



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

PRINCEVILLE LEVEE FLOODGATE REPAIRS FOUR LEVEE FLOODGATE CULVERT LOCATIONS ALONG THE TAR RIVER, PRINCEVILLE, EDGEcombe COUNTY, NC 27886

April 20, 2023

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: Director Laura Hogshead (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 – Disaster Recovery (CDBG-DR) program in North Carolina. NCORR proposes to provide CDBG-DR funding of \$850,658.00 for the Princeville Levee Floodgate Repairs Project (“Proposed Activity”) on approximately 7.7 acres at four floodgate culvert locations: Site 1 (35.890816, -77.532662), Site 2 (35.894597, -77.516820), Site 3 (35.895364, -77.513700), and Site 4 (35.873450, -77.525434). The Proposed Activity is anticipated to have a total cost of \$850,658.00. The Proposed Activity entails inlet and outlet channel repairs at four existing floodgate culverts along the levee and constructing permanent access roads to facilitate said repairs and provide access for future inspection, maintenance, and flood-fighting operations. These existing levee segments were constructed in 1965 to 1967 by the U.S. Army Corps of Engineers (USACE) but are maintained by Edgecombe County. The proposed floodgate inlet and outlet channel repairs

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include excavating and installing rip-rap channel linings consistent with the dimensions and extents shown in the original Princeville Levee construction plans, with some modifications to the rip-rap thickness and size to prevent rip rap loss during high flow events. The access roads consist of constructing 10-foot-wide gravel roads with 1-foot-wide shoulders and 3:1 side-slopes. The access roads constructed of fill material with a gravel, travel way will traverse up, over, and/or down the levee and connect to “stub-roads” that provide access to inlet and outlet channels at Sites 1, 2, and 3. Site 4 already has adequate access for proposed channel repairs and future inspection, maintenance and flood-fighting operations, therefore, no new access roads are proposed at Site 4.

The State of North Carolina was adversely impacted by the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). During the Hurricane Matthew storm event, a large majority of the 2,357 citizens residing in the Town of Princeville were displaced by floodwaters in part due to the functional failure of the Princeville floodgates located along the USACE levee bordering the Tar River. During the Hurricane Matthew storm event, the floodgate structures were submerged underwater for at least five days resulting in weakness and more erosion around already worn structures, and damaged floodgate hinges. County staff temporarily repaired two broken hinges by welding. The proposed repairs are intended to restore the existing structures to their former as-built condition. The Town of Princeville undertook to design construction upgrades and necessary repairs to critical flood control infrastructure so as to prevent flooding of the Town during future storm events. The Town of Princeville has selected the Proposed Activity to assist its residents and community to be protected from future storm damage and flooding.

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 result in temporary impacts to 0.11 acres of 100-year floodplain, 0.027 acres of National Wetlands Inventory (NWI)-mapped and USACE verified delineated wetlands (freshwater palustrine forested and scrub-shrub), 0.05 acres of stream, and 1.37 acres of floodway. The Proposed Activity will result in permanent impacts to 0.11 acres of 100-year floodplain, 0.007 acres of NWI-mapped and USACE verified delineated wetlands, 0.05 acres of stream, and 1.37 acres of floodway. These impacts will consist of excavation, fill and channel repair in the 100-year floodplain; hand clearing, fill and channel repair in wetlands; temporary dewatering and channel repair in stream; and excavation, fill and channel repair in FEMA-designated regulatory floodway. The Proposed Activity’s levee floodgate repairs are allowed in floodway since it is classified as non-critical action, is a functionally dependent use that must necessarily be in close proximity to water (24 CFR §55.2(b)(6)), and is being processed under 24 CFR 55.20. The regulatory floodway refers to the channel of the Tar River and adjacent land areas that are reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in floodways to ensure that there are no increases in upstream flood elevations. A Floodplain Development Permit and no-rise certification for the Proposed Activity were obtained and concluded that it will not increase base flood elevations within the FEMA floodplain. According to FEMA, the purpose of a levee is to keep the course of rivers from changing and to protect against flooding of the area adjoining the river. Levees are

designed to reduce flood risk from flooding events; however, they do not eliminate the risk entirely. Levees can and do deteriorate over time and must be maintained to retain their effectiveness. When levees fail, or are overtopped, the results can be catastrophic. Thus, the Proposed Activity is necessary to prevent future storm events from flooding the affected areas of the Town of Princeville.

NCORR has considered the alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. This Proposed Activity involves repairing floodgates at an existing levee and constructing access roads. The Proposed Activity must be performed at the existing floodgates, and project designs have been completed in accordance with agency input to minimize impacts to the floodplain, wetlands, environment and community. The main alternative is the “No Action” Alternative which is not considered feasible since Princeville has been historically subjected to devastating flooding and storm damage, and action is critically necessary to protect the residents and community from future storm events. One concern with the “No Action” Alternative is the potential decertification of the levee by FEMA which would result in virtually the whole town being mapped as 100-year floodplain and subsequent requirement for the costly elevation of structures and flood insurance for homeowners according to the Princeville Recovery Plan. These natural floodplains and wetlands provide flood risk reduction benefits by slowing runoff and storing flood water. In addition, the 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 opportunities. Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. Overall, the functions and values associated with the impacted wetland are limited due to small acreage, low diversity, and man-made influences, however, some wildlife habitat, flood flow protection, and water quality functions exist.

The Proposed Activity will be completed in accordance with all applicable federal, State, and local laws, regulations, and permit requirements and conditions. The following permits will be obtained, if applicable, prior to commencing work: USACE Clean Water Act (CWA) Section 404 Nationwide Permit #3 (Maintenance), USACE CWA Section 408 Permit, NC DWR CWA Section 401 Water Quality Certification, NC DWR Tar-Neuse River Riparian Buffer Authorization, NC DEMLR Erosion and Sediment Control Permit, NPDES Construction Stormwater Permit (NCG010000), Floodplain Development Permit and no-rise certification. BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction. Thus, the Proposed Activity and site locations are the most suitable, feasible options selected by the Town of Princeville after a lengthy process to assist its residents and community to be protected from future storm events; the “No Action” alternative would not effectively address Princeville’s flooding; and mitigation measures include erosion and sedimentation controls, permit conditions, a project design that minimizes impacts, and native plants used in site restoration.

Since the action will include modification of floodplain and new construction in 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 modification of floodplain and new construction in wetland, 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 Protection of Wetlands 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 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 Project 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 and EO 11988 Floodplain Management and EO 11990 Protection of Wetlands 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 NOIRROF: 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 May 5, 2023 at publiccomments@rebuild.nc.gov. Written comments may also be submitted by mail, in the proper format, to be received on or before May 5, 2023, and addressed to: Laura Hogshead, Director, NCORR, ATTN: Princeville Levee Floodgate Repairs, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before May 5, 2023 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 May 8, 2023, the NCORR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the North Carolina CDBG-DR program.

NCORR certifies to HUD that Laura Hogshead, in her 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-DR 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 may 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 responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before 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, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to disaster_recovery@hud.gov.

Laura Hogshead
Certifying Officer
April 20, 2023