



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 28, 2020  
Comment Deadline: June 29, 2020  
Corps Action ID Number: SAW-2018-02283

The Wilmington District, Corps of Engineers (Corps) received information from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army authorization to discharge dredged or fill material into waters of the United States, associated with improvements to NC 211 from US 15-501 in Aberdeen to east of West Palmer Street/Mockingbird Hill Road in Raeford, in Moore and Hoke Counties, North Carolina. The proposed project is designated in the State Transportation Improvement Program (STIP) as project number R-5709.

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/Regulatory-Permit-Program/Public-Notices/>

**Applicant:** North Carolina Department of Transportation (NCDOT)  
Project Management Unit  
Attn: Elmo Vance  
Project Manager  
1582 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 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)

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 considered.

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.

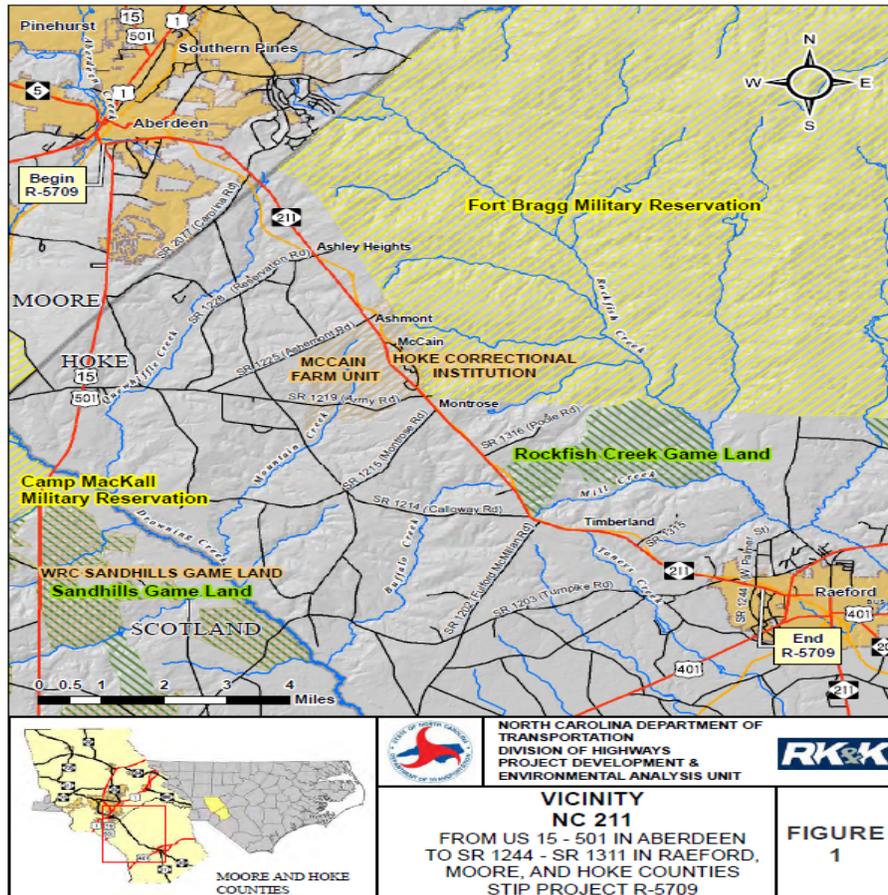
**Location**

Project Area (length): ~15.4 miles  
 Nearest Town: Aberdeen and Raeford  
 Nearest Waterway: Lumber River  
 Latitude and Longitude: 36.1254 N, -79.4269 W

Nearest Town: Aberdeen and Raeford  
 River Basin: Lumber

The project extends from US 15-501 in Aberdeen, Moore County, to east of West Palmer Street (Mockingbird Hill Road) in Raeford, Hoke County, a distance of approximately 15.4 miles. The proposed project is designated as STIP project number R-5709 (Figure 1).

Figure 1.



## Existing Site Conditions

Moore and Hoke Counties are located within the outer coastal plain physiographic region (Sandhills) of North Carolina. The project begins in Aberdeen and ends in Raeford. In addition to the two municipalities, the unincorporated communities of Ashley Heights (Census designated place), Ashmont, McCain, and Timberland are along the project corridor in Hoke County. NC 211 also generally parallels the southwest boundary of Fort Bragg, which influences land use and transportation in the area. The Rockfish Creek Game Land, located south of the Fort Bragg boundary in Hoke County, also plays a role in defining the character of the overall project setting.

Topography in the project vicinity is characterized by broad, sandy ridges and long, less sandy slopes. Land use in the project vicinity primarily consists of mixed forestland, agriculture, commercial, and residential.

NC 211, a two-lane roadway, generally traverses the area in a northwest/southeast direction. The roadway is classified by NCDOT as a minor arterial with no access control. Minor arterials interconnect with and augment the urban principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials. A single railroad track, owned and operated by the Aberdeen and Rockfish Railroad, parallels most of the project corridor, crossing NC 211 at-grade twice within the project limits.

The project study area is contained within the Lumber Basin, part of the U.S. Geological Survey (USGS) Hydrologic Unit 03040203. Based on a delineation by NCDOT, there are 13 streams, 1 other surface waters (ponds), and 23 wetlands within the Study Area; all are potential waters of the U.S. All of the streams identified within the project area, which include Quewhiffle Creek, and several unnamed tributaries to Devil Gut Branch, Mountain Creek, Buffalo Creek, Toney's Creek, and Rockfish Creek, have been assigned a primary water resources class classification of "C". A classification of "C" refers to those waters protected for uses such as secondary recreation, fishing, wildlife, fish consumption, aquatic life including propagation, survival and maintenance of biological integrity, and agriculture. Secondary recreation includes wading, boating, and other uses involving human body contact with water where such activities take place in an infrequent, unorganized, or incidental manner. One stream has a primary water resources class classification of "B" which to those waters protected for all Class "C" uses in addition to primary recreation. Primary recreational activities include swimming, skin diving, water skiing, and similar uses involving human body contact with water where such activities take place in an organized manner or on a frequent basis. A field verification for NCDOT's delineation was complete in September 2017; and a jurisdictional determination is forthcoming.

There are no designated anadromous fish waters, Primary Nursery Areas (PNA), or trout waters present in the Study Area. There are no designated High Quality Waters (HQW), Outstanding Resource Waters (ORW), or water supply watersheds (WS-I or WS-II) within 1.0-mile downstream of the Study Area.

No streams located within a 1.0-mile radius of the Study Area were found on the North Carolina 2014 Final 303(d) List of Impaired Waters. No waters within the Study Area have been identified by the North Carolina Wildlife Resource Commission (NCWRC) as trout waters; therefore, no moratoria are anticipated for the proposed project. The National Marine Fisheries Service (NMFS) has not identified any streams within the Study Area as an Essential Fish Habitat. There are no streams within the Study Area determined by the USACE as Navigable Waters under Section 10 of the Rivers and Harbors Act.

### **Applicant's Stated Purpose**

The purpose of the proposed project is to reduce traffic congestion and travel delays, and correct roadway deficiencies along NC 211 within the project limits.

### **Project Need**

The proposed project is intended to address the following needs:

- Traffic congestion along the existing facility is expected to worsen in the future. Traffic volumes are projected to increase up to 66 percent. By 2040, almost all segments of NC 211 within the project limits will exceed the roadway's capacity in at least one peak hour.
- Travel delays occur along the existing facility. Traffic volumes and sight distance limitations due to the horizontal and vertical alignment of the roadway limit passing opportunities.
- Roadway deficiencies include narrow travel lanes and shoulders with inadequate clear zones. In addition, there are sight distance limitations due to the horizontal and vertical alignment in some sections of the roadway, as well as problems with the alignment of intersecting roadways.
- The non-fatal injury crash rate along NC 211 within the project limits exceeds the critical crash rate. The total and fatal crash rates along NC 211 are higher than the statewide crash rate for similar facilities, although they are lower than the critical crash rate.
- Two at-grade railroad crossings expose vehicles to potential conflicts with trains. One of these railroad crossings is in the middle of an intersection (Reservation Road).

### **Project Benefits**

In addition to reducing traffic congestion and travel delays, and correcting roadway deficiencies, other benefits of the proposed project include:

- Potential traffic safety improvements by reducing the number and type of conflict points as compared to the existing conditions and
- Operational improvements by providing the opportunity for motorists to pass slower moving or stopped vehicles.

## **Project Description**

The North Carolina Department of Transportation (NCDOT) proposes to improve NC 211 from US 15-501 (Aberdeen) to east of West Palmer Street/Mockingbird Hill Road (Raeford) in Moore and Hoke Counties, a distance of approximately 15.4 miles. The project is included in the 2020-2029 State Transportation Improvement Program (STIP) and is state funded, with the Corps acting as lead federal agency.

The project proposes to widen NC 211 to a four-lane divided roadway with a grass median. The project will include a 30-foot-wide raised median in Moore County (45 mph posted speed limit) and a 46-foot-wide depressed median in Hoke County (55 mph posted speed limit). There will be curb and gutter with sidewalks along NC 211 in Aberdeen. The improved roadway will have Reduced Conflict Intersections.

Widening is proposed primarily along the existing alignment. NC 211 will be realigned to eliminate the existing at-grade railroad crossing at Reservation Road (Hoke County). The new section of the roadway will include dual bridges over the Aberdeen & Rockfish Railroad. Dual bridges will also carry NC 211 over the railroad just east of Central Drive in Aberdeen (Moore County), eliminating that at-grade railroad crossing.

In Raeford, a section of Turnpike Road (north of NC 211) near Mockingbird Hill Road will be redesigned to tie to a proposed roundabout at the intersection with NC 211 and the section of Turnpike Road between NC 211 and Mockingbird Hill Road will be closed, eliminating the existing at-grade railroad crossing.

Comprehensive Transportation Plans for Moore County (May 2018) and Hoke County (April 2017) have identified this section of NC 211 as a boulevard that needs improvement. Project development studies for R-5709 began in 2016. The project has followed an interagency decision-making process (known as the NEPA/ 404 merger process) to reach concurrence on key project milestones. Between 2017 and 2019, the interagency merger process team concurred on the project's purpose and need, alternatives to be studied in detail, and that there are no locations where wetlands and streams require bridges.

## **Alternatives**

### Widening Build Alternatives

Widening NC 211 would reduce traffic congestion and travel delays, and correct roadway deficiencies; therefore, widening alternatives were considered. In order to analyze potential impacts and select a best-fit alternative, the project was divided into 15 sections. NCDOT analyzed and refined options to widen on each side of the existing roadway (north or south) within each of the 15 sections, as well as options for grade-separated railroad crossings and/or the realignment of intersecting roadways (Sections 2, 3, and 6), and presented these preliminary widening scenarios to the NEPA/ 404 Merger Team.

At meetings held June 15, 2017 and February 20, 2019, the Merger Team concurred on the widening options comprising one best-fit alternative to be studied in detail. The reasons for selecting the widening scenarios are described in Table 1.

Table 1. Widening Options Selected for the Preferred Alternative

Section/Option	Widening Side Selected	Reason For Selection
1	South	Fewer total relocations, Avoids church relocation (New Hope Church of God in Christ), Less stream/wetland impacts
2B <sup>1</sup>	North	Avoids Superfund site, Grade-separates railroad crossing <i>There are no jurisdictional streams or wetlands in this section.</i>
3A <sup>2</sup>	North	Fewer relocations; Better traffic operations <i>There are no jurisdictional streams or wetlands in this section.</i>
4	North	Fewer residential relocations; Less wetland impacts
5	South	Avoids a dam; Less stream/wetland impacts
6C <sup>3</sup>	South	Avoids business relocations; Minimizes impacts to Ashley Heights Baptist Church buildings (avoids relocation of sanctuary) and Church supports this option; Grade-separates railroad crossing
7	North	Fewer relocations; Less impact to RCW foraging partitions (minus non-RCW habitat) and creates fewer acres of noncontiguous habitat <i>There are no jurisdictional streams or wetlands in this section.</i>
8	South	Less impact to the Hoke Correctional Institution Property; Less RCW foraging habitat impacted
9	South	Less impact to RCW foraging partitions (minus non-RCW habitat); Avoids railroad realignment <i>There are no jurisdictional streams or wetlands in this section.</i>
10-11	South	Fewer residential relocations; Less stream impacts; Avoids railroad realignment <i>There are no jurisdictional streams or wetlands in section 10.</i>
12	South	Avoids impacts to Calloway Nature Park <i>There are no jurisdictional streams or wetlands in this section.</i>
13	South	Avoids impacts to Calloway Nature Park
14	South	Reduce impacts to the railroad; Better tie-in with Section 13 <i>There are no jurisdictional streams or wetlands in this section.</i>
15	South	Less wetland impact; Avoids railroad realignment

1- Option 2A included an at-grade railroad crossing; Option 2B (selected) included NC 211 bridges over the railroad. Option 2B was revised based on the March 23, 2020 Merger Process Update Memo. The Merger Team agreed to shift a portion of the alignment to the north to avoid impacts to a Superfund site.

2- Option 3A (selected) realigned Indiana Avenue to intersect NC 211 at the existing Carolina Road intersection; Option 3B realigned Indiana Avenue to increase the distance from the existing Carolina Road intersection. Option 3A was revised based on the March 23, 2020 Merger Process Update Memo. The Merger Team agreed to maintain Indiana Avenue on existing alignment with reverse reduced-conflict intersection design at the NC 211 intersections with Indiana Avenue and Carolina Road.

3- Option 6A included a railroad bridge over the existing NC 211 intersection with Reservation Road; Option 6B realigned Reservation Road to provide two, three-legged intersections away from the railroad intersection (no grade separation); Option 6C (selected) proposed NC 211 bridges over the railroad with NC 211 and

Reservation Road on new alignment (removing the at-grade railroad crossing); and Option 6D proposed NC 211 bridges over the railroad with NC 211 on new alignment (maintaining the Reservation Road at-grade railroad crossing).

### **Detailed Study Alternatives (DSA)**

Following selection of a widening option in each section, transitions between north and south widening were developed and Reduced Conflict Intersection (RCI) design elements (e.g., U- turn bulbs, control of access, left-overs) were incorporated. Design revisions included shifting portions of the alignment in Sections 2 and 6 and maintaining the existing off-set alignment of the NC 211 intersections with E. Indiana Avenue and Carolina Road (previously proposed to be realigned). Best-fit alignment design refinements also included shifting U-turn bulbs, utilizing expressway gutter, and revising intersection design to accommodate access, minimize impacts, and/or avoid relocations.

The detailed study alternative (best-fit alternative) is shown on Figures 2-1 through 2-20. The anticipated impacts of the detailed study alternative are shown in the tables below. Anticipated impacts are resources which fall within 25 feet of the proposed slope-stake limits.

### **Avoidance, Minimization and Compensatory Mitigation**

Total avoidance of wetlands and streams by the proposed project is not possible. Avoidance and minimization of impacts were incorporated throughout the project development process. Project development included selection of one best-fit alignment, which compared potential impacts of widening on each side of the roadway for 15 project sections. Table 1 above lists avoidance and minimization measures that were the basis for selecting widening options in each section. After the primary widening side was selected, additional avoidance and minimization measures were explored through design refinements.

Anticipated impacts listed in Table 2 and 3 include avoidance and minimization to date. Additional minimization measures will be considered as the project progresses. The viability of the following options will be reviewed to determine the potential for additional impact reductions to jurisdictional features: steepened side slopes, reducing median widths, adding retaining walls, and revising U-turn bulb locations.

NCDOT will investigate potential on-site stream and wetland mitigation opportunities prior to submitting a Section 404 permit application. If on-site mitigation is not feasible, mitigation will be provided by the North Carolina Division of Mitigation Services.

Table 2

Stream Name	Map ID	Length of Impact (lf)	Classification	Compensatory Mitigation Required
UT to Devil Gut Branch	SA	139	C	Yes
UT to Devil Gut Branch	SB	0	C	Yes
Devil Gut Branch	SC	169	C	Yes
UT to Devil Gut Branch	SD	34	C	Yes
Quewhiffle Creek	SE	56	C	Yes
UT Quewhiffle Creek, (including pond)	SF	189	C	Yes
UT to Mountain Creek	SG	144	C	Yes
UT to Buffalo Creek	SH	298	C	Yes
UT to Toney's Creek	SI	0	C; SW	Yes
UT Quewhiffle Creek	SJ	128	C	Yes
UT to Rockfish Creek	SK	0	B	Yes
UT to Rockfish Creek	SL	0	B	Yes
UT to Toney's Creek	SM	303	C; SW	Yes
	<b>Total</b>	<b>1,460</b>		

Table 3

Map ID	NCWAM Classification	Area in Study Area (acres)	Anticipated Impact (acres)
WA	Bottomland Hardwood Forest	0.77	0.11
WB	Bottomland Hardwood Forest	0.07	0.01
WC	Bottomland Hardwood Forest	0.07	0
WD	Bottomland Hardwood Forest	0.06	0
WE	Seep	0.13	0
WF	Bottomland Hardwood Forest	0.75	0.11
WG	Bottomland Hardwood Forest	4.46	0.26
WH	Seep	0.33	0.13
WI	Bottomland Hardwood Forest	0.96	0.24
WJ	Basin Wetland	0.34	0.06
WL	Bottomland Hardwood Forest	0.46	0.34
WM	Basin wetland	0.33	0.14
WN	Seep	0.05	0
WO	Seep	0.03	0
WP	Seep	1.88	1.07
WQ	Bottomland Hardwood Forest/Seep	1.33	0.70
WR	Basin Wetland -Isolated	0.03	0.03

WS	Bottomland Hardwood Forest	0.11	0
WT	Basin Wetland	2.09	0.05
WU	Basin Wetland	0.63	0
WV	Non-Tidal Freshwater Marsh	0.1	0
WW	Non-Tidal Freshwater Marsh	0.21	0
WY	Bottomland Hardwood Forest	0.5	0
<b>Total</b>		<b>15.48</b>	<b>3.25</b>

### 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 effect 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 (NHPA), 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).

In correspondence signed February 12, 2018, NCDOT-Historic Architecture found "there are no historic properties present or affected by this project." In response to the expansion of the study area, supplements to the "No Historic Properties Present or Affected Form" were signed on September 9, 2019 and April 15, 2020.

In correspondence signed May 31, 2018, NCDOT-Archaeology found "there are no National Register listed or eligible archaeological sites present within the project's area of potential effects" and "no subsurface archaeological investigations were required for this project." In response to the expansion of the study area, a "No Archaeological Survey Required Form" was signed on April 9, 2020.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, 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 may affect, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat.

### Red-cockaded woodpecker (*Picoides borealis*)

Suitable habitat for Red-cockaded woodpecker in the form of open, mature stands of southern pines, particularly longleaf pine and loblolly pine is present in the project study area. The NCDOT-BSG coordinated surveys for Red-cockaded woodpecker cavity trees within portions of the study area, focusing on potentially suitable habitat. No Red-cockaded woodpecker cavity trees will be taken and the project does not come within 200 feet of any known Red-cockaded woodpecker cavity trees. The project will remove approximately 17.92 acres of Red-cockaded woodpecker foraging habitat and result in 18.90 acres of noncontiguous habitat collectively from within three affected Red-cockaded woodpecker partitions. Each partition will still meet the Standard for Managed Stability guidelines post-project when both suitable and potentially suitable habitat are considered. Therefore, the USFWS concurred that the proposed project may affect, but is not likely to adversely affect the Red-cockaded woodpecker.

U.S. Fish and Wildlife Service (USFWS) February 18, 2020 letter to NCDOT states that “requirements of Section 7(a) (2) of the Endangered Species Act have been satisfied.” In compliance with the Endangered Species Act, consultation with USFWS “must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered” [in the review identified by USFWS in the February 18, 2020 letter to NCDOT]; “(2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by this identified action.”

Northern Long-Eared Bat. The US Fish and Wildlife Service has developed a programmatic biological opinion (PBO) in conjunction with FHWA, USACE, and NCDOT for the northern long-eared bat in eastern North Carolina (which includes Wake County). The PBO went into effect in 2016 and covers all NCDOT projects and activities in NCDOT Divisions 1 to 8. The programmatic determination for the bat is “May Affect, Likely to Adversely Affect”. The PBO involves a research and tracking program to establish conclusive information concerning the existence of the northern long-eared bat in the eastern part of North Carolina.

The PBO also requires that upon completion of clearing activities for each project with federal funds, NCDOT will report on the estimated acres of clearing to the US Fish and Wildlife Service.

## **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 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 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.

NCDOT held two informal public meetings for the project on July 23, 2019 and July 25, 2019. The purpose of the meetings was to provide the public with information on the project, review the project designs, and gather comments on the project. NCDOT was assisted by the consultant firm RK&K. A total of 253 individuals signed in to the meetings.

Prior to each informal public meeting, a Local Officials Informational Meeting was held for public officials to review the public meeting handout and map. Officials were able to ask questions and provide feedback about the project.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 29, 2020. Comments should be submitted to James C. Lastinger, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884 extension 32, or by email to [James.C.Lastinger@usace.army.mil](mailto:James.C.Lastinger@usace.army.mil)