



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: June 21, 2024  
Comment Deadline: July 22, 2024  
Corps Action ID Number: SAW-2018-01845

The Wilmington District, Corps of Engineers (Corps) received an application on June 5, 2024 from the North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to discharge dredged or fill material into waters of the United States associated with the proposed Williamson Road Improvement project, that begins where Williamson Road intersects with Brawley School Road and extends approximately 2.5 miles southeast to terminate just past the intersection of Williamson Road with I-77 in Mooresville, Iredell County, North Carolina.

Detailed 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:

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

If you wish to have a paper copy of this Public Notice and/or the construction plans, please contact the individual identified at the end of this Notice.

**Applicant:** North Carolina Department of Transportation (NCDOT)  
Attn: Mr. Michael Turchy  
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**

Location Description: The project corridor begins where Williamson Road intersects with Brawley School Road and extends approximately 2.5 miles southeast to terminate just past the intersection of Williamson Road with I-77.

Project Area (miles): Approximately 2.5 miles

Nearest Town: Mooresville

Nearest Waterway: Lake Norman

River Basin: Catawba

Latitude and Longitude: 35.567430°N, --80.866121°W

## **Existing Site Conditions**

The study area is located west of Mooresville and is crossed by a branch of Lake Norman. It is characterized by a mix of commercial and residential development, with commercial development concentrated at the northern and southern ends and both forms of development in the center. Several residential streets extend from Williamson Road and lead to neighborhoods with sinuous streets and roughly rectangular parcels with average sized single-family dwellings that date to the late 1990s. The neighborhoods are primarily concentrated around and north of Lake Norman. The existing roadway mainly consists of two lanes with some intermittent turning lanes throughout and widens to multiple lanes as the road approaches Brawley School Road to the north and I-77 to the south.

## **Applicant's Stated Purpose**

The purpose of the proposed action is to reduce congestion and improve safety in the corridor. The Williamson Road widening project will provide a safer, more efficient roadway network throughout the Town of Mooresville and southern Iredell County.

## **Project Description**

The proposed Williamson Road (SR 1109) improvement project would widen Williamson Road and would include interchange improvements. The project would address several deficiencies, including an excessive number of driveway cuts with no access management, an inconsistent roadway cross-section due to the incremental road improvements required from several site developments, and significant traffic delays at intersections. The project proposes the construction of a four-lane, median-divided facility with a 5-foot sidewalk on the east side of the road and a 10-foot side path along the west side of the road and would result in the permanent impact to 3.97 acres of open water, 205 linear feet of stream channel, and 0.08 acre of impact wetlands. Additionally, there would be 1.48 acre of temporary open water impacts and <0.01 acre (29 linear feet) of temporary stream impacts. The proposed project is included in the 2018 - 2027 State Transportation Improvement Program (STIP). The Corps is the federal lead for this project.

## **Avoidance and Minimization**

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

“NCDOT has avoided impacting many wetlands and streams to the greatest extent practicable. In addition, specific examples of minimization measures include:

- All proposed outfalls within the project limits will utilize Rip Rap Outlet pads to provide energy dissipation and lessen erosive velocities.
- To minimize surface water impacts to Lake Norman, the fill slopes on the causeway were steepened to 1.75:1 from 1 foot above the full pond elevation.
- 2:1 slopes will be used in fill areas to reduce impacts to surrounding wetlands and jurisdictional streams.
- Treatment will be achieved for approximately 90' by flattening the grass-lined ditch to a 0.003 ft/ft slope for the begin bridge LT ditch outlet. Treatment will be achieved at the end bridge LT ditch outlet for approximately 20' in BZ 2 with the same approach. It was not practicable to meet treatment requirements in the other quadrants due to required ditch grades and the necessary addition of rip rap to achieve non-erosive velocities.
- Design Standards in Sensitive Watersheds will be implemented during construction.
- The bridge will not discharge deck drains over open water or buffers”.

## **Compensatory Mitigation**

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

The NCDOT has avoided and minimized impacts to jurisdictional resources to the greatest extent practicable as described above. R-5100A will permanently impact 0.079 acre of wetlands, 167 linear feet of streams, and 17,869 sq ft of riparian buffers requiring mitigation. Mitigation for the unavoidable impacts for this project will be handled by the NC Division of Mitigation Services (DMS).

## **Essential Fish Habitat (EFH)**

The Corps' 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:

- 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:

- For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: Tricolored Bat (*Perimyotis subflavus*): May Affect, Not Likely To Adversely Affect.
  - The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

### **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 applicant did not provide or satisfy all the elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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](mailto:publiccomments@deq.nc.gov) with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office  
Attention: Susan Locklear 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

### **North Carolina Division of Coastal Management (NCDWM):**

- 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 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, July 22, 2024. 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](mailto: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](mailto:NCDOT_REG@usace.army.mil).