict future visual, indirect and cumulative effects, and other Section 106 analyses, which would be based on larger boundaries (such as a Future Land Use Study Area, utilized for indirect and cumulative effects analyses and Area of Potential Effects utilized for Section 106). See below.***
 - USACE inquired whether NCDOT would have a better idea of tolling in January/February.
 - WMPO noted the decision would be given to NCDOT by February 1st.
 - Division 3 stated NCDOT should also be notified if the project was eligible for the federal grant at this point.
 - FHWA noted they believed questions raised today would be covered in the project development process including visual impacts and the APE, and the study area did not restrict future indirect and cumulative analysis.
 - NCDWR inquired whether the project team would have any additional information on the Wilmington Realignment Project and whether the preferred alternative would impact this project at CP2.
 - Division 3 stated no, but NCDOT was coordinating with the City of Wilmington.
 - NCDOT noted for the Coastal Area Management Act (CAMA) Permit, they would need to be aware of where the CAMA Areas of Concern (AEC) were to ensure avoidance and minimization and for the Least Environmentally Damaging and Practicable Alternative (LEDPA) selection.
 - USACE inquired whether the wetland delineation would be complete prior to CP2 and provided to USACE.
 - Division 3 confirmed.
 - Meeting adjourned.
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Next Steps/Action Items:

- A follow-up meeting with representatives from FHWA, NCDOT, USACE and the NC HPO was held on January 25, 2024 to address NC HPO's comments regarding the proposed study area for the HB-0039 project. NC HPO expressed reservations in the CP1 meeting that the proposed study area was not large enough to fully address potential effects to historic properties, particularly effects such as visual intrusions on the existing viewshed, traffic impacts, increases in noise levels, and changes to land use.
- FHWA and NCDOT communicated their own concerns that enlarging the study area to encompass these kinds of secondary effects would likely create unnecessary and costly work for

several other resource areas. For instance, archaeological or biological surveys might be required for areas that have no potential for ground disturbance or changes to existing habitat, respectively. Further, FHWA and NCDOT expressed concerns that the enlarged study area proposed by NC HPO could result in erroneous public perception that the proposed bridge and its approaches would be constructed far outside the actual alignments being considered.

- FHWA and NCDOT made clear that the merger team's study area is not necessarily a one-size fits all boundary, i.e. – it does not preclude resource-specific effects analyses that extend outside the study area as deemed appropriate. FHWA and NCDOT communicated that they fully intend to analyze visual, noise, traffic, and land use conditions when assessing potential effects to historic properties, and acknowledged that those analyses will likely extend outside the merger study area. The two transportation agencies anticipate extensive coordination with the NC HPO as they work to assess effects as part of Section 106 and Section 4(f) requirements.
- The project team will send a CP1 form to the merger signatories following finalization of this meeting summary.
- The CP2 meeting will be scheduled in early Spring 2024.

Please direct any comments or questions to NCDOT Project Manager Trace Howell at trhowell1@ncdot.gov, or Consultant Project Manager Jeff Dayton at jeffrey.dayton@hdrinc.com.