



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

August 11, 2015

F/SER47: KH/pw

(Sent via Electronic Mail)

Col. Kevin P. Landers, Commander
U.S. Army Corps of Engineers, Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Attention: Liz Hair

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAW-2009-01703 dated July 14, 2015. To improve an approximate 0.6-mile segment of NC 24-210 (Rowan Street) in Cumberland County, the North Carolina Department of Transportation (NCDOT) requests authorization from the Department of the Army to permanently impact 775 linear feet (lf) of jurisdictional stream channel. The Wilmington District has determined the proposed work is not within areas designated essential fish habitat. The NMFS agrees with this determination and offers no comments under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act.

The NCDOT proposes to improve an approximate 0.6-mile segment of NC 24-210 (Rowan Street) from directly east of the bridge over US-401 (Martin Luther King Jr Freeway) to the intersection of Ray Avenue in downtown Fayetteville. The project involves replacing the existing bridge (number 116) over the CSX Railroad, Norfolk Southern Railroad, and Hillsboro Street on NC 24-210 (Rowan Street) to the north of its current location. Additional improvements include reconfiguring the intersections of SR 3174 (West Rowan Street) with NC 24/SR 3828 (Bragg Boulevard), and NC 210 (Murchison Road) with SR 3147 (West Rowan Street) at Rowan Street into a single intersection.

The public notice describes impacts to 775 lf of jurisdictional streams that would permanently eliminate habitats used by aquatic organisms. The NMFS recommends the Wilmington District also examine downstream impacts in its analysis. The Cape Fear River and its tributaries have spawning areas used by anadromous fish including American shad and blueback herring. Sediment and toxicant input into streams and rivers is a major threat to anadromous fish and their habitats. This input can directly impact individuals and spawning aggregations as well as permanently eliminate nursery and spawning habitat.

As compensatory mitigation for all unavoidable impacts to jurisdictional streams, the NCDOT proposes payment to the North Carolina Division of Mitigation Services (NCDMS; formerly the



North Carolina Ecosystem Enhancement Program) sufficient to provide for mitigation at a 2:1 ratio. The NMFS supports mitigating the project impacts through the NCDMS.

Recommendation

The NMFS recommends the permit require Best Management Practices (BMPs) throughout all phases of construction. Specific BMPs include (1) ensuring all efforts are made to avoid toxicant input into surface waters and wetlands and (2) deploying a Sediment Control Fence (SCF), silt curtains, or other sedimentation and turbidity control barriers to minimize sediment input into waters and wetlands adjacent to construction and staging areas. Regular inspections and timely maintenance of all BMPs, including the SCFs, is necessary to minimize sediment and toxicant input into project-adjacent waters.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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