



2401 Brentwood Rd, Suite 107
Raleigh, NC 27604
P (919) 873-2211
Terracon.com

November 27, 2023

To: Chatham County Board of Commissioners

Re: Anfield Estates

Terracon Consultants, Inc. (Terracon) has served as the environmental consultant for the Anfield Estates project. I, personally, have been on the site several times over the past year evaluating the property for wetlands, streams, riparian buffers, threatened and endangered species and/or habitat. I have been an environmental consultant for 30 years; 25 of which have been right here in North Carolina. It is my understanding that a neighbor has raised concerns regarding the presence of bald eagles and red-cockaded woodpeckers (RCWs) and questioned why the U.S. Fish and Wildlife Service (USFWS) is not involved in the Anfield Estates project. These are simple concerns to address, and I have provided my responses below.

Based on Terracon's site work and assessment, we can say with confidence that the project site does not contain suitable nesting habitat for RCWs, which consists of mature and often dead or dying pines that are approximately 60 years in age. The North Carolina Natural Heritage Program (NCNHP) report documents prior occurrences of the RCW within one mile of the site. This RCW occurrence is considered by NCNHP to be Historic, and the report notes that the RCW was last observed in 1984 when there were some remaining birds on the nearby Jordon Lake Game Lands. Extensive surveys for RCW have been conducted on the Game Lands by USFWS as well as the North Carolina Wildlife Resource Commission (NCWRC) and RCWs are no longer believed to be present in the area. The Anfield Estates development would have no effect on the RCW.

The commentor also stated that development of the property would affect the bald eagle. This simply is not accurate. Although bald eagle is known from the area, particularly around Jordon Lake, the Anfield Estates property possesses no characteristics that would distinguish it as being habitat for the bald eagle. Furthermore, the last documented occurrence of bald eagle within one mile of the property, per NCNHP data, was in 1997. That doesn't imply they are not present around Jordon Lake, but the Anfield Estates property, in no way, provides any measure of habit for this species. The Anfield Estates development would have no effect on the bald eagle.

The project does not have impacts to any wetlands or streams. Therefore, the project does not require a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Absent any federal permitting, such as a Section 404 permit, USFWS involvement is not triggered and is not required. The following is a quote from Rachel Capito of USACE when asked about USFWS involvement regarding a project that has no Section 404 permit review.

"If there is no federal trigger (no permits, funding, or other federal involvement) then there is no federal hook for the Endangered Species Act review under Section 7; unless there is a known listed species or habitat within the project area, and you need an Incidental Take Permit, which you would do directly with USFWS through Section 10 consultation."

To summarize, the Anfield Estates property does not provide habitat for RCW or bald eagle. The development of this project will have no detrimental effects on either species. USFWS does comment on developments that do not trigger a federal action (*i.e.* Section 404 permit) unless there are **known occurrences** of protected species on the site.

Sincerely,
Terracon Consultants, Inc.

A handwritten signature in black ink, appearing to read 'Jeff W. Harbour'.

Jeff W. Harbour
Senior Professional Wetland Scientist

Attachment: NCNHP Report



Roy Cooper, Governor

D. Reid Wilson, Secretary

Misty Buchanan
Deputy Director, Natural Heritage Program

NCNHDE-24099

November 27, 2023

Robert Turnbull
Terracon Consultants, Inc.
2401 Brentwood Road, Suite 107
Raleigh, NC 27604
RE: Anfield

Dear Robert Turnbull:

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
Anfield
November 27, 2023
NCNHDE-24099

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
B. Everett Jordan Dam and Lake	US Army Corps of Engineers	Federal

* 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 November 27, 2023; source: NCNHP, Fall (October) 2023. 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
 Anfield
 November 27, 2023
 NCNHDE-24099

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
Bird	8539	Dryobates borealis	Red-cockaded Woodpecker	1984	H	3-Medium	Endangered	Endangered	G3	S2
Bird	11164	Haliaeetus leucocephalus	Bald Eagle	1997	H?	3-Medium	Bald/Golden Eagle Protection Act	Threatened	G5	S3B,S3N

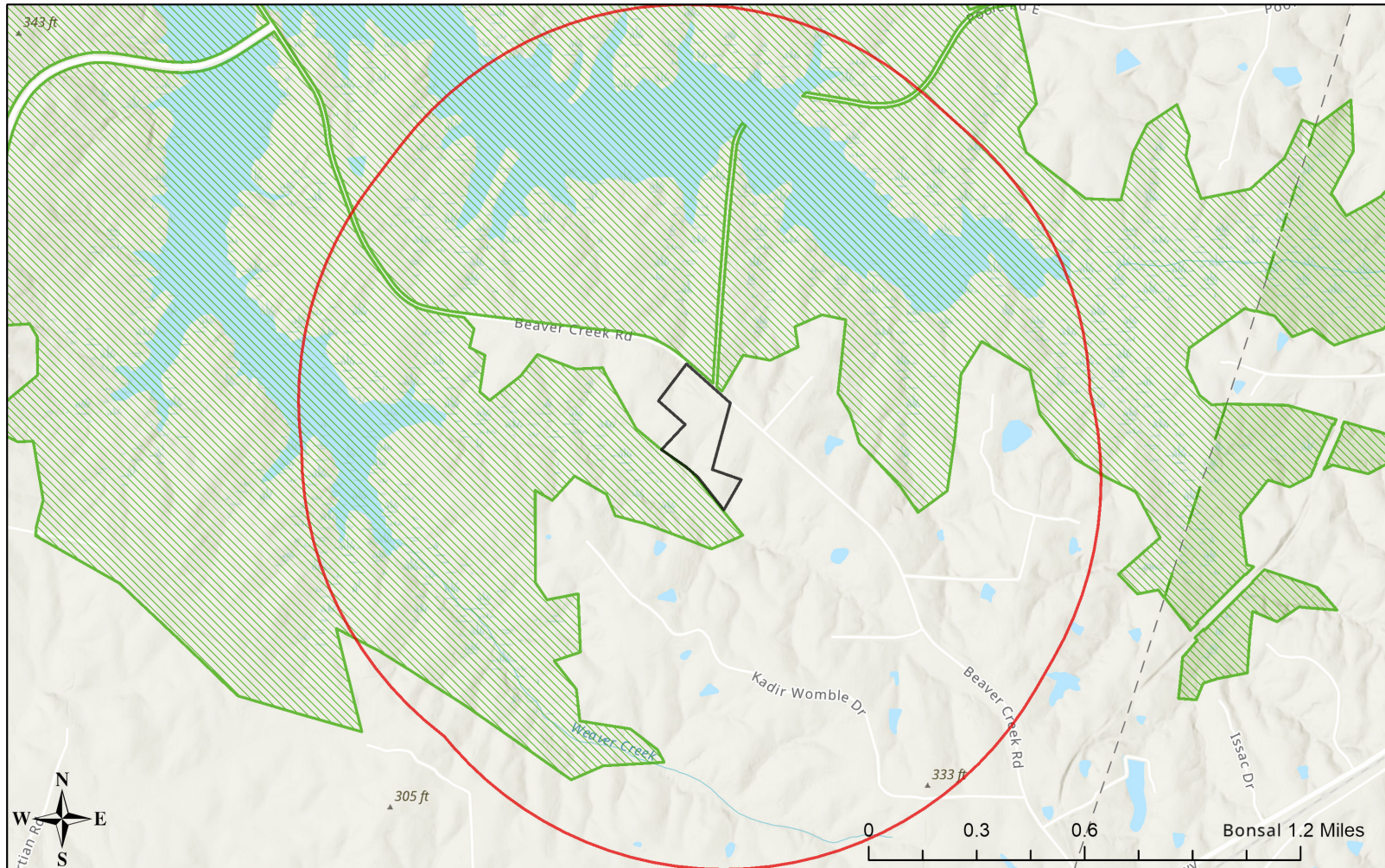
No Natural Areas are Documented Within a One-mile Radius of the Project Area

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




Managed Area Name	Owner	Owner Type
B. Everett Jordan Dam and Lake	US Army Corps of Engineers	Federal

Definitions and an explanation of status designations and codes can be found at <https://ncnhde.natureserve.org/help>. Data query generated on November 27, 2023; source: NCNHP, Fall (October) 2023. 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-24099: Anfield



November 27, 2023

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

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community