



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: November 23, 2021
Comment Deadline: December 23, 2021
Corps Action ID Number: SAW-2019-01276

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 Interstate 95 (I-95) to eight lanes from US 301 (Exit 22) to south of the proposed I-295 interchange (associated with the Fayetteville Outer Loop, STIP U-2519) in Robeson County, North Carolina. The proposed project is federally funded, and included in the NC DOT's approved Fiscal Year (FY) 2018-2027 and 2020-2029 North Carolina State Transportation Improvement Program (STIP), project number STIP: I-5987.

This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

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

Applicant: NC Department of Transportation
Environmental Analysis Unit
Mr. Phillip S. Harris, III, P.E.
1598 Mail Service Center
Raleigh, North Carolina 27699

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:

Project Area (acres): ~1,800 acres/16 miles
Nearest Waterway: Lumber River
Latitude and Longitude: 34.80138 N, -78.99049 W

Nearest Town: Lumberton
River Basin: 03040203

Existing Site Conditions

The project is located in the Lumber River Basin and lies within Hydrologic Unit 03040203, and within the Middle Atlantic Coastal Plain ecoregion. Within the project area, I-95 is a four-lane median-divided facility. The landscape in the immediate surrounding area consists of mainly agricultural and/or forested lands, with a few single-family residential homes located adjacent to the interstate Right of Way and arterial roads, and commercial/urban development at the southern-most extent of the project (near Exit 22 between Nelson Way and Liberty Hill Road). The project crosses Big Marsh Swamp, Brisson Branch, Buckhorn Swamp, Cowpen Branch, Little Marsh Swamp, Mercer Branch, and Tenmile Swamp, as well as several unnamed tributaries, and multiple wetlands.

Applicant's Stated Purpose

The purpose and need for the proposed action is to relieve congestion, improve mobility, and improve the resiliency of this corridor to storm events, such that it can continue to serve as a primary East Coast route through the project design year of 2040. Improvements will be required to accommodate projected future traffic volumes and ensure the highway operates at an acceptable level of traffic service, particularly during the peak hour. Traffic volumes along the I-95 corridor are expected to increase considerably by 2040, creating conditions in which operations degrade and average speeds are below the posted speed limit. Currently, the number of vehicles using the section of I-95 between Exit 20 in Robeson County and Exit 40 in Cumberland County ranges between 56,500 vehicles per day (vpd) to 62,800 vpd. The current Level of Service (LOS) is C or better throughout the corridor.

Future traffic volumes (2040 No Build) are expected to range between 88,200 vpd to 96,800 vpd between Exit 20 and future I-295 (Fayetteville Outer Loop). Without improvements, operations along I-95 within the project limits are anticipated to degrade significantly by year 2040. This includes much of the I-95 corridor within the I-5987 project limits operating between LOS C and LOS D between 6:00 a.m. and 8:00 p.m. There are several segments anticipated to operate at LOS E for two hours each day. Widening I-95 to eight lanes as well as interchange reconstruction are proposed to provide the additional capacity needed to help relieve congestion and have the corridor within the project area operate at LOS B between 6:00 a.m. and 8:00 p.m. In addition to improving traffic conditions, sections of I-95 within the project limits have experienced significant storm related flooding resulting in total closure of the interstate for multiple days. Roadway and bridge improvements are needed to make the corridor more resilient to future flood events.

Project Description

STIP Project I-5987 proposes to widen I-95 in Robeson County. The existing four-lane divided facility is proposed to be widened to an eight-lane, divided facility. In addition to

the proposed widening, a number of existing interchanges are proposed to be reconstructed and/or re-aligned. The majority of the widening proposed is towards the median, resulting in overall fewer impacts to aquatic resources and business/residential relocations. The overall I-5987 project includes four sections, I-5987A, I-5987 AA, I-5987 B, I-5987C. The applicant is currently seeking authorization of I-5987A and I-5987B with this application. I-5987 C is currently under construction as part of the U-2519 Fayetteville Outer Loop project. I-5987 AA involves the construction of a weigh-in motion station along I-95.

I-5987 A (Approximately 8.1 miles): Addition of two lanes, north and southbound—Beginning south of US 301 (Exit 22) and ending to south of NC 20 (Exit 31-near McDuffie Crossing Road (SR 1758)).

I-5987 B (Approximately 7.9 miles): Addition of two lanes north and southbound—Beginning south of NC 20 (Exit 31) and ending just to the south of the proposed I-295 interchange with I-95 (north of Parkton Tobermory Road (SR 1723)).

Proposed permanent impacts (fill, excavation, mechanized land clearing, and bank stabilization) to aquatic resources total 14.144-acres wetland and 2,099 linear feet of stream channel. Permanent open water impacts total 0.15-acre. Potential impacts associated with utility relocations are included within these impact amounts.

Currently, both sections I-5987 A and B are scheduled to let July 19, 2022.

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 project study area for I-5987. Using these features, preliminary designs were adjusted to avoid and/or minimize impacts to jurisdictional resources. NCDOT employs many strategies to avoid and minimize impacts to jurisdictional areas in its 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:

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters shall be incorporated to the maximum extent practicable;
- Impacts to wetlands, streams, and open waters were avoided and/or minimized by adjusting proposed alignments and slopes;
- 3:1 fill slopes have been used at most stream and wetland crossings to reduce impacts;
- Stormwater design velocities entering jurisdictional wetlands have been mitigated to be non-erosive (less than 2 fps);

- Stormwater was designed to avoid direct discharge into jurisdictional features to the maximum extent practicable;
- Rip rap stabilization on banks of jurisdictional streams will be implemented to prevent erosion;
- Minimizing “in stream” activities;
- Open shoulder sections were maximized to promote sheet flow from the roadway;
- Pipes via Trenchless installation built offline. This provides faster construction in the dry, less time in/around the jurisdictional features, and a safer work area for the travelling public and construction crews;
- Utilized “Culvert Avoidance and Minimization Design Guidance” for proposed box culverts, as much as practicable.

As previously mentioned, the majority of the widening proposed is towards the median, resulting in overall fewer impacts to aquatic resources and business/residential relocations.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The Department has acquired the compensatory mitigation for these unavoidable impacts from the North Carolina Department of Environmental Quality (NCDEQ)-Division of Mitigation Services (DMS) for both sections A and B. An acceptance letter from the NC DMS dated October 6, 2021 was provided with the application.

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

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).

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 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.

North Carolina Division of Water Resources (NCDWR):

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. 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). 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 the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 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 December 14, 2021 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, December 23, 2021. Comments should be submitted to Ms. Liz Hair at email address: sarah.e.hair@usace.army.mil, telephone: 910-251-4049, or hard copy submitted to Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403.