

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>HL-0008C</u>
WBS Element	<u>49367.1.2</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The proposed project involves improvements on NC 50 (Benson Road) near the intersection of NC 50 with SR 2812 (Timber Drive/Timber Drive East) in Wake County. The improvements will involve extending the northbound right turn lane on NC 50 from the driveway for a State Employees' Credit Union to the existing right turn lane at SR 2562 (New Rand Extension). The northbound right turn lane on NC 50 at the Timber Drive/Timber Drive East intersection will be converted to a shared through/right turn lane by changing the pavement markings. Curb and gutter disturbed by proposed construction will be replaced and a sidewalk will be added on the east side of NC 50 from Timber Drive/Timber Drive East to New Rand Extension. The project location is shown on Figure 1.

The proposed project will be constructed mostly within the approximately 100-foot wide existing right of way, although an approximately 12 to 15-foot wide temporary construction easement will be required on the east side of NC 50 for the entire length of the project. In addition, a minor amount of permanent drainage easement (approximately three to six-foot wide by approximately 425 feet long) will also be required on the east side of NC 50.

The purpose of the proposed project is to improve traffic operations and reduce congestion at the intersection of NC 50 (Benson Road) with SR 2812 (Timber Drive/Timber Drive East).

B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other:

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

- FHWA Class II (CE) 1/31/2022

Additional Notes: **Type I(A) CE**

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

The only design change to the project since completion of the categorical exclusion is that the pavement markings for the northbound right turn lane on NC 50 at the Timber

Drive/Timber Drive East intersection will be changed to denote this as a shared through/right turn lane. In addition, a high-visibility crosswalk has been added at the State Employees Credit Union driveway.

Complete Streets

Since completion of the CE, the NCDOT Integrated Mobility Division (IMD) has provided additional comments on the project. In the Stage 2 review, IMD recommended providing a high-visibility crosswalk at the State Employees Credit Union driveway. IMD further recommended coordination with the City and MPO to obtain their input.

As discussed previously, the high-visibility crosswalk recommended by IMD has been added to the project design. During project scoping, the project team coordinated with the Capital Area MPO and the Town of Garner. The MPO agreed to provide funding for pedestrian and bicycle improvements, but coordination would be required between the municipality and MPO for accommodations beyond constructing a sidewalk. The Town of Garner concurred with only providing sidewalks along the east side of NC 50. Comments on the current project design have been requested from IMD.

Federally-Protected Species

Since completion of the CE, the list of species identified by the US Fish and Wildlife Service Information for Planning and Consultation (IPaC) website (ecos.fws.gov/ipac/) as having the potential to be impacted by activities at the project location has changed. As of April 23, 2024, the tricolored bat (*Perimyotis subflavus*) is proposed for listing as endangered.

Federally-Protected Species Potentially Occurring in Project Study Area

Common Name	Scientific Name	Status	Potential Habitat?	Biological Conclusion
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	Yes	May Affect, Likely to Adversely Affect
Atlantic Pigtoe	<i>Fusconaia masoni</i>	Threatened	No	No Effect
Carolina Madtom	<i>Noturus furiosus</i>	Endangered	No	No Effect
Dwarf Wedgemussel	<i>Alasmidonta heterodon</i>	Endangered	No	No Effect
Michaux's Sumac	<i>Rhus michauxii</i>	Endangered	Yes	No Effect
Neuse River Waterdog	<i>Necturus lewisi</i>	Threatened	No	No Effect
Yellow Lance	<i>Elliptio lanceolata</i>	Threatened	No	No Effect

The US Fish and Wildlife Service (USFWS) has issued a Programmatic Conference Opinion (PCO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the tricolored bat (TCB) (*Perimyotis subflavus*) in eastern North Carolina (November 20, 2023). The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. The programmatic determination for TCB for the NCDOT program is May Affect, Likely to Adversely Affect. Once the TCB is officially listed, the PCO will become the programmatic biological opinion (PBO) by formal request from FHWA and USACE. The PBO will ensure compliance with Section 7 of the Endangered Species Act for approximately five years

(effective through December 31, 2028) for all NCDOT projects with a federal nexus in Divisions 1-8. NCDOT, FHWA, and USACE have agreed to three conservation measures (listed in the PCO) which will avoid/minimize take to TCBs. These conservation measures apply to all counties in Divisions 1-8. Note that at this time, no TCB maternity roost trees have been identified in Divisions 1-8. Additionally, NCDOT, FHWA, and USACE have agreed to two Monitoring and Reporting Requirements.

M&R1: If dead bats suspected of being TCB are observed during clearing, demolition, or construction activities of the Action, such bats should be collected and preserved for identification. Gary Jordan of the USFWS Raleigh Field Office should be contacted at gary_jordan@fws.gov to arrange transfer of the bats. Dead bats should be placed in a freezer until they can be transferred.

M&R2: NCDOT staff and/or consultants must follow the NCDOT Bat Habitat Assessment SOP by filling out Bat Habitat Assessment Forms for projects that affect bridges and culverts. Minimum dimensions for conducting a culvert survey are five feet in height and 60 feet in length. Bridge and structure assessments are valid for two years. These forms will be submitted to the NCDOT Biological Surveys Group (BSG) using the Survey 123 application or submitted to the NCDOT Project Manager and NCDOT Sharepoint site and notification sent to BSG@ncdot.gov. BSG staff will enter the forms into its database even if no bat presence is detected. If TCBs are detected at a bridge or culvert, the USFWS will be notified via email at gary_jordan@fws.gov. Bat surveys are not required for HL-0008C.

The USFWS has issued a revised 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 (December 15, 2022). The revised PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. The programmatic determination for NLEB for the NCDOT program is May Affect, Likely to Adversely Affect. The revised 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. Although this PBO covers Divisions 1-8, the USFWS only considers NLEBs to be known or potentially found in 30 counties within Divisions 1-8. Note that none of these 30 counties are located within Division 5. 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 revised PBO and do not include any parts of Division 5. Additionally, NCDOT, FHWA, and USACE have agreed to three Monitoring and Reporting Requirements to monitor the impacts of incidental take. (Note: M&R2 is adhered to by Biological Surveys Group (BSG) and is not discussed below).

M&R1: If dead bats suspected of being NLEB are observed during clearing, demolition, or construction activities of the Action, such bats should be collected and preserved for identification. Gary Jordan of the USFWS Raleigh Field Office should be contacted at gary_jordan@fws.gov to arrange transfer of the bats. Dead bats should be placed in a freezer until they can be transferred.

M&R3: NCDOT staff and/or consultants must follow the NCDOT Bat Habitat Assessment SOP by filling out Bat Habitat Assessment Forms for projects that affect bridges and culverts. Minimum dimensions for conducting a culvert survey are 5 feet in height and 60

feet in length. Bridge and structure assessments are valid for two years. These forms will be submitted to the NCDOT Biological Surveys Group (BSG) using the Survey 123 application or submitted to the NCDOT Project Manager and NCDOT Sharepoint site and notification sent to BSG@ncdot.gov. BSG staff will enter the forms into its database even if no bat presence is detected. If NLEBs are detected at a bridge or culvert, the USFWS will be notified via email at gary_jordan@fws.gov. Bat surveys are not required for HL-0008C.

Michaux’s Sumac (*Rhus michauxii*) is listed as Endangered and has potential habitat in the project area. As discussed in the CE, a survey was conducted for this species on October 1, 2020. Since completion of the CE, NCDOT completed a second survey for Michaux’s sumac on October 4, 2022. No specimens were observed in the study area. It is anticipated the proposed project will have no effect on Michaux’s sumac. An updated survey for Michaux's sumac will be conducted if necessary based on the let date.

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, Zahid Baloch, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

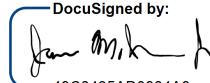
Design Engineer:	John W. Braxton Jr.	May 7, 2024
Division Project Engineer – Planning & Environmental:	Christopher A. Murray, SPWS	May 1, 2024
FHWA (if applicable):	N/A	Date
Other:	N/A	Date

G. Consultation Approval for NCDOT Project HL-0008C

Prepared By:

5/7/2024

Date

DocuSigned by:

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James McInnis, Jr., PE, Carolinas Project Development Chief Engineer
DRMP, Inc.

Prepared For:

DocuSigned by:

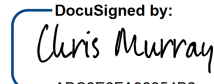
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Zahid Baloch, PE, Senior Project Engineer
NCDOT, Division Five

Reviewed By:

5/8/2024

Date

DocuSigned by:

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Chris Murray, SPWS, Project Engineer for Planning and Environmental Studies
NCDOT Division Five



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.

5/8/2024

Date

DocuSigned by:

17287EAE639A432

Beth Ann Quinn, PE, Division Five Division Team Lead
For Brandon Jones, PE Division Five 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.

Date

N/A
Yolonda K. Jordan, Division Administrator
Federal Highway Administration

H. Project Commitments (as of 4/17/2024)

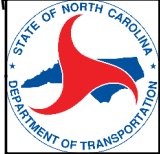
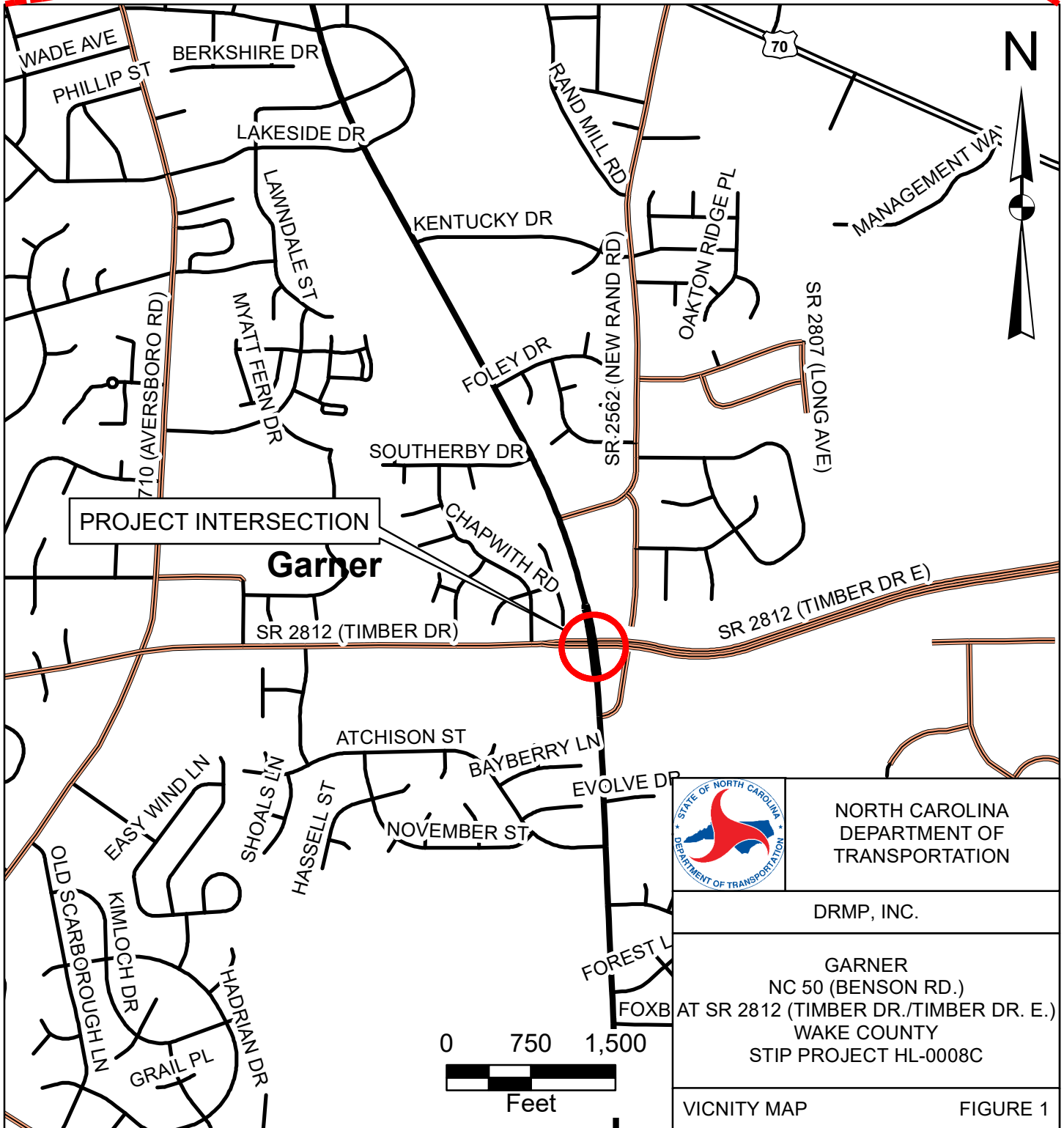
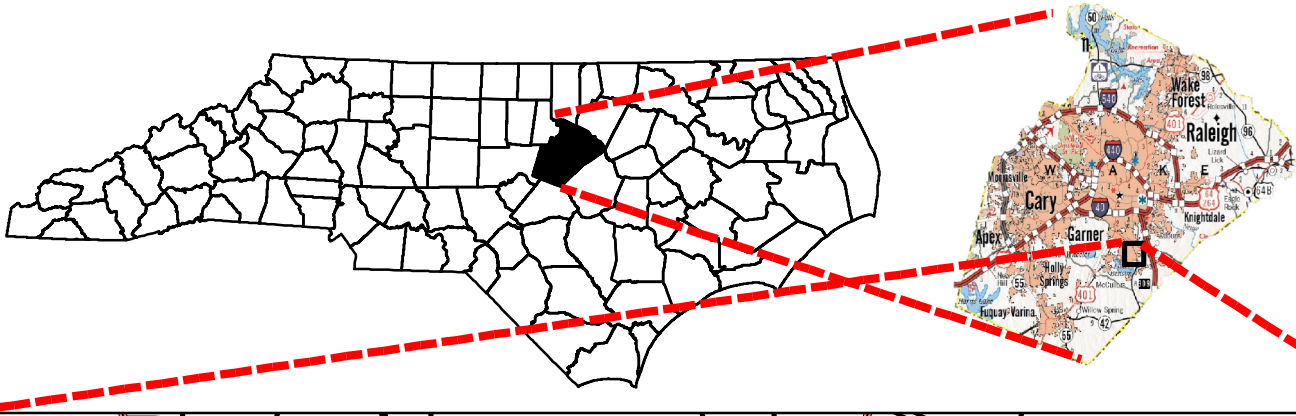
STIP Project No. **HL-0008C**

NC 50 from SR 2812 (Timber Drive/Timber Drive East) to SR 2562 (New Rand Extension)

Wake County

WBS Element 49367.1.2

No special project commitments have been made for this project.



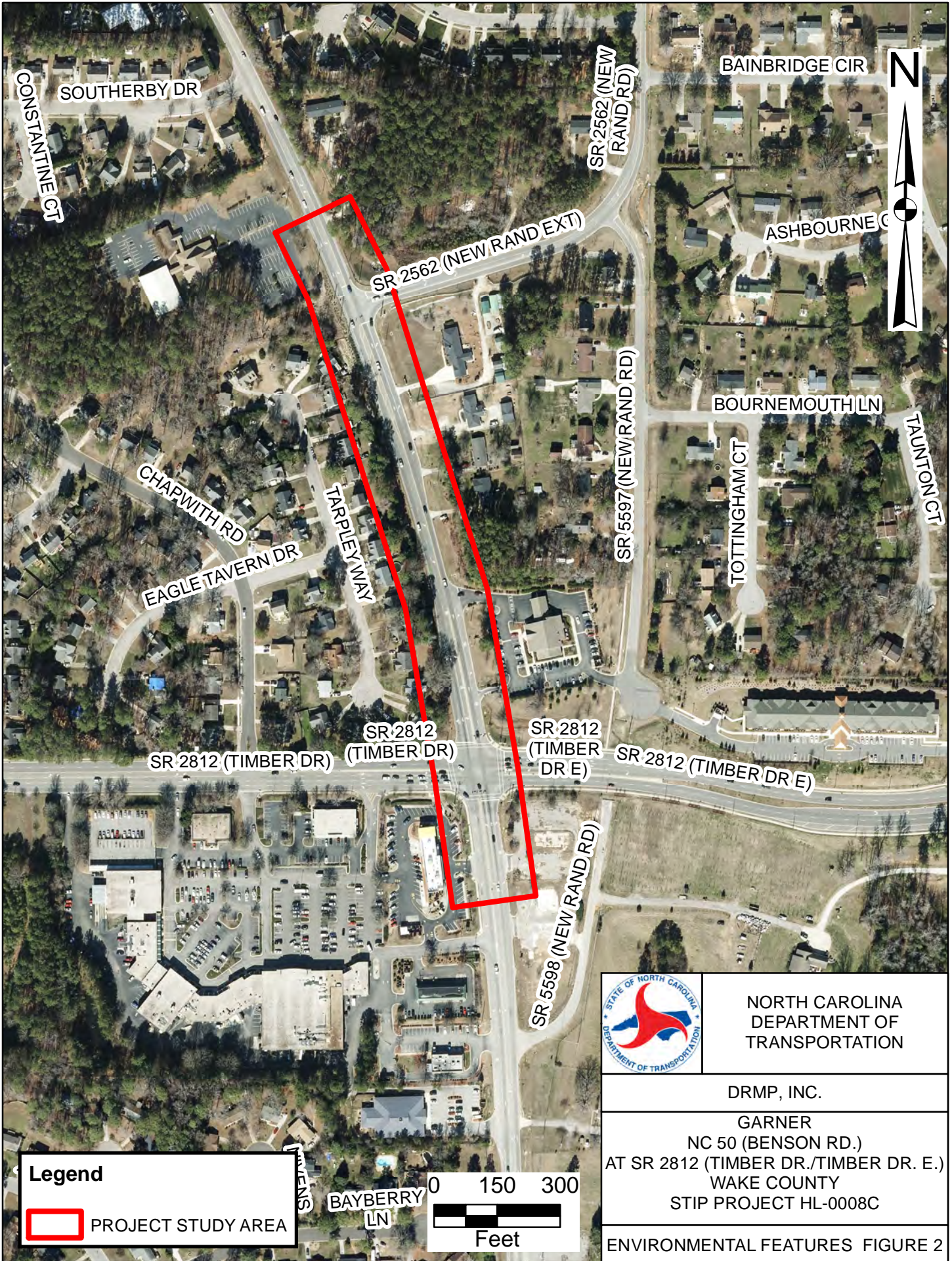
NORTH CAROLINA
DEPARTMENT OF
TRANSPORTATION

DRMP, INC.

GARNER
NC 50 (BENSON RD.)
AT SR 2812 (TIMBER DR./TIMBER DR. E.)
WAKE COUNTY
STIP PROJECT HL-0008C

VICINITY MAP

FIGURE 1





NORTH CAROLINA
DEPARTMENT OF
TRANSPORTATION

DRMP, INC.

GARNER
NC 50 (BENSON RD.)
AT SR 2812 (TIMBER DR./TIMBER DR. E.)
WAKE COUNTY
STIP PROJECT HL-0008C

ENVIRONMENTAL FEATURES FIGURE 2

Legend
 PROJECT STUDY AREA

0 150 300

 Feet