



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 17, 2023  
Comment Deadline: June 14, 2023  
Corps Action ID Number: SAW-2018-01022

The Wilmington District, Corps of Engineers (Corps) received an application from North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to discharge dredged or fill material into waters of the United States, associated with the proposed replacement of Bridge 20 and 34 on NC 55, near Kinston, Lenoir County, North Carolina (TIP B-4926).

Specific project and location information is described below. This Public Notice and all attachments are also available on the Wilmington District Web Site at:

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

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 Wilmington District Web Site at <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

If you wish to obtain a paper copy of this Public Notice and/or the plans, please contact the individual identified at the end of this Notice.

**Applicant:** North Carolina Department of Transportation (NCDOT)  
Division 2  
Attn: Casey Whitley  
1037 D.H. Smith Blvd  
Greenville, North Carolina 27835

## 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: The proposed project area is 0.53 miles long NC 55 over the Neuse River near the City of Kinston, in Lenoir County, North Carolina.



Project Area: 0.53 miles  
Nearest Town: Kinston  
Nearest Waterway: Neuse River  
River Basin: Neuse  
Latitude and Longitude: N 35.295644 W -77.495020

## Existing Site Conditions

The project consists of a 2,900-foot section of roadway along NC 55 northeast of Kinston, NC. The NCDOT proposes replacement of the two existing bridges along the alignment. An area 200 feet north and 300 feet south of the edge of existing pavement was delineated (see attached map). Waters identified on site include 500 linear feet jurisdictional river and 18.30 acres of jurisdictional wetlands. Most of the project area is managed right-of way and cypress – gum swamp. The property in the vicinity of the project is utilized for agriculture and single-family rural residential property.

The B-4926 project is located entirely in the Neuse River Basin [U.S. Geological Survey (USGS) Hydrologic Unit Code (HUC) 03020202]. There are no Outstanding Resource Waters (ORW), High Quality Waters (HQW), WS-I, or WS-II waters within 3 miles

upstream or downstream of the project study corridors or within the project study area. No stream that flows through the project study corridors is designated as National Wild and Scenic River or State Natural and Scenic River.

Waters of the U.S. identified within the project study area include 500 linear feet of jurisdictional stream (mainstem of Neuse River) and 18.30 acres of jurisdictional wetlands. Wetland and stream delineations were performed in March 2015. The United States Army Corps of Engineers (USACE) and the North Carolina Division of Water Resources NCDWR) field verified the wetlands in January 2018. Jurisdictional areas were re-verified in April 2018 with no changes.

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

The purpose of the proposed project is to replace Bridges #20 and #34 on NC 55 over the Neuse River near the City of Kinston, in Lenoir County, North Carolina. The existing bridges were both constructed in 1937 and are structurally deficient and functionally obsolete. Although there is no notable recent growth or development evident in the Direct Community Impact Area (DCIA) or surrounding area, and there is no planned or approved development that would affect traffic within the Study Area, replacement of the bridges is necessary to allow continued use of the roadway by motorists, pedestrians, and cyclists. NC 55 is designated as Bicycle Route 40 (Lenoir County Loop Route). As there are currently no sidewalks or bicycle lanes within the Study Area, the project will also improve safety for both motorists and cyclists, as the new design includes 4' offsets to be used as bicycle lanes with bicycle-safe railings.

### **Project Description**

The Corps is the lead federal agency for this proposal. Because of traffic volumes and potential detour requirements, the proposed replacement bridges will be located slightly south of the existing structures, oriented east-west, roughly perpendicular to the Neuse River. Following completion of the proposed bridge replacements, the existing bridge structures will be removed, and the existing concrete pilings will be removed. The total area of the proposed bridges over the Neuse River is approximately 9,450 square feet. The bridge structures will be constructed of concrete. Bridge #20 over the Neuse will measure 35 feet wide and 540 feet in length (end to end). Bridge #34 over the overflow will measure 36 feet wide and 215 feet in length (end to end). The low steel (lowest point of the bridge) of the proposed bridges will be approximately 35 feet above the normal water surface elevation of the Neuse River and overflow, which matches the navigational clearance of the existing bridge structures.

The proposed impacts to jurisdictional resources along the project corridor have been avoided and minimized to the extent practicable throughout the design process. However, the existing roadbed and embankments are too narrow to accommodate the proposed typical section of the roadway to meet current design standards and additional fill will be necessary alongside the existing embankment to provide sufficient space on a suitable surface for construction. The existing embankments

are closely surrounded by bottomland hardwoods and the Neuse River floodplain features on both sides, therefore requiring that the necessary fill be placed in these resources.

### Proposed Impacts

The B-4926 project would result in permanent and temporary impacts to bottomland hardwood forested wetlands and open waters. The proposed impacts are spread across 11 impact sites, as shown in the Permit Drawings. In total, the B-4926 proposal would result in the following impacts to jurisdictional features:

- 1.56 acres of permanent fill in jurisdictional wetlands
- 0.15 acre of excavation in jurisdictional wetlands
- 2.50 acres of mechanized clearing in jurisdictional wetlands
- 0.04 acre/129 LF of permanent impacts to jurisdictional streams
- 0.23 acre/159 LF of temporary impacts to jurisdictional streams

### **Avoidance and Minimization**

Avoidance and minimization of impacts to protected and valued resources were incorporated throughout the design process. Alternative designs were reviewed to reduce adverse impacts to protected resources, while also meeting the purpose and need for the project. Alternative 2 was selected as the preferred alternative as it will result in less impacts to waters of the U.S. and waters of the State than Alternative 3, allow for an on-site detour, shorter construction timing, and is applicable under an Advanced Approval Permit Exemption from the U.S. Coast Guard. In addition, riprap is shown on the plans for the entire length, including riprap for toe protection and approaches (2:1 with entire slope in rip-rap). During demolition, mitigation measures will be in place to prevent debris from the bridge from falling into the Neuse River. This may include nets or tarps under the bridge to catch debris. Additionally, temporary work bridges will be utilized to limit impacts in surface waters as well as wetlands during proposed bridge construction and existing bridge removal. Temporary work bridges will be constructed top-down using steel H-piles, eliminating the need for fill in wetlands and dewatering in surface waters. The work bridges over the Neuse River will have a gap to allow for boat traffic.

- A detailed delineation of wetland and streams was performed to ensure the limitations of impacts to natural resources. As a result, proposed grading limits were shifted to avoid impacts, where possible.
- All stone will be removed and disposed of off-site, or the stone can be used in areas that require permanent stone protection after project completion.
- All construction equipment will be refueled at least 200 feet from all water bodies and be protected with secondary containment.
- Hazardous materials, fuel, lubricating oils, or other chemicals will be stored at least 200 feet from all water bodies (whichever distance is greater) and not in a Water of the U.S.

- Areas used for borrow or construction by-products will not be located in wetlands. implementation of NCDOT's Best Management Practices for the Protection of Surface Waters (BMPs) will minimize impacts to water resources during the preconstruction, construction, maintenance, and repair situations.
- The proposed project will adhere to the Design Standards in Sensitive Watersheds [15A NCAC 04B .0124 (a) – (e)].
- The Contractor may perform clearing operations, but not grubbing operations until immediately prior to beginning grading operations.
- Once grading operations begin, work shall progress in a continuous manner until complete.
- All project construction activities initiated within jurisdictional streams will be carried to completion in an expeditious manner to minimize the period of disturbance within the jurisdictional streams.
- All work will take place during dry conditions and can be facilitated from high, non-jurisdictional, stable ground.
- Erosion control devices shall be installed immediately following the clearing operation.
- The contractor shall install silt fence, inlet protection, sediment traps, diversion ditches, temporary coffer dams, tree protection, clearing only as necessary to install devices.
- Seeding and mulching shall be performed on the areas disturbed by construction immediately following final grade establishment.
- Seeding and mulching shall be done in stages on cut and fill slopes that are greater than 20 feet in height measured along the slope, or greater than 2 acres in area, whichever is less.
- All sedimentation and erosion control measures, throughout the project limits, must be cleaned out when half full of sediment, to ensure proper function of the measures.
- Any needed repairs to sedimentation and erosion control measures will be made immediately to maintain all measures designed.
- Any excess excavated materials not utilized as back fill will be placed and contained within upland areas and permanently stabilized to prevent erosion into adjacent jurisdictional streams. Therefore, stockpiling of excavated material within jurisdictional streams will be strictly prohibited as part of the construction of this project.
- All erosion and sediment control measures will be checked for stability and operation following every runoff producing rainfall, but in no case less than once every week.
- An erosion control inspections report is required and will be kept by the owner's representative.

## Compensatory Mitigation

Compensatory mitigation is proposed for permanent impacts to wetlands and streams resulting from the project. As noted above, the project would result in 4.2 acres of permanent wetland impacts and 129 linear feet of permanent stream impacts.

A 2:1 ratio is assumed for permanent impacts, therefore, NCDOT will obtain compensatory mitigation for 8.4 acres of wetland mitigation credits and 258 linear feet of stream mitigation credits from the N.C. Division of Mitigation Services (NCDMS) to compensate for unavoidable impacts to jurisdictional waters of the U.S. resulting from the proposed project.

Additionally, the design will impact a portion of a wetland preservation conservation easement currently held by Restoration Systems, LLC, and part of the NCDMS Sleepy Creek Wetland and Riparian Buffer Mitigation Site. The 120-acre conservation easement is located in the southeast portion of the project and is identified as Parcel 455600038731. The NCDOT will compensate NCDMS for the loss of mitigation credits resulting from the project. Conservation easement impact maps are included in the permit drawings.

A total of 1.6 acres of impact to the conservation easement is anticipated for this project. Based on discussions between the NC Interagency Review Team (NCIRT) and NCDOT, it was determined that NCDOT will compensate NCDMS for 0.32 acres of compensatory mitigation for impacts to the conservation easement.

## Essential Fish Habitat

The project will not impact any Essential Fish Habitat (EFH) identified by NMFS, and NMFS has not requested further consultation regarding EFH via email of 10 April 2019.

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.

- The Corps has initiated consultation the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.

## 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 or archeological resources affected. The Corps received concurrence from the SHPO on March 30, 2015, and OSA May 11, 2015.

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**

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.
- The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

### **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 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 at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. 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 120 days of the date of this public notice. 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 June 7, 2023, 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, May 30, 29023. Comments should be submitted to Tom Steffens, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4615. Comments may also be submitted to [NCDOT\\_REG@usace.army.mil](mailto:NCDOT_REG@usace.army.mil)