

**US Army Corps Of Engineers** Wilmington District

# **PUBLIC NOTICE**

Issue Date: January 10, 2019 Comment Deadline: February 11, 2019 Corps Action ID Number: SAW-2018-02343

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NC DOT), seeking Department of the Army authorization to fill various waters of the U.S., including wetlands, for the widening of approximately 15 miles of NC 150 from the NC 16 Bypass in Catawba County, to just west of the US 21/NC 150 Interchange, in Iredell County. The project also includes improvements to the I-77/NC 150 interchange in Mooresville.

This is a Phased Individual Permit application. The project is divided into two sections.

Section A (R-2307A) extends from the NC 16 Bypass to SR 1902 (Harvel Road). For R-2307A, the following impacts are preliminary: permanently fill 0.43 acre of forested wetland, permanently fill 0.30 acre of emergent wetland, pipe/fill 1,117 linear feet of stream channel and fill 6.03 acres of open water.

Section B (R-2307B) extends from SR 1902 (Harvel Road) to the US 21/NC150 interchange and includes the I-5717 component, the I-77 interchange. For R-2307B, the following impacts are final: permanently fill 0.05 acre of emergent wetland, mechanically clear 0.01 acre of emergent wetland, pipe/fill 447 linear feet of stream channel, fill 7.05 acres of open water and temporarily fill 0.1 acre of open water.

Specific plans and location information are described below and shown on the attached plans (Sheets 1 – 22, dated July 11, 2018). This Public Notice and all attached plans are also available on the Wilmington District Web Site at <a href="http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx">http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx</a>

**Applicant:** Mr. Michael Turchy, North Carolina Department of Transportation, 1598 Mail Service Center, Raleigh, North Carolina, 27699-1598. Phone: (919) 707-6157. Email: <u>maturchy@ncdot.gov</u>

# 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:

Project Area (acres): 910 acresNearest Town: MooresvilleNearest Waterway: Lake NormanRiver Basin: Catawba RiverLatitude and Longitude: 35.60489 N, - 80.94094 W

# **Existing Site Conditions**

Along the 15 miles of NC 150 corridor/project area, the primary land uses are residential, commercial and industrial with few green spaces. Within the project area, NC 150 crosses Lake Norman. Currently, NC 150 is a 2 to 3 lane undivided highway throughout the length of the proposed project.

# **Applicant's Stated Purpose**

The purpose of the project is to improve capacity and reduce congestion along NC 150 from the NC 16 Bypass to just west of the US 21/NC 150 interchange. The need for the project stems from NC 150 being the major east-west route between Shelby, Lincolnton, and Mooresville, North Carolina. The existing NC 150 is a 2 or 3 lane undivided highway. The traffic demands and travel patterns for commuters and commercial traffic result in heavy traffic during peak periods, and frequent congestion and delays. The existing configuration will not support projected traffic volumes. With the projected growth in the corridor, particularly near the I-77 interchange with NC 150, NC DOT predicts more frequent delays and extended travel times. Projected traffic volumes along the entire length of NC 150 will exceed two-lane capacity by 2040. Additionally, five-lane capacity will be exceeded from the Mooresville Crossing shopping center entrance to US 21 by 2040.

# **Project Description**

The proposed action includes widening, replacing several bridges, and access management measures. The proposed roadway cross-section will be a four-lane, divided facility including curb and gutter. In the rural areas, the median would be 46 foot wide with 8 foot shoulders. In the more urban/suburban areas, the median would be a 23 foot raised median with 10 foot shoulders. The project also includes reconfiguring the I-77/NC 150 interchange.

#### **Avoidance and Minimization**

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

The NCDOT is committed to incorporating all reasonable and practicable design features to avoid and minimize jurisdictional impacts, at all stages of a project, and to provide full compensatory mitigation of all remaining, unavoidable jurisdictional impacts.

#### Overall avoidance and minimization measures include:

Grass swales were added anywhere there is room to allow for stormwater treatment and velocity reduction.

#### Specific avoidance and minimization measures include:

Roadway Plan sheet 5 (No 404 Site Number, Site 1 and 3 on Buffer Drawings): Roadway slopes were reduced to avoid 404 impacts. (However, Catawba Buffer impacts remain). (Avoidance)

Sites 3 and 4: The multi-use path on the bridge will be used to collect stormwater so it will not directly discharge into Lake Norman. Stormwater will be collected into hazardous spill basins on either side of the bridge. (Minimization)

Site 5: Fill slopes and drainage related impacts were shifted to avoid impacts to the wetland. (Avoidance and Minimization)

Sheet 9 (No 404 Site Number, Site 8 on Buffer Drawings): Fill slopes and drainage related impacts were shifted to avoid impacts to Lake Norman. (However, Catawba Buffer Impacts to remain). (Avoidance)

Site 7: There will be no roadway drainage directly to this stream. All roadway water is being carried for treatment in a basin. (Minimization)

Sheets 16, 17, 18, 19, 20, 21, 22 (No Jurisdictional Impacts). All stormwater on these pages are routed to a basin for treatment and velocity reduction. (Minimization)

# **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: NC DOT contacted the NC Division of Mitigation Services for 0.6 acres of riparian wetland, 447 linear feet of streams, and 20,406 square feet of Zone 1 and 14,992 square feet of Zone 2 Catawba Buffer. On December 19, 2018, the NC Division of Mitigation Services accepted the NC DOT request and will provide the required compensatory mitigation. This mitigation is generally assessed at a 2:1 ratio. Compensatory mitigation for R-2307A impacts have not been requested, as the projected construction start date for Section A is greater than 5 years.

#### **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 will have no 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 <u>no potential to</u> <u>cause an effect</u> 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 <u>no</u> <u>historic properties affected</u>. 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 <u>no historic properties affected</u> 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 <u>no</u> <u>adverse effect</u> 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 <u>may have an</u> <u>adverse effect</u> 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-indentified permit area.

#### **Endangered Species**

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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 will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.

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, 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 February 1, 2019 to:

#### NCDWR Central Office

Attention: Ms. Amy Chapman, 401 and Buffer 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.

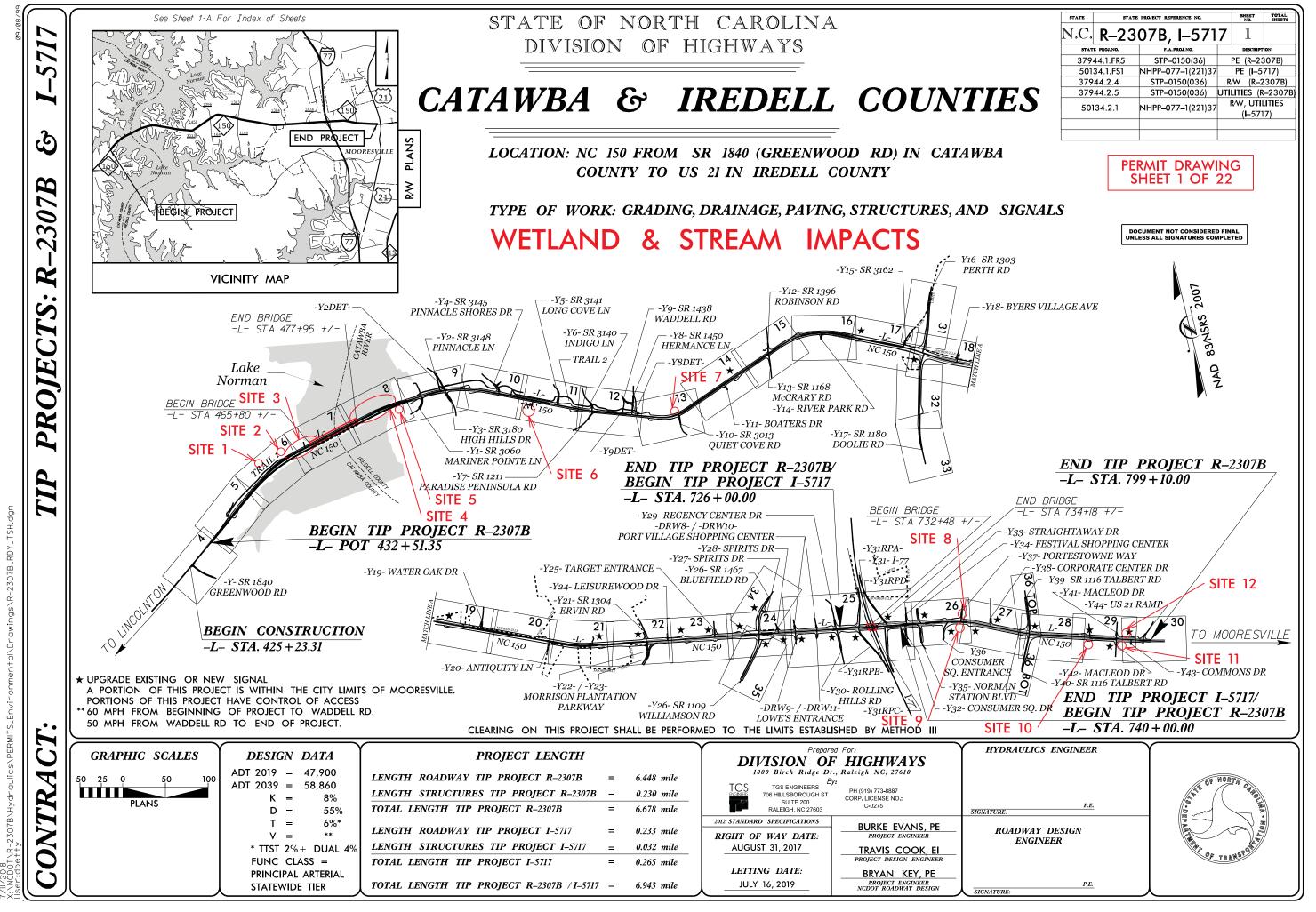
Due to the current lapse in funding for other Federal agencies that may have an interest in commenting on the proposed action, the District Engineer may extend the comment period to allow such agencies to comment so that the he can complete his required Public Interest Review.

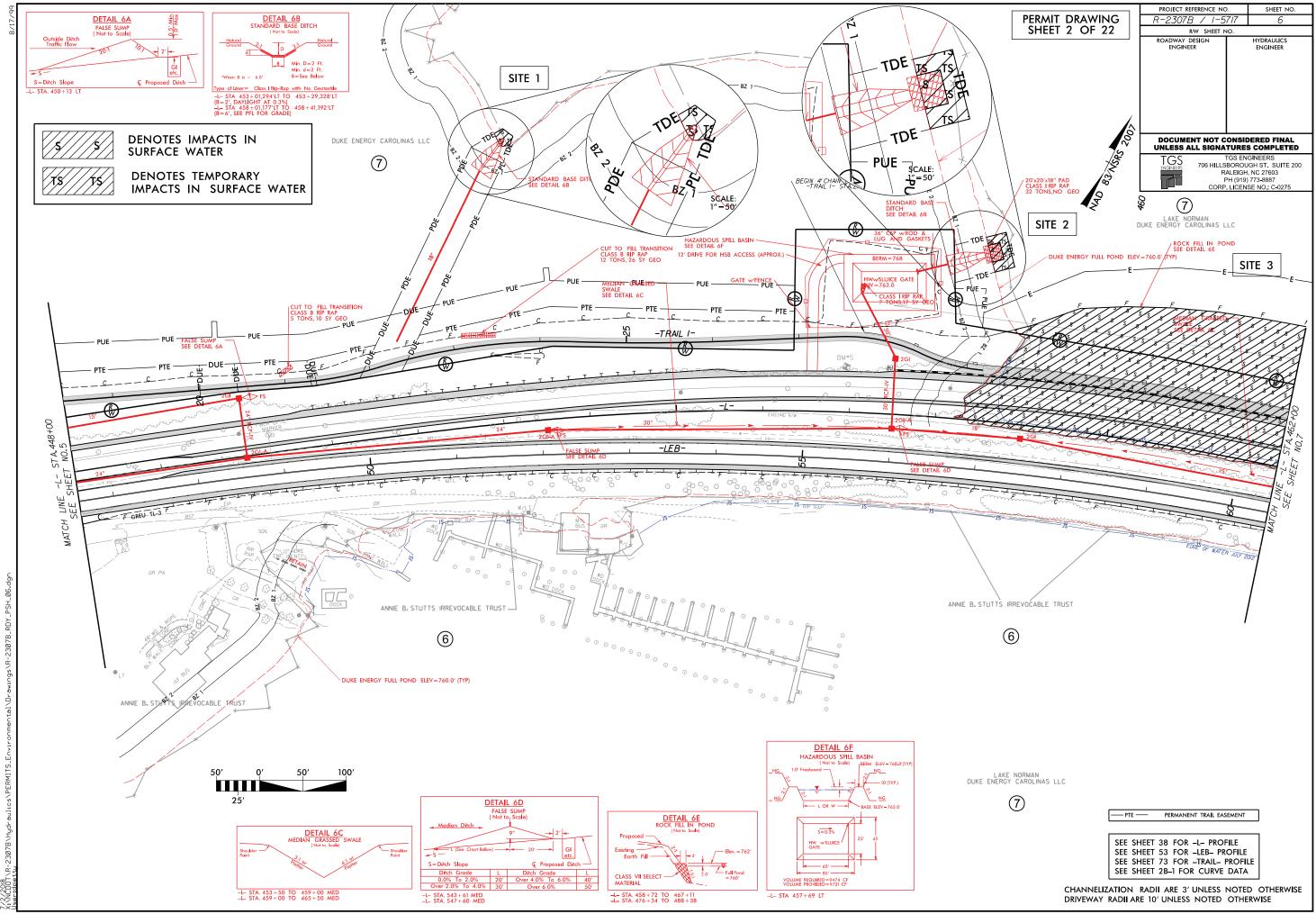
# **Commenting Information**

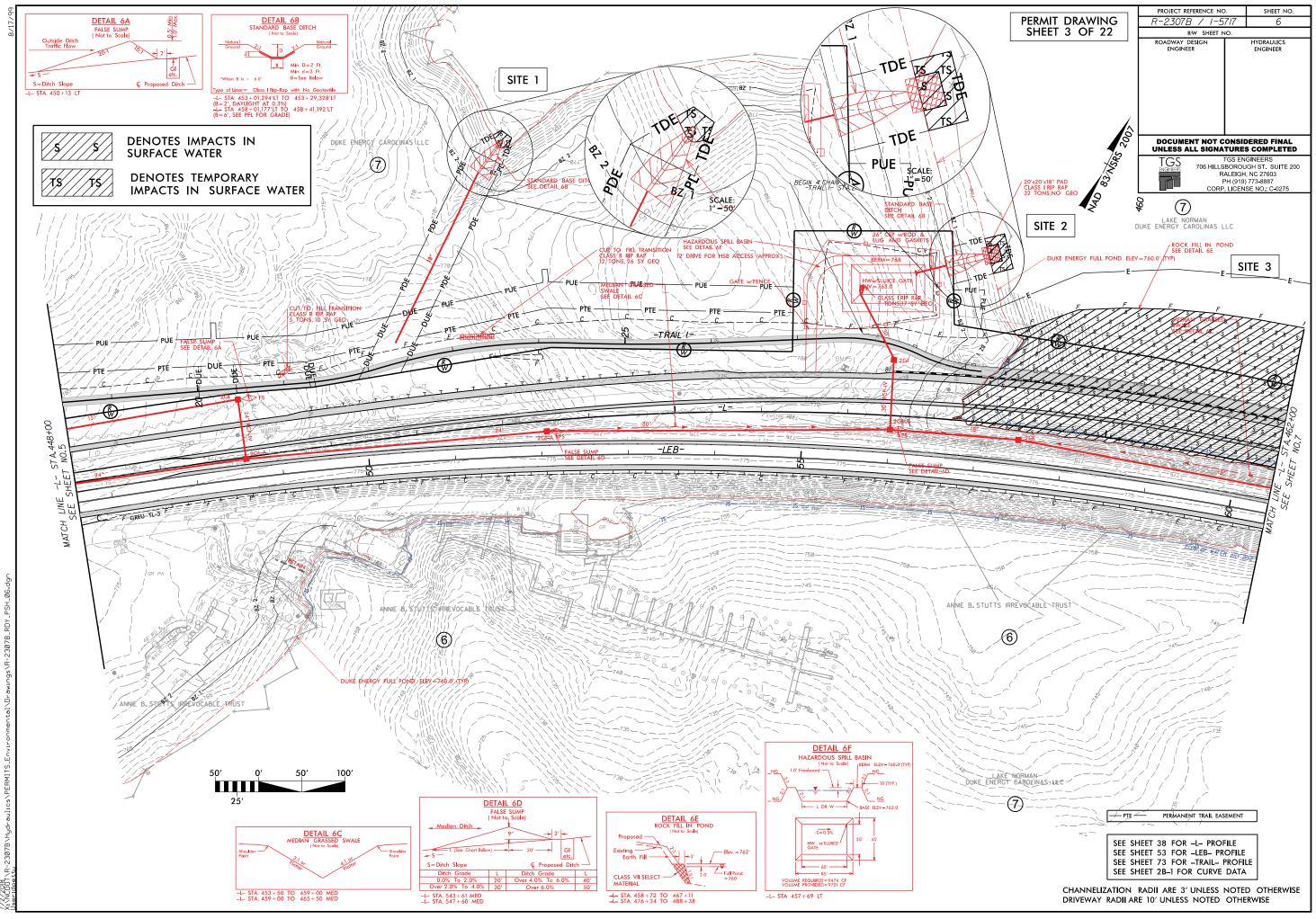
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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.

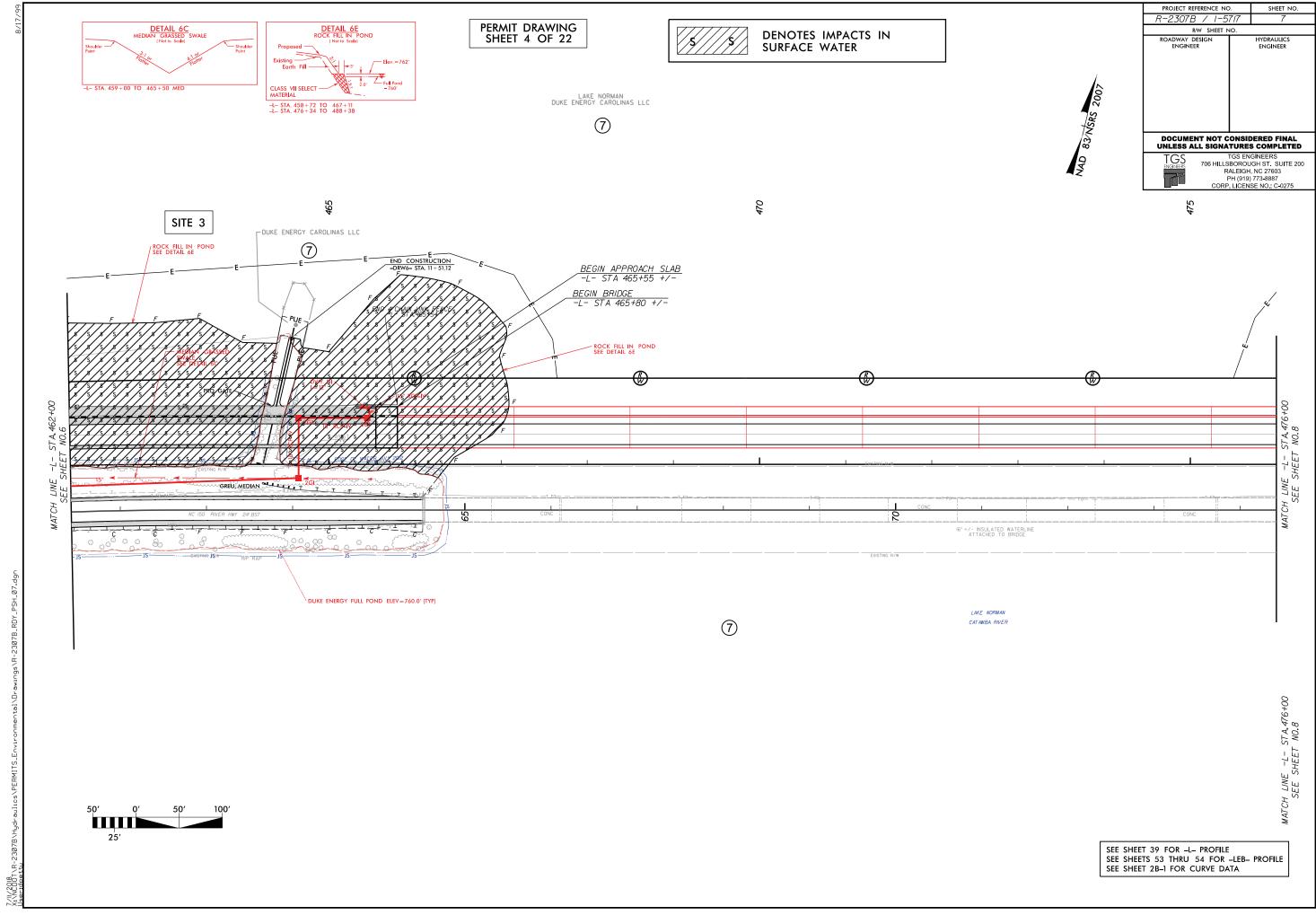
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

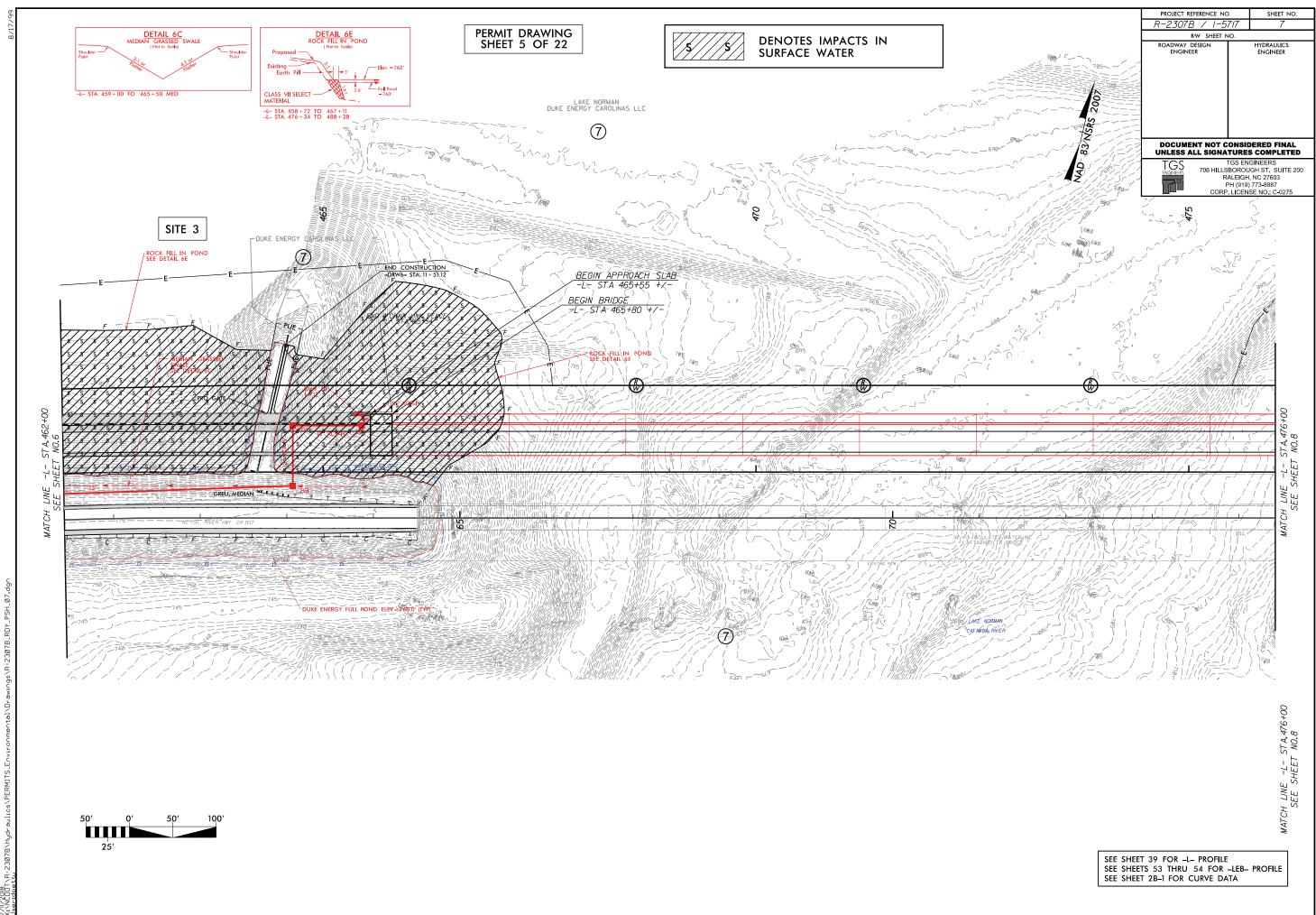
The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, February 11, 2019. Comments should be submitted to Ms. Nicholle Braspennickx, Charlotte Regulatory Office, c/o Asheville Regulatory Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006, at 704-510-0162, or at <u>Nicholle.M.Braspennickx@usace.army.mil</u>.

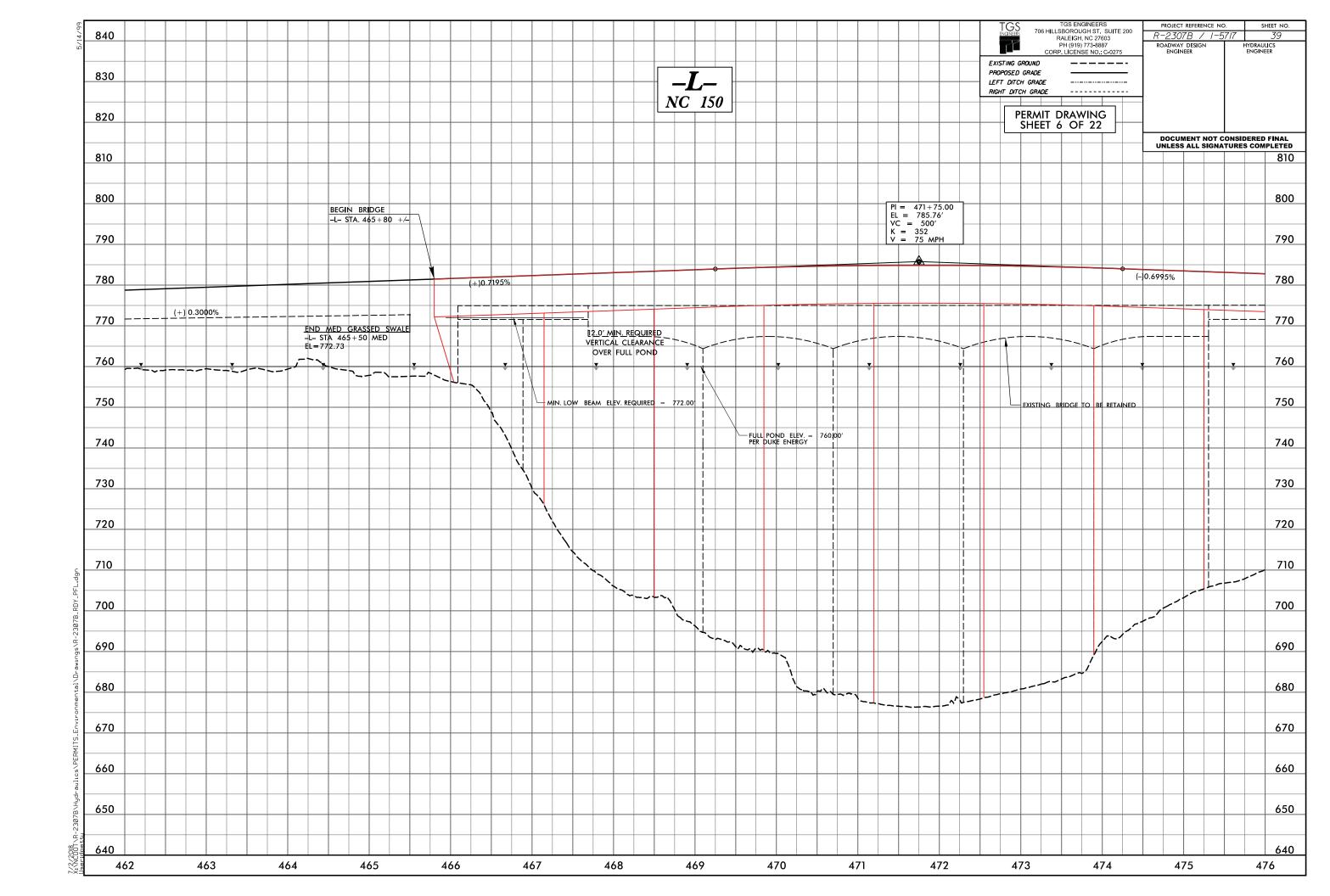




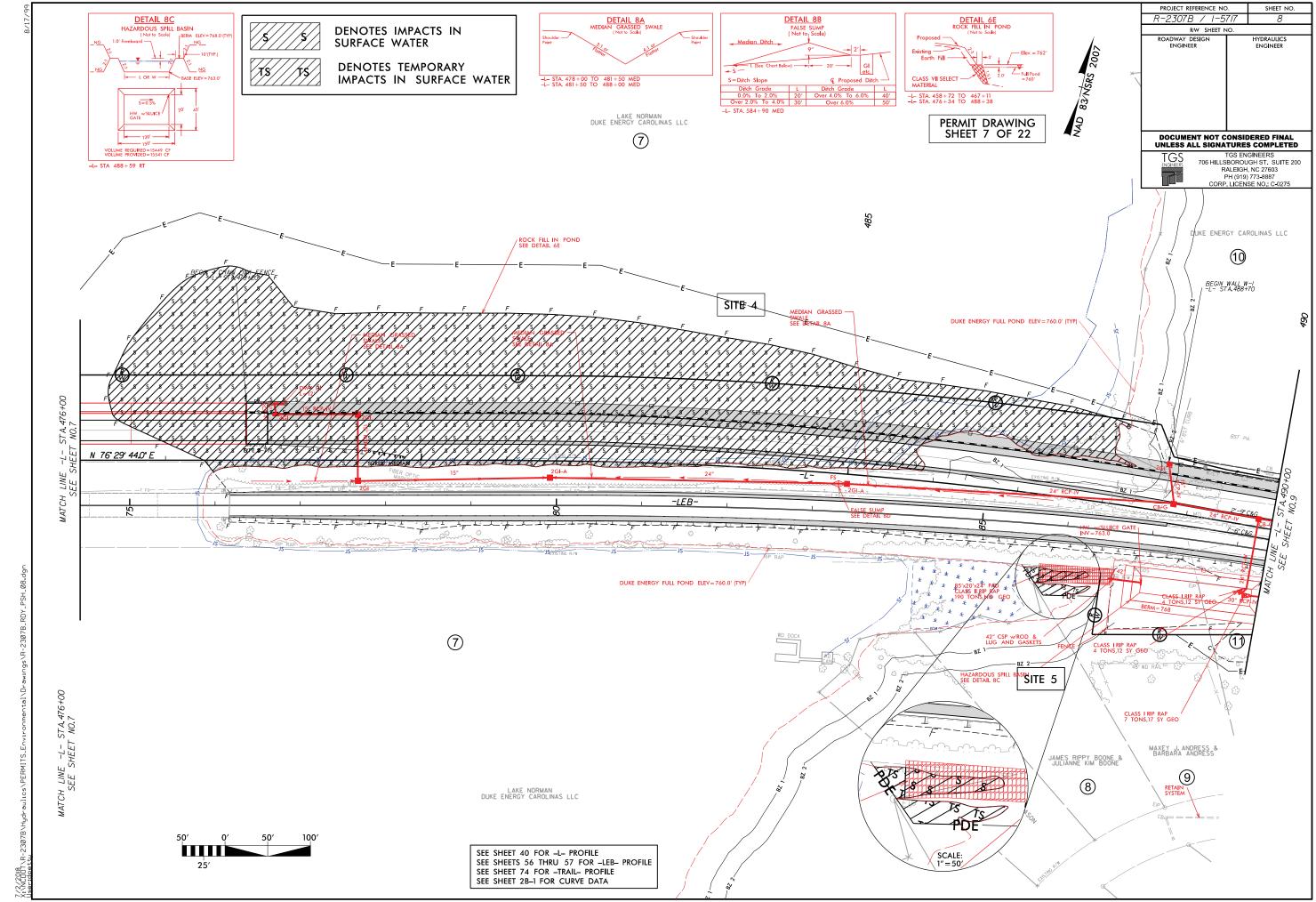






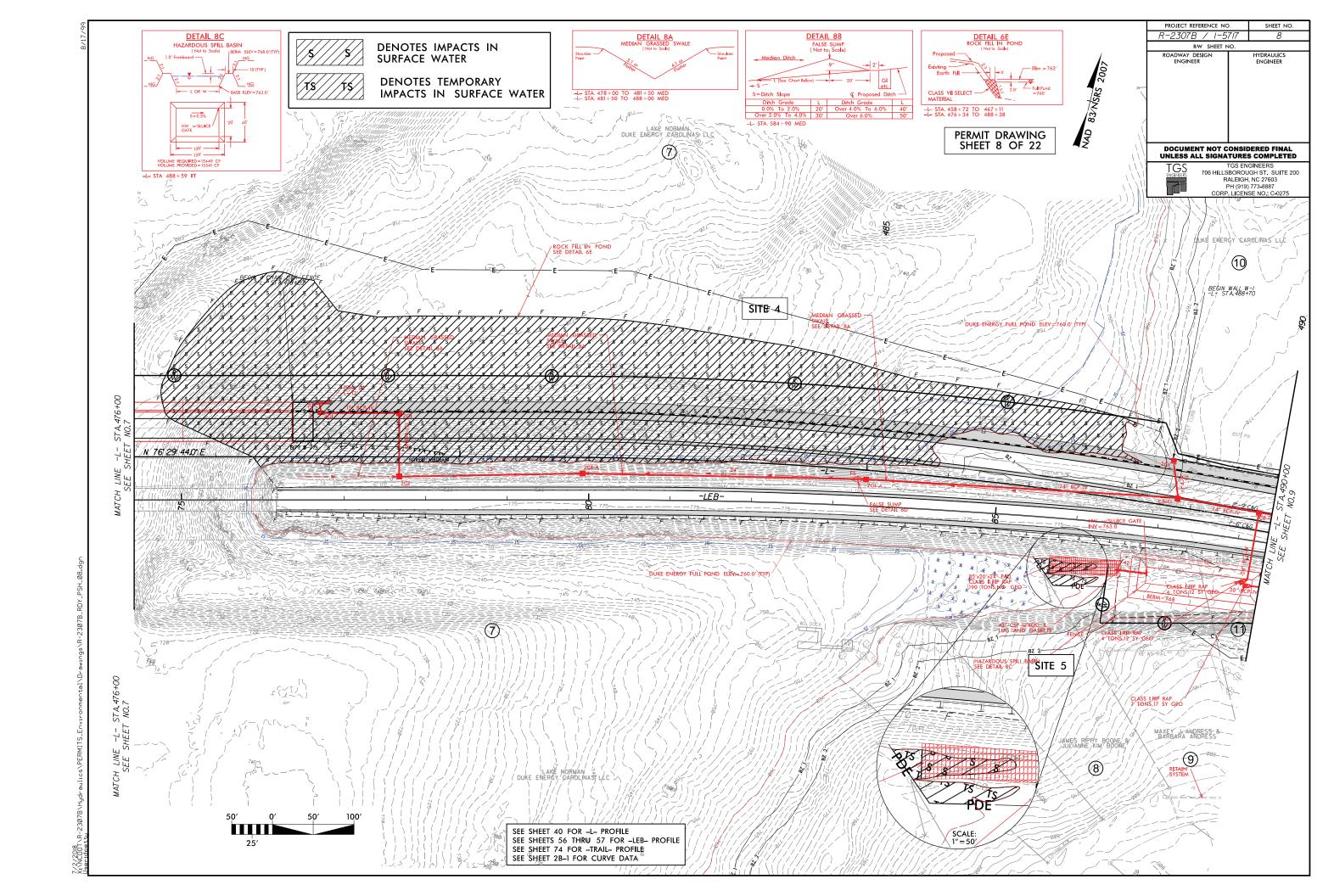


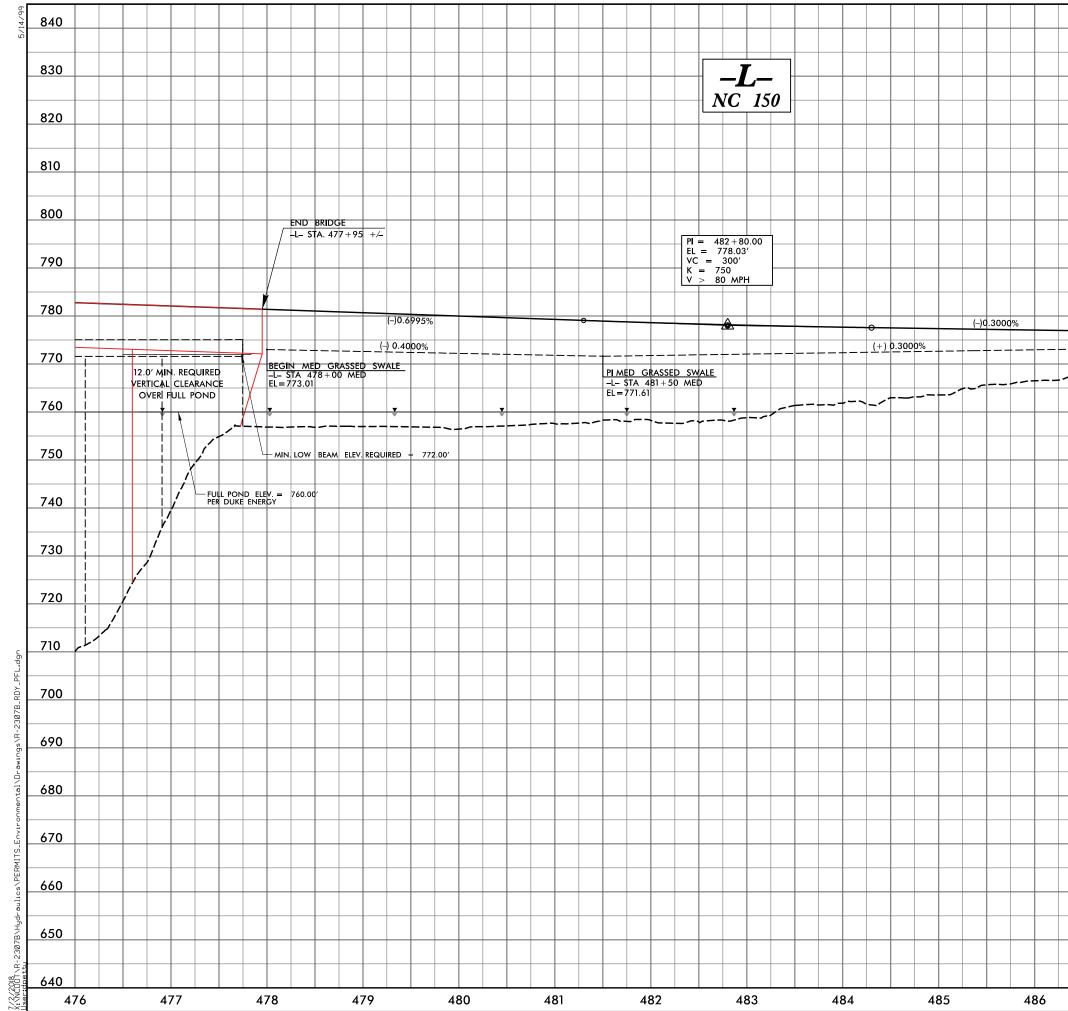
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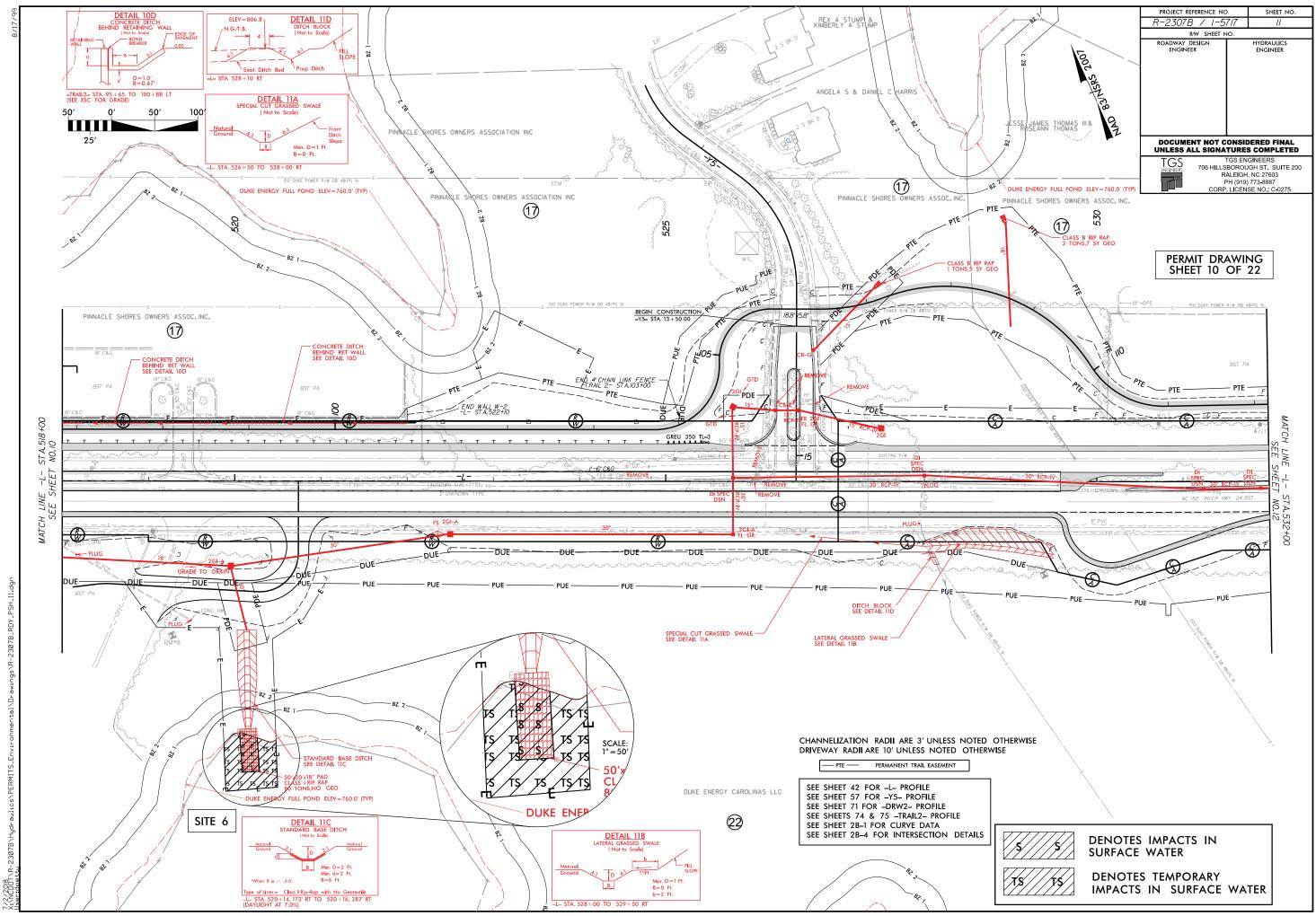
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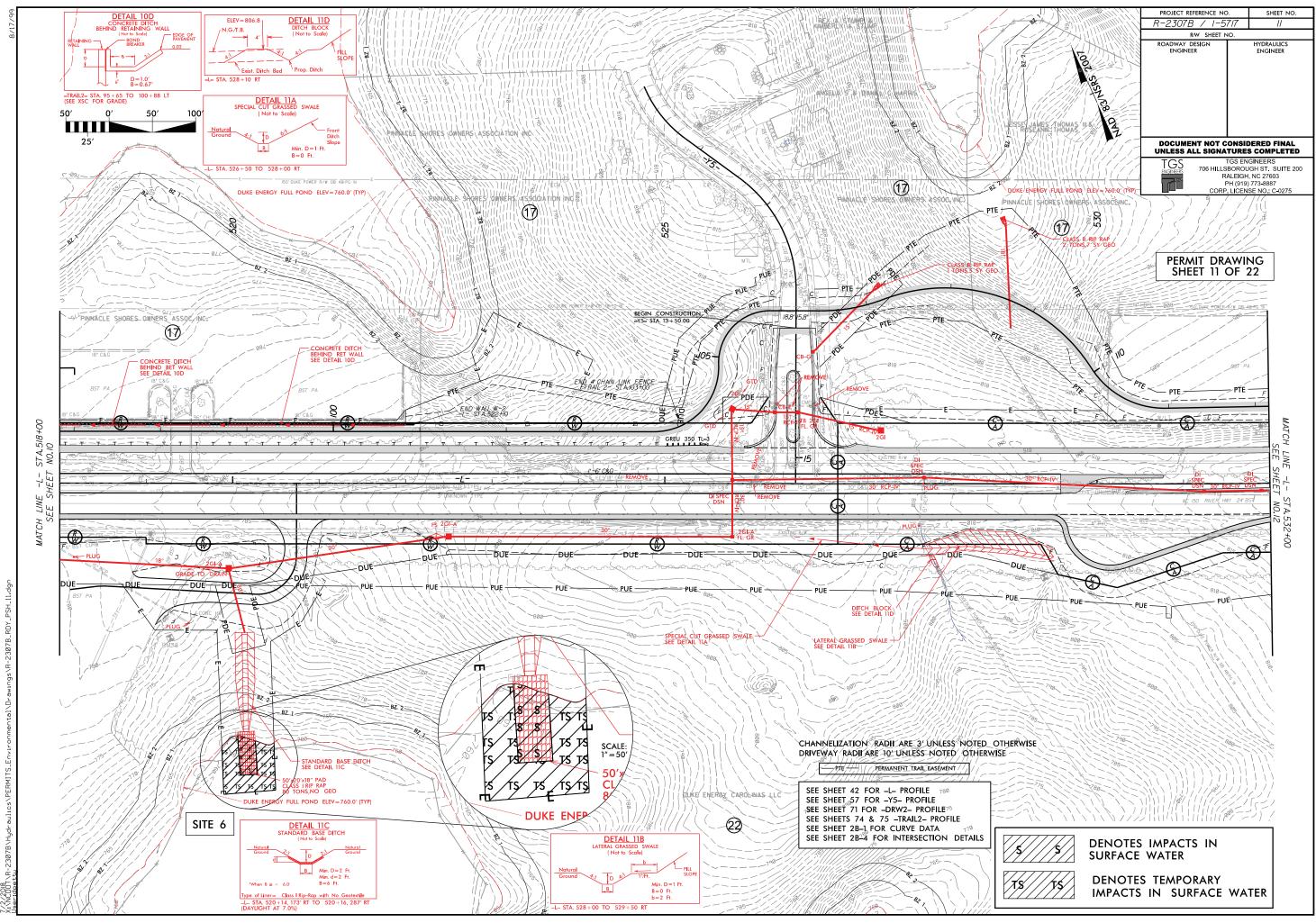


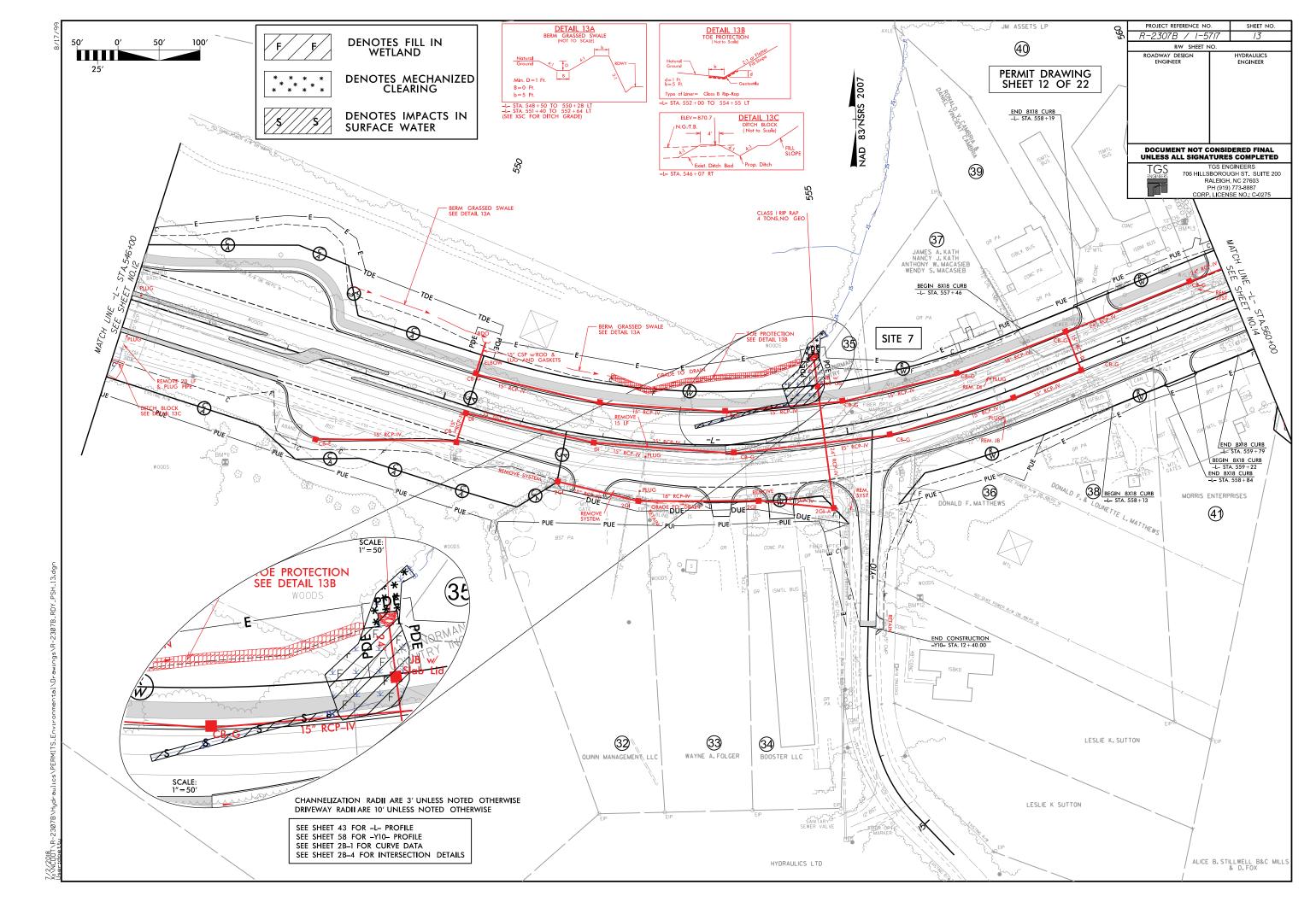


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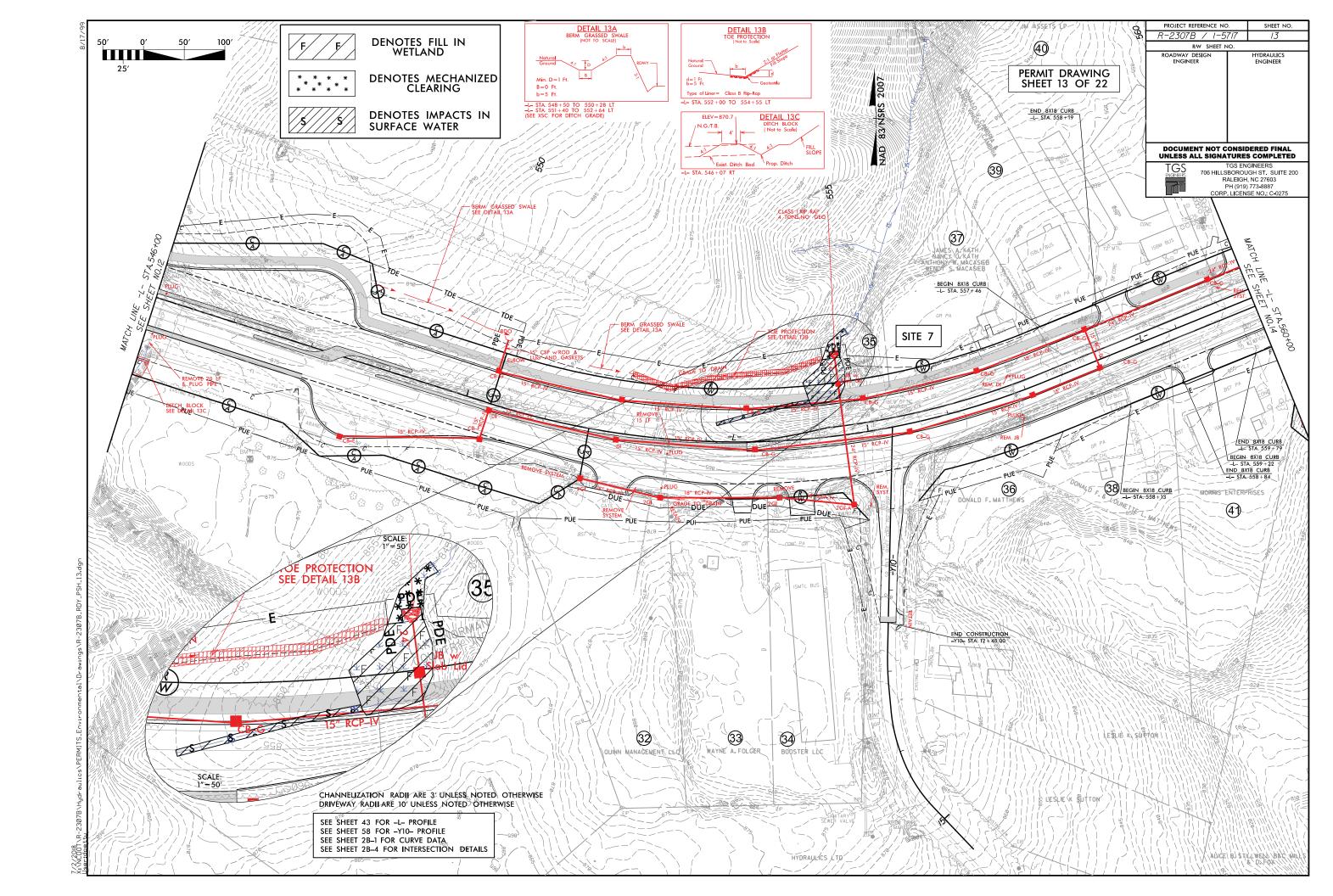
TGS TO HULSE	GS ENGINEERS BOROUGH ST. SUITE 200	PROJECT REFERENCE NO	
ENGINEERS 700 THELEOR	LEIGH, NC 27603 H (919) 773-8887	<u>R-2307B / 1-5</u> ROADWAY DESIGN	7/7 40 Hydraulics
CORP.	LICENSE NO.: C-0275	ENGINEER	ENGINEER
EXISTING GROUND PROPOSED GRADE			
LEFT DITCH GRADE			
RIGHT DITCH GRADE		_	
PERMIT D	DRAWING		
SHEET 9	ORAWING 9 OF 22		
			ONSIDERED FINAL TURES COMPLETED
			810
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			790
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END MED_GRASS			770
L= 773.56	MED		
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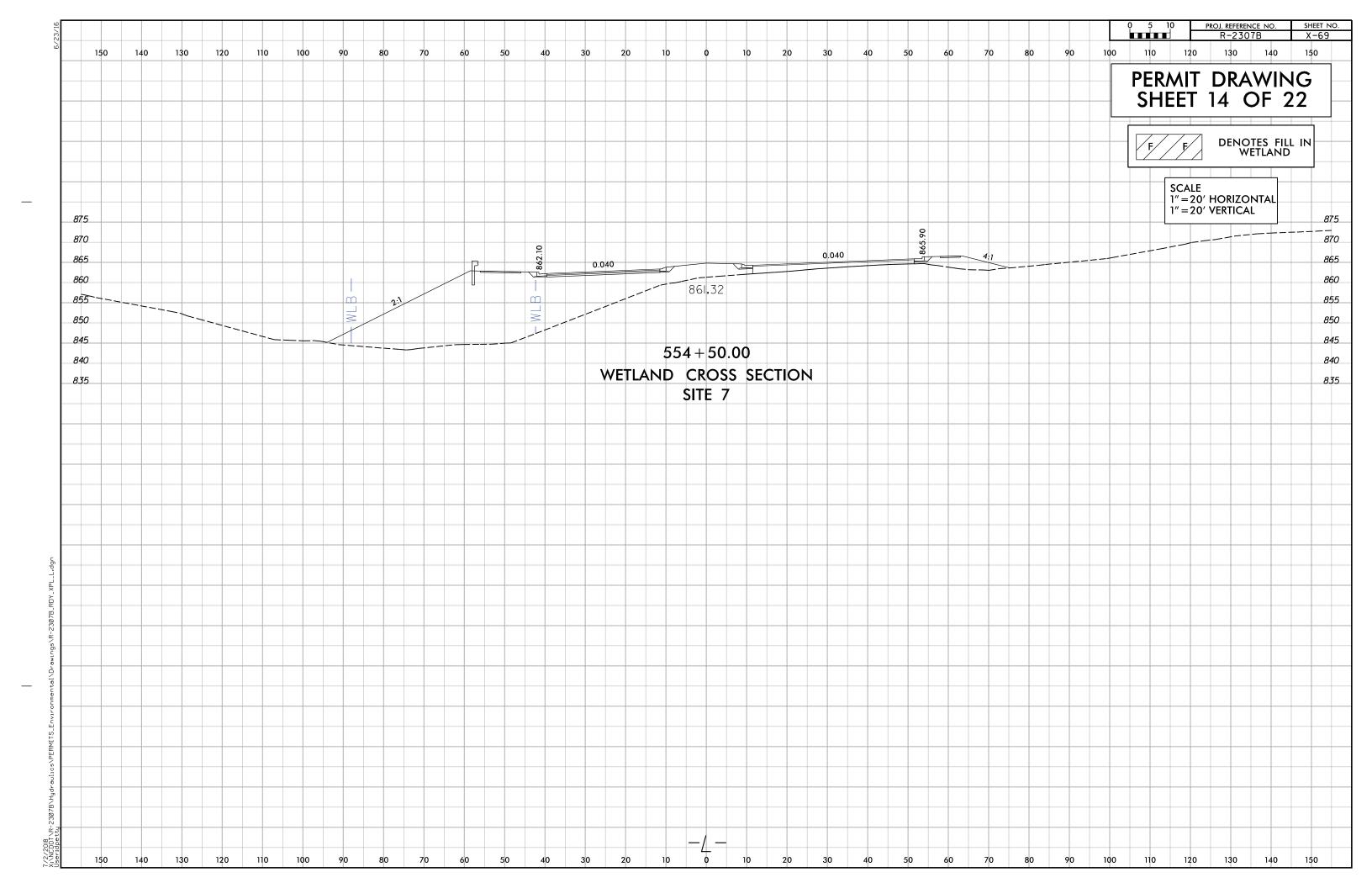


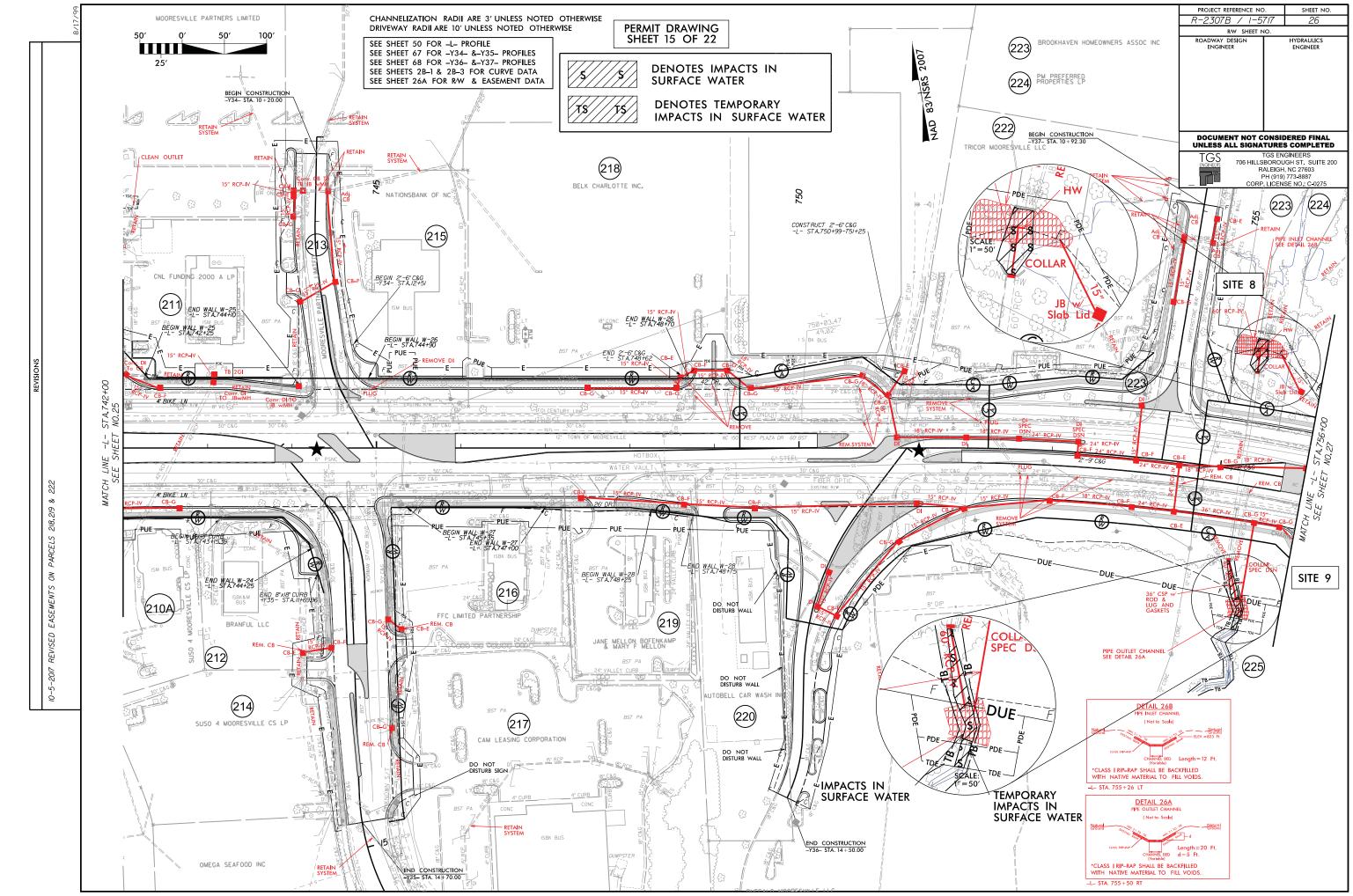


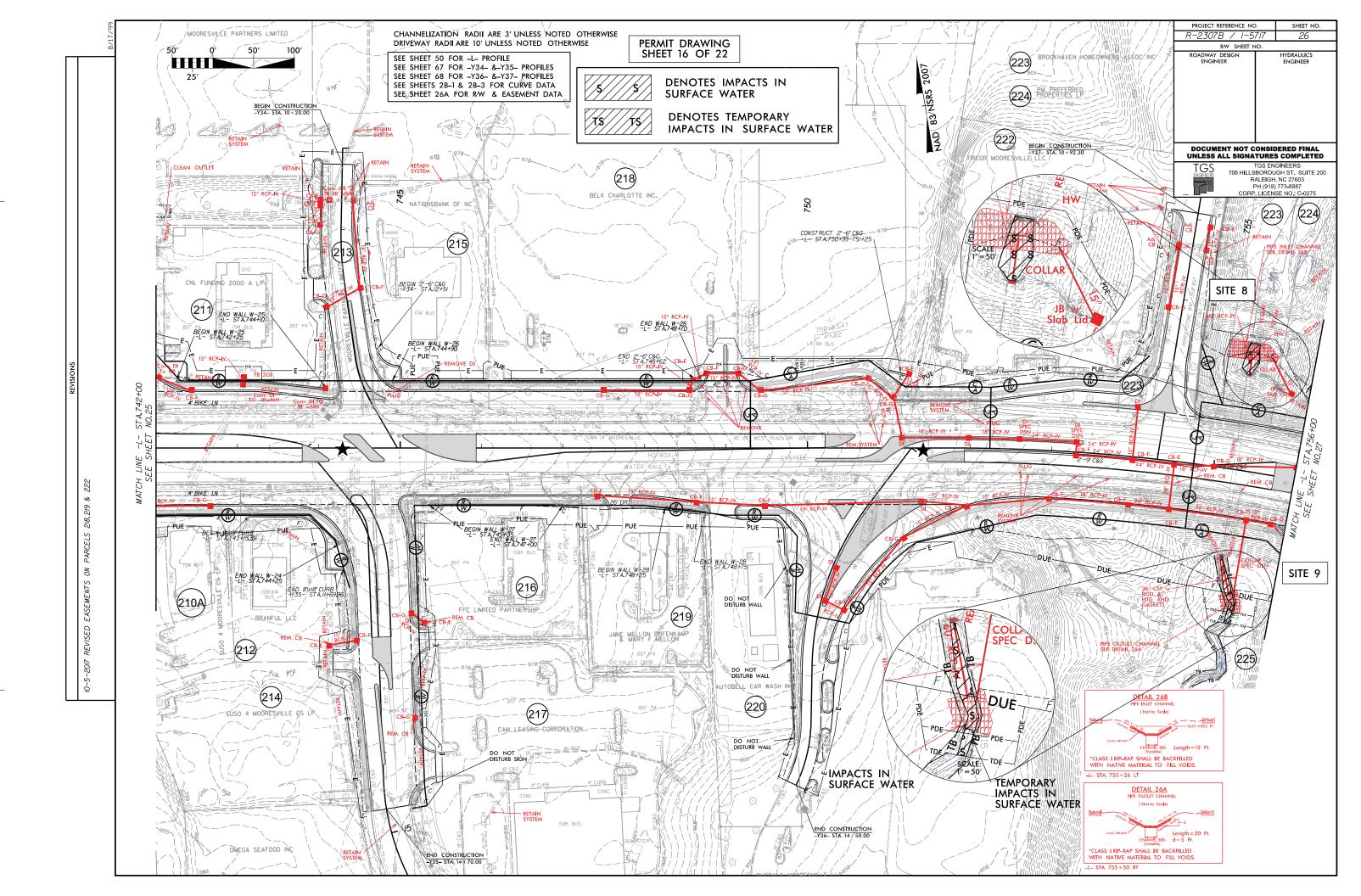


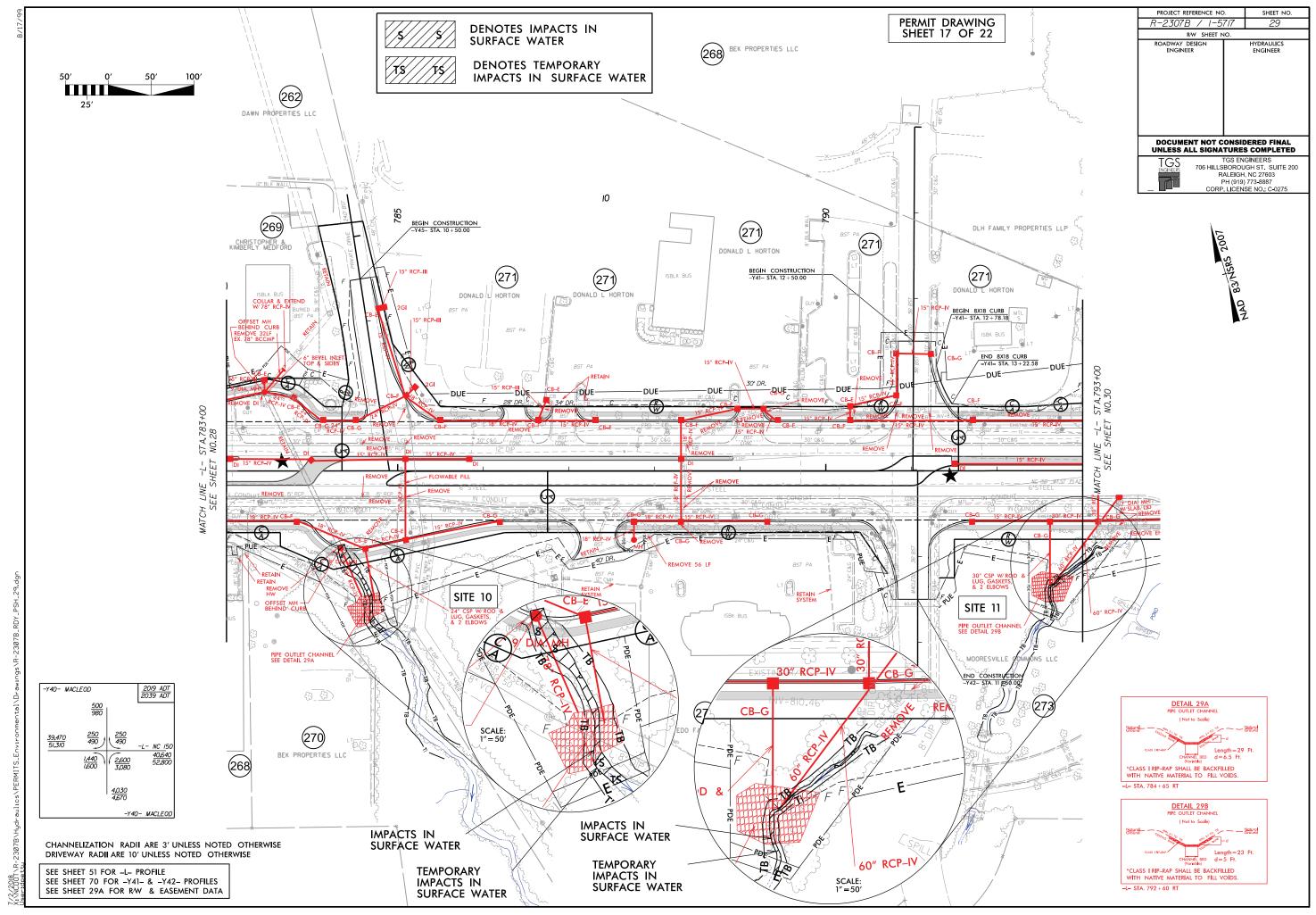
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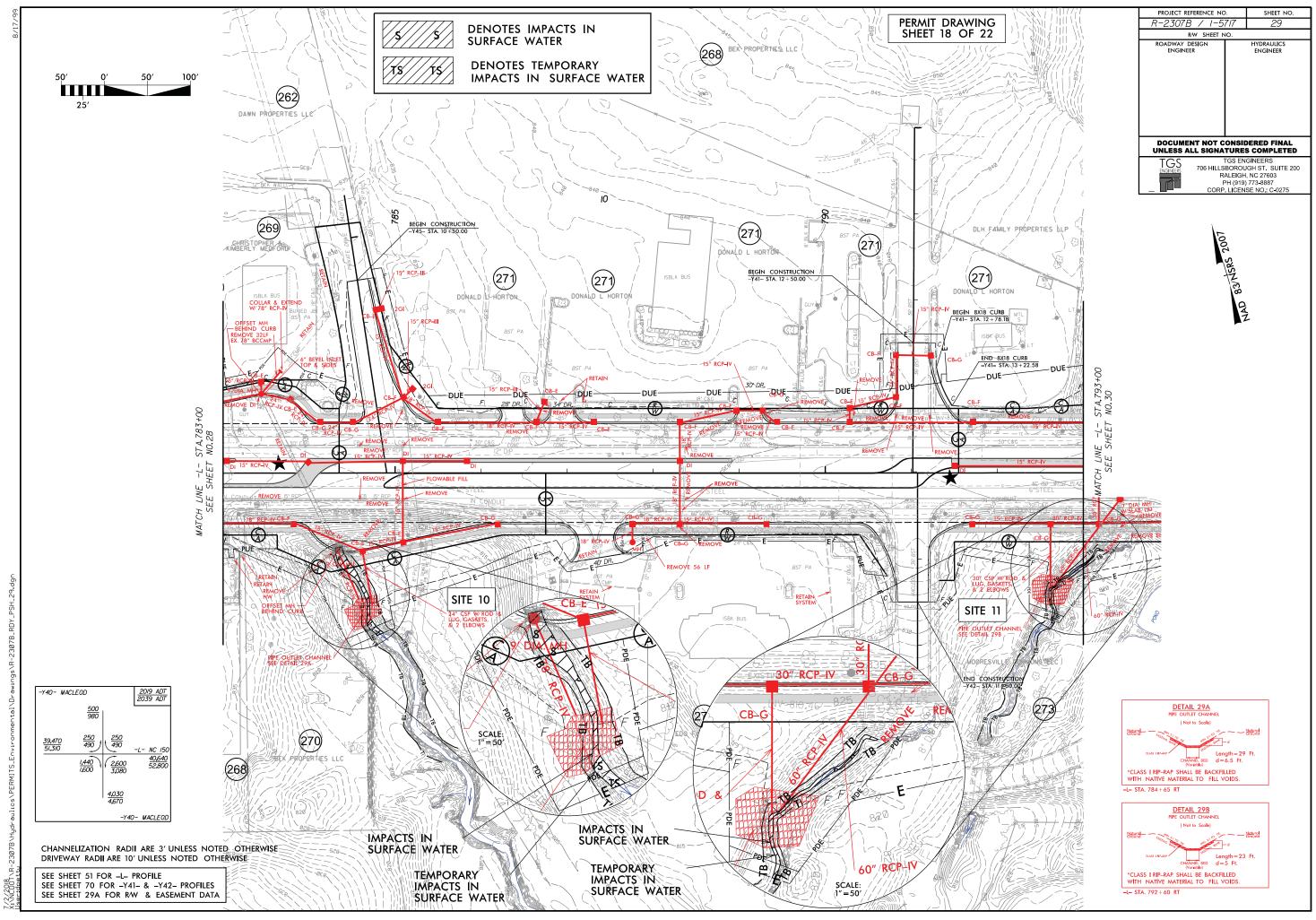


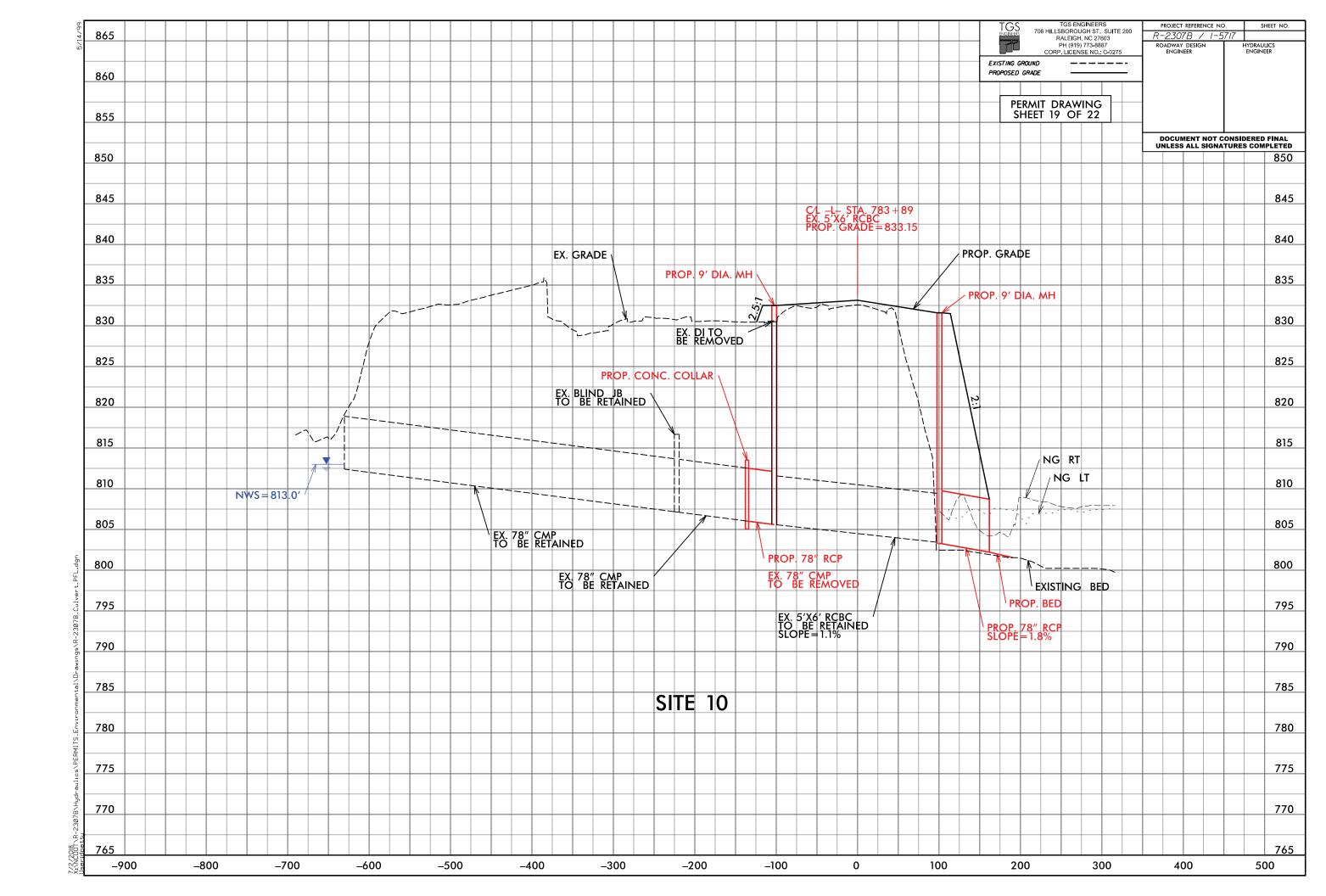




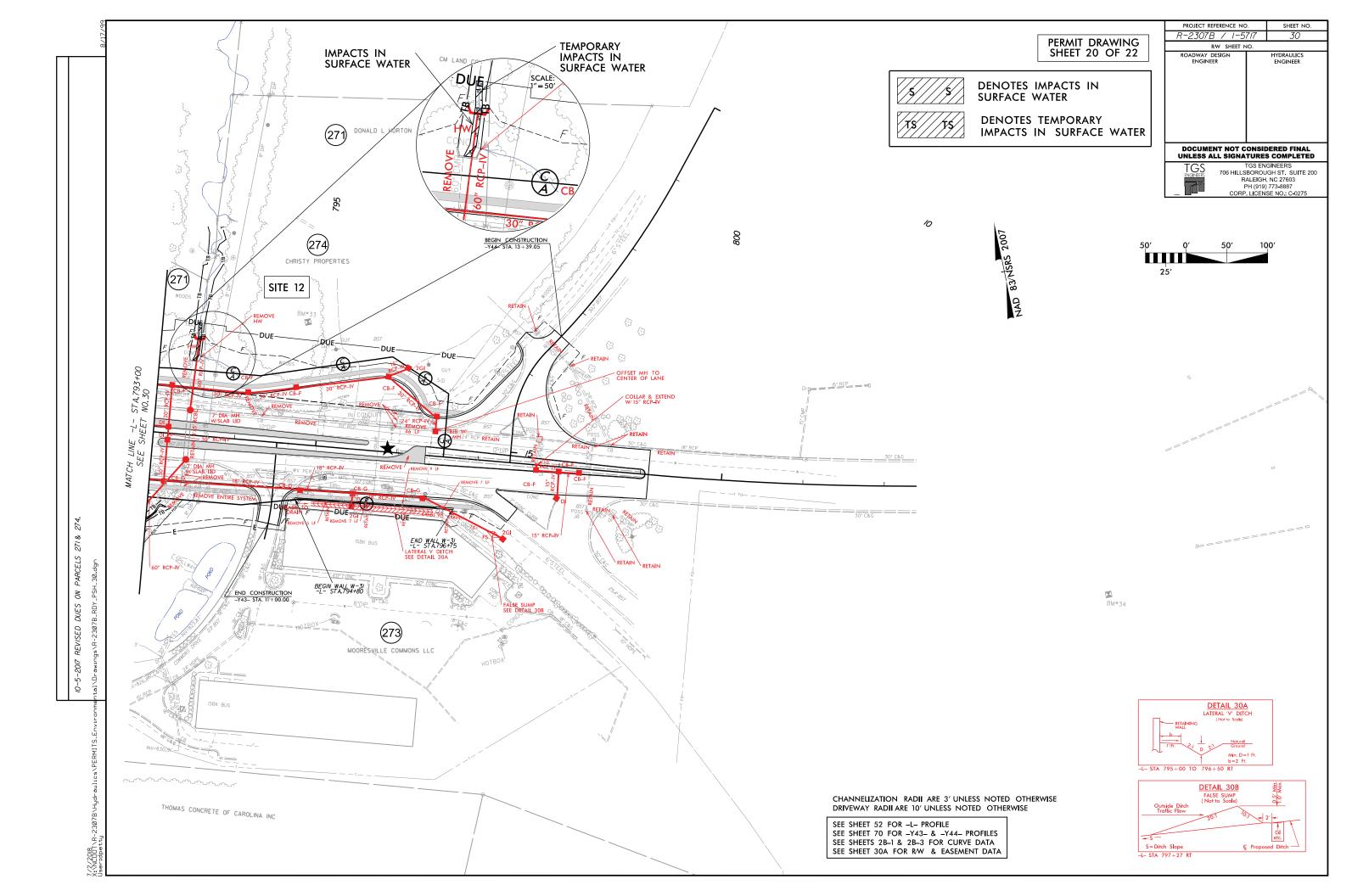


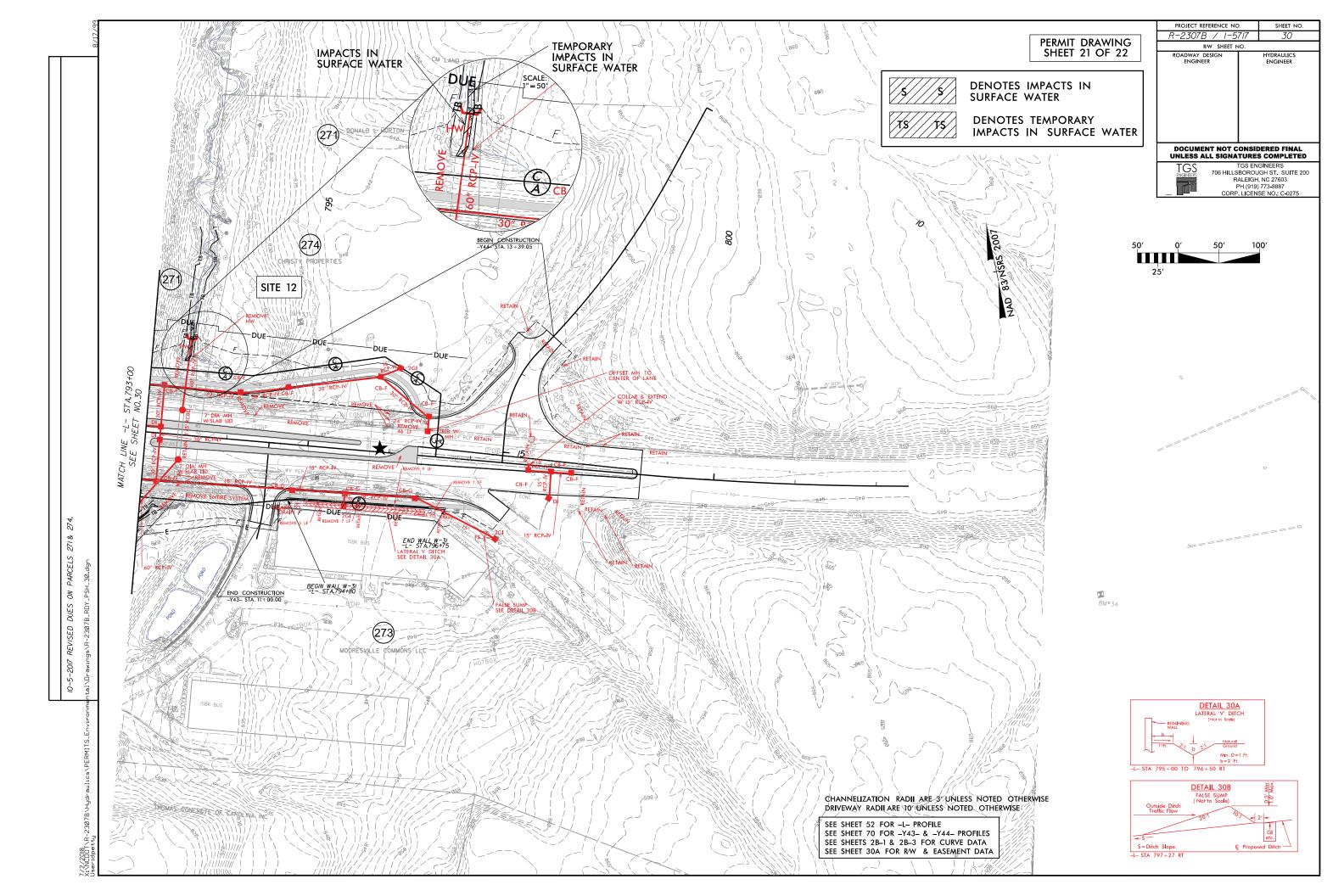






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		Structure Size / Type	WETLAND IMPACTS				CTS SUMMARY SURFACE WATER IMPACTS					
Site No.	Station (From/To)		Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-L- 453+21/453+40 LT	18" PIPE						< 0.01	< 0.01		· ·	
2	-L- 458+40/458+74 LT	36" CSP						< 0.01	0.02			
3	-L- 458+21/467+07 LT	ROCK CAUSEWAY						3.11				1
4	-L- 476+33/488+33 LT	ROCK CAUSEWAY						3.91				1
5	-L- 487+17/488+00 LT	42" PIPE						0.01	0.02			
6	-L- 519+88/520+50 RT	30" PIPE						0.02	0.06			
7**	-L- 554+25/554+82 LT	24" PIPE	0.05			< 0.01		0.01		117		
8	-L- 755+17/755+36 LT	60" RCP						0.01		39		
9	-L- 755+24/755+53 RT	60" RCP						< 0.01	< 0.01	68	17	
10	-L- 784+30/784+87 RT	78" RCP						0.01	< 0.01	97	20	
11	-L- 792+60/793+23 RT	60" RCP						< 0.01	< 0.01	98	19	
12	-L- 793+40/793+49 LT	60" RCP						< 0.01	< 0.01	28	20	
OTALS*:												
	:		0.05			< 0.01		7.11	0.11	447	76	0

NOTES:

0.02 acres of Permanent SW impacts for bridge interior bents at 467+15, 468+50, 469+85, 471+20, 472+55, 473+90, 475+25 and 476+60.

\*\* - Site 7 wetland is accounted for as a total take per 4C meeting minutes.

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 7/2/2018 CATAWBA/IREDELL COUNTIES R-2307B / I-5717 37944.1.FR5 / 50134.1.FS1 SHEET OF 22 22