

North Carolina Department of Transportation

NEPA/SEPA Consultation Form

STIP Project No.	<u>R-5705</u>
WBS Element	<u>46377.1.1</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The purpose of this project is to improve the NC 55 Corridor from south of SR 1532 (Oak Grove Church Road) in Harnett County to NC 42 in Fuquay-Varina, Wake County, to multi-lanes partly on new location. The proposed facility will bypass the Town of Angier to the west and will be constructed as a four-lane median divided roadway. Approximately 110-150 feet of right-of-way will be required along the existing alignment and approximately 150-200 feet of right-of-way will be required on new location to accommodate the multi-lane facility. Partial control of access is proposed throughout the project. The length of the project is approximately 11.5 miles.

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)

- SEPA EA/FONSI 11/26/2019

D. Changes in Proposed Action & Environmental Consequences:

Design Changes

The project design at the time of completion of the EA/FONSI made impacts to the Jewish Awareness Ministries Center & the Eye Doctors office driveway and parking spaces near the NC 55/SR 2791 (Kennebec Church Road)/SR 2762 (Kennebec Road) intersection on R-5705B. To reduce these impacts, the horizontal curve was flattened by putting in an approximate 10,000-foot radius to shift NC 55 approximately 15 feet west away from the properties. The driveway was minimally adjusted to relocate it to the vacant lot adjacent to the Jewish Awareness Ministries Center. The driveway was also reconnected to the parking lot. A temporary construction easement was created for the driveway shift. The property owner will be responsible for future maintenance for their driveway.

These design changes will not affect wetlands, homes, or other businesses.

No other significant design changes occurred through the project.

Water Resources

Water resources in the study area are part of the Neuse [United States Geological Survey (USGS) Hydrologic Unit 03020201] and Cape Fear River basins [United States Geological Survey (USGS) Hydrologic Units 030300004 and 030300006]. Water resources have changed since the NRTR and SEA/FONSI were completed due to the addition of Y7 to the study area and subsequent field visits by the agencies. There were originally thirty-three streams listed in the NRTR. After the jurisdictional site visits with the United States Army Corps Engineers (USACE) and North Carolina Department of Water Resources (DWR) in November 2019 and February 2020 and the Y7 additional study area, five streams were added (SAQ, SAR, SAS, SAT, and SAU), three streams were deleted (SQ, SU, and SAK) and one stream classification moved from perennial to a tributary water (SP). There are now thirty-five streams identified in the study area. Also, after the field visit, there are seven streams located in the Neuse River Basin that are subject to the Neuse Buffer rules (SA, SB, SE, SG, SI, SJ, and SL). Sixteen ponds were identified in the study area. Pond information has not changed since the completion of the NRTR. Wetland information has changed since the NRTR and SEA/FONSI were completed. Sixty-five jurisdictional wetlands were originally identified within the study area. After the jurisdictional site visits with the USACE and DWR and additional study area of Y7, five wetlands were added (WCJ, WCK, WCL, WCM, and WCN) and one wetland was deleted (WAI).

Federally Protected Species

As of July 17, 2020, the United States Fish and Wildlife (USFWS) lists eight federally protected species, under the Endangered Species Act (ESA), for Harnett and Wake Counties (Revised NRTR Table 2). A review of North Carolina National Heritage Program (NHP) records, updated October 2020, indicates no known occurrences of any listed species within 1.0 mile of the project area. For each species, the presence or absence of habitat is included below from the NRTR along with the Biological Conclusion rendered based on survey results. Biological conclusions for all species with No Effect remain valid.

Revised EA/FONSI Table 4 - Federally Threatened & Endangered Species in Harnett and Wake Counties

Scientific Name	Common Name	County	Federal Status	Habitat Present	Biological Conclusion
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	Wake	E	No	No Effect
<i>Elliptio lanceolata</i>	Yellow lance	Wake	T	No	No Effect
<i>Haliaeetus leucocephalus</i>	Bald Eagle	Harnett/ Wake	BGPA	Yes	No Effect
<i>Lysimachia asperulaefolia</i>	Rough-leaved loosestrife	Harnett	E	Yes	No Effect
<i>Notropis mekistocholas</i>	Cape Fear shiner	Harnett/ Wake	E	Yes	Unresolved

Scientific Name	Common Name	County	Federal Status	Habitat Present	Biological Conclusion
<i>Parvaspina steinstansana</i>	Tar River spiny mussel	Wake	E	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	Harnett/ Wake	E	Yes	No Effect
<i>Rhus michauxii</i>	Michaux's sumac	Wake	E	Yes	No Effect

E – Endangered; T – Threatened; BGPA – Bald & Golden Eagle Protection Act

Cape Fear shiner

USFWS optimal survey window: Year-round

Biological Conclusion: Unresolved

This information will be provided by the NCDOT Biological Surveys Group once surveys are complete. Surveys are currently scheduled to be done in Spring 2021. A review of NHP records on January 25, 2021 does not indicate any known occurrences within 1.0 mile of the study area.

Northern long-eared bat

USFWS optimal survey window: June 1 – August 15

Biological Conclusion: May Affect Likely to Adversely Affect

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 PBO covers Divisions 1-8, NLEBs are currently only known in 19 counties, but may potentially occur in 11 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 provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for ten years for all NCDOT projects with a federal nexus in Divisions 1-8, which include Wake and Harnett Counties, where R-5705 is located. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Avoidance and Minimization

A meeting to discuss avoidance and minimization measures prior to permit application submittal was held on March 17, 2020. NCDOT committed to reduce embankment slopes to 3:1 throughout the project and 2:1 at one specific location. These commitments are listed on the project Greensheets.

Fuquay-Angier Airport – Fuquay/Angier Field

This airfield is privately owned by the Kennebec Flying Club. NCDOT met with them twice; the first time to show the project and how the Airport may be affected (functional plans), and the second to find out any restrictions from the airport (preliminary plans). From these meetings and various correspondence, the following information was determined:

- The group asked NCDOT that no shrubbery, trees, etc. be planted in the adjacent median or right-of-way.
- Maude Stewart Road will be realigned and shifted away from the airport property to avoid impacts to the property. No signal poles, permanent structures, sidewalks, etc. are allowed near the airport.
- The U-turn bulb designed near the northern end of the runway will be moved further north, to avoid the recovery area (Runway Protection Zone) for planes.
- NC 55 parallel to the runway will be lowered approximately 3 feet. The drainage ditch and curb & gutter along NC 55 will not impact the runway or airport operations.
- Control of Access fencing will not be placed along the runway in order to avoid the Runway Protection Zone.

Farmland

Prime agricultural land is present in the project study area. The proposed alternative crosses nine parcels that participate in the Harnett County Voluntary Agricultural District (VAD) program.

Any VADs converted to non-agricultural use as part of a temporary construction easement must be returned to farmable condition at project completion. Any right-of-way acquired from VAD properties requires a public hearing to be conducted by the Agricultural Advisory Board on the proposed condemnation before condemnation may be initiated or any other specific provisions of Harnett County's enabling ordinance. A hearing was held on March 6, 2019 with the Harnett County Agricultural Advisory Board to discuss the VAD properties. The Advisory Board sent a letter dated March 22, 2019 and made the following recommendations:

- Right of ways should be kept to an absolute minimum to lessen the impact on farm infrastructure including center pivot and underground irrigation systems to allow properties to remain as economically sustainable as possible with fields large enough to continue crop production.
- Access to water resources for crop irrigation should be maintained by placement of a pipe under the road by DOT allowing for irrigation to be continued for maximum crop yields on both sides of the road.
- Consideration should be given to redesign of the new route of Matthews Mill Pond Road enabling farm equipment to cross from one side of the farm to the other without the danger of traveling with slow moving farm equipment pulling implements along a 60-mph zone.

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 Senior Project Manager, Nicole Hackler, PE, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Burke Evans	1/19/2021
Environmental Specialist:	Deanna Riffey	1/14/2021
FHWA (if applicable):		
Other:	Jerry Snead	1/13/2021

G. Consultation Approval for NCDOT Project R-5705

Prepared By:

2/5/2021

Date

DocuSigned by:

Kim L. Gillespie, PE

Kim L. Gillespie, PE
NCDOT – Project Management Unit (PMU)

Prepared For:

DocuSigned by:

Nicole M. Hackler, P.E.

Nicole Hackler, PE
NCDOT – Project Management Unit (PMU)

Reviewed By:

2/5/2021

Date

DocuSigned by:

Colin Mellor

Colin Mellor
NCDOT – Environmental Policy Unit (EPU)



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.

2/5/2021

Date

DocuSigned by:

Jennifer A. Evans

Jennifer A. Evans, PE – PMU 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.

Date

N/A

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

H. Project Commitments (as of February 5, 2021)

**Harnett & Wake Counties
NC 55 from south of SR 1532 (Oak Grove Church Road) to NC 21
WBS No. 46377.1.1
STIP Project No. R-5705**

Environmental Analysis Unit, Biological Surveys Group – Cape Fear Shiner

A biological conclusion for the Cape Fear shiner will be rendered prior to construction. Coordination with USFWS will occur if necessary.

Division 5, Division 6, Program Development Branch – Sidewalks

Existing sidewalks will be replaced per NCDOT guidelines. Any additional sidewalks may require cost sharing with the local municipality. The local municipality will be responsible for the maintenance and liability of the proposed sidewalk in accordance with the NCDOT Complete Streets Policy, updated August 2019.

GeoEnvironmental Section – Impacts to Underground Storage Tanks (USTs)

If further design indicates potential impact to USTs, preliminary site assessments for soil and groundwater contamination will be performed prior to construction.

Environmental Analysis Unit, Traffic Noise and Air Quality Group – Noise Report

A Traffic Noise Report will be completed for this project.

Project Management Unit, Divisions 5 and 6 – Avoidance & Minimization

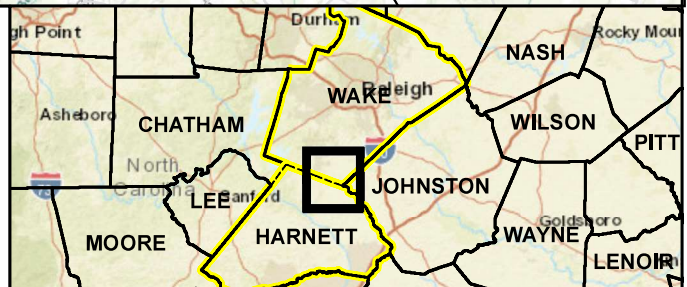
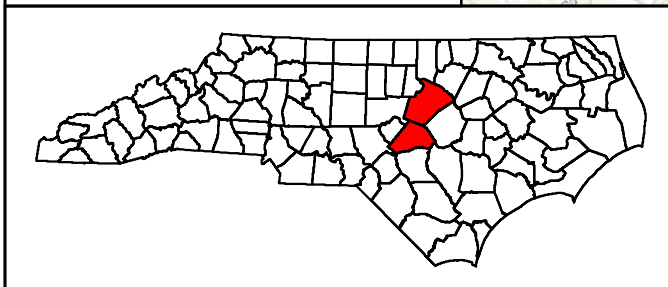
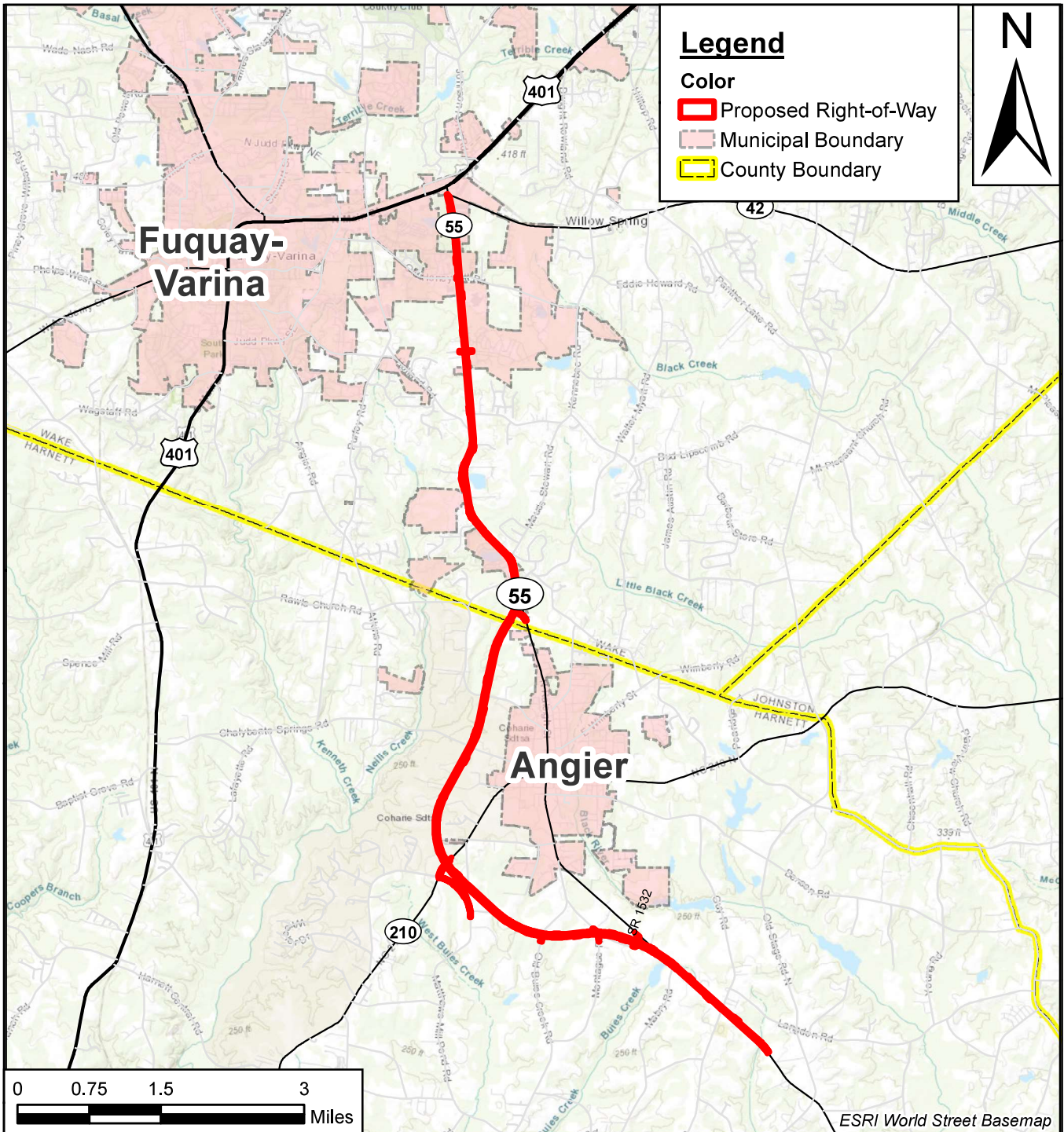
Three-to-one (3:1) slopes will be used throughout the project, with the exception of RCBC designed with two-to-one (2:1) slopes to reduce impacts to wetlands and streams. (A March 20, 2020 follow-up meeting with the US Corps of Engineers and the NC Department of Water Resources yielded this decision.)

A phased permit application will be submitted for all sections of R-5705. Since R-5705C has been suspended, the application for this portion will only show slope stakes plus 25'.

Updated plans for R-5705B will be sent out for review prior to submittal of final permit application.

Project Management Unit, Divisions 5 and 6 – Construction

These groups will coordinate with NCDOT Aviation concerning temporary impacts due to construction.



	County: HARNETT/WAKE	
	Div: 5/6	TIP# R-5705
	WBS: 46377.1.1	
	Date: 05-30-2019	

PROJECT VICINITY MAP

STIP R-5705

Harnett-Wake Counties

FIGURE

1



HARNETT COUNTY
AGRICULTURAL ADVISORY
BOARD

126 Alexander Drive, Suite 200
PO Box 267
Lillington, NC 27546
Phone: 910-893-7584

March 22, 2019

Diane Wilson
Senior Public Involvement Office
NC Department of Transportation
1598 Mail Service Center
Raleigh, NC 27699, 1598

Re: Harnett VAD Public Hearing on Hwy 55 Project

Dear Ms. Wilson,

The Harnett County Agricultural Advisory Board greatly appreciates your cooperation in conducting the public hearing on March 6, 2019 concerning the Gardner family properties enrolled in the Voluntary Agricultural District Program that will be impacted by the Hwy 55 expansion near Angier, NC.

As a result of further explanation of project details and comments from the landowners during the hearing, the Harnett County Agricultural Advisory Board makes the following recommendations.

- Right of ways be kept to an absolute minimum to lessen the impact on farm infrastructure including center pivot and underground irrigation systems to allow properties to remain as economically sustainable as possible with fields large enough to continue crop production
- Access to water resources for crop irrigation be maintained by placement of a pipe under the road by DOT allowing for irrigation to be continued for maximum crop yields on both sides of the road
- Consideration be given to redesign of the new route of Matthews Mill Pond Road enabling farm equipment to cross from one side of the farm to the other without the danger of traveling with slow moving farm equipment pulling implements along a 60mph zone

we appreciate your assistance with this matter and hope that these recommendations can be taken into consideration as the project is finalized. Please let us know if any further information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "R.H. Byrd".

R.H. Byrd
Harnett County Agricultural Advisory Board Chairman