

North Carolina Department of Transportation  
PROJECT ENVIRONMENTAL CONSULTATION FORM

I. D. No. R-2123 AD

I. GENERAL INFORMATION

- a. Consultation Phase: CONSTRUCTION
- b. Project Description: I-485 (CHARLOTTE OUTER LOOP)  
INTERCHANGE WITH NC 218 IN MINT  
HILL, MECKLENBURG COUNTY
- c. State Project: 8.1431101  
Federal Project: BRNHS-76(3)
- d. Document Type: CATEGORICAL EXCLUSION      SEP. 1996  
Date

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 unless noted otherwise herein. Therefore, the original Administration Action remains valid.

III. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES

One species, bald eagle (*Haliaeetus leucocephalus*), has been added to the list of protected species since the completion of the Natural Resources Technical Report prepared by NCDOT dated August 1996. However, the bald eagle may be removed from the endangered species list in July 1999. The project will have no effect on the bald eagle (see attached memo from Lynn Smith to Cindy Sharer dated June 16, 1999).

The Carolina heelsplitter received a biological conclusion of "may effect", however, surveys for the Carolina heelsplitter will be conducted June 1999. A final determination of the effect of the project will be made prior to permitting.

IV. LIST OF PROJECT COMMITMENTS

1. No property of the Mint Hill Town Park will be acquired as right of way for this project.

Note: Alignments were set such that no right of way is required from the Mint Hill Town Park.

2. Existing drainage patterns will be maintained to the extent practicable. Groundwater resources will be assessed during final design to ensure that appropriate measures are taken, if necessary, to avoid contamination.

Note: Standard practice and reflected in the plans.

3. Precautions will be taken to minimize impacts to water resources in the study area. This will be accomplished by the implementation of NCDOT Best Management Practices for the Protection of Surface Waters as applicable.

Note: Standard environmental commitment.

4. If vegetation is disposed of by burning, all burning shall be done in accordance with applicable local laws and regulations of the North Carolina SIP for air quality in compliance with 15 NCAC 2D.0520.

Note: Standard environmental commitment.

5. The provision of bicycle lanes and sidewalks along NC 218 in the project area will be considered during final design.

Note: Final design plans show an additional 0.6m are added to the outside lanes along NC 216 for bicycles.. Also, sidewalk is placed in front of the park.

6. NCDOT will implement mitigation measures to avoid, minimize, and compensate for impacts to the Carolina heelsplitter as a result of Construction of the East Charlotte Outer Loop (TIP No. R-2123 sections AA, AB, AC, AD). The following commitments will be implemented in accordance with the Biological Opinion issued by the US Fish and Wildlife Service on September 16, 1996:

- A) NCDOT will use sediment and erosion control standards for high quality waters throughout the construction process in all areas within the Goose Creek Subbasin.
- B) NCDOT will, when possible, avoid any channel changes in the Goose Creek subbasin.

Note: There are no channel changes.

- C) NCDOT will conduct a pre-construction survey for the Carolina heelsplitter in Goose Creek and Stevens Creek within the area of the proposed crossing (1/4 mile upstream and downstream).

Note: A survey will be conducted in June 1999.

- D) The NCDOT resident engineer will provide written notice of the construction onset date to the US Fish and Wildlife Service's Asheville Field Office, the North Carolina Wildlife Resources Commission Nongame Program (Piedmont Region), and the Protected Species Coordinator of the NCDOT Project Development and Environmental Analysis Branch.

Note: The NCDOT resident engineer will enforce this commitment.

- E) The Federal Highway Administration and NCDOT will provide funds (not to exceed \$150,000) to the Commission's Nongame Program to hire a biologist for a three year period to work with landowners and local government officials in Mecklenburg and Union Counties. The purpose of this conservation initiative will be to develop and initiate conservation plans to protect and restore, if necessary, riparian areas through voluntary agreements and conservation easements (donated).

Note: The FHWA and NCDOT committed to providing the funding in a January of 1997 letter to the Commission.

The following additional actions recommended by FWS are under consideration by NCDOT:

- A) Biologist in the NCDOT's Project Development and Environmental Analysis Branch will assist the Service and/or Commission in a survey of Goose Creek for *Lasmigona decorata* after the 3-year conservation project is completed.
- B) The NCDOT will construct and maintain settling basins throughout the extent of the Charlotte Outer Loop project to filter highway run-off and minimize water quality impacts in the Goose Creek watershed.

Note: Final design plans indicate that Type A silt basins are to be used during construction.

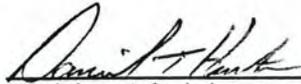
- C) The NCDOT and FHWA will consider extending the time frame for the riparian conservation initiative beyond the three year period, if necessary, to ensure that the project is successfully resulting in riparian protection and protection of the Goose Creek population of *Lasmigona decorata*.

V. COORDINATION

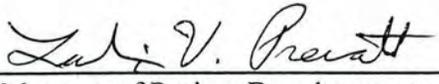
Planning and Environmental Branch personnel have discussed current project proposals with others as follows:

|                           |             |                        |
|---------------------------|-------------|------------------------|
| FHWA Engineer:            | Dan Hinton  | <u>6/18/99</u><br>Date |
| Design Engineer:          | Doug Taylor | <u>6/21/99</u><br>Date |
| Environmental Specialist: | Tim Savidge | <u>6/22/99</u><br>Date |

VI. F.H.W.A. CONCURRENCE

|  |                       |
|--|-----------------------|
| <br>_____<br>for Division Administrator | <u>7/6/99</u><br>Date |
|--|-----------------------|

VII. N. C. D. O. T. CONCURRENCE

|   |                        |
|---|------------------------|
| <br>_____<br>Project Planning Engineer   | <u>6/24/99</u><br>Date |
| <br>_____<br>Asst. Manager of Project Development and<br>Environmental Analysis Branch | <u>6-25-99</u><br>Date |



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY  
ACTING SECRETARY

June 16, 1999

**MEMORANDUM TO:** Cindy Sharer, P.E., Unit Head  
Project Development Unit

**ATTENTION:** Sammy Wood, Transportation Engineering Associate  
Project Development Unit

**FROM:** Lynn Smith, Natural Systems Specialist  
Natural Systems Unit

**SUBJECT:** Water resources and protected species review for a Federal Highway Administration (FHWA) Right-of-Way consultation for the interchange on the East Charlotte Outer Loop at NC 218 near Mint Hill, Mecklenburg County. TIP No. R-2123AD; State Project No. 8.U671619; F.A. No. NHF-117-1 (50)

**REFERENCES:**

- (1) Natural Resources Technical Report (NRTR) prepared by NCDOT dated August 1996.
- (2) Biological Assessment prepared by NCDOT dated August 1996.
- (3) Endangered Species Survey for Schweinitz's sunflower, smooth coneflower, and Michaux's sumac dated March 1999.

The following memorandum provides information to assist in the preparation of a FHWA Right-of-Way (ROW) consultation for the proposed project. It addresses water resources and federally protected species potentially impacted by the project and serves to update the previously submitted NRTR with respect to these two issues.

#### WATER RESOURCES

The study area lies entirely within the Yadkin-Pee Dee River Basin. Water resource classifications have not changed since the NRTR was prepared. The Division of

Water Quality (D-WQ) best usage classification for Goose Creek (DEM Index No. 13-17-18, [07/01/73]) is C. Class C refers to waters suitable for aquatic life propagation and survival, fishing, wildlife, secondary recreation and agriculture. Hydrologic characteristics and existing aquatic communities of this water resource have been described in the referenced NRTR.

**Neither High Quality Waters (HQW), Water Supplies (WS-I or WS-II), nor Outstanding Resource Waters (ORW) occur within 1.6 km (1.0 mi) of the project area. No direct impacts to sensitive water resources are anticipated as a result of project construction.**

## PROTECTED SPECIES

Plants and animals with federal classifications of Endangered (E), Threatened (T), Proposed Endangered (PE), and Proposed Threatened (PT) are protected under provisions of Section 7 and Section 9 of the Endangered Species Act of 1973, as amended.

As of 13 May 1999, the U.S. Fish and Wildlife Service (FWS) lists five protected species for Mecklenburg County (Table 1). One species, bald eagle (*Haliaeetus leucocephalus*) has been added to the list of protected species since the completion of the referenced NRTR. Descriptions for four of the protected species are included in the referenced NRTR. A description for Bald eagle is provided below. Biological conclusions of "No Effect" were given for Schweinitz's sunflower, smooth coneflower, and Michaux's sumac in the referenced Survey. These biological conclusions of "No Effect" remain valid for these species.

Table 1. Federally Protected Species for Mecklenburg County.

| COMMON NAME                     | SCIENTIFIC NAME        | STATUS     |
|---------------------------------|------------------------|------------|
| <i>Haliaeetus leucocephalus</i> | Bald eagle             | Threatened |
| <i>Lasmigona decorata</i>       | Carolina heelsplitter  | Endangered |
| <i>Echinacea laevigata</i>      | Smooth coneflower      | Endangered |
| <i>Helianthus schweinitzii</i>  | Schweinitz's sunflower | Endangered |
| <i>Rhus michauxii</i>           | Michaux's sumac        | Endangered |

Note: Endangered (a species that is threatened with extinction throughout all or a significant portion of its range).

Threatened (a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range).

*Haliaeetus leucocephalus* (bald eagle) **Endangered**

Animal Family: Accipitridae

Date Listed: 3/11/67

Bald eagles are found in North America from Florida to Alaska. The only major nesting population in the southeast is in Florida, other nesting occurs in coastal areas of Louisiana, Mississippi, and South Carolina. Migrants and rare nesting pairs do occur elsewhere in the southeast.

Adult bald eagles can be identified by their large white head and short white tail. The body plumage is dark-brown to chocolate-brown in color. Immature eagles lack the white head plumage; the body plumage has a uniform brownish to blackish color with blotchy white on the underside of the wings, belly, and tail. In flight bald eagles can be identified by their flat wing soar. Adults range in length from 69-94 cm and have a wingspan ranging from 178-229 cm.

There are several factors that affect an eagle's selection of a nest site. Eagle nests are found in close proximity to water (within a half mile) with a clear flight path to the water, in the largest living tree in an area, and having an open view of the surrounding land. Human disturbance can cause an eagle to abandon otherwise suitable habitat. Eagle nests are approximately 3 m across.

**Biological Conclusion:**

**No Effect**

Suitable habitat for bald eagle is not present throughout the project study area. There are no large bodies of water or large river systems within a half mile, with a clear flight path to water, of the proposed project. A review of the North Carolina Natural Heritage Program (NCNHP) database on 14 June 1999 indicated that there are no known occurrences of bald eagle within 1.6 km (1.0 mi) of the project study area. This project will not impact bald eagle.

A review of the NCNHP database on 14 June 1999 indicated that there are no known occurrences of any federally protected species within the project study area. The Carolina heelsplitter received a biological conclusion of "May Effect" in the referenced BA; **however, personnel from the NCDOT Project Development and Environmental Analysis Branch will conduct a more specific survey for the portion of Goose Creek intersecting the project corridor in June 1999.**

cc: Phil Harris, P.E., Natural Systems Unit Head  
File: R-2123AD



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY  
ACTING SECRETARY

June 28, 1999

**MEMORANDUM TO:** Cindy Sharer, P.E., Unit Head  
Project Development Unit

**ATTENTION:** Sammy Wood, Transportation Engineering Associate  
Project Development Unit

**FROM:** Lynn Smith, Natural Systems Specialist *LS*  
Natural Systems Unit

**SUBJECT:** Federally protected species survey for Carolina heelsplitter,  
for a Federal Highway Administration (FHWA)  
Construction consultation for the interchange on the East  
Charlotte Outer Loop at NC 218 near Mint Hill.  
Mecklenburg County, TIP No. R-2123AD; State Project  
No. 8.U671619; F.A. No. NHF-117-1 (50)

**REFERENCES:** (1) Biological Assessment (BA) prepared by NCDOT dated  
August 1996.  
(2) Section 7 Formal Consultation Letter prepared by the  
U.S. Fish and Wildlife Service (USFWS) dated September  
1996.

A Biological Opinion of "**No Effect**" was issued for Carolina heelsplitter by the USFWS in the Consultation Letter. The Biological Opinion includes environmental commitments listed in the referenced BA. FHWA and NCDOT entered into a verbal agreement to ensure mitigative measures would be utilized to reduce impacts to the Carolina heelsplitter population in Goose Creek. These measures state that NCDOT will use sedimentation and erosion control standards for high-quality waters throughout the construction process in all areas within the Goose Creek subbasin, and NCDOT will, when possible, avoid any channel changes in the Goose Creek subbasin.

During October 1997, NCDOT biologist Tim Savidge conducted a survey at the proposed crossing of Goose Creek. Survey methods included wading through the stream.

utilizing visual techniques, and raking methods. No mussel fauna was found to exist in this part of the stream.

If you have any questions or need additional information, please contact me at (919) 733-0374.

cc: Phil Harris, P.E., Natural Systems Unit Head  
File: R-2123AD