



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: May 24, 2013
Comment Deadline: June 24, 2013
Corps Action ID #: SAW-2001-21125

The Wilmington District, Corps of Engineers (Corps) has received an application from The North Carolina Department of Transportation (NCDOT), seeking Department of the Army (DA) authorization to permanently impact 7,717 linear feet of jurisdictional stream channel, temporarily impact 438 linear feet of jurisdictional stream channel, permanently impact 6.13 acres of adjacent wetlands and temporary impact 0.80 acre of adjacent wetlands. There will also be 4.3 acres of wetland impacts due the hand clearing. These impacts are associated with the proposed construction of a section of the Greensboro Western Loop from north of SR 2176 (Bryan Boulevard) to SR 2303 (Lawndale Drive) in Greensboro, Guilford County, North Carolina. The project is proposed to be a six-lane divided facility on new location and totals 4.8 miles in length. This project is referred to as Transportation Improvement Project (TIP) U-2524CD. Section C of this project begins immediately north of SR 2176 (Bryan Boulevard) and terminates immediately east of US220 (Battleground Avenue) and Section D begins immediately east of Battleground Avenue and ends at SR 2303 (Lawndale Drive). Permit Drawings of the proposed project have been prepared based on final design for U-2524C and preliminary design for U-2524D.

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**
Attn: Ms. Elizabeth Lusk
Project Development and Environmental Analysis
Natural Environment Section
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Authority

The Corps will evaluate this application and a decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

Location

The proposed project (U-2524CD) is located from north of SR 2176 (Bryan Boulevard) to SR 2303 (Lawndale Drive) in Greensboro, Guilford County, North Carolina. Within the proposed construction footprint there are approximately 24 stream channels, and 19 wetland sites. The project is proposed to impact a portion of the Horsepen Creek, fifteen (15) unnamed tributaries to

Horsepen Creek, a portion of Richland Creek, five (5) unnamed tributaries to Richland Creek, and fifteen (15) adjacent wetland areas in the Cape Fear River Basin (8-Digit Cataloging Unit 03030002). Coordinates (in decimal degrees) for the approximate center of the site are 36.1377°N, -79.8616°W (NAD83/WGS84). See attached project location map and USGS topographic map.

Existing Site Conditions

The project lies within the Piedmont Physiographic Province in the Cape Fear River Basin [Hydrologic Unit Code (HUC) 03030002]. The project corridor is located in the northwestern portion of Guilford County. The proposed corridor is mostly undeveloped with a combination of the following land use classifications: single family, multi-family, open, agricultural, forest and recreational. The extreme western portion of the project is located within Guilford County and the remainder of the project is located within the City of Greensboro.

Applicant's Stated Purpose

As stated by the applicant, the primary purposes of the project are to: 1) provide an efficient connection for major thoroughfares such as I-85, I-40, High Point Road, West Market Street, and US 220; 2) improve service for local north-south traffic; and 3) improve access to the Piedmont Triad International Airport and the major employers in the western section of Greensboro from the north and south.

Project Description

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the placement of fill material permanently impacting 7,717 linear feet of jurisdictional stream channel, temporarily impacting 438 linear feet of jurisdictional stream channel, permanently impacting 6.13 acres of adjacent wetlands and temporary impacting 0.80 acre of adjacent wetlands within the Cape Fear River basin (Hydrologic Categorical Unit 03030002). The proposed 4.8-mile project consists of constructing a six-lane divided facility on new location.

The project will involve impacts at twenty-six (26) stream sites, and fifteen (15) adjacent riparian wetland sites as shown on the attached plans. U2524C will impact 14 unnamed tributaries to Horsepen Creek, a segment of Horsepen Creek, and 15 adjacent riparian wetland sites. U2524D will impact 1 unnamed tributary to Horsepen Creek, a segment of Richland Creek and 5 unnamed tributaries to Richland Creek. Impacts at the U2524C section include 3,113 linear feet of permanent impacts, 358 linear feet of temporary impacts, 6.13 acres of permanent wetland impacts and 0.80 acre of temporary wetland impacts. These impact totals for Section U-2524C include 0.52 acre of permanent and 0.79 acre of temporary wetland impacts associated with utility line relocations. Permanent impacts associated with the utility line relocation are due to mechanized land clearing and the temporary wetland impacts will involve excavating and side casting the wetland soil to remove the existing lines and then replacing the side cast soil back

into the excavated area. Impacts at the U2524D section include 4,604 linear feet of permanent stream impacts and 80 linear feet of temporary impacts.

The applicant proposes compensatory mitigation of impacts which result in a permanent loss of stream channels with important aquatic function, by providing payment into the North Carolina Ecosystem Enhancement Program (NCEEP) for 14,758 Warm Stream Mitigation Units. Impacts include 2,775 linear feet associated with U-2524C and 4,604 linear feet associated with U-2524D. Compensatory mitigation for these stream impacts will all be at a 2:1 ratio and will be purchased within the Cape Fear River Basin (Cataloging Unit 03030002). The applicant also proposes compensatory mitigation of impacts to adjacent wetlands by providing payment to the NCEEP for 10.53 riparian wetland credits. NCDOT proposes to provide compensatory mitigation for 4.40 acres at a 2:1 ratio and for 1.73 acres at a 1:1 ratio. All mitigation units will be purchased within the Cape Fear River Basin (03030002). In addition to the proposed payment to the NCEEP, the applicant has avoided and minimized impacts by the proposed use of the following measures:

- Utilization NCDOT's Best Management Practices (BMPs) for the protection of surface waters;
- Use of Design Standards in Sensitive Watersheds throughout the project;
- Minimization of wetland and stream impacts through the proposed construction of 2:1 slopes where practicable;
- Design of ditches with diffuse flow and velocity reducing discharge points where they drain directly into wetlands;
- Use of pre-formed scour holes at four (4) locations;
- Use of a hazardous spill basin at five sites where the receiving waters are classified as Critical Area;
- Use of a 1.5:1 fill slope with rock plating at Permit Site 8 to avoid stream impacts.

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 in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for 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, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, 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 delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, Attention: Mrs. Jennifer Burdette by June 13, 2013.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFE) 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 will be affected by the proposed work. The NCDOT, Human Environment Section, Historic Architecture Group has provided information also indicating that no registered properties, or properties listed as being eligible for inclusion therein will 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

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 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. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service.

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 1 1988), 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 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 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, within 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 Andrew Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587.