



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 19, 2013
Comment Deadline: October 19, 2013
Corps Action ID Number: SAW-2004-11082

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 from north of NC 171 to the multi-lanes south of Williamston in Beaufort and Martin Counties, 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: Robert Hanson,
Eastern Project Development Head
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 June 2013. At the close of this comment period, the District Commander will evaluate and consider the comments received as well as the expected adverse and beneficial effects of the proposed road construction to select the

Project Description

The applicant proposes to impact 4.81 acres of jurisdictional waters and wetlands associated with widening a 10.6 mile long section of U.S. 17 in Beaufort and Martin Counties from two lanes to four lanes. The project extends from north of N.C. 171 in Beaufort County to the existing four lane section south of Williamston in Martin County. The expressway type facility is proposed for this project. U.S. 17 in the project area is a NCDOT designated hurricane evacuation route. This section of U.S. 17 provides a connection to both US 264 and US 64, which are major east-west hurricane evacuation routes in the area.

Detailed Study Alternatives

No Build Alternative

Typically, the No Build alternative implies no action will be taken. The No-Build Alternative would not provide any substantial improvements to US 17 within the study area; only typical maintenance activities would occur. 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.

Travel Demand Management (TDM)

Travel Demand Management (TDM) strategies include staggered work hours and ridesharing. Given the predominately rural nature of the project area, it is not expected that adjustments to work schedules or ridesharing would substantially reduce the peak hour traffic volumes within the study area.

Mass Transit

Inter-city bus service is available for both Beaufort and Martin Counties. Greyhound Bus Lines serves both Washington and Williamston with one bus a day. Martin County transit buses use the route with three buses traveling the route six times a day. Given the predominantly rural nature of the project area, improvements to public transportation or upgraded inter-city bus service are unlikely to result in substantial reductions in the amount of traffic along US 17 in the project area.

While both TDM and mass transit alternatives fail to reduce traffic volumes in the project area, both alternatives would also not address the statewide and regional objectives of upgrading the US 17 corridor to a four-lane facility.

Transportation System Management (TSM)

Transportation system management activities, such as intersection improvements, signing or traffic signalization improvements would potentially improve safety along existing US 17. However, such improvements would not sufficiently meet the project purpose of reducing

congestion. TSM alternatives would also not substantially address the statewide and regional objective of upgrading the US 17 corridor to a four-lane facility.

Widen Existing US 17

Widening existing US 17 would reduce traffic congestion and improve travel time and safety along US 17 in the project area. The proposed project has been divided into nine sections and both east side and west side widening were considered. The nine sections are shown on Figure 2 and described below:

- Section 1 – North Roberson Road (SR 1418) to approximately 0.25 mile south of Griffin Road (SR 1421)
- Section 2 – Approximately 0.25 mile south of Griffin Road to 0.2 mile north of Woolard Road (SR 1419)
- Section 3 – Approximately 0.2 mile north of Woolard Road to approximately 0.6 mile north of the Beaufort/Martin County Line in Martin County.
- Section 4 – Approximately 0.6 mile north of the County Line to approximately 1.1 mile south of Smithwick Creek Church Road (SR 1106)
- Section 5 – Approximately 1.1 miles south of Smithwick Creek Church Road to Approximately 0.7 mile south of Smithwick Creek Church Road
- Section 6 – Approximately 0.7 mile south of Smithwick Creek Church Road to approximately 0.2 mile south of Smithwick Creek Church Road
- Section 7 - Approximately 0.2 mile south of Smithwick Creek Church Road to approximately one mile north of Smithwick Creek Church Road
- Section 8 - Approximately one mile north of Smithwick Creek Church Road to approximately 0.2 mile south of Dan Peele Road (SR 1114)
- Section 9 – Approximately 0.2 mile south of Dan Peele Road to the existing multilane south of Williamston.

Table 2 below compares the impacts of east and west side widening for each section.

**TABLE 2
PRELIMINARY WIDENING ALTERNATIVE COMPARISONS**

Section	Alternative	Homes	Businesses	Delineated Wetlands (Acres)	Streams (Feet)	R/W From Historic Property?	Cemetery
1	East	16	3	0.35	620		
	West	8	2	0.86	620		
2	East	5		2.08	210		
	West	5		1.19	200		
3	East	7	1	0.74			
	West	6	1	0.9			
4	East	10	1	0.07	160	Yes (2)	1
	West	8		0.21	80	Yes (2)	
5	East	2	1	1.67	150		
	West	2		1.34	70		

6	East	2		0.72	220		
	West	3		0.95	240		
7	East	8	1				
	West	5	2				
8	East	3				Yes (2)	
	West	5				Yes (2)	1
9	East	3		0.24	460	Yes (1)	
	West	7		0.005	320	Yes (1)	

Analysis and refinement of alternatives resulted in widening options being selected for all but one of the nine project sections. In Section 4, two widening options were carried forward for detailed study. Two options were carried forward because widening to the west the entire length of Section 4 would have an adverse effect on a historic property (Griffin's Hatchery), while widening to the east would relocate two additional homes. An option which would involve widening to the west the entire length of Section 4 and an option which would widen to the west for most of Section 4 but would shift to avoid Griffin's Hatchery were both carried forward for detailed study. The alternatives studied in detail for each section are listed below:

Section	Widening	Why Selected
1	West Side	Fewer relocatees
2	West Side	Less Wetland Impact
3	East Side	Fewer Relocatees
4	West Side	Fewer Relocatees
4	West/Avoid	Avoid Hatchery
5	Best Fit	Best Fit
6	Best Fit	Best Fit
7	West Side	Fewer Relocatees
8	East Side	Fewer Relocatees
9	Best Fit	Best Fit

The NEPA/404 merger team concurred on the alternatives to be studied in detail at a merger team meeting held on February 17, 2011.

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 widening of the existing highway from two lanes to four lanes. 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. seven historic structures: Woodmen of the World Lodge, Former Old Ford School, Thad Hodges House, Griffin's Hatchery, Smithwick-Green-Clark House, Hadley House and Woodland -Perry House are eligible for listing on the NRHP. The applicant has determined that three properties, Woodmen of the World Lodge, Former Old Ford School, Thad Hodges House would see "No Effect" from the selected alternatives. Three of the properties: Smithwick-Green-Clark House, Hadley House and Woodland -Perry House would experience "No Adverse Effect" from the proposed project. Griffin's Hatchery would experience "No Adverse Effect" if the Avoidance Alternative is selected and "Adverse Effect" if the West Side Widening Alternative is selected. A memorandum of Agreement between FHWA and the State Historic Preservation Office (SHPO) concerning the adverse effect of the project on Griffin's Hatchery would be prepared if that alternative were selected. 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 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 October 19, 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, October 19, 2013. Comments should be submitted to Tracey Wheeler, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4627.