

North Carolina Department of Transportation
NEPA/SEPA Consultation Form

STIP Project No.	I-3306A
WBS Element	34178.1.3
Federal Aid Project No.	IMS-040-4(148)259

A. Project Description, Location, and Purpose:

The proposed project is included in the North Carolina Department of Transportation's (NCDOT) approved *2020-2029 State Transportation Improvement Program (STIP)* as Project I-3306A. NCDOT is proposing to widen I-40 from four lanes to six lanes from I-85 to the Durham County Line (where the existing laneage increases near US 15-501). The proposed project is approximately 11.4 miles long and will include interchange improvements at the I-40/NC 86 interchange. It should be noted that the I-3306A project has moved from a Design-Bid-Build delivery process to a Design-Build delivery process.

The purpose of the proposed project is to relieve peak hour congestion on this facility such that a LOS D or better can be maintained for the 2040 Build condition. A desired outcome of the proposed project would be to improve the traffic flow and continuity between the existing eight-lane section at the beginning of the project (I-85) and the six-lane section at the end of the project (Durham County Line).

B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other: Identify the trigger – (e.g., design change, change in impacts)

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

- FHWA Class II (CE) 3/29/2019

Additional Notes: **Type III**

D. Changes in Proposed Action & Environmental Consequences:

DESIGN CHANGES

The following design changes have occurred since the signing of the CE:

A new twelve-foot thru lane has been added to the outside of I-40 near the I-40/I-85 split. It was added to address concerns with sign placement and lane continuity, as well as the complexities of a major interstate to interstate diverge point. It begins approximately 1020

feet west of the Dimmocks Mill Road (SR 1134) bridge and continues another 1480 feet where it transitions to a third I-40 median through lane developed at the gore of the I-40/I-85 split at Exit 163.

The project will now include replacement of Bridge No. 670271 located at I-40 EB over Old NC 86 (SR 1009) at the I-40 interchange (Exit 261) rather than just widening. The project will ONLY widen Bridge No. 670265, located at I-40 EB over Millhouse Road (SR 1725) and Norfolk Southern Railway, rather than replace it as was previously proposed. Therefore, in lieu of realigning the mainline and widening the mainline median in the vicinity of Old NC 86 and Millhouse Road, the project shall maintain the mainline 22-foot median width.

At the NC 86/I-40 interchange, all ramp/loop work in Quadrant A and B and work along NC 86 north of the interchange will be included in the project. South of the interchange, work will include a slip-ramp (-Y9SPURC) from the eastbound I-40 off-ramp (Ramp C) to Eubanks Road, a separate right turn lane on Ramp C turning onto the proposed slip ramp to Eubanks Road and a short second lane and transitions to Ramp D with paved shoulders.

The proposed Superstreet/Reduced Conflict Intersection (RCI) work at Eubanks Road and along NC 86 south of the NC 86/I-40 Interchange has been delayed until a FY 2026 letting at the request of the Town of Chapel Hill and will not be included in the I-3306A project. The Superstreet project will be added to the STIP as I-3306AC.

WATER RESOURCES

Water classifications and resources within the project area have not changed since the completion of the Categorical Exclusion.

TRAFFIC NOISE

A Traffic Noise Report for the I-3306A project was completed in March 2019. The proposed design revision extends approximately 1,020 feet along I-40 west of the Dimmocks Mill Road overpass. Although this area was included in the 2019 study as Noise Study Area (NSA) 1 and NSA 3, the noise analysis did not include the design revision, so this will need to be included in an Addendum to the 2019 study once existing and proposed surface elevation data becomes available. However, due to the minor nature of the revision and the relatively sparse development in this area, it is unlikely that the traffic noise impacts and “likely” abatement locations in these two NSAs would change from those disclosed in the 2019 study.

PROTECTED SPECIES

The list of federally protected species has changed since the Completion of the Natural Resources Technical Report (NRTR) as referenced in the CE.

Federally protected species listed for Orange County:

Federally protected species listed for Orange County.

Species	Federal Status	Habitat Present	Biological Conclusion
Dwarf wedgemussel	Endangered	Yes	May Affect-Not Likely to Adversely Affect ¹
<i>Added since the completion of the NRTR:</i>			
Cape Fear shiner	Endangered	Outside of Range	n/a
Neuse River waterdog	Proposed	Yes	May Affect-Not Likely to Adversely Affect ²
Carolina madtom	Proposed	Yes	May Affect-Not Likely to Adversely Affect ²
Atlantic pigtoe	Proposed	Yes	May Affect-Not Likely to Adversely Affect ²
<i>Removed/Changed since the completion of the NRTR:</i>			
Michaux's sumac	Now listed as historical. Surveys or biological conclusion is not required.		
Smooth coneflower	Now listed as historical. Surveys or biological conclusion is not required.		
Red-cockaded woodpecker	No longer listed for Orange County. Surveys or biological conclusion is not required.		

1 = Informal consultation with USFWS in progress.

2 = Conference coordination with USFWS in progress. If listed, biological conclusion will be May Affect-Not Likely to Adversely Affect.

I-3306A will be using the Programmatic Conference Opinion (PCO) for the anticipated listing of the Neuse River Waterdog (see commitments below).

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, Eugene Tarascio, hereby verifies the involvement of the following staff and the incorporation of their technical input:

NV5 Design Engineer:	Johnny Banks	3/24/2021
ECAP Western Team Lead:	Michael Turchy	3/25/2021
FHWA:	Felix Davila	3/25/2021
NCDOT Hydraulics:	Brian Radakovic	3/19/2021

G. Consultation Approval for NCDOT Project I-3306A

Prepared By:

5/17/2021

Date

DocuSigned by:

Allison Woodall

Allison Woodall, Transportation Engineering Associate

NCDOT

5/17/2021

Date

DocuSigned by:

Kristina L. Solberg

Kristina L. Solberg, PE, Senior Project Manager
NCDOT Project Management Unit

Prepared For:

5/17/2021

Eugene Tarascio

Eugene Tarascio, Project Manager
NCDOT, Project Management Unit

Reviewed By:

5/17/2021

Date

DocuSigned by:

John Jamison

John Jamison, Western Regional 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.

5/17/2021

Date

DocuSigned by:

Laura E. Sutton

Laura Sutton, PE, Project Management Unit, Team Lead
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.

5/17/2021

Date

DocuSigned by:

Felipe Davila

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

H. Project Commitments (as of 5/17/2021)

**Orange County
I-3306A I-40 Widening
Federal Project No. IMS-040-4(148)259
WBS No. 34178.1.3
TIP No. I-3306A**

Changes to existing commitments or new commitments are shown in *italics*.

Hydraulics Unit - FEMA Coordination

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 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.

Traffic Noise Group – Noise Walls

Four noise walls were considered feasible and reasonable in the Traffic Noise Report for the project. Those locations will be further evaluated during the final design phase.

This commitment is still valid.

A Traffic Noise Report Addendum will be completed in accordance with NCDOT's Traffic Noise Policy to evaluate the proposed design revision along I-40 west of Dimmocks Mill Road overpass.

This is a new commitment.

NCDOT Environmental Coordination & Permitting (ECAP)

Construction Authorization will not be requested until Section 7 Concurrence is received from the US Fish and Wildlife Service.

This is a new commitment.

NCDOT Roadside Environmental Unit/ NCDOT Division Construction Unit

Design Standards in Sensitive Watersheds shall apply to this project.

This is a new commitment.

NCDOT Roadside Environmental Unit/ NCDOT Division Construction Unit

Programmatic Conference Opinion (PCO) for Neuse River Waterdog

Environmentally Sensitive Areas shall also be designated and defined as a 50-foot buffer zone within the right-of-way (and any easements required for construction) on both sides of New Hope Creek measured from top of streambank.

Within Environmentally Sensitive Areas the following shall apply:

- The contractor may perform clearing operations but not grubbing operations until immediately prior to beginning grading operations.*
- Once grading operations begin in identified Environmentally Sensitive Areas, work shall progress in a continuous manner until complete.*
- Erosion control devices shall be installed immediately following the clearing operation.*
- Seeding and mulching shall be performed on the areas disturbed by construction immediately following final grade establishment.*
- Seeding and mulching shall be done in stages on cut and fill slopes that are greater than 20 feet in height measured along the slope or greater than two acres in area, whichever is less.*
- No heavy equipment will be placed in the streams.*
- Special sediment control fence (NCDOT Standard No. 1606.01) or a combination of special sediment control fence and standard silt fence will be installed between the top of the streambank and bridge embankment. Once the disturbed areas of the project draining to these areas have been stabilized, the special sediment control fence and/or silt fence and all built up sediment adjacent to these devices will be removed to natural ground and stabilized with a native grass mix.*
- All appropriate sedimentation and erosion control measures, throughout the project limits, will be maintained to ensure proper function following NCDOT Erosion and Sediment Control Design and Construction Manual and NCDOT Best Management Practices for Construction and Maintenance Activities.*
- Coir fiber matting or clean riprap (underlain with geotextile) will be installed on the footprint of unclassified structure excavation near the streambanks.*
- Embankment construction and grading shall be managed in such a manner as to prevent surface runoff/drainage from discharging untreated into the riparian buffer. All interim surfaces will be graded to drain to temporary erosion control devices. Temporary berms, ditches, etc. will be incorporated, as necessary, to treat runoff before discharging into the riparian buffer (as specified in NCDOT BMP manuals).*

All sedimentation and erosion control measures will be appropriately maintained following NCDOT standards to ensure proper function of the measures. The NCDOT adheres to the permit conditions of General Permit NCG 010000 to Discharge Stormwater under the National Pollutant Discharge Elimination System for Construction Activities. NCDOT is required to “select, install, implement and maintain best management practices (BMPs) and control measures that minimize pollutants in the discharge to meet the requirements of this permit.” Among other conditions, the permit requires:

1) *all erosion and sedimentation control measures must be inspected at least once every seven calendar days and*
2) *within 24 hours after any storm event of greater than 1.0 inch of rain per 24-hour period. It is understood that these requirements and implementation of other appropriate BMPs are monitored through multiple layers of oversight. At a minimum, the following personnel monitor erosion control measures:*

- *Contractor Project Manager*
- *NCDOT Division Environmental Officers and Environmental Specialists.*

This is a new commitment.

Division 7 – Northwood Neighborhood Steering Committee Coordination

The Northwood Neighborhood Steering Committee has identified several concerns related to the proposed project concerning safety and speed issues within the neighborhood. NCDOT Division 7 will review those concerns and coordinate further with the Committee.

This commitment is still valid and applies only to the I-3306AC project which will be let separately from the I-3306A Design Build project.

Project Management Unit /Design-Build Team/NCDOT Division 7 – Town of Chapel Hill Coordination

NCDOT will coordinate with the Town of Chapel Hill concerning accommodation of the proposed Bus Rapid Transit System, emergency service, and other concerns during the final design phase.

This commitment is still valid; however, the Bus Rapid Transit coordination will be the responsibility of the NCDOT Project Management Unit/Division 7 and applies only to the I-3306AC project which will be let separately from the I-3306A Design Build project.

Division of Planning and Programming

NCDOT will revise the 2020-2029 State Transportation Improvement Program (STIP) to include Project I-3306AC (NC 86 Upgrade to Superstreet from Northwood Drive to Ramp C/D at I-40 Interchange). This portion of the I-3306A project has been delayed at the request of the Town of Chapel Hill. The project break will be re-added to the STIP to schedule the Superstreet component for separate letting in FY 2026 as a Design-Bid-Build project.

This is a new commitment.

Division 7 / Project Management Unit

During the PE Phase of the I-3306AC project, NCDOT will reevaluate the I-3306AC Interchange Access Request (IAR). FHWA must approve the updated IAR prior to the authorization of federal funds for I-3306AC Right of Way and Construction.

The NC 86 Superstreet component was included in the I-3306AC IAR analysis. The IAR was approved by FHWA on December 31, 2019. The IAR must be reevaluated because an IAR is only valid for three years (expires December 31, 2022).

This is a new commitment.

Transportation Program Management Unit – Sidewalk

NCDOT will coordinate with the Town of Chapel Hill concerning cost-share and the maintenance agreement for sidewalk construction.

This applies only to the I-3306AC project which will be let separately from the I-3306A Design Build project.

This commitment is still valid.