



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 21, 2020
Comment Deadline: June 22, 2020
Corps Action ID Number: SAW-2016-01337

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation seeking Department of the Army authorization to discharge fill material into waters of the United States associated with the proposed 28.8 miles of the proposed widening and extension of Big Mill Farm Road, and widening of Hopkins Road from I-40 Business/US 421 to West Mountain Street, with a new partial cloverleaf interchange at I-40 Business/US 421, in Forsyth County, North Carolina (STIP No. U-5760).

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:

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

Applicant: North Carolina Department of Transportation (NCDOT)
Division 9
Attn: Amy Euliss
375 Silas Creek Parkway
Winston Salem NC 27127

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

Nearest Town: Kernersville

River Basin: Upper Yadkin Nearest Waterways: Kerners Mill and Swift Creeks

Latitude and Longitude (near center of project at Woodfield Drive): 36.123 N, -80.110

Existing Site Conditions

The project impact sites are typical central piedmont perennial streams, and typical upper piedmont forested wetlands. Topography in the project vicinity is comprised of gently rolling hills with very narrow, level floodplains along streams. Land use in the project vicinity consists primarily of residential development, with some commercial development, and some intact tracts of forest.

The NC Division of Water Resources (NCDWR) Best Usage Classification for the impacted streams is WS-III.

Applicant's Stated Purpose

The primary purpose of the project is to reduce congestion. Additional purposes for this project include improving mobility and access to major highways in west Kernersville as well as accommodating economic development expansion in the area.

Project Description

STIP No. U-5760 is a state-funded project and the Corps is the lead federal agency. An environmental document was not required by the State Environmental Policy Act. Instead, a Minimum Criteria Determination Checklist (MCDC) for the proposed project was completed in October 2018.

NCDOT proposes to widen and extend Big Mill Farm Road and widen Hopkins Road from I-40 Business/US 421 to West Mountain Street with a new partial cloverleaf interchange at I-40 Business/US 421, with a loop and ramp in the northwest and southeast quadrants.

NCDOT proposes a four-lane typical section with a 23-foot median, four-foot bike lanes, and sidewalks on both sides is proposed from the existing Harmon Creek Road across the proposed I-40 Business interchange, and a two-lane typical section with a 23-foot median, bike lanes, and sidewalks is proposed from the north of the interchange to West Mountain Street.

Proposed impacts to jurisdictional areas total 0.11 permanent wetland impacts, 1,372 linear feet of permanent stream impacts, and 266 linear feet of temporary stream impacts.

Detailed design plans and information about the proposed mitigation sites are available for review at the U.S. Army Corps of Engineers Regulatory Field Office at 3331 Heritage

Trade Drive, Suite 105, Wake Forest, North Carolina 27587 (Call ahead to arrange a time for review at (919) 554-4884. ext. 23).

Avoidance and Minimization

NCDOT employed multiple strategies to avoid and minimize impacts to jurisdictional areas in its design for this project. Preliminary designs were adjusted to avoid and/or minimize impacts to jurisdictional features.

For those impacts to jurisdictional streams and wetlands that cannot be avoided in their entirety, minimization efforts were utilized throughout the planning and design process. These are listed below.

- NCDOT's Best Management Practices (BMPs) for the Protection of Surface Waters will be enforced;
- Impacts to wetlands, streams, and open waters were avoided and/or minimized by adjusting the alignment to follow a best-fit and use a two-lane typical section instead of a four-lane typical section;
- Retaining walls, including one in the southwest quadrant of the proposed interchange, have been proposed to minimize impacts to streams;
- An interchange alternative with impacts to only two quadrants, as opposed to three or four quadrants, was selected to minimize impacts to streams SD and SJ;
- Sidewalk moved to the back of curb to reduce the typical section width near Timberwood Trail to minimize parallel stream impacts to stream SN;
- Shifted horizontal alignment west near Kerners Mill Creek to minimize parallel stream impacts to stream SN;
- A 2:1 slope is proposed along I-40 Business, near stream SD, to minimize the impacts due to the culvert extension;
- A 2:1 slope is proposed near stream SS and wetland WC to minimize impacts;
- All storm drainage will be diffused and designed for non-erosive velocities before entering stream and wetland areas to the maximum extent practicable;
- Rip rap stabilization on banks of jurisdictional streams will be implemented to prevent erosion;
- Proposed stream impacts (1,372 linear feet) for the proposed project decreased from the impacts calculated for the MCDC (1,430 linear feet). This decrease is due to the preliminary nature of the MCDC and the assumption of 25 linear feet of impact beyond the slope stakes which have been reduced during final design. In addition, several design enhancements have been incorporated to minimize impacts, including proposed 2:1 slopes and shifting the southbound right turn lane further south to minimize impacts near Kerners Mill Creek.
- The final proposed wetland impacts (0.11 acre of permanent wetland impacts) have been avoided and/or minimized by adjusting the alignment to follow a best-fit and proposing 2:1 slopes at specific locations during the final design. In addition, close coordination with utility companies relocations has reduced or avoided impacts where possible.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment, i.e., wetland and stream loss: NCDOT is proposing payment to the NC Division of Mitigation Service In-lieu-fee Program (NCDMS ILF) for compensatory stream and wetland mitigation for all permanent impacts.

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:

No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected (December 15 and 16, 2016 NCDOT archaeological survey). The Corps subsequently requests concurrence from the SHPO (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:

The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat:

The Corps reviewed this project in accordance with (IAW) the Northern long-eared bat (NLEB) Standard Local Operating Procedures for Endangered Species (SLOPES) between the Corps, Wilmington District, and the Asheville and Raleigh U.S. Fish and Wildlife Service (Service) Offices, and determined that the action area for this project is located outside of the highlighted areas/red 12-digit HUCs and activities in the action area do not require prohibited incidental take; as such, this project meets the criteria for the 4(d) rule and any associated take is exempted/excepted.

IAW the NLEB SLOPES, the Corps coordinated by email with the Service on May 12, 2020, informing them about this project. The Corps is not aware of the presence of any other species listed as threatened or endangered, or their critical habitat

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. 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 sixty days of receipt of a complete application. 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 regarding the application for a 401 Certification should do so, in writing, by June 11, 2020 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation Permitting Unit
(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 22, 2020. Comments should be submitted to Eric Alsmeyer, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554 - 4884 x23.