

North Carolina Department of Transportation
 PROJECT ENVIRONMENTAL CONSULTATION FORM
 I. D. No. **I-5707**

I. GENERAL INFORMATION

- a. Consultation Phase: Right of Way
- b. Project Description: Add auxiliary lane from NC 55 (Alston Avenue) to NC 147 (Durham Freeway/Triangle Expressway) in Durham County
- c. WBS Element: 50123.1.1
 Federal Project: NHPP-040-4(160) 279
- d. Document Type: Categorical Exclusion Type I A 08-11-17

III. CONCLUSIONS

The Categorical Exclusion has been reevaluated as required by 23 CFR 771. It was determined that the current proposed action is essentially the same as the action proposed in the previous documents. Proposed changes, if any, are noted below in Section IV. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the Categorical Exclusion unless noted otherwise herein. Therefore, the previous Administration Action remains valid.

IV. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES

There have been no significant changes in the final design since the completion of the CE dated August 11, 2017.

There are no changes in the potential environmental effects from those presented in the Type I A Categorical Exclusion (CE). The attached memorandum dated January 25, 2019, updates water resources and protected species information for the project. Water resource classifications have not changed since the CE was completed. The U.S. Fish and Wildlife Service (USFWS) lists three federally protected species as threatened or endangered in Durham County potentially impacted by this project.

The United States Fish and Wildlife Service (USFWS) list of federally protected species for Durham County was updated on October 5, 2018.

Table 1. Federally protected species listed for Durham County.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alasmidonta hetrodon</i>	Dwarf wedgemussel	E	No	No Effect
<i>Rhus michauxii</i>	Michaux's sumac	E	Yes	No Effect
<i>Echinacea laevigata</i>	Smooth coneflower	E	Yes	No Effect

E - Endangered

V. LIST OF ENVIRONMENTAL COMMITMENTS

See the attached Green Sheet of environmental commitments developed during the planning and design process.

VI. COORDINATION

Project Management Unit personnel have discussed current project proposals with others as follows:

Design Engineer:	<u>Steve Browde</u>	<u>Date:01-14-19</u>
Permit Specialist:	<u>Gordon Cashin</u>	<u>Date:01-25-19</u>
FHWA:	<u>N/A</u>	<u>Date: N/A</u>

VII. NCDOT CONCURRENCE

<small>DocuSigned by:</small> <i>Elmo Vance</i> <small>64DD89D692A44C</small>	5/9/2019
_____ Elmo Edward Vance, Jr. Project Manager	_____ Date

<small>DocuSigned by:</small> <i>Pamela R. Williams</i> <small>48B1AAF4334D463...</small>	5/10/2019
_____ Pamela R. Williams Team Lead Project Management Unit Team B Divisions 5 and 8	_____ Date

A. Project Commitments

Durham County
I-40 Westbound Auxiliary Lane from NC 55 To NC 147 in Durham
Federal Project No. NHPP-040-4(160)279
WBS No. 50123.1.1
TIP No. I-5707

Division 5 and Rail Division

NCDOT will coordinate with CSXT to ensure impacts to railroad operations are minimized during construction.

Division 5

NCDOT will coordinate with GoTriangle to minimize impacts to transit patrons and the Bus On Shoulder System (BOSS) service during construction.

Division 5 and Division of Bicycle and Pedestrian Transportation

NCDOT will coordinate with the City of Durham and Research Triangle Park to assure appropriate pedestrian and bicycle detours are provided during construction.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 25, 2019

MEMORANDUM TO: Elmo Vance, Project Manager
Divisions 5 & 8 Project Management Team

FROM: Gordon Cashin, Environmental Program Consultant
Environmental Analysis Unit

SUBJECT: **Water resources and protected species update** for a Federal Highway Administration (FHWA) Right-of-Way Consultation for TIP I-5707.

REFERENCE: **Categorical Exclusion dated August 2017**

The following memorandum provides information to assist in the preparation of a FHWA Right-of-Way Consultation for the proposed project. It addresses water resources and federally protected species potentially impacted by the project and serves to update the referenced Categorical Exclusion (CE).

WATER RESOURCES

Water resource classifications have not changed since the referenced CE was completed, but there are also no water resources projected to be impacted by the project.

PROTECTED SPECIES

The United States Fish and Wildlife Service (USFWS) list of federally protected species for Durham County was updated on October 5, 2018.

Table 1. Federally protected species listed for Durham County.

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alasmidonta hetrodon</i>	Dwarf wedgemussel	E	No	No Effect
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<i>Echinacea laevigata</i>	Smooth coneflower	E	Yes	No Effect

E - Endangered

Dwarf Wedgemussel

Biological Conclusion: No Effect
There are no streams in the project study area.

Michaux's sumac (*Rhus michauxii*)

USFWS optimal survey window: May-October

Biological Conclusion: No Effect

As stated in the NRTR, the study area does not provide appropriate habitat for Michaux's sumac. A review of Natural Heritage Program maps dated October 2018 confirmed that no populations of Michaux's sumac are located within a 1-mile radius of the project site.

Smooth Coneflower

USFWS optimal survey window: May – July

Biological Conclusion: No Effect

Suitable habitat for smooth coneflower is present in the study area along utility easements. Surveys were conducted by Mulkey biologists throughout areas of suitable habitat within the optimal survey window in 2015. No individuals of smooth coneflower were observed. A review of NCNHP records, updated October 2018, indicates no known occurrences within 1.0 mile of the study area. The NCDOT Environmental Analysis Unit will update the survey for Smooth Coneflower during the survey window.

Bald Eagle and Golden Eagle Protection Act

Habitat for the bald eagle (*Haliaeetus leucocephalus*) primarily consists of mature forest in proximity to large bodies of open water for foraging. Large dominant trees are utilized for nesting sites, typically within 1.0 mile of open water.

A desktop-GIS assessment of the project study area, as well as the area within a 1.13-mile radius (1.0 mile plus 660 feet) of the project limits, was performed on June 25, 2015 using 2013 color aerials. One body of water sufficiently large enough to be considered potential feeding sources was identified. A survey of the area within 660 feet of the project limits was conducted and no nests were observed. Additionally, a review of NCNHP records, updated October 2018 revealed no known occurrences of this species within 1.0 mile of the project study area. Due to the lack of habitat, known occurrences, and minimal impact anticipated for this project, it has been determined that this project will not affect this species.

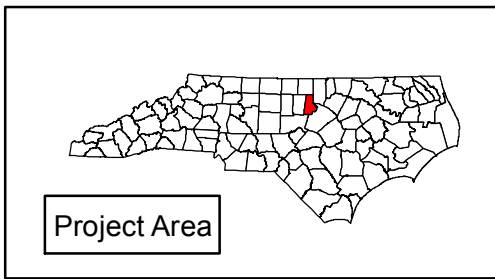
Northern longeared bat (*Myotis septentrionalis*)

The USFWS has developed 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) in eastern North Carolina. The 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 PBO provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for five years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Durham County where I-5707 is located.

PROJECT COMMITMENTS

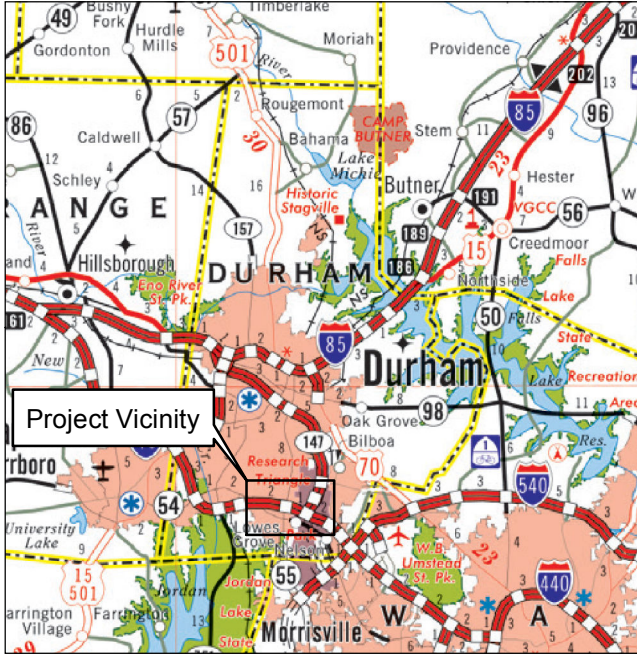
The CE includes a Greensheet with project commitments. Permits have not been received for this project.

cc: I-5707 file

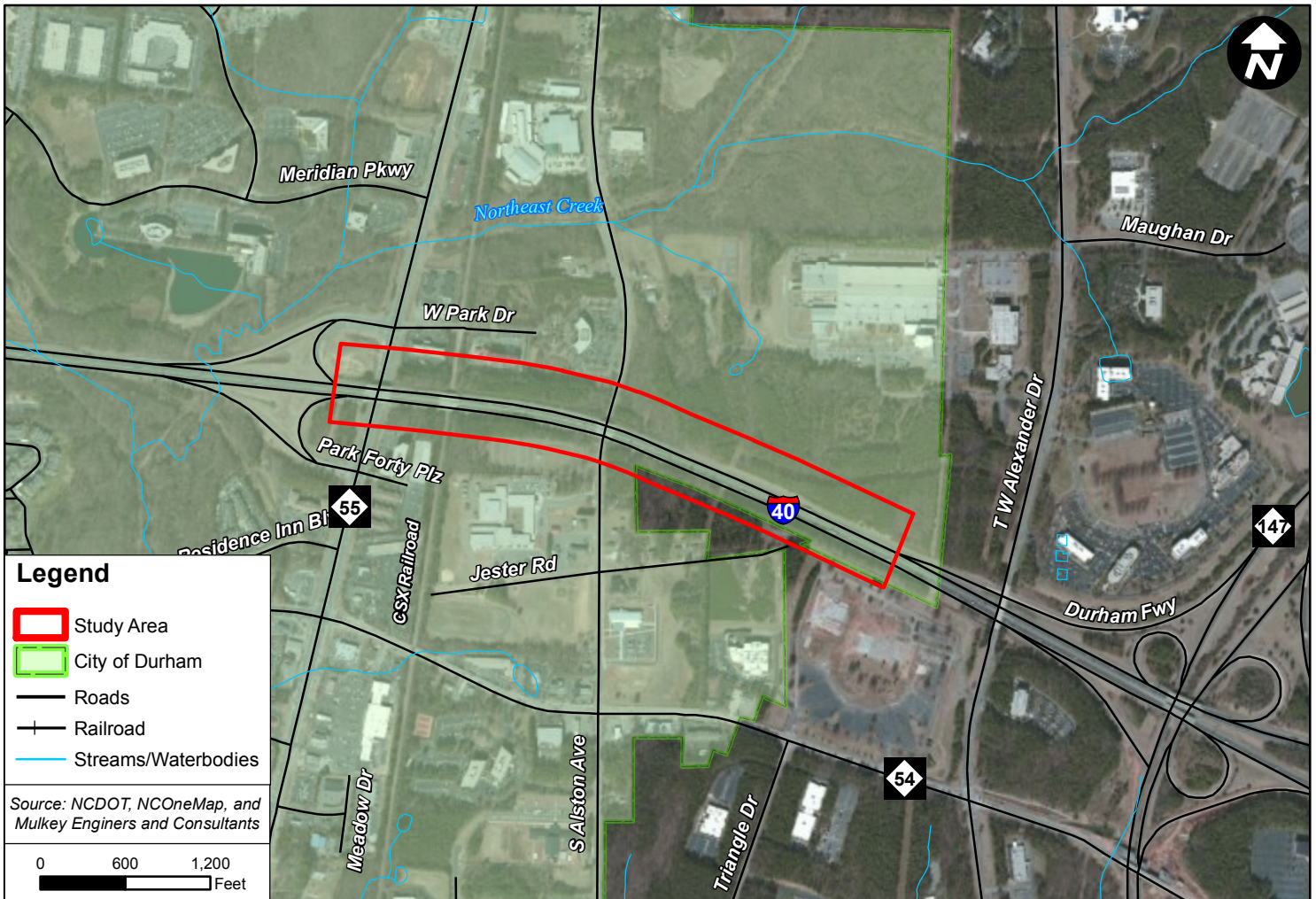


Project Vicinity

NCDOT STIP Project I-5707
 Construct Westbound I-40 Auxiliary Lane from
 NC 55 to NC 147 (Durham Freeway)
 Durham County, North Carolina



North Carolina
 Department of Transportation



**NC DOT STIP PROJECT I-5707
CONSTRUCT WESTBOUND I-40 AUXILIARY LANE
FROM NC 55 TO NC 147 (DURHAM FREEWAY)
DURHAM COUNTY, NC**

- | | | | |
|--------------|---------|---------------|----------------|
| UST | SCHOOL | RAILROAD | ROADS |
| BUSINESS | LIBRARY | 303D STREAM | NHED |
| UTILITY SITE | DAYCARE | STREAMS | FLOODPLAIN |
| HAZMAT SITE | CHURCH | NWI WETLAND | CITY OF DURHAM |
| STUDY AREA | PARCELS | NWI WATERBODY | |

MAP DATE: 7/1/2014

0 300 600 Feet



DATA SOURCE: NCDOT, NCDNEMAP, & MULKEY ENGINEERS AND CONSULTANTS

