



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 3, 2016
Comment Deadline: March 4, 2016
Corps Action ID Number: SAW-2014-00261

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NCDOT), seeking Department of the Army authorization to discharge fill material impacting 0.05 acre of wetlands, 684 linear feet of stream, and a 2.34-acre pond, associated with construction of the proposed interchange at the Triangle Expressway (Toll NC 540) and Old Holly Springs-Apex Road, Wake County, Division 5. STIP No. R-2635D, southwest of Apex, in Wake County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at

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

Applicant: North Carolina Department of Transportation (NCDOT)
Project Development and Environmental Analysis Unit
Attn: Mr. Richard W. Hancock, P.E.
1598 Mail Service Center
Authority Raleigh NC 27699

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: From US 1 in Apex, north on NC-55 Bypass, west on Apex Peakway, south on Tingen Road to Old Holly Springs-Apex Road (SR 1153) and existing overpass of Toll NC-540.

Project Area (acres): N/A Nearest Town: Apex
Nearest Waterway: UTs to Big Branch
River Basin: Cape Fear/Haw; Hydrologic Unit Code (HUC) 03030002
Latitude and Longitude: 35.689172 N, -78.861912 W

Existing Site Conditions

Old Holly Springs-Apex Road has a grade separation, but no direct access, with the Triangle Expressway. The Triangle Expressway is an 18.8-mile, six-lane toll facility that extends from the I-40/NC 147 interchange in Durham County to the NC 55 Bypass near Apex in Wake County. The Triangle Expressway partially completes the “Outer Loop” around the greater Raleigh, North Carolina area. North of the Triangle Expressway, Old Holly Springs-Apex Road travels north, crossing - but with no direct access to - US 1 into Apex. South of the Triangle Expressway, Old Holly Springs-Apex Road travels south towards Holly Springs where it terminates at New Hill Road.

Old Holly Springs-Apex Road is a 3.6-mile south-north facility with its southern terminus located at New Hill Road (SR 1152) in Holly Springs, traveling to its northern terminus where it becomes Tingen Road (continuing SR 1153) in Apex. A project vicinity map is shown on Figure 1-1. Land use throughout the vicinity of the Access 540 project is mostly rural in nature, consisting of large areas of vacant, wooded land with scattered large-lot residential parcels as well as a few parcels with agricultural uses. Higher-density residential areas are located south of the project, as this portion begins to include northern Holly Springs and its residential subdivisions and retail centers. The land area adjacent to and just south of the Triangle Expressway consists of the privately-owned Highway 55 Landfill, as well as the Wake County-owned Feltonville Landfill and the South Wake Landfill. Wake County also owns the Firearms Education and Training Center that is located approximately one mile south of the existing grade separation along Old Holly Springs-Apex Road. In the area northeast of the project, just north of the Triangle Expressway, is the information technology services provider EMC Corporation. A sizeable portion of the existing land in the vicinity of the proposed project is owned by and planned for the Veridea mixed-use development. The bulk of the area west of the project is mostly wooded with sparse residential parcels.

The project lies within the Piedmont Physiographic Province of North Carolina. The piedmont consists of generally rolling, well-rounded hills and ridges with a few hundred feet of elevation difference between the hills and valleys. The project corridor is located in the southeastern portion of Wake County.

The project area is located within the Cape Fear/Haw Basin [Hydrologic Unit Code (HUC) 03030002]. Jurisdictional features with proposed impacts include five unnamed tributaries to Little Branch, one jurisdictional pond, and two adjacent wetlands. There are no designated Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply I (WS-I), or Water Supply II (WS-II) waters within 1.0 mile of the project.

Applicant's Stated Purpose

Improve accessibility and north-south connectivity within southern Apex by providing a direct local link between the Triangle Expressway (Toll NC 540) and Old Holly Springs-Apex Road (SR 1153).

For residents residing in the area south of the proposed interchange, they must first travel southeast to access NC 55 Bypass or west to access US 1 before they can then travel north on these facilities to reach Apex or access the Triangle Expressway via US 1. For residents of the area north of the proposed interchange, they must first travel north into Apex, then west along Salem Street (SR 1011), before they can access the Triangle Expressway, as there is no access to US 1 from Old Holly Springs-Apex Road. Also of note, Old Holly Springs-Apex Road currently provides an alternate route for local residents to travel between Holly Springs and Apex when they elect to avoid the more congested facilities of NC 55 Bypass, NC 55, and US 1.

Project Description

NCDOT proposes the conversion of the existing grade separation at the Triangle Expressway and Old Holly Springs-Apex Road to an interchange. The interchange ramps and loops would be constructed to the east side of Old Holly Springs-Apex Road to take advantage of the greater spacing with the NC 55 Bypass (1.2 miles versus 0.8 miles to US 1). The existing bridge would be widened to the west to accommodate travel lanes, bicycle lanes and sidewalks. The existing outside shoulders of the Triangle Expressway – between the NC 55 Bypass and US 1 – would be converted to auxiliary lanes and new shoulders would be constructed.

The project will impact a total of 0.05 acre of permanent riparian wetland. These impacts result from 0.03 acre of permanent fill and 0.02 acre of mechanized clearing. Less than 0.01 acre of temporary fill will occur as a result of tying a proposed culvert into a ditch. The wetland area that will be temporarily impacted is currently filled with rip-rap. Total surface water impacts for the project study area are 599 linear feet of permanent stream impacts, 85 linear feet of temporary linear stream impacts, and 2.43 acres of surface water impacts. Surface water impacts include draining of a 2.34-acre pond; there will be no impacts to surface waters from utilities for the project study area. Wetland and stream impacts are summarized in the table on SHEET 17 OF 17 of the attached WETLANDS AND SURFACE WATER IMPACT PERMIT drawings.

NCDOT completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for this project in March 2015. The EA and FONSI are available on the NCDOT website at: <https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx>, under *Quick Links >Environmental Documents*.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The following minimization measures were implemented for the project:

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters will be enforced;
- Impacts to wetlands, streams, and open waters were avoided and/or minimized by adjusting alignments and slopes;
- 2:1 slopes or less are used in most wetland areas;
- All storm drainage will be diffused and designed for non-erosive velocities before entering stream and wetland areas to the maximum extent practicable;
- Rip rap stabilization on banks of jurisdictional streams will be implemented to prevent erosion;
- Proposed stream impacts (599 linear feet) for R-2635D decreased from the impacts calculated for the FONSI (738 linear feet). This decrease is due to the preliminary nature of the FONSI and the assumption of 25 linear feet of impact beyond the slope stakes which have been reduced during final design. In addition, grades were optimized during design to reduce the impacts to Stream SE (UT to Little Branch) to 409 linear feet as opposed to the 540 linear feet estimated in the FONSI;
- Final proposed wetland impacts (0.05 acre) for R-2635D decreased from the impacts calculated from the FONSI (0.12 acres). This decrease is due to the preliminary nature of the FONSI and the assumption of 25 linear feet of impact beyond the slope stakes which have been reduced during final design. In addition, the avoidance of Wetlands WD and WE (temporary impacts only) in the final design of the project has reduced proposed wetland impacts;
- Existing outfall locations and drainage patterns were maintained as much as possible;
- Grass Swales were used throughout the project to provide treatment;
- A dry detention basin is located in the loop gore of Quadrant A to reduce the peak runoff and to treat new built upon area.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: This project would permanently impact 599 feet of warm water streams. Of these 599 feet, there is 115 feet of bank stabilization that would not cause the loss of waters. Of the remaining 484 feet of stream impacts, 349 feet of the impacts are to streams with minimal aquatic function, with a balance of 135 feet of perennial stream impacts for which NCDOT has proposed compensatory mitigation at a 2:1 ration. The mitigation requirements of 270 feet of permanent warm water stream credits will be provided by the NC Division of Mitigation Services within the project HUC. No wetland mitigation has been proposed for this project.

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.

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 a federally listed threatened species: Northern long-eared bat (NLEB - *Myotis septentrionalis*) Proposed activities by NCDOT that may affect NLEB are covered by the 3/25/2015 U.S. Fish and Wildlife Service's (USFWS's) Programmatic 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 March 4, 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

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, March 4, 2016. Comments should be submitted to Eric Alsmeyer, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884, extension 23.