



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: September 23, 2020
Comment Deadline: October 22, 2020
Corps Action ID #: SAW-2009-01346
TIP Project No.: A-0009C

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army (DA) authorization to discharge dredged or fill material into waters of the United States associated with the proposed A0009C project that extends along US 129, NC 143 and NC 28 from Robbinsville to Stecoah in Graham County North Carolina.

Specific alignment alternatives and location information are described below and shown on the attached maps. This Public Notice and attachments are also available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: North Carolina Department of Transportation (NCDOT)
Attn: Ms. Wanda Austin
253 Webster Road
Sylva, North Carolina 28779

Authority

The Corps will evaluate this application to compare alternatives that have been carried forward for detailed study pursuant to applicable procedures of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).

In order to more fully integrate Section 10 and Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps is soliciting public comment on the merits of this proposal and on the alternatives. At the close of this comment period, the District Commander will evaluate and consider the comments received, as well as the expected adverse and beneficial effects of the proposed road construction, to select the least environmentally damaging practicable alternative (LEDPA). The District Commander is not authorizing construction of the proposed project at this time. A final DA permit may be issued only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan for unavoidable impacts has been approved.

Location

The proposed project begins in Robbinsville on US 129 (Tallulah Road), approximately one mile south of the intersection of US 129 with NC 143, then at the intersection the project follows NC 143 east, northeast approximately 8.5 miles to the intersection NC 143 and NC 28 and extends another 3 miles along NC 28 where it terminates just east of Stecoah in Graham County North Carolina.

Project Area (acres): Approximately 12 miles

Nearest Town: Robbinsville and Stecoah

Nearest Waterway: Beech Creek, Carver Branch, Edwards Branch, Haywood Branch, Johnson's Gap Branch, Pigpen Branch, Slay Bacon Branch, Stecoah Creek, Stillhouse Branch, Sweetwater Creek and Tulula Creek.

River Basin: Upper Tennessee

Latitude and Longitude: 35.377949 N, -83.665117 W
35.321148 N, -83.802697 W

Existing Site Conditions

Local travel from Robbinsville to Stecoah in Graham County is limited to three two-lane roads along the majority of the corridor: US 129, NC 143, and NC 28. These roads also make up the main roadway network in Graham County. These roadways typically have steep grades and sharp curves and may have paved or unpaved shoulders of varying widths or no shoulders at all. Grades often exceed 6% in mountainous areas, most notably near Stecoah Gap on NC 143, where the grade reaches 8%. The posted speed along these roads vary from 35 miles per hour (mph) to 55 mph. Reliability of these two-lane roadways can be impaired by any type of blockage or disruption due to winter weather, fog, washouts, landslides, fallen trees, traffic incidents, vehicle breakdowns, or slow-moving vehicles. Such situations adversely affect travel time as travelers must wait or back track.

Graham County is located along the Appalachian Mountains within the Southern Blue Ridge Mountain Physiographic Province (MLRA 130B). Topography consists of very steep mountains, rolling intermountain hills, and narrow valleys. The project study area is sparsely populated with scattered residential properties located mainly along valley streams and small coves.

Approximately 18% of the land within the project study area is used for agriculture, hay, corn, and pastureland. A majority of the rugged terrain is undeveloped woodland. Outside of maintained/disturbed areas, upland forested land, more specifically Rich Cove Forest is the primary type of vegetative cover within the project area. The eastern portion of the project study area contains NFS land that is part of the Nantahala National Forest. NFS lands comprise 67% percent of the land in Graham County including a portion within the project study area in the Stecoah Gap. Most development is near the intersection of US 129 and NC 143 in Robbinsville.

The proposed and existing corridors traverse rocks that make up the NW limb of the Murphy Syncline, denoted as ZWE and ZHHA on the NC State Geologic Map. ZWE is present in the Edwards Gap cut and along the north side of Stecoah Valley with ZHHA making up the rest of the project area from the intersection of NC 143/NC 28 over Stecoah Gap and through the Sweetwater Valley. ZWE is considered an acidic rock due to its richness in iron sulfide and as such, it poses a high risk of generating acid runoff.

The project is located within the following watersheds: Beech Creek, Carver Branch, Cody Branch, Edwards Branch, Harwood Branch, Johnson Gap Branch, Orr Branch, Pigpen Branch, Slay Bacon Branch, Stecoah Creek, Stillhouse Branch, Sweetwater Creek, Tulula Creek, and Wolf Creek. Field surveys identified perennial and intermittent streams, wetlands and surface water features within the project limits. Wetlands are located throughout the project limits and concentrated near Carver Branch, Harwood Branch, Pigpen Branch, Slay Bacon Branch, Sweetwater Creek, and Wolf Creek, and their associated tributaries. Waters within the study area drain to Santeetlah and Fontana Lakes within the Little Tennessee River basin.

Beech Creek, Harwood Branch, Orr Branch, Pigpen Branch, Slay Bacon Branch, Sweetwater Creek, Tulula Creek, and their tributaries carry the Water Supply (WS) WS-III classification because they are upstream of Robbinsville's water supply intake on Tulula Creek. Sweetwater, Stecoah, and Tulula Creeks also carry the Trout Waters (Tr) supplemental classification. The remaining streams are classified as C waters which are protected for secondary recreation, fishing, wildlife, fish consumption, aquatic life including propagation, survival, and maintenance of biological integrity, agriculture and other uses suitable for Class C.

Applicant's Stated Purpose

"The project purpose is to provide the transportation infrastructure necessary for the well-being of local residents by improving mobility and reliability between existing four-lane section on NC 28 at Stecoah and US 129 in Robbinsville."

Project Need:

"The needs for this project can be categorized into two distinct groups: physical needs and mobility needs. Physical needs include limited roadway options; steep grades, narrow lane widths, and sharp curves; and over-capacity. Mobility needs include improved access to employment, medical facilities, commercial centers and educational facilities; inability to pass slower vehicles over substantial distances; impaired mobility; and impaired emergency medical service response times."

Project Description

The North Carolina Department of Transportation (NCDOT) proposes to make improvements along US 129, NC 143, and NC 28 from Robbinsville to Stecoah in Graham County. Improvements would include widening the pavement to include climbing/passing lanes where appropriate and improving shoulders. Waters of the US would be impacted by construction activities, i.e., widening of road and the replacement/extension of drainage structures.

Detailed Study Alternatives

One build alternative and the no-build alternative were selected as detailed study alternatives. Figures 1 and 2A-2T show the build alternative. The following is a brief description of each alternative:

The **No Build alternative** does not improve mobility or reliability of the existing road network and with this alternative, US 129, NC 143, and NC 28 would continue to experience narrow lane widths, sharp curves and impaired mobility. The No Build alternative represents an alternative where no construction will occur in order to provide a basis for comparing adverse impacts and benefits of the detailed study alternative.

The **Improve Existing (Alternative 1)** was the **Build Alternative** selected to be move forward as a detail study alternative. The Improve Existing Alternative would maintain the existing alignment along US 129, NC 143, and NC 28. Alternative 1 would improve the existing alignments of US 129, NC 143, and NC 28 between Robbinsville and Stecoah by increasing shoulder widths and adding passing/climbing lanes where appropriate.

Impacts to waters of the United States for the Build Alternative include approximately 15,004 linear feet of streams and 1.12 acre of wetlands/open waters (all impacts calculated using slope stake limits plus an additional 35 feet with the exception of NFS lands and farmlands, which were calculated based on new right-of-way).

Avoidance, Minimization, and Compensatory Mitigation

NCDOT provided the following information regarding avoidance and minimization:

“The proposed project primarily involves improving the existing roadway by realigning substandard curves and widening the roadway (pavement and shoulders) to meet the design standards applicable for the roadway’s functional classification. The existing roadway crosses several smaller streams, and parallels portions of Stecoah Creek. Total avoidance of streams and wetlands by this project is not feasible but the project will minimize both stream and wetland impacts where practicable.

Throughout the development of the STIP No. A-0009C, NCDOT has attempted to avoid and minimize streams and wetlands to the maximum extent practicable. Measures to reduce stream and wetland impacts include:

- Minimizing overlay over culvert and shoulder work to minimize impact on Tulula Creek
- Incorporating shoulder berm gutter to reduce slope stakes impact on Beech Creek
- Shifting the alignment to minimize cut and fill slopes, avoiding impacts to SAV and SFF (see plan sheets for these streams)
- Shifting the alignment north to minimize impacts to SR, SS, and SV (see plan sheets for these streams)
- Utilizing 2:1 fill slopes to minimize impacts to Sweetwater Creek, SE, SI, SJ, SX, SAD, and SAF (see plan sheets for these streams)

- Incorporating retaining walls to minimize impacts to Carver Branch, Stecoah Creek, Sweetwater Creek, SR, and SAJ (see plan sheets for these streams)
- Asymmetrical widening to minimize impacts to Sweetwater Creek and Stecoah Creek
- Symmetrical widening to minimize impacts to Sweetwater Creek, SAD, SAF, SI, and SX”

Compensatory Mitigation of Impacts

Once the Least Environmentally Damaging Practicable Alternative (LEDPA) has been identified by the Merger Team, NCDOT will investigate potential on-site stream and wetland mitigation opportunities. If on-site mitigation is not feasible, mitigation will be provided by the North Carolina Department of Environmental Quality Division of Mitigation Services (DMS). The determining any mitigation requirements rests with the US Army Corps of Engineers and the NC Division of Water Resources (NCDWR).

Cultural Resources

Historic Architectural Resources

Of the 38 historic properties and two historic districts (HDs) (Robbinsville Downtown HD and Cheoah HD) identified within the area of potential effect (APE), 17 buildings, 2 historic districts (HDs), and the Appalachian Trail are eligible for the National Register of Historic Properties. (The Appalachian Trail was previously determined eligible for the NRHP but has not been officially listed to date.)

On June 1, 2020, the effects of the proposed project on historic architecture resources were assessed on 16 properties: 13 buildings, 2 districts, and the AT. Of the 20 eligible properties, it was determined that 4 buildings were located outside of the revised Area of Potential Effect and, thus, effect calls were not made.

No Adverse Effect determinations were issued for 7 sites: Appalachian Trail, John and Mattie Colvard House, Cody House, John and Ruby Cody House, John A. Cody House, Randolph-Stewart House, and Cheoah Historic District.

No Effect determinations were issued for 9 sites: Robbinsville First Baptist Church, Old Mother Church and Cemetery, Patton Gwynn Denton House, The Hut, Robbinsville Downtown Historic District, Delma and Mary Ruth Shuler House, Stecoah School, Stecoah Baptist Church, and the Boxed House.

Appalachian Trail

The Appalachian Trail crosses NC 143 in the Stecoah gap area. Alternative 1 would increase the pavement width at the existing crossing and without mitigation, create a potential safety concern for AT hikers and affect the visual experience of the AT from the hiker’s perspective. In an effort to minimize impacts associated with Alternative 1, NCDOT proposes to construct a land bridge across NC 143 and relocate the AT section currently on the eastern side of the north-south ridgeline to the west over the land bridge to avoid visual effects associated with widening the existing facility. On August 10, 2020, in a meeting involving the NC State Historic Preservation Office (NCSHPO), Eastern Band of Cherokee Indians Tribal Historic Preservation Office (EBCI THPO), NCDOT Cultural Resources, Federal Highways Administration (FHWA), and the Advisory Council on Historic Preservation (ACHP), it was agreed to move forward declaring a

No Adverse Effect (NAE) at the Appalachian Trail with a commitment to enter a Programmatic Agreement (PA) that outlines procedures, roles & responsibilities, and continued consultation through the project.

Archaeological Resources

Archaeological survey and evaluations of the project were completed in June 2020. The management summary addresses 87 archaeological sites, including 73 sites that were identified or revisited during the 2019-2020 field investigations. Of the 73 sites from the 2019-2020 archaeological investigations, 54 sites were either not eligible for listing in the National Register of Historic Places (NRHP), or the portions of the sites within the surveyed corridor would not alone contribute to any potential eligibility of the sites; eleven sites were eligible for listing in the NRHP; and three sites were identified as needing further assessment, should project activities be determined to impact these sites. Archaeological resources will be captured under the Section 106 Programmatic Agreement (PA). In the event that an archaeological site eligible for the NRHP has a finding of adverse effect, the PA will spell out a process where a Memorandum of Agreement (MOA) would be developed.

Cemeteries

There are nine known cemeteries within the project area: 1) Grace-Mountainside Lutheran Cemetery is located on South Main Street approximately 1,000 feet west of US 129; 2) Old Mother Cemetery is located off of Five Point Road (SR 1275) in the western end of the project; 3) Methodist Mission Cemetery is located approximately 1,700 feet southeast of Five Point Road (SR 1275) near West Fort Hill Road (SR 1269); 4) Holloway Cemetery is located approximately 600 feet southeast of NC 143 near Denton Farm Road; 5) Rice Cemetery is approximately 1,400 feet northwest of NC 143 near Rice Ridge Road; 6) Hazie Brown Cemetery is located approximately 900 feet south of NC 28 near Stecoah Road; 7) Jenkins Cemetery is located approximately 900 feet south of NC 28 near Hyde Town Road; 8) Randolph Cemetery is located approximately 600 feet north of NC 28 near Lower Stecoah Road; and 9) Edwards Cemetery is located approximately 1,400 feet north of NC 28 near Lower Stecoah Road.

Old Mother Cemetery is recommended eligible for listing on the National Register. No impacts to cemeteries are proposed with Alternative 1.

Endangered Species

As of July 17, 2020, the United States Fish and Wildlife (USFWS) lists ten federally protected species, under the Endangered Species Act (ESA) for Graham County, North Carolina (see below Table). At the request of the USFWS, small whorled pogonia was also evaluated. For each species, a discussion of the presence or absence of habitat is included below along with the Biological Conclusion rendered based on coordination with USFWS and survey results in the study area.

Federally Protected Species Listed for Graham County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Glyptemys muhlenbergii</i>	Bog turtle	T(S/A)	N/A	Not required
<i>Glaucomys sabrinus coloratus</i>	Carolina northern flying squirrel	E	No	No Effect
<i>Myotis grisescens</i>	Gray bat	E	No	No Effect
<i>Myotis sodalis</i>	Indiana bat	E	Yes	MANLAA**
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes	MANLAA**
<i>Erimonax monachus</i>	Spotfin chub	T	No	No Effect
<i>Alasmidonta raveneliana</i>	Appalachian elktoe	E	No	No Effect
<i>Bombus affinis</i> *	Rusty-patched bumble bee	E	N/A	Not Required
<i>Spiraea virginiana</i>	Virginia spiraea	T	Yes	No Effect
<i>Gymnoderma lineare</i>	Rock gnome lichen	E	No	No Effect

E – Endangered; T – Threatened; T (S/A) – Threatened due to similarity of appearance; * - Historic record; ** - Pending formal USFWS concurrence

Indiana bat

USFWS Recommended Survey Window: May 15-August 15 (summer); January 15-February 15 (winter)

Biological Conclusion: May Affect, Not Likely to Adversely Affect (pending formal USFWS concurrence) No Indiana bats were captured in surveys conducted for the project study area in 2001 or 2008-2009 (NCDOT 2009). However, the eastern end of the project study area intersects a buffer for a known Indiana bat maternity roost. A mine/cave and bridge/structure survey was completed on July 8-9, 2019 and no Indiana bats were found (Appendix C). Additionally, a review of NCNHP database (June 2019 dataset) indicates no known occurrences within 1.0 mile of the study area. Because of the potential for forest loss from the project and proximity to a known maternity roost, formal consultation with USFWS is required for Indiana bat. A biological conclusion of May Affect, Not Likely to Adversely Affect is being proposed within the Biological Assessment for Indiana Bat.

Northern long-eared bat

USFWS Optimal Survey Window: June 1 – August 15

Biological Conclusion: May Affect, Not Likely to Adversely Affect (pending formal USFWS concurrence) Nineteen (19) northern long-eared bats (NLEB) were captured in surveys conducted for the project study area in 2001 and 25 NLEB were captured in 2008-2009 (NCDOT 2009). No NLEB were found during a mine/cave and bridge/structure survey completed on July 8-9, 2019 (Appendix C). Because of a record indicative of maternity roost, formal consultation for NLEB is being conducted in conjunction with formal consultation for Indiana bats. A biological conclusion of May Affect, Not Likely to Adversely Affect is being proposed within the Biological Assessment for NLEB.

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 select the least environmentally damaging practicable alternative (LEDPA) 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 a Corps of Engineers 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 22, 2020. Written comments should be submitted to Ms. Crystal Amschler, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006, telephone 828-271-7980, ext. 4231. Written comments can also be submitted by email to crystal.c.amschler@usace.army.mil.

Additionally, NCDOT is holding a virtual public hearing scheduled for Thursday, October 1st from 6 to 8 PM. Details for the meeting will be posted at this link up to two weeks before the meeting <https://www.ncdot.gov/news/public-meetings/Pages/default.aspx> or <https://www.ncdot.gov/projects/corridor-k/Pages/default.aspx>. Additionally, Ms. Wanda Austin of NCDOT can be contacted at Robbinsville-Stecoah@publicinput.com for information on the meeting. The opportunity to submit written comments or questions will also be provided. The Corps will receive a copy of the public comments.