



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 22, 2016
Comment Deadline: May 23, 2016
Corps Action ID Number: SAW-2006-40466

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NCDOT), seeking Department of the Army (DA) authorization to permanently impact 0.33 acres of jurisdictional wetlands and 2204 linear feet of jurisdictional streams associated with construction of a 12.3 mile controlled-access freeway facility on new alignment from south of Old NC 11 to US 264 (Stantonsburg Road) in Pitt County, North Carolina. (NCDOT TIP No. R-2250)

Specific plans 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 (NCDOT)
Attn: Philip S. Harris III, P.E., C.P.M.
Natural Environment Section Head
NCDOT – Project Development and Environmental Analysis
1598 Mail Service Center
Raleigh, North Carolina
27699-1548

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 site location is a 12.3 mile long corridor on new alignment from south of Old NC 11 to US 264 (Stantonsburg Road) in Pitt County

Project Area (acres): 12.3 miles

Nearest Town: Greenville

Nearest Waterway: Tar and Neuse Rivers

River Basin: Tar and Neuse Rivers

Latitude and Longitude: Approximate center at 35.544765 N, -77.461248 W

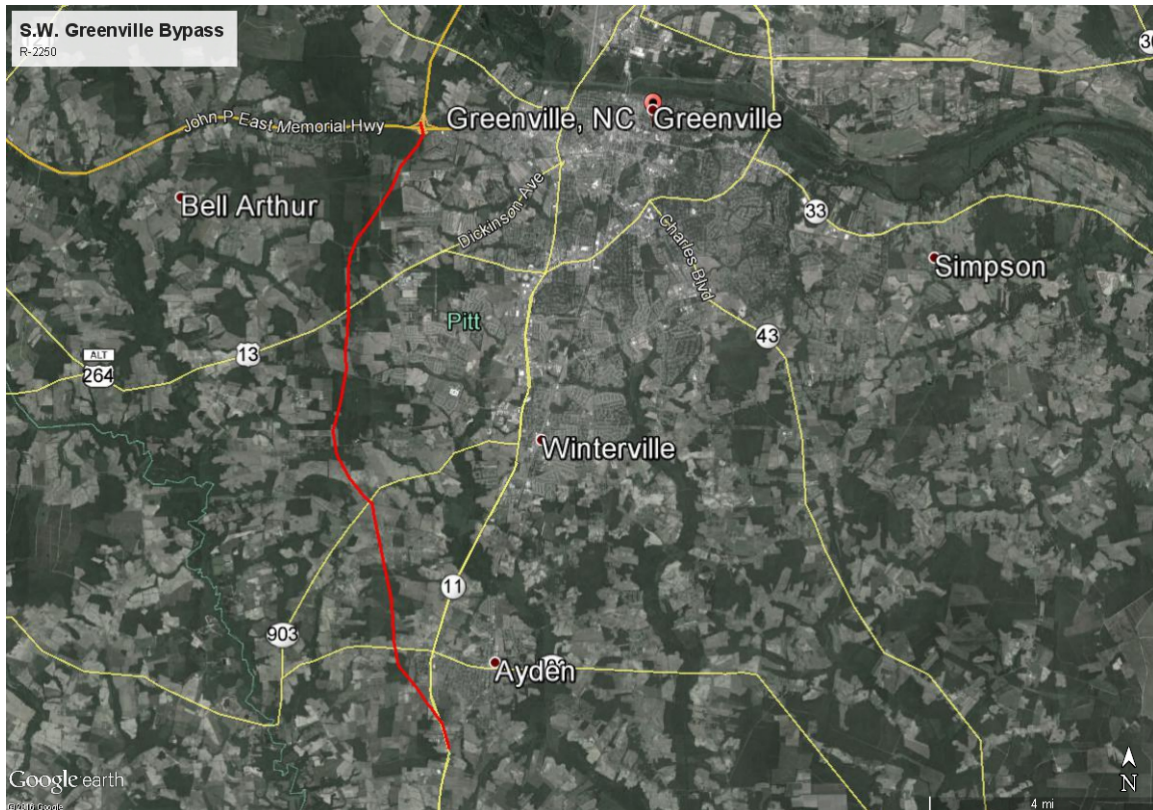


Figure 1

Existing Site Conditions

The project is located in the Neuse and Tar Pamlico River Basins and lies within Hydrologic Units 03020103 (Subbasin Lower Tar River), 03020203 (Subbasin Contentnea), and 03020202 (Subbasin Middle Neuse). This is within the Middle Atlantic Coastal Plain eco-region. The project crosses Gum Swamp, as well as several tributaries to waters of the US, and one wetland. Land use in the project vicinity consists of primarily residential, commercial, and agricultural uses along roadways and in uplands and forested lands occupying stream corridors and other undeveloped areas.

The only stream within the project footprint with a surface water classification is Gum Swamp. The Best Usage Classification for Gum Swamp is “C, SW, and NSW.” 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-2250 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.

A wetland identification and preliminary assessment analysis for the study area was performed and wetlands were delineated based on the 1987 U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual. An evaluation of the wetlands within the preferred alignment was completed in November 2013-January 2014 and reviewed by USACE and NCDWR in November 2014.

Applicant's Stated Purpose

The purpose of the project as stated in the Record of Decision is to improve traffic flow and congestion on Memorial Drive (NC 11) and Stantonsburg Road (US 264 Business) within the project area; relieve congestion on NC 11 in Greenville, thereby improving safety and reducing the potential for accidents; and improve regional travel along the US 264/NC 11 corridor.

Project Description

The applicant proposes to construct a new roadway from Memorial Drive (NC 11) in the vicinity of NC 102, continuing northwest to connect with the existing US 264/Stantonsburg Road (US 264 Business) interchange. Project construction includes interchanges at NC 102, Forlines Road (SR 1126) and US 13/US 264, several culvert extensions as well as several new location culverts. The length of the project is approximately 12.3 miles.

Avoidance and Minimization

All jurisdictional features were delineated, field verified and surveyed within the corridor for R-2250. Using these features, preliminary designs were adjusted to avoid and/or minimize impacts to jurisdictional areas. NCDOT employs many strategies to avoid and minimize impacts to jurisdictional areas in all of its designs. Many of these strategies have been incorporated into BMP documents that have been reviewed and approved by the resource agencies and which will be followed throughout construction. All wetland areas not affected by the project will be protected from unnecessary encroachment. Individual avoidance and minimization items are as follows:

- No staging of construction equipment or storage of construction supplies will be allowed in wetlands or near surface waters.
- The project was designed to avoid or minimize disturbance to aquatic life movements, including the use of onsite stream relocations.

- NCDOT and its contractors will not excavate, fill, or perform land clearing activities within Waters of the U.S. or any areas under the jurisdiction of the USACE, except as authorized by the USACE. To ensure that all borrow and waste activities occur on high ground, except as authorized by permit, the NCDOT shall require its contractors to identify all areas to be used to borrow material, or to dispose of dredged, fill or waste material. Documentation of the location and characteristics of all borrow and disposal sites associated with the project will be available to the USACE on request.
- Grass swale treatments have been incorporated in areas where flat slopes can be maintained.
- Proposed box culverts will be buried 1 ft. to provide for fish passage.
- Cross pipes in jurisdictional streams will be buried 1ft. for all pipes where possible.
- Sediment and erosion control devices will be utilized where appropriate.
- The use of hand clearing rather than mechanized clearing where possible.
- Bank stabilization at outlets of culverts will not impact the stream bed where possible.
- Considering environmental, hydraulic, and roadway perspectives, 3:1 slopes are proposed within the wetlands where most practical.
- Shifted alignment of the project to avoid impacts to Wetlands B, C, D, E, F, G, and H identified in the 2014 Delineation Update.

Compensatory Mitigation

The NCDOT has avoided and minimized impacts to jurisdictional resources to the greatest extent possible as described above. The unavoidable impacts to Waters of the U.S. will be offset by compensatory mitigation provided by the North Carolina Department of Environmental Quality (NCDEQ)-Division of Mitigation Services (DMS).

Essential Fish Habitat

The project will not impact any Essential Fish Habitat afforded protection under the Magnuson- Stevens Act of 1996 (16 U.S.C 1801 et seq.).

Cultural Resources

The potential effect of the proposed project on historic architectural resources was evaluated in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. There were six properties within the Area of Potential Effects (APE) which are either listed on the National Register of Historic Places or have been determined to be eligible for listing on the National Register. The project alignment avoids all of these resources with the exception of the Renston Rural Historic District in which the roadway project would have an adverse impact. To complete Section 106 consultation, NCDOT, USACE, and HPO, along with the Renston consulting parties, developed a Memorandum of Agreement (MOA) stipulating measures NCDOT will follow during final design and construction of the Bypass to mitigate adverse impacts to Renston Rural Historic District. The MOA was finalized and approval was received on August 25, 2008.

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 for the following species in Pitt County: Red-cockaded woodpecker, West Indian Manatee and the Tar River spiny mussel.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat for the northern long-eared bat (NLEB) (*Myotis septentrionalis*).

The US Fish and Wildlife Service has developed a programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. The programmatic determination for NLEB for the NCDOT program is "May Affect, Likely to Adversely Affect." The PBO provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for five years for all NCDOT projects with federal nexus in Divisions 1-8, which includes Pitt County, where TIP R-2250 is located.

- 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 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 May 23, 2016 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.
- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

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, May 23, 2016. Comments should be submitted to Mr. Thomas Steffens, U.S. Army Corps of Engineers, Washington Regulatory Field Office, 2407 West Fifth Street, Washington, North Carolina 27889, or by phone at (910) 251-4615.