



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 13, 2020
Comment Deadline: October 27, 2020
Corps Action ID Number: SAW-2018-02276

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NCDOT) seeking to modify an existing Department of the Army authorization associated with the overall 26-mile widening project of existing I-95 to an eight-lane median divided facility on existing location from Business Route 95 (exit 56) north to Interstate 40 (exit 81) in Cumberland, Harnett, and Johnston Counties, North Carolina. This section of the project is identified as I-5986 A and is being re-advertised due to changes from the original project public notice, dated March 15, 2019.

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 following link within the Wilmington District Web Site along with this Public Notice:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

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
Mr. Philip S. Harris, III, P.E., C.P.M.
Environment Analysis Unit
1598 Mail Service Center
Raleigh, North Carolina 27699

AGENT (if applicable): N/A

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:

Project Area: 15.4 miles

Nearest Town: Fayetteville

Nearest Waterway: Cape Fear River, Black River,

River Basin: 03030004, 03030006

Latitude and Longitude: 35.086094 N, -78.784738 W to 35.246844 N, -78.630377W

Existing Site Conditions

The I-5986 A project corridor is located within the existing I-95 corridor and extends 15.4 miles from south of SR 1832 (Murphy Road-Exit 56), in Eastover north to south of SR 1811 (Bud Hawkins Road-Exit 70) in Cumberland County. This portion of the overall I-5986 project is located in the Cape Fear River Basin and lies within Hydrologic Unit Codes (HUCs) 03030004 (Subbasin Upper Cape Fear) and 03030006 (Subbasin Black River). This project is located within the Middle Atlantic Coastal Plain eco-region. The project crosses Baker Swamp, Reece Creek, and the Little Black River as well as several unnamed tributaries to waters of the US, and multiple wetlands.

Applicant's Stated Purpose

The project purpose remains unchanged and would widen I-95 to eight lanes, increasing capacity and achieving a Level of Service (LOS) D or better along the corridor. The project would also improve interchanges to meet current American Association of State Highway and Transportation Officials (AASHTO) standards. The portion of I-95 between Exits 56 and 81 has the highest average annual daily traffic (AADT) along the facility with 2016 volumes reaching almost 60,000 vehicles a day in southern Johnston County. The I-95 Planning and Finance Study Environmental Assessment (2012) forecast the 2040 LOS along the I-5986 portion at I-95 at LOS F without widening to eight lanes.

Project Description

The NCDOT is currently constructing a phased widening of an approximate 26-mile portion of existing Interstate 95 to an eight-lane median-divided facility on existing location through Cumberland, Harnett and Johnston Counties, North Carolina.

The project begins approximately a half-mile south of SR 1832/Murphy Road (Exit 55) where 4-lane I-95 would taper to 8-lanes at Business Route 95 (Exit 56) near Fayetteville in Cumberland County and extends north through Harnett County and into Johnston County to the Interstate 40 interchange (Exit 81), north of the City of Benson. The project is listed in the approved 2018-2027 State Transportation Improvement Program (STIP) as Project Number I-5986 and is federally funded. I-95 interchange improvements in Harnett County associated with this project are proposed as NCDOT STIP projects I-5877, I-5878, and I-5883. The Federal Highway Administration (FHWA) is the lead federal agency.

The Department of the Army permit for the I-5986 project was issued in July of 2019, conditional that permit modification requests be submitted for review upon final design of sections not previously authorized for construction. The NCDOT revised the project study area in three places along the I-5986 A section of the project to include additional survey areas, which were previously not with a part of the overall I-5986 project. Because of the changes in the project study area and increased impacts to wetlands and other waters, this permit modification request is being re-advertised for comment.

The STIP I-5986 project has been combined with and will include proposed activities from three additional separate interchange improvement projects. The entire 26-mile project corridor will be broken down into five phased sections, with the corridor widening activities being combined with the interchange improvements. The phases of the I-5986 project along with approximate section limits, length, and proposed construction letting are summarized in Table 4. Permit modification requests will be submitted as the final design is completed for each of the remaining sections according to the phasing dates provided below.

Table 4. I-5986 Project Phasing

Section	Approximate Section Limits	Approximate Length (mi)	Construction Letting
I-5986B - Section 1 (I-5877)	South of SR 1180 (Bud Hawkins Road – Exit 70) to North of SR 1002 (Long Branch Road – Exit 71)	3.3	June 2020
I-5986B - Section 2 (I-5878)	South of SR 1793 (Spring Branch Road – Exit 72) to North of US 421 (Cumberland Street – Exit 73)	1.8	July 2021
I-5986B - Section 3 (I-5883)	South of SR 1808 (Jonesboro Road – Exit 75) to North of SR 1709 (Hodges Chapel Road – Exit 77)	3.6	July 2021
I-5986B - Section 4 (Johnston County)	North of SR 1709 (Hodges Chapel Road – Exit 77) to I-40 (Exit 81)	4	July 2021
I-5986A (Cumberland County)	South of SR 1832 (Murphy Road -Exit 56) to South of SR 1811 (Bud Hawkins Road – Exit 70)	15.4	June 2020

Proposed impacts to wetlands and other waters have increased by approximately 2 acres of wetlands and 608 linear feet of stream channel due to the following changes:

- The project has been expanded to the south approximately 1.6 miles to include the Murphy Road interchange area.
- The project widened NC 295 (-Y5-) approximately 1 mile in the westbound direction.

- The project was revised to relocate Pembroke Lane on new location and create a 4-legged roundabout between Pembroke Lane, US 13, and a service road to serve the Waffle House.
- The project was revised from a partial clover interchange with loops in the B and D quadrants at the Wade-Stedman Road interchange to a diamond interchange with roundabouts at the ramp terminals. Roundabouts are large and must be offset from road to maintain traffic during construction.
- The diamond interchange at the Godwin-Falcon Road interchange was revised to a diamond interchange with roundabouts at the ramp terminals. Offsetting the roundabout in the C and D quadrants required the service road (Gordon Williams Road) to be relocated further from the interchange.
- The 2-foot shoulder width (7-foot with guardrail) on Percy Strickland Road (-Y8-) was revised to an 8-foot shoulder / 11-foot with guardrail.
- The 2-foot shoulder width (7-foot with guardrail) on Rhodes Pond Road (-Y11-) was revised to an 8-foot shoulder / 11-foot with guardrail.
- Areas originally reported as open water impacts have been reclassified as wetlands, as agreed to during the 4C meeting.

Based upon Final Permit Drawings for the proposed impacts to jurisdictional areas for the I-5986 A portion of the project and additional survey areas, approximately 12.434 acres of wetlands and 1,737 linear feet of stream channel (perennial and intermittent) would be permanently impacted due to road construction activities by either directly filling, mechanized land clearing, excavation, pipe/culvert installation, bridge construction, bank/structure stabilization, and headwall installation. Proposed temporary impacts total 2.07 acres of wetlands and 752 linear feet of stream channel. There are 56 permit sites located along the 15.4 mile-project. Proposed impacts would result in the permanent loss and/or degradation of both riparian/non-riparian and perennial/intermittent streams. Revised impact tables can be found within the plans at the link identified on page 1 of this notice.

Original proposed impacts associated with the I-5986 A project were based on preliminary plans and were determined by measuring 25' outside of preliminary slope stake limits.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Avoidance measures were implemented to the extent possible during the planning and design phases, and minimization measures were incorporated into the project design. All jurisdictional features were delineated, field-verified, and surveyed within the study area. Proposed widening of I-95 towards the median in areas where possible has aided in reducing the project footprint and overall impact to jurisdictional resources. The designs were developed in more detail and adjusted to avoid and minimize impacts to jurisdictional areas. Project designs were reviewed during development stages by an interagency review team consisting of representatives from NCDOT, North Carolina Division of Water Resources (NCDWR), North Carolina Wildlife Resources Commission, Corps, and the applicant's consultant team. Input from parties concerned have helped develop appropriate and practicable steps to avoid and minimize impacts to sensitive areas.

General avoidance and minimization measures implemented by the NCDOT are as follows:

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters would be strictly enforced;
- Impacts to wetlands, streams, and open waters were avoided and/or minimized by adjusting alignments and slopes;
- 3:1 fill slopes have been used at stream and wetland crossings to reduce impacts and to promote sheet flow since shoulder berm gutter is not used;
- All storm drainage would be diffused and designed for non-erosive velocities before entering stream and wetland areas to the maximum extent practicable;
- Direct discharge of stormwater to streams has been avoided to the extent practicable;
- Rip rap stabilization on banks of jurisdictional streams would be implemented to prevent erosion;
- Minimizing "in stream" activities;
- Decreasing the footprint of the proposed project through the reduction of right-of-way widths;
- Utilizing natural stream channel design principles when relocating streams.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The proposed construction of I-5986 A would result in unavoidable impacts to 12.434 acres of wetlands (5.163 acres of non-riparian wetlands; 7.271 acres of riparian wetlands) and 1,299 linear feet of jurisdictional stream (1,119 linear feet of perennial stream and 180 linear feet of intermittent stream) that would require mitigation. NCDOT has acquired the compensatory mitigation for unavoidable impacts from the North Carolina Department of Environmental Quality (NCDEQ) Division of Mitigation Services (DMS).

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 not 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 FHWA is the lead federal agency. 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:

- 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).

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

The FHWA is the lead federal agency. 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 may affect federally listed endangered or threatened species or their formally designated critical habitat.

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 this project.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

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 October 27, 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 modify the 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, October 27, 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@usace.army.mil.