



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: November 16, 2012  
Comment Deadline: December 17, 2012  
Corps Action ID #: SAW-2012-01175  
NC DOT TIP: R-2246 B

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation seeking Department of the Army authorization to impact jurisdictional waters of the U.S. including 1,377 linear feet of stream channels, 0.27 acre wetlands, and 0.01 acre open water (ponds) associated with the construction of a 3.2 mile, partial new location roadway known as NC DOT TIP project R-2246 B (George Liles Parkway) from south of SR 1304 (Roberta Road) to SR 1341 (Weddington Road), west of Concord, in Cabarrus 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 [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** North Carolina Department of Transportation  
Environmental Management Director, PDEA  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act ( 33 U.S.C.1344 ).

## **Location**

The proposed project site is generally located in northwest Cabarrus County, west of Concord, north of Harrisburg and south of Coddle Creek Reservoir. The location of this project specifically begins south of SR 1304 (Roberta Road) and extends northward along existing Roberta Church Road to US 29 and then on new location to its terminus with SR 1341 (Weddington Road) and the existing George Liles Parkway.

## **Existing Site Conditions**

The project site lies within the piedmont physiographic region of North Carolina and is located within Upper Pee Dee River Basin and lies within Hydrologic Unit 03040105. Streams identified within the project study area are unnamed tributaries to Coddle Creek. Coddle Creek is listed in

the North Carolina Division of Water Quality Final 2010 303(d) Impaired List for Turbidity. No Outstanding Resource Waters (ORW), High Quality Waters (HQW), or water supply watersheds (WS-I or WS II) exist within the project area. Topography is characterized as gently rolling with extensive broad and nearly level areas, with gentle to moderately steep slopes along main drainage ways. Topographical elevations range from 590 to 660 feet above sea level. Land use patterns in the project area consist of agricultural lands, forested land, and residential development and businesses. The Cabarrus County Soil Survey identifies six soil types within the project study area which range from poorly drained hydric soils to well drained non hydric soils. Terrestrial Communities identified within the project study area include maintained/disturbed, basic oak-hickory forest, piedmont/alluvial bottomland forest, upland thicket, early successional, pastureland and agricultural field.

### **Applicant's Stated Purpose**

The applicant's stated purpose is to improve limited capacity, slow travel speeds, time delays, congestion and unacceptable levels of service (LOS) along US 29 and US 29 A, by removing traffic from these existing facilities which are major traffic arterials linking Concord, Kannapolis, Landis and China Grove.

### **Project Description**

The proposed project is segment B of the overall R-2246 project (previously known as the Concord-Kannapolis Westside Bypass Extension, which included segments A, B, and C) and will extend from just south of Roberta Road northward to Weddington Road, which is the southern extent of George Liles Parkway. The project consists of constructing a four-lane, median divided facility on a minimum of 200 feet of right-of-way. The section which extends from U.S. 29 (Concord Parkway) to Weddington Road, will be on new location and will include a Multi-Use Path (MUP) to be constructed adjacent to this portion of George Liles Parkway. Permanent impacts to jurisdictional streams, wetlands, and ponds will be the result of roadway fill, the installation and/or replacement of pipes and culverts, the creation of low-flow benches with associated bank stabilization at the inlet and outlets of culverts, and the placement of rip rap for bank stabilization. Total permanent impacts to jurisdictional waters of the U.S. are 1,377 linear feet of stream channels, 0.27 acre of wetlands, and 0.01 acre open water (pond). Temporary impacts include 209 linear feet of stream channel.

In September 1996 Federal Highways Administration (FHWA) and NC DOT prepared an Environmental Assessment (EA) and in September 1999 prepared of a Finding of No Significant Impacts (FONSI) for the entire R-2246 project.

Segment C from SR 1431 (Weddington Road) to SR 1555 (Grand Canyon Road) was authorized under Nationwide Permits 14 and 33 in October 2003, and construction is complete. Segment A is proposed from NC 49 to south of SR 1304 and the let date is scheduled "post-year".

Avoidance and minimization efforts include to date (reported by the applicant) include but are not limited to:

- Redesigned interchange for the US 29/Roberta Church Road intersection to avoid wetland impacts and the McLaughlin Road Basic Forest, a North Carolina Natural Heritage Priority Area.
- The asymmetrical widening design uses existing right of way and the existing roadway.
- NC DOT’s Best Management Practices for Protection of Surface Waters will be implemented.
- *Design Standards for Sensitive Watersheds* will be implemented to minimize erosion and sediment loss during the construction phase.
- Permit Site 1: Construct two pre-formed scour holes (PSH) to minimize erosion.
- Permit Sites 1 and 3: install a 2-foot sill (buried 1 foot) with an associated 1-foot low flow bench at the inlet and outlet of the overflow barrel in order to retain natural stream conditions.
- Permit Site 2: Construct an Energy Dissipater Basin with rip rap on the streambank to reduce erosion and sedimentation.
- Permit Site 4: Construct a boardwalk over the pond and wetland for the MUP, avoiding fill impacts.
- Permit Site 5: Install coir matting on side slopes at the inlet of the 48-inch pipe to reduce potential erosion into stream.
- Hand clearing in wetlands where possible to reduce jurisdictional impacts.

**Table 1: Summary of Jurisdictional Impacts**

Permit Site No.	Permanent Impact Type	Jurisdictional Feature	Impact Length (linear feet)	Impact Acreage
Site 1	Fill	UT to Coddle Creek/riparian wetland	156 lf (RCBC) 179 lf (fill/excavation)	0.04
Site 2	Bank stabilization	UT to Coddle Creek	38 lf (rip rap)	---
Site 3	Fill	UT to Coddle Creek	266 lf (RCBC) 113 lf (fill/excavation)	---
Site 4	Fill	UT to Coddle Creek/riparian wetland	384 lf (RCP) 32 lf (fill/excavation)	0.12 fill <0.01 mechanized clearing
Site 5	Roadway Fill/48” RCP	UT to Coddle Creek/riparian wetland	209 lf (fill/ RCP)	0.08 fill (RCP) <0.01 excavation <0.01 mechanized clearing
Site 5	Multiuse Path/54 “ RCP	UT to Coddle Creek/riparian wetland	---	0.01 fill <0.01excavation <0.01 mechanized clearing
<b>Total:</b>			<b>1,377 lf*</b>	<b>0.27 acre**</b>

\*Compensatory mitigation not required for 38 lf of bank stabilization; \*\* Impacts to jurisdictional wetlands are 0.27 acre based on rounding due to multiple impacts <0.01 acre.

The applicant proposes to provide compensatory mitigation for unavoidable impacts to jurisdictional waters of the U.S. through payment into the NC EEP in-lieu fee program at a 2:1 ratio and through onsite mitigation by removing a culvert and day-lighting 54 linear feet of an unnamed tributary to Coddle Creek at permit site 2 for a 1:1 credit.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, Transportation Permitting Unit, 512 North Salisbury Street in Raleigh, North Carolina. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms. Amy Chapman.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. No archaeological resources were found during a 1994 investigation conducted by NCDOT to determine if any archaeological resources within the study area may qualify for nomination to the National Register of Historic Places (NRHP) within the entire R-2246 project area. The State Historic Preservation Office (SHPO) concurred with NC DOT's findings in a memorandum dated September 15, 2012. Additionally, based on surveys conducted by NC DOT's Architectural Historians in 1994, no potential historic structures identified within the project study area are eligible for listing in the NRHP.

## **Endangered Species**

The Corps has 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 has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

## **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 consolidate 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, December 17, 2012. Comments should be submitted to Ms. Liz Hair, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.