



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: August 18, 2021
Comment Deadline: September 17, 2021
Corps Action ID Number: SAW-2020-00079

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 SR 1102 (Gillis Hill Road) from US Highway 401 (Raeford Road) to SR 1418 (Lindsay Road), in Cumberland and Hoke Counties, North Carolina. The proposed project is included in the approved 2020-2029 North Carolina State Transportation Improvement Program (STIP), project number STIP: U-5798.

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:

<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): 149 acres Nearest Town: Fayetteville
Nearest Waterway: Little Rockfish Creek River Basin: 03030004
Latitude and Longitude: 35.011183 N, -79.055905 W

Existing Site Conditions

The project is located in the Cape Fear River Basin and lies within Hydrologic Unit 03030004, and within the southern inner coastal plain physiographic region. Within the project area, Gillis Hill Road is a two-lane facility. The landscape in the immediate surrounding area consists of mainly agricultural and/or forested lands, with a few single-family residential homes along the roadway, and commercial development at the northern most extent of the project (near the intersection of Gillis Hill Road and US Highway 401/Raeford Road). The project crosses Little Rockfish Creek, Stewarts Creek, unnamed tributaries, and multiple wetlands.

Applicant's Stated Purpose

The purpose and need for the proposed action is to reduce congestion on SR 1102 (Gillis Hill Road) and in the vicinity of the Rockfish community. The project will also replace the structurally deficient and functionally obsolete Bridge No. 250075 over Little Rockfish Creek.

Project Description

STIP Project U-5798 proposes to widen SR 1102 (Gillis Hill Road) in Cumberland and Hoke Counties. The existing two-lane road is proposed to be widened to a four-lane, median-divided facility. U-5798 will be divided into two sections, U-5798A and U-5798B:

U-5798A - Section A proposes to widen SR 1102 (Gillis Hill Road) to a curb and gutter facility with four 12-foot lanes and a 17.5' raised median from north of SR 1112 (Stoney Point Road) to US 401 (Raeford Road). This section of the project will also include the replacement of the existing Bridge No. 250075 over Little Rockfish Creek. Section A proposes to include 4-foot bike lanes and 5-foot sidewalks on each side of the roadway.

Section A Impacts (Final Design):

Proposed permanent impacts to jurisdictional resources total 232 linear feet of impact to streams and 0.63 acre of permanent impact to riparian wetlands. Of this wetland impact 0.50 acre is permanent fill, 0.09 acre mechanized clearing, and <0.01 acre of excavation. Additionally, 0.31 acre of hand clearing is proposed. Utility relocation will result in an additional 0.04 acre of permanent wetland impact (0.04 ac. fill and <0.01 mechanized clearing) and 0.13 acre of hand clearing.

U-5798B - Section B proposes to widen SR 1102 (Gillis Hill Road) to a graded shoulder section with four 12-foot lanes and a 17.5' raised median with a 4-foot paved shoulder. The project will begin at SR 1418 (Lindsay Road) and end at North of SR 1112 (Stoney Point Road).

Section B (Preliminary Design):

Proposed preliminary impacts to jurisdictional resources total 0.84 acre to riparian wetlands and 815 linear feet to streams. Potential impacts due to utility relocation are included within these impact amounts.

Currently, U-5798A is scheduled to Let March 15, 2022, however the applicant states that this project may be accelerated. U-5798B is scheduled to Let on February 18, 2025.

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 U-5798. 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:

- Proposed bridge replacements will contain no deck drains
- The bridges will have two catch basins located at the end of the approach slab to collect deck drainage with an outlet on the downstream side, into a proposed ditch.
- Riprap pads will be used at the outlets to reduce velocities into wetlands

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 the A section and the preliminary impacts presented for Section B.

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:

- 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.

*A Memorandum of Agreement (MOA) between the Corps, the NC DOT, and the NC State Historic Preservation Office was signed on March 30, 2020 (ER 19-1847) which addresses impacts and mitigative measures from this undertaking to National Register of Historic Places (NRHP) eligible resources. With the signing of this MOA, the Corps considers this consultation to be complete.

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 applicant has satisfied all the requirements necessary for a complete 401 certification request, including a request for a pre-filing meeting 30 days prior to submitting their 404/401 application. 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 September 8, 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, September 17, 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 .