



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: August 5, 2014
Comment Deadline: September 3, 2014
Corps Action ID Number: SAW-2012-00882

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 widening of US 221 to a four-lane, median-divided facility from US 421 in the Deep Gap Community of Watauga County, North Carolina to the US 221 Business/NC 88 intersection in the town of Jefferson in Ashe County, North Carolina. The project is approximately 16.1 miles in length.

Specific plans and location information are described below and shown on the attached first pages of each permit drawing. There are 211 permit drawings/plan sheets for this project, the documents can be downloaded from the NC Department of Transportation, web site, visit the US Army Corps of Engineers Wilmington District web site and follow this link <http://207.4.62.65/PDEA/Temp/>, click on R-2915 Permit Drawings for Public Notice.pdf.

This Public Notice is available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>.

If you wish to review these plans in person, please visit the U.S. Army Corps of Engineers, Raleigh 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).

Applicant: North Carolina Department of Transportation
Attn: Mr. Richard Hancock
Project Development and Environmental Analysis Unit
1598 Mail Service Center
Raleigh, North Carolina 27699

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

Directions to Site: The proposed project site is located along the existing US 221 from US 421 in the Deep Gap Community of Watauga County, North Carolina to the US 221 Business/NC 88 intersection in the town of Jefferson in Ashe County, North Carolina.

Project Area (acres): 585 (approximately) Nearest Town(s): Deep Gap,
Fleetwood, Baldwin, Beaver Creek, West Jefferson and Jefferson
Nearest Waterway: Gap Creek, Old Field Creek, Beaver Creek, Naked Creek, Little
Buffalo Creek and South Fork New River River Basin: New River
Basin (HUC 05050001)
Latitude and Longitude: 36.3475N, -81.5320W

Existing Site Conditions

The project lies within the Blue Ridge eco-region in the New River Basin (Hydrologic Unit Code 05050001) of North Carolina. The project site is mostly within the New River Plateau of the Blue Ridge eco-region, which consists of hilly, high plateau, some low mountains, moderate gradient streams with bedrock, boulder, cobble, and gravel substrates. Elevations within this eco-region range from 2,350 feet to 4,175 feet and include a local relief of 500-1200 feet.

The project corridor is located in the mid-southern portion of Ashe County, with the southern terminus located in the eastern portion of Watauga County. Existing land use in the project corridor consists primarily of NC DOT roadways, and forested and agricultural lands.

Water resources in the project area are part of the New River Basin (US Geological Survey Hydrologic Unit 05050001). Named streams within the project area are: Gap Creek, South Fork New River, Old Field Creek, Beaver Creek, Naked Creek and Little Buffalo Creek. Unnamed tributaries to these streams are in the project area, as well as unnamed tributaries to Cole Branch and South Beaver Creek. The North Carolina Department of Natural Resources (NCDENR) surface water classification for Gap Creek, Old Field Creek, Beaver Creek, Cole Branch, South Beaver Creek and Little Buffalo Creek is Class C and Trout waters (Tr). Naked Creek is Class C only. Old Field Creek is also designated as an Outstanding Resource Waters (ORW) and the South Fork New River is designated as High Quality Waters (HQW) and Water Supply V (WS-V). Additionally, there are no Water Supply Waters I or II (WS-1 or WS-II) within 1.0 miles of the project area. Little Buffalo Creek is currently listed on the North Carolina 2012 Final 303(d) list of impaired waters for having impaired ecological/biological integrity for bethos. There are a total of sixty-two (62) jurisdictional stream segments and forty-six (46) adjacent, jurisdictional wetland sites proposed for impacts that are within the project area.

Applicant's Stated Purpose

As stated by the applicant, the purpose of this project is to upgrade the existing roadway to a multi-lane facility to increase capacity, alleviate congestion, improve traffic operations and reduce the rate of traffic crashes.

Project Description

This project is referred to as Transportation Improvement Project (TIP) R-2915. The applicant has requested that the project be permitted in phases due to project size, funding and scheduling. Permit drawings of the proposed project have been prepared based on final design for Sections A, B and D and preliminary design for Sections C and F. Preliminary design impacts for Section C have been calculated using the Concurrence Point 4B drawings, and Section E impacts have been roughly calculated using preliminary slope stakes plus 10' for wetlands and to the existing ROW for most streams. As such, impacts are anticipated to be reduced during final designed. Permit modification requests are proposed to be submitted as the final design is completed for each of the remaining sections (C and E). Information regarding the specific Sections (A-E) are shown in Table 1 below:

Table 1 – Project phasing for US 221 Widening (R-2915)

Section	Approximate Section Limits	Approximate Length	Construction Letting
R-2915A	US 421 in Watauga County to SR 1003 (Idlewild Road)	2.8 miles	Jun 2015
R-2915B	SR 1003 (Idlewild Road) to north of the South Fork New River	1.77 miles	Jun 2015
R-2915C	North of the South Fork New River to south of NC 194	3.98 miles	Feb 2017
R-2915D	South of NC 194 to US 211 Bypass	4.3 miles	Feb 2015
R-2915E	US 221 Bypass to US 221 Business/NC 88 in Jefferson	3.3 miles	Post-Year
TOTAL		16.1 miles	

The following description of the work is taken from data provided by the applicant. Plans submitted with the application for R-2915, show the placement of fill material permanently impacting 7,886 linear feet of streams (6,947 linear feet of fill and 939 linear feet for bank stabilization), 3.04 acres of adjacent wetlands and temporarily impacting 0.31 acre of streams. Tables 2, 3 and 4 below provide total proposed impacts by project section:

Table 2 – Summary of Water Resources Impacted

Section	Design Stage	Total # Wetlands Impacted	Total # Streams Impacted
R-2915A	Final	6	12
R-2915B	Final	6	6
R-2915C	Preliminary	5	16
R-2915D	Final	20	24
R-2915E	Preliminary	9	6
Total		46	62*

* S1 included in both Section A and B totals, S56 included in both Section C and D totals

Table 3 – Summary of Wetland Impacts for R-2915

Section	Design Stage	Wetland Impact Type	Wetland Impact Area (acre)
R-2915A	Final	Permanent Wetland Fill	0.48
		Excavation in Wetlands	0.01
		Mechanized Clearing in Wetlands	0.08
		Hand Clearing in Wetlands	0.05
R-2915B	Final	Permanent Wetland Fill	0.32
		Excavation in Wetlands	0.04
		Mechanized Clearing in Wetlands	0.06
R-2915C	Preliminary	Permanent Wetland Fill	0.16
		Excavation in Wetlands	--
		Mechanized Clearing in Wetlands	0.04
R-2915D	Final	Permanent Wetland Fill	1.01
		Excavation in Wetlands	0.01
		Mechanized Clearing in Wetlands	0.30
R-2915E	Preliminary	Permanent Wetland Fill	0.43
		Excavation in Wetlands	--
		Mechanized Clearing in Wetlands	0.09
Total			3.04*

* Values are based on rounding, due to calculating totals with actual numbers to the thousandths

Table 4 – Summary of Stream Impacts for R-2915

Section	Design Stage	Stream Impact Type	Impact Length (lf)	Temporary Impacts (ac)
R-2915A	Final	Permanent	1,119	--
		Bank Stabilization	402	--
		Temporary	--	0.05
R-2915B	Final	Permanent	533	--
		Bank Stabilization	411	--
		Temporary	--	0.15
R-2915C	Final	Permanent	2,263	--
		Temporary	--	0.06
R-2915D	Final	Permanent	2,627	--
		Bank Stabilization	126	--
		Temporary	--	0.05
R-2915E	Final	Permanent	405	--
		Temporary	--	<0.01
TOTAL			7,886	0.31

There are no proposed impacts associated with utility relocations in the A, B or D Sections of this project. For Sections C and E, the utility relocations will be determined at final design.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment. These proposed measures include:

- *The implementation of design standards in sensitive watersheds throughout the entire project during construction.
- * Utilization of Best Management Practices (BMPs) during construction to attempt to reduce the stormwater impacts to receiving streams and wetlands due to erosion and runoff.
- * Implementation of a trout moratorium from October 15 – April 15 in order to protect reproducing trout.
- * Utilization of grassed swales throughout the project (see SMPs) to reduce water velocity, promote infiltration and provide treatment for discharge before runoff enters streams. These grassed swales would have side slopes that are 3:1 or flatter, with many side slopes being 6:1 and 4:1, have a velocity during the 2-Year Storm of less than 2 feet per second and have a minimum ditch length equivalent to 100 feet per acre of impervious area.
- *Utilization of preformed scour holes (PSH) in several locations (see SMPs) to diffuse the concentrated flow from storm drain outlet pipes into non-erosive sheet flow to surrounding water resources.
- * Utilization of riprap aprons/pads will be utilized in several locations (see SMPs) to reduce velocity and erosion at pipe outlets.
- * Utilization of multiple culvert extension junction boxes to dissipate energy, reduce the slope of the channel and provide a non-erosive outlet velocity to the stream bed and bank.
- * Culverts would be buried 20% of the pipe diameter below the natural streambed up to 1 foot.
- * Where possible, hand clearing in wetlands would be used in R-2915A rather than mechanized clearing.
- * The relocated portion of a wetland at R-2915B permit site 7 would be a grassed swale that has been designed to match the grade and shape of the existing wetland as much as possible.
- * The culvert carrying Gap Creek at R-2915B permit site 10 would be removed and replaced with a bridge.
- * Utilization of a cross vane structure to alleviate scour and erosion at the downstream end of Old Field Creek at R-2915D at permit site 6, to improve channel structure.
- * Utilization of rock plating has been near R-2915D permit sites 6 and 30 to tighten and reinforce slopes to reduce impacts to jurisdictional resources to the greatest extent practicable in these locations.

Compensatory Mitigation

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

R-2915, Sections A, B, C and D

Impacts within these four sections would permanently impact 2.52 acres of riparian wetlands and 7,481 linear feet of cold water streams. Of the 7,481 linear feet of stream impacts, there are 939 linear feet of bank stabilization which do not require compensatory mitigation by the Corps; resulting in 6,542 linear feet requiring Corps mitigation. The applicant proposed to mitigate for unavoidable permanent impacts through payment into the North Carolina Ecosystem Enhancement Program (NCEEP). The Corps will require a 2:1 mitigation-impact ratio for 6,542 linear feet of stream and 2.52 acres of wetlands.

U-2525C Portion of the Project

At this time, Section E is not due to let within the next five (5) years. As such, compensatory mitigation for Section E will be provided by the applicant during subsequent permit modifications regarding Section E.

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 401 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 a 401 Certification should do so, in writing, by August 26, 2014 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

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 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 3, 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 ext. 26.