



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: February 16, 2024
Comment Deadline: March 18, 2024
Corps Action ID Number: SAW-2018-01012

The Wilmington District, Corps of Engineers (Corps) received an application on February 12, 2024 from North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to permanently impact 1.594 acres of jurisdictional wetlands, 1,558 linear feet of permanent stream impacts, 355 linear feet of temporary stream impacts and 0.409 acre of temporary hand clearing impacts in wetlands associated with an upgrading US 70 to interstate standards from the Havelock Bypass (STIP No. R-1015) to the east of Thurman Road (S.R. 1116) near Havelock, Craven County, North Carolina.

Specific location information is described below. 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 along with this Public Notice: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>. If you wish to have a paper copy of this Public Notice and/or the construction plans, please contact the individual identified at the end of this Notice.

Applicant: NC Department of Transportation (NCDOT)
Environmental Analysis Unit
1598 Mail Service Center
Raleigh NC 27699-1598

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: North of the Havelock Bypass (STIP No. R-1015) and continues to east of Thurman Road (SR 1116) at the southern terminus to the US 70 Improvements in James City (U-5713/R-5777A&B) in Craven County, North Carolina

Project Area (acres): 7.7 miles on existing US 70

Nearest Town: New Bern

Nearest Waterway: Neuse River

River Basin: Neuse River

Latitude and Longitude: N 34.988740 Longitude: °W -76.981956N,

Existing Site Conditions

The project is in the Neuse River Basin {Hydrologic Unit Code (HUC) 03020204}. The project crosses numerous streams, unnamed tributaries, and wetlands. Drainages within the northern part of the project study area are part of the Northwest Creek-Neuse River sub-watershed and drainages in the southern part of the project study area are part of the Outlet Brice Creek sub-watershed. There are no Outstanding Resource Waters (ORW), High Quality Waters (HQW), WS-I waters, or WS-II waters within 12 miles upstream or downstream of the project study area. No stream that flows through the project study area is designated as a National Wild and Scenic River or a State Natural and Scenic River.

Applicant's Stated Purpose

The purpose of the proposed action is to improve the US 70/Future I-42 corridor, with the intent to improve regional mobility and provide better connectivity between Raleigh and the seaport at Morehead City, as well as to the military bases in Havelock and Goldsboro and to the Global TransPark in Kinston.

Project Description

The NCDOT proposes to upgrade US 70 to interstate standards from the Havelock Bypass (STIP No. R- 1015) to the east of Thurman Road (S.R. 1116) in Craven County, North Carolina. Improvements include upgrading US 70 to interstate standards and constructing service roads as needed within the project study area. The project is located within the planning jurisdictions of the City of Havelock, the City of New Bern, and Craven County.

The Federal Highways Administration (FHWA) is the lead federal agency on this project.

The project would upgrade US 70 to interstate standards for a distance of approximately 7 miles with grade-separated interchanges at three locations: Stately Pines Road (S.R. 1106), West Fisher Road/East Fisher Avenue (S.R. 1104), and West Camp Kiro Road/East Camp Kiro Road (S.R. 1112).

Existing driveway connections, intersections, and median crossovers will be removed, and service roads will be extended along portions of the project to provide access for property owners and to ensure mobility for local traffic. At the interchanges, roundabouts will be constructed where the US 70 on/off ramps connect to the intersecting cross streets. Detailed descriptions of the proposed improvements are described below in the Proposed Improvements section.

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 R-5777C. Using these features, preliminary designs were adjusted to avoid and/or minimize impacts to jurisdictional areas. NCDOT employs many strategies to avoid and minimize impacts to jurisdictional areas in all of its designs. Avoidance and minimization measures for R-5777C were further discussed during interagency meetings and are being implemented to the maximum extent practicable. Additional avoidance and minimization measures are listed below:

- A Stormwater Management Plan (SWMP) has been created for the project and is included in this package with the permit drawings.
- All major structures have been designed to minimize environmental and surface water impacts as much as practicable.
- Key elements of the SWMP included the construction of permanent basins and the use of grassed swales for stormwater treatment.
- Six detention basins were used throughout the project and primarily designed to provide stormwater treatment and minimize pre/post impacts.
- Grassed swales were used for treatment when BMP design standards in sensitive watersheds could be met.
- Grassed swales were used to reduce flow velocity, promote sedimentation infiltration and runoff attenuation; discharge velocities at jurisdictional features are non-erosive.
- Utilities will be installed through trenchless installation methods where practicable.
- Where possible, utilities were placed within the proposed roadway fill limits to avoid additional impacts.
- Box culverts will be buried 1 foot below the existing streambed and backfilled with native streambed material.
- Borrow and waste activities will occur outside of jurisdictional features.
- No staging of construction equipment or storage of construction supplies in jurisdictional wetlands or streams.
- 3:1 slope are used in wetland areas where possible.
- Hand clearing proposed at wetland locations where feasible.
- Rip rap pads are used at all storm drain system outlets to dissipate energy and reduce velocities.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The proposed construction of R-5777C will result in unavoidable permanent impacts to 1.594 acres of riparian/non-riparian wetlands and 893 linear feet of jurisdictional streams that will require mitigation. The wetland and stream impacts are in the 8-digit hydrologic unit 03020204 of the Neuse River Basin.

The NCDMS will provide compensatory mitigation for the unavoidable impacts to wetlands, streams, and riparian buffers.

Essential Fish Habitat (EFH)

The Corps' determination is that the proposed project would not effect any 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.

In March 2020, NCDOT architectural historians conducted an intensive-level survey of the two properties identified (Tom Haywood Store (CV1044) and Croatan Presbyterian Church (CV1385) in which they were both determined not eligible for NRHP listing. The State Historic Preservation Office concurred with this finding on May 6, 2020.

Archeological Site 31CV241 is recommended eligible for the National Register of Historic Places. The archaeological site will not be impacted by the proposed project.

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:

For the proposal, the Corps has made the following initial determination for federally listed endangered or threatened species or their formally designated critical habitat:

- It was determined that the project will have No Effect on the 8 of the 11 officially listed species found in Craven County.

- Northern long-eared bat and Tricolored bat (via conference consultation) which both had a biological conclusion of May Affect, Likely to Adversely Affect (MA-LAA).
- Neuse River waterdog which had a biological conclusion of May Affect, Not Likely to Adversely Affect (MA-NLAA).

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 180 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, Transportation Permitting Branch, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of “401 Water Quality Certification” or by mail to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation Permitting Branch
(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):

The applicant has requested approval for the proposed project under a Coastal Area Management Act (CAMA) from the N. C. Division of Coastal Management for R-5777C. Pursuant to 33 CFR 325.2 (b)(2) the Corps is, by this notice, forwarding this information to the North Carolina Division of Coastal Management (NCDCM) and requesting its concurrence or objection. Generally, the Corps will not issue a DA permit until the NCDCM notifies the Corps that it concurs with the applicant’s consistency certification or issues the CAMA Major Development Permit.

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, March 18, 2024 . Comments should be submitted to Mr. Thomas Steffens, Washington Regulatory Field Office, 2407 West 5th Street, Washington, North Carolina, 27889 or to thomas.a.steffens@usace.army.mil.