



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: January 26, 2022
Comment Deadline: February 25, 2022
Corps Action ID Number: SAW-2020-00846

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 conversion of the intersection of US 74/76 and Old Lake Road (SR 1740) to a grade separation, the intersection of US 74/76 and Chauncey Town Road (SR 1735) to an interchange, construct a roundabout at the intersection of Sam Potts Highway (NC 214)/ Chauncey Town Road, and construct a service road from Chauncey Town Road to Old Lake Road north of US 74/76 in Columbus County, North Carolina. The project is 2.201 miles in length.

The proposed project is state 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 numbers STIP: R-5819 and R-5820.

Location information and a description of the project are below. Roadway plans are not attached to this Public Notice; however, they can be viewed at the following website:

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

If you wish to have a paper copy of the plans mailed to you, please contact the individual listed at the end of this Public Notice.

Applicant: NC Department of Transportation
Division 6
Mr. Gregory W. Price, PWS
Division Environmental Officer
P.O. Box 1150
Fayetteville, North Carolina 28302

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): ~498 acres/2.2 miles

Nearest Town: Lake Waccamaw

Nearest Waterway: Lake Waccamaw

River Basin: 03040206

Latitude and Longitude: 34.330336 N, -78.504150 W

Existing Site Conditions

The project is located in the Little Pee Dee River Basin (Lake Waccamaw) and lies within Hydrologic Unit 03040206, and within the Middle Atlantic Coastal Plain ecoregion. Within the project area, US 74/76 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 located to the south of the project area in the Town of Lake Waccamaw. The project crosses Creek Branch, as well as several unnamed tributaries, and multiple wetlands.

Applicant's Stated Purpose

The purpose and need for the proposed action is to support the upgrade of US 74/76 to a full-access control facility. Converting the existing at-grade intersections to an interchange and a grade separation would help reduce the potential for crashes at the convergences of US 74/76 and Chauncey Town Road and US 74/76 and Old Lake Road. The conversion of the US 74/76 and Old Lake Road intersection to a grade separation would also improve safety for nearby high school traffic by restricting direct access by passenger vehicles and large trucks to and from US 74/76. The construction of a roundabout at the NC 214 intersection with Chauncey Town Road would help facilitate the flow of additional traffic that will be diverted through Lake Waccamaw due to the proposed changes in US 74/76 access. The construction of a service road north of US 74/76 from Chauncey Town Road to Old Lake Road would improve connectivity to US 74/76 for communities north of Lake Waccamaw.

SR 1735 (Chauncey Town Road) and SR 1740 (Old Lake Road) currently intersect US 74/76 with at-grade intersections. US 74/76 is designated as future I-74, which is Congressionally designated as High Priority Corridor #5. Removal of at-grade intersections is necessary to meet the design criteria for an interstate facility. Total crash rates along Chauncey Town Road and Old Lake Road are much higher than statewide rates for similar facilities. The paragraph below describes the comparison of crash rates.

Along Chauncey Town Road between US 74/76 and NC 214, 90 percent of the total crashes occurred in the vicinity of the US 74/76 intersection. Nearly 42 percent of the total crashes on Old Lake Road in the study area occurred at its intersection with US

74/76. Another 50 percent of the total crashes on Old Lake Road occurred between US 74/76 and the northern entrance to East Columbus High School. Logging trucks travel US 74 and frequently use Old Lake Road. These trucks conflict with traffic to and from East Columbus High School. Separating student traffic and truck traffic is desirable to help promote the safety of the traveling public in the vicinity of the school.

There is a concern from the public and local government officials that removing direct access between US 74/76 and Old Lake Road, as proposed with this project, will force drivers from communities north of US 74/76 to travel south to NC 214 through Lake Waccamaw to access US 74/76 at Chauncey Town Road. Local officials have requested service road options be investigated that will alleviate the need for traffic to go through Lake Waccamaw as a normal commuter route.

Project Description

STIP Projects R-5819 and R-5820 proposes to construct a new interchange, grade separation, round-about and a service road, on existing and new location within Columbus County. Project R-5819 is at the intersection of Chauncey Town Road (SR 1735) and Old Lake Road (SR 1740). Project R-5820 is associated with the intersection of US 74/76 and Chauncey Town Road (SR 1735). The proposed project is listed in the approved 2020-2029 State Transportation Improvement Program (STIP) as Project Number R-5819 and R-5820, both of which are state funded. Therefore, the Corps is lead federal agency for the evaluation of this proposal.

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 R-5819 and R-5820. Using these features, preliminary designs were adjusted to avoid and/or minimize impacts to jurisdictional resources, where possible. 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;
- Existing drainage patterns were maintained to the best extent practicable;
- Multiple detour routes would be utilized to construct this project;
- Impacts associated with the proposed detours are documented as temporary fill or excavation; following the completion of construction, jurisdictional impacts in these areas will be returned to their native state;
- Rip Rap outlet pads were utilized at all outfalls to dissipate energy and decrease system outlet velocities draining toward wetland and stream features;
- Erosion and sediment control devices such as silt fence, wattles, rock checks, stilling basins, special stilling basins, temporary silt ditches, and impervious dikes utilized to minimize sediment leaving the site during and after construction.
- Utilized 3:1 slopes for proposed culvert at Georgia Road (Y7).
- Open shoulder sections were maximized to promote sheet flow from the roadway.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The Department states that they will acquire the compensatory mitigation for these unavoidable impacts from the North Carolina Department of Environmental Quality (NCDEQ)-Division of Mitigation Services (DMS) for the project. An acceptance letter from the NC DMS was not provided with the application. However, the applicant proposes to offset unavoidable impacts to Waters of the U.S. with compensatory mitigation provided by the NCDEQ DMS at ratios of 2:1 for wetland and perennial stream impacts, 1:1 for intermittent stream impacts. There will be no mitigation required for permanent impacts to streams impacted by bank stabilization.

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 (USFWS) 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 was updated November 6, 2020 and will ensure compliance with Section 7 of the Endangered Species Act for 10 years (until December 31, 2030) for all NCDOT projects with federal nexus in Divisions 1-8, which includes this project.

Additionally, the project may affect the federally threatened wood stork (*Mycteria americana*). A letter from the US FWS dated November 19, 2021 was included with the permit application, which provided concurrence that the proposed project would not adversely affect the wood stork. Further, the letter states that the proposed project would have No Effect on the following listed species: red-cockaded woodpecker (*Picoides borealis*), Waccamaw Silver-side (*Menidia extensa*), and Cooley's meadowrue (*Thalictrum cooleyi*).

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 February 11, 2022 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 (NCDWM):

- 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, February 25, 2022. 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 .