

North Carolina Department of Transportation  
PROJECT ENVIRONMENTAL CONSULTATION FORM  
I.D. No. R-2814

I. GENERAL INFORMATION

- a. Consultation Phase: Construction Consultation for R-2814C
- b. Project Description US 401 from SR 2044 (Ligon Mill Road) to SR 1700 (Fox Park Road), Wake and Franklin Counties
- c. State Project: 8.1403001  
Federal Project: STP-401(4)  
WBS Element No.: 34506.1.1
- d. Document Type: Environmental Assessment 10/11/2001  
FONSI 10/31/2006  
Right of Way Consultation 6/11/2014

II. CONCLUSIONS

The above environmental document has been reevaluated as required by 23 CFR 771. It was determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted below in Section III. 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.

III. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES

**Design**

Since the completion of the ROW Consultation, a design change is proposed for R-2814C. The plans will now accommodate a higher speed, 55 mph, at curb and gutter locations. The U-turn bulb north of the -Y8- intersection was shifted approximately 150 feet north to provide more separation between the intersections. The following locations were increased to accommodate WB-62 trucks: -L- Sta. 285+00, -L- Sta. 345+00, and -L- Sta. 373+00. These changes will not adverse effect the footprint of the project.

**Protected Species**

As of April 6, 2017 and July 10, 2017, the U.S. Fish and Wildlife (USFWS) lists four federally protected species for Franklin County and six species for Wake County,

respectively. The Michaux’s sumac and mussel surveys were completed in September 22, 2016 and November 10, 2016, respectively. These surveys are valid for two years. Since submittal of the permit application dated October 12, 2016, two species have been listed for these counties. The yellow lance has been added to Wake and Franklin Counties since the FONSI document was completed. However, the most recent mussel survey addressed the yellow lance and found to have No Effect. The Cape Fear shiner has been added to Wake County, however, it is not found in the Neuse or Tar/Pamlico River Basins. Surveys for species in which habitat is present are up to date, and the biological conclusions for the project remain the same.

Scientific Name	Common Name	County	Status	Habitat Present	Biological Conclusion
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	Franklin/Wake	E**	Yes	MANLTAA*
<i>Elliptio steinstansana</i>	Tar River spinymussel	Franklin	E	Yes	MANLTAA
<i>Picoides borealis</i>	Red-cockaded woodpecker	Wake	E	No	No Effect
<i>Rhus michauxii</i>	Michaux’s sumac	Franklin/Wake	E	Yes	No Effect
<i>Elliptio lanceolata</i>	Yellow Lance	Franklin/Wake	T	Yes	No Effect
<i>Notropis mekistocholas</i>	Cape Fear shiner	Wake	E	N/A	No Effect

\*May Affect, Not Likely To Adversely Affect

\*\*E= Endangered

### **Cape Fear shiner**

USFWS Recommended Survey Window: year round

Biological Conclusion: No Effect

This project does not occur within the Cape Fear River basin. The Cape Fear shiner is not known to occur in the Neuse or Tar/Pamlico River basins in which this project occurs.

### **Bald and Golden Eagle Protection Act**

The bald eagle is protected under the Bald and Golden Eagle Protection Act, and enforced by the USFWS. Habitat for the bald eagle primarily consists of mature forests 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 1.0-mile radius of the project limits, was performed on May 24, 2018 using 2016 color aerials. Water bodies large and sufficiently open enough to be considered potential feeding sources do not exist within the study area. Therefore, a survey of the project study area

and the area within 660 feet of the project limits was no required. No nests or individuals were observed. Additionally, a review of the NHP database, updated April 2018, revealed no known occurrences of this species within 1.0 mile of the project study area.

### **Northern Long-eared Bat**

The US Fish and Wildlife Service 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) (*Myotis septentrionalis*) 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 Wake/ Franklin County, where TIP R-2814C is located. This level of incidental take is authorized from the effective date of a final listing determination through April 30, 2020.

### **Water Resources**

Water resources within the study area consist of eight perennial streams, one intermittent stream, two jurisdictional ponds and fifteen riparian wetlands located within the Neuse River Basin (03020201) and Tar-Pamlico River Basin (03020101). The classifications of these resources have not changed since the submittal of the permit application dated October 12, 2016.

### **Noise Analysis**

The Traffic Noise and Air Quality Group is reevaluating the need for potential noise abatement measures for the C section of the project. If the results of the reevaluation indicate that noise abatement may be preliminarily feasible and reasonable per the 2011 Traffic Noise Abatement Policy, a Design Noise Report (DNR) will be prepared. Any feasible and reasonable noise abatement identified in the DNR will be incorporated into the project plans and specifications and will be constructed.

No further studies are needed for air quality.

IV. LIST OF ENVIRONMENTAL COMMITMENTS

Refer to the project commitments listed on the attached "Green Sheet".


V. COORDINATION

Project Development and Environmental Analysis Branch personnel have discussed current project proposals with others as follows:

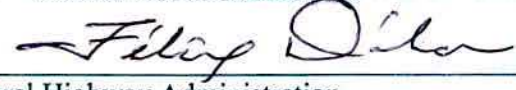
Design Engineer:	<u>Allison White</u>	<u>3/19/2018</u> Date
FHWA Engineer:	<u>Felix Davila</u>	<u>5/17/2018</u> Date
Permits Section:	<u>Jason Dilday</u>	<u>10/16/2017</u> Date

VI. NCDOT CONCURRENCE

 Project Manager Consultant	<u>5/31/18</u> Date
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 Project Management Unit Senior Project Engineer	<u>5/31/18</u> Date
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VII. FHWA CONCURRENCE

<i>for</i>  Federal Highway Administration Division Administrator	<u>5/31/18</u> Date
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## Project Commitments

US 401  
SR 2044 (Ligon Mill Road) to US 401  
SR 1700 (Fox Park Road)  
Wake-Franklin Counties  
**Federal Aid Project No. STP-401(4)**  
**State Project No. 8.1403001**  
**WBS Element 34506.1.1**  
**TIP No. R-2814**  
**Construction Consultation for R-2814C**

### COMMENTS DEVELOPED THROUGH PERMITTING

Current status, changes, or additions to the project commitments as shown in the environmental document for the project are printed in **bold sentences**. Previous changes are shown in *italics*.

#### **PD&EA- Human Environment Unit/Air and Noise Section**

Along the bypass portion of the proposed project, new building permits are being issued almost weekly and development is steadily occurring. Noise impacts will be reevaluated during the preparation of final design plans to determine which homes would be eligible based on the date of public knowledge.

*Noise impacts were reevaluated in August 2008 to determine which homes would be eligible for noise abatement based on the date of public knowledge. It was determined from the date of public knowledge and the remaining qualifying receptors that the final traffic noise analysis showed no impacts. Therefore no noise abatement is recommended for Sections B-D.*

**The Traffic Noise and Air Quality Group is reevaluating the need for potential noise abatement measures for the C section of the project. If the results of the reevaluation indicate that noise abatement may be preliminarily feasible and reasonable per the 2011 Traffic Noise Abatement Policy, a Design Noise Report (DNR) will be prepared. Any feasible and reasonable noise abatement identified in the DNR will be incorporated into the project plans and specifications and will be constructed.**

#### **Hydraulics Unit**

The Hydraulics Unit in conjunction with the Project Development and Environmental Analysis Branch will coordinate with the Army Corps of Engineers and the North Carolina Wildlife Resources Commission during final hydraulic design to facilitate the permitting process and to ensure that all environmental concerns are appropriately addressed.

*The Hydraulics Unit has coordinated with the Army Corps of Engineers and the North Carolina Wildlife Resources Commission during final design to ensure that all environmental concerns are appropriately addressed. A concurrence point 4B (Hydraulic Design Review) meeting was held on June 18, 2007 for section A with both the USACOE and NCWRC present. A concurrence point 4C meeting was held on April 16, 2008 for Section A. A concurrence point 4B meeting was held on June 18, 2008 for section B. A concurrence point 4C (permit drawing review) meeting was held on December 16, 2009 for Section B. A concurrence point 4B meeting was held on May 15, 2013 for section C.*

There is an existing U.S. Geological Stream (USGS) gage attached to the east side of Bridge No. 21 over Cedar Creek. NCDOT will coordinate with the USGS prior to construction regarding the stream gage.

**This commitment pertains to Section D.**

### **Division 5 Construction/Roadside Environmental Unit**

The mid-portion of the project, from SR 1003 in Wake County to SR 1100 in Franklin County, is located within a water supply watershed and a high quality water zone. Erosion and sedimentation will be controlled for this portion of the project through the appropriate specification, installation, and maintenance of more stringent erosion and sedimentation control measure appropriate for high quality waters.

**This is a standard commitment.**

A noise wall is recommended for the proposed project. The preliminary design of an optimized concrete wall, recommends constructing a wall approximately 1245 feet long and with an exposed height of 13 feet starting at Station 10+43 (Y-10) Lowell Ridge Road and ends at Station 21+20 (L-Line).

*This commitment applies to Section A.*

### **Bridge Maintenance and Structure Design**

For all drainage structures recommended to be retained, it is further recommended that a detailed assessment of structural integrity be obtained from the Bridge Maintenance and Structures Design Units.

An eight by eight double box culvert will be retained for this project. The culvert was reviewed in the field prior to the decision to retain and it was noted that it was not perched and did not have any scour or slope problems. A more thorough assessment by bridge maintenance is still needed.

***This culvert is on Section B of the project. Section B has been discussed during Concurrence Point 4B and 4C discussions and is currently under construction. No additional assessment is required.***

**Six culverts along Section C will be replaced and not retained. No additional assessment is needed.**

#### **Human Environment Section– Archaeology Section**

Archaeological surveys are currently being scheduled for the widening of US 401 to include the bypass of Rolesville. The State Historic Preservation Office (SHPO) has reviewed the scope of work proposed to complete the surveys and agrees that the outlined scope of work will satisfy Section 106 coordination.

The project will have no effect upon significant archaeological resources. No additional archaeological investigation is required.

**See FONSI for letter from the SHPO dated May 24, 2006.**

*Archaeological surveys were conducted for the proposed project and a report submitted January 2007. As a result of the survey 3 unrecorded sites and 2 previously recorded sites were discovered. Six archaeological sites were revisited. As designed, the proposed project will have no effect on archaeological properties. Should the design limits change prior to construction, additional investigations may be warranted.*

**Changes to the design will not result in any Archaeological impacts. The design limits remain the same.**

Because of the presence of potentially suitable habitat and the presence of extant populations in the two counties for Michaux's sumac, surveys should be conducted along the widening portion again after two years. This is standard protocol and surveys will be conducted until permits are received for each section of the project.

*A survey for Michaux's sumac was conducted in September 2008. Michaux's sumac was not observed within the project footprint. As such, the biological conclusion of no effect is still valid. Email correspondence from the USFWS recommended that this survey represent the final survey necessary for the A&B sections of R-2814 unless species status changes (e.g. new records are discovered nearby) or relevant project design changes occur (e.g. altered project footprint).*

**An updated survey for Michaux's sumac was conducted in September 2016 for Section C. A no effect determination was made for this species.**

## **Roadside Environmental Unit and Roadway Design**

The National Registered Rogers-Whitaker-Haywood house is located along Section A. Construction of the proposed project will have no adverse effect on this property. This is contingent upon no right of way acquisition from the property by NCDOT, landscape protection measures along the property's right of way and reasonable access to SR 2049 after construction of the proposed project.

*No right of way will be required from the Rogers-Whitaker Haywood House along Section A. Additional commitments regarding the Rogers-Whitaker-Haywood House will be addressed during construction.*

**The Jefferys-Ellington Farm determined eligible for listing on the National Register is on Section C of the proposed project. Impacts to this property include no adverse effect. The effect is contingent with the commitment that NCDOT will acquire a minor amount of right of way from the property and landscape protection measures for trees at the main Farmhouse and replant in kind if damaged during construction. See appendix.**

The National Register eligible Timberlake Historic District and the Perry Fuller House are on Section D. Impacts to these properties include no adverse effect. The effect is contingent with the commitment that NCDOT will not obtain any right of way from the property, landscape protection measures will be provided along the right of way and reasonable access will be provided after construction.

*No right of way is proposed to be acquired from the Timberlake Historic District or Perry Fuller House along Section D. Additional commitments regarding this property will be addressed during final design for Section D.*