



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 10, 2013
Comment Deadline: November 11, 2013
Corps Action ID Number: SAW-2013-01990

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 temporarily impact 167 linear feet of stream and 0.04 acres of wetlands and permanently impact 4.80 acres of wetlands, 1 acre of impounded waters (pond), and 1,927 linear feet of stream, to facilitate the replacement of an at-grade intersection located at SR 3418 (Neelley Road) and US 421 with a highway interchange that is designed to improve roadway safety. This project is referred to by NCDOT as Transportation Improvement Project (TIP) R-2612B.

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
Attn: Ms. Deborah Barbour
Project Development and Environmental Analysis
Natural Environment Section
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 Section 404 of the Clean Water Act (33 U.S.C. 1344)

Location

The project area is located along a 0.71 mile stretch of US 421 between the intersections of SR 3418 (Neelley Road) and US 421 and Liberty Road and Williams Dairy Road, 7.5 miles south of Greensboro, Guilford County, North Carolina.

Nearest Waterway: **Big Alamance Creek**
Nearest Town: **Greensboro**
River Basin: **Cape Fear**
Latitude and Longitude: **35.9845 N, -79.7362 W**

Existing Site Conditions

The project area consists primarily of existing highway infrastructure (US 421), forested and agriculture land, and rural residential development. The project area contains one named stream (Big Alamance Creek), six unnamed tributaries to Big Alamance Creek, one impounded water, and two riparian wetland systems.

Applicant's Stated Purpose

The applicants stated purpose is to improve safety along a section of US 421 between the I-85 Bypass and the NC 62 interchange by replacing an at-grade intersection with a highway interchange.

Project Description

The proposed project consists of replacing an at-grade intersection located at SR 3418(Neelley Road) and US 421 with a highway interchange at the same location. A bridge and roadway would be built over US 421 and would connect SR 3418 (Neelley Road) to the west with Williams Dairy Road to the east. Entry/exit ramps to US 421 would be constructed on the north and south eastern sides of the proposed interchange. A new intersection at Liberty Road, connecting the proposed interchange to Williams Dairy Road, would be constructed directly to the east of the existing intersection of Liberty Road and Williams Dairy Road. Roadway improvements associated with the construction of the interchange would begin in the vicinity of the intersection of Talbot Road and SR 3418 (Neelley Road) and terminate at the proposed interchange. An existing culvert located directly east of the proposed interchange would be extended and improved.

The project would involve the discharge of fill material and/or other impacts to jurisdictional waters at the following sites as shown on the enclosed plans:

Site 1, 1A, 1B, 1C, and Site II: The placement of fill material, mechanized land clearing, and excavation within 1.55 acres of wetlands, 742 linear feet of stream (706 permanent and 36 temporary), and 1 acre of impounded waters (pond) to facilitate construction of the north bound entry/exit ramps, a dry detention basin, and interchange access roadways.

Site III, IIIA, and IV: The placement of fill material, mechanized land clearing, and excavation within 3.29 acres of wetlands and 1,304 linear feet of stream (1,232 permanent and 72 temporary) to facilitate the stabilization of a stream bank and the construction of the south bound entry/exit ramps and interchange access roadways.

Site 5: The placement of fill material, mechanized land clearing, and excavation within 48 linear feet of stream (24 permanent and 24 temporary) to facilitate the extension/improvement of an existing culvert located under US 421 and the construction of an associated riprap dissipation pad.

Avoidance and Minimization

The applicant presented the following measures in support of efforts to avoid and/or minimize impacts to the aquatic environment:

- North Carolina Department of Transportation best management practices for the protection of surface waters would be enforced during construction.
- Proposed wetland impacts have been reduced from 5.87 acres in the original design to 4.78 acres in the final proposal.
- To maintain the existing flow width of Big Alamance Creek, the culverts at the crossing of SR 3418 (Neelley Road) with the loop and ramp have one low flow barrel with a 1 foot sill (buried 1 foot), and one high flow barrel with a 2 foot sill.
- Construction of 2:1 side slopes are proposed in wetlands where 4:1 slopes are not needed for vehicular safety.
- The remaining portion of the impacted pond would be utilized as a partially filled, dry detention basin with a riser.
- Roadside ditches have been designed to convey flow with non-erosive velocities and are grass-lined where appropriate.
- Storm drain outfalls would be located outside of wetlands, where possible.

Compensatory Mitigation

The applicant has proposed to mitigate for unavoidable adverse impacts (permanent fill, mechanized land clearing, and excavation) to 4.78 acres of riparian wetlands by purchasing in-lieu fee credits from the North Carolina Ecosystem Enhancement Program (NCEEP) at a ratio of 2:1. The applicant has proposed to offset unavoidable impacts to 1,532 linear feet of stream by purchasing in-lieu fee credits from NCEEP. Stream mitigation is not proposed for 395 linear feet of the proposed 1,927 linear feet of stream impacts because these streams support relatively little aquatic resource function. Mitigation is proposed at a ratio of 2:1 for 1,197 linear feet of stream identified as having relatively high aquatic resource function and a ratio of 1:1 for 335 linear feet of stream with moderate to low aquatic resource function.

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:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- 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).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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 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 Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the Clean Water Act Certification may be reviewed at the NCDWR 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 30 October 2013 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation Permitting Unit
1617 Mail Service Center, Raleigh, NC 27699-1617 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, 11 November 2013. Comments should be submitted to Andrew E. Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587.