



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 1, 2019  
Comment Deadline: March 3, 2019  
Corps Action ID Number: SAW-2016-02338

The Wilmington District, Corps of Engineers (Corps) received an application from CSX Transportation, Inc., and the North Carolina Department of Transportation seeking Department of the Army authorization to impact 4,042 linear feet of stream channel, 6.87 acres of wetland, and 0.22 acre of open water associated with the Carolina Connector Intermodal Rail Terminal (CCX Terminal), a siding to access the terminal, and associated reconstruction of the former second mainline track in the vicinity of the terminal (Line of Road Improvements) in Rocky Mount, Edgecombe and Nash Counties, North Carolina.

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:** CSX Transportation, Inc.  
Mr. Matthew Adkins  
351 Thornton Street, Suite 125  
Lithia Springs, Georgia 30122

**Applicant:** NCDOT Division 4  
Mr. Tony Coggins  
509 Ward Boulevard  
Post Office Box 3165  
Wilson, North Carolina 27895

**Agent:** Wood Environmental & Infrastructure Solutions, Inc.  
Mr. Richard Harmon  
4021 Stirrup Creek Drive, Suite 100  
Durham, North Carolina 27703

## 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**

Location Description: The CCX terminal consists of approximately 635 acres, and is generally located along the western edge of Edgecombe County, north of the City of Rocky Mount, and between the existing CSX mainline and Old Battleboro Road. The Line of Road Improvements contains an approximate 46-acre corridor and is part of the CSXT Terminal A-Line, North End Subdivision, which runs along the county line between Edgecombe County and Nash County, North Carolina, and generally runs parallel to the I-95 corridor.

Project Area (acres): 681

Nearest Town: Rocky Mount and Battleboro

Nearest Waterway: Compass Creek, Hornbeam Branch, Beech Branch, & Swift Creek

River Basin: Tar-Pamlico River Basin

Latitude and Longitude: 36.01458 N, -77.76345 W

**Existing Site Conditions**

The project primarily consists of agricultural land with a few residential and commercial buildings and woodlands dispersed throughout the property. College Road, a secondary road, bisects the site near the western portion. Other roadways of note include Old Battleboro Road (northeast boundary of the site) and Fountain Park Drive (southern section). The western boundary of the CCX Terminal abuts the North End Subdivision of the existing CSX mainline known as the A-Line and the proposed Line of Road Improvements. Beech Branch, unnamed tributaries and associated wetlands, agricultural/recreational ponds, and agricultural ditches are also present within the CCX Terminal. Beech Branch is the northeast boundary of the site. Two unnamed tributaries of Beech Branch traverse the central portion of the site. An unnamed tributary of Compass Creek traverses the southern portion of the CCX Terminal. Two cemeteries and a telecommunications tower are present within the CCX Terminal Project Area, as well as a commercial business and a number of scattered, single-family residential lots, abandoned home site, and abandoned agricultural buildings. The project site is located within the Tar-Pamlico River Basin.

## **Applicant's Stated Purpose**

The purpose of the construction of CCX is to better connect economic centers, relieve highway congestion, and address current and future regional infrastructure and freight distribution needs through intermodal rail transportation. The intent of the reconstruction efforts, such as the Line of Road Improvements, is to increase safety, fluidity of train/freight movement, and system-wide capacity improvement. Most of the system-wide improvements involve either extending existing siding tracks or connecting existing siding tracks to obtain the ability to handle 15,000 foot trains. The CSXT Line of Road Improvements are part of the ongoing infrastructure upgrades underway throughout the CSX system.

## **Project Description**

The Proposed project is comprised of two components representing two different types of railroad infrastructure: the CCX Terminal and the Line of Road Improvements. The CCX Terminal would be a regional intermodal facility. The line of Road Improvements would consist of the construction of a siding track between Milepost A115.4 to A112.2, rehabilitation of an existing siding track to a second mainline from Milepost A112.2 to A110.6, and the construction of a south lead track (with a vehicle access road) into the CCX Terminal. The reconstruction would be within the existing CSXT right-of-way (ROW) on out-of-service tracks.

The CCX Terminal would include the construction of an approximately 635-acre site, located within Edgecombe County north of the City of Rocky Mount, and northeast of the intersection of US-64 and I-95. The terminal would be located along the mainline tracks, known as the A-Line, a strategic location on CSX's rail network, and Old Battleboro Road. The CCX Terminal would be equipped with state-of-the-art sustainable technology to efficiently load, unload, and/ reposition shipping containers while serving the Raleigh market and the North Carolina ports. The CCX Terminal would provide critical infrastructure to support economic growth and improve transportation options for North Carolina businesses as well as increase their access to national and global markets.

CSX plans to construct a siding track between Milepost 115.4 and A112.2 and rehabilitate existing siding track to a second mainline from Milepost A112.2 to A110.6, within approximate 46-acre corridor. Two phases of construction would occur in this phase of the project. The northern phase would occur between Milepost A112.2 and Milepost A110.6 and consist of existing track rehabilitation within the existing CSXT corridor from a siding to a second mainline. Single mainline track currently exists in this portion of the service route. The track rehabilitation is necessary to accommodate the construction of the terminal. This phase would extend the existing double mainline track running from Milepost A115.4 to A112.2. A south lead track and associated access road would be construction between the CCX Terminal and the new siding track.

## **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Impacts to waters of the United States would be avoided to the maximum extent practical. Impacts would be minimized by following best management practices, erosion/sedimentation control plan requirements, NPDES permit compliance, etc. Impacts to waters of the United States would be mitigated through compensatory mitigation provided by the Swift Creek- Permittee Responsible Mitigation site.

## **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes the Swift Creek Permittee Responsible Mitigation Plan (PRMP). It has been designed to preserve, restore, and enhance approximately 51.9 acres of wetlands and 8,576 LF (~1.62 miles) of unnamed headwater tributaries within approximately 196.5 acres of property which would be permanently protected in the Swift Creek watershed. The Swift Creek watershed flows into the Tar River and is defined as a critical priority area needing protection by the NCDWR, the North Carolina Natural Heritage Program, and the Tar River Land Conservancy.

## **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 have no effect on 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 and initially determines that:

- ☐ Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- ☐ No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

- ☐ Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- ☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- ☒ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO). A draft Memorandum of Agreement (MOA) has been provided for the Corps to review as part of the permit application.
- ☐ The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

### **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 federally listed endangered or threatened species or their formally designated critical habitat.
  - ☐ The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
  - ☐ The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

- ☒ The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- ☐ The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.
- ☐ 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, 401 and Buffer 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 February 22, 2019, to:

NCDWR Central Office  
Attention: Ms. Karen Higgins, 401 and Buffer 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 will 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. Comments should be submitted to Samantha Dailey, U.S. Army Corps of Engineers, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, by email at [Samantha.J.Dailey@usace.army.mil](mailto:Samantha.J.Dailey@usace.army.mil), or by phone at (919) 554-4884 ext. 22.