



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF), AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

LEGEND ROAD WATER TANK 176 LEGEND ROAD, LUMBERTON, ROBESON COUNTY, NC 28358

February 10, 2024

To: All interested Agencies, Groups and Individuals

Name of Responsible Entity and Recipient: North Carolina Office of Recovery and Resiliency (NCORR), P.O. Box 110465, Durham, NC 27709. Contact: Chief Recovery Officer Matthew Arlyn (984) 833-5350.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Explanation of a Proposed Activity in a Floodplain and Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by NCORR.

Project Description: NCORR is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Mitigation (CDBG-MIT) program in North Carolina. NCORR proposes to provide CDBG-MIT funding from the Infrastructure Recovery Program of \$1,241,000.00 for the Legend Road Water Tank project (“Proposed Activity”) located at 176 Legend Road, Lumberton, Robeson County, NC 28358 (Parcel ID 02090100501) which contains 100-Year Floodplain and wetlands. The Proposed Activity is anticipated to have a total cost of \$4,334,000.00 for construction of a 500,000-gallon elevated water storage tank, altitude valve vault, fire hydrant, water mains, gravel access drive, and associated improvements. The Proposed Activity construction will include extensive land clearing and excavation, trenching, placement of concrete foundations, installation of a 500,000-gallon elevated water storage tank and piping, and connections to the existing 12-inch water main on Legend Road and the existing 8-inch water main that ties into Sanchez Road. There is an existing chain link fence and gate around the Proposed Activity development area where the

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elevated water storage tank, altitude valve vault, and gravel access drive will be located. An 8-inch to 12-inch PVC water main, associated valves and a fire hydrant will be installed in the paved parking area and gravel driveway/unnamed road running east-west to Legend Road between the fenced-in existing water treatment plant and the Public Utilities buildings and Robeson County Ambulance Service/ EMS. There will be an estimated 0.20 acre of ground disturbance.

The State of North Carolina was adversely impacted by the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). The Proposed Activity is needed to prevent future water service interruptions as experienced during Hurricane Matthew and to allow for the continued operation of the public facilities located along Legend and Sanchez Roads during future storm events. During and immediately following Hurricane Matthew, potable water had to be transported to these facilities, both by truck and through individual bottled servings. The Proposed Activity's installation of an elevated water storage tank in the vicinity of the Robeson County Emergency Operations Center, Sheriff's Office and Jail, Emergency Medical Services, Water Department, and Public Utilities buildings will avoid water pressure loss at these County facilities and the adjacent NC Department of Corrections' Lumberton Correctional Institution. The County has selected the Proposed Activity to assist its residents, employees, and community to be protected from water service interruptions at this location during future storm events which can also adversely impact operations at the Emergency Operations Center during critical times.

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

NCORR has conducted an evaluation as required by Executive Orders (EO) 11988 and 11990, in accordance with HUD regulations at 24 CFR 55 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The Proposed Activity will not result in any direct or indirect impacts to wetlands, 500-Year Floodplain, 100-Year Floodplain or Floodway. This 60.96-acre County-owned parcel contains approximately 38.21 acres of 500-Year Floodplain, 0.61 acre of 100-Year Floodplain, and no Floodway. The Proposed Activity's limit of disturbance (LOD) will occur approximately 50 feet from the 500-Year Floodplain, 0.24-mile from 100-Year Floodplain (Zone AE), and 0.25-mile from Floodway. The Little Jacob Swamp riverine is located north of the parcel boundary approximately 0.25-mile from the Proposed Activity's LOD and will not be adversely impacted by the Proposed Activity. The closest onsite USFWS National Wetlands Inventory (NWI)-mapped riverine (R5UBH) and potential wetland is located approximately 250 feet northwest from the Proposed Activity's LOD. Another NWI-mapped riverine (R4SBC) and potential wetland connects north to Little Jacob Swamp. These potential wetland areas encompass approximately 5 acres of the parcel and no activities are proposed in wetland.

NCORR has considered the alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. The Proposed Activity is designed to avoid floodplain and wetlands. Robeson County identified the Proposed Activity as a high priority infrastructure strategy after a series of public meetings on resiliency strategies in 2017 as part of the NC Resilient Redevelopment Planning Program. The main alternative is the "No Action" Alternative which is not considered feasible since continuous water service to the Robeson County government complex is essential for operations. This parcel was chosen as ideal because it is currently County-owned and is located close to the existing water treatment plant and the

Robeson County government complex enabling the water system to maintain a minimum pressure of 30 psi for normal conditions and 20 psi for fire flow which is a NC Division of Water Resources' (DWR) Public Water Supply section requirement. It is critical for public health and safety that these facilities, including the Emergency Operations Center, have adequate water supply during emergencies and future storm events. The "No Action" Alternative would provide no protection to these facilities from water service interruptions during future storm events.

Natural floodplains and wetlands provide flood risk reduction benefits by slowing runoff and storing flood water. In addition, floodplains and wetlands are beneficial by providing diverse wildlife habitat, flood and erosion control, surface water quality maintenance, groundwater recharge, and educational, scientific, cultural, and recreational resources. Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. The Proposed Activity has been designed to avoid wetlands and floodplain, thus, there are no anticipated impacts on the natural and beneficial functions and values of the 100-Year Floodplain or wetlands. The Proposed Activity's construction is wholly located in Zone X, an area of minimal flood hazard (outside of floodplain). There has been previous, significant site modification including fill and development for the existing fenced-in water treatment plant and roads where site disturbance is planned.

The Proposed Activity will comply with all applicable federal, State and local laws, regulations, and permit requirements and conditions which shall be obtained before commencing work. According to the U.S. Army Corps of Engineers (USACE) and NC DWR, there are no NC DWR buffers and Clean Water Act Section 404 and 401 permits are not required. Best management practices for erosion and sedimentation control such as silt fencing will be utilized during construction to prevent off-site sedimentation impacts and native plants used in site restoration. The Proposed Activity designs have been completed in accordance with agency input to minimize impacts to the floodplain, wetlands, environment and community. The Proposed Activity and location are the most ideal, feasible options selected by the County; the "No Action" Alternative would not effectively address water service interruptions during and after storm events, the project design avoids floodplain and wetlands, and native plants will be used in site restoration.

Since the action will include new construction on a parcel containing incidental 100-Year Floodplain and wetland, EOs 11988 and 11990 require that the Proposed Activity not be supported if there are practicable alternatives to floodplain and wetland impacts. NCORR has reevaluated the alternatives to construction on this parcel, and has determined that it has no practicable alternative. The 8-step process has been further documented in the EO 11988 Floodplain Management and EO 11990 Wetlands Protection Determination which is available for viewing and copying as described below in Public Review.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment are given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government

determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Activity has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Activity is anticipated. NCORR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. NCORR has determined that the Proposed Activity will have no significant impact on the human environment and, therefore, does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA, environmental review record, and EO 11988 Floodplain Management and EO 11990 Wetlands Protection Determination is available online at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. Documents may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27709. Call (984) 833-5350 to make an appointment.

Further information may be requested by writing to the above address, emailing publiccomments@rebuild.nc.gov or calling (984) 833-5350. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on the Proposed Activity within Floodplain and Wetland, FONSI and/or NOI-RROF: Any individual, group or agency may submit written comments on the Proposed Activity. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before February 26, 2024 at publiccomments@rebuild.nc.gov. Written comments may also be submitted by mail, in the proper format, to be received on or before February 26, 2024, and addressed to: Matthew Arlyn, Chief Recovery Officer, NCORR, ATTN: Legend Road Water Tank Project, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before February 26, 2024 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the submission of a request for release of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or after February 27, 2024, the NCORR certifying officer will submit a request and certification to HUD for the release of CDBG-MIT funds as authorized by related laws and policies for the purpose of undertaking this project under the North Carolina CDBG-MIT Infrastructure Recovery Program.

NCORR certifies to HUD that Matthew Arlyn, in his capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows NCORR to use CDBG-MIT program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and NCORR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors should contact HUD or the NCORR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) certification was not executed by NCORR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before HUD's release of funds and approval of environmental certification; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR 58.76) and shall be addressed to Tennille Smith Parker, Director, Office of Disaster Recovery, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to disaster_recovery@hud.gov.

Matthew Arlyn
Certifying Officer
February 10, 2024