



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: May 11, 2016
Comment Deadline: June 10, 2016
Corps Action ID Number: SAW-2014-01633
TIP No. U-3301

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to permanently impact 4,033 linear feet of stream, 0.07 acre of wetland, and 0.10 acre of open water along 4.3 miles of NC 63/Leicester Highway in order to increase traffic carrying capacity and improve safety along this section of NC 63 in Buncombe County, North Carolina (TIP No. U-3301).

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/PublicNotices.aspx>

Applicant: North Carolina Department of Transportation
Project Development and Environmental Analysis Branch
Philip S. Harris III, P.E., C.P.M., Natural Environment 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

The project area is located in the Mountain physiographic region of North Carolina, in the unincorporated community of Leicester in Buncombe County, North Carolina, just beyond the City of Asheville's city limits.

The proposed project is located along 4.3 miles of NC 63/Leicester Highway, from SR 1615 (Gilbert Road) to SR 1004 (Newfound Road).

Project Area: 4.3 miles

Nearest Town: Leicester

Nearest Waterways: Sluder Branch, Newfound Creek, Gouches Branch, and Dix Creek River Basin: French Broad River

Latitude and Longitude: 35.6207 N, -82.6540 W

Existing Site Conditions

The project corridor is surrounded by steep slopes as well as open, flat areas used for farming.

NC 63 is a primary northwest-southeast transportation facility for Buncombe County, connecting Asheville to Leicester and the northwest portion of the county. It is designated as a major collector within the Leicester community, and a principal arterial closer to Asheville, on the North Carolina Statewide Functional Classification System. The corridor of NC 63 along the proposed project site currently consists of a 2-lane, 24-foot roadway section. The roadway has a slightly undulating vertical alignment, along with several large horizontal curves. Existing right-of-way along NC 63 within the project limits varies from approximately 35 to 100 feet. There is no control of access.

According to the applicant, an examination of the Proposed Land Use Map within the *Buncombe County Land Use Plan* (2013) shows that the land adjacent to the project corridor is slated for low-density residential with a mixed-use node located in the established commercial 'center' of Leicester in the vicinity of Alexander Road (SR 1620). Parcels in the project area are zoned as 'Open Use' which is the least restrictive Buncombe County zoning classification. Furthermore, the plan contains additional maps that show pockets of privately-owned available land adjacent to the project corridor and that there has been recent scattered low-density residential development and very limited commercial development in the vicinity of the project corridor. Although some residential development will continue in the project area, the amount and density will be limited by the lack of water and sewer service, some topographical constraints, such as steep slopes and some flood hazard areas, and the presence of conservation properties and Voluntary Agricultural Districts (VAD). While properties enrolled as VAD's aren't afforded any special protections, it does demonstrate a commitment by the landowner/farmer to keep the land in agricultural use. Any development will be consistent with adopted plans and ordinances.

Jurisdictional features within the project footprint are located in the French Broad River Drainage Basin (United States Geological Survey [USGS] Hydrologic Unit Code [HUC] 06010105) in Buncombe County. Jurisdictional streams that would be impacted by this project include Sluder Branch (N.C. Division of Water Resources (NCDWR) Classification C; NCDWR Index No. 6-84-5), Newfound Creek and one unnamed tributary (UT) of Newfound Creek (NCDWR Classification C; NCDWR Index No. 6-84), Gouches Branch and one UT of Gouches Branch (NCDWR Classification C; NCDWR Index No. 6-84-4), and Dix Creek and one UT of Dix Creek (NCDWR Classification C; NCDWR Index No. 6-84-7).

There are no designated High Quality Waters (HQW), Outstanding Resource Waters (ORW), Water Supply I (WS-I), Water Supply II (WS-II), or Trout Waters (Tr) occurring within 1.0 mile of the project area. No Anadromous Fish Spawning Areas or potential habitat areas are located near or within the project study area.

There are no streams listed as 303(d) waters in the 2014 Final North Carolina 303(d) List of Impaired Waters of North Carolina for turbidity or sedimentation within 1.0 mile of the construction footprint.

One natural forested community (Mesic Mixed Hardwood Forest) occurs in the project study area, as well as one additional community (Maintained/Disturbed Land) that is the result of human activities.

Applicant's Stated Purpose

According to the applicant, the purposes of improving NC 63 are to (1) increase the traffic carrying capacity, and (2) improve safety along the subject section of NC 63, as both are needed to improve travel between Asheville and Leicester, as well as to decrease the crash potential along NC 63.

Project Description

NCDOT proposes to widen 4.3 miles of NC 63/Leicester Highway from SR 1615 (Gilbert Road) to SR 1004 (Newfound Road). The roadway would be a three-lane undivided facility from SR 1380 (Jones Road) to just east of Gray Fox Drive, then would transition to a four-lane divided facility with a 23-foot median that runs to Newfound Road. The alterations in the roadway would result in the removal of several driveways and structures along the NC 63 corridor.

Proposed improvements include flattening several curves along the project roadway by utilizing existing pavement and extending several existing culverts. The eighteen intersections that are currently located in the project limits would still exist after the road widening, but some would be realigned and/or widened, and the intersection of NC 63 and SR 1610 (Martin Branch Road) would be signalized to further accommodate traffic needs. The proposed improvements to NC 63 do not include provisions for a paved sidewalk since there would be 14-foot wide outside lanes

within the three-lane section and 5-foot paved shoulders within the four-lane divided section to accommodate bicycle traffic along the roadway. The design speed of NC 63 would increase to 50 miles per hour (mph) due to the wider roadway and straighter geometry. The recommended posted speed would be 45 mph and 35 mph within the Leicester community.

Construction of the project would require the following impacts to waters of the U.S.:

- Permanent impacts to 4,033 linear feet (lf) of stream, 0.07 acre of wetland, and 0.10 acre of open water (a pond); and,
- Temporary impacts to 353 lf of streams.

Permanent impacts would result from the placement, replacement, or extension of culverts; bank stabilization; other placement of rip rap; embankment/road fill; and stream relocations.

Avoidance and Minimization

According to the applicant, avoidance and minimization measures have been employed in the project area to the maximum extent practicable. Listed below are some of the measures that would be implemented:

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters will be enforced;
- NCDOT's BMPs for Construction and Maintenance Activities will be utilized;
- NCDOT will implement installation and maintenance of high quality erosion and sediment control measures;
- Rip rap pads at drainage system outlets will dissipate flow and reduce velocities and erosive potential;
- Unstable eroded stream banks will be stabilized with rip rap armoring;
- Low flow conditions at culverts have been accommodated with the appropriate sizing, grade controls, burial, sills and baffles;
- Where possible, streams were daylighted where existing pipe/culvert configuration existed. See Table 3 below for stream length quantities that would be replaced by pipe/culverts compared to ones replaced by open channel, and;
- Existing drainage patterns have been maintained to the maximum extent practicable.

The applicant has also incorporated site specific measures to maintain water quality which include constructing/installing grassed berms, grassed lined ditches, vegetated swales, energy dissipater basins, and preformed scour holes.

Compensatory Mitigation

While the proposed project would permanently impact 4,033 linear feet of cool water stream, 132 lf of this would be due to bank stabilization. Total permanent impacts to streams, minus bank stabilization, equals 3,901 lf.

The applicant proposes to purchase credits from the NC Division of Mitigation Services (NCDMS) as compensatory mitigation to offset unavoidable functional losses to the aquatic environment resulting from 3,901 lf of permanent impact to streams and 0.07 acre of permanent impact to riparian wetlands. NCDOT proposes to mitigate for the permanent stream impacts as follows: 3,279 lf of good quality streams at a 2:1 ratio and 622 lf of low quality streams at a 1:1 ratio. The applicant also proposes to purchase credits from NCDMS to mitigate the 0.07 acre of wetland impact at a 2:1 ratio.

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 affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Federal Highway Administration (FHWA) is the lead federal agency for this project and approved a Categorical Exclusion (CE) on August 4, 2014.

In 2000, NCDOT, for the FHWA, investigated historic architectural resources in the U-3301 project area and established the Leicester Historic District and the Harold Clark House as properties eligible for listing in the National Register of Historic Places (NRHP). Project design refinements in 2004 placed the Harold Clark House outside the Area of Potential Effects (APE) thereby eliminating it from concern. Re-evaluation of the project area in 2006 in response to additional design changes concluded that the Leicester Historic District no longer met the criteria for NR eligibility due to significant loss of historical integrity.

Two properties, the Dr. C.K. Hughes House and the Frisbee Store located within the former district, are individually NR-eligible. In 2007, NCDOT, the North Carolina State Historic Preservation Office (NCHPO), and the FHWA agreed that the U-3301 project would not adversely affect these two individual resources; FHWA determined that 4(f) "de minimis" also applies. The "no adverse effect" finding for the Dr. C.K. Hughes House is contingent upon the development and execution of a landscape plan for replacement of trees along the right-of-way; this landscape plan is documented in the 2014 CE for this project.

An archaeological survey was performed for FHWA's APE for the original widening alternative in 2001. The APE for this alternative is also appropriate for the currently proposed project, which is an updated three-lane to four-lane transitional facility minus the roundabouts. The 2001 survey relocated or identified three archaeological sites within the proposed APE. All three of these sites were recommended as not eligible for listing in the NRHP and no further archaeological work was recommended for this original alternative; this also applies to the current proposal. No further archaeological investigations are recommended for the original 2001 widening alternative or for the currently proposed project.

Endangered Species

The FHWA is the lead federal agency for this project and approved a CE on August 4, 2014.

NCDOT, for FHWA, determined “no effect’ for all species listed for Buncombe County with the exception of the Northern Long Eared Bat (NLEB) (*Myotis septentrionalis*). Documentation to address the NLEB was submitted to the US Fish and Wildlife Service on February 26, 2016. According to the North Carolina Natural Heritage Program Biotics Database, most recently updated in October 2015, the nearest NLEB hibernacula record is 22 miles away and no known NLEB roost trees occur within ¼ mile of the project. NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016.

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 July 8, 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 (NCDWM):

Based upon all available information, the Corps has determined 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 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.

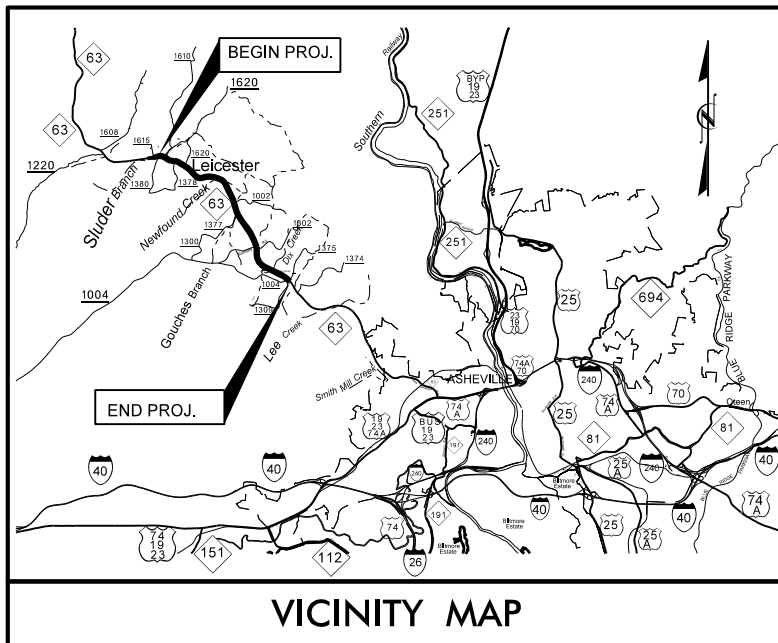
The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 10, 2016. Comments should be submitted to Lori Beckwith, Regulatory Project Manager, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980. Comments can also be emailed to loretta.a.beckwith@usace.army.mil .

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TIP PROJECT: U-3301

CONTRACT: C203575

See Sheet 1-A For Index of Sheets



VICINITY MAP

THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

BUNCOMBE COUNTY

LOCATION: NC 63 (LEICESTER HWY) FROM SR 1615 (GILBERT RD.)
TO SR 1004 (NEFOUND ROAD) NORTHWEST OF ASHEVILLE

TYPE OF WORK: GRADING, DRAINAGE, PAVING, CULVERTS
AND STRUCTURES

WETLAND AND SURFACE WATER IMPACTS PERMIT

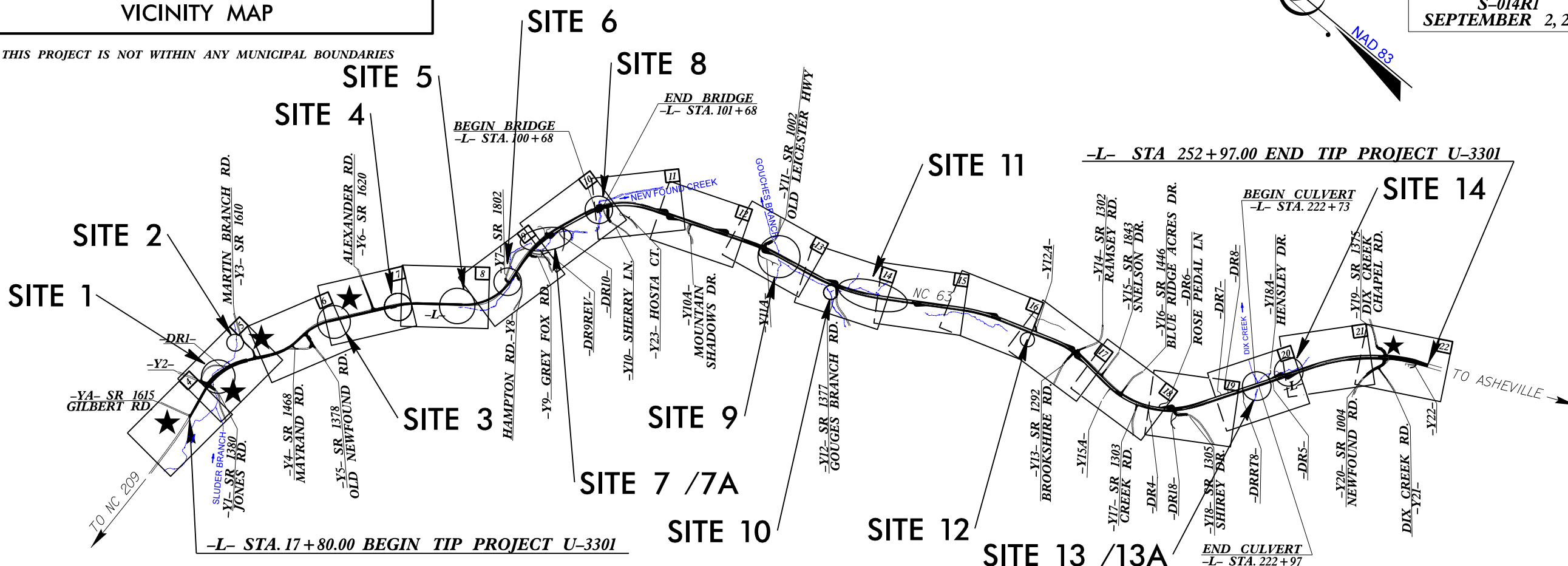
PERMIT DRAWING
SHEET 1 OF 48

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	U-3301	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
34909.1.1	STP-63(1)	PE	



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PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

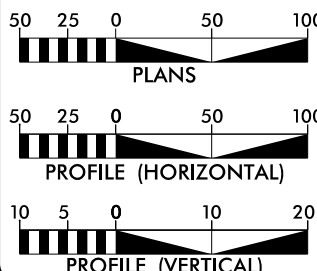
100% HYDRO PLANS
S-014R1
SEPTEMBER 2, 2015



★ SIGNALIZED INTERSECTION

CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD ??

GRAPHIC SCALES



DESIGN DATA

ADT 2014 = 20,200 VPD
ADT 2040 = 29,200 VPD
K = 9 %
D = 70 %
T = 4 % *
V = 50-60 MPH
*TTST = 1% DUAL = 3%
FUNCTIONAL CLASSIFICATION
MAJOR COLLECTOR (3 LANE)
PRINCIPLE ARTERIAL (4 LANE)

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT U-3301 = 4.431 MILES
LENGTH STRUCTURE TIP PROJECT U-3301 = 0.024 MILES
TOTAL LENGTH OF TIP PROJECT U-3301 = 4.455 MILES

NCDOT CONTACT K. ZAK HAMIDI, PE
DESIGN BUILD PROJECT ENGINEER

Prepared in the Office of:

VAUGHN & MELTON, INC.

1318-F PATTON AVENUE ASHEVILLE, NC 28806 PHONE (828)253-2796

2012 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:
MARCH 16, 2015

LETTING DATE:
MARCH 16, 2015

REECE SCHULER, PE
PROJECT ENGINEER

JOHN LANSFORD, PE
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

SIGNATURE: _____ P.E.

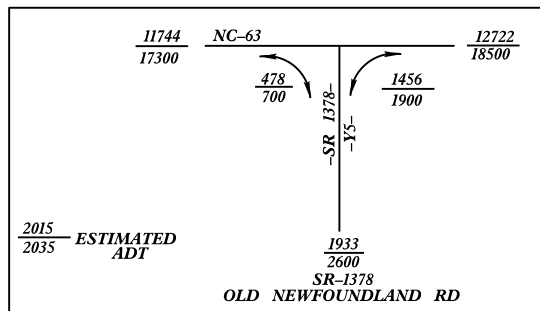
ROADWAY DESIGN
ENGINEER

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DIVISION OF HIGHWAYS

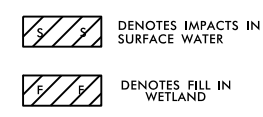


STATE OF NORTH CAROLINA

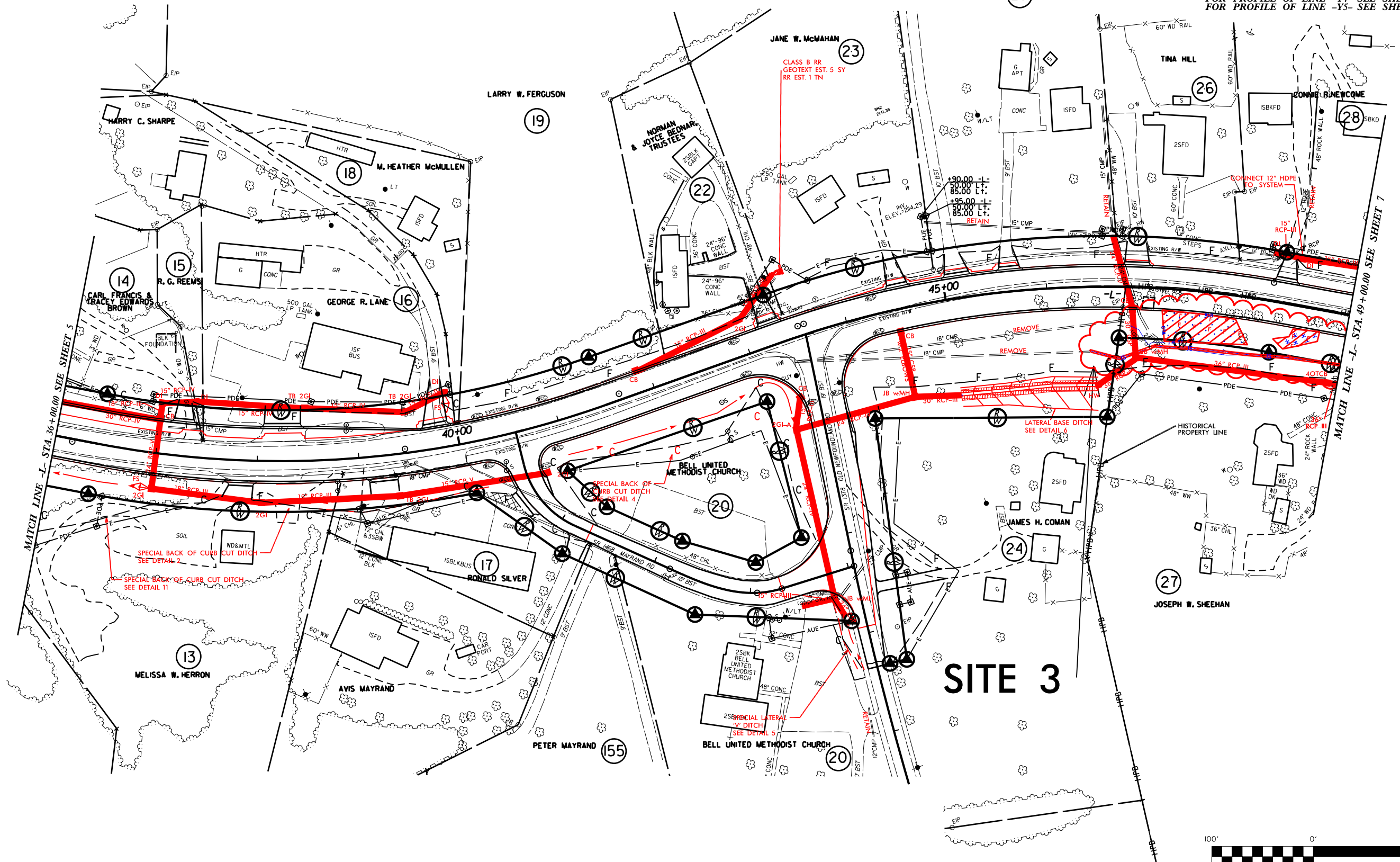


PERMIT DRAWING
SHEET 7 OF 48
SCALE 1" = 100'

PROJECT REFERENCE NO. U-3301	SHEET NO. 6
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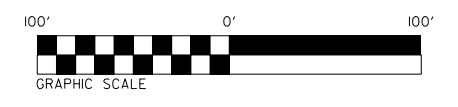


FOR PROFILE OF LINE -L- SEE SHEETS 24 & 25
 FOR PROFILE OF LINE -Y4- SEE SHEET 34
 FOR PROFILE OF LINE -Y5- SEE SHEET 35



REVISIONS

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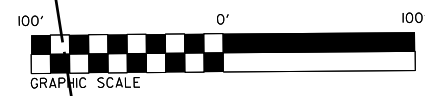
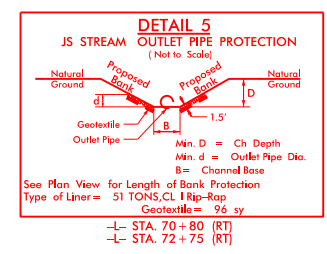
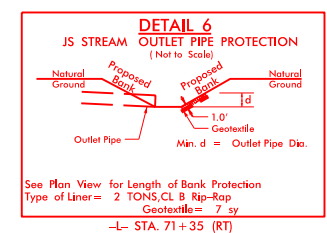
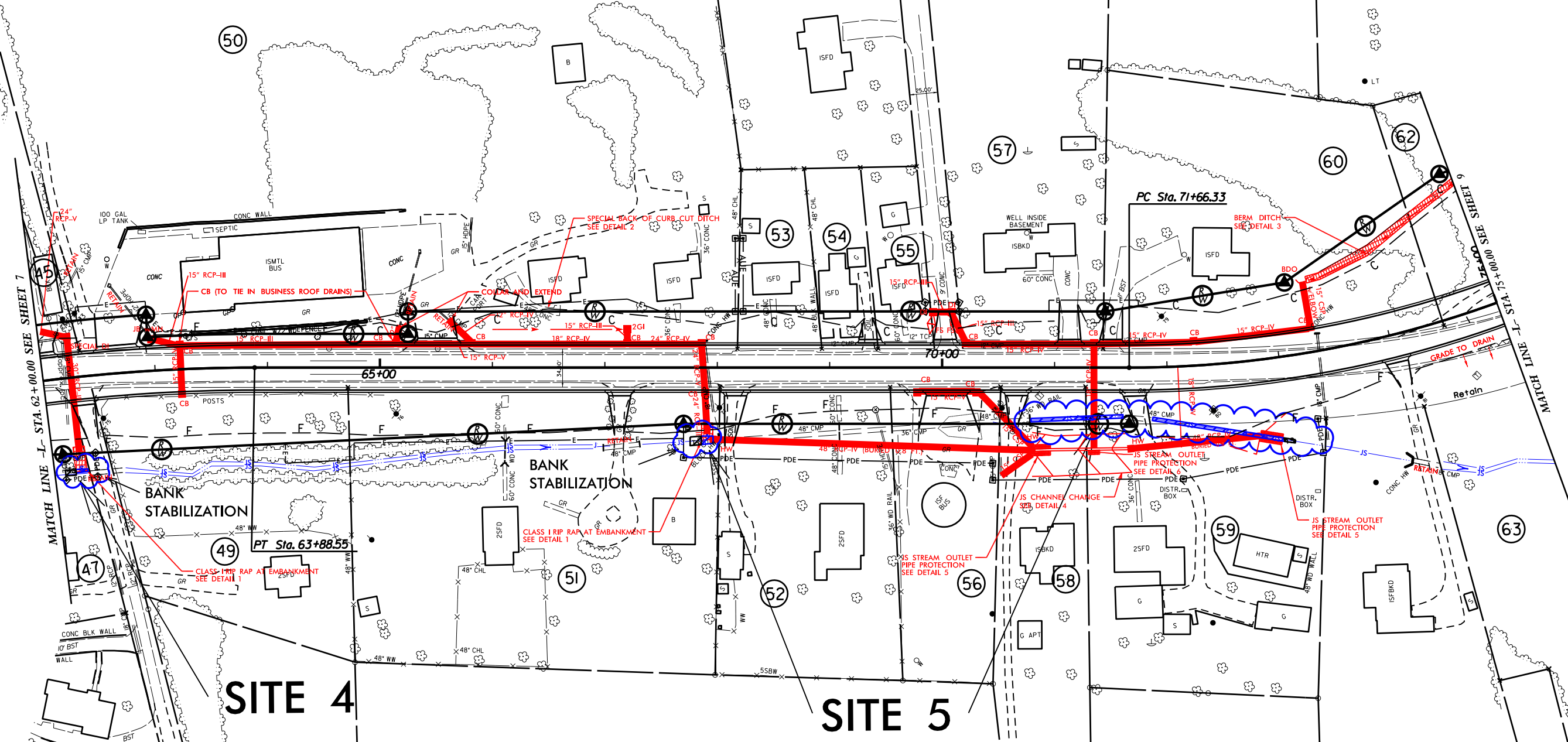
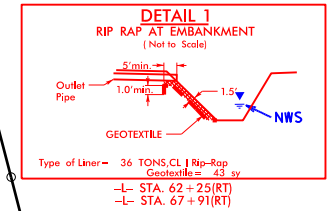
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SCALE 1" = 100'

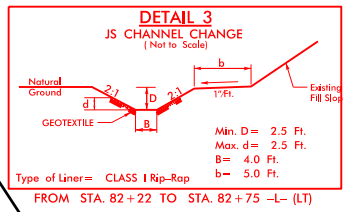
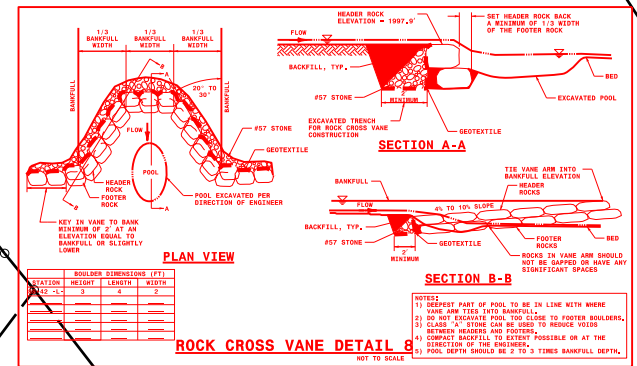
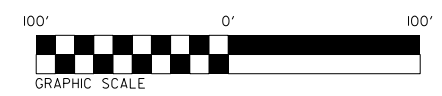
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PROJECT REFERENCE NO. U-3301	SHEET NO. 8
RW SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
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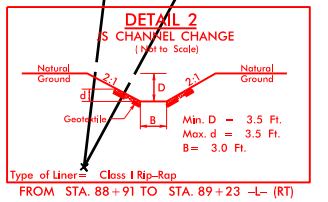
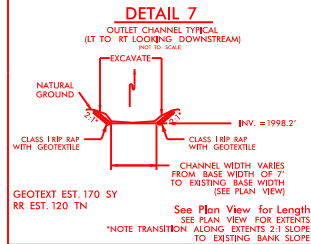
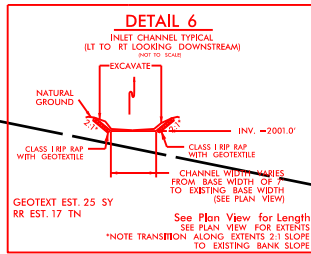
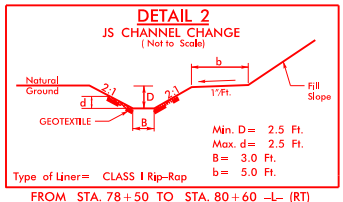
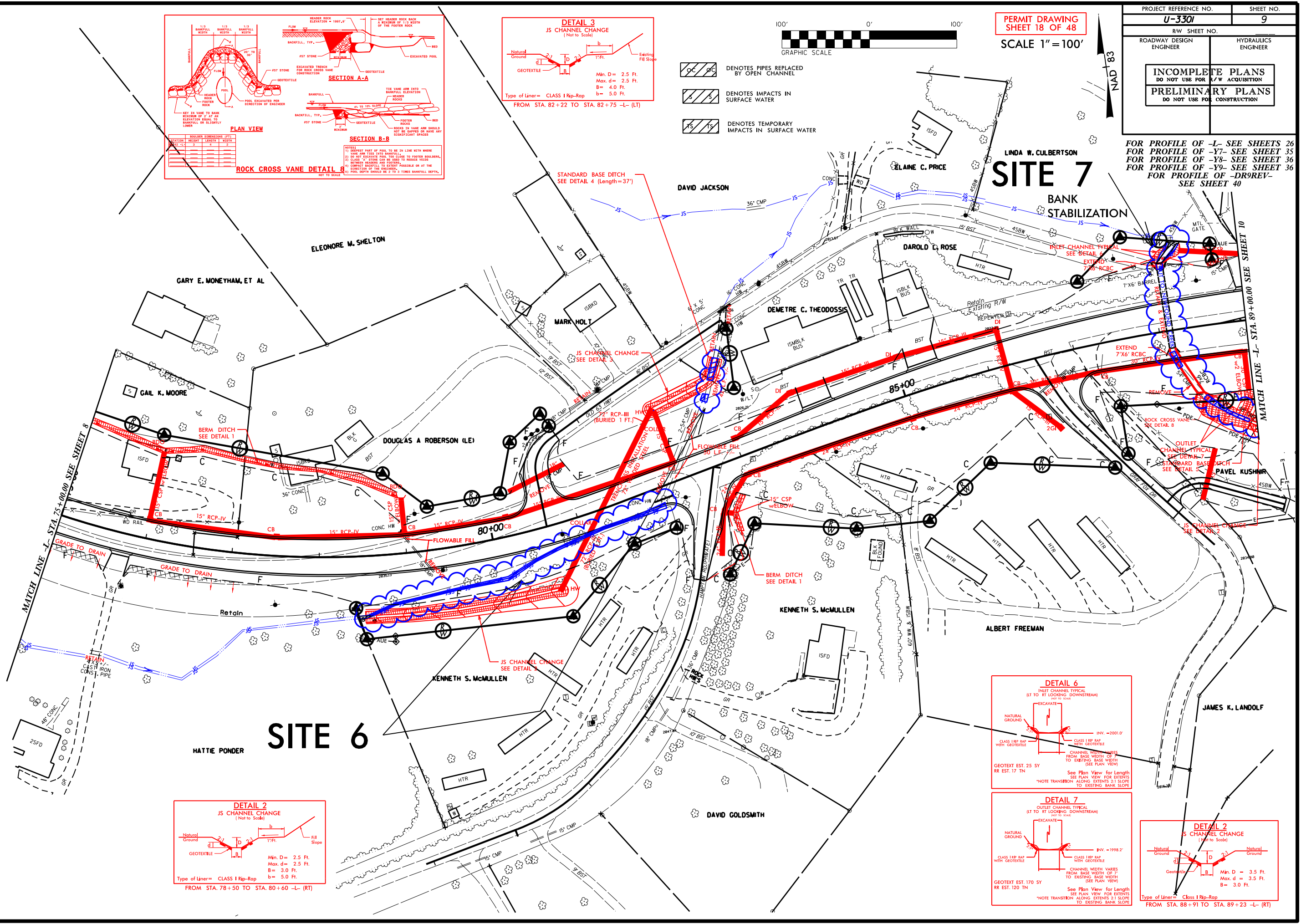
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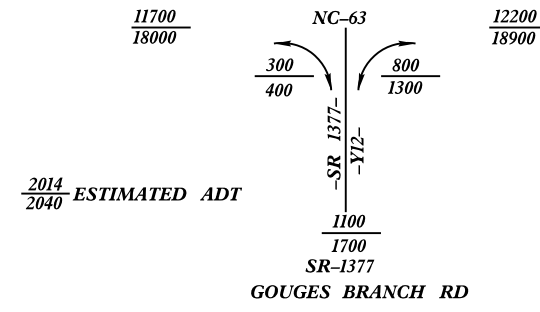
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 SHEET 18 OF 48
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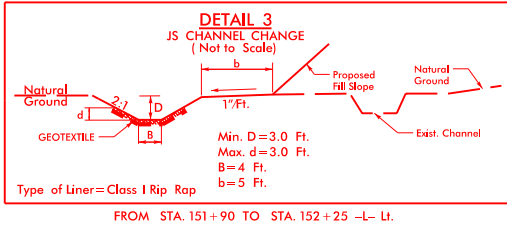
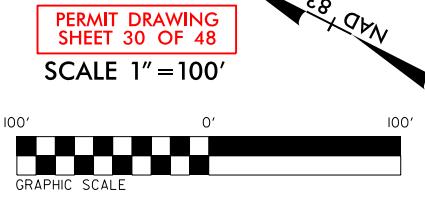
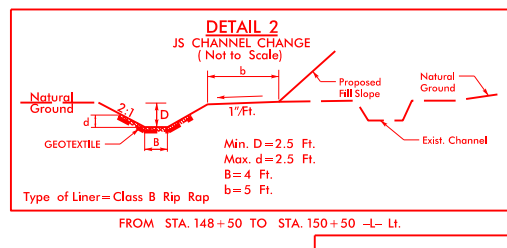
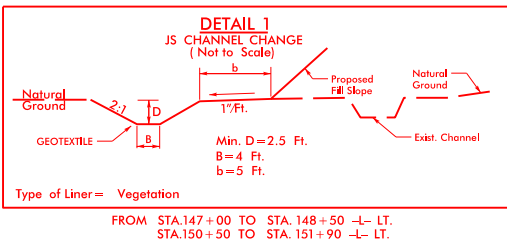
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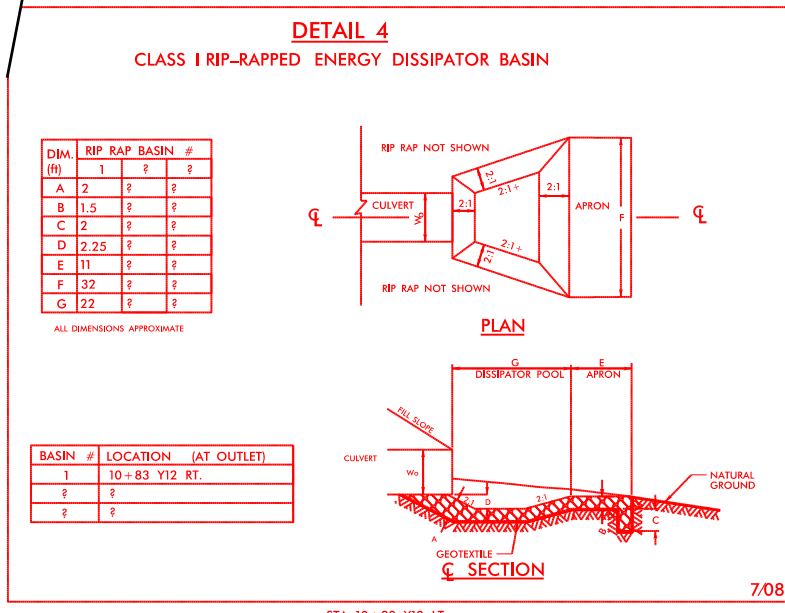
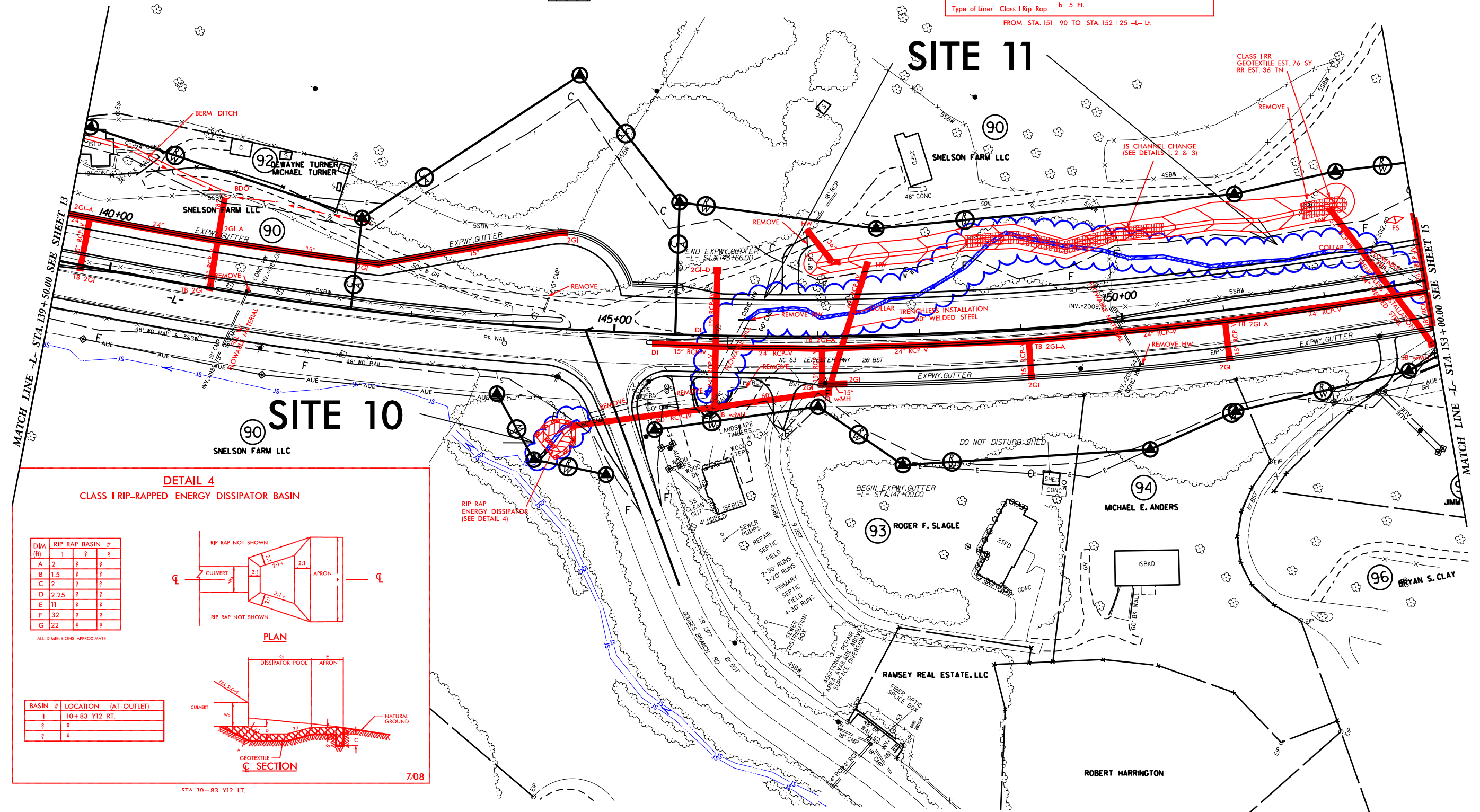
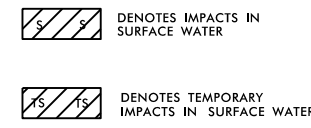
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2014
2040 ESTIMATED ADT



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FOR PROFILE OF LINE -Y12- SEE SHEET 37



REVISIONS

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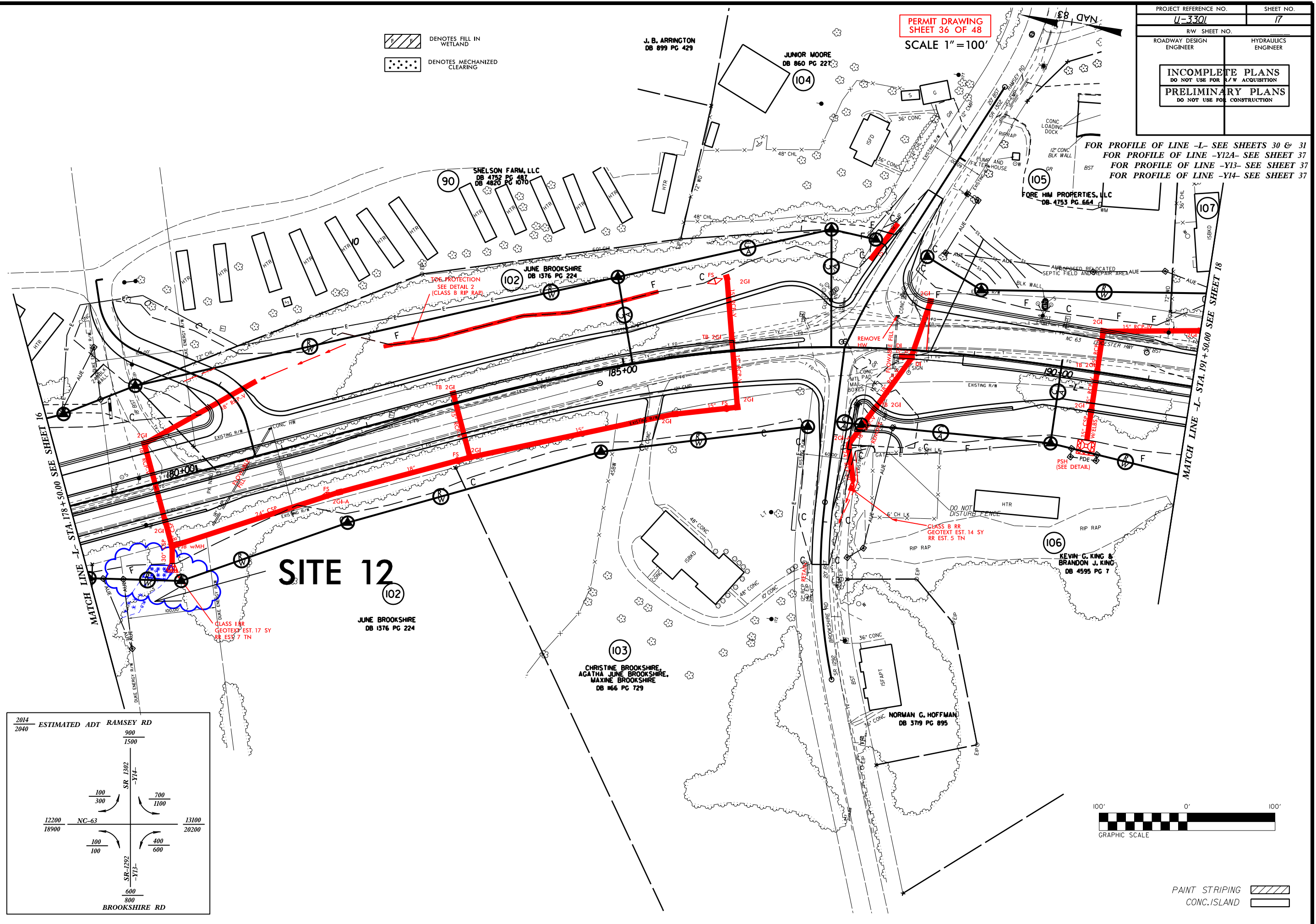
CONC. ISLAND

PROJECT REFERENCE NO. U-3301	SHEET NO. 17
R/W SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR A/W ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

PERMIT DRAWING
SHEET 36 OF 48
SCALE 1" = 100'

FOR PROFILE OF LINE -L- SEE SHEETS 30 & 31
FOR PROFILE OF LINE -Y12A- SEE SHEET 37
FOR PROFILE OF LINE -Y13- SEE SHEET 37
FOR PROFILE OF LINE -Y14- SEE SHEET 37

 DENOTES FILL IN WETLAND
 DENOTES MECHANIZED CLEARING



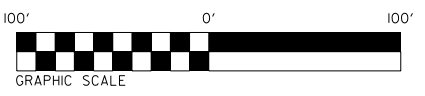
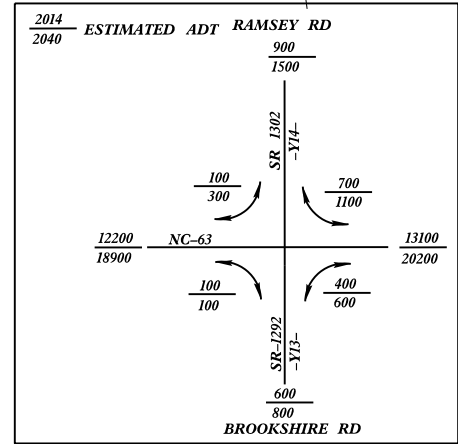
SITE 12

JUNE BROOKSHIRE
DB 1376 PG 224

CHRISTINE BROOKSHIRE,
AGATHA JUNE BROOKSHIRE,
MAXINE BROOKSHIRE
DB 166 PG 729

NORMAN G. HOFFMAN
DB 379 PG 895

KEVIN C. KING &
BRANDON J. KING
DB 4595 PG 7



PAINT STRIPING 
CONC. ISLAND 

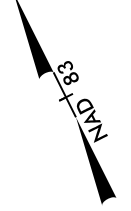
REVISIONS

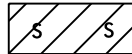

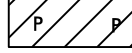

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PROJECT REFERENCE NO.	SHEET NO.
	20 DETAIL
RW SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	
INCOMPLETE PLANS DO NOT USE FOR A/W ACQUISITION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

PERMIT DRAWING
SHEET 42 OF 48

SCALE 1" = 60'

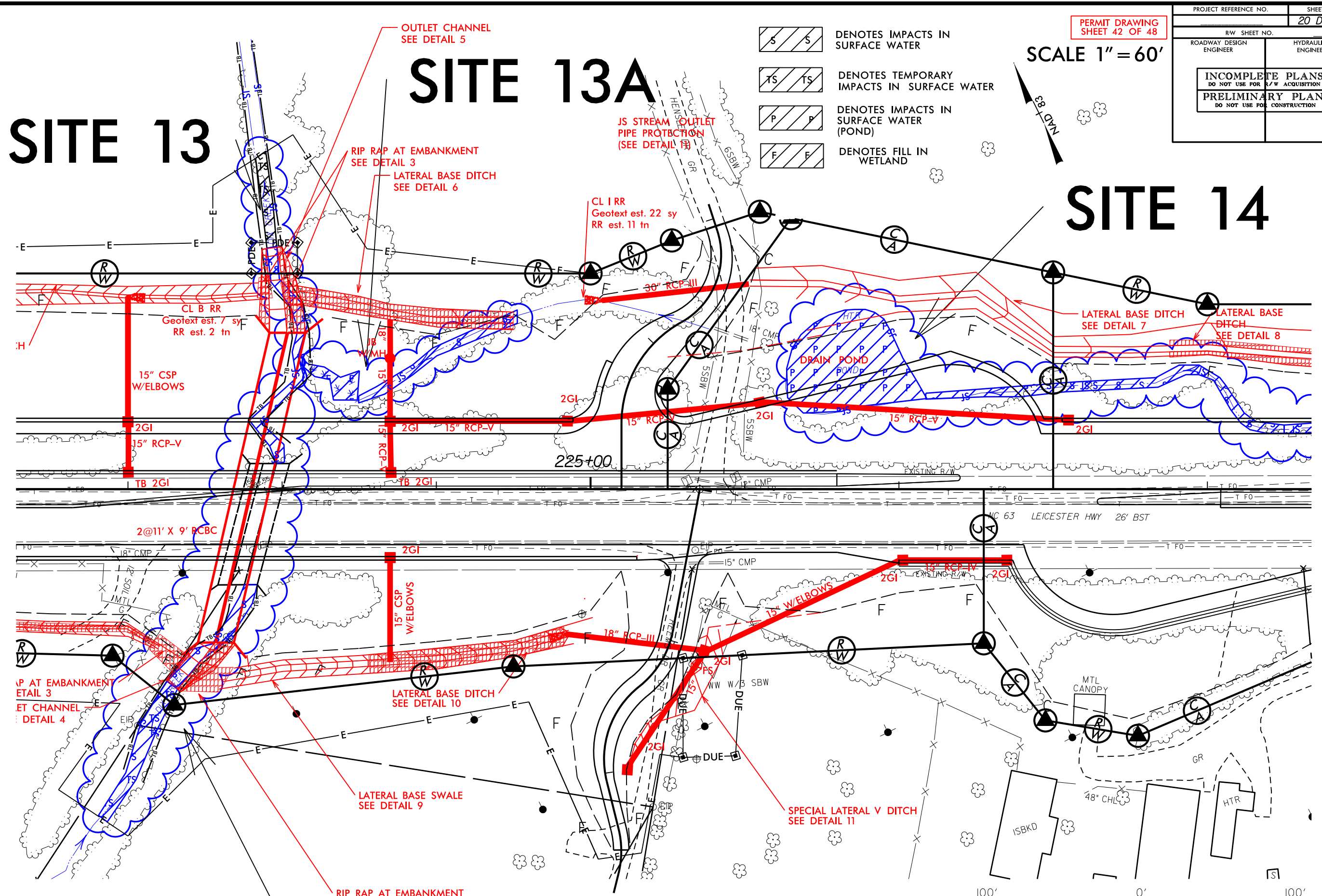


-  DENOTES IMPACTS IN SURFACE WATER
-  DENOTES TEMPORARY IMPACTS IN SURFACE WATER
-  DENOTES IMPACTS IN SURFACE WATER (POND)
-  DENOTES FILL IN WETLAND

SITE 13

SITE 13A

SITE 14

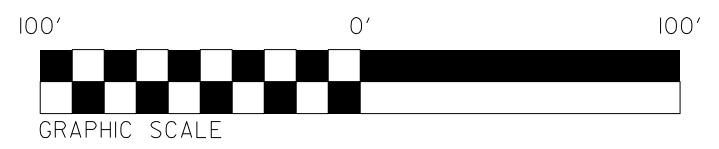


RIP RAP AT EMBANKMENT
SEE DETAIL 3
OUTLET CHANNEL
SEE DETAIL 4

LATERAL BASE SWALE
SEE DETAIL 9

SPECIAL LATERAL V DITCH
SEE DETAIL 11

SITE 13



REVISIONS

8/17/99
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