



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 30, 2013
Comment Deadline: June 30, 2013
Corps Action ID Number: SAW-2005-11122

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army (DA) authorization to discharge dredged or fill material into waters of the United States associated with reconstruction of US 17 Business/ NC 37 (North Church Street) from south of the Perquimans River bridge to NC 37 between Hertford and Winfall in Perquimans County, North Carolina.

Specific alignment alternatives and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: North Carolina Department of Transportation
Project Development and Environmental Analysis Unit
Attention: Dr. Gregory Thorpe, Manager
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Authority

The Corps evaluates this application to compare alternatives that have been carried forward for detailed study pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

In order to more fully integrate Section 10 and Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps is soliciting public comment on the merits of this proposal and on the alternatives evaluated in the Federal Highway Administration (FHWA) Environmental Assessment (EA) of

area, the margin between upland and wetland often occurs within the bottomland hardwood forest.

Water resources in the study area are part of the Pasquotank River Basin. The study area drains to the Perquimans River, which flows through the study area and into the Albemarle Sound which is approximately 11 miles downstream of the bridge. A jurisdictional channel is located parallel to the railroad tracks in the southwestern portion of the study area.

Applicant's Stated Purpose

The purpose of the project is to provide a direct, reliable route between Hertford and Winfall. The causeway and bridge both show significant deterioration and present ongoing maintenance problems, jeopardizing the ability to provide reliable direct connectivity from downtown Hertford to Winfall. Replacing the bridge with a new structure will provide more reliable connectivity. This link provides a vital tie between the two communities and is important for sustaining the economic vitality of both towns, maintaining community cohesion, providing a school bus route within Perquimans County, and providing direct access for residents without a vehicle to travel between Hertford and Winfall.

Project Description

The applicant proposes to replace the existing Bridge Number 8 over the Perquimans River and the existing causeway between the bridge and North Carolina Highway 37 north of the Town of Hertford.

Detailed Study Alternatives

No Build Alternative

Typically, the No Build alternative implies no action will be taken. In this situation, since a no action alternative would create an unsafe situation on both the bridge and causeway, the No Build alternative would involve continuing to maintain and repair the bridge and causeway until NCDOT determined that it was no longer practical or safe to do so. At that time, the bridge and causeway would be closed permanently, and traffic would be shifted to US 17 Bypass. The No Build alternative would not meet the project purpose and need, but serves as a basis for comparing impacts and benefits of the build alternatives.

Three construction alternatives were evaluated in detail by the applicant:

Alternative B 15-Foot Swing Span: This alternative consists of constructing a new swing-span bridge with 15 feet of clearance on a new location and building a new low structure on the causeway. The 15 foot height would allow most of the vessels using the waterway to cross without opening the bridge.

Alternative D-Mod 33-Foot Fixed: This alternative involves replacing the existing structure with a causeway with a fixed-span bridge with 33 feet of clearance. The new structure would be located east of the existing bridge and causeway.

Alternative E 33-Foot Fixed: This alternative involves replacing the existing structure with a causeway with a fixed-span bridge with 33 feet of clearance. The new structure would be located west of the existing bridge and causeway.

Figure 2A, 2B and 2C of the attached plans shows the various alternatives. The attached Table 1 identifies the proposed impacts to streams and wetlands from these alternatives. There are no impacts to stream channels proposed. Wetland impacts are 0.07 acres for all of the alternatives.

Compensatory Mitigation

The purpose of compensatory mitigation is to replace the lost functions from a project's impacts to Waters of the United States, including wetlands. Appropriate and practicable compensatory mitigation will be required for unavoidable impacts from the construction of the intersection of US 17 Business and NC 37 on the north side of the project area. The applicant will make every effort to provide on-site mitigation where possible. Any mitigation requirements not provided on-site will be met off-site through utilization of the North Carolina Ecosystem Enhancement Program.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project may affect, but not likely to adversely affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Federal Highway Administration (FHWA), the lead federal agency for cultural resources coordination on this project, has determined that registered properties, or properties listed as being eligible for inclusion on the National Register of Historic Places (NRHP) are located within the project area and/or will be affected by the proposed work. Two historic structures: Bridge Number 8 and the Hertford Water Works and Ice Plant are eligible for listing on the NRHP. The bridge is one of the oldest examples of a Warren thru truss in the state. Only seven swing spans (pre-1962) of any kind existed in the state as of 2007. The Hertford Historic District is listed on the NRHP. The applicant has determined that two properties, The Hertford Historic District and the Hertford Water Works and Ice Plant would see "No Adverse Effect" from the selected alternatives given

certain conditions agreed upon with the State Historic Preservation Office regarding the acquisition of right-of-way and avoidance of construction impacts. All of the proposed alternatives would adversely effect the historic Bridge Number 8 because they involve demolition of the historic truss. A memorandum of Agreement between FHWA and the State Historic Preservation Office (SHPO) concerning the adverse effect of the project on Bridge Number 8 will be prepared following selection of the preferred alternative. No known archaeological resources are located within the project area and no archaeological investigation was recommended by SHPO.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat. Atlantic Sturgeon and West Indian Manatee may be effected by the proposed project. Further evaluation and coordination concerning these species will be included in the final environmental document.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Quality (NCDWQ): The Corps will generally not make a final permit decision until the NCDWQ issues, denies, or waives State Certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality Central Office in Raleigh constitutes initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional

information regarding the Clean Water Act Certification may be reviewed at the NCDWQ Central Office, Transportation Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so, in writing, by June 30, 2013 to:

NCDWQ Central Office
Attention: Ms. Amy Chapman
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM): The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt,, concurrence or objection from the NCDCM.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of

the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to select the least environmentally damaging practicable alternative (LEDPA) for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 30, 2013. Comments should be submitted to Tracey Wheeler, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4627.