

# North Carolina Department of Transportation

## NEPA/SEPA Consultation Form

STIP Project No.	<u>R-5709A</u>
WBS Element	<u>50205.1.2</u>
Federal Aid Project No.	<u>N/A</u>

A. Project Description, Location, and Purpose:

The North Carolina Department of Transportation (NCDOT) proposes to widen approximately 15.4 miles of NC 211 in Division 8 Counties of Moore and Hoke (see Figure 1). The existing two-lane roadway is proposed to be widened to a four-lane divided roadway with a 46' grass median. A 30-foot wide raised median is proposed in Moore County (50 mph design speed) and a 46-foot-wide depressed median is proposed in Hoke County (60 mph design speed). There will be curb and gutter with 5-foot sidewalks on both sides of NC 211 in Aberdeen and on the south side of NC 211 from Gable Drive to the project terminus in Raeford. The improved roadway will have Reduced Conflict Intersections.

The purpose of the proposed project is to reduce traffic congestion and travel delays, and correct existing roadway deficiencies along NC 211 within the project limits.

B. Consultation Phase:

Construction

C. NEPA/SEPA Class of Action Initially Approved as:

SEPA MCDC July 29, 2020

D. Changes in Proposed Action & Environmental Consequences:

There have been no significant changes in the final design since the completion of the MCDC.

Water Resources

Water resource classifications have not changed since the MCDC was completed.

Protected Species

Protected species were addressed in the MCDC, and the Natural Resources Technical Report completed in October 2017. However, the United States Fish and Wildlife Service (USFWS) list of federally protected species for Hoke and Moore Counties was updated on July 17, 2020.

**Table 1. Federally protected species listed for Hoke and Moore Counties**

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	T (S/A)	Yes	Not required
<i>Fusconaia masoni</i>	Atlantic pigtoe	ARS	No	No Effect
<i>Lysimachia asperulaefolia</i>	Rough-leaved loosestrife	E	Yes	No Effect
<i>Neonympha michellii francisci</i>	Saint Francis' satyr	E	Yes	No Effect
<i>Notropis mekistocholas</i>	Cape Fear shiner	E	No	No Effect
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	Yes	MANLAA
<i>Rhurs michauxii</i>	Michaux's sumac	E	Yes	No Effect
<i>Schwalbea americana</i>	American chaffseed	E	Yes	No Effect

T S/A – Threatened by Similarity of Appearance, E—Endangered, MANLAA—May Affect, Not Likely to Adversely Affect, ARS-At Risk Species

The Natural Resources Technical Report (2017) reached a Biological Conclusion of No Effect for St. Francis' satyr, Cape Fear shiner, American chaffseed, Michaux's sumac, and rough-leaved loosestrife. Updated surveys were completed in May and June, 2021 for St. Francis' satyr, American chaffseed, rough-leaved loosestrife, and Michaux's sumac.

Since the completion of the NRTR, Atlantic pigtoe has been added for Moore County. However, R-5709 is outside of the known range of Atlantic pigtoe.

For red-cockaded woodpecker, the USFWS concurred with a Biological Conclusion of May Affect Not Likely to Adversely Affect by letter dated February 18, 2020 after reviewing a detailed Biological Assessment (dated February 3, 2020).

### **Bald Eagle**

The NRTR found no water bodies large enough or sufficiently open to be considered potential feeding sources were identified. Since there was no foraging habitat within the review area, a survey of the study area and the area within 600 feet of the project limits was not conducted.

### **Northern long-eared bat (*Myotis septentrionalis*)**

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 Division 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 Hoke and Moore Counties, where R-5709 is located. Neither of these counties are included in the 30 current known/potential counties, therefore the conservation measures are not required for this project.

**Archaeology & Historic Architecture**

NCDOT has reviewed the Section 106 effects findings for historic properties within the project’s area of potential effects (APE), that were made as part of the NEPA analysis. NCDOT has confirmed there is no new information that would alter the original Section 106 findings and, therefore, they remain valid.

**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, Elmo Vance, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Design Engineer:	Brandon McInnis	June 3, 2021
Environmental Specialist:	Gordon Cashin	May 17, 2021
NCDOT Cultural Resources:	Jamie Lancaster	June 23, 2021
Hydraulic Engineer	Ray Lovinggood	June 23, 2021

**G. Consultation Approval for NCDOT Project R-5709**

**Prepared By:**

7/12/2021

Date

DocuSigned by:  
*Elmo Vance*

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Elmo Vance  
Project Manager  
North Carolina Department of Transportation

**Reviewed By:**

7/12/2021

Date

DocuSigned by:  
*Pamela R. Williams*

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Pamela R. Williams, Team Lead  
Project Management Unit—Division 5 & 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.

7/12/2021

DocuSigned by:  
*Virginia Mabry*

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Date

Virginia Mabry, Manager  
Project Management Unit  
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.

N/A

Date

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

H. Project Commitments (as of July 12, 2021)

STIP Project No. R-5709  
NC 211 widening to Multilanes  
From US 15-501 in Aberdeen to SR 1244 (West Palmer Street) / SR 1311  
(Mockingbird Hill Road) in Raeford  
Moore and Hoke Counties  
WBS Element No. 50205.1.1

**COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN**

*Current status of the project commitments are italics*

**Division 8 Construction – Resident Engineer**

Pedestrian access to the All-American Trail at Plank Road will be maintained during construction while the trail is open (February through late September).

The NCDOT Resident Engineer will continue coordination with local EMS/fire officials through project construction to minimize potential impacts to response time and access during peak times and special events.

The NCDOT Resident Engineer will coordinate with school transportation officials at least one month prior to and throughout construction.

The Town of Aberdeen expressed interest in special landscaping and requested to participate in review of the landscaping plan during the construction phase. The maintenance of any proposed landscape will be included in a municipal agreement with the Town of Aberdeen.

*These commitments remain valid*

**Division – Traffic Engineer**

The NCDOT Division Traffic Engineer will request a revision of the ordinance to reduce the NC 211 posted speed from 55 mph to 45 mph prior to Gable Drive in Raeford.

*This commitment remains valid*

**Project Management Unit/Geotechnical Unit**

Twenty-four (24) sites of concern were identified within the study area. NCDOT GeoEnvironmental Section will re-evaluate potentially hazardous waste sites once the Final Right of Way plans are complete to determine whether soil and groundwater assessments are necessary prior to right of way acquisition.

A GeoEnvironmental Phase II Investigation (February 17, 2020) was completed for the potentially impacted Superfund site (Bethesda Cemetery Association). No special handling of soils on this site are recommended; however, if groundwater is encountered during construction activities on this site, refer to special provisions for handling potentially impacted saturated soil. All excavated soil will remain onsite.

*These commitments remain valid*

### **Project Management Unit**

Sidewalks are included on both sides of NC 211 from US 15-501 to the eastern end of the dual bridges over the Aberdeen & Rockfish Railroad. The maintenance of the sidewalks and cost share (Pee Dee Road to eastern end of dual bridges) will be included in the municipal agreement(s) with the Town of Aberdeen.

*This commitment remains valid*

Sidewalks will be included on the south side of NC 211 from Gable Drive to the eastern project terminus and on the west side of Palmer Street from NC 211 to the first entrance at West Hoke Middle School. The maintenance of the sidewalks will be included in a municipal agreement with the City of Raeford.

*This commitment remains valid*

### **NCDOT Division 8 – Right of Way and NCDOT Environmental Analysis Unit (EAU) – Archaeology**

Where final project design includes intrusion into cemetery boundaries, additional consultation between NCDOT's Right of Way (ROW) and Environmental Analysis Units (EAU) and the Office of State Archaeology (OSA) will be required to identify graves, both marked and unmarked, in the impact area and arrange for their relocation per North Carolina General Statutes 14-148, 65 and 70. The ROW agent will notify archaeologist Shane Petersen of the EAU ([scpetersen@ncdot.gov](mailto:scpetersen@ncdot.gov), 919.707.6083) at least two months in advance of the ROW acquisition of any cemetery parcels in order to determine if the OSA will require archaeological investigations to identify and remove unmarked burials. Should OSA require investigations in relation to the likelihood of unmarked burials being impacted within the cemetery, three months will be required to complete the investigations after ROW has acquired all necessary cemetery parcels. The final disposition of any interments recovered during the archaeological investigations will be determined by NCDOT's ROW Unit and the EAU in consultation with OSA.

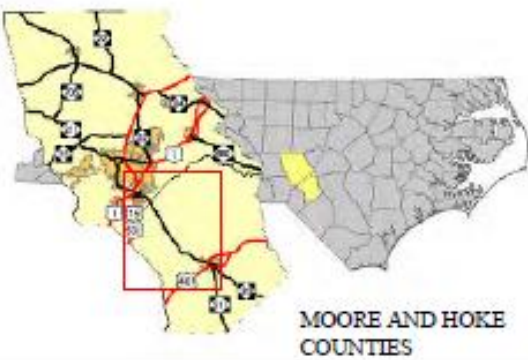
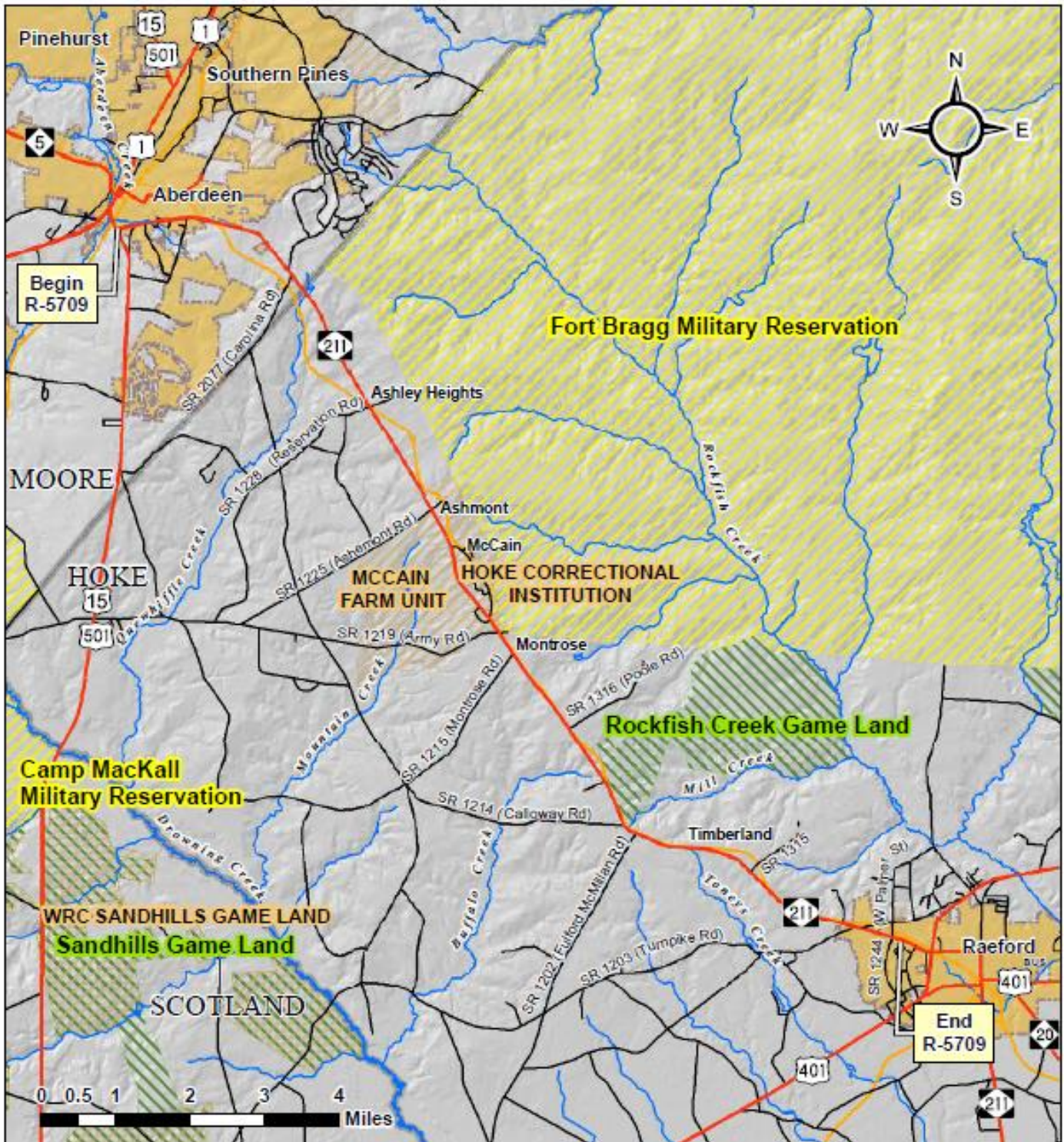
*This commitment remains valid*

### **NCDOT Environmental Analysis Unit (EAU) – Environmental Coordination & Permitting**

Due to two known occurrences of federally protected species (American chaffseed, Michaux's sumac) within 1.0 mile of the study area, updated plant surveys are being conducted, and further coordination with the USFWS will occur if needed to resolve Section 7 prior to permit issuance.

*The surveys were completed on May 17-19 and June 3-4, 2021*





NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION  
DIVISION OF HIGHWAYS  
PROJECT DEVELOPMENT &  
ENVIRONMENTAL ANALYSIS UNIT



**VICINITY**  
**NC 211**  
FROM US 15 - 501 IN ABERDEEN  
TO SR 1244 - SR 1311 IN RAEFORD,  
MOORE, AND HOKE COUNTIES  
STIP PROJECT R-5709

**FIGURE**  
**1**





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh ES Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726



February 18, 2020

Philip S. Harris III, P.E.  
NC Department of Transportation  
Environmental Analysis Unit  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

Dear Mr. Harris:

This letter is in response to your letter of February 13, 2020 and attached Biological Assessment (dated February 3, 2020) which provided the U.S. Fish and Wildlife Service (Service) with the biological conclusion of the North Carolina Department of Transportation that the proposed improvements to NC 211 from US 15-501 in Aberdeen to east of SR 1244/SR 1311 in Raeford, Hoke and Moore Counties (STIP No. R-5709) may affect, but are not likely to adversely affect the federally endangered red-cockaded woodpecker (RCW, *Picoides borealis*). The following response is provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

No RCW cavity trees will be taken and the project does not come within 200 feet of any known RCW cavity trees. The project will remove approximately 17.92 acres of RCW foraging habitat and result in 18.90 acres of noncontiguous habitat collectively from within three affected RCW partitions. However, each partition will still meet the Standard for Managed Stability guidelines post-project when both suitable and potentially suitable habitat are considered. Therefore, the Service concurs with your conclusion that the action may affect, but is not likely to adversely affect the red-cockaded woodpecker.

We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied. We remind you that obligations under Section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered in this review; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by this identified action. The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,

  
for Pete Benjamin  
Field Supervisor