



**U.S. Department  
of Transportation  
Federal Highway Administration**

**North Carolina Division**

August 8, 2024

310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601  
(919) 856-4346  
[www.fhwa.dot.gov/ncdiv](http://www.fhwa.dot.gov/ncdiv)

Mr. Pete Benjamin  
Field Supervisor  
U.S. Fish and Wildlife Service  
Raleigh Field Office  
551F Pylon Drive  
Raleigh, NC 27606

Dear Mr. Benjamin:

The Federal Highway Administration (FHWA) requests re-initiation of formal consultation, and initiation of formal conference with the U.S. Fish and Wildlife Service (USFWS) in accordance with Sections 7(a)(2) and 7(a)(4) of the Endangered Species Act of 1973 (ESA), as amended, for potential effects to:

- the Green Floater (*Lasmigona subviridis*) (federal status – proposed as threatened),
- Green Floater designated Critical Habitat (federal status – proposed)

This formal consultation/conference is for the R-2829 section of the Complete 540, Triangle Expressway Southeast Extension project in Wake County, NC.

Consultation history summary –

- FHWA submitted a consultation initiation package, including a biological assessment (BA) on 12-6-17
- A biological opinion (BO) with an incidental take statement (ITS) was issued by USFWS on 4-11-18
- FHWA submitted a consultation re-initiation package on 7-16-19
- USFWS issued a biological/conference opinion (BCO) on 10-15-19

FHWA anticipates that the Green Floater, along with designated Critical Habitat, will be formally listed under the ESA in the near future. A Biological Assessment (BA) addendum has been prepared for the project and is attached to this letter. The BA addendum includes:

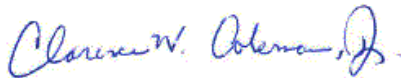
- a description of the action being considered;
- a description of the area that may be affected by the action;
- a description of Green Floater and Green Floater Critical Habitat that may be affected by the action;
- updated freshwater mussel survey results (Appendix B); and

- density estimates of the Green Floater population within the Action Area, which is anticipated to be adversely affected by the proposed Project crossing of the Neuse River (Appendix C).

Our biological conclusion/determination for the Green Floater, and Green Floater Critical Habitat is “May Affect, Likely to Adversely Affect” due to potential direct, and indirect effects associated with the R-2829 section of the Complete 540 project.

Please review the attached BA addendum and provide us with an updated Biological/Conference Opinion that includes the Green Floater, and Green Floater Critical Habitat. If you have any questions, please contact Donnie Brew at (919) 747-7017, or [donnie.brew@dot.gov](mailto:donnie.brew@dot.gov).

Sincerely,



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for Yolonda Jordan  
Division Administrator  
North Carolina Division

Attachment:

Complete 540 project - Biological Assessment addendum (including the following):

- Appendix A – Figure 1. R-2829 Action Area in Neuse River Vicinity
- Appendix B – 2024 R-2829 Freshwater Mussel Survey Report
- Appendix C – R-2829 Green Floater Density Estimate Analysis

cc: Jared Gray, NCDOT, Environmental Analysis Unit, Biological Surveys Group (w/o attachment)

cc: Tyler Stanton, NCDOT, Environmental Analysis Unit, Biological Surveys Group Leader (w/o attachment)