

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	R-3830
WBS Element	38887.1.1
Federal Aid Project No.	STP-0042(49)

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes to improve NC 42 /SR 1579 (Broadway Road), from US 421 (Horner Boulevard) in Sanford to SR 1538 (East Harrington Avenue) in Broadway, in Lee County (see attached vicinity map Figure 1). The purpose of the proposed project in Division 8 is to improve user safety and traffic operations along NC 42 / SR 1579 (Broadway Road), within the project limits. This project will aid in reducing the numerous rear-end and run-off-the-road crashes, currently occurring along NC 42 / SR 1579 (Broadway Road), within the project limits. The project is federally funded and is approximately 5.5 miles in length. NC 42 / SR 1579 is a two to five-lane existing facility that will be improved throughout to a four-lane, median-divided facility from just West of US 421 (S. Horner Blvd.), thru the US 421 interchange and to NC 42 (Avents Ferry Road). This median divided typical section will consist of Curb and Gutter, two 11-foot travel lanes, and a 5-foot bike lane in both directions. Pedestrian improvements for this section include a 5-foot sidewalk with 4-foot planting strip along most of the northside as well as along the southside for a short distance closer to downtown Sanford. East of NC 42 (Broadway Road) to just west of Milton Ave in Broadway, the two-lane facility will be widened to a three-lane facility with a combination of shoulder and curb and gutter typical sections. The shoulder section consists of two 11-foot travel lanes and a 12-foot center turn lane with 4-foot paved shoulders. The curb and gutter section consists of two 13-foot travel lanes and a 12-foot center turn lane. The existing sidewalks will be extended on both sides of NC 42 (Broadway Road) from about Milton Drive to Gilbert Lett Drive. Turn lane improvements will also be provided at several intersections.

B. Consultation Phase:

☒ Construction

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

☒ FHWA Class II(CE) 4/21/2015

Additional Notes: **Type III**

D. Changes in Proposed Action & Environmental Consequences:

The project has had no significant design changes in the final design since the completion of the Categorical Exclusion.

Water resources

The water resource classifications for the streams identified in the Categorical Exclusion remain accurate.

Protected Species

The list of protected species remain unchanged since the Right-of-Way Consultation was completed. No species have been added or removed for the county. There is no habitat for protected species within the study area.

Northern long-eared bat

The US Fish and Wildlife Service 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. 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 Lee County, where R-3830 is located.

Cultural Resources

NCDOT has reviewed the Section 106 effects findings for historic properties within the project's area of potential effects (APE), that were made as part of the NEPA analysis. NCDOT has confirmed there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

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, Sean Stephens, PE (Consultant), hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Marcus Lowery, PE (TGS)	12-10-2021
Environmental Specialist:	Jason Dilday (NCDOT)	05-18-2022
FHWA (if applicable):	Felix Davila	04-28-2022
Cultural Resources - Archaeology	Matt Wilkerson (NCDOT)	05-09-2022
Cultural Resources – Historic Architecture	Kate Husband (NCDOT)	04-19-2022
Erosion Control	Jennifer Parish (NCDOT)	12-20-2021
Geoenvironmental	Dennis Li (NCDOT)	12-16-2021
Hydraulics	Paul Atkinson (NCDOT)	12-14-2021

G. Consultation Approval for NCDOT Project R-3830

Prepared By:

06/01/2022

Date

DocuSigned by:



C38835529C8430

Sean Stephens, PE, Project Manager (Consultant)
NCDOT, Project Management Unit

Reviewed By:

06/06/2022

Date

DocuSigned by:



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Colin Mellor, Team Lead
NCDOT, Environmental Policy Unit

☒ **Approved**

In adherence with 23 CFR 771 (NEPA) or NC General Statute Chapter 113A Article 1 (SEPA), NCDOT approves this Consultation.

or

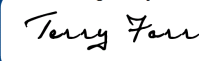
☐ **Certified**

NCDOT staff certifies if FHWA signature was previously required or where changes have resulted in FHWA signature being required.

06/06/2022

Date

DocuSigned by:



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Terry Farr, PE, Senior Project Manager
NCDOT, Project Management Unit

FHWA Approved:

06/06/2022

Date

DocuSigned by:



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

H. Project Commitments (as of June 1, 2022)

Lee County
NC 42, US 421 (Horner Boulevard) in Sanford to SR 1579 (Broadway Road)
And SR 1579 (Broadway Road / North Main Street), NC 42 (Avents Ferry Road to
SR 1538 (East Harrington Avenue) in Broadway. Widen to Multi-lanes
Federal Project No. STP-0042(49)
WBS No. 38887.1.1
TIP No. R-3830

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Roadway Design Unit, Highway Division 8 Construction, Roadside Environmental Unit, Geotechnical Engineering Unit

- All cut and fill slopes should be constructed no steeper than 2:1 (H:V).
 - *This commitment has been incorporated into the right-of-way plans.*
- Sediment and erosion control measures, sufficient to protect water resources, must be implemented and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual* and the most recent version of NCS000250.
 - *This project commitment is still valid.*
- Additional investigations will be needed if project geo-environmental sites are impacted.
 - *This project commitment has been resolved.*

Roadway Design Unit, Highway Division 8 Construction, Roadside Environmental Unit

- Roadway design plans must provide treatment of storm water runoff through best management practices, as detailed in the most recent version of the *NCDWQ Stormwater Best Management Practices*.
 - *Roadway design plans will provide treatment of stormwater runoff following the NCDOT's April 2014 Post-Construction Stormwater Program which directs the use of best management practices whose design specifications are outlined in the most recent version of NCDOT's Stormwater Best Management Practices Toolbox.*
- NCDOT will confine all construction activities to a temporary construction easement within the permanent utility easement on the historic Sloan House property, located at 2712 Broadway Road (SR 1579), Sanford, NC. Tree avoidance measures and an appropriate landscape plan of low, ornamental plantings of native species, such dogwoods and redbuds, will be executed in the utility easement and behind it, if the property owner is amenable.

- *Efforts to contact the current property owners have been successful. Division 8 staff will contact the current property owners to execute the above tree avoidance and landscaping measures.*

Division 8 staff and private utilities owners have met with Mrs. Sloan and on July 9, 2019 Mrs. Sloan has agreed to the terms below:

- 1) The 'family' pine falls outside their area and will not be impacted.*
- 2) The Dogwood tree will be preserved, but some selective, but minimal, top branch pruning may be necessary.*
- 3) Mrs. Sloan can transplant her patch of daylilies/forsythia which presently falls within NCDOT right-of-way.*

- The City of Sanford has requested beautification plantings in the proposed median, within the Sanford City Limits. This will be coordinated with the City of Sanford.
 - *Coordination and a municipal agreement are needed to fulfill this project commitment. This action will be conducted by Division 8 staff, post-construction.*

Highway Division 8 Construction, Project Development and Environmental Analysis Unit

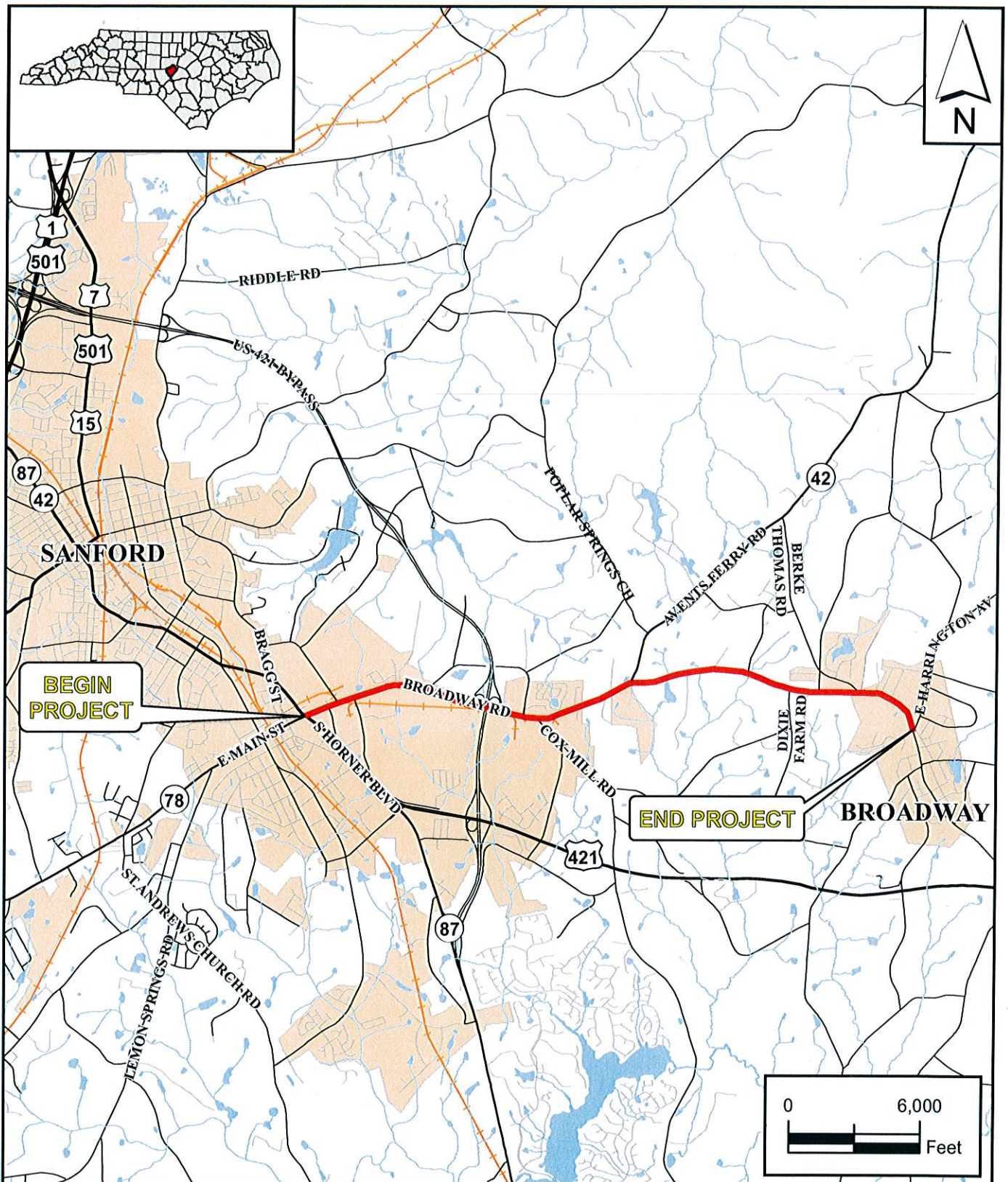
- If the project involves clearing of trees greater than 3 inches in diameter or demolition of bridges or buildings after April 1, 2015, the NCDOT Highway Division 8 staff will coordinate with the NCDOT Project Development and Environmental Analysis Unit, as soon as possible, so that the NCDOT staff can obtain an Endangered Species Act concurrence from the US Fish and Wildlife Service, regarding the Northern long-eared bat. Upon construction completion, tree clearing associated with this project must be tracked and reported (in acreage) to the NCDOT PDEA natural Environment Section (NES). No tree clearing will occur within 150 feet of a known maternity roost tree May 1 – June 30 in order to protect non-volant young. Winter roost trees are not considered maternity roost trees.
 - *As a result of the 2020 Programmatic Biological Opinion for the Northern long-eared bat, tracking and reporting tree clearing amounts is no longer required. Additionally, though included in the PBO, Lee County does not have to adhere to either of the two conservation measures including the tree clearing restriction from May 1-June 30.*

Highway Division 8 Construction & Maintenance

- Four species from the *NCDOT Invasive Exotic Plant List for North Carolina* were found to occur in the project study area. The species identified were Russian olive (Watch List), Chinese privet (Threat), Japanese stilt grass (Threat) and Japanese honeysuckle (Moderate Threat). The NCDOT will manage invasive plant species on department right-of-way, as appropriate.
 - *This project commitment is still valid.*

COMMITMENTS FROM PERMITTING

No additional commitments were added during permitting.



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

VINICITY MAP
R-3830:
NC 42 - SR 1579 Improvements

LEE COUNTY
TIP PROJECT R-3830

County:	LEE
Div: 8	TIP# R-3830
WBS:	38887.1.1
Date:	JULY 2011

Figure
1