



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: March 03, 2020
Comment Deadline: April 01, 2020
Corps Action ID Number: SAW-2012-00758

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NC DOT) seeking Department of the Army 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. Proposed impacts include permanent impacts to 1,252 linear feet of streams and 8.16 acres of wetlands, temporary impacts to 134 linear feet of streams and 0.04 acre of wetlands (along with 0.39 acre of hand clearing to wetlands).

Specific location information is described below. Construction plans are not attached to this Public Notice due to the large number of pages. However, all construction plans can be found at the Wilmington District Web Site along with this Public Notice:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

If you wish to have a paper copy of this Public Notice and/or the construction plans, please contact the individual identified at the end of this Notice.

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 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)

Location

Location Description: The proposed project is located along US Highway 701 Bypass (James B. White Road/South Madison Street/ J.K. Powell Boulevard) in Whiteville, Columbus County, North Carolina.

Nearest Town: Whiteville
River Basin: Lumber 03040206

Nearest Waterway: Soules Swamp
Lat. and Long.: 34.318553 N, -78.708777 W

Existing Site Conditions

The town of Whiteville is 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, brown-water bottomland hardwoods, brown-water 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 the streams within the study area have the 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

The purpose of the proposed project is to increase the traffic carrying capacity and safety of the US 701 Bypass within the project limits. Improvements to US 701 Bypass are needed to provide adequate capacity for future traffic volumes in the project study area. With no improvements, US 701 Bypass is projected to operate at level of service (LOS) E along with the two-lane segments under future (2035) conditions. LOS is a qualitative measure used to describe the operating conditions of a roadway. LOS is generally described in terms of factors such as speed, travel time, freedom to maneuver, traffic interruptions, driver comfort and convenience, and safety. LOS is represented by a letter ranking from "A" to "F", with "A" representing free-flowing conditions and "F" representing traffic-breakdown conditions.

The proposed four-lane median divided facility would improve the overall mainline operations on US 701 Bypass in the project study area to LOS C with 2035 traffic volumes. Improvements to US 701 Bypass are also needed to provide increased safety on the roadway in the project study area.

The current crash rates on US 701 Bypass exceed the statewide average, and critical crash rates for similar facilities for every crash type analyzed, except for the critical fatal crash rate. The project improvements are expected to result in a safer facility for all roadway users, including vehicles, bicycles, and pedestrians.

Project Description

The project corridor is 5.3 miles long and separated into two sections: Section A: US 701 Bypass from SR 1166 (Pleasant Plains Road) to SR 1437 (Virgil Avenue) (approximately 3.1 miles); and Section B: US 701 Bypass from SR 1437 (Virgil Avenue) to US 74/76 Bypass (approximately 2.2 miles). Because the funding is divided into phases, NCDOT has proposed that the project will be constructed in phases. Any authorization (permit) that the Corps may issue for this project would be modified to allow construction of subsequent phases that correspond with the construction schedule. As stated below, Section B will be constructed first, therefore final design has been completed for this phase.

Because Section A would be constructed later, preliminary designs have been completed with impacts estimated based on design slope stake limits plus a 25-foot buffer. Construction on these phases would not be authorized until final designs are complete, compensatory mitigation has been approved, and all permits modified to reflect any additional avoidance and minimization efforts.

Section A: Estimated impacts to waters are based on preliminary plans and described as a total of 1,207 linear feet of permanent impact and <0.01 acre of temporary impacts to jurisdictional streams. There are a proposed 7.95 acres of permanent impact to riparian wetlands, with an additional 0.39 acre of hand clearing. As stated above, a permit modification request would be required upon final plan completion.

Section B: Based on final design the proposed impacts to jurisdictional areas total 55 linear feet of permanent impact and 31 linear feet of temporary impact to jurisdictional streams. There are a proposed 0.21 acre of permanent impact and 0.04 acre of temporary impact to riparian wetlands.

Impacts to jurisdictional streams and wetlands are outlined in the tables below.

Table 1. R-5020 B Wetland Impacts (FINAL DESIGN PLANS)

Permit Drawing Site Number	Wetland Type	Permanent Impact (acres)	Temporary Impact (acres)
3	Riparian	0.21	0.04
6	Riparian	<0.01	--
	TOTAL:	0.21 acre	0.04 acre

Table 2. R-5020 B Stream Impacts (FINAL DESIGN PLANS)

Permit Drawing Site Number	Stream Name	Impact Type	Permanent (linear ft)	Temporary (linear ft)
1	UT to Mollie Branch	Outlet Protection	20	--
2	UT to Mollie Branch	36" pipe (extension/replacement)	20	11
4	UT to Mollie Branch	15" pipe outfall	6	10
5	UT to Mollie Branch	15" pipe outfall	9	10
		TOTAL:	55 linear feet	31 linear feet

Table 3. R-5020 A Wetland Impacts (Preliminary Design)

Permit Drawing Site Number	Wetland Type	Permanent impact (acres)
1	Riparian	0.09
2	Riparian	0.22
3	Riparian	0.01
4	Riparian	0.08
8	Riparian	0.05
10	Riparian	<0.01
12	Riparian	0.02
14	Riparian	0.19
15	Riparian	0.25
16	Riparian	6.95
	TOTAL:	7.87 acres

*An additional 0.39 acre of hand clearing in wetlands at Sites 9 and 16 is proposed.

** **There will also be an additional 0.08 ac for total take of wetlands at Site 15.**

Table 4. R-5020 A Stream Impacts (Preliminary Design)

Permit Drawing Site Number	Stream Name	Impact Type	Stream Type	Permanent Impact (linear ft)	Temporary Impact (linear ft)
1	UT to Deep Branch	60" Pipe (extend/replace/bank stabilization)	Perennial	46	8
2	UT to Deep Branch	60" Pipe (extend/replace/bank stabilization)	Perennial	80	15
5	UT to Deep Branch	Fill	Intermittent	146	--
6	UT to Deep Branch	Fill/2 48" pipes/bank stabilization	Intermittent	461	25
7	UT to Richardson Swamp	Fill	Intermittent	76	15
8	UT to Richardson Swamp	54" Pipe (extend/replace)	Perennial	21	5
11	UT to Richardson Swamp	Drainage Inlet	Intermittent	--	7
13	UT to Richardson Swamp	Fill/bank stabilization	Perennial	139	12
18	UT to Richardson Swamp	Riprap channel	Perennial	238	16
			TOTAL:	1,207 ft	103 ft

Open Waters: For the preliminary drawings for Section A, Site 17/17A was considered to be a tributary to Waters of the U.S. Preliminary impacts to this site are <0.01 acre.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: All jurisdictional features were delineated, field verified and surveyed within the corridor for R-5020. 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 designs.

Many of these strategies have been incorporated into Best Management Practice 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:

- The proposed curb and gutter was extended to avoid impacts to a cemetery adjacent to the existing road, which also reduced impacts to wetlands in this area.
- At Wetland Site WL (Soules Swamp), existing US 701 Bypass will be widened to the east, this will reduce wetland impacts by approximately 0.9 acre.
- The use of 3:1 slopes in wetland areas to reduce wetland impacts.
- The preferred alternative would bridge the man-made ditch (i.e., unnamed tributary to Soules Swamp) parallel to Main Street and the railroad tracks, thereby not impacting this tributary.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The unavoidable permanent stream impacts of 1,262 linear feet and wetland impacts of 8.16 acre 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 Corps' determination is that the proposed project would not effect 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) 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).

According to the FHWA, the study area includes two 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, the NCSHPO concurred with the effect determinations for the NRHP eligible properties. However, concurrence with the no adverse effect determination for the Beth Israel/Whiteville Hebrew Center was 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 NCSHPO indicated no known archaeological sites within the project study area and did not recommend an archaeological study be conducted.

Endangered Species

The Federal Highway Administration (FHWA) is the lead federal agency for this project. In accordance with Section 7(a)(2) of the Endangered Species Act (ESA), the FHWA has made determinations of effect to federally listed species and received concurrence with these determinations from the United States Fish and Wildlife Service (USFWS).

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 ESA 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).

Additionally, informal concurrence for biological conclusion of May Affect, Not Likely to Adversely Affect was requested for the wood stork (*Mycteria americana*) from the USFWS on October 24, 2019. Concurrence was received on October 28, 2019 agreeing with FHWA’s biological conclusion.

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. Unless NCDWR is granted a time review extension, 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 March 23, 2020 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):

- 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, April 01, 2020. Comments should be submitted to Ms. Liz Hair, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 , at (910) 251-4049 or by email at sarah.e.hair@uasce.army.mil.