



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: February 14, 2014
Comment Deadline: March 14, 2014
Corps Action ID #: SAW-2008-03183

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 9,800 linear feet of jurisdictional stream channel, an additional 1,553 linear feet of temporary stream channel impact, permanently impact 1.96 acres of jurisdictional wetlands, and 4.36 acres of open water impact (ponds), associated with the proposed construction of the Winston-Salem Northern Beltway Eastern Section from US 158 to I-40 Bus/US 421 (Section B for a total of 3.4 miles), east of Winston-Salem, in Forsyth County, North Carolina. The NCDOT has identified this project as TIP U-2579B.

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: Richard Hancock
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)

Project Description

The North Carolina Department of Transportation, Division of Highways, proposes to construct on new alignment an eastern section of the proposed Winston-Salem Northern Beltway from US 158 to I-40 Bus/US 421. The new road alignment will consist in each direction 3 12-foot lanes plus 1 12-foot future lane with a 12-foot paved shoulder and a 22-foot grassed median. The road alignment will be a control access freeway with interchanges at US 158 and I-40 Bus/US 421. There will also be widening and merge lane improvements located east and west on the existing I-40 Bus/US 421 alignment at the proposed freeway interchange. The estimated length of the project is 4.06 miles. This project is included in the North Carolina Department of Transportation's Transportation Improvement Program (TIP).

The project would permanently impact 9,800 linear feet of jurisdictional stream channel, an additional 1,553 linear feet of temporary stream channel impact, permanently impact 1.96 acres of jurisdictional wetlands, and 4.36 acres of open water impact (ponds).

Permit drawings for the proposed project have been prepared based on final design for U-2579B.

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-2579B

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters will be enforced;
- Grass swales will be used throughout the project to treat stormwater;
- 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 banks of jurisdictional streams will be implemented to prevent erosion;
- Pre-formed scour holes will be constructed at 10 locations, riprap apron/pads at 12 locations, and riprap energy dissipater basins at 3 locations;
- Reduction of permanent stream impacts by bridging Martin Mill Creek and Smith Creek (2 locations).
- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters will be enforced.

Compensatory Mitigation

Compensatory mitigation requirements for U-2579B are summarized below in Table 1. The U-2579B section will permanently impact 9,800 feet of warm water stream. Of those 9,800 feet, there are 306 feet of bank stabilization that do not require mitigation by the Corps, resulting in 9,494 feet of stream impacts requiring Corps mitigation.

The Corps is requiring 2:1 mitigation for 7,819 feet of second and third order stream impacts and requiring 1:1 mitigation for 1,675 feet for first order stream impacts. NCDWR is requiring 11 mitigation for 7,649 feet of stream channel impacts. Therefore, the total Corps mitigation requirement exceeds the NCDWR requirement. NCDOT proposes to provide onsite mitigation of 450 feet of warm water stream by restoring one stream at a proposed drained pond site (Permit Site No. 20). The remaining mitigation requirements of permanent warm water stream impacts will be provided by the NCEEP for U-2579B (Table 1). The NCEEP will also provide mitigation for the 1.96 acres riparian wetland impacts resulting from roadway fill, excavation, and mechanized clearing at 2:1 mitigation ratio.

Table 1 U-2579B Compensatory Mitigation Summary

	Stream Impacts in feet	Wetland Impacts in acres
Impacts Requiring Mitigation	9,494	1.96
Onsite Credits	450	
Impacts Less Onsite Credits	9,044	
EEP Credits	7,369 @ 2:1 1,675 @ 1:1	1.96 @ 2:1
Total EEP Credits	16,413	3.92

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, 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 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 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by March 07, 2014 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing Address): 1650 Mail Service Center, Raleigh, NC 27699-1650
or,
(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.
- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, March 14, 2014. Comments should be submitted to John Thomas, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884, extension 25.