



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: June 6, 2016
Comment Deadline: July 5, 2016
Corps Action ID #: SAW-2012-00758
TIP Project No. R-5020

The Wilmington District, Corps of Engineers (Corps) has 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 the proposed widening of US 701 Bypass in Whiteville, Columbus County, North Carolina, TIP No. R-5020.

Specific alignment alternatives and location information are described below and shown on the attached maps. This Public Notice and attachments are also available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

The Federal Highway Administration's (FHWA) Environmental Assessment (EA) and related maps for this project are available on the NCDOT website at <http://xfer.services.ncdot.gov/pdea/EnvironmentalDocs/Documents/R-5020%20EA.pdf>

Applicant: North Carolina Department of Transportation (NCDOT)
Project Development and Environmental Analysis
Attn: Mr. Phillip S. Harris.
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Authority

The Corps will evaluate this application to compare alternatives that have been carried forward for detailed study pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

In order to more fully integrate 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 June 3, 2015, FHWA EA <https://xfer.services.ncdot.gov/pdea/EnvironmentalDocs/Documents/R-5020%20EA.pdf>.

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 least environmentally damaging practicable alternative (LEDPA). The District Commander is not authorizing construction of the proposed project at this time. A final DA permit may be issued only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan for unavoidable impacts has been approved.

Location

The proposed project is located along US Highway 701 Bypass (James B. White Road/South Madison Street/ J.K. Powell Boulevard in Whiteville, Cumberland County, North Carolina. The project would widen the U.S. 701 Bypass in Whiteville to a multi-lane facility from south of SR 1166 (Pleasant Pines Road) to north of US 74-76 Bypass. The proposed project is designated in the NCDOT 2016-2025 State Transportation Improvement Program (STIP) as project number R-5020.

Existing Site Conditions

The town of Whiteville is located in Columbus County within the southern coastal plain of eastern North Carolina. This area is characterized by broad, relatively flat topography to gently sloping uplands with elevations ranging from 95 to 131 feet above sea level. Columbus County is the third largest county in North Carolina encompassing 954 square miles, with a 2010 US Census population of approximately 58,098; the City of Whiteville is the largest city in Columbus County and is the county seat, with a population of 5,394. Land within the study area is mostly developed, with residential and commercial areas located along existing US 701 Bypass through the town of Whiteville.

Five terrestrial communities were identified in the study area: maintained/disturbed, mesic mixed hardwood forest, brownwater bottomland hardwoods, brownwater bottomland hardwoods, and cypress-gum swamp.

Water resources in the study area are part of the Lumber River Basin (U.S. Geological Survey [USGS] Hydrologic Unit 03040206). Nine (9) jurisdictional streams and twenty-three (23) jurisdictional wetlands have been identified in the study area. Named streams in the project area include the Soules Swamp and unnamed tributaries to Deep Branch, Richardson Swamp, and Mollie Branch. One open water (excavated in high ground) exists within the project area.

There are no designated High Quality Waters (HQW) or water supply watersheds (WS-I or WS-II) within one mile downstream of the study area. All of the streams within the study area have a best usage classification of C; Sw. No streams within the study area, or within one mile downstream of the study area, are identified on the North Carolina 2014 Final 303(d) list of impaired waters. In addition, there are no designated anadromous fish waters or Primary Nursery Areas present in the study area.

Applicant's Stated Purpose

As stated by the applicant, "The purpose of the proposed project is to increase the traffic carrying capacity and safety of U.S. 701 Bypass within the project limits." The primary purposes of the proposed project are to:

- Improve the capacity of existing U.S.701 Bypass in Whiteville to accommodate the existing and forecasted (2035 design year) traffic;

- Provide improved access management and reduce the number of frontal and rear-impact vehicular collisions and bicyclist and pedestrian crashes along the corridor.

Project Description

NCDOT proposes to widen U.S. 701 Bypass in Whiteville to a multi-lane facility from south of SR 1166 (Pleasant Plains Road) to north of U.S. Hwy 74-76 Bypass. The proposed typical section is a four-lane median divided facility with curb and gutter and wide outside lanes to accommodate bicyclists. The total project length is 5.1 miles.

Study Alternatives Considered

The following is a brief description of each alternative:

A. Travel Demand Management: Travel Demand Management (TDM) involves reducing the number of single-occupant vehicles on roadways during peak travel time when roads are most congested. Examples include car pools, flexible work schedules, telecommuting programs, and park & ride lots. The TDM alternative was not carried forward for further study since the alternative alone would not increase capacity along the route or improve levels of service enough to prevent the existing two-lane facility from operating at a Level of Service (LOS) E within the design year 2035.

B. Mass Transit: The project study area is not currently served by mass transit. A mass transit alternative would not be considered as a reasonable alternative due to the amount of dispersed residential and employment areas, along with the diversity of trip origins and destinations. Mass transit would not fully address the traffic congestion and safety within the project area and was not carried forward for further study.

C. Transportation System Management: Transportation System Management (TSM) involves physical and operational improvements such as ramp lengthening, construction of auxiliary lanes, new interchanges, improved signage and lane markings, and improved shoulder illumination. The TSM alternative was not carried forward for further study since the alternative alone would not increase capacity along the route or improve levels of service enough to prevent the existing two-lane facility from operating at a Level of Service (LOS) E within the design year 2035.

D. No-Build: This alternative would not construct the project as proposed, and no transportation improvements would be made along U.S. 701 Bypass in the project study area beyond routine maintenance. The No Build Alternative was eliminated from further consideration since it neither addresses the existing and future traffic congestion nor does it resolve the safety problems along the route.

E. Widen Existing Roadway: This alternative reviews two options of widening. The first option (Alternative 1) is to widen the U.S. 701 Bypass to a four-lane divided facility with a 23-foot wide raised median with a grade separation over the Carolina Southern Railroad and

Main Street in Whiteville. This option would replace the existing bridge with two new bridges to carry the proposed four-lane 701 Bypass over Main Street and the existing rail line. The second option (Alternative 2) is to widen the U.S. 701 Bypass to a four-lane divided facility with a 23-foot wide raised median, remove the existing bridge over Main Street and lower the grade of U.S. 701 Bypass in order to construct an at-grade intersection with Main Street and an at-grade rail crossing. The 'widen existing roadway' alternative was carried forward for further detailed study.

Proposed impacts to Waters of the U.S.

The impacts to waters of the U.S. for each of the widening alternatives that were studied in detail are as follows: Alternative 1 (Grade separation): 8.7 acres wetlands and 831 linear feet of stream channel proposed to be filled; Alternative 2 (At-Grade): 6.9 acres wetlands and 831 linear feet of stream channel proposed to be filled.

Cultural Resources

The FHWA is the lead federal agency for this project and, in accordance with Section 106 of the National Historic Preservation Act (NHPA), will make determinations and request concurrence with these determinations from the North Carolina State Historic Preservation Office (NCSHPO). Additionally, if and when necessary, adverse effects to historic resources will be resolved through execution of a memorandum of agreement.

According to the FHWA:

The study area includes 2 historic resources that are either on the National Register of Historic Places (NRHP) or eligible for inclusion on the Register, the Beth Israel/Whiteville Hebrew Center and the Williamson House. Based on consultation with the NCSHPO, the historic resources are evaluated in accordance with Section 106 of the NHPA and the effects on the property are determined based on the magnitude of the effect on the property. Three classifications are included in the evaluation: "no effect," "no adverse effect," and "adverse effect." The proposed project widens existing US 701 Bypass to the west in the vicinity of the Beth Israel/Whiteville Hebrew Center in order to minimize impacts to the historic property. However, approximately 0.05 acre of new right-of-way will be required from the historic property. This new right-of-way will not affect the building, but will require the removal of several small trees. As a result, it was determined the project would have no adverse effect on this property, if a landscape plan is prepared and implemented in coordination with the property owner.

The Williamson House is located several hundred feet away from US 701 Bypass. No right-of-way or easements will be required from the Williamson House property, and no construction is proposed adjacent to the property. The proposed project will have no effect on the Williamson House.

On January 13, 2015, HPO concurred with the effect determinations for the NRHP eligible properties (see Appendix A). HPO concurred with the no adverse effect determination for the

Beth Israel/Whiteville Hebrew Center based on the condition that a landscape plan for the portion of the property along US 701 Bypass is created and implemented in coordination with the property owner. In a letter dated May 15, 2012, the State Historic Preservation Office indicated no known archaeological sites within the project study area, and did not recommend an archaeological study be conducted.

Section 4(f) of the Department of Transportation Act of 1966

Section 4(f) provides protection to historic properties, public parks, and recreation areas. Three properties protected by Section 4(f) exist in the project area: the National Register-eligible Beth Israel/Whiteville Hebrew Center; the National Register-eligible Williamson House; and Leder Park. Use of a Section 4(f) property occurs when land is permanently incorporated into a transportation facility; or when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose; or when there is a constructive use (a project's proximity impacts are so severe that the protected activities, features, or attributes of a property are substantially impaired). The proposed project will require the use of land from two of these properties. The proposed project will require a temporary construction easement from Leder Park and permanent right-of-way from the Beth Israel/Whiteville Hebrew Center.

The temporary easement required from Leder Park is considered a temporary occupancy of the property, and is not considered a Section 4(f) use. This temporary occupancy will be less than the time needed to construct the project and there will be no change in ownership of the property. The scope of the work on the property will be minor, the temporary easement will provide room for equipment to work, but no actual construction is expected to occur on park property. There are no anticipated permanent or temporary adverse physical impacts to Leder Park or expected to be any interference with activities, features and attributes of the park. Orange construction fencing will be placed at the proposed right of way and temporary construction easement lines at Leder Park. Construction equipment will not be allowed onto park property outside of the temporary easement. The land used will be fully restored in at least as good a condition as it existed prior to the project. In a letter dated March 17, 2015, the Whiteville Parks and Recreation Director stated the impacts as a result of the proposed project will not affect the recreational activities, features, or attributes of Leder Park.

The project would have no adverse effect on the Beth Israel/Whiteville Hebrew Center. In accordance with Section 6009(a) of SAFETEA-LU, a no adverse effect determination for a historic site is considered a *de minimis* impact and no further evaluation is required under Section 4(f).

Endangered Species

The following table contains the federally listed threatened and endangered species for Columbus County and determinations made by the FHWA, the lead federal agency for this project.

Table 1: FEDERALLY-PROTECTED SPECIES LISTED FOR COLUMBUS COUNTY

Common Name	Scientific Name	Federal Status	Habitat Present	Biological Conclusion
American alligator	<i>Alligator mississippiensis</i>	T(S/A)	Yes	Not Required
Atlantic sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	E	No	No Effect
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	E	No	No Effect
Waccamaw silverside	<i>Menidia extensa</i>	T	No	No Effect
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	No	No Effect
Wood stork	<i>Mycteria americana</i>	T	Yes	No Effect
Cooley's meadowrue	<i>Thalictrum cooleyi</i>	E	Yes	No Effect
Rough-leaved loosestrife	<i>Lysimachia asperulaefolia</i>	E	Yes	No Effect

The USFWS has developed a programmatic biological opinion (PBO) in conjunction with FHWA, 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 a federal nexus in Divisions 1-8, which includes Columbus County, where TIP R-5020 is located.

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.

Avoidance and Minimization

During the development of the preliminary design, the applicant made efforts to avoid and minimize unnecessary impacts to the aquatic environment including the extension of the proposed curb and gutter system which reduced fill impact to the adjacent wetland system.

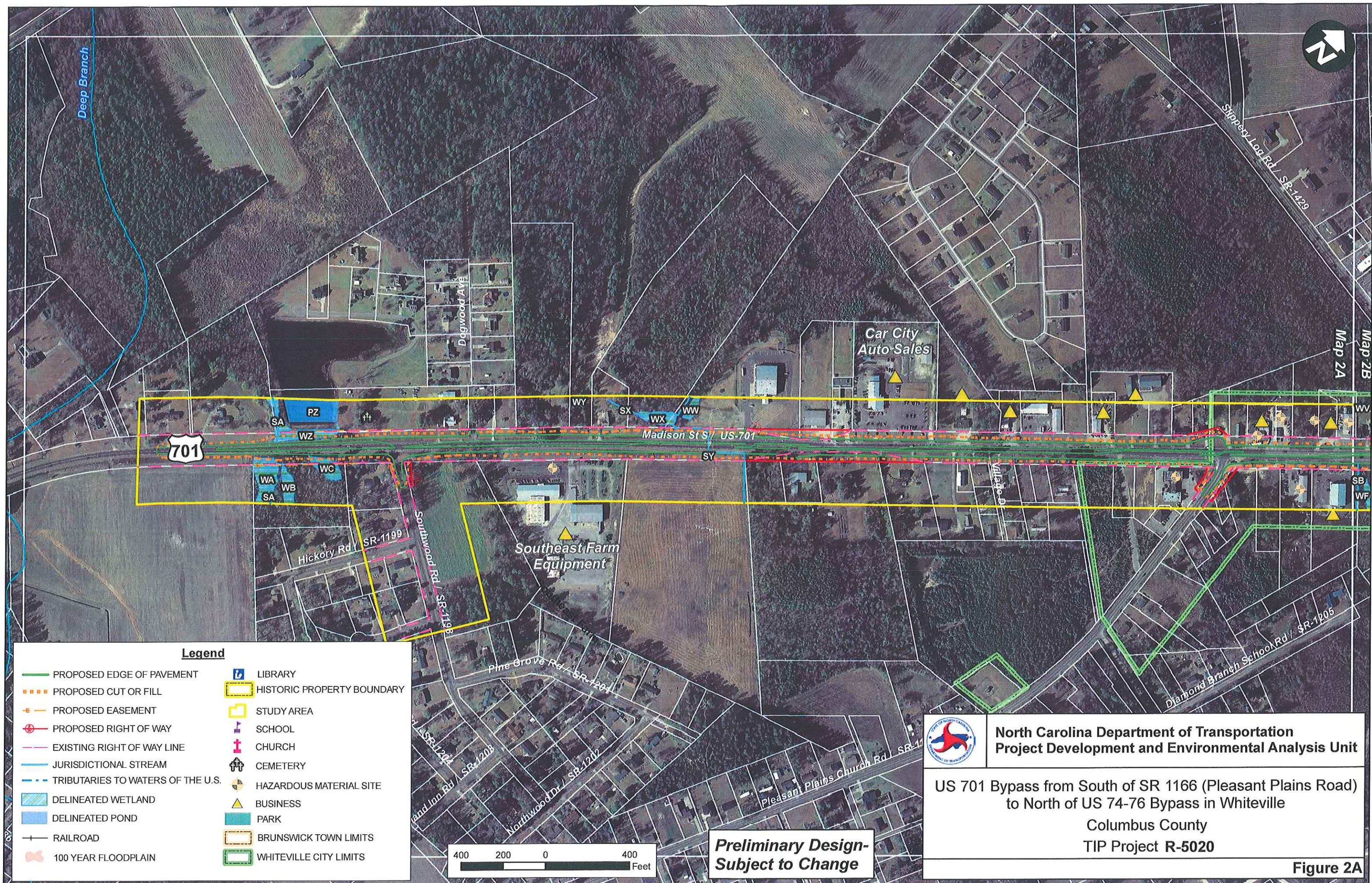
Compensatory Mitigation

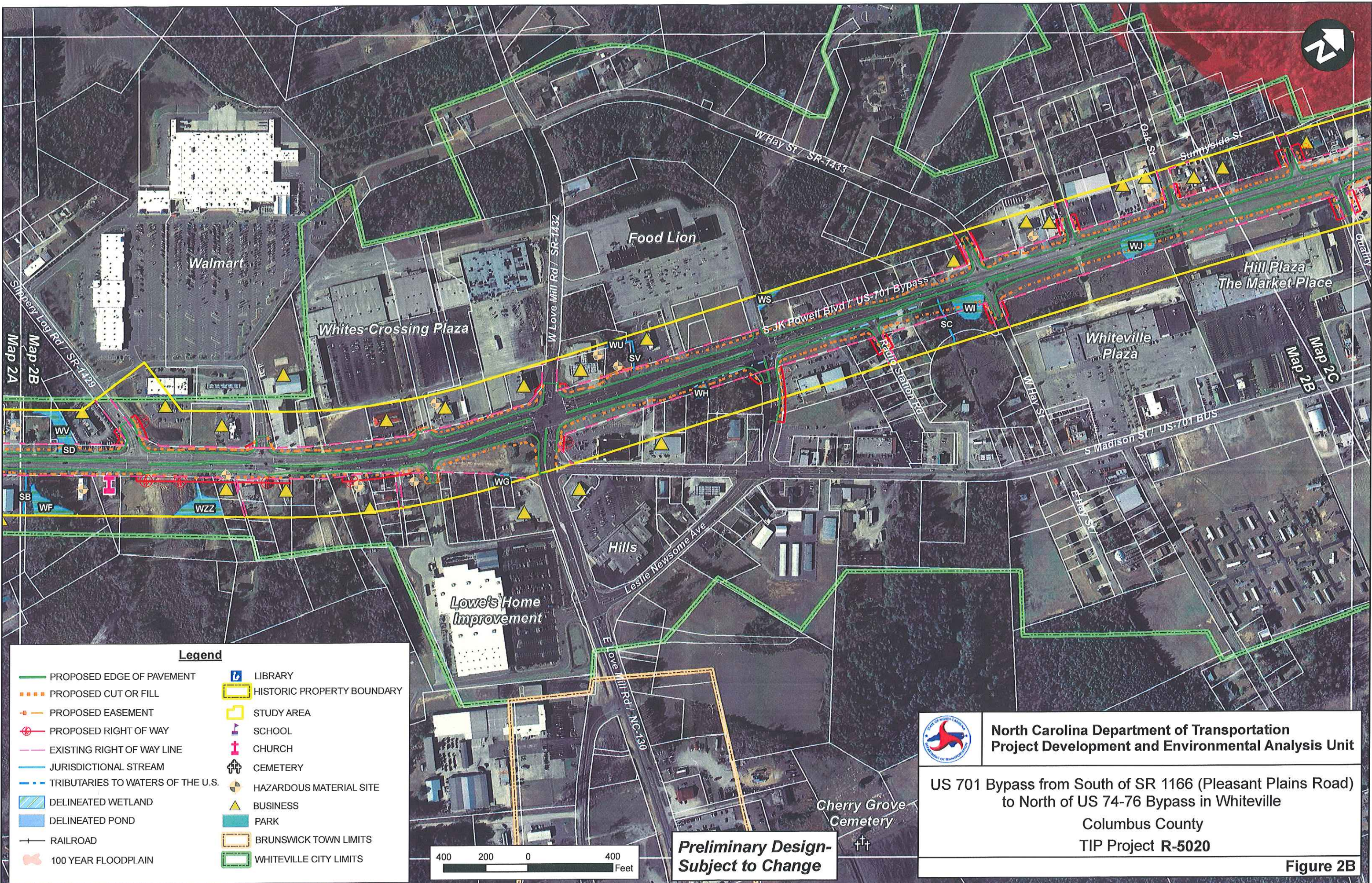
The purpose of compensatory mitigation is to offset unavoidable functional losses to the aquatic environment resulting from project impacts to waters of the United States. Following demonstration of avoidance and minimization, a compensatory mitigation plan must be approved by the Corps for compliance with current regulatory requirements (i.e., 33CFR332). NCDOT will investigate potential on-site stream and wetland mitigation opportunities once a preferred alternative has been chosen. If on-site mitigation is not feasible, or a sufficient amount of mitigation is not available on-site, mitigation will be provided by the NC Division of Mitigation Services (NCDMS).

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 a Corps of Engineers 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 5, 2016. Written comments should be submitted to Ms. Liz Hair, US Army Corps of Engineers, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, NC 28403-1343, telephone 910-251-4049. Written comments can also be submitted by email to sarah.e.hair@usace.army.mil





Legend

- | | |
|---|----------------------------|
| — PROPOSED EDGE OF PAVEMENT | LIBRARY |
| - - - PROPOSED CUT OR FILL | HISTORIC PROPERTY BOUNDARY |
| - - - PROPOSED EASEMENT | STUDY AREA |
| ⊕ PROPOSED RIGHT OF WAY | SCHOOL |
| - - - EXISTING RIGHT OF WAY LINE | CHURCH |
| — JURISDICTIONAL STREAM | CEMETERY |
| - - - TRIBUTARIES TO WATERS OF THE U.S. | HAZARDOUS MATERIAL SITE |
| ▨ DELINEATED WETLAND | BUSINESS |
| ▩ DELINEATED POND | PARK |
| — RAILROAD | BRUNSWICK TOWN LIMITS |
| 100 YEAR FLOODPLAIN | WHITEVILLE CITY LIMITS |



**Preliminary Design-
Subject to Change**

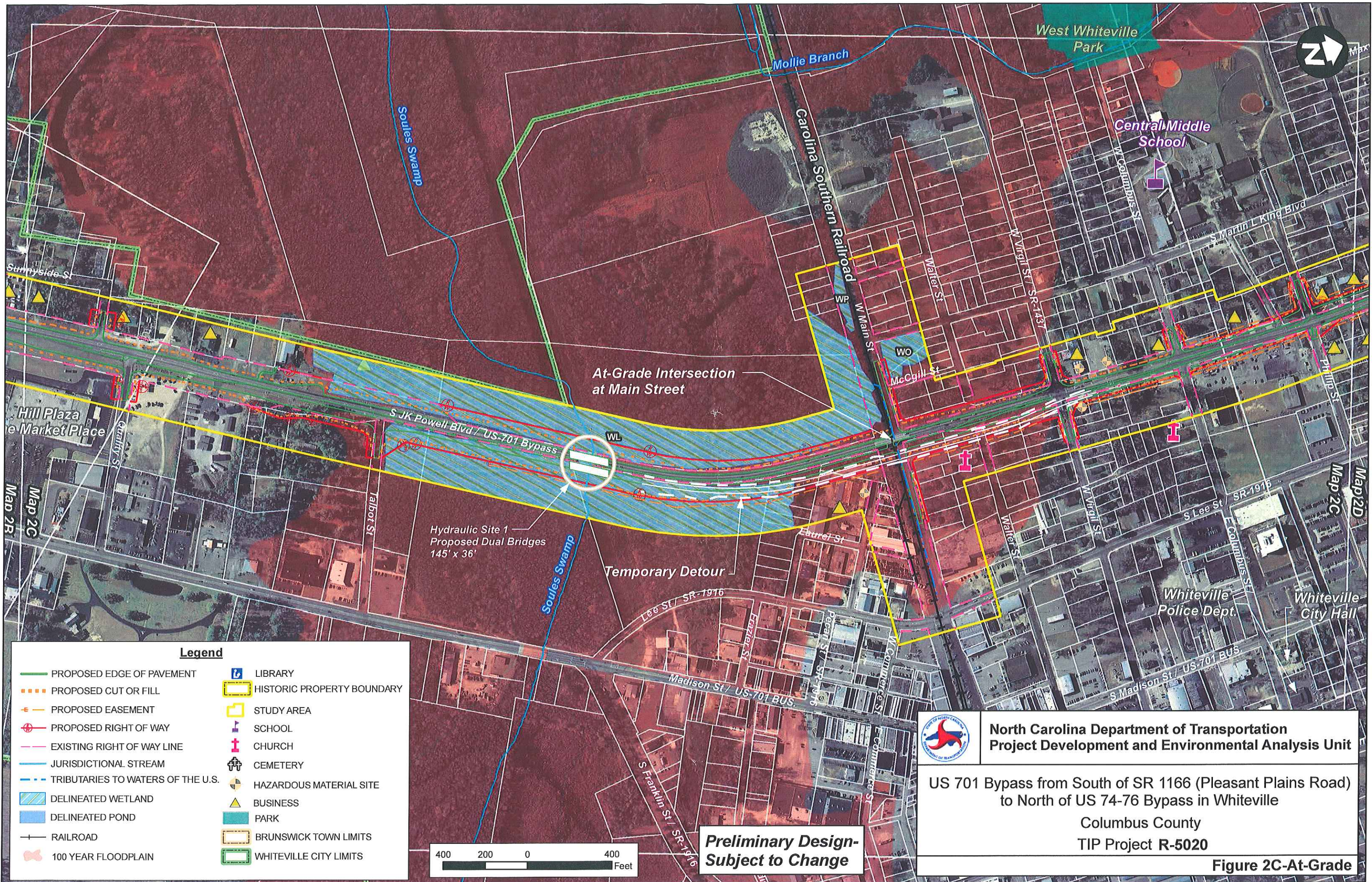


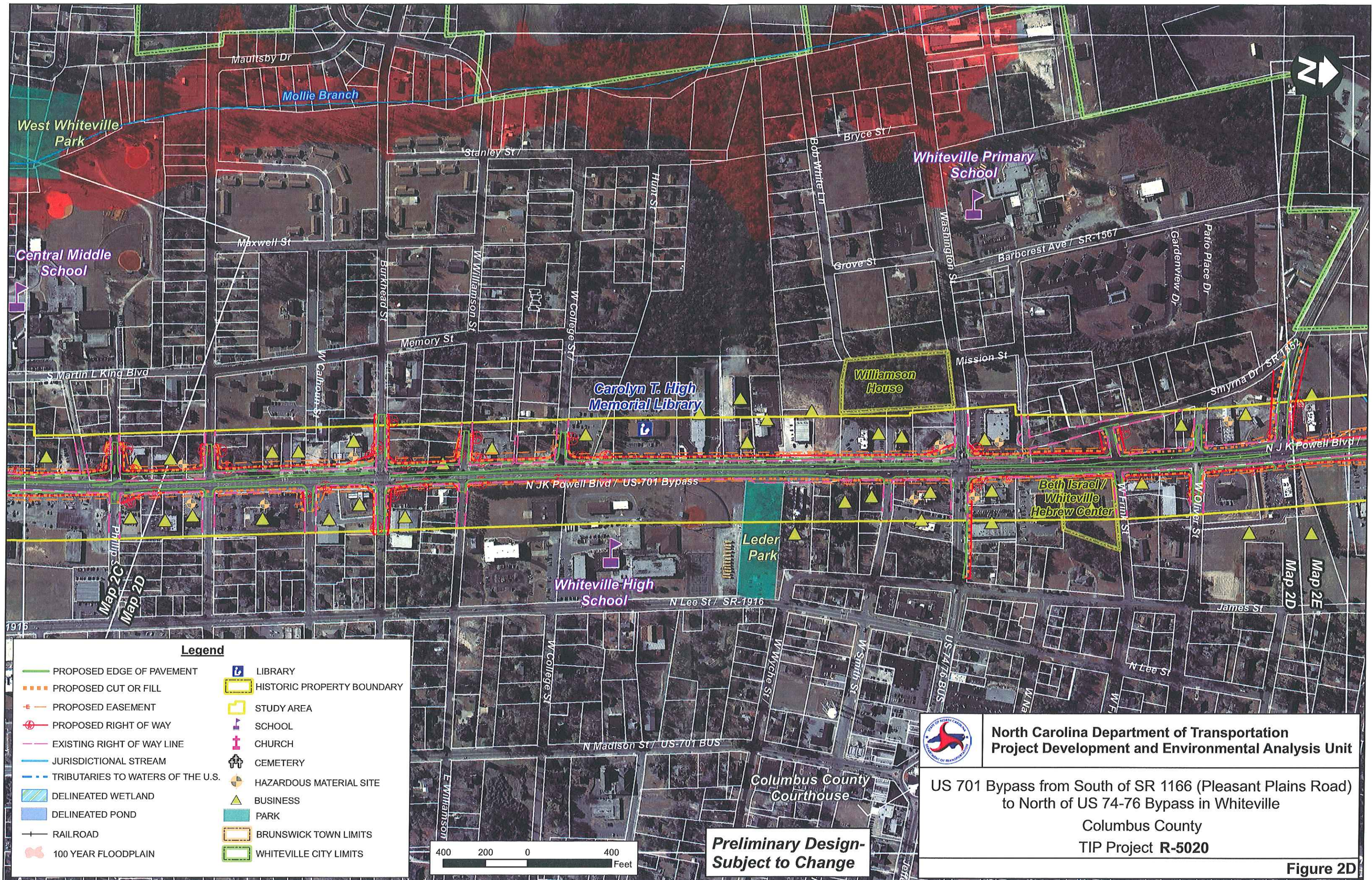
**North Carolina Department of Transportation
Project Development and Environmental Analysis Unit**

**US 701 Bypass from South of SR 1166 (Pleasant Plains Road)
to North of US 74-76 Bypass in Whiteville**

**Columbus County
TIP Project R-5020**

Figure 2B





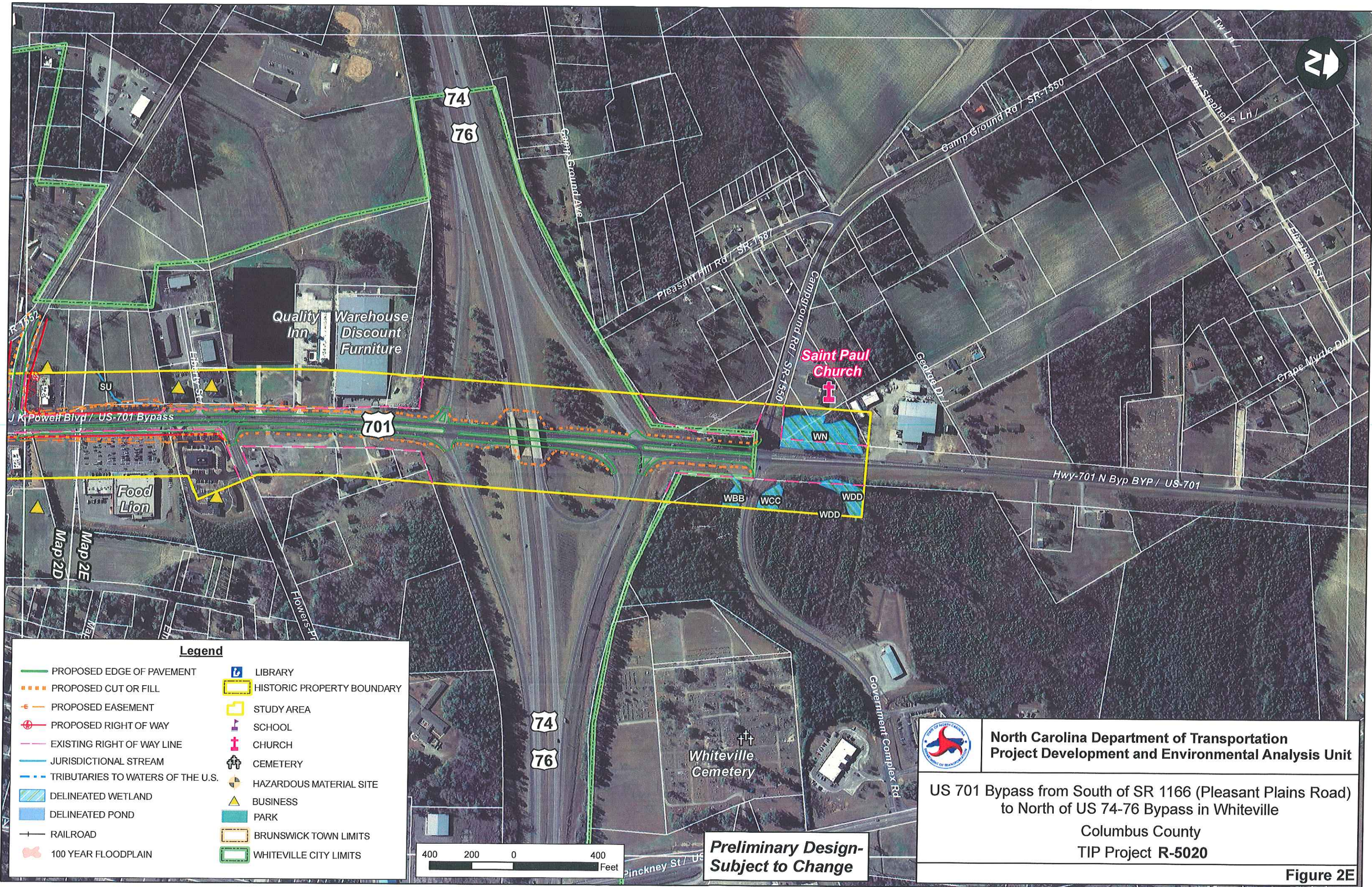


Figure 2E

