



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: August 7, 2017
Comment Deadline: September 6, 2017
Corps Action ID Number: SAW-2016-02338

The Wilmington District, Corps of Engineers (Corps) received an application from CSX Transportation, Inc. and CSX Intermodal Terminal, Inc. seeking Department of the Army authorization to impact 10,297.3 liner feet of stream channels, 23.81 acres of wetlands, and 1.63 acres of open water associated with the Carolina Connector Intermodal Rail Terminal (CCX) and Second Mainline Improvements in Rocky Mount, Edgecombe and Nash Counties, North Carolina.

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:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: CSX Transportation, Inc. and CSX Intermodal Terminal, Inc.
Attn: Mr. Matthew Adkins
351 Thornton Street, Suite 125
Lithia Springs, Georgia 30122

Agent: Amec Foster Wheeler
Attn: Mr. Richard Harmon
4021 Stirrup Creek Drive, Suite 100
Durham, North Carolina 27703

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 CCX terminal consists of approximately 670 acres, and is generally located along the western edge of Edgecombe County, between the existing CSX mainline and Old Battleboro Road, with some portions lying within the city limits of Rocky Mount and a small portion lying north of Rocky Mount, North Carolina. The Second Mainline component is part of the CSX North End Subdivision, which runs along the county line between Edgecombe County and Nash County, immediately east of U.S. Highway 301. This segment of rail generally runs parallel to the I-95 corridor. The Second Mainline reconstruction segment runs from Milepost A117.5 (south of the proposed CCX intermodal facility) through the intermodal facility, north to Milepost A104.9 and encompasses approximately 159 acres. These areas extend north from the City of Rocky Mount through the Town of Battleboro, and north of the Town of Whitakers, North Carolina.

Project Area (acres): +/- 829

Nearest Town: Rocky Mount to the south and Battleboro and Whitakers to the north of the site

Nearest Waterway: Compass Creek, Hornbeam Branch, Beech Branch, & Swift Creek

River Basin: Tar-Pamlico River Basin; Hydrologic Unit Code (HUC) 03020101

Latitude and Longitude: 36.01458 N, -77.76345 W

Existing Site Conditions

The project area consists primarily of agricultural land with a few residential and commercial buildings and woodlands dispersed throughout the property. College Road, a secondary road, bisects the site near the southwestern portion of the proposed intermodal facility. Other roadways of note include Old Battleboro Road (northeast boundary of site) and Fountain Park Drive on the south end of the proposed facility. The western boundary of the proposed CCX Intermodal facility abuts the North End Subdivision of the existing CSX mainline known as the A-Line and the proposed Second Mainline. Beech Branch, unnamed tributaries and associated wetlands, agricultural/recreational ponds, and agricultural ditches are also present within the proposed CCX Intermodal facility. Beech Branch is the northeast boundary of the proposed facility. Two unnamed tributaries of Beech Branch traverse the central portion of the site. In addition, an unnamed tributary of Compass Creek traverses the southern portion of the proposed CCX Intermodal facility. Two cemeteries and a telecommunications tower are present within the CCX project area, as well as a commercial business and a number of scattered, single-family residential lots, an abandoned home site, and abandoned agricultural buildings. The project site is located within the Tar-Pamlico River Basin.

There are a total of 28 jurisdictional wetland areas on the 670 acre CCX Intermodal facility for a total of 44.89 acres. The wetlands within the project limits were rated utilizing the North Carolina Wetland Assessment Method (NCWAM) as either low, medium, or high quality. The riparian wetland areas consist of 20.35 acres of headwater forest wetlands that had low to high NCWAM ratings, 11.88 acres of bottomland hardwood forest with low to high NCWAM ratings, 0.91 acre of high quality floodplain pools, and a low quality 0.04 acre basin wetland. There are 3 non-riparian wetlands within the CCX Intermodal facility project limits totaling 11.71 acres and they consist of 10.87 acres of a high quality basin/hardwood flat, a 0.64 acre high quality wetland flat, and a medium quality 0.2 acre basin wetland. Finally, there is a total of two isolated wetlands on the CCX Intermodal facility, which are considered non-jurisdictional by the Corps and are only subject to regulation by the North Carolina Division of Water Resources (NCDWR). These areas consist of a 0.04 acre medium quality basin wetland and a 0.21 acre high quality basin wetland.

Twenty three stream channels totaling 16,209 linear feet exists within the limits of the proposed CCX Intermodal facility project area. These stream channels were rated utilizing the North Carolina Stream Assessment Method (NCSAM). A total of 7,152 linear feet of perennial stream channel was rated as high, 1,410 linear feet of intermittent stream channel was rated as high and 1,065 intermittent stream channel was rated as medium. In addition, there is a total of 6,582 linear feet of stream channel that exhibit transitions from ephemeral to intermittent and intermittent to perennial and have NCSAM ratings from low to high.

The construction of the proposed CCX Intermodal facility would impact 22 of the 30 riparian wetland areas for a total of 14.42 acres. In addition, the facility would impact 5.14 acres of the high quality basin and hardwood flat non-riparian wetlands. Twenty one of the 23 stream channels would be impacted by the construction of the CCX Intermodal facility for a total of 8,473.9 linear feet. These impacts include the filling of 2,271 linear feet of intermittent stream channel and 6,202.9 linear feet of perennial stream channel. Accordingly, the construction of the CCX Intermodal facility would impact a total of 19.56 acres of wetlands and 8,473.9 linear feet of intermittent and perennial stream channels.

Finally, in regards to the proposed construction of the CCX Intermodal facility, there are four ponds located within the project limits, totaling 2.29 acres. One of the ponds (0.3 acre) is considered isolated and is not regulated by the Corps under Section 404 of the Clean Water Act, but is regulated by DWR through their regulatory authority. All of these ponds would be filled as a result of proposed construction of the facility.

The project area for the CSX Transportation rail improvement is 12.6 miles in length running from Milepost A117.5 (south of the proposed CCX intermodal facility) through the intermodal facility, north to Milepost A104.9 and encompasses approximately 159 acres. There are a total of 30 wetland areas within the corridor, totaling 35.57 acres. Eight of these wetland systems were classified by NCWAM as being high quality bottomland hardwood forests for a total acreage of 4.63 acres, with two other similar systems being

classified as medium quality with a total acreage of 0.45 acre. There are 10 low quality headwater forest wetlands within the corridor totaling 2.5 acres, four medium quality headwater forest wetlands totaling 3.03 acres, and a 0.02 acre high quality headwater forest wetland. Finally, there are 5 high quality riverine swamp forest wetlands totaling 24.94 acres in the proposed corridor.

Nineteen stream channels are within the project limits of the proposed improvements to the Second Mainline for a total of 11,053 linear feet. Eight of these are high quality intermittent streams as classified by NCSAM for a total of 4,369 linear feet, along with 2 that are rated as medium quality for a total of 658 linear feet. The remaining 6,026 linear feet of stream channel are perennial and are rated as high quality. Ultimately, the proposed improvements to the second mainline would impact 47.2 linear feet of perennial stream channel and 2 intermittent streams totaling 1,776.2 linear feet. Most of the high quality streams within the project limits are proposed to be bridged, including Swift Creek.

Applicant's Stated Purpose

The purpose of the construction of CCX Intermodal facility is to better connect economic centers, relieve highway congestion, and address current and future regional infrastructure and freight distribution needs through intermodal rail transportation. The intent of the reconstruction efforts, such as the Second Mainline Improvements, is to increase safety, fluidity of train/freight movement, and system-wide capacity improvement. Most of the system-wide improvements involve either extending existing siding tracks or connecting existing siding tracks to obtain the ability to handle 15,000 foot long trains. The CSX Transportation Second Mainline Improvements are part of the ongoing infrastructure upgrades underway throughout the CSX rail system.

Project Description

The proposed project is comprised of two components representing two different types of railroad infrastructure: the CCX Intermodal facility and the Second Mainline reconstruction. The CCX Intermodal facility component is subdivided into two elements; the intermodal terminal facility and the associated lead tracks that would connect the facility to the Second Mainline. The Second Mainline consists of the reconstruction of former second mainline track from Milepost A117.5 (southern Milepost) to A104.9 (northern Milepost). The reconstruction would be within the existing CSX right-of-way (ROW). However, to be constructed to today's industry standards, the new track would require a slightly larger footprint than the track cross section that was removed from service in the early 1980's.

The CCX Terminal would include the construction of an approximately 670-acre site, located within Edgecombe County, north of Rocky Mount and northeast of the intersection of US Highway 64 and Interstate 95. The terminal would be located along the mainline tracks, known as the A-Line, a strategic location on CSX's rail network, and Old Battleboro Road. The CCX Terminal would consist of operational facilities, chassis

parking, seven yard storage tracks, and eight processing track (loading/unloading) tracks with gantry cranes, with the potential to expand to 13 yard tracks. In addition, the CCX Terminal would have two lead tracks north and south of the facility diverging off the mainline service route into the terminal. The lead tracks would extend 1.2 miles to the north and 2.3 miles to the south. The CCX Terminal would provide critical infrastructure to support economic growth and improve transportation options for North Carolina businesses and state ports, as well as, increase their access to national and global markets.

CSX plans to restore double track to the mainline service route between Milepost A117.5 to A104.9, within an approximately 159-acre corridor. Two phases of construction would occur in this phase of the project. The southern phase would occur between Milepost A117.5 and Milepost A112.06 and consist of minor track shifts within the existing CSX ROW and the installation of a universal crossover (UXO) plus an additional crossover. Double mainline track currently exists in this portion of the service route. The track shifts are necessary to accommodate the construction of the terminal lead tracks adjacent to a cemetery. The additional crossover with the UXO would allow for a terminal train to enter and/or exit with passing trains.

The northern phase of the project was once double track and taken out of service in the early 1980's due to a decrease in service route demand. Today, this service route is one of the highest tonnage service routes on CSX's system. The northern phase would occur between Milepost A112.06 and Milepost A104.9 and consist of the reconstruction of second mainline track. This phase would connect the existing double mainline track running from Milepost A141.0 to A112.06 and the existing double mainline track running from Milepost A104.9 to A97.3. This project would also include the rehabilitation of five railroad bridges and the installation of an additional universal crossover on the northern end.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

An Alternatives Analysis was conducted to evaluate potential project sites along the CSX "I-95" corridor. The alternatives analysis reviewed potential impact to environmental, economic, and socioeconomic resources, as well as cultural resources. Twelve sites were included in the initial screening action with three site locations determined to meet five functional criteria (size, proximity to major highway, shape and configuration, adjacent to mainline, proximity to major market). The three sites subsequently were advanced in the alternative analysis investigation as potentially suitable sites, or action alternatives, for the CCX Intermodal facility.

Fine-level screening was conducted for the three site alternatives (action alternatives) from the initial site screening and a No Build Alternative (No Action Alternative) was also considered. The three site alternatives were evaluated on their potential to impact natural/environmental resources and cultural resources. Constraints to development for

each site were also considered in the screening process. Important selected screening resources included: relocations, air quality, cultural and historic resources, threatened and endangered species and water resources.

The comparative analysis of preliminary estimated impacts to water resources for the three sites indicate that potential impacts and associated mitigation costs would likely be comparable for each for the three sites. Based on the evaluation of all the alternative sites, the Rocky Mount site is the preferred project alternative.

Avoidance and minimization efforts for the Second Mainline consisted of adjustments to track placement and roadbed shoulder width improvements. Specifically, the roadbed shoulder widths were reduced from the 15-ft CSX standard to 12-ft to minimize impacts to wetlands.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment. The applicant proposes the Swift Creek Permittee Responsible Mitigation Plan (PRMP). It has been designed to preserve, restore, and enhance approximately 207.5 acres of wetlands and 24,019 LF (~4.5 miles) of unnamed headwater tributaries within approximately 593 acres of property which would be permanently protected in the Swift Creek watershed as depicted in Figure 4, the attached location map and Figure 14a. Mitigation Work Plan Map. The Swift Creek watershed flows into the Tar River and is defined as a critical priority area needing protection by the NCDWR, the North Carolina Natural Heritage Program, and the Tar River Land Conservancy.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project will have no effect on 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:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.

- 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).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- 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. The Corps subsequently initiates consultation with the SHPO (or THPO). A draft Memorandum of Agreement (MOA) has been provided for the Corps to review as part of the permit application.
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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 would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.

- The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

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, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer 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 August 28, 2017 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer 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):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the 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 6, 2017. Comments should be submitted to Tasha Alexander, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587 at (919) 554-4884, Ext. 35.