

DEPARTMENT OF THE ARMY
Raleigh Regulatory Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814
(Web page - <http://www.saw.usace.army.mil/wetlands/index.html>)

Action ID No. 200021474

November 16, 2004

PUBLIC NOTICE

The North Carolina Department Of Transportation, Division Of Highways (NCDOT), 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, has applied for a Department of the Army (DA) Permit pursuant to SECTION 404 OF THE CLEAN WATER ACT, to authorize the proposed discharge of fill material impacting waters of the United States, including WETLANDS, STREAMS, AND PONDS, for construction of the WINSTON-SALEM NORTHERN BELTWAY, WESTERN SECTION, EASTERN SECTION, AND EASTERN SECTION EXTENSION (T.I.P. Nos. R-2247, U-2579, and U-2579A, respectively), generally north of WINSTON-SALEM, predominantly in the YADKIN RIVER BASIN, in FORSYTH COUNTY, North Carolina.

BACKGROUND:

The three projects described in this public notice (T.I.P. Nos. R-2247, U-2579, and U-2579A) are collectively commonly known as the Winston-Salem Northern Beltway. The western (TIP R-2247) and eastern (TIP's U-2579 and U-2579A) portions are independent from one another and have different purposes. TIP R-2247 extends from US 158 north to US 52. TIP's U-2579 and U-2579A extend from US 52 north of Winston-Salem to US 311 southeast of Winston-Salem.

NCDOT identified their preferred alternative for TIP R-2247 in 1993, and the NCDOT/Federal Highway Administration (FHWA) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were approved in 1996. The Corps of Engineers issued a permit under Section 404 of the Clean Water Act for TIP R-2247 in 1998 (Action ID. 199820670), but the ROD was rescinded in 1999 as a result of the settlement of a lawsuit; the permit has expired, and the project has not been built.

A NCDOT/FHWA Draft Environmental Impact Statement for TIP U-2579 was approved in 1995, and NCDOT identified their preferred alternative in 1996. After the preferred alternative was selected, NCDOT made the decision to extend the eastern end of the Northern Beltway to US 311.

TIP U-2579A is the extension of TIP U-2579 from US 421/I40 Business to US 311. Six Detailed Study Alternatives are under consideration, each with two interchange scenarios (with and without an interchange at Kernersville Road).

In 2001, NCDOT and FHWA decided to combine their environmental documentation for the Western Section, Eastern Section, and Eastern Section Extension, because of the cumulative impacts the three projects have on the environment. The combined social, economic, and environmental impacts associated with the three projects have been described in a NCDOT/FHWA Supplemental Draft Environmental Impact Statement/ Final Environmental Impact Statement (D/FEIS), dated October 1, 2004. NCDOT's previously identified Preferred Alternatives for TIP's R-2247 and U-2579 remain NCDOT's Preferred Alternatives for their application, with the exception that there are three alternatives for the interchange at Bethania-Tobaccoville Road on TIP R-2247. However, the final selection of preferred alternatives will not be made by FHWA until alternatives' impacts, comments on the D/FEIS, and comments from public hearings (described below), are fully evaluated and reported in NCDOT/FHWA's next environmental document for these projects.

The D/FEIS identifies six construction alternatives on new alignment, for TIP U-2579A, to be studied in detail. The No-Build and Partial Build, Transportation Management, Mass Transit/Multi-Modal, Preservation Easements, and Improve Existing Roadways alternatives are also addressed in the D/FEIS. By Concurrence Form dated April 18, 2001, the Corps of Engineers agreed with the six construction alternatives on new alignment to be studied in detail, for TIP U-2579A.

PROJECT DESCRIPTION:

The following description of work is taken from data provided by the applicant and from observations made during on-site inspections by a representative of the Corps of Engineers. The proposed build alternatives are described below. Maps showing the location of the alternatives, and a table summarizing the impacts of each alternative (Figure 8), are included with this public notice.

NCDOT's stated purposes of TIP R-2247 are to 1) improve north/south connectivity in western Forsyth County, 2) provide improved direct connection to US 52, US 421 and I-40 ; and 3) provide congestion relief for area roadways. TIP R-2247 extends from US 158 north to a new interchange at US 52, north of Winston-Salem, with other proposed new interchanges at I-40, US 421, Shallowford Road, Robinhood Road, Yadkinville Road, Reynolda Road, and the relocated Bethania-Tobaccoville Road, with a redesigned interchange on US 52 at Bethania-Rural Hall Road. NCDOT is proposing a 46-foot grassed median for TIP R-2247, and four to six travel lanes, depending on the section of highway.

NCDOT's stated purposes of TIP's U-2579 and U-2579A are to 1) improve intrastate and interstate mobility; 2) improve roadway system linkage and continuity; 3) reduce traffic congestion and carry future traffic at a desirable level of service; 4) enhance safety; and 5) provide a corridor for I-74. TIP's U-2579 and U-2579A extend from the new interchange at US 52 north of Winston-Salem, to a new interchange at US 311, southeast of Winston-Salem, with

other proposed new interchanges at Germantown Road, Baux Mountain Road, US 311 northeast of Winston-Salem, US 158, I-40 Business, and I-40, and alternatives with and without a new interchange at Kernersville Road. NCDOT is proposing a 46-foot grassed median and six travel lanes for TIP U-2579, and a 70-foot grassed median and four travel lanes for TIP U-2579A.

NCDOT's stated benefits that would occur only when TIP's R-2247, U-2579, and U-2579A are all constructed (the complete Northern Beltway project) are 1) improved connectivity across US 52 in northern Forsyth County; 2) expanded options for regional/intrastate/interstate travel; 3) consistency with state and local land use and transportation plans; and 4) consistency with the Highway Trust Fund Act.

The project will potentially involve fill impacts to intermittent and perennial stream channels, and man-made ponds, predominantly in the Yadkin River basin, with a few impacts in the Dan River basin north of Winston-Salem. A wide variety of wetland types will be potentially impacted by the project, consisting of marsh, shrub and forested. These wetland, pond, and stream impacts are summarized in the table at Figure 8.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404 (b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal and on the alternatives evaluated in the D/FEIS. At the close of this comment period, the District Engineer will evaluate and consider the comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of these projects at this time. A final Department of the Army permit could be issued, if at all, only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan has been approved.

NCDOT constructed 9.5 acres of wetland mitigation and provided 2,560 linear feet of stream mitigation through the North Carolina Wetland Restoration Program (now the North Carolina Ecosystem Enhancement Program (EEP)), for impacts associated with TIP R-2247, as required by the original permit. As seen in Figure 8, NCDOT is proposing 2,405 linear feet of onsite stream relocation in association with construction of TIP's R-2247 and U-2579. NCDOT will investigate onsite mitigation opportunities throughout the planning process for these projects, and is also proposing to use the EEP for necessary compensatory mitigation for the unavoidable wetland and stream impacts associated with this project, beyond that previously provided or available onsite.

NCDOT will be holding two public workshops and three public hearings in Winston-Salem for these projects, as follows:

Monday, November 8, 2004, 4 p.m. to 8 p.m.: Pre-Hearing Workshop for TIP's R-2247, U-2579, and U-2579A, at the Anderson Conference Center at Winston-Salem State University .

Tuesday, November 9, 2004, 4 p.m. to 8 p.m.: Pre-Hearing Workshop for TIP's R-2247, U-2579, and U-2579A, at the Home & Garden Building of the Dixie Classic Fairgrounds.

Tuesday, November 16, 2004, 4 p.m. to 8 p.m.: Open House Public Hearing for TIP R-2247, at the Anderson Conference Center at Winston-Salem State University.

Wednesday, November 17, 2004, 7 p.m.: Formal Public Hearing for TIP U-2579, at the Anderson Conference Center at Winston-Salem State University.

Thursday, December 2, 2004, 7 p.m.: Formal Corridor Public Hearing for TIP U-2579A, at the Benton Convention Center in Winston-Salem.

Functional design plans, the D/FEIS, directions to the workshops and hearings, and information about the North Carolina Ecosystem Enhancement Program are available for review at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120; Raleigh, North Carolina 27615-6846.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. NCDOT has determined that TIP R-2247 would impact twelve archaeological sites eligible for the Register, but that the impact will not be adverse, conditional on conducting testing and data recovery at the sites. NCDOT also determined that TIP R-2247 would adversely effect one architectural resource eligible for the Register, the Alexander Hege House, and would affect, but not adversely effect, two other eligible architectural resources. NCDOT has determined that TIP U-2579 would impact one archaeological sites that is potentially eligible for the Register, and needs to be investigated further. NCDOT also determined that TIP U-2579 would affect, but not adversely effect, two eligible architectural resources. NCDOT has identified five potentially eligible archaeological sites within the alternative corridors for TIP U-2579A, and will conduct an intensive survey of any sites within the corridor for the preferred alternative after the alternative is selected. NCDOT also determined that TIP U-2579A would not affect any eligible architectural resources. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer. The District Engineer is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer is not aware, based on available information, that the activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

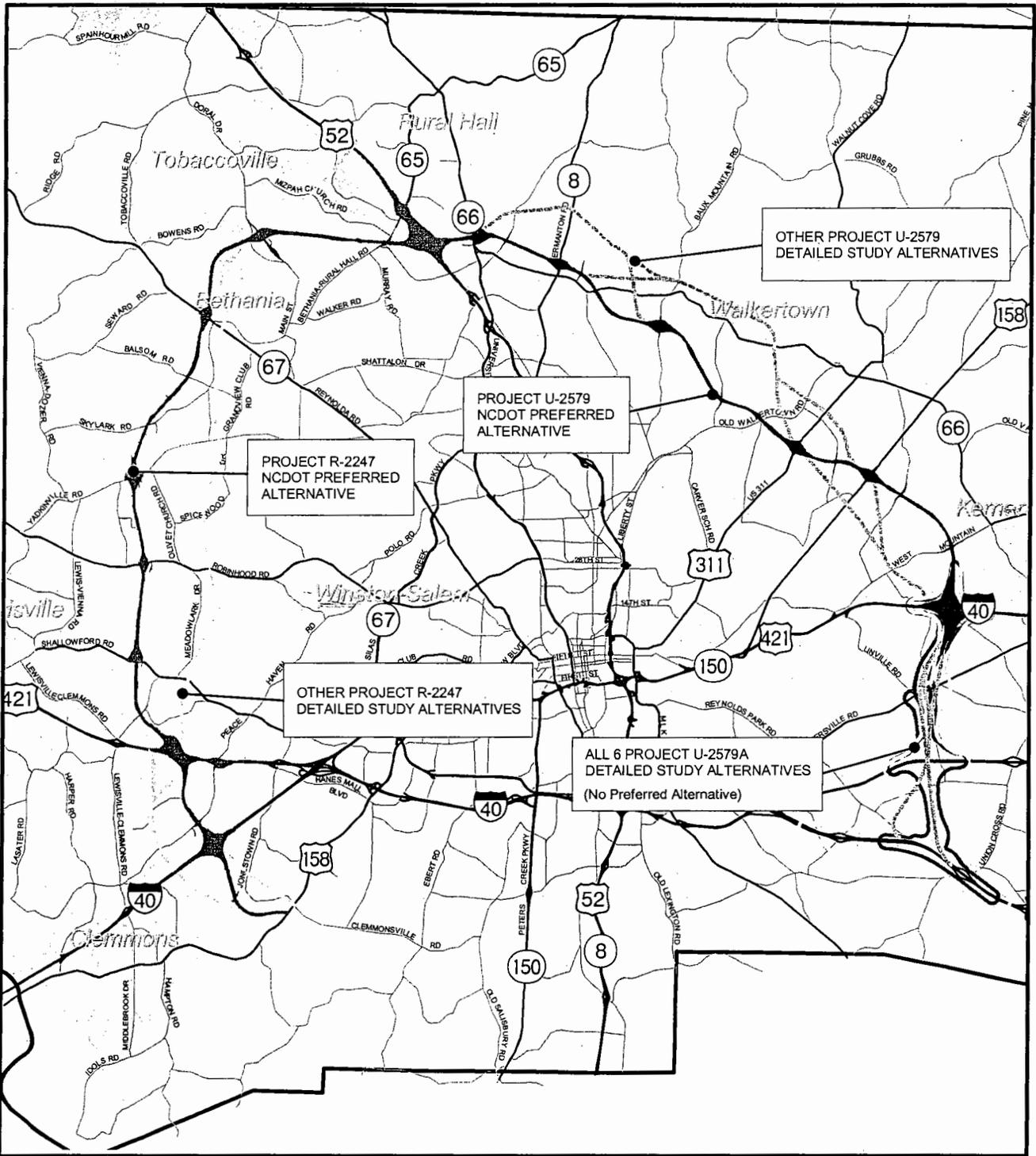
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before December 16, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Eric Alsmeyer, until 4:15 p.m., December 16, 2004, or telephone 919-876-8441, extension 23.



| | | |
|---------------|---|----------------|
| LEGEND | Other Project U-2579 Study Alternatives | N1 Alternative |
| | Other Project R-2247 Study Alternatives | N2 Alternative |
| | Project U-2579 Preferred Alternative | N3 Alternative |
| | Project R-2247 Preferred Alternative | S1 Alternative |
| | | S2 Alternative |

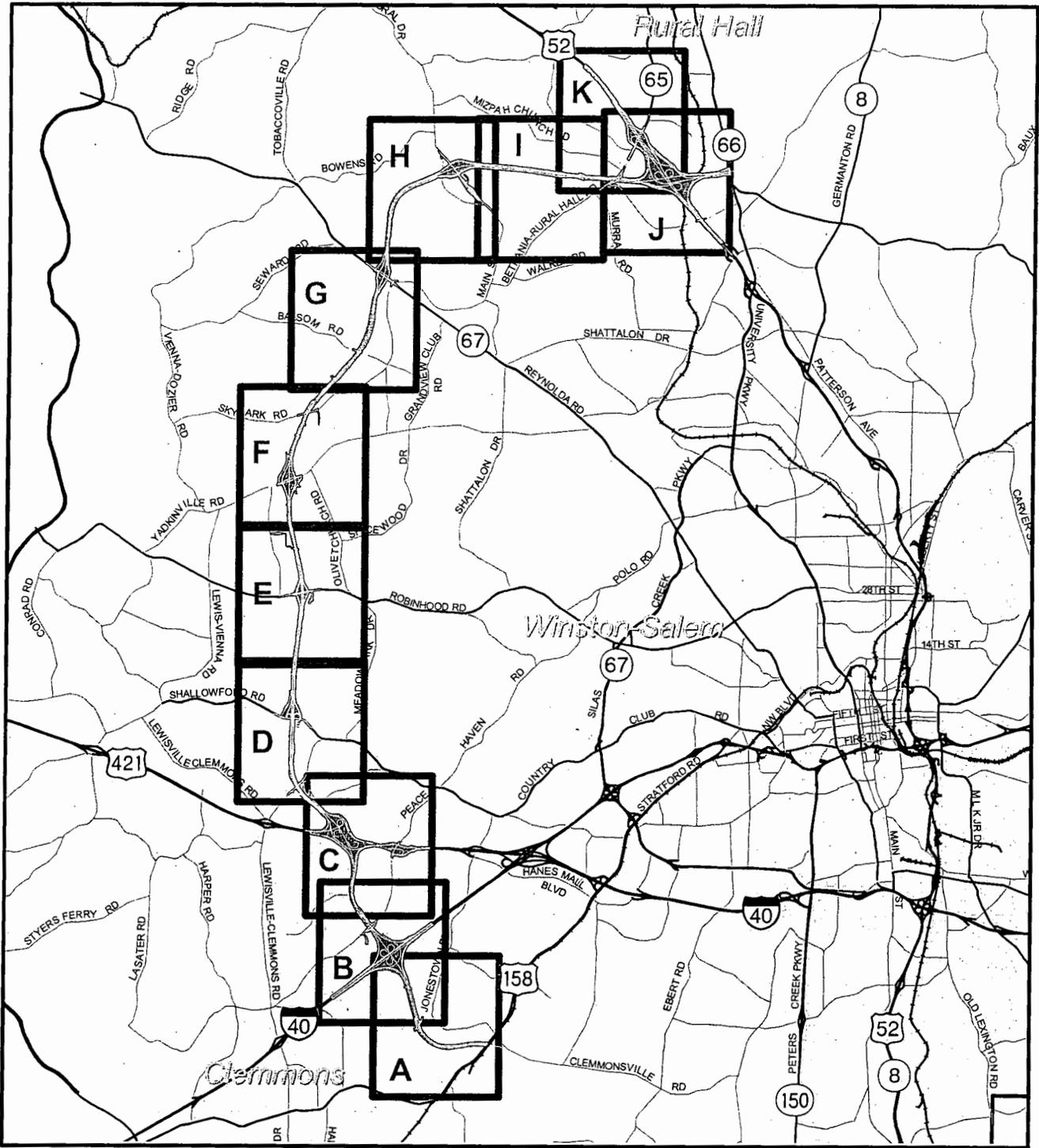


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Project R-2247, Project U-2579, and
Project U-2579A Detailed Study
Alternatives

Figure
1



- LEGEND**
-  Right-of-Way with Travelway Centerlines
 -  Railroad
 - A** Sheet ID Number
 -  Map Sheet Index



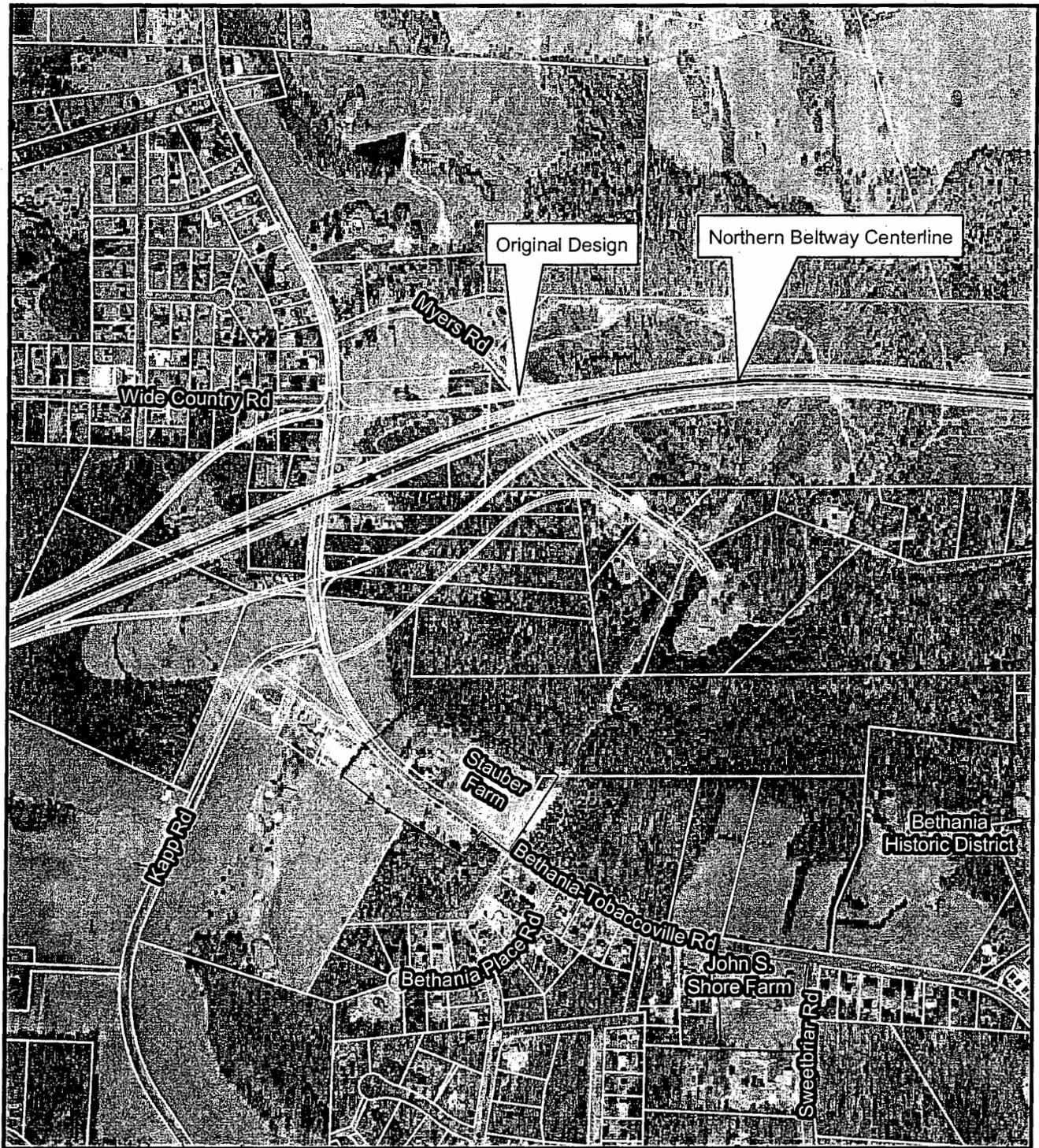
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Source: INFOsyth, 2003, Vol. 4.0

Preferred Alternative Engineering Design
Project R-2247

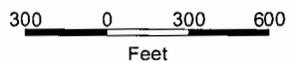
Figure
2-92



- LEGEND**
-  Original Design
 -  Project R-2247 Preferred Alternative Centerline
 -  Historic Site

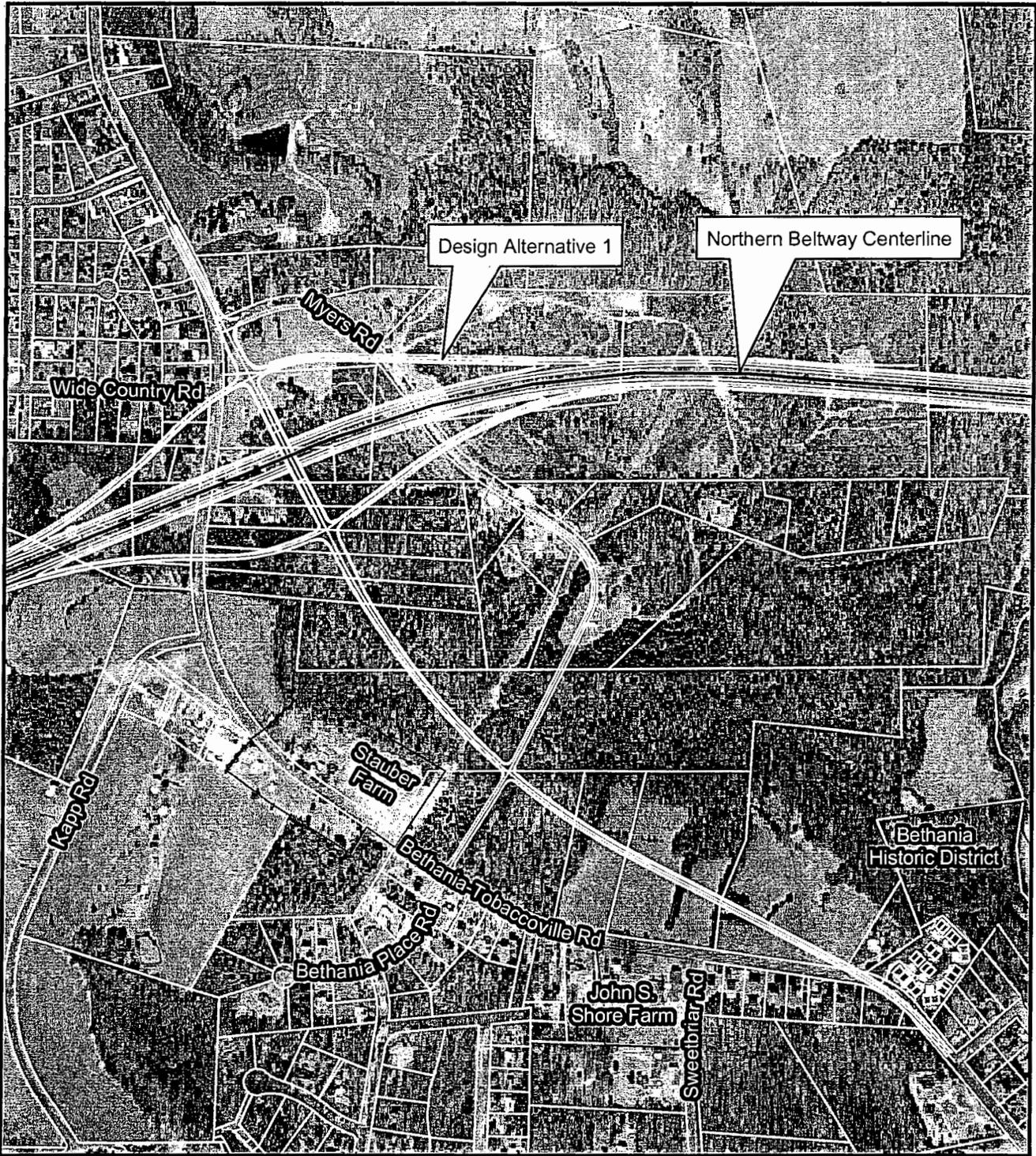


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Bethania - Tobaccoville Road
Original Design
Project R - 2247

Figure
3

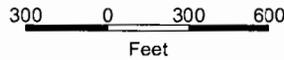


LEGEND

-  Design Alternative 1
-  Project R-2247 Preferred Alternative Centerline
-  Historic Site

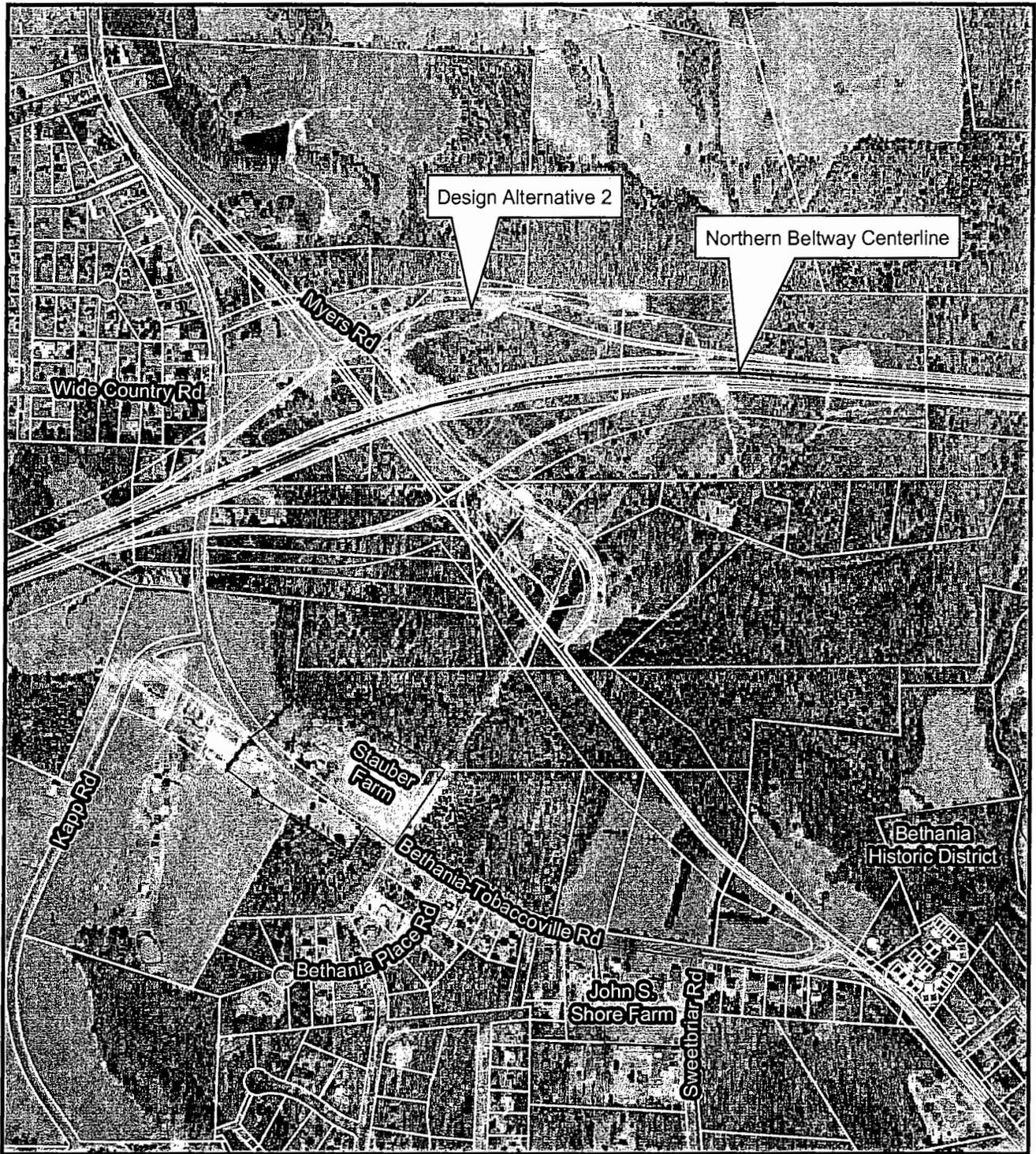


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Bethania - Tobaccoville Road
Design Alternative 1
Project R - 2247

Figure
4

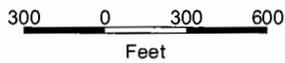


LEGEND

-  Design Alternative 2
-  Project R-2247 Preferred Alternative Centerline
-  Historic Site

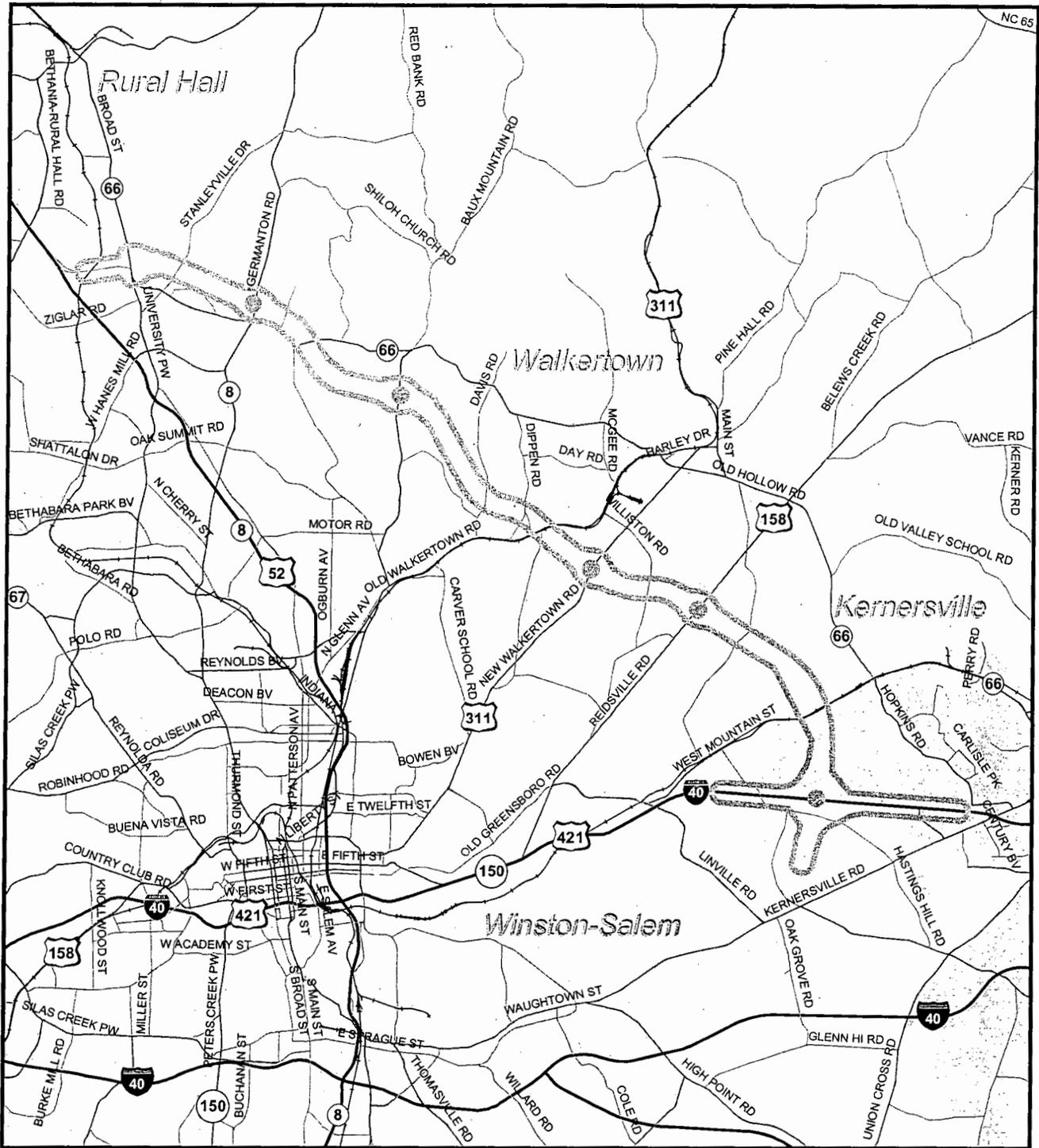


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Bethania - Tobaccoville Road
Design Alternative 2
Project R - 2247

Figure
5



LEGEND

-  Preferred Alternative
-  Proposed Interchange
-  Railroad



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Source: Project U-2579 Draft Environmental
Impact Statement, 1995

Preferred Alternative
Project U-2579

Figure
6

Winston - Salem Northern Beltway Corridor Public Hearing Map TIP Project U-2579A



- Legend**
- | | | |
|---|---|---|
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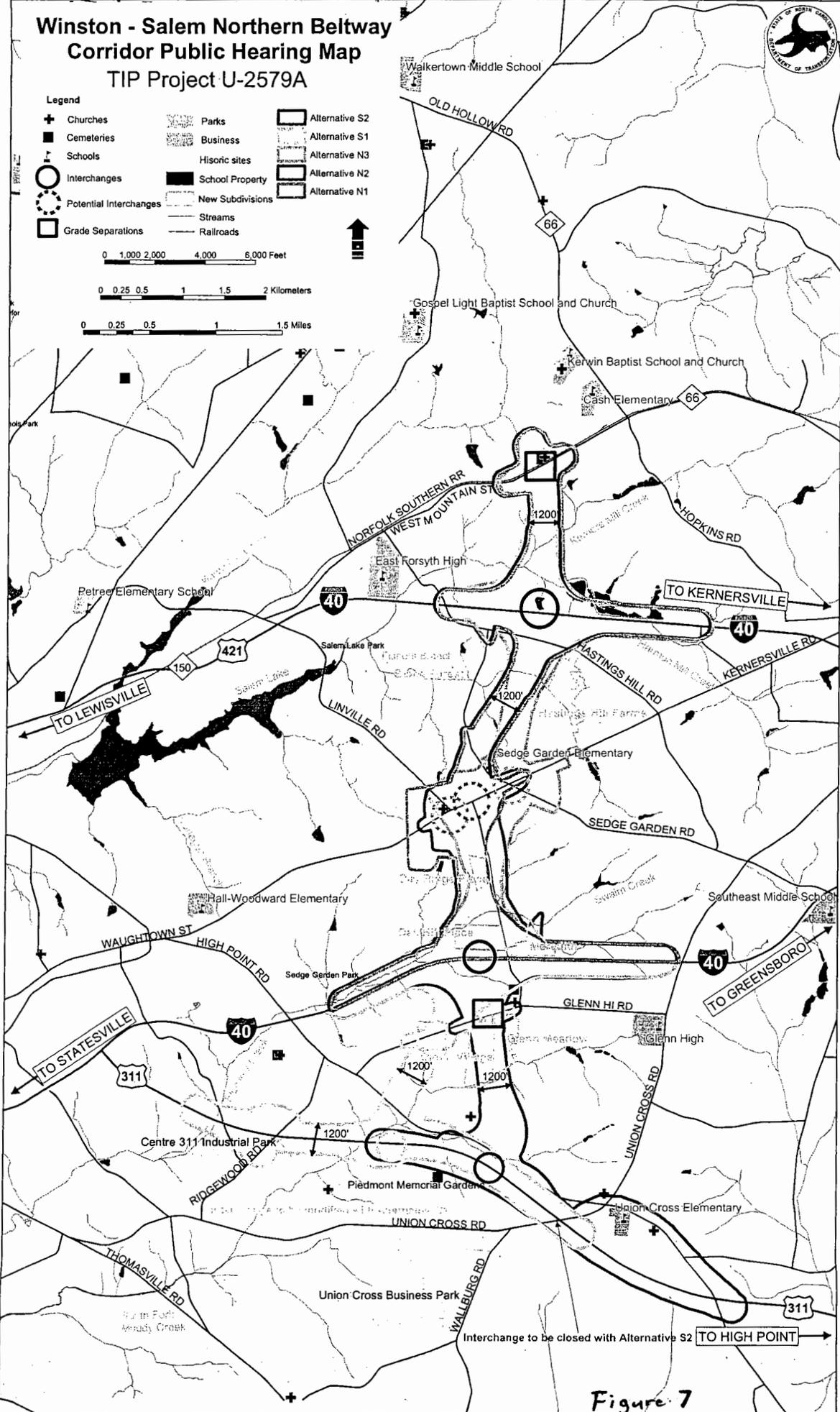
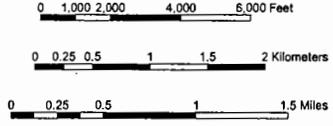


Figure 7

Table S-1: Combined Direct Environmental Consequences – Projects R-2247, U-2579, and U-2579A With (Without) the Kernersville Road Interchange

| Environmental Issue | Project R-2247 and Project U-2579 Preferred Alternatives | | | | | |
|---|--|-----------|-----------|-----------|--------------------|--------------------|
| | N1-S1 | N1-S2 | N2-S1 | N2-S2 | N3-S1 | N3-S2 |
| PLUS | | | | | | |
| Project U-2579A Detailed Study Alternatives | | | | | | |
| With (Without) Kernersville Road Interchange | | | | | | |
| Floodways and Floodplains Impact Summary | | | | | | |
| Floodplains/Floodways (# of crossings) | 21 | 21 | 21 | 21 | 21 | 21 |
| Number of Crossings Requiring Floodway Modification | 13 | 13 | 13 | 13 | 13 | 13 |
| Jurisdictional Issues Summary | | | | | | |
| Acres of Wetlands Impacted | 7.5 | 7.1 | 7.6 | 7.3 | 7.8 | 7.4 |
| Number of Wetland Crossings | 44 | 42 | 45 | 43 | 47 | 45 |
| Acres of Ponds Impacted | 26.9 | 21.9 | 27.6 | 22.7 | 27.5 | 22.5 |
| Number of Pond Crossings | 21 | 19 | 22 | 20 | 20 | 18 |
| Total Linear Feet of Impacted USACE Mitigable Streams | 40,142 | 38,744 | 39,016 | 37,618 | 43,121 (42,452) | 41,723 (41,054) |
| Total Linear Feet of Relocated Streams | 2,405 | 2,405 | 2,405 | 2,405 | 2,405 | 2,405 |
| Number of Stream Crossings | 114 | 114 | 116 | 116 | 118 | 118 |
| Protected Species Impact Summary | | | | | | |
| Bog Turtle (<i>Clemmys muhlenbergii</i>) ¹ | N/A | N/A | N/A | N/A | N/A | N/A |
| Red-Cockaded Woodpecker (<i>Picoides borealis</i>) | No Effect | No Effect | No Effect | No Effect | No Effect | No Effect |
| Small-Anthered Bittercress (<i>Cardamine micrantha</i>) | No Effect | No Effect | No Effect | No Effect | No Effect | No Effect |

Unless designated by () as without Kernersville Road interchange, Project U-2579A Detailed Study Alternatives are the same with or without the interchange.

Construction limits (slope stakes) of the preliminary engineering design for the R-2247 Preferred Alternative, the U-2579 Preferred Alternative, and the Project U-2579A Detailed Study Alternatives were used to calculate impacts.

¹ These species are not biologically endangered or threatened and are not subject to Section 7 consultation.

Figure 8