

SECTION C  
REPORT OF AVAILABILITY  
ENVIRONMENTAL CONSIDERATIONS

1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS:

a. The requirements under NEPA for the proposed outgranting action have been met as follows:

Categorical Exclusion (CX)/Record of Environmental Consideration (REC). **North Carolina Department of Transportation (NCDOT) Access Road Easement (FF-00025-17)**. This action falls under one of the CXs contained in 32 Code of Federal Regulations (CFR) 651 (Environmental Effects of Army Actions). The environmental effect of the action has been considered. A REC is attached, indicating the CX pursuant to which the proposed outgrant is authorized. See Enclosure. [If the Report of Availability (ROA) is required to be forwarded to Headquarters Department of the Army (HQDA), and the CX is based on a pre-existing NEPA analysis, then state:

for Base Realignment and Closure (BRAC), NEPA document is on file at HQDA Identify location, title and date:

\_\_\_\_\_)

pertinent extracts are attached from the applicable NEPA analysis.]

Environmental Assessment (EA)/Finding of No Significant Impact (FNSI). The impact of this action is considered to be minimal or insignificant. The EA with FNSI is:

for BRAC, on file at HQDA (Identify location, title, and date:

\_\_\_\_\_)

attached.

Environmental Impact Statement (EIS)/Record of Decision (ROD). The impact of this action is considered to be significant. An EIS, or supplement thereto, along with the ROD is:

for BRAC, on file at HQDA (Identify location, title, and date:

\_\_\_\_\_)

attached. IF the EIS is too large to attach, then state where it can be viewed)

b. For EA and EIS, identify mitigation actions, if any, which are required, costs, and responsible party for the mitigation:

\_\_\_\_\_

c. If the EIS or EA covers more than the proposed outgranting action, explain how and where the outgranting action is analyzed and considered in the NEPA documentation:

2. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, For Leases only:

a. ECP Report:

An ECP report has been conducted and no hazardous, toxic, radiological waste (HTRW) substances were identified as released, stored, or disposed on the property in the threshold quantities (Enclosure 2). Go to question 3. A draft Finding of Suitability to Lease (FOSL) is attached (BRAC only). A copy of the ECP report is:

on file at HQDA (Identify location, title, and date:  
\_\_\_\_\_ )

attached.

An ECP Report has been conducted which indicates HTRW substances were released, stored, or disposed on the property in the threshold quantities. Hazardous storage, disposal, or release notification must be included in the outgrant document (reference 40 CFR Part 373). A draft FOSL is attached (BRAC only). A copy of the ECP report containing the details is:

on file at HQDA (Identify location, title, and date:  
\_\_\_\_\_ )

b. Choose the appropriate status of remedial actions:

Remedial actions have been completed so that the property is considered safe for the proposed use.

Remedial actions are not required.

Remedial actions have not been completed. Estimate the time to complete such action: \_\_\_\_\_. Provide details and justification for outgranting in the current condition, if applicable. Attach any land use restrictions and access clauses that must be put into the outgrant.

3. REAL PROPERTY CONTAMINATED WITH AMMUNITION, EXPLOSIVES, OR CHEMICAL WEAPONS:

a. Does the property contain ammunition, explosives, or chemical weapons?

No.

If no, go to question 4.

Yes. If yes, Reference AR 385-64, "US Army Explosives Safety Program." Has a Land Disposal Site Plan to clean up the property been submitted through the MACOM and HQDA, DACS-SF and DAMO-SWS, the U. S. Army Technical Center for Explosives Safety, to the Department of Defense (DoD) Explosives Safety Board for approval before cleanup and outgrant?

No.

Yes. If yes, have the ammunition, explosives, or chemical weapons been removed using the most appropriate technology consistent with the proposed use of the property?

Yes.

No. Provide date when property will be cleared:  
\_\_\_\_\_

b. Will access rights to implement any monitoring plan or use restrictions be required?

No.

Yes. Describe. (Set out proposed language to be inserted in outgrant):

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c. If outgrant is to another federal agency for compatible use of surface decontaminated real property, list limitations, restrictions, and prohibitions concerning the use of the property, to ensure personnel and environmental protection:

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4. WASTE DISPOSAL (The Solid Waste Recovery Act, as amended; Resource Conservation and Recovery Act (RCRA)):

a. Choose one:

The applicant will not generate hazardous waste or will not treat, dispose, or store waste as defined by the Environmental Protection Agency (EPA) or State with RCRA primacy.

The applicant will generate hazardous waste or will produce waste as defined by EPA or State with RCRA primacy. Identify all waste streams and quantities:

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The applicant will treat or temporarily store, for less than 90 days, hazardous waste as defined by EPA or State with RCRA primacy. Identify all waste streams and quantities.

b. If applicable, choose the appropriate:

The applicant has obtained a hazardous waste generator identification (ID) number from EPA. ID Number.

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The applicant has established records, waste management requirements, and a Spill Prevention Plan.

c. Will the grantee be required to comply with an installation's Hazardous Waste Management Plan?

No.

Yes, provide date and location of plan. **Fort Bragg Regulation 200-2 dated October 2006, located at the Environmental Compliance Branch, Building 3-1137.**

5. COMPLIANCE WITH 10 UNITED STATES CODE (USC) 2692:

The applicant will not store or dispose of non-DoD toxic or hazardous materials pursuant to 10 USC 2692.

Storage or disposal of non-DoD toxic or hazardous materials has been authorized pursuant to 10 USC 2692. (Attach copy of authorization).

6. UNDERGROUND/ABOVE GROUND STORAGE TANKS (USTs/ASTs):

There are no USTs on the property and the applicant will not be installing such tanks. Go to question 7.

There are no ASTs for fuel or other regulated substances and the applicant will not be installing such tanks. Go to question 7.

There are USTs on the property and/or the applicant will be installing such tanks.

a. Existing USTs are in compliance with current laws and regulations:

Yes.

No. Explain: \_\_\_\_\_

b. Construction of proposed USTs have been certified for such compliance:

Yes.

No. Explain: \_\_\_\_\_

There are ASTs for fuel or other regulated substances on the property and/or the applicant will be installing such tanks.

a. Existing ASTs are in compliance with current laws and regulations:

Yes.

No. Explain: \_\_\_\_\_

b. Construction of proposed ASTs have been certified for such compliance:

Yes.

No. Explain: \_\_\_\_\_

7. CLEAN WATER ACT (CWA) (FEDERAL WATER POLLUTION CONTROL ACT):

This action will not involve the discharge of any pollutants into the waters of the United States or less than one million gallons of discharge per day will be made. The discharge of pollutants include sanitary activities, such as washing hands and using restroom facilities, however, a National Pollutant Discharge Elimination System (NPDES) Permit will not be required.

This action will entail the discharge of any pollutants into the waters of the United States or it is more than one million gallons into the waters of the United States per day.

Will the grantee's activities on the outgranted property result in a discharge of wastewater to an accumulation, collection, or drainage system?

No.

Yes. If yes, can the existing wastewater collection system and treatment system accommodate such discharge without adverse operational or environmental impacts?

Yes.

No. If not, are there other options? Describe.

Has the applicant applied for or obtained a National Pollutant Discharge Elimination System (NPDES) Permit or State equivalent from the EPA/appropriate state agency?

Yes.

No. If not, state whether the grantee must have a NPDES Permit or State equivalent to operate.

No.

Yes. If not received, state circumstances:

The Grantee is complying with the requirements of a NPDES Permit and the Grantee has a monitoring and reporting procedure.

Would the grantee's operations result in a violation of a NPDES permit or State equivalent held by the United States?

No.

Yes. Explain.

8. CLEAN AIR ACT (FEDERAL CONFORMITY REQUIREMENTS):

This action does not require a written conformity determination in accordance with EPA's rule because:

The installation is in an attainment area.

The installation is in a non-attainment or maintenance area and the action falls within an exemption in the rule. Attach a Record of Non-Applicability in accordance with Army Guidance. List pollutants: \_\_\_\_\_

This action is not exempt from the conformity regulation. Attach conformity determination. Describe the mitigation requirements or other restrictions, if any, which must be incorporated in the outgrant:

9. ENDANGERED SPECIES:

Coordination with the United States Fish and Wildlife Service (USFWS) to determine the possible presence of any federally listed endangered, threatened, or candidate species in the action area has occurred (attach correspondence). Provide date of last coordination and describe results of coordination:

This action will not jeopardize the habitat of any endangered, threatened or candidate species of fish, wildlife, or plants pursuant to the Endangered Species Act or a state-listed species. **Multiple threatened and endangered species occur immediately adjacent to the property. The NCDOT will coordinate with Fort Bragg environmental personnel prior to any ground or vegetation disturbance. Fort Bragg environmental personnel will review all proposed ground or vegetation disturbance and corresponding environmental documentation prior to execution as a condition of the easement agreement.**

This action may jeopardize or affect: (identify on an attached map.)

a federally listed endangered or threatened species; list:

a federal candidate species; list:

a state-listed species:

designated critical habitat; describe:

This outgranting action may affect a federally listed endangered, threatened, or candidate species and required consultation with the USFWS has been completed. Attach any biological assessment, opinion, and correspondence with the USFWS. Accordingly, the following restrictions must be incorporated in the outgrant to protect the affected species and its habitat:

10. FISH AND WILDLIFE COORDINATION ACT (FWCA):

This action will not jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA.

This action will jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA. Impact description, and recommended actions prior to availability:

11. COASTAL ZONE MANAGEMENT (CZM) (if applicable):

CZM is not applicable.

CZM is applicable, and a CZM Act determination with the approved state CZM Plan has/will be obtained.

12. FLOODPLAIN:

This property is not located within the 100-year floodplain and does not fall under the purview of Executive Order 11988.

This property is located within the 100-year floodplain and does fall under the purview of Executive Order 11988 and (check the appropriate): **Multiple wetlands and streams occur immediately adjacent to the property. The NCDOT will coordinate with Fort Bragg environmental personnel prior to any ground or vegetation disturbance. Fort Bragg environmental personnel will review all proposed ground or vegetation disturbance and corresponding environmental documentation prior to execution as a condition of the easement agreement.**

The proposed occupancy or modification will not adversely impact the floodplain.

There is no other practicable alternative available for this intended use.

The proposed occupancy or modification may be allowed subject to the following restrictions being incorporated in the outgrant document:

13. WETLANDS:

Does the property to be outgranted contain wetlands regulated under Section 404 of the CWA or falling under the purview of Executive Order 11990:

No.

Yes. **Attach map showing wetland areas. Multiple wetlands and streams occur immediately adjacent to the property. The NCDOT will coordinate with Fort Bragg environmental personnel prior to any ground or vegetation disturbance. Fort Bragg environmental personnel will review all proposed ground or vegetation disturbance and corresponding environmental documentation prior to execution as a condition of the easement agreement.**

Does the action require a 404 Permit?

No.

Yes. State status of Section 404 permit process:

14. HISTORICAL AND CULTURAL RESOURCES:

Historical, cultural, or archaeological sites or resources have been identified on this property. But do not require consultation with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP), if applicable, in accordance with 36 CFR 800. **Multiple archeological sites or resources occur immediately adjacent to the property. The NCDOT will coordinate with Fort Bragg environmental personnel prior to any ground or**

vegetation disturbance. Fort Bragg environmental personnel will review all proposed ground or vegetation disturbance and corresponding environmental documentation prior to execution as a condition of the easement agreement.

Historical and/or cultural resources may be present on this property. This action has been coordinated with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP), if applicable, in accordance with 36 CFR 800, and no restrictions apply. (Attach relevant correspondence).

Historical and/or cultural resources have been identified by a survey of this property.

Native American graves have been identified on this property. (Refer to requirements of the American Indian Religious Freedom Act and Native American's Graves Protection and Repatriation Act). Consultation on the disposition of Native American graves and objects has been initiated with interested Native American organizations; correspondence attached.

Archaeological sites or resources have been identified on this property. Refer to the Antiquities Act; Archaeological and Historical Preservation Act; and Archaeological Resources Protection Act. The plan for curation and disposition of these resources is attached.

15. LEAD-BASED PAINT (LBP):

a. Are there improvements constructed prior to 1960 which are considered to contain LBP or which have been determined to contain LBP?

No.

Yes. If there has been a survey, attach.

b. Are there improvements constructed between 1960 and 1978 which are considered to contain LBP or which have been determined to contain LBP?

No.

Yes. If there has been a survey, attach.

c. Are these improvements the type that children under age seven frequently inhabit, e.g. housing, child care?  No.  Yes, LBP notice is required.

16. OTHER ENVIRONMENTAL CONSIDERATIONS:

a. Is there any Asbestos-Containing Material (ACM) on the property?

No.

Yes.

b. Will the proposed outgrant activity impact an area designated under the Wild and Scenic Rivers Act?

No.

Yes. If yes, what conditions may need to be included in the outgrant?

c. Will the proposed outgrant activity involve the use of insecticide, fungicide, and rodenticide so that compliance with the Federal Insecticide, Fungicide, and Rodenticide Act is necessary, e.g. Agricultural, golf courses, restaurants?

No.

Yes. If yes, list:

d. Are there polychlorinated biphenyls present?

No.

Yes.

e. Has a radon survey been completed for the buildings to be outgranted?

No.

Yes. Choose one:

no buildings have radon in excess of applicable standards.

the following buildings exceed standards: List with appropriate use

restrictions:

f. Are there any other special purpose environmental laws applicable to the proposed activity?

No.

Yes.

Explain: \_\_\_\_\_

g. Is further environmental study required?

No.

Yes.


Explain: \_\_\_\_\_

17. ADDITIONAL COMMENTS:

18. I certify that I have reviewed Section C, that is has been coordinated in accordance with applicable command guidance, and that it is accurate and complete. Based on the information provided above, I recommend that the outgrant be

APPROVED.  DENIED.

1 May 19  
Date

  
\_\_\_\_\_  
DAVID A. HEINS  
Chief, Environmental Division

19. I have reviewed Section C, Environmental Considerations, including all attachments, and, if this is a lease action, the draft FOSL and ECP, and have determined that the environmental considerations are legally sufficient.

24 Apr 19  
Date

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SARA K. ACHINGER  
Environmental Attorney Advisor



Enclosure: REC

## MEMORANDUM FOR RECORD

SUBJECT: Record of Environmental Consideration, FF-00025-17, North Carolina Department of Transportation Access Roads Easement

1. Brief Description: The proposed project will provide an easement to the North Carolina Department of Transportation (NCDOT) starting in fiscal year (FY) 2019 to repair and maintain approximately 55.22 miles of roadway and the corresponding 40-foot right-of-way from the road centerline at Fort Bragg, North Carolina. The total easement area is approximately 480.01 acres. The roads include: Harley Pope, Hobson, Honeycutt, King, Lamont, Manchester, Morganton, Morrison Bridge, Plank, Raeford Vass, and Wayside roadways.
2. Anticipated date and/or duration of proposed action: FY19 – 30 Jul 2028
3. Reason for using a Record of Environmental Consideration:
  - a.  This project is adequately covered in an (EA, EIS) entitled \_\_\_\_\_, dated \_\_\_\_\_.
  - b.  This project is categorically excluded under 32 CFR § 651, Appendix B, Section II, Categorical Exclusion (f)(1), as described in 32 CFR 651.29(a).
4. Fort Bragg Directorate of Public Works (DPW) Business Operations, Environmental, and Master Planning personnel met with NCDOT on June 13, 2017 and November 28, 2017 at the NCDOT Fayetteville office; and with Fort Bragg leadership and Staff Judge Advocate personnel on April 2, 2019 at Fort Bragg. Multiple environmentally sensitive resources occur within and adjacent to the proposed easement area including culturally sensitive sites, wetlands, remediation sites, and threatened and endangered species and their designated habitats. The NCDOT will coordinate with Fort Bragg subject matter experts (SME) prior to new construction/ground disturbance to obtain relevant environmental data in order to properly analyze and complete corresponding regulatory consultations and National Environmental Policy Act assessments.
5. Potential impacts to environmentally sensitive resources have been resolved. There are no extraordinary circumstances as described in 32 CFR 651.29(b)(1-14) that preclude the use of a categorical exclusion.

IMBG-PWE

SUBJECT: Record of Environmental Consideration, FF-00025-17, North Carolina  
Department of Transportation Access Roads Easement

Prepared by:



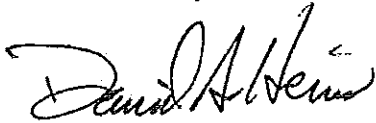
GINNY CARSWELL  
NEPA Coordinator

Reviewed by:

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SARA K. ACHINGER  
Environmental Law Attorney

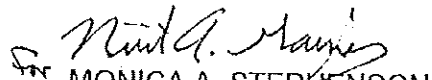
Reviewed by:



DAVID A. HEINS  
Chief, Environmental Division

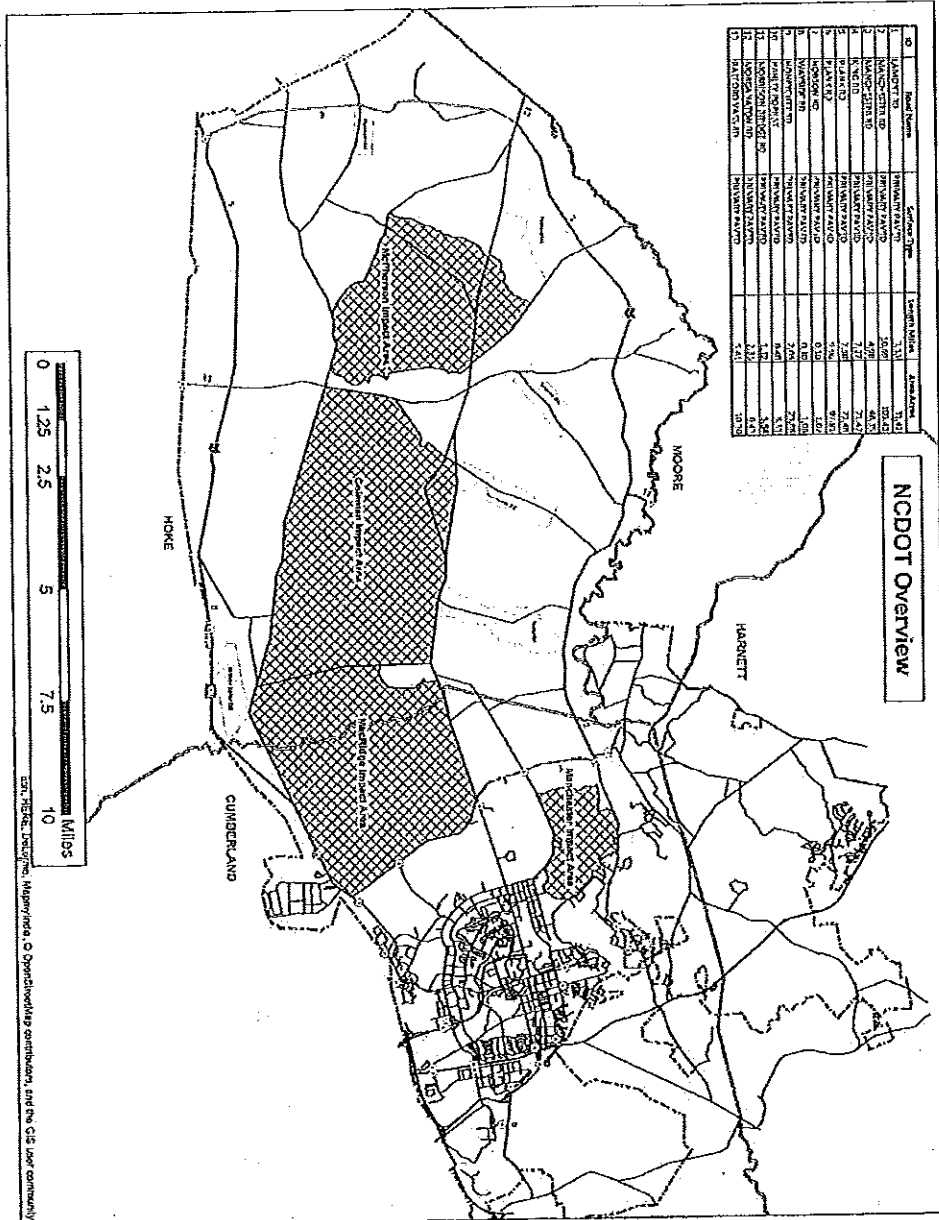
Encl

Proponent:

  
MONICA A. STEPHENSON  
Director of Public Works

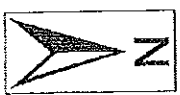
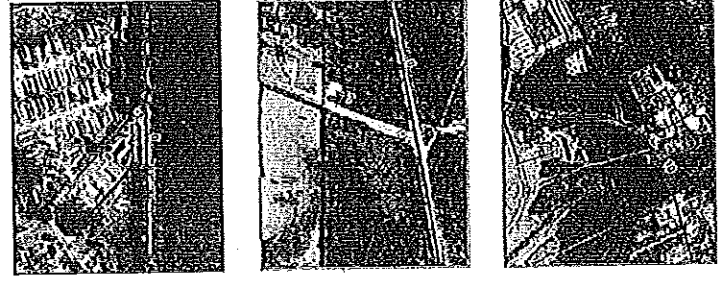
Date: 9 May 2019

Enclosure



**Legend**

- Aspen Control Point
- Dam
- DOT Acquisition
- Route
- Installation Boundary
- County Boundary
- Military/OSD/State
- Impact Area



0 1.25 2.5 5 7.5 10 Miles

Source: Esri, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS User community