



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: October 21, 2024  
Comment Deadline: November 21, 2024  
Corps Action ID Number: SAW-2022-00190

The Wilmington District, Corps of Engineers (Corps) received an application on October 7, 2024 from North Carolina Department of Transportation seeking Department of the Army authorization to impact 0.53 acres of wetlands and 1,570 linear feet of tributaries, associated with the construction of the 0.7 mile long, Baltimore Road Extension from the intersection of Baltimore Road (SR 1630) and US 158 to a proposed interchange on Interstate 40 (I-40) across Smith Creek in Davie County, North Carolina (STIP U-6187).

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:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

**Applicant:** Attn: Ms. Amy Euliss  
North Carolina Department of Transportation (NCDOT)  
Division 9  
375 Silas Creek Parkway  
Winston-Salem, NC 27127

## 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

Location Description: The project/review area is located south of I-40 between Exit 174 and Exit 180, to a location at the intersection of US 158 and Baltimore Road (SR 1630).

Nearest Town: Advance, Bermuda Run, and Mocksville

Nearest Waterway: Smith Creek

River Basin: Yadkin

Latitude and Longitude: 35.997840 N, -80.463200 W

## **Existing Site Conditions**

Davie County is located within the piedmont physiographic region of North Carolina. The northern end of the project is a new interchange with I-40 while the southern end connects with US 158 at the intersection of US 158 and Baltimore Road.

Topography in the project vicinity is characterized by rolling hills. Land use in the project vicinity consists of mixed forestland, agriculture, commercial, and residential. A church and community center are located at the intersection of US 158 and Baltimore Road.

Smith Creek is the main waterway crossing through the project corridor near the north end of the project. There are several separate wetland areas located within this project and are connected to Smith Creek.

## **Applicant's Stated Purpose**

To provide a new interchange on I-40 between Exit 174 and Exit 180, and a direct transportation connection between I-40 and US 158 near the intersection of US 158 and Baltimore Road.

## **Project Description**

NCDOT proposes to construct a new Interchange on I-40 and a new transportation connection between I-40, US 158, and Baltimore Road (State Transportation Improvement Program [STIP] Project No. U-6187). The Baltimore Road extension and interchange project would begin at I-40 and run to the south over Smith Creek to the US 158 and Baltimore Road intersection, approximately 0.7 miles.

The proposed work would include construction of a new two-lane roadway with additional turn lanes at intersections and ramps/merger areas, on new alignment over Smith Creek. The proposed Baltimore Road Extension project would provide two 12' lanes in both directions with a 12' total shoulder (8' paved).

The proposed project would impact 0.53 acre of wetlands (0.28 acre permanent fill, 0.05 acre of mechanical land clearing and 0.2 acre non-404 hand clearing) and 1,570 linear feet (lf) of tributaries (1,202 lf permanent fill, 140 lf bank stabilization and countersunk riprap pads, and 228 lf temporary fill).

## Avoidance and Minimization

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

- A Stormwater Management Plan (SWMP) has been created for the project and is included in the package with the permit drawings.
- All major structures have been designed to minimize environmental and surface water impacts as much as practicable.
- 2:1 slopes with guardrails adjacent to wetlands and pipe crossings.
- Shoulder berm gutter used at high-fill locations to reduce erosion.
- Use of stop control I-40 exit ramp allows for the elimination of an additional lane along Baltimore Road and reduced impacts to Smith Creek.
- Energy dissipator pads and rip rap pads are being used near wetland areas to minimize the potential for erosion.
- No staging of construction equipment or storage of construction supplies in jurisdictional wetlands or streams.
- NCDOT and its contractors will not fill or perform land clearing activities within jurisdictional wetlands, buffers, streams, or any areas under the jurisdiction of the USACE, or within isolated waters, except as authorized by the USACE and NCDWR.
- Borrow and waste activities will occur outside of jurisdictional features.
- Redesign of cross pipe near -L- STA. +/-21+00 LT from one single pipe to two cross pipes with toe protection. This reduced the impacts to Wetland H.
- Drainage design near Wetland Q was altered to allow discharge without impacts.
- Grass swales, median roadway ditches, and rip rap dissipator treatments have been used where feasible.
- An 18" pipe was moved to avoid Wetland D and tie in with the 66" pipe to minimize stream impacts.
- Proposed box culverts will have a 1-foot sill and be buried 1 foot.
- Noise walls will help to minimize impacts to residential and other developed areas.

## Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: NCDOT proposes compensatory mitigation to be provided by the NC Division of Mitigation Services for all permanent losses of wetlands and a use of both Bushy Mountain Mitigation Site and the Grassy Creek Mitigation site (part of WLS Yadkin 01 Umbrella Mitigation Site) for all permanent losses of tributaries/streams.

## 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:

- x Cultural resources that have been determined not eligible for inclusion in the National Register of Historic Places are present within the Corps' permit area; therefore, there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO and/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:

- x The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

Federal Highway Administration (FHWA) and NCDOT conducted informal conferencing with U.S. Fish and Wildlife Service (USFWS) on this project's potential impacts to Tricolored bat. On July 10, 2024, USFWS provided an informal conferencing letter indicating that pending the listing of the Tricolored bat, the implementation of proposed conservation measures would address FHWA's requirements under Section 7 of the Endangered Species Act.

## 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):**

- x 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 at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to [publiccomments@deq.nc.gov](mailto:publiccomments@deq.nc.gov) with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office  
Attention:  
(USPS mailing address): 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 will 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, November 21, 2024. Comments should be submitted to Stephen Brumagin, Charlotte Field Office, 8430 University Executive Drive, Suite 615, Charlotte, North Carolina 28262, or via email at [Stephen.a.brumagin@usace.army.mil](mailto:Stephen.a.brumagin@usace.army.mil). The Corps Project Manager can be contacted at (704) 798-6471. Comments may also be submitted to [NCDOT\\_REG@usace.army.mil](mailto:NCDOT_REG@usace.army.mil).