



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 6, 2016
Comment Deadline: May 6, 2016
Corps Action ID Number: SAW-2002-01260
TIP Project No. R-2536

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation, Mr. Philip S. Harris, III, Natural Environment Section Head, seeking Department of the Army authorization to permanently impact 6.44 acre of jurisdictional wetlands, temporarily impact 2.19 acres of jurisdictional wetlands, permanently impact 31,992 linear feet of jurisdictional stream channel, temporarily impact 2,841 linear feet of jurisdictional stream channel and permanently impact 10.54 acre of jurisdictional open waters. The proposed impacts are associated with an approximately 16.4 mile bypass (US 64 Bypass/R-2536) around Asheboro, North Carolina, which includes improvements to the US 64 corridor in Asheboro and upgraded access to the North Carolina Zoological Park (Zoo). The Bypass is a 14.6 mile, four-lane, divided limited access facility with no driveway access; the Zoo Connector is an approximate 1.8 mile, two-lane parkway. The proposed project also includes interchanges, utility relocations, approximately 4.35 miles of service roads, and additional related improvements (e.g., stormwater management, mitigation implementation, building relocation/demolition, etc.) in Asheboro, Randolph County, North Carolina.

Due to the large number of permit drawing plans associated with this proposal, they are not included with this Public Notice. This Public Notice is available on the Wilmington District Web site at

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

Related maps for this project are available on the NCDOT website click on this link <https://xfer.services.ncdot.gov/pdea/PermApps>, you can scroll down and click on the R-2536 links or do CTRL+F and type R-2536. There are two PDF files click on the first PDF file.

If you wish to review these plans in person, or to obtain additional information about the proposed mitigation sites, please visit the U.S. Army Corps of Engineers Regulatory Field Office at 3331 Heritage Trade Drive, Suite 105; Wake Forest, North Carolina 27587 (Call ahead to arrange a time for review at (919) 554-4884, ext. 26).

Applicant: North Carolina Department of Transportation
Project Development and Environmental Analysis Unit
Attn: Mr. Philip S. Harris III, Section Head
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

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

Directions to Site: The proposed project spans 16.4 miles in Randolph County and includes portions of the City of Asheboro, the Asheboro extra-territorial jurisdiction, and unincorporated, rural southern Randolph County. The alignment is south of Asheboro and spans the existing US 64 west of Asheboro to the existing US 64 east of Asheboro. The project begins immediately east of the Back Creek Road, US 64 intersection and ends immediately west of the Loflin Pond Road, US 64 intersection. The proposed Zoo connector extends from east of Staley's Farm Road (SR 2839) to the existing NC 159/Zoo entrance.

Project Area (acres): 325 (approximately) Nearest Town: Asheboro
Nearest Waterways: Little River, Vestal Creek, Squirrel Creek, Gabriels Creek, Cable Creek, Taylors Creek, North Prong Richland Creek, South Prong Richland Creek, Tantraugh Branch, multiple unnamed tributaries
River Basins: Yadkin (HUC 03040103 and 03040104); Cape Fear (HUC 03030003)

Latitude and Longitude:

Begin Project (approximately) 35.7060N, -79.8849W
End Project (approximately) 35.7252N, -79.7361W
Southern Terminus, Zoo Connector (approximately) 35.6323N, -79.7793W

Existing Site Conditions

The study area lies in the piedmont physiographic region of North Carolina, in the foothills of the Uwharrie Mountains. Terrain within the project study area is characterized by rolling hills with an average elevation across the county of 870 feet (265 meters [m]) above mean sea level (MSL). There are other rolling hills of similar elevation scattered throughout the eastern half of the project corridor. The drainage patterns in the corridor are generally north to south, except in the area near existing US 64 east of Asheboro, where streams flow south to north. Major streams within the corridor include: Cable Creek, Taylors Creek, and Little River, in the Yadkin-Pee Dee River Basin; and North Prong Richland Creek, South Prong Richland Creek, Vestal Creek, Tantraugh Branch, Squirrel Creek, and Gabriels Creek, in the Cape Fear River Basin. Six different soil types are found within the corridor. All are well drained, with the exception of the Chewacla loam soils. Existing land use throughout the project corridor is predominantly rural residential mixed among agricultural and vacant land. Much of the area within the corridor is zoned 'Residential/Agricultural' (by Randolph County) and medium to low density Residential (by the City of Asheboro). The proposed Zoo Connector follows the western boundary of Randolph County's 'Environmental District' which includes the Zoo. The project corridor is located within two major river basins: the Yadkin-Pee Dee River Basin to the west (USGS Hydrologic Unit Codes 03040103 and 03040104) and the Cape Fear River Basin to the east (USGS Hydrologic Unit Code 03030003), with US 220 Business approximating the watershed divide. Many of the streams within the project corridor have been altered, most likely due to past agricultural activities. Entrenchment is common and stream bank integrity is compromised in floodplains that were logged. Most of the streams are located in wooded settings and have a relatively closed vegetation canopy over them. Bottom composition of the streams varies from bedrock and cobbles to a mix of sand and silts. Surface waters in North Carolina are assigned a classification by the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Resources (DWR) that is designed to maintain, protect, and enhance water quality within the state. All the streams within the project corridor are classified as Class C waters. Class C waters are protected for aquatic life propagation and survival, fishing, secondary recreation, and agriculture. No waters are classified as High Quality Waters (HQW) or as Outstanding Resource Waters (ORW).

Applicant's Stated Purpose

The purpose of the proposed action is to improve flow and enhance mobility of regional traffic on US 64 by providing an alternative "free flowing" limited access route around Asheboro.

The separation of local and regional traffic will reduce congestion and thereby increase safety on US 64, enhance high speed regional travel, and improve currently limited access to the Zoo. The project will address the following existing and anticipated conditions: Traffic congestion and above average accident rates on US 64, land use conditions, and congestion/backups on NC 159. The project is an essential component (Asheboro Bypass) for NCDOT's plan to upgrade the US 64 Intrastate corridor in central

North Carolina from Statesville to Raleigh and the NC 49 corridor from Charlotte to Raleigh. The proposed Zoo Connector will address Zoo-related traffic and safety issues along NC 159 by diverting approximately 30 percent of traffic without requiring widening and reconstruction of the roadway or resulting residential displacement.

Project Description

The proposed action proposes to improve the US 64 corridor in the Asheboro area and provide better access to the Zoo, located southeast of the project area in Randolph County. There are six proposed interchanges along the US 64 Bypass: existing US 64 west of Asheboro, NC 49, US 220 Bypass (future I-73/74), Zoo Connector, NC 42, and existing US 64 east of Asheboro. Special aesthetic design features for the bridge and surrounding landscape will enhance the entrance to the Zoo. Design modifications include the expansion of service roads and related utilities.

The project has been divided into three (3) Sections (Sections 1, 2 and 3). The current permit application includes plans and proposed impacts for the entire project based on final designs.

Impacts that would result from the proposed project are shown in the table below:

Section	River Basin	HUC Unit	Permanent Wetland (ac)	Temporary Wetland (ac)	Permanent Stream (lf)	Temporary Stream (lf)	Pond (ac)
			Riparian	Riparian			
1	Yadkin	03040103	1.24		11,650	490	1.11
2	Yadkin	03040104	2.21	0.18	5,453	212	0.73
	Cape Fear	03030003	1.87		8,137	519	6.01
3	Cape Fear	03030003	1.11	2.04	6,752	1,620	2.69
TOTAL			6.44	2.22*	31,992	2,841	10.54

Note: Totals may be slightly different due to rounding of section numbers

***Temporary impact includes 0.03 acre of hand clearing in Section 3.**

Avoidance and Minimization

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

- Methods to minimize impacts on wetlands, streams, and other environmentally sensitive areas:
 - Carefully design outlet of stormwater pipes to areas just outside wetlands and buffers to minimize impacts from fill footprint and to provide for energy dissipation to reduce erosion potential, provide additional hydrology to help

maintain wetland function, and allow the natural buffer to help treat the stormwater.

- Minimize the number of outlet pipes at jurisdictional features.
- Retain ditch discharges to existing wetlands.
- Align channels at confluences to reduce energy of discharges into receiving water and limit stabilization needs.
- Provide for fish passage needs in perennial channels in appropriate culvert designs in locations where fish passage is feasible and likely.
- Eliminate existing direct discharges into jurisdictional features, where feasible.
- Identify access routes at construction crossings that minimize jurisdictional impacts and clearing of buffers.
- Ensure construction in jurisdictional areas is in strict compliance with all permits.
- Use BMPs, including grass swales, preformed scour holes, dry detention basins, and riprap energy dissipaters, to minimize impacts.
- Develop a project-specific Environmental and Permit Monitoring Plan.
- Select service road alignments that minimize stream and wetland crossings while meeting design criteria and minimize property impacts.
- Whenever possible place utilities into proposed road alignment rather than separate corridor that would have impacts to additional jurisdictional features. Only one utility, an overhead powerline, requires minor impacts solely for the utility relocation.
- Design pond dewatering activities to create stable remnant channels in pond footprint and require minimal impacts to tie into existing jurisdictional waters.
- When appropriate and feasible relocate channels using natural stream channel design methods.
- Drainage would be designed to minimize impacts to jurisdictional features and water quality.
- When feasible use construction methods that revise permanent impacts to be temporary impacts in instances such as construction access locations and utility relocations and employ appropriate restorative techniques at those locations to return conditions to pre-construction functions. Other techniques such as use of mats, temporary bridges for stream crossings are identified for construction methods.
- Many others as noted in the CP 4B and 4C meetings.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The project has been designed to avoid and minimize impacts to jurisdictional areas throughout the National Environmental Policy Act (NEPA) and design processes. The applicant has requested compensatory mitigation credit via the North Carolina Division of Mitigation Services (DMS) to offset permanent impacts associated with the proposed project. See the following table for the project Compensatory Mitigation Summary:

	Stream Impacts in Length (LF)	Riparian Wetland Impacts (acre)
Impacts Requiring Mitigation	31,992	6.44
Required Mitigation Amount	29,271 @2:1 2,721 @1:1	6.44 @2:1
Total Mitigation Proposed (To be provided by DMS)	61,263	12.88

Additionally, NCDOT has identified a potential on-site compensatory mitigation location. Should the site become available and feasible, and should a Section 404 permit be issued, NCDOT may request to modify the permit and allow the use of this potential on-site location for compensatory mitigation.

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 would not effect 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).
- 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.

Throughout the planning phases of this proposed project, the NCDOT, the Federal Highways Administration (FHWA) and the SHPO have coordinated potential effects to historic resources. A memorandum of Agreement (MOA), signed by NCDOT, the FHWA, and the SHPO, specifies mitigation measures to be undertaken (NCDOT, 2007). A new MOA was executed on January 20, 2012 containing the same seven stipulations of the original MOA from 2006, but removing the expiration date. Data recovery plans have been developed in coordination with the Office of State Archaeology (OSA) and approved for each site, in accordance to the MOA, and NCDOT will ensure that each Data Recovery Plan is implemented after ROW is acquired and prior to construction activities at the site locations. The NCDOT Archaeology Group is working in consultation with SHPO and OSA to identify any additional NRHP eligible resources and document the potential for adverse effects.

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. Specifically, suitable habitat for the Schweinitz's sunflower is present in numerous locations throughout the project corridor in the form of shrub dominated roadsides and utility Right-of-Ways. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. Additionally, suitable habitat for the Northern Long-eared Bat is present within the project corridor. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (BO) titled "Northern Long-eared Bat (NLEB) Programmatic Biological Opinion for North Carolina Department of Transportation (NCDOT) Activities in Eastern North Carolina (Divisions 1-8)," dated March 25, 2015, and adopted on April 10, 2015, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the BO. Any permit issued for this project would be conditioned to require compliance with the mandatory terms and conditions associated with incidental take of the BO.
- 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, Transportation 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 April 25, 2016 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation 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 shall 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, May 6, 2016. Comments should be submitted to Andrew Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554-4884, ext. 26.