



**US Army Corps
of Engineers**®
Wilmington District

ECP-2020-S408-0003

PUBLIC NOTICE
REQUEST FOR PERMISSION
TO MODIFY A
U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: NCDOT Broadband Fiber Conduit Installation in Right of Way Along US 70 and I-95 in Craven, Cumberland, Johnston and Lenoir Counties, NC

PUBLIC NOTICE COMMENT PERIOD:

Begins: August 27, 2020

Expires: September 27, 2020

Interested parties are hereby notified that an application has been received for Department of the Army Section 408 (Section 14 of the Rivers and Harbors Act of 1899; 33 U.S.C. 408) approval to conduct proposed work at federally constructed navigation and clearing and snagging projects of the United States, as described below. Written comments are being solicited from anyone having an interest in the requested alteration. Comments received will become part of the U.S. Army Corps of Engineers' (USACE) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are welcome. Comments providing substantive information and/or a rationale for the commenter's position are the most helpful. Comments regarding the proposed work should reference the USACE public notice number (ECP-2020-S408-0003) and must reach the USACE via email no later than **September 27, 2020** to become part of the public record and be considered in the USACE's decision. Please send comments to the Wilmington District Section 408 Coordinator at: Jennifer.I.Owens@usace.army.mil.

REQUESTER: In compliance with Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408; hereinafter Section 408), the North Carolina Department of Transportation (NCDOT) has requested permission to install broadband fiber conduits along US 70 and I-95 at five locations that will cross the Trent, Cape Fear and Neuse Rivers, as shown below.

Proposed NCDOT Broadband Fiber Conduit				
Highway	Water Body	Bridge #	Conduit Installation	County
US-70	Trent River	84	Bridge Attachment	Craven
I-95	Cape Fear River	111	Bridge Attachment	Cumberland
I-95	Neuse River	101	Bridge Attachment	Johnston
US-70	Neuse River	505	Under River @ bridge	Johnston
US-70	Neuse River	102	Bridge Attachment	Lenoir

Four of the conduits will be attached to the respective bridges and one (Bridge 505, Neuse River) will be installed under the riverbed using a horizontal directional drill (HDD). The conduit installations are components of a system that will provide high speed internet access to underserved communities, closing the internet service gap between urban and rural households in eastern North Carolina.

LOCATION: The proposed action includes the five locations shown in the table above.

PROPOSED ACTION: The conduits for each bridge would be installed within the existing NCDOT right of way. For bridges 84, 101, 102, and 111, the 2.5-inch, schedule 80 polyvinyl chloride (PVC) pipe conduits will be attached to the existing bridges using ¼ inch by 2 ¼ inch galvanized concrete anchors epoxied into concrete. These conduits will not be installed below the edge of the bridge deck, or below the low-steel elevation of the bridge superstructure (the conduit will be installed at a minimum of one foot above low steel). For bridge 505, the 1.25-inch high-density polyethylene (HDPE) conduit will be directionally drilled at least 6 feet below the deepest elevation of the river bottom.

REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 408. A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations. An approval under Section 408 does not grant any property rights or exclusive privileges, nor does it authorize any injury to the property or rights of others.

EVALUATION: The decision whether to grant the requested permission for federal project modification under Section 408 will be based on several factors and 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. Review of the request for modification will be reviewed by a USACE technical review team and will consider, but not necessarily be limited to, the following factors:

1. Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the projects to function as authorized, or would compromise or change any authorized project's conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
2. Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest.

SUMMARY: It should be noted that materials submitted as part of Section 408 requests become part of the public record and will be available to the general public under the provisions of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under the FOIA or make an appointment to view the project file at the USACE Wilmington District's Office of Counsel.

Interested parties wishing to comment on the proposed action must do so in writing no later than **September 27, 2020**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning there is no objection to the proposed action as described.

Jenny Owens
Section 408 Coordinator