



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 18, 2014
Comment Deadline: January 16, 2015
Corps Action ID Number: SAW-2008-00528

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NCDOT), seeking Department of the Army (DA) individual permit authorization to impact approximately 46.91 acres of DA jurisdictional wetlands and 4281 linear feet of jurisdictional streams associated with improvements to a 16-mile portion of US Highway 17. The project area begins at SR-1330 (Deppe Loop Road) / SR-1439 (Springhill Road) near Belgrade and ends at the southern terminus of the New Bern Bypass, near the Jones/Craven County line, south of New Bern, North Carolina. (NCDOT TIP No. R-2514 Sections B, C, and D)

Specific plans and location information are described below. To review these plans and associated drawings, please click on this link to be taken to the NCDOT Web Site: <https://connect.ncdot.gov/resources/Environmental/>. When you get to the NC DOT web site, click on Permit Applications on the right side of the screen, and then scroll down to find the file for TIP Project R-2514 B, C, D. You can also view them in person at the Washington Regulatory Field Office. This Public Notice is available on the Wilmington District Web Site at: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: **Mr. Richard W. Hancock, P.E., Manager**
Project Development and Environmental Analysis Unit
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh North Carolina 27699-1598

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work 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)

Location

Directions to Site: The overall site location is within the US Highway 17 corridor beginning at the intersection of SR 1330 (Deppe Loop Road) and SR 1439 (Springhill Road) in Onslow County near Belgrade and ends at the southern terminus of the New Bern Bypass, near the Jones/Craven County line, south of New Bern, North Carolina.

Project Area: Approximately 16.0 miles

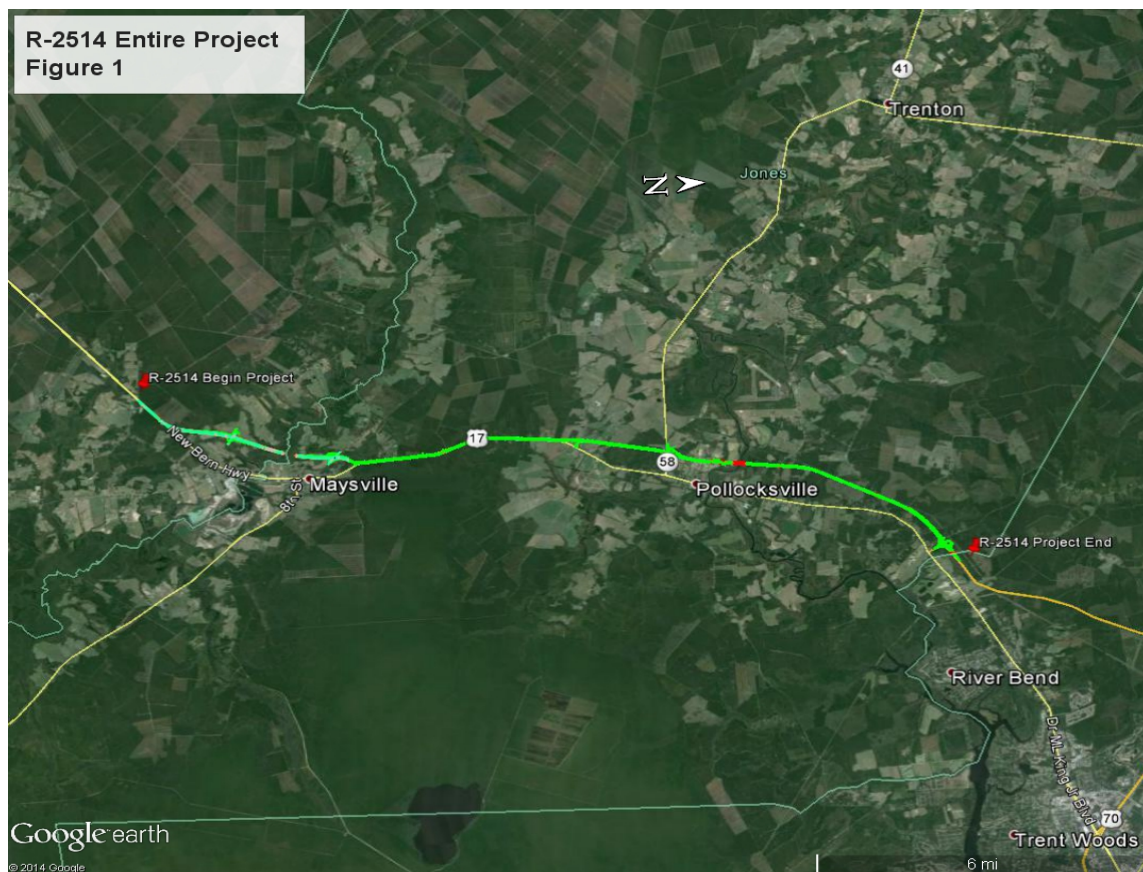
Nearest Towns: Project area begins near Belgrade, bypasses Maysville and Pollocksville on new location and ends south of New Bern

Nearest Waterways: White Oak River, Trent River and Deep Gully Creek

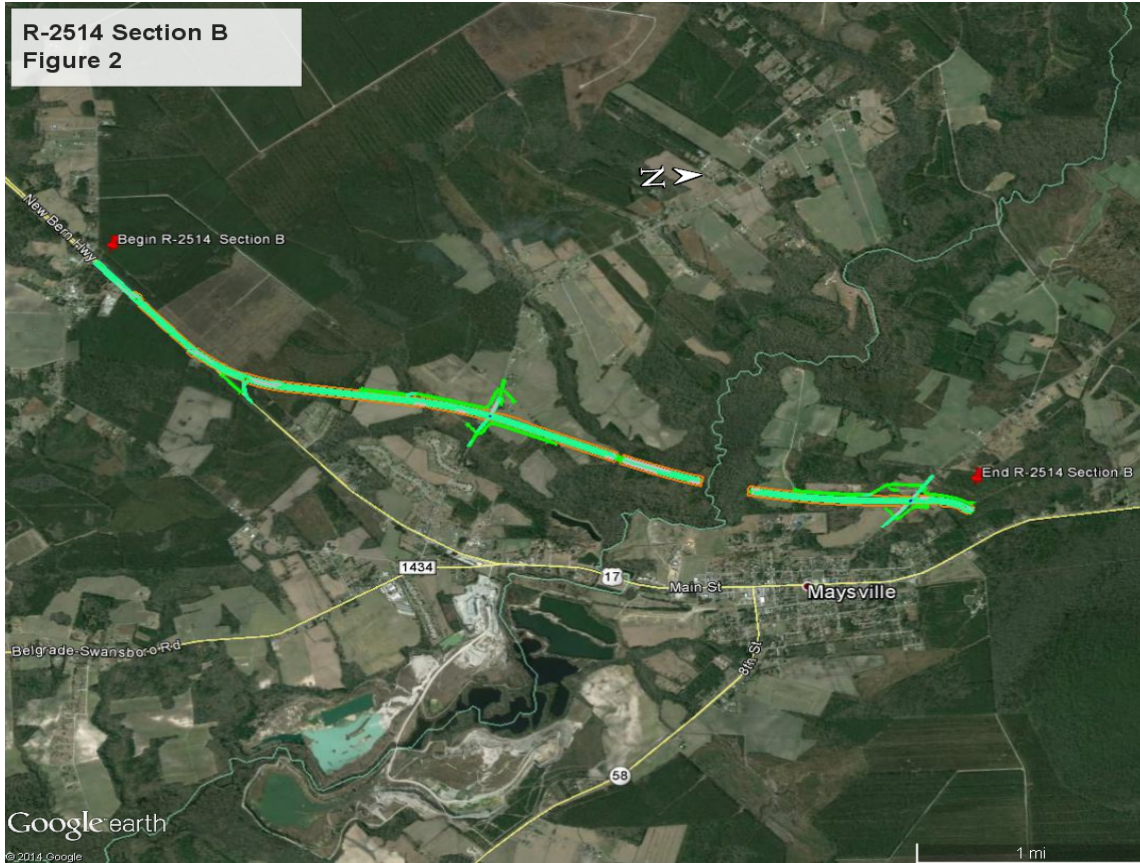
River Basins: White Oak River basin and Neuse River basin

Latitude and Longitude: Project begins approximately at: 34.861533 North -77.263690 West and approximately ends at: 35.073428 North, -77.186174 West.

Figure 1 portrays the entire 16 mile length of the R-2514 project. R-2514 was divided into three sections noted as Sections B, C and D. The following figures individually identify each of the project sections for detail and increased clarity.

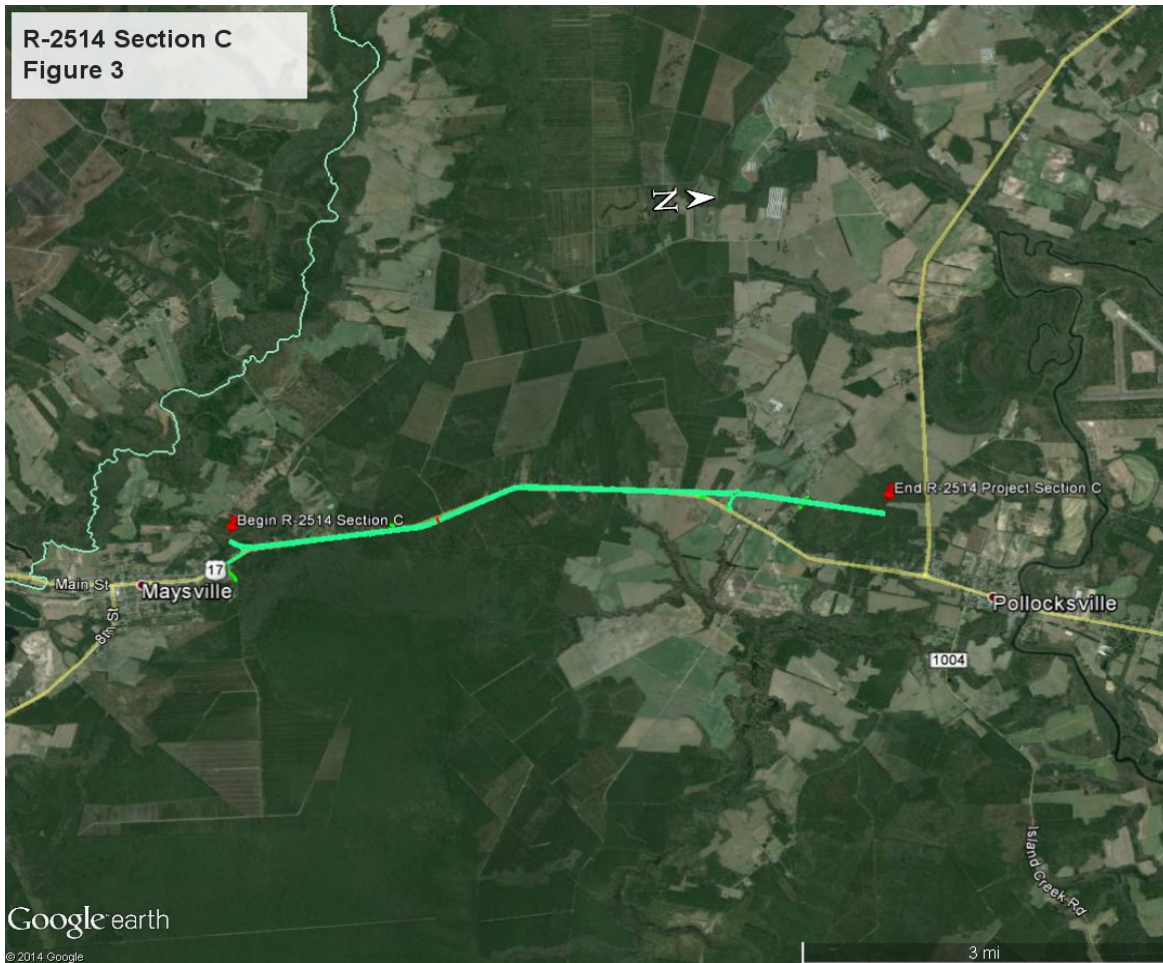


Section B is portrayed in greater detail in Figure 2 below. Section B is 4.15 miles long and begins in Onslow County at the intersection of SR 1330 (Deppe Loop Road) and SR 1439 (Springhill Road) south of Belgrade, shifts west on new location, bypassing Maysville, crosses SR 1331 (White Oak River Road) in Onslow County, bridges the White Oak River and ends in Jones County on the north side of Maysville at SR 1116 (White Oak River Road) just south of the existing US 17 corridor.

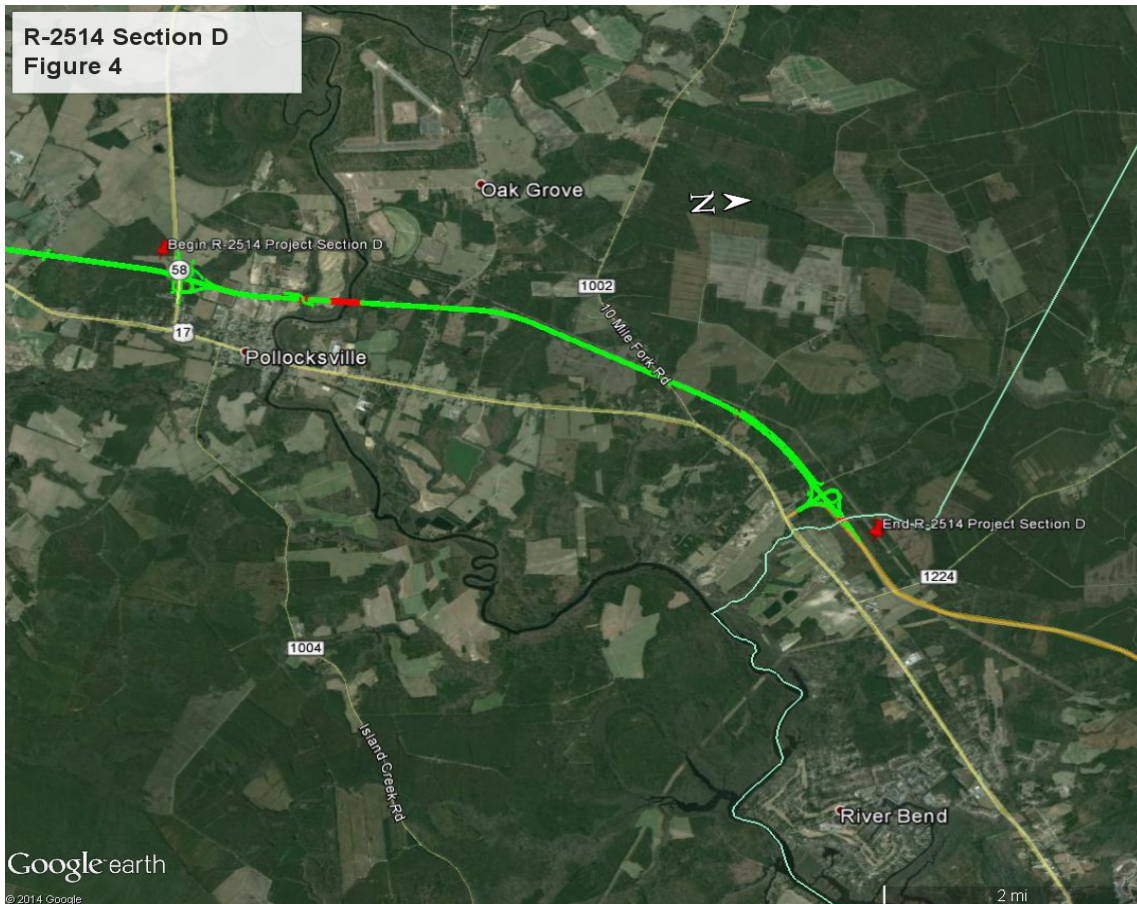


Note: The gaps in the depicted roadway alignment represent proposed bridges over an un-named tributary of the White Oak River, the White Oak River mainstem and associated floodplain.

Section C is portrayed in greater detail in Figure 3 below. Section C is 5.49 miles long and starts in Jones County at the terminus of Section B near the north side of Maysville and follows the existing alignment of US 17 as a widening project on the eastern side; then separates to the west of US 17 on new location crossing SR 1114 (Lees Chapel Road), SR 1112 (Riggstown Road) and ending just south of NC 58 near Pollocksville.



Section D is portrayed in greater detail in Figure 4. Section D is 6.38 miles long and starts in Jones County at the terminus of Section C, south of Pollocksville and NC 58, crossing NC 58 with a half cloverleaf interchange, and continues on new location west of existing US 17, bridging Goshen Branch and the Trent River; crossing SR 1121 (Oak Grove Road), SR 1002 (10 Mile Fork Road), SR 1330 (Simmons Loop Road) terminating in a reconfigured cloverleaf interchange and new bridge over Deep Gully Creek at the south end of the New Bern Bypass in Craven County.



Note: The red bars within the depicted roadway alignment north of Pollocksville represent the proposed bridges over Goshen Creek, the Trent River and associated floodplain and Deep Gully Creek at the project terminus.

Existing Site Conditions

The project is located in the White Oak River Basin (Hydrologic Unit 03020301) and the Neuse River Basin (Hydrologic Unit 03020204). This is within the Middle Atlantic Coastal Plain eco- region. The project crosses the White Oak River, the Trent River,

Goshen Branch, Deep Gully, and numerous unnamed tributaries to waters of the U.S., and multiple wetlands.

The White Oak River and its tributaries all carry best use classifications of C within the study area. The Trent River and its associated tributaries all carry best use classifications of C Sw NSW within the project area.

There are no waters within the project vicinity classified as High Quality Waters (HQW). Neither Water Supplies (WS-I: undeveloped watersheds or WS-II: predominately undeveloped watersheds), nor Outstanding Resource Waters (ORW) occur within 1.0 mile of the project area. Streams within the R-2514B, C & D project area are not designated as North Carolina Natural or Scenic Rivers, or as National Wild and Scenic Rivers. Additionally, these waters are not listed on the 2014 303(d) list of impaired waters due to sedimentation or turbidity.

There are four wetland types found within the project study area based on the Cowardin classification: Palustrine Forested (PFO), Palustrine scrub-shrub (PSS), and Palustrine emergent (PEM), and the Palustrine unconsolidated bottom (PUBH).

Natural upland plant communities within the study area include Pine Woodland, Pine/Mixed Hardwood Forest, Mesic Mixed Hardwood Forest, Bottomland Hardwood Forest, Small Stream Swamp, and Cypress-Gum Swamp. In addition, there are a variety of open and disturbed habitats, including Agricultural/Pasture Land, Successional/Clear Cut Lands, and Urban Disturbed Lands.

Applicant's Stated Purpose

The primary purposes for this project are to Improve capability of US 17 to meet its mandated objectives as part of the Intrastate System, the North Carolina Strategic Corridors System, and the Federal Strategic Highway Corridor Network; improve traffic flow along the US 17 corridor in the project study area; and relieve congestion on US 17 in Onslow and Jones Counties, thereby improving safety and reducing the number of crashes.

Project Description

The NCDOT proposes to improve a 16-mile portion of US 17 between Deppe Loop Road (SR1330)/Springhill Road (SR 1439) south of Belgrade and the New Bern Bypass near the Jones/Craven County Line, south of New Bern. Proposed improvements include a combination of widening on the existing alignment and constructing new segments west of the existing route. The proposed facility would widen US 17 to a divided four-lane facility with bypasses of Maysville and Pollocksville on new location.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: All jurisdictional features were delineated, field verified and surveyed within the corridor for R-2514B, C & D. Using these surveyed features, preliminary designs were adjusted to avoid and/or minimize impacts to jurisdictional areas. During step 4A of the Interagency Merger process, the Merger Team concurred that jurisdictional impacts have been avoided and minimized to the maximum extent practicable through the use of alignment shifts, vertical adjustments, perpendicular stream crossings, bridging Goshen Branch, the Trent River, the White Oak River, and a tributary to White Oak River, utilizing equalizer pipes between bisected wetland features, paralleling the existing power transmission easement in the northern portion of the project, locating service roads and turnarounds in non-jurisdictional areas, utilization of existing US 17 as a service road, and elimination of proposed interchanges at the northern and southern termini.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: NCDOT proposed that the unavoidable impacts to Waters of the U.S. will be offset by compensatory mitigation provided at the Croatan Wetland Mitigation Bank (CWMB) for the B and C of the project, which are partially located in a different Hydrologic Unit Code (HUC) than the mitigation bank. The Corps approved the use of CWMB as the source for all stream, riparian wetland and non-riparian wetland credits to offset the unavoidable impacts associated with R-2514 B, C and D. NCDOT has requested and received an acceptance letter from North Carolina Ecosystem Enhancement Program (NCEEP) to provide compensatory stream and wetland mitigation from the CWMB.

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 would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places. After consultation with the North Carolina State Historic Preservation Office (SHPO), it was determined that the project will have an adverse effect on Archaeological Site 31JN128, which has been recommended as eligible for the National Register of Historic Places per Criterion D.

NCDOT prepared a Notification of Adverse Effects as required by the Council in 36CFR800.6 (a)(1). The USACE submitted this documentation to the Advisory Council

on March 3, 2011. The Advisory Council responded on March 23, 2011 that their participation in consultation to resolve adverse effects was not needed. A Memorandum of Agreement (MOA) between the Corps, SHPO and NC DOT was developed to address the adverse effect of the proposed improvements to US 17, submitted to the Advisory Council on June 14, 2011 and acknowledged by the Council on September 9, 2011. As Archaeological Site 31JN128 will not be avoided by construction activities, data recovery excavations will be required once right-of-way has been acquired and prior to construction.

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 determined that the proposed project would not affect; or may affect, not likely to adversely affect, federally listed endangered or threatened species. In a letter dated July 26, 2011, the USFWS concurred with a biological conclusion of “No Effect” for all species listed in Onslow or Jones County with the exception of the red-cockaded woodpecker (*Picoides borealis*); for which the biological conclusion of “May Affect, Not Likely to Adversely Affect” was provided.

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 Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, Transportation Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by January 16, 2015 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

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 determine whether to issue, modify, condition or deny a permit 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, January 16, 2015. Comments should be submitted to Mr. Thomas Steffens, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4615.