



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: May 23, 2013
Comment Deadline: June 24, 2013
Corps Action ID: SAW-1999-21179

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 2538 linear feet of jurisdictional stream channel, an additional 150 linear feet of temporary stream channel impact, permanently impact 0.82 acre of jurisdictional wetlands, and 0.04 acre of open water impact , associated with the proposed widening of SR 1003 (North Main Street) and SR 1820 (Skeet Club Road) to a multi-lane facility from US 311 to NC 68 in High Point, Guilford County, North Carolina. The NCDOT has identified this project as TIP U-3615.

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
Division of Highways
Attn: Gregory J. Thorpe, Ph.D
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 site is an existing linear 2 lane road (SR 1003 [North Main Street] and SR 1820 [Skeet Club Road]) form US 311 to NC 68 in High Point, Guilford County, North Carolina.

Project Area (acres): 230 Nearest Town: High Point
Nearest Waterway: West Fork Deep River River Basin: Cape Fear
Latitude and Longitude: 36. 036792N, -80.019581 W

Existing Site Conditions

Existing land uses in the project corridor are primarily residential. Many residential subdivisions exist along the corridor, and most have been built within the last ten years. From the point near the western edge of the corridor where N Main Street becomes Skeet Club Road, single –family residential developments dominate the land use pattern moving eastbound until approximately Oak Hollow Lake. The area surrounding Oak Hollow Lake is designated Public Institutional because Oak Hollow Lake is a public water supply reservoir. On the east side of the lake, single-family residential land uses continue to dominate the area until near the intersection with NC 68. The land use at and near this intersection turns to a mixture of general office and commercial shopping center.

This proposal lies within the Piedmont Physiographic Province in the Cape Fear River Basin (Hydrologic Unit Code 03030003). Jurisdictional features within the construction footprint that will be impacted by this project include Oak Hollow Lake (NCDWQ Classification WSIV; CA; NCDWQ Index No. 17-3-(0.7) and ten unnamed tributaries (UTs) to West Fork of Deep River (NCDWQ Classification WS-IV; NCDWQ Index No.17-3-(0.3). There are three riparian wetlands located within the project area that will be impacted.

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 area. None of the streams within the project area are listed on the 2012 303(d) List of Impaired Waters of North Carolina. However, there is one water source within a mile of the project area that is listed on the 2012 303(d) List that is connected with waters in the project area: Rich Fork. Rich Fork is listed as impaired due to ecological/biological integrity for benthos and/or fish community.

Applicant's Stated Purpose

The purpose of this project is to increase the traffic carrying capacity, reduce accident rates, and to relieve traffic congestion in the area surrounding Skeet Club Road.

Project Description

The North Carolina Department of Transportation, Division of Highways, proposes to widen SR 1003 (North Main Street) – SR 1820 (Skeet Club Road) from the existing 5-lane, curb-and-gutter section north of US 311 to the existing 5-lane, curb-and-gutter section just west of Eastchester Drive (NC 68) in Guilford County. The estimated length of the project is 6.3 miles. This project is included in the North Carolina Department of Transportation's Transportation Improvement Program (TIP).

The project would permanently impact 2538 linear feet of jurisdictional stream channel, an additional 150 linear feet of temporary stream channel impact, permanently impact 0.82 acre of jurisdictional wetlands, and 0.04 acre of open water.

For construction purposes this project has been divided into two sections: U-3615A - SR 1003 (North Main Street) and SR 1820 (Skeet Club Road) between US 311 and east of SR 1818 (Johnston Street) and U-3615B- SR 1820 (Skeet Club Road) from west of SR 1818 (Johnson Street) to NC 68 (East Chester Drive).

Permit drawings for the proposed project have been prepared based on final design for U-3615B and preliminary design for U-3615A. The NCDOT will apply for any relevant permit modifications for U-3615A when final design is complete for that section. Construction will not commence on U-3615A until permit modifications have been received based on final designs.

Avoidance and Minimization

Avoidance and minimization has been employed in the project area to the maximum extent practicable. The following measures were implemented each section of the project:

U-3615B

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters will be enforced;
- Where possible, drainage systems were designed to outlet away from surface waters to allow time for infiltration in ditches or natural areas;
- Rip-rapped ditches and rip-rap along stream banks will be used where warranted to control erosion;
- Bank stabilization activities will not place rip-rap on the stream bottom;
- Best fit alignment has allowed wetland impacts to be reduced;

- Grass swales will be utilized where appropriate;
- Ten Hazardous Spill Basins: Stations 183+00 (RT), 202+00 (LT), 222+00 (LT), 234+50 (RT), 242+00 (RT), 267+00 (LT), 272+00 (RT), 306+00 (RT), 314+50 (RT), and 191+50 (LT) will be constructed. The project is located within 0.5 miles of the Oak Hollow Lake Critical Area;
- Pre-formed scour holes will be constructed at five locations: Stations Y30 17+98 (LT), 176+40 (LT), Y34 11+34 (LT), 242+81 (RT), and Y35 13+18 (LT);
- Five level spreaders will be utilized: Stations 202+00(LT), 222+00 (LT), 242+00 (RT), 267+00 (LT), and 272+00 (RT) and
- Side slopes of 2:1 and 1.5:1 will be used in jurisdictional areas along the roadway.

Compensatory Mitigation

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

Due to the status of Section U-3615A being currently unfunded and letting more than 5 years out, NCDOT is not proposing mitigation for Section U-3615A at this time. The U-3615B section will permanently impact a total of 2,099 feet of warm water streams. Of these 2,099 feet, there are 111 feet of bank stabilization that do not require mitigation by the USACE, resulting in 1,988 feet of stream impacts requiring USACE mitigation. The total buffer impacts will be 104,501 square feet (Zone 1) and 72,093 square feet (Zone 2).

Streams/Wetlands

The USACE is requiring 2:1 mitigation for 452 feet and requiring 1:1 mitigation for 1,536 feet of stream impacts. NCDOT is providing onsite mitigation of 760 feet of warm water stream by relocating a section of UT 3-3 at Site 3. The remaining mitigation requirements of 1,680 feet of permanent warm water stream impacts will be provided by the NCEEP for U-3615B. NCEEP will also provide mitigation for the 0.82 acres (2:1 ratio) of permanent riparian wetland impacts resulting from roadway fill, excavation, and mechanized clearing.

Buffers

NCDOT is also providing onsite mitigation of 75,639 square feet (45,810: Zone 1 and 29,829: Zone 2) of buffers by relocating a section of UT 3-3 at Site 3. The remaining buffer mitigation requirements for the 58,691 square feet in Zone 1 and 42,264 square feet in Zone 2 impacts will be provided by the NCEEP for U-3615B.

Due to the large number of roadway plans associated with this proposal, they are not included with this Public Notice but can be found at the following website address:
<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>

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. 25).

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, the Corps consulted the latest published version of the National Register of Historic Places and initially determines that designated historic properties or properties listed as being eligible for inclusion therein are neither located within the project area nor would be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

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. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

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 Quality (NCDWQ): The Corps will generally not make a final permit decision until the 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 constitutes 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, Wetlands, Buffers, Stormwater Compliance and Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so, in writing, by June 17, 2013 to:

NCDWQ Central Office
Attention: Ms. Karen Higgins
1650 Mail Service Center
Raleigh, NC 27699-1650

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, June 24, 2013. Comments should be submitted to:

John Thomas
Wilmington District, Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587
Telephone (919) 554-4884, ext. 25.