



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Raleigh Field Office
P.O. Box 33726
Raleigh, NC 27636-3726

Date: _____

Self-Certification Letter

Project Name _____

IPaC Project Code: _____ IPaC Record Locator # _____

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Raleigh Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. Based on your analysis, mark all the determinations that apply:

- “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- “may affect, not likely to adversely affect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- “no Eagle Act permit required” determinations for eagles.

We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the “no effect” or “not likely to adversely affect” determinations for proposed and listed species and proposed and designated critical habitat; the “may affect” determination for Northern long-eared bat; and/or the “no Eagle Act permit required” determinations for eagles. Additional coordination with this office is not needed. Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species. Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for 1 year. Information about the online project review process including instructions, species information, and other information regarding project reviews within North Carolina is available at our website <http://www.fws.gov>. If you have any questions, you can write to us at Raleigh@fws.gov or please contact Leigh Mann of this office at 919-856-4520, ext. 10.

Sincerely,

/s/Pete Benjamin

Pete Benjamin
Field Supervisor
Raleigh Ecological Services

Enclosures - project review package



April 15, 2024

United States Department of the Interior
Fish and Wildlife Service – Raleigh Field Office
PO Box 33726
Raleigh, North Carolina 27636

Reference: **Protected Species Habitat Assessment
Cumberland County / Cliffdale Landfill**
Fayetteville, Cumberland County, North Carolina
S&ME Project No. 23050459

S&ME, Inc. (S&ME) is conducting an environmental review of the existing Cumberland County / Cliffdale Pre-Regulatory Landfill site located at 7583 Lowell Harris Road in Fayetteville, Cumberland County, North Carolina. The information contained herein was prepared as part of an evaluation of potential impacts to migratory birds, threatened, endangered, and proposed species, and critical habitat.

◆ SITE DESCRIPTION

The proposed project is the location of a pre-regulatory landfill. The former landfill is located on three properties owned by Cumberland County totaling approximately 61.5 acres located at 7581 Lowell Harris Road in Fayetteville, North Carolina. The site is covered with woodland and brush with a cleared area on the west portion of the site. The recorded dates of dumping activities at the site are unknown, although it is presumed that the permitted sanitary landfill was active from 1971 to 1980. The North Carolina Department of Environmental Quality, Division of Land Management Pre-Regulatory Landfill Unit intends to perform work on the site that may include remediation. The location of the site is depicted on the attached Vicinity Exhibit (**Figure 1**), United States Geological Survey (USGS) Topographic Exhibit (**Figure 2**), and the Site Exhibit (**Figure 3**). Site visits were conducted on March 19 and 25, 2024 by S&ME natural resources personnel.

The eastern boundary is dominated by a beaver-impounded wetland. This wetland is dominated by herbaceous and shrubby species including tag alder (*Alnus serrulata*), red maple trees and saplings (*Acer rubrum*), sweetgum trees and saplings (*Liquidambar styraciflua*), red bay (*Persea borbonia*), wax myrtle (*Myrica cerifera*), switchcane (*Arundinaria tecta*), green arrow arum (*Peltandra virginica*), American burr-reed (*Sparganium americanum*), rush species (*Juncus* sp.), Japanese honeysuckle (*Lonicera japonica*), and laurel greenbrier (*Smilax laurifolia*). The beaver-impounded wetland is represented by **photos 1 through 2** in the attached photographic log.

Upland wooded areas within the site are immature and vegetation includes loblolly pine (*Pinus taeda*), red maple, sweetgum, slash pine (*Pinus ellioti*), blackjack oak (*Quercus marilandica*), eastern red cedar (*Juniperus virginiana*), Bradford pear (*Pyrus calleryana*), American holly (*Ilex opaca*), Japanese honeysuckle, greenbrier species (*Smilax* sp.), black cherry (*Prunus serotina*), bluestem (*Schizachyrium scoparium*), and Chinese privet (*Ligustrum sinense*). These upland wooded areas are represented by **photos 3 through 4** in the attached photographic log.

Isolated wetlands have been observed on the cap of the landfill, most likely due to settlement of waste. Vegetation within these wetlands included woolgrass (*Scirpus cyperinus*), rush species, sensitive fern (*Onoclea sensibilis*), loblolly pine, red maple, sweetgum, spikeweed species (*Eleocharis* sp.), bluestem, greenbrier species



(*Smilax* sp.), and sedge species (*Carex* sp.). Representative views of these isolated wetlands are represented by **photos 5 through 6** in the attached photographic log.

A small less-mature area is located adjacent to Lowell Harris Road. Based on a review of historic Google Earth aerial imagery, it appears that this area is mowed or otherwise cleared periodically. Vegetation included young loblolly pine, broomsedge (*Andropogon virginicus*), blackberry (*Rubus argutus*), and other herbaceous species commonly found in landscaped areas. These upland semi-maintained areas are represented by **photos 7 through 8** in the attached photographic log.

◆ MIGRATORY BIRDS

The following migratory bird information is intended to identify site area land uses that may be related to potential impacts to migratory birds. The information is based on map/photograph review.

The USGS quadrangle map, a 2021 aerial photograph (obtained from NC Onemap), and historical Google Earth imagery were reviewed to determine the general land uses within a one-mile radius of the Site location. The surrounding land use within the one-mile search radius is a mix of residential and undeveloped land. Within one mile of the site is Bones Creek (Lake Rim) and its unnamed tributaries. In addition to these, there are also approximately three ponds and one lake that could be conducive to migratory bird concentrations.

◆ SPECIES EVALUATION

Existing federal-listed species information and site habitat observations were reviewed to determine the likely occurrence of protected (threatened, endangered), candidate, and proposed species within the project area. The USFWS website indicates that no designated critical habitat has been reported as occurring within the project area. As listed in Table 1 below, several federally-protected species are listed within the vicinity of the Site in Cumberland, North Carolina.



Table 1 – Federal Species of Concern

Common Name	Scientific Name	Federal Listing
Tricolored bat	<i>Perimyotis subflavus</i>	PE
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGPA
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
American alligator	<i>Alligator mississippiensis</i>	T (S/A)
Monarch butterfly	<i>Danaus plexippus</i>	C
American chaffseed	<i>Schwalbea americana</i>	E
Michaux’s sumac	<i>Rhus michauxii</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
Rough-leaved loosestrife	<i>Lysimachia asperulaefolia</i>	E

E = Federal Endangered *T* = Federal Threatened BGEPA = Bald and Golden Eagle Protection Act
T (S/A) = Threatened due to Similarity of Appearance *P* = Proposed *C* = Candidate

Tricolored Bat

Status: Federally-Proposed Endangered

Biological Determination: No consultation necessary

The tricolored bat is a small bat species reaching between 7 and 8 centimeters in length. The tricolored bat is named after the coloration of each strand of hair, which is dark at the base, blends to yellow midshaft, and ends in a brown tip. The species’ current range is eastern North America, though the tricolored bat is in great decline from its historic range and population numbers.

The tricolored bat is a generalist feeder that preys on insects using echolocation. The tricolored bat hibernates in caves or abandoned mines. This species is known to hibernate in man-made structures such as road-side culverts. During spring, summer, and fall seasons the tricolored bat roosts in trees and leaf clusters. The tricolored bat tends to hibernate alone and roost singly, though has been known to share hibernacula with other bat species.

Additional consultation with the USFWS is not currently necessary because the tricolored bat is not a protected species at this time. As a result, a biological determination is not applicable to this species. However, the listing of this species is expected around the beginning of 2024. If the tricolored bat becomes listed as an endangered species, further consultation with the USFWS may be required as tree removal may affect this species. If this species is listed, clearing moratoriums would likely be required during the typical active season for this species which extends from April 1 through October 15 or acoustic surveys would need to be conducted in accordance with USFWS survey protocols to determine the presence or absence of the tricolored bat at the site. If this clearing moratorium is observed, the determination for this species could be “may affect, not likely to adversely affect.”



Bald Eagle

Status: Bald and Golden Eagle Protection Act

Biological Determination: No effect

The bald eagle prefers to nest in large mature trees within half a mile of coastlines, rivers, or large lakes which provide adequate feeding grounds. The nearest large water body capable of supporting a bald eagle, Lake Rim, is approximately 0.35 miles to the southeast of the site. In general, trees on site are not sufficiently mature to provide suitable nesting habitat. No bald eagles or bald eagle nests were observed in the vicinity of the site or identified by NCNHP as being present within one mile of the site. Therefore, the project will have no effect on the bald eagle.

Red-cockaded woodpecker

Status: Federally-Listed Endangered

Biological Determination: No effect

The red-cockaded woodpecker is a small bird approximately seven inches long. This bird is differentiated by a white cheek patch and their black and white barred back feathers. In addition, males have small red feathers underneath the black top of the head and the white cheek patch. The red-cockaded woodpecker requires open stands of mature pine. The mature pine generally needs to be approximately 60 years old or older. There are no mature, open pine stands within the project site. Therefore, the project will have no effect on this species.

American Alligator

Status: Federally-Listed Threatened due to Similarity of Appearance

Biological Determination: No consultation necessary; No Effect

Species listed as threatened due to similarity of appearance to another species that is listed as threatened are not biologically endangered and are not subject to Section 7 consultation. The American alligator is regulated due to their similarity to several related species such as crocodiles and caimans, which are imperiled. American alligators are found in fresh or brackish marshes, ponds, lakes, rivers, swamps, and canals. While a beaver-impounded wetland is located within the evaluation area, the area is not likely to be able to support the American alligator. In addition, the project will not result in the harvest or legal trade of the animals and therefore does not require Section 7 consultation. There will be no effect on the American alligator as a result of this species.

Monarch Butterfly

Status: Candidate Species

Biological Determination: No consultation necessary

The Monarch butterfly is under consideration for official listing as a candidate species. There are generally no section 7 requirements for candidate species. Adult monarch butterflies are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. The black border has a double row of white spots, present on the upper side of the wings. Adult monarchs are sexually dimorphic, with males having



narrower wing venation and scent patches. The bright coloring of a monarch serves as a warning to predators that eating them can be toxic. During the breeding season, monarchs lay their eggs on their obligate milkweed host plant (primarily *Asclepias* spp.) and the larvae feed on milkweed. Milkweed species are commonly found in open areas such as meadows, old fields, woodland edges, roadsides, utility lines, and other open areas.

No critical habitat has been designated for this species and as a candidate species, the monarch butterfly is not currently subject to protection under the Endangered Species Act. In the event that the monarch butterfly becomes listed as endangered or threatened under the Endangered Species Act before the project is initiated, a survey should be conducted if recommended by the USFWS.

American chaffseed

Status: Federally-Listed Endangered

Biological Determination: No effect

American chaffseed is an erect, perennial herb that grows to a height of 12 to 24 inches tall. The entire plant, including the leaves and flowers, are covered with fine hairs. Chaffseed has simple, alternate leaves that are lance-shaped to elliptical. The leaves are one to two inches long and approximately 0.5 inch wide, ascending and reduced upwards. The flowers are in a terminal raceme with two bracts at the base of the calyx and one at the stalk base of each flower. The bracts and leaves are purplish tinged. The corollas range from creamy yellow to purple-tinted green with rose-tinted green and are shaped like turtle's heads. The fruit resembles a capsule that is divided into four sections that shed numerous, winged seeds. The seeds are linear and greenish-brown in color. The flowering occurs in May through June, with the fruiting period occurring June through July. American chaffseed is found in moist to dry sandy soils in the Coastal Plain. The species prefers fire-maintained areas such as the margins of wet savannas and open, moist pine flatwoods. American chaffseed also occurs within open grass and sedge systems. The species depends on a fluctuating water table and frequent fire to maintain the open habitat it requires.

The site does not contain sandy areas such as open, moist pine flatwoods or wet savannas, and is not maintained by fire or other regular disturbance events. Therefore, the site does not contain suitable habitat for the American chaffseed and there will be no effect on this species.

Michaux's sumac

Status: Federally-Listed Endangered

Biological Determination: No effect

Michaux's sumac is a rhizomatous, densely hairy shrub with erect stems approximately one to three feet in height. The compound leaves are evenly serrated, oblong to lanceolate, acuminate leaflets. Flowers are small, borne in a terminal, erect, dense cluster and are greenish yellow to white in color. Michaux's sumac flowers between June and July and the fruit, a red drupe, is produced through the months of August to October.



Michaux's sumac grows in sandy or rocky open woods in association with basic soils, surviving best in areas where some form of disturbance has provided an open area. In North Carolina, observed populations have been identified on highway rights-of-way, roadsides, or on the edges of artificially maintained clearings. It is commonly observed with species such as pitchfork crowngrass (*Paspalum bifidum*), woodland sunflower (*Helianthus divaricatus*), Carolina fluffgrass (*Tridens carolinianus*), winged sumac (*Rhus copallinum*), green silkyscale (*Anthraenantia villosa*), skeletongrass (*Gymnopogon* sp.), and woolysheath threeawn (*Aristida lanosa*). This species does not tolerate shade or wet soils.

Marginal habitat is present within the maintained areas adjacent the Lowell Harris Road. However, soils within this area are not suitable for the Michaux's sumac due to their nature as fill material. The soils present are primarily composed of clay and have been compacted. Species present are not ones that are commonly observed with the Michaux's sumac. While not within the official survey window, a pedestrian survey did not identify any individuals of the species. While marginal suitable habitat is present in the form of open woods with regular disturbance, soil characteristics in the site make the site unsuitable for Michaux's sumac and therefore, there will be no effect on Michaux's sumac.

Pondberry

Status: Federally-Listed Endangered

Biological Determination: No effect

Pondberry is a deciduous shrub that reaches a height of approximately six feet. In the spring, the shrub has pale yellow flowers that emerge before the leaves. The fruit are approximately half an inch long and turn from green in the summer to red in the fall. This species is distinguished from other spicebush species by drooping foliage, a round or obtuse leaf base, conspicuous venation, and the lowest pairs of lateral nerves, which are not parallel to the ones above. The leaves have a distinctive odor similar to sassafras when crushed. This species is associated with wetland habitats such as pondcypress savannas, wet flats and depressions, generally with pocosin shrubs. They generally prefer shade but can also be found in full sun and is often found in the vicinity of pocosin shrubs. Depressions within the site that would provide suitable habitat are the probable result of waste settling and no shrubs commonly associated with pocosins are present. The surrounding landscape does not contain the types of habitat conditions associated with pondberry. Therefore, there is no suitable habitat present for pondberry within the site and there will be no effect on this species.

Rough-leaved Loosestrife

Status: Federally-Listed Endangered

Biological Determination: No effect

Rough-leaved loosestrife is a perennial herb that grows approximately one to two feet tall. The leaves are triangular shaped and are often opposite on shorter stems and tend to be arranged in whorls of three or four encircling taller stems. Leaves are wider at the base, have three prominent vein, and are smooth. The flowers are yellow, approximately 0.5 inch across with yellow-orange anthers, and occur on terminal racemes that are one to four inches long. The plant flowers from mid-May through June with capsule fruits present from July through October. The rough-leaved loosestrife generally occurs in the ecotones or edges between longleaf pine uplands



and pond pine pocosins on moist to seasonally saturated sands or on shallow organic soils overlaying sands. It has also been found on deep peat in the low shrub community of large Carolina bays. These areas are generally areas of dense shrub and vine growth usually on wet, peaty, poorly drained soil. There are no longleaf pine uplands or pond pine pocosins within the site and no seasonally saturated sands or on shallow organic soils. Therefore, there is no suitable habitat for the rough-leaved loosestrife and it is anticipated that this project will have no effect on the rough-leaved loosestrife.

◆ CONCLUSIONS

Based on the readily available information and a review of habitat conditions, no suitable habitat is present for the bald eagle, red-cockaded woodpecker, American alligator, American chaffseed, Michuax's sumac, pondberry, or rough-leaved loosestrife, resulting in a "no effect" determination for these species.

Because the site contains suitable habitat for the tricolored bat, the project would most likely have a 'may affect, likely to adversely affect' determination if the species were to be listed before any tree clearing took place. However, the species is not currently listed, and therefore does not currently require consultation. The monarch butterfly also does not require consultation due to its listing status as a candidate species. In the event that the monarch butterfly is listed before the project is initiated, further consultation may be required.

If there are questions concerning the evaluation, please contact Ashley Bentz at 919-896-0758, or abentz@smeinc.com.

A handwritten signature in blue ink, appearing to read 'Walter Cole'.

Walter Cole, L.S.S., R.E.H.S.
Senior Project Manager

A handwritten signature in blue ink, appearing to read 'Ashley Bentz'.

Ashley Bentz, P.W.S.
Project Scientist

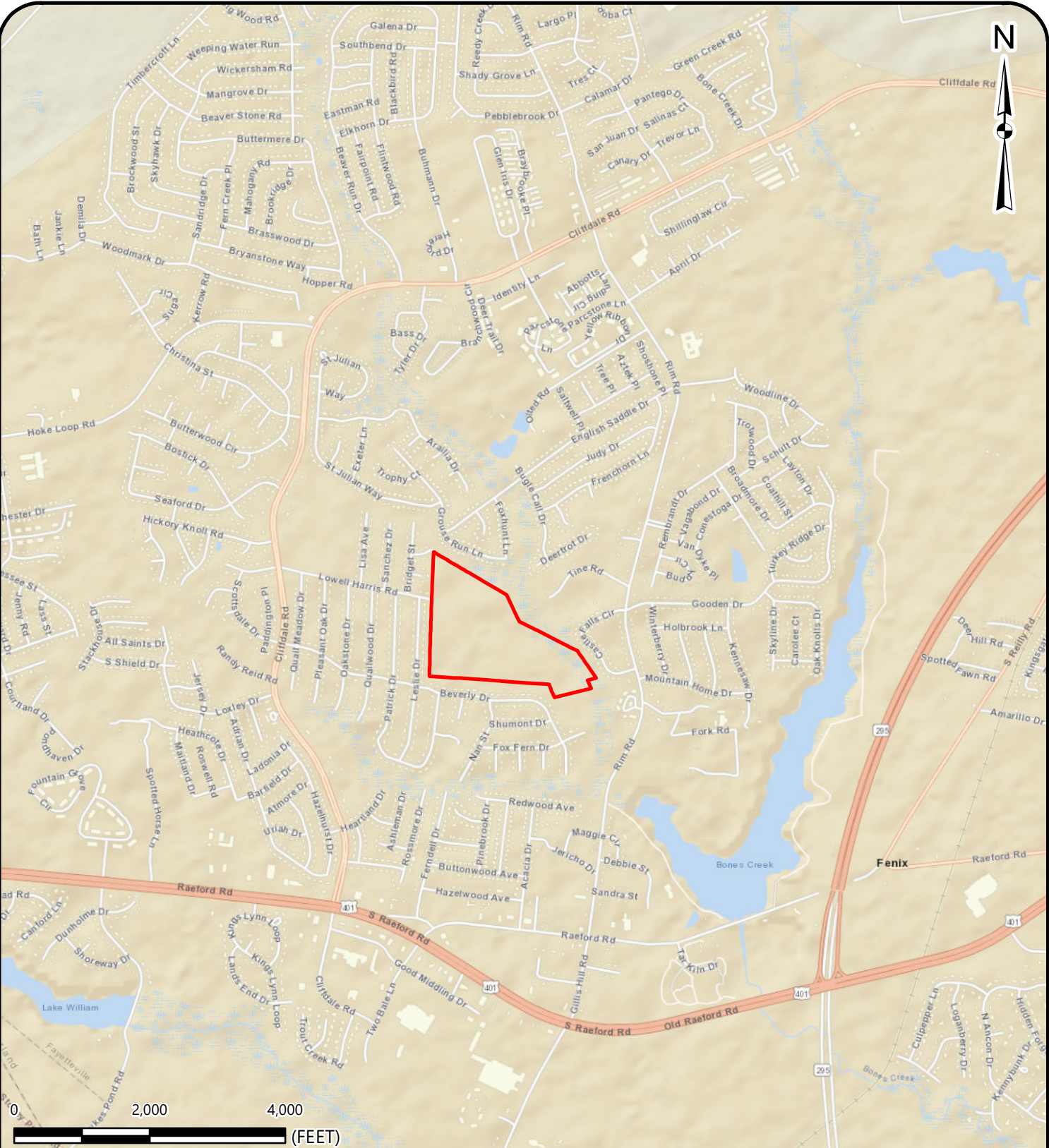
Enclosures

Qualifications

The field survey was led by Ashley Bentz of S&ME. Ms. Bentz is a biologist and staff scientist with twelve years of experience in environmental and natural resources consulting. Ms. Bentz is proficient in conducting wetland delineations, environmental permitting activities, and habitat assessments, including protected species surveys. She holds a B.S. degree in Environmental Studies from Elon University with minors in Biology and Geographic Information Systems and has a Master of Natural Resources degree from North Carolina State University with a focus on ecological restoration. She possesses the knowledge and competence in evaluating impacts of construction projects on wildlife, fish, and flora and their habitats.


Attachments

Attachment I – Additional Figures

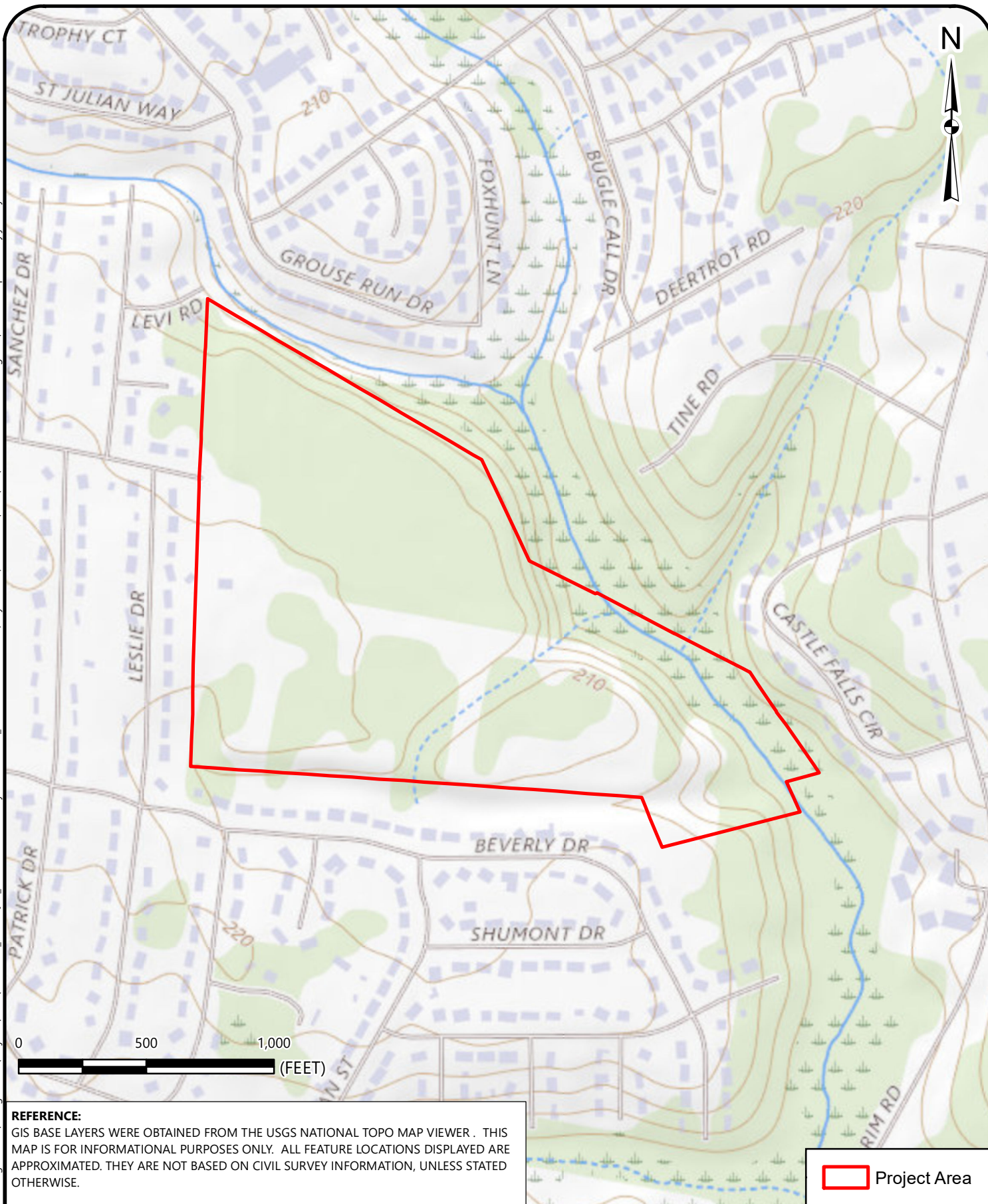


REFERENCE:
 GIS BASE LAYERS WERE OBTAINED FROM THE ESRI STREET MAP VIEWER. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

 Project Area

	VICINITY EXHIBIT	SCALE: 1" = 2,000'	FIGURE NO.
	CUMBERLAND COUNTY/ CLIFFDALE LANDFILL 7583 LOWELL HARRIS ROAD	DATE: 5-8-24	1
	FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA	PROJECT NUMBER 23050459	

Drawing Path: T:\Raleigh-1050\Projects\2023\23050459_NCDEQ LF_Cumberland County - Cliffdale LF_7583 Lowell Harris Rd, Fayetteville, NC 28314\ENNA\GIS\Wetland Delineation Figures\USGS.mxd plotted by jmabry 02-29-2024



REFERENCE:

GIS BASE LAYERS WERE OBTAINED FROM THE USGS NATIONAL TOPO MAP VIEWER . THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

 Project Area



USGS TOPOGRAPHIC EXHIBIT

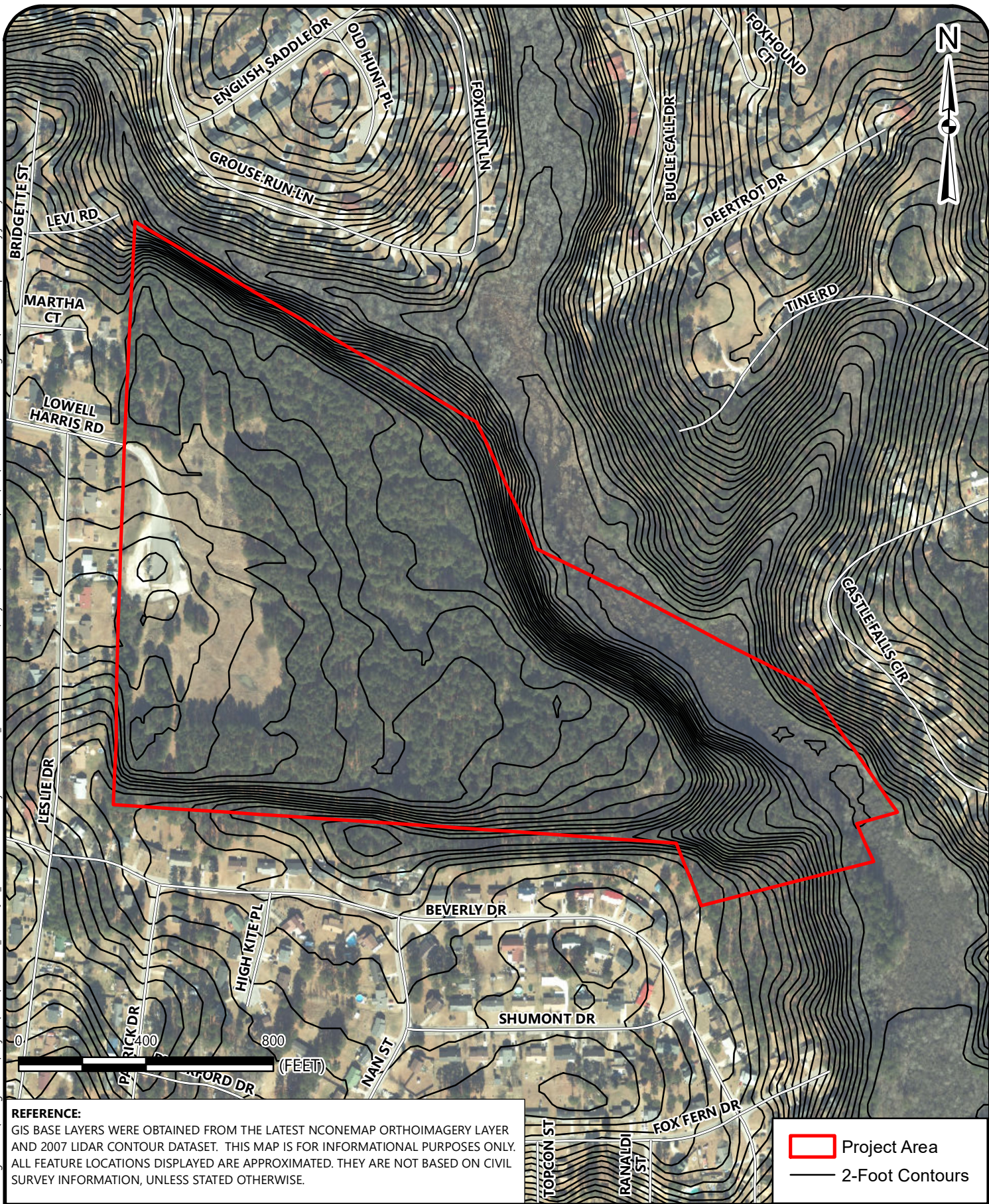
CUMBERLAND COUNTY/ CLIFFDALE LANDFILL
7583 LOWELL HARRIS ROAD
FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA

SCALE:
1" = 500'
DATE:
2-29-24
PROJECT NUMBER
23050459

FIGURE NO.

2

Drawing Path: T:\Raleigh-1050\Projects\2023\23050459_NCDEQ LF Cumberland County - Cliffdale LF 7583 Lowell Harris Rd, Fayetteville, NC 28314\ENVA\GIS\Wetland Delineation Figures\TOPO.mxd plotted by jimaby 02-29-2024



REFERENCE:

GIS BASE LAYERS WERE OBTAINED FROM THE LATEST NCONEMAP ORTHOIMAGERY LAYER AND 2007 LIDAR CONTOUR DATASET. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

- Project Area
- 2-Foot Contours



SITE EXHIBIT

CUMBERLAND COUNTY/ CLIFFDALE LANDFILL
 7583 LOWELL HARRIS ROAD
 FAYETTEVILLE, CUMBERLAND COUNTY, NORTH CAROLINA

SCALE:
 1" = 400'
 DATE:
 2-29-24
 PROJECT NUMBER
 23050459

FIGURE NO.
3

Attachment II – Photo Log



1 Representative view of beaver impounded wetland along eastern property boundary.



2 Representative view of beaver impounded wetland along eastern property boundary.



3 Representative view of upland areas with the assessment area.



4 Representative view of upland areas with the assessment area.



**Site Photographs
Cliffdale Landfill
Fayetteville, North Carolina**

S&ME Project No. 23050459

Taken by: W. Cole, J. Mabry

Date Taken: March 2024



5 Representative view of small, isolated wetlands on the landfill cap.



6 Representative view of small, isolated wetlands on the landfill cap.



7 Representative view of upland area within maintained landfill cap.



8 Representative view of upland area within maintained landfill cap.



**Site Photographs
Cliffdale Landfill
Fayetteville, North Carolina**

S&ME Project No. 23050459

Taken by: W. Cole, J. Mabry

Date Taken: March 2024

Attachment III– IPaC and NCNHP Automated Reports



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Raleigh Ecological Services Field Office
3916 Sunset Ridge Rd
Raleigh, NC 27607-3726
Phone: (919) 856-4520 Fax: (919) 856-4556

In Reply Refer To:
Project Code: 2024-0058318
Project Name: Cliffdale Landfill

March 05, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Raleigh Ecological Services Field Office

3916 Sunset Ridge Rd

Raleigh, NC 27607-3726

(919) 856-4520

PROJECT SUMMARY

Project Code: 2024-0058318
Project Name: Cliffdale Landfill
Project Type: Landfill - Solid Waste
Project Description: Existing pre-regulatory landfill
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.0430154,-79.05459312052972,14z>



Counties: Cumberland County, North Carolina

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered

REPTILES

NAME	STATUS
American Alligator <i>Alligator mississippiensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/776	Similarity of Appearance (Threatened)

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
American Chaffseed <i>Schwalbea americana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1286	Endangered
Michaux's Sumac <i>Rhus michauxii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5217	Endangered
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279	Endangered
Rough-leaved Loosestrife <i>Lysimachia asperulaefolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2747	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: S&ME, Inc.

Name: Ashley Bentz

Address: 3201 Spring Forest Road

City: Raleigh

State: NC

Zip: 27616

Email: abentz@smeinc.com

Phone: 9198960758



Roy Cooper, Governor

D. Reid Wilson, Secretary

Misty Buchanan
Deputy Director, Natural Heritage Program

NCNHDE-25195

March 5, 2024

Ashley Bentz
S&ME, Inc.
3201 Spring Forest Road
Raleigh, NC 27616
RE: Cliffdale Landfill

Dear Ashley Bentz:

The North Carolina Natural Heritage Program (NCNHP) appreciates the opportunity to provide information about natural heritage resources for the project referenced above.

A query of the NCNHP database indicates that there are records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. These results are presented in the attached 'Documented Occurrences' tables and map.

The attached 'Potential Occurrences' table summarizes rare species and natural communities that have been documented within a one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists. Tables of natural areas and conservation/managed areas within a one-mile radius of the project area, if any, are also included in this report.

If a Federally-listed species is documented within the project area or indicated within a one-mile radius of the project area, the NCNHP recommends contacting the US Fish and Wildlife Service (USFWS) for guidance. Contact information for USFWS offices in North Carolina is found here: <https://www.fws.gov/offices/Directory/ListOffices.cfm?statecode=37>.

Please note that natural heritage element data are maintained for the purposes of conservation planning, project review, and scientific research, and are not intended for use as the primary criteria for regulatory decisions. Information provided by the NCNHP database may not be published without prior written notification to the NCNHP, and the NCNHP must be credited as an information source in these publications. Maps of NCNHP data may not be redistributed without permission.

Also please note that the NC Natural Heritage Program may follow this letter with additional correspondence if a Dedicated Nature Preserve, Registered Heritage Area, Land and Water Fund easement, or an occurrence of a Federally-listed species is documented near the project area.

If you have questions regarding the information provided in this letter or need additional assistance, please contact the NCNHP at natural.heritage@dncr.nc.gov.

Sincerely,
NC Natural Heritage Program

Natural Heritage Element Occurrences, Natural Areas, and Managed Areas Intersecting the Project Area
Cliffdale Landfill
March 5, 2024
NCNHDE-25195

No Element Occurrences are Documented within the Project Area

There are no documented element occurrences (of medium to very high accuracy) that intersect with the project area. Please note, however, that although the NCNHP database does not show records for rare species within the project area, it does not necessarily mean that they are not present; it may simply mean that the area has not been surveyed. The use of Natural Heritage Program data should not be substituted for actual field surveys if needed, particularly if the project area contains suitable habitat for rare species. If rare species are found, the NCNHP would appreciate receiving this information so that we may update our database.

No Natural Areas are Documented within the Project Area

Managed Areas Documented Within Project Area *

Managed Area Name	Owner	Owner Type
Cumberland County Open Space	Cumberland County	Local Government

* NOTE: If the proposed project intersects with a conservation/managed area, please contact the landowner directly for additional information. If the project intersects with a Dedicated Nature Preserve (DNP), Registered Natural Heritage Area (RHA), or Federally-listed species, NCNHP staff may provide additional correspondence regarding the project.

Definitions and an explanation of status designations and codes can be found at <https://ncnhde.natureserve.org/help>. Data query generated on March 5, 2024; source: NCNHP, Winter (January) 2024. Please resubmit your information request if more than one year elapses before project initiation as new information is continually added to the NCNHP database.

Natural Heritage Element Occurrences, Natural Areas, and Managed Areas Within a One-mile Radius of the Project Area
Cliffdale Landfill
March 5, 2024
NCNHDE-25195

Element Occurrences Documented Within a One-mile Radius of the Project Area

Taxonomic Group	EO ID	Scientific Name	Common Name	Last Observation Date	Element Occurrence Rank	Accuracy	Federal Status	State Status	Global Rank	State Rank
Butterfly	8676	<i>Neonympha mitchellii francisci</i>	Saint Francis' Satyr	2017	E	3-Medium	Endangered	Significantly Rare	G2T1	S1
Crustacean	32580	<i>Cambarus hystricosus</i>	Sandhills Spiny Crayfish	2004-10-29	E	3-Medium	---	Significantly Rare	G2	S2
Dragonfly or Damselfly	33740	<i>Somatochlora georgiana</i>	Coppery Emerald	2004-Pre	H?	5-Very Low	---	Significantly Rare	G3G4	S1?
Dragonfly or Damselfly	33780	<i>Stylurus ivae</i>	Shining Clubtail	2004-Pre	H?	5-Very Low	---	Significantly Rare	G4	S1?
Freshwater Fish	31812	<i>Enneacanthus chaetodon</i>	Blackbanded Sunfish	2003-10-20	E	3-Medium	---	Significantly Rare	G3G4	S3
Grasshopper or Katydid	36810	<i>Melanoplus coreyi</i>	a Spur-throat Grasshopper	1952-09-12	H	3-Medium	---	Significantly Rare	GNR	S1
Reptile	34716	<i>Farancia erytrogramma</i>	Rainbow Snake	1967-07-13	H	3-Medium	---	Significantly Rare	G4	S3
Vascular Plant	6752	<i>Astragalus michauxii</i>	Sandhills Milk-vetch	1954-05-10	X	4-Low	---	Special Concern Vulnerable	G3	S3

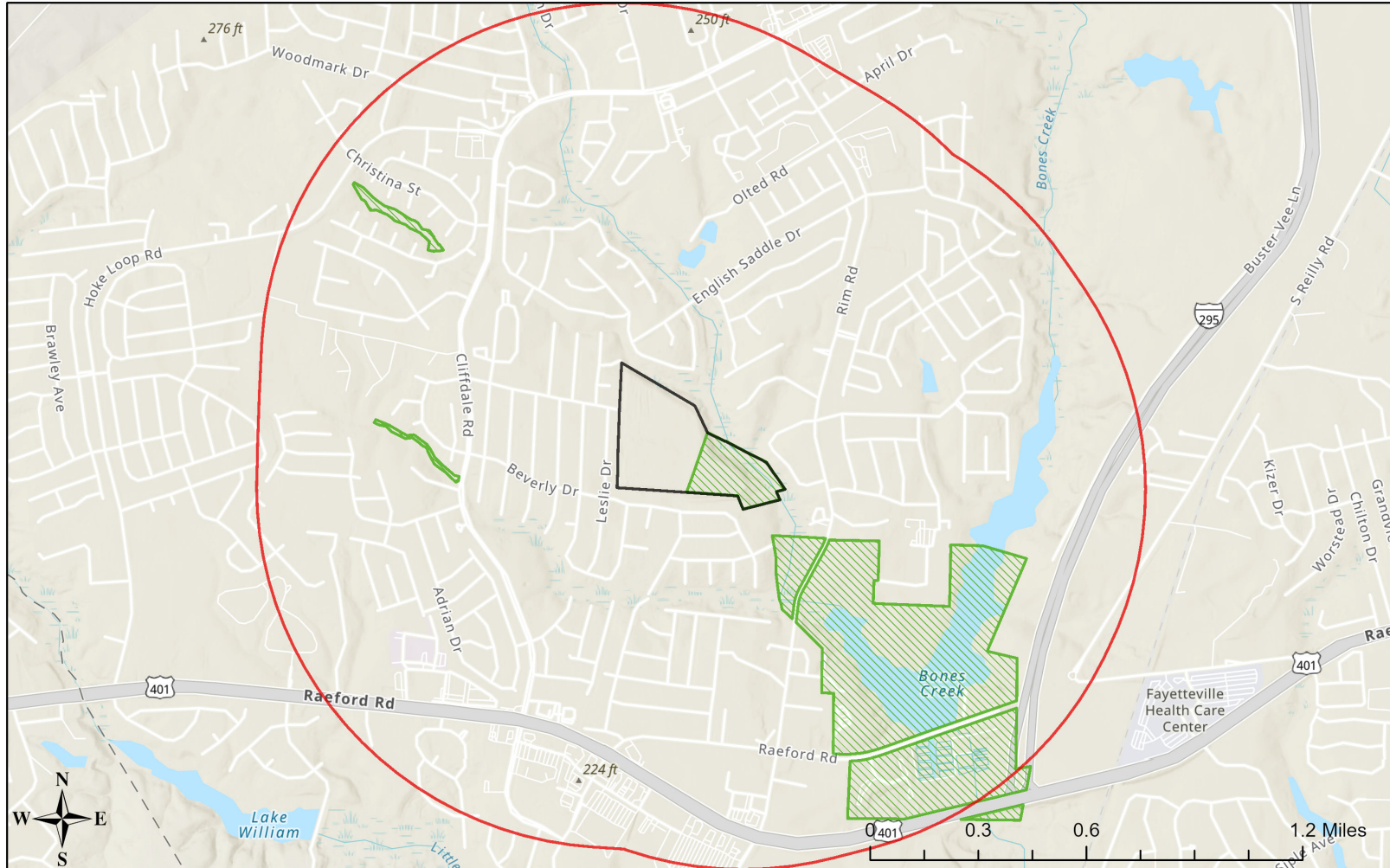
No Natural Areas are Documented Within a One-mile Radius of the Project Area

Managed Areas Documented Within a One-mile Radius of the Project Area




Managed Area Name	Owner	Owner Type
City of Fayetteville Open Space	City of Fayetteville	Local Government
City of Fayetteville Open Space	City of Fayetteville	Local Government
Cumberland County Open Space	Cumberland County	Local Government
Fayetteville Fish Hatchery	NC Wildlife Resources Commission	State

Definitions and an explanation of status designations and codes can be found at <https://ncnhde.natureserve.org/help>. Data query generated on March 5, 2024; source: NCNHP, Winter (January) 2024. Please resubmit your information request if more than one year elapses before project initiation as new information is continually added to the NCNHP database.

NCNHDE-25195: Cliffdale Landfill



March 5, 2024

-  Managed Area (MAREA)
-  Buffered Project Boundary
-  Project Boundary

Esri, NASA, NGA, USGS, FEMA
State of North Carolina DOT, Esri, TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,
USDA, USFWS