



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: June 6, 2025
Comment Deadline: June 13, 2025
Corps Action ID Number: SAW-2025-00194

The Wilmington District, Corps of Engineers (Corps) received an application on June 4, 2025 from the North Carolina Department of Transportation, seeking Department of the Army authorization to permanently repair damage caused by Hurricane Helene on Interstate-40 (I-40) in the Pigeon River Gorge, from Mile Marker (MM) 0 at the North Carolina/Tennessee state line to approximately MM 7, Exit 7 for Cold Springs Creek Road (SR 1397) in Waterville, Haywood County, North Carolina.

Specific location information is described below. Construction plans are not attached to this Public Notice due to the large number of pages. However, electronic copies of this Public Notice and the construction plans can be found at:

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

Applicant: North Carolina Department of Transportation (NCDOT)
1598 Mail Service Center
Raleigh, NC 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

Location Description: The project is located in the Pigeon River Gorge, from Mile Marker (MM) 0 at the North Carolina/Tennessee state line to approximately MM 7, Exit 7 for Cold Springs Creek Road (SR 1397) in Waterville, Haywood County, North Carolina.

Number of Acres

Nearest Town: Waterville

Nearest Waterway: Pigeon River

River Basin: French Broad River

Latitude and Longitude: 35.75333 N, -83.04558W

Existing Site Conditions

On September 27, 2024, Hurricane Helene struck western North Carolina and eastern Tennessee. The Pigeon River transported water through the gorge at a rate of approximately 62,000 cubic feet per second (CFS). The normal flow is around 904 CFS. This resulted in severe damage to I-40. In North Carolina, the damage to I-40 occurred from approximately mile marker (MM) 5 to the Tennessee state line in Haywood County (MM 1). The excessive velocities and shear stresses exhibited by the river during the storm resulted in catastrophic erosion, and failure of the riverbanks and highway facility occurred, with eastbound lanes washed away. I-40 became impassable causing disruption to this area of the state and entire region. Westbound lanes are currently open to two-way traffic.

The project area is within the Pisgah National Forest and most adjacent property is undeveloped/uninhabited and under the ownership of the US Forest Service. The exception is a parcel at the western project terminus owned by Duke Energy, where the Walters Hydroelectric Plant is located on the south side of the Pigeon River. Approximately 1 mile west of the state line, the Appalachian Trail crosses under I-40 along Green Corner Road and crosses the Pigeon River along Tobes Creek Road.

Applicant's Stated Purpose

The purpose of the proposed project is to implement the emergency and permanent repairs to the slopes, pavement, and other infrastructure associated with this section of the I-40 corridor to reestablish connectivity and provide for the safe and efficient transport of people, goods, and services.

Project Description

Permanent repairs to damage on the facility will include re-establishment of the embankment with roller compacted concrete, retaining walls and/or other geotechnical solutions to keep the roadway footprint within the existing I-40 right-of-way. It will also include grading and paving to re-establish damaged elements of the eastbound roadway. Finally, permanent repairs will also include removal of the temporary traffic pattern and work to re-establish the westbound roadway elements modified for the temporary traffic pattern.

Due to the magnitude of damage along the five miles of I-40 and the varying nature of the repairs to the damage, it will not be practical to complete final design for the entire project prior to beginning construction. Efforts to accelerate the permanent repairs for the I-40 PRG project necessitate advancing certain activities prior to completion of final design of the entire project. Such activities include building a construction causeway along the embankment failure for both geotechnical borings and a construction platform; constructing a haul road from the “Cotton Patch” (a site where NCDOT stored material wasted from the 2009 ER rock fall event that closed I-40) to the beginning of the causeway near MM5; reclaiming embankment material from the river for use in the causeway construction and construction office site development; and developing a borrow site adjacent to the project, since the event eroded about 3 million cubic yards of embankment material. Advancing these work activities prior to completion of final design will significantly advance completion of the I-40 PRG project.

Proposed impacts associated with this work include the permanent impact to 0.045 acres of wetland, the permanent impact to 15,635 lf of stream channel and the temporary impact to 18,192 lf of stream channel. Additionally, it is anticipated that there could be loss of up to 3,016 lf of stream channel due to potential drainage affect associated with the construction of the borrow pits. Specific proposed stream and wetland impacts are identified in tables in the enclosed “Application for Section 404 Permit and Section 401 Water Quality Certification for the Hurricane Helene I-40 Pigeon River Gorge (I-40 PRG) Emergency Relief (ER) Project (sic)” application cover letter.

Impacts associated with causeway construction and temporary impacts to the Pigeon River for material removal and accommodation of causeway have been authorized by previous permits.

Detailed design plans and information about the proposed mitigation sites are available at <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>.

Avoidance and Minimization

NCDOT provided specific impact avoidance and minimization measures in the tables in the enclosed “Application for Section 404 Permit and Section 401 Water Quality Certification for the Hurricane Helene I-40 Pigeon River Gorge (I-40 PRG) Emergency Relief (ER) Project [sic]” application cover letter.

Compensatory Mitigation

NCDOT proposes compensatory mitigation to be provided by the NC Division of Mitigation Services for unavoidable impacts to streams and wetlands.

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:

- ☒ Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places), 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 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:

Formal Section 7 Consultation is complete for this project. On February 28, 2025, USFWS issued a Biological and Conference Opinion (BO) for the subject project. Conditions and requirements of the BO will be incorporated as a permit condition for any permit issued for this project.

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 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, Transportation 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 with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office

Attention: Amy Chapman, Transportation Permitting Branch
(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, June 13, 2025. Comments should be submitted to Crystal Amschler, WRDA Transportation Branch, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, or via email at Crystal.c.amschler@usace.army.mil. The Corps Project Manager can be contacted at (828) 526-6013. Comments may also be submitted to NCDOT_REG@usace.army.mil.