



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 10, 2013
Comment Deadline: October 10, 2013
Corps Action ID Number: SAW-2013-00557

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation seeking Department of the Army authorization to permanently impact 12,912 linear feet of jurisdictional streams, temporarily impact 1,151 linear feet of jurisdictional streams, permanently impact 5.48 acres of adjacent wetlands, temporarily impact 0.18 acre of adjacent wetlands and permanently impact 0.6 acres of jurisdictional open waters. These impacts are associated with project R-2413A&B, which is the construction of the NC 68/US 22 Connector from SR 2011 (Edgefield Road) to US 220, near Greensboro, Guilford County, North Carolina.

Specific information is described below; plans are available on the Wilmington District Web Site at:
<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>

Applicant: North Carolina Department of Transportation
Project Development and Environmental Analysis Unit
1598 Mail Service Center
Raleigh, NC 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)

Location

Directions to Site: The project site is located between SR 2011 (Edgefield Road) and US 220 at the Haw River near Greensboro, in Guilford County, North Carolina.

Nearest Town: Greensboro
Nearest Waterway: Reedy Fork
River Basin: Cape Fear 03030002
Latitude and Longitude: 36.177458N, -79.935028W

Existing Site Conditions

This new location roadway proposal takes place in an area between Summerfield and Oak Ridge, near Greensboro, Guilford County, North Carolina. The majority of the surrounding area is composed of residential and light commercial land use. The corridor of the proposed roadway is a combination of forest and pasture. There are a total of 43 streams and 14 riparian wetlands identified within the study area. These aquatic features include Reedy Fork and 42 unnamed tributaries to Brush Creek, Reedy Fork, and the Haw River.

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. Reedy Fork, the Haw River, and Brush Creek are all three listed on the 2012 303(d) List of Impaired Waters of North Carolina. All three are listed as impaired due to ecological/biological integrity for benthos and/or fish community. There are streams within the project limits that are within Federal Emergency Management Agency (FEMA)-designated flood zones.

Applicant's Stated Purpose

The purpose of the project is to improve traffic flow by providing a full control access facility and by providing level of service (LOS) D or better in the design year, from an existing upgraded section of US 220 in the general vicinity between Stokesdale and Summerfield, to the existing four-lane section of NC 68 north of the Piedmont Triad International Airport.

Project Description

This new location roadway proposal is approximately 7.8 miles in length. For construction purposes the roadway is divided into two segments, Segment A and Segment B. Segment A starts at SR 2011 (Edgefield Road) and extends to SR 2127 (Brookbank Road) and is 4.95 miles in length. The typical sections proposed for Segment A is to start with a 70' median, 2 – 12' lanes in each direction, 14' outside usable shoulders (12' paved), and 6' inside usable shoulders (4' paved). Then the median transitions from a 70' median width to a 46' median width between NC 68 and Alcorn Road.

Segment B starts at SR 2127 and extends to the Haw River at US 220 for a total length of 2.8 miles. Segment B has a typical section proposal of a 46' median, 2 – 12' lanes in each direction, 14' outside usable shoulders (12' paved), and 6' inside usable shoulders (4' paved).

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. 26).

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: 1) NCDOT's Best Management Practices for the Protection of Surface Waters would be enforced; 2) NCDOT would provide a bridge crossing of Reedy Fork that allows for wildlife, pedestrian, and equestrian access along both sides of the waterway; 3) Where possible, drainage systems would be designed to outlet away from surface waters to allow time for infiltration in ditches or natural areas; 4) Rip-rap ditches and rip-rap along stream banks would be used where warranted to control erosion; 5) Bank stabilization activities would not place rip-rap on the stream bottom; 6) Cross drainage structures would be buried below the streambed in order to minimize impacts to aquatic life; 7) Ditches would be designed to convey flow with non-erosive velocities and would be grass-lined where appropriate; 8) Median ditches with 6:1 side slopes would be constructed along the length of the project; 9) Several pre-formed scour holes would be constructed; 10) Five energy dissipation basins would be constructed; and 11) Two dry detention basins would be constructed to attenuate stormwater flows before leaving the project site.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: NCDOT has identified 4 streams within the project site that may act as partial compensation for aquatic impacts. These streams would be enhanced, relocated, or restored in a manner that may be considered appropriate for compensatory mitigation. The remaining credits, 17,920 stream credits and 10.94 wetland credits would be satisfied through a payment to the North Carolina Ecosystem Enhancement Program (NCEEP). NCEEP has committed to implementing sufficient stream and wetland mitigation activities in the Cape Fear River Basin (HUC 03030002) to satisfy this requirement.

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, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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 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 October 10, 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, September 30, 2013. Comments should be submitted to Mr. Andrew Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 555-4884 x26.