



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 5, 2017
Comment Deadline: June 5, 2017
Corps Action ID #: SAW-2010-01018
STIP Project No. I-4759

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 conversion of the Liberty Road (SR 1228) overpass to an interchange with I-40 in Buncombe County, North Carolina [State Transportation Improvement Program (STIP) Number I-4759]. This project would also involve the realignment (part of the road on new location) and improvement of Liberty Road between US 19/23/NC 151 and Monte Vista Road (SR 1224).

Specific interchange configuration, roadway 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/Regulatory-Permit-Program/Public-Notices/>

The Federal Highway Administration's (FHWA) Environmental Assessment (EA) and related maps for this project are available on the NCDOT website at:

<http://www.ncdot.gov/projects/libertyroadI40interchange/>

Applicant: North Carolina Department of Transportation
Project Development and Environmental Analysis Unit
Philip S. Harris III, P.E., C.P.M., Natural Environment Section Head
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

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

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969 (NEPA), 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 evaluated in the January 2017 FHWA EA (<http://www.ncdot.gov/projects/libertyroadI40interchange/>). 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 is located in western Buncombe County, approximately 10 miles west of downtown Asheville, North Carolina (Attachment/Figure 1). The project study area (PSA) boundary for this project encompasses the proposed transportation improvements and consists of approximately 354 acres (Attachment/Figure 2).

As shown on the attachments, this project would convert the existing Liberty Road overpass to an interchange with I-40 and realign and improve Liberty Road north and south of I-40.

Liberty Road would be realigned south of I-40 on new location to connect to US 19/23 at the existing Dogwood Road/NC 151 intersection.

Liberty Road would be realigned on new alignment north of I-40 to tie back into its existing alignment near Canaan Drive.

The remainder of Liberty Road would be improved to the Monte Vista Road intersection. The total length of improvements to Liberty Road would be approximately 1.5 miles.

Existing Site Conditions

The proposed project is located in Buncombe County within the Blue Ridge Mountains of western North Carolina. This area is characterized by relatively rugged topography, including rolling hills, high mountain peaks, and occasional alluvial plains. Buncombe County is the seventh largest county in North Carolina, with a 2010 US Census population of 238,318; the City of Asheville is the tenth largest municipality in the state, with a population of 83,393.

The region's mountainous topography constrains the transportation system and limits its expansion. The rugged terrain reduces the feasibility of constructing parallel, alternate routes or complementary grid patterns. Major roadways tend to follow paths of least resistance, like river and stream valleys, as I-40 and US 19/23 do through the PSA. Other roads located away from the river valley floor are often steep with sharp curves, have little to no shoulders, and have limited sight distances. These characteristics are common to the secondary and local road network in the PSA and project vicinity.

Locally, I-40 serves as an important east-west facility for residents to access employment centers in Asheville. In concert with I-26, I-40 provides access to the region's airport (Asheville Regional Airport) located 14.5 miles southeast of the project.

The section of I-40 through the PSA also carries the US 74 designation and is a full control-of-access interstate highway with a posted speed limit of 60 miles per hour (mph). Through the PSA, I-40 is a four-lane, median-divided highway with 13-foot travel lanes (two lanes in each direction) and 10-foot shoulders in the westbound direction and 12-foot shoulders in the eastbound direction.

The closest I-40 interchanges to Liberty Road are approximately 2.5 miles east at US 19/23 (Exit 44) and 5.5 miles west at Wiggins Road (SR 1200) (Exit 37). US 19/23 parallels I-40 to the south through the PSA and consists of a five-lane undivided roadway with 11-foot travel lanes, a center 10-foot left-turn lane and 2-foot 6-inch curb and gutter. The posted speed limit is 45 mph. US 19/23 is a commercial corridor that is populated by a variety of businesses on both sides, and this corridor within the PSA includes gas stations, a shopping strip mall, a fast food restaurant, and used car lot.

The existing Liberty Road cross-section is a two-lane, undivided roadway with no paved shoulders and a posted speed limit of 35 mph. The existing lanes are 10 feet wide and there are no access controls. North of I-40, Liberty Road has a functional classification of major collector; south of I-40 Liberty Road is a minor arterial. Liberty Road serves predominantly residential uses, with agricultural uses interspersed. The local streets form an irregular network surrounding the major regional highways.

According to NCDOT, the existing Liberty Road alignment has horizontal and vertical geometric deficiencies, including horizontal sharp curves with radii less than 200 feet and vertical grades steeper than 10 percent. The existing Liberty Road Bridge (Bridge No. 100266) over I-40 was constructed in 1968 and carries two lanes, one in each direction, over I-40. The total bridge length is 287 feet (two 41-foot 6-inch spans, two 77-foot spans and one 50-foot span). The total bridge width is 32 feet with 30 feet between the rails of clear roadway. The existing bridge is posted for load restrictions and has a sufficiency rating of 65.7. It is neither structurally deficient nor functionally obsolete based on NCDOT's listing of bridges and status, updated August 24, 2015.

South of I-40, the Liberty Road name transitions to SR 1229 and intersects US 19/23 at a stop sign approximately 0.4 mile east (outside the PSA) of the Dogwood Road/NC 151 intersection with US 19/23. A short road segment carries the SR 1228 designation to a stop sign controlled T-intersection with SR 1234 (Asbury Road). Liberty Road terminates at a stop sign controlled T-intersection at its northern extent at Monte Vista Road. Within the PSA, Liberty Road also intersects: Lost Creek Road, Valley View Road and Tall Oaks Road south of I-40.

North of I-40, existing intersections with Liberty Road in the PSA include: Canaan Drive, Cross Field Drive, Fincher Lane, Amaretto Drive, and Caldonia Drive; these intersections are stop sign controlled. Land uses currently surrounding Liberty Road are predominantly residential interspersed by agricultural fields.

Local planners indicate that western Buncombe County, including specifically the Enka-Candler area in which the project is located, will continue to be a primary focal point for residential development due to its proximity to Asheville and relatively low land and housing prices. Commuting patterns in the project vicinity rely on access to I-40 because the majority of regional jobs are in Asheville. Due to topographical constraints, the only east-west routes into Asheville are I-40 and US 19/23. The lack of access to I-40 is currently contributing to congestion on the existing transportation network. Considering the future growth projections for this area, operational deficiencies are likely to worsen.

Currently motorists desiring to access I-40 in the vicinity of Liberty Road must use either the existing interchange at US 19/23 (Exit 44) approximately 2.5 miles to the east or Wiggins Road (Exit 37) approximately 5.5 miles to the west. According to NCDOT, travel times from the PSA to Exit 37 and Exit 44 may range from 6 to 13 minutes under current conditions. In addition to the difficulty this creates for emergency services, it contributes to the current and projected operational deficiencies of local arterials, including US 19/23, as all long-distance trips must travel some distance to reach the interstate.

Water resources in the PSA are part of the French Broad River basin (US Geological Survey [USGS] Hydrological Unit 06010105). Twelve streams, one wetland, and one small drainage pond were identified in the PSA. All surface waters identified within the PSA have been assigned a primary water resource classification of “C”. There are no trout streams and no anadromous fish waters or Primary Nursery Areas in the PSA. There are no benthic or fish community sampling stations within one mile downstream of the PSA. There are no Outstanding Resource Waters (ORW), High Quality Waters (HQW), or Water Supply Watershed (WS-I or WS-II) streams within one mile of the PSA. A small area at the east side of the PSA along I-40 is within the Targeted Local Watershed HUC 06010105060030. It does not have a Local Watershed Plan. No streams within, or within one mile downstream of, the PSA are listed on the 2014 Final 303(d) list as impaired for sedimentation or turbidity.

This proposed project is included in the current NCDOT STIP (April 2017) as Project Number I-4759 and is programmed for right-of-way acquisition and construction to begin in federal fiscal year (FFY) 2019.

Applicant’s Stated Purpose

The primary purpose of the proposed project is to improve the transportation network in the PSA to benefit mobility and connectivity.

This purpose is based on the applicant’s needs, as follows:

- Lack of network connectivity along I-40 between US 19/23 and SR 1200 (Wiggins Road) degrades network mobility, quantity of travel⁺ and quality of travel.

- Achieve quality of travel by providing Level of Service D or better at the proposed project access at I-40¹.

+ Quantity of Travel refers to the traffic demand and trips completed in the study area network.

Project Description

NCDOT proposes to convert the existing Liberty Road (SR 1228) overpass of I-40 to an interchange. The project would also include the realignment (part on new location) and upgrade of the existing Liberty Road between Monte Vista Road (SR 1224) and the US 19/23 (Smokey Park Highway) and NC 151 (Pisgah Highway) intersection with Dogwood Road (SR 1220).

Detailed Study Alternatives

Two interchange configuration alternatives were carried forward for detailed study in the FHWA EA: (1) the Partial Cloverleaf Interchange and (2) the Half Cloverleaf Interchange. These two configurations are collectively referred to as the Detailed Study Alternatives.

The Detailed Study Alternatives would include the realignment and improvement of Liberty Road. The total length of improvements to Liberty Road would be approximately 1.5 miles (Attachment/Figure 2).

Liberty Road would be realigned south of I-40 on new location to connect to US 19/23 at the existing Dogwood Road/NC 151 intersection. Dogwood Road would intersect with the new realigned Liberty Road.

Liberty Road would be realigned on new alignment north of I-40 to tie back into its existing alignment near Canaan Drive. The remainder of Liberty Road would be improved to the Monte Vista Road intersection.

Partial Cloverleaf Interchange Alternative

This alternative would include a loop and a ramp in the southeast and northwest quadrants of the proposed Liberty Road interchange (Attachment 3/Figure 5a). The southeast interchange quadrant would include the eastbound I-40 on-ramp and the eastbound I-40 off-ramp loop. The northwest interchange quadrant would include the westbound I-40 on-ramp and the westbound I-40 off-ramp loop. The Partial Cloverleaf Interchange Alternative would include a new three-lane Liberty Road bridge over I-40 on new alignment.

Half Cloverleaf Interchange Alternative

This alternative would include loops and ramps in the southwest and northwest interchange

¹ The LOS D measure would apply only to the interchange access ramp intersections where the project made improvements.

quadrants (Attachment 4/Figure 5b). The southwest interchange quadrant would include the two-lane eastbound I-40 on-ramp loop and the eastbound I-40 off-ramp. The northwest interchange quadrant would include the westbound I-40 on-ramp and the westbound I-40 off-ramp loop. The Half Cloverleaf Interchange Alternative would include a new three-lane Liberty Road bridge over I-40 on new alignment.

No-Build Alternative

In addition to the two Build Alternatives (i.e., Detailed Study Alternatives), a No-Build Alternative was also retained as a baseline against which the benefits, costs, and impacts of the Build Alternatives could be compared. The No-Build Alternative assumed that the transportation network in the PSA will continue to develop as called for in the 2040 Long Range Transportation Plan (LRTP), but without the subject project included. The FHWA and NCDOT determined that the No-Build Alternative would not meet the project’s purpose.

Impacts to waters of the US

Permanent impacts to waters of the US (streams) for the Detailed Study Alternatives are listed in Table 1 below. The majority of these impacts would result from the construction/placement of culverts and culvert extensions. The impact estimates were calculated based on functional roadway design slope stake limits plus 40 feet. The project would result in no impacts to wetlands or open waters. Also refer to Attachments 6 and 7.

TABLE 1: IMPACTS TO WATERS OF THE US

Build Alternative	Stream Impacts* (linear feet)
Partial Cloverleaf Interchange	1,838
Half Cloverleaf Interchange	1,530
*Based on functional roadway design slope stakes plus 40 feet. Source: January 2017 FHWA EA.	

After the EA comment period ends, the FHWA and NCDOT will review agency and public comments, and comments received from the public hearing to select their Preferred Alternative.

Cultural Resources

The FHWA is the lead federal agency for this project and, in accordance with Section 106 of the National Historic Preservation Act (NHPA), is the federal agency responsible for making determinations and requesting concurrence with these determinations from the North Carolina State Historic Preservation Office (HPO). Any adverse effects to historic resources would be resolved through execution of a memorandum of agreement.

Architectural Resources

Two resources within the PSA were found to be eligible for listing in the National Register of Historic Places (NRHP) (Attachment/Figure 8). These resources are the Roberson Bungalow and Farmstead (BN6291) and the Miami Motel and Restaurant (BN6287). On January 10, 2017, representatives from FHWA, NCDOT, and HPO reached concurrence that the implementation of the Detailed Study Alternatives would have no effect to the NRHP eligible historic architectural resources.

Section 4(f) of the Department of Transportation Act of 1966

Section 4(f) of the Department of Transportation Act of 1966 provides protection to historic properties, public parks, and recreation areas. The Build Alternatives would not result in the use of any properties protected by Section 4(f).

Archaeological Resources

An archaeological field investigation was carried out between October 17 and November 3, 2016, to identify and evaluate archaeological sites within the defined APE for inclusion in the NRHP (PA Project Tracking Number 15-12-0003). The investigations identified one small site (31BN1018) along the Pole Creek floodplain: 110 small, residual pottery sherds were recovered from a single shovel test and one temporally non-diagnostic projectile point fragment from a close-interval (15 meters) radial shovel test. Two one-meter test units were placed immediately north of the positive shovel tests resulting in the recovery of an addition 15 small, residual pottery sherds from one test unit. Three historic artifacts were recovered from the top fill layer. The investigation concluded that the high number of residual sherds was likely the result of plowing activities, and/or associated with redeposition of the sherds in a secondary context. The NCDOT, in accordance with the Amended Programmatic Agreement for Minor Transportation Projects in North Carolina (2015), concurred with the recommendation that the proposed project will not impact significant archaeological resources.

Endangered Species

The FHWA is the lead federal agency for this project and is the federal agency responsible for making determinations and requesting concurrence with these determinations from the US Fish and Wildlife Service (USFWS), in accordance with Section 7(a)(2) of the Endangered Species Act (ESA). Table 2 contains the federally listed threatened and endangered species for Buncombe County. It also includes the FHWA's determinations of effect to these species that would result from implementation of the Detailed Study Alternatives.

TABLE 2
FEDERALLY PROTECTED SPECIES

Scientific name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Alasmidonta raveneliana</i>	Appalachian elktoe	E	No	No Effect

TABLE 2
FEDERALLY PROTECTED SPECIES

Scientific name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Epioblasma florentina walkeri</i> (=E. <i>walkeri</i>)	Tan riffleshell	E	No	No Effect
<i>Erimonax monachus</i>	Spotfin chub (=turquoise shiner)	T	No	No Effect
<i>Geum radiatum</i>	Spreading avens	E	No	No Effect
<i>Glaucomys sabrinus coloratus</i>	Carolina northern flying squirrel	E	No	No Effect
<i>Glyptemys muhlenbergii</i>	Bog turtle	T (S/A)	No	Not Required
<i>Gymnoderma lineare</i>	Rock gnome lichen	E	No	No Effect
<i>Microhexura montivaga</i>	Spruce-fir moss spider	E	No	No Effect
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Unknown	Unresolved
<i>Myotis grisescens</i>	Gray bat	E	Unknown	Unresolved*
<i>Spiraea virginiana</i>	Virginia spiraea	T	Yes	No Effect
<p>Notes: E = Endangered; T = Threatened; T(S/A) = Threatened due to similarity of appearance; * Since the completion of the NRTR and subsequent Addendums, the USFWS is reviewing its policy for the gray bat in western North Carolina following the recent discovery of some summer roosts. The NCDOT Biological Surveys Group will re-evaluate this project for the gray bat, as appropriate, and render a biological conclusion.</p> <p>Source: January 2017 FHWA EA.</p>				

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.

Compensatory Mitigation

The purpose of compensatory mitigation is to offset unavoidable functional losses to the aquatic environment resulting from project impacts to waters of the US NCDOT will investigate potential on-site stream and wetland mitigation opportunities once a preferred alternative has been chosen. If on-site mitigation is not feasible, or a sufficient amount of mitigation is not available on-site, mitigation will be provided by the NC Division of Mitigation Services (NCDMS).

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 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 EA and/or an Environmental Impact Statement (EIS) pursuant to NEPA. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

NCDOT will hold an informal public hearing on this project on Tuesday, May 23 from 4:00 to 7:00 p.m. at the Francis Asbury United Methodist Church, 725 Asbury Road in Candler, Buncombe County. The purpose of this hearing is to provide information about the project and receive public input. Interested individuals may attend at any time during the above hours. NCDOT representatives will display maps and be available to answer questions and receive comments. Written comments can be submitted at the meeting or later by June 23, 2017. There will be no formal presentation. The presentation and comments received will be recorded and included in the alternative selection and design process. The Corps will receive a summary of the public comments.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, June 5, 2017. Written comments should be submitted to Ms. Lori Beckwith, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006, telephone (828) 271-7980, ext. 4223. Written comments can also be submitted by email to:

loretta.a.beckwith@usace.army.mil

Distribution:

Action ID No. Corps Action ID #: SAW-2010-01018 – STIP Project No. I-4759

Applicant: North Carolina Department of Transportation

Project Description: 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 conversion of the Liberty Road (SR 1228) overpass to an interchange with I-40 in Buncombe County, North Carolina [State Transportation Improvement Program (STIP) Number I-4759]. This project would also involve the realignment (part of the road on new location) and improvement of Liberty Road between US 19/23/NC 151 and Monte Vista Road (SR 1224).

<u>No. Cys.</u>	<u>Mailed To</u>
1	Applicant
46	Adjoining property owners
1	French Broad River MPO, Ms. Lyuba Zuyeva, Director, 339 New Leicester HWY, Suite 140, Asheville, NC 28806 Mailing label already made
1	FHWA - Mailing label already made –see agency rep list
1	NC State Historic Preservation Office - Mailing label already made
1ea	Congressman Meadows; Senators Burr & Tillis – Mailing labels already made
6	local elected officials - Mailing labels already made
1	Postmaster, Candler, 99 Rutherford Road, Candler, NC 28715-8241
1	Postmaster, Enka, 1572 Sand Hill Road, Enka, NC 28728-7500
1	Dr. Cynthia F. Van Der Wiele, USEPA - Mailing label already made
1	TVA - Cherokee, Douglas, Nolichucky and French Broad, 3726 E. Morris Boulevard, MOC 1A-MOT, Morristown, TN 37813-1270
1ea	Tribal Historic Preservation Office (EBCI THPO); United Keetoowah Band
<u>1</u>	EXTRAS
66	TOTAL