

North Carolina Department of Transportation  
NEPA/SEPA Consultation Form

STIP Project No.	I-5707
WBS Element	50123.1.1
Federal Aid Project No.	NHPP-040-4(160)279

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT), in consultation with the Federal Highway Administration (FHWA), proposes to add an auxiliary lane on I-40 West from NC 55 (Alston Avenue) to NC 147 (Durham Freeway/Triangle Expressway) in Durham County (see Figure 1). The proposed project is located within Division 5, in the southern portion of Durham County and within the City of Durham and is approximately 0.564 miles in length. I-40 is a six-lane median divided facility, with a freeway-to-freeway interchange with NC 147 and a partial clover interchange with NC 55.

The 12-foot-wide auxiliary lane will connect the existing I-40 ramp from NC 147 to the existing NC 55 exit ramp. The outside shoulders will be 14-foot-wide and 17 foot wide with guardrail. No interchange modifications will occur as result of the project. Two westbound bridges will be widened 14 feet each to accommodate the auxiliary lane.

The addition of an auxiliary lane to I-40 West between NC 147 and NC 55 will lengthen the weaving section by connecting the NC 147 entrance ramp to the NC 55 exit ramp in order to reduce congestion along I-40 West within the project limits. This project should increase safety along this section of roadway.

B. Consultation Phase: (Check one)

Right-of-Way

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

FHWA Class II (CE) 08/11/2017

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

D. Changes in Proposed Action & Environmental Consequences:  
 There was an updated Cost Estimate issued on March 18, 2024:

Verified Cost Estimate

Phase	Initial Estimate <sup>1</sup>	Previous Verified Estimate <sup>2</sup>	Latest Verified Estimate <sup>3</sup>	Latest Estimate and Previous Estimate Difference <sup>4</sup>		Latest Estimate Date
				(\$)	(%)	
Right-of-Way	\$536,000	\$800,000	\$800,000	\$0	0.0%	2/12/2024
Utilities	\$64,000	\$190,000	\$190,000	\$0	0.0%	3/12/2024
Construction	\$23,806,000	\$10,500,000	\$9,300,000	(\$1,200,000)	-11.4%	3/6/2024
<b>Total</b>	<b>\$24,406,000</b>	<b>\$11,490,000</b>	<b>\$10,290,000</b>	<b>(\$1,200,000)</b>	<b>-10.4%</b>	

Preliminary Engineering Stage: III - Plan-in-Hand

**Water Resources**

The water resource classifications have not changed since the previous reference consultation was completed. There are no streams identified in the study area. There is one wetland identified in the study area.

**Protected Species**

As of the June 26, 2024, the US Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) lists the following federally protected species in the project area:

Name	Listing Since Last Document or Consultation	Federal Status	Habitat Present	Biological Conclusion
Atlantic pigtoe	Changed	T	No	No Effect
Michaux’s sumac	Unchanged	E	No	No Effect
Tricolored bat	Added	P	Yes	MALTAAs
Northern long-eared bat	Unchanged	T	Yes	MALTAAs
Smooth Coneflower	Unchanged	E	Yes	No Effect

**Northern long-eared bat**

The US Fish and Wildlife Service has issued 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) (*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, The USFWS only considers NLEBs to be known or potentially found in 30 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 Durham County , where I-5707 is located.

**Tricolored bat**

The US Fish and Wildlife Service 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. The PCO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. 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. 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, which includes Durham County, where I-5707 is located.

**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**

Appropriate personnel have discussed the current project parameters with qualified agency representatives and NCDOT/FHWA (where applicable). The Project Manager, **Project Manager Name (Organization)**, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Sara Sherman (PM)	6/28/24
Environmental Specialist:	Deanna Riffey	3/14/24
FHWA (if applicable):	N/A	Date
Other:	Name (Org)	Date

Consultation Approval for Project TIP or Other #

**Prepared By:**

06/28/2024

Date

DocuSigned by:

*Hannah Headrick*

821C70C4D81C42A

Hannah Headrick, Environmental Policy Consultant  
Environmental Policy Unit  
North Carolina Department of Transportation

**Prepared For:**

NCDOT, Project Manager

**Reviewed By:**

06/28/2024

Date

DocuSigned by:

*Morgan Weatherford*

B8ED306C5CEB44E

Morgan Weatherford, Team Lead  
Environmental Policy Unit – Divisions 1-6, 8  
North Carolina Department of Transportation



**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.

06/28/2024

Date

DocuSigned by:

*Morgan Weatherford*

B8ED306C5CEB44E

Morgan Weatherford, Team Lead  
Environmental Policy Unit – Divisions 1-6, 8  
North Carolina Department of Transportation

FHWA Approved: FHWA signature required for Type I or II CE with Substantial Changes, Type III CE, FONSI or ROD.

Date

for

N/A

Yolonda K. Jordan, Division Administrator  
Federal Highway Administration

G. Project Commitments (as of 6/28/24)

**TIP No.**  
**Project Name**  
**County**  
**Federal Aid Project No.**  
**WBS No.**

**Division 5 and Rail Division**

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

*This commitment is still valid.*

**Division 5**

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

*This commitment is still valid.*

**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.

*This commitment is still valid.*