



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

WEST LUMBERTON FLOOD GATE AT VFW ROAD AND RAILROAD UNDERPASS

NEAR INTERSTATE 95 IN THE VICINITY OF VFW ROAD, COX ROAD, HACKETT STREET, AND THE CSX RAILROAD CROSSING, LUMBERTON, ROBESON COUNTY, NC

January 6, 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: 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 – Mitigation (CDBG-MIT) program in North Carolina. NCORR proposes to provide CDBG-MIT funding from the Infrastructure Recovery Program of \$1,498,088.00 for the West Lumberton Flood Gate at VFW Road and Railroad Underpass project (“Proposed Activity”) located near Interstate 95 (I-95) in the vicinity of VFW Road, Cox Road, Hackett Street, and the CSX railroad crossing within the City of Lumberton (City), Robeson County, North Carolina. The proposed limits of disturbance consist of public rights-of-way, Hackett Street, Cox Road, VFW Road, the CSX railroad line, and portions of five parcels, including a 7.16-acre lot at VFW and Hackett Rd., Parcel Pin #938280300700; an 0.83-acre lot at 550 VFW Rd., Parcel Pin #938189443052; a 6.3-

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acre lot at 2400 Cox Rd., Parcel Pin #938179684407; a 6.34-acre lot at 2460 Cox Rd., Parcel Pin #938179143700; and a 2.8-acre lot at 2306 W. 5th St., Parcel Pin #938189201500. The Proposed Activity is anticipated to have a total cost of \$10,878,186.00 and entails construction of a permanent flood gate system and related drainage improvements to prevent future flood occurrences from the Lumber River through a CSX railroad underpass beneath I-95 in an area of Lumberton that has suffered devastation, primarily associated with hurricanes.

The Proposed Activity is needed to mitigate future storm flooding as experienced and exacerbated by the effects of the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). The purpose of this Proposed Activity is to enhance the City's existing earthen levee and flood control system to mitigate against 100-year flood events flowing from the west side of the I-95 underpass via the CSX railroad crossing in the vicinity of VFW Road, Cox Road, and Hackett Street. The City has identified the Proposed Activity site to mitigate flooding experienced on the protected side of the existing levee system, which is critical to protect lives and property in southern and western Lumberton. In addition, the levee system helps maintain access to and operation of several critical facilities behind the levee, such as the City's water treatment plant, two power grid point of delivery transformer sub stations, the City's Electric Utility Department, and a City Fire Station. Failure to make the proposed improvements will result in the area continuing to experience flooding during future storm events, which in turn has impacts across the entire City. The City 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. All of the Proposed Activity site is located in 100-year floodplain with the five parcels totaling 23.43 acres and no areas in regulatory floodway. The Proposed Activity will result in temporary impacts to approximately 4.9 acres of 100-year floodplain (Zone AE) which includes four construction entrances, a staging area, two check dams, and a 26-linear-foot (lf), 15-inch HDPE. The permanent impacts to 4.7 acres of 100-year floodplain includes the construction of an approximately 30-foot flood gate to swing over the CSX railroad tracks with concrete wing flood walls extending outward from both sides of the gate and connecting concrete wing wall sections to a proposed earthen berm with supportive sheet piling that ties the system into the I-95 proposed embankment; slope revetment; riprap groin protection; two 15-foot-wide gravel access drives with turnout onto Cox Road and corresponding 34-1f and 36-1f, 15-inch reinforced concrete piping culverts; 2-foot x 2-foot and 3-foot x 3-foot sluice gates; water main offset; railroad ditch grading; removal and reinstallation of steel casing and 6-inch watermain south of the flood gate, as needed; and all surfaces to be restored to existing grade after construction. CSX will remove and reinstall 34-foot rail sections and two timber cross-ties from each track with contractor to install sections of shoring sheet piling cut off a minimum of 2-feet below the top-of-tie. CSX and contractor will schedule a window to install the jump span bridge with CSX removing a 50-foot track section and contractor excavating materials, cutting off piles, and installing wales, struts, pile caps, and jump span bridge. There is one approximately 4.44-acre National Wetland Inventory (NWI)-mapped Freshwater Forested/ Shrub

Wetland (PFO4Ad) located on the VFW Rd. and Hackett St. parcel #938280300700 that is part of a 69.51-acre wetland feature. There are no other wetlands located on the other parcels and no activities 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. Alternative resiliency strategies were evaluated to address the flooding experienced in Lumberton during Hurricane Matthew. A series of meetings were held including public open houses and in-depth working sessions with county officials, subject matter experts, and county and municipal planners. North Carolina Emergency Management utilized data, resources, and technical expertise from State agencies, the private sector, and the UNC system to determine innovative best practice strategies. The Proposed Activity was identified as a high priority infrastructure strategy. This location at the CSX railroad I-95 underpass was identified as the most vulnerable weak point where flood events can penetrate to the protected side of the levee. Alternative locations and designs for the flood gate system were considered during the lengthy design phase using agency input, particularly the NC Department of Transportation (DOT) which is undertaking the widening of I-95. The Proposed Activity was designed in different locations, including east of I-95, before NC DOT and the City agreed upon this final design. The NC DOT project includes realignment of Cox Road, VFW Road and Hackett Street, I-95 embankment and bridge surfacing, a drainage channel, I-95 replacement bridge, retaining walls near Cox Road, and temporary and permanent NC DOT easements and ROWs in the area of this Proposed Activity. The “No Action” Alternative is not considered feasible since flooding in the area causes property damage to homes, churches, businesses and industries; interrupts City-wide services such as the potable water supply and electric utility grid for days; and roadway flooding blocks transportation accessibility during and after storm events. This Proposed Activity is critically necessary to protect the residents and community from future storm events. Whereas, the “No Action” Alternative would leave the community vulnerable to future flooding and mitigation action would be compromised due to lack of financial support. Due to the type of improvement and its connection to the City’s existing earthen levee and flood control system, floodplain impacts were unavoidable. However, the proposed action was designed not to encroach into the onsite wetland.

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 opportunities. Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. Floodwater storage and conveyance and erosion control will be affected by the Proposed Activity during storm events. During 100-year flood conditions, peak water surface elevation upstream of the gate is estimated to increase 0.3 feet from both installation of the flood gate system and raising of I-95 (see posted H&H Analysis for more details). The project components will be elevated well above the 100-year base flood elevation (BFE) in order to protect lives and property from potential flash floods. The 100-year floodplain in the proposed flood gate system area has a BFE from 123.56 feet to 123.71 feet (vertical datum, NAVD88). The proposed flood wall will have a 134-foot top-of-wall elevation compared to the top of the railroad bed elevation which is around 120 feet. Therefore, the wall extension will be approximately 14 feet high above the railroad bed. The flood gate over the railroad tracks will be swing-hinged closed in line with the concrete wing walls

during future storm events and flooding. This design will provide long-term flood prevention and minimize potential flood damage to the surrounding properties. The Proposed Activity will disturb approximately 4.9 acres mostly within previously disturbed railroad and roadway easements and industrial businesses' lawns. Since no activities are proposed in wetlands, a US Army Corps of Engineers (USACE) Approved Jurisdictional Determination and No Permit Required Letter are being obtained and Clean Water Act Section 404 and 401 permits will not be required. Applicable recommendations from the NC Dept of Environmental Quality Division of Water Resources will be followed. Thus, additional impacts to floodplain and wetland functions and values are not anticipated.

The Proposed Activity will comply with a Floodplain Development Permit, NC DEMLR Erosion and Sediment Control Permit, NPDES Construction Stormwater Permit (NCG010000), and all applicable federal, State and local laws, regulations, and permit requirements and conditions which shall be obtained before commencing work. Best Management Practices and erosion and sedimentation control measures include filter fabric under 24-inch class 2 riprap east of the flood gate; geotextile fabric under 18-inch class B riprap and 6-inch stone groin protection riprap along southeastern portion of the earthen berm; two stone riprap check dams; temporary stabilizing vegetation; silt fencing; and site grading. 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 suitable, feasible options selected by the City after a costly and lengthy design process to assist its residents and community to be protected from future storm events; the "No Action" alternative would not effectively address the area'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 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 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 January 22, 2024 at publiccomments@rebuild.nc.gov. Written comments may also be submitted by mail, in the proper format, to be received on or before January 22, 2024, and addressed to: Laura Hogshead, Director, NCORR, ATTN: West Lumberton Flood Gate Project, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before January 22, 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 January 23, 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 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-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.

Laura Hogshead
Certifying Officer
January 6, 2024