



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 5, 2013
Comment Deadline: January 5, 2014
Corps Action ID Number: SAW-2005-21386

The Wilmington District, Corps of Engineers (Corps) received an application from The North Carolina Department of Transportation (NCDOT), seeking Department of the Army authorization to impact waters of the United States, associated with the proposed construction of a section of the Greensboro Eastern Loop from US 70 Relocation to SR 2303 (Lawndale Drive) in Greensboro, Guilford County, North Carolina. The project is proposed to be a four lane freeway from US 70 Relocation to US 29 and a six-lane freeway from US 29 to Lawndale Drive. It is on new location and totals 9.7 miles in length. This project is referred to as Transportation Improvement Project (TIP) U-2525 BC. Section B begins at US 70 Relocation and terminates at US 29 and Section C begins at US 29 and ends at SR 2303 (Lawndale Drive). Permit drawings of the proposed project have been prepared based on final design for U-2525B and functional design for U-2525C.

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.aspx>

Applicant: North Carolina Department of Transportation
Project Development and Environmental Analysis
Natural Environment Section
Attn: Ms. Elizabeth Lusk
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 corridor for (U-2525BC) is located on the north side of Greensboro and extends from US 70 Relocation to SR 2303 (Lawndale Drive) in Guilford County, North Carolina. See the attached project location map(s).

Project Length: 9.7 miles

Nearest Town: Greensboro, North Carolina

Nearest Waterways: North Buffalo Creek, South Buffalo Creek, Reedy Fork and Richland Creek

River Basin: Haw River

Latitude and Longitude: 36.1271N, -79.7120W

Existing Site Conditions

The project lies within the Piedmont Physiographic Province of North Carolina. The Piedmont Province consists of generally rolling, well-rounded hills and ridges with a few hundred feet of elevation difference between the hills and valleys. Elevations in the Piedmont range from 300 to 600 feet above sea level near its border with the Coastal Plain to 1,500 feet at the foot of the Blue Ridge. The project corridor is located in the northern portion of Guilford County. Surrounding landuses include, agricultural, single family residential, multi-family residential, institutional, commercial and forested lands.

The project area is located within the Cape Fear River Basin [Hydrologic Unit Code (HUC) 03030002]. Jurisdictional features within the U-2525B portion of the project with proposed impacts include 4 unnamed tributaries to South Buffalo Creek [NCDWR Water Supply-V (WS-V); Nutrient Sensitive Waters (NSW)], 18 unnamed tributaries to North Buffalo Creek (NCDWR Classification WS-V; NSW), 2 ponds and 34 adjacent wetlands. Jurisdictional features within the U-2525C portion of the project with proposed impacts include 2 unnamed tributaries to North Buffalo Creek (NCDWR Classification WS-V; NSW), 5 unnamed tributaries to an unnamed tributary at Camp Herman (NCDWR Classification WS-V; NSW), 14 unnamed tributaries to Reedy Fork [NCDWR classification Water Supply-III (WS-III); NSW, Critical Area (CA)], Richland Creek and 10 unnamed tributaries to Richland Creek (NCDWR Classification WS-III, NSW) 3 ponds and 16 adjacent wetlands. 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.

Applicant's Stated Purpose

As stated by the applicant, the purpose of this proposed project is to provide an efficient circumferential connection for major arterial thoroughfares such as I-85, I-40, US 29, and US 70, and to improve service for local traffic.

Project Description

The following description of the work is taken from data provided by the applicant. Plans submitted with the application for the U-2525B portion of this project, show the placement of fill material permanently impacting 10,255 linear feet of jurisdictional stream channel, temporarily impacting 607 linear feet of jurisdictional stream channel, and permanently impacting 7.54 acres of adjacent wetlands within the Cape Fear River basin (Hydrologic Categorical Unit 03030002). Additionally, there would be 0.12 acre of hand-clearing impacts to a jurisdictional wetland at Site 30, associated with the installation of a utility line. The preliminary plans submitted with the application for the U-2525C portion of the project, indicate the placement of fill material permanently impacting 12,646 linear feet of streams, 2.4 acre of adjacent wetlands and 1.7 acres of jurisdictional open waters within the Cape Fear River basin (Hydrologic Categorical Unit 03030002). Impact totals for U-2525C were derived by calculating impacts within the slope stake limits plus 25 additional feet outside the slope stake limits. As such, impacts are anticipated to be reduced during final designed.

The U-2525B portion of the project is proposed to be a four lane freeway from US 70 Relocation to US 29. U-2525B would consist of two (2), twelve (12) foot travel lanes in each direction, and a 46 foot depressed grass median. The length of this section is 5 miles. The U-2525C portion of the project would be a six-lane freeway from US 29 to Lawndale Drive. U-2525C would consist of three (3), twelve (12) foot travel lanes in each direction, and a 46 foot depressed grass median. The length of this section is 5.8 miles.

The U-2525B portion of this project will involve impacts at twenty-seven (27) stream sites, and thirty-four (34) adjacent riparian wetland sites as shown on the attached plans. Impacts are anticipated to be reduced during the final design for this portion of the project.

Avoidance and Minimization

The applicant provided the following avoidance and minimization measures which were incorporated as part of the project design. These measures include:

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters.
- Use of Design Standards in Sensitive Watersheds through the entire project.
- Use of 2:1 slopes where practicable, to minimize stream and wetland impacts.
- No direct discharges into streams from proposed lateral ditches.
- Grass swale treatment in drainage systems discharging into jurisdictional streams.
- All storm drainage will be diffused and designed for non-erosive velocities before entering wetland areas to the maximum extent practicable.

- Rip rap stabilization on jurisdictional stream banks to prevent erosion.
- Pre-formed scour holes will be constructed at 14 locations.
- Four (4) box culverts will be buried one foot below the existing stream bed with a one foot sill in one barrel, to prevent head cutting and destabilization, to promote safe passage of aquatic organisms and to allow for passage of low flow conditions with minimal alteration of flow velocities.
- Construction of a bridge at Site 11 to reduce wetland impacts.

Compensatory Mitigation

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

U-2525B Portion of the Project

- 2,055 linear feet of onsite stream mitigation by relocating and restoring streams at three sites.
- Provide payment to the North Carolina Ecosystem Enhancement Program (NCEEP) for 12,469 warm stream mitigation units within the Cape Fear River Basin (Cataloging Unit 03030002).
- Provide payment to the NCEEP for 15.28 riparian wetland mitigation units within the Cape Fear River Basin (Cataloging Unit 03030002).

U-2525C Portion of the Project

The U-2525C portion of the project would permanently impact 12,646 linear feet of jurisdictional streams and 2.4 acre of jurisdictional wetlands, within the Cape Fear River Basin (Cataloging Unit 03030002). NCDOT has provided the Corps of Engineers an acceptance letter from the NCEEP stating that the NCEEP will provide compensatory mitigation for impacts associated with the U-2525C portion of the project. A final mitigation proposal will be submitted with the permit modification for this section.

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 located within the project area and/or would be affected by the proposed work.

One historic structure within the project area is listed on the National Register of Historic Places (NRHP) and would be adversely affected from the proposed project is the Schoolfield-Hatcher Farm. A Memorandum of Agreement (MOA), regarding impacts to this property, between the Corps of Engineers, NCDOT and the North Carolina Department of Cultural Resources, State Historic Preservation Office (SHPO) was written and finalized with signatures on October 2, 2008. The MOA contains conditions to reduce impacts to the Schoolfield-Hatcher Farm, associated with this project.

Three (3) additional sites, based upon an NCDOT archaeological survey report, are eligible for listing in the NRHP. These sites would not be adversely affected by the proposed project.

Presently, unknown archeological, scientific, prehistoric, or historical data may also 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, Transportation 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 December 27, 2013 to:

NCDWQ Central Office
Attention: Ms. Amy Chapman
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

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 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, January 5, 2014. Comments should be submitted to Andrew Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884 extension 26.