



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: August 20, 2020  
Comment Deadline: September 20, 2020  
Corps Action ID Number: SAW-2020-00216

The Wilmington District, Corps of Engineers (Corps) received an application from the Town of Holly Springs seeking Department of the Army authorization to discharge fill material into waters and wetlands in Hydrologic Unit Code (HUC) 03020201 (Neuse River Basin), associated with Holly Springs Road Widening – Phase 2 in Wake County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

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

**Applicant:** Town of Holly Springs  
Attn: Mr. Tim Athy, P.E.  
128 South Main Street  
Holly Springs, NC 27540

**Agent:** Kimley-Horn and Associates, Inc.  
Mr. Jason Hartshorn, PWS  
421 Fayetteville Street, Suite 600  
Raleigh, NC 27601

## 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 proposed project (Project) consists of ±40 acres along 1.5 miles of the existing Holly Springs Road, extending from Flint Point Lane to Sunset Lake Road, in Holly Springs, Wake County, North Carolina.

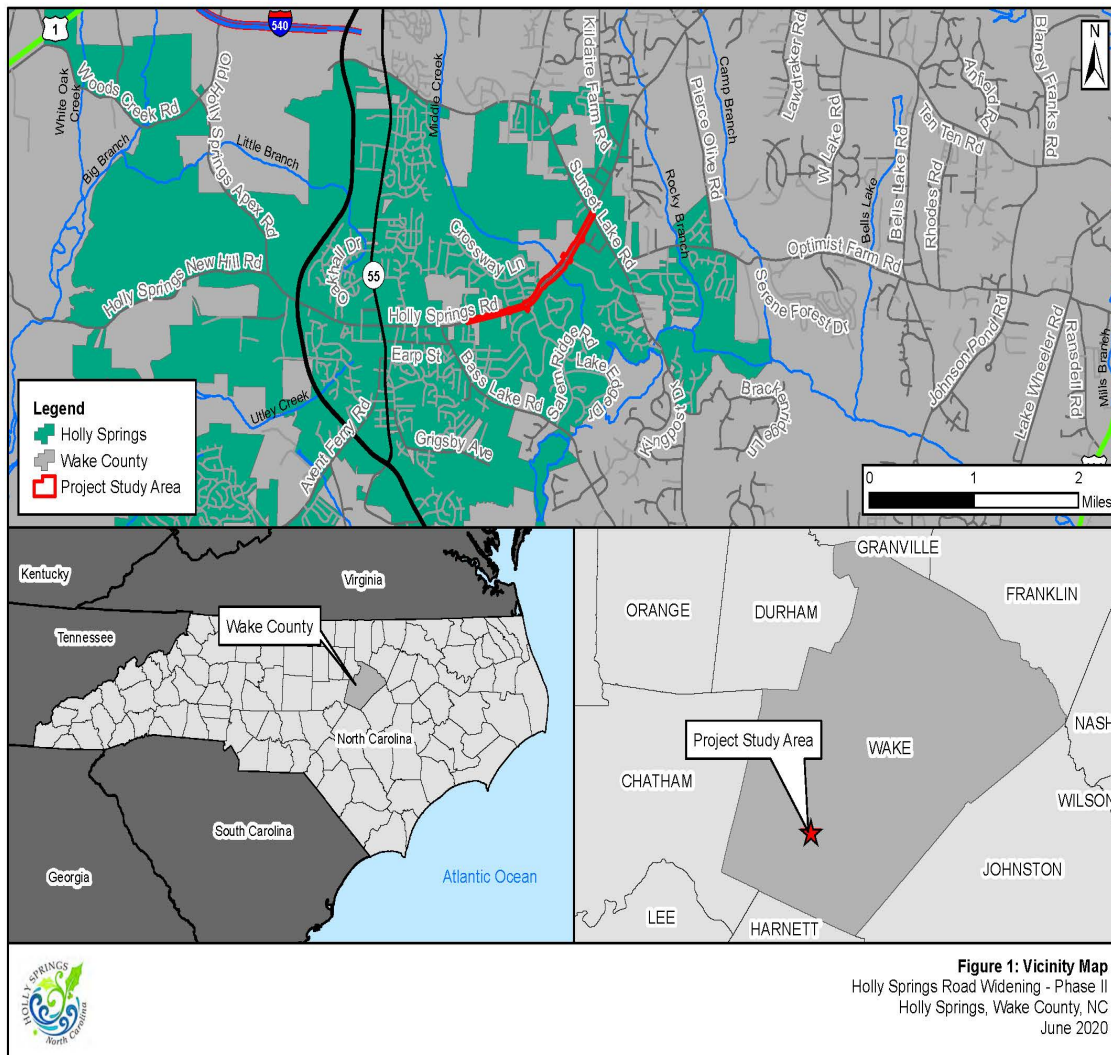
Project Area (acres): ~40 acres

Nearest Town: Holly Springs

Nearest Waterway: Middle Creek

River Basin: Neuse River

Latitude and Longitude: 36.660284N, -78.806732W



## Existing Site Conditions

The approximately 40-acre Project corridor and its vicinity are comprised of moderately dense commercial development and residential areas scattered throughout a suburban landscape. In addition to commercial and residential development, the corridor includes institutional and recreational facilities and forested areas adjacent to Middle Creek. The Project is located within the Town of Holly Springs and currently has five different land-use zoning types denoted by Wake County. These zones include: R-10: Residential; R-15: Residential; R-20: Residential; LB: Local Business; and PUD: Planned Unit Development.

The Project is located in the Neuse River Basin [U.S. Geological Survey (USGS) 8-digit HUC: 03020201].

The Project is located in the Piedmont physiographic region of North Carolina. A review of the Apex, North Carolina USGS topographic quadrangle map indicates that the Project and surrounding areas have moderate topographic relief, with elevations ranging from 310 to 450 feet above mean sea level. In general, the Project slopes up on both sides of the Middle Creek riparian zone. Multiple hill tops and crenulations exist throughout the Project.

There is an existing triple barrel 10' x 9' Reinforced Concrete Box Culvert (RCBC) carrying Middle Creek beneath Holly Springs Road. In order to facilitate the widening of Holly Springs Road, modifications to the existing culvert are required. In addition, the roadway approaches to the crossing are at approximately the same elevation as the adjacent floodplains. As such, the roadway is frequently overtopped by Middle Creek during storm events, forcing the Town of Holly Spring and North Carolina Department of Transportation (NCDOT) to close the road to traffic. Based on the Federal Emergency Management Agency (FEMA) hydraulic models, the 10-year storm event overtops the roadway. The road closure creates life-safety issues as first responders from the fire and police departments near Flint Point Lane cannot access points east of the Middle Creek crossing.

A delineation of the Project identified three streams (S1, S2 and Middle Creek) totaling approximately 1,239 linear feet (LF). Middle Creek (315 LF) and S1 (386 LF) have a perennial flow regime throughout the Project and S2 has 51 LF of intermittent flow and 487 LF of perennial flow within the Project. The stream classification for Middle Creek is C; NSW. Middle Creek, within the Project, is listed on the North Carolina 2018 Final 303(d) list of impaired waters for having a “Benthos (Nar, AL, FW)” rating of “Fair” (Category 5).

A delineation of the Project identified five wetlands (WA – WE) totaling approximately 1.4 acres. Wetlands WA (0.16 acre), WB (0.82 acre), WC (0.32 acre), and WD (0.08 acre) are bottomland hardwood forest wetlands located within the active floodplain of Middle Creek. These wetlands receive hydrology from a combination of overbank flooding from Middle Creek, stormwater drainage, and groundwater. Hummocked

topography was observed throughout these wetlands. Throughout all four wetlands, soils were found to be saturated at a depth of approximately 10 inches and the water table was observed at a depth of approximately 20 inches. Hydrologic indicators such as water-stained leaves, dry-season water table, and a FAC-Neutral test were observed within all four wetlands. The dominant trees/shrubs observed at the wetland data form location included red maple (*Acer rubrum*), musclewood (*Carpinus caroliniana*), and sweetgum (*Liquidambar styraciflua*). Dominant species observed in the herbaceous layer typically included giant cane (*Arundinaria gigantea*) and various sedges (*Carex spp.*). The soil profile consists of chroma 2 loamy/clayey soils and distinct redox concentrations indicating a depleted matrix. Wetland WE (0.02 acre) originates at the toe of a hillside and drains downslope into the adjacent stream S1. This wetland receives hydrology from stormwater drainage and seepage from the adjacent hillside. Saturation was observed at a depth of 4 inches and the water table was observed at a depth of 6 inches below the soil surface. Hydrologic indicators such as sediment deposits, water-stained leaves, surface soil cracks, drainage patterns, crayfish burrows, and FAC-Neutral test were observed within WE. The dominant shrubs observed at the wetland data form location were Chinese privet (*Ligustrum sinense*), and Virginia sweetspire (*Itea virginica*). Dominant species observed in the herbaceous layer typically included various sedges and Japanese stiltgrass (*Microstegium vimineum*). The soil profile consists of chroma 1 loamy/clayey and chroma 1 sandy soils with prominent redox concentrations indicating a depleted matrix. A dense gravel layer was observed at a depth of 10 inches below the soil surface.

Intermittent and perennial stream features within the Project are subject to the Neuse River Basin Buffer Rules (15A NCAC 02B .0233) administered by the NC Division of Water Resources (NCDWR). In the Buffer Determination Letter dated January 10, 2020, NCDWR confirmed that all three streams identified within the Project are subject to jurisdiction under the Neuse River Riparian Buffer Rules. The Corps office reviewed the delineation and supporting evidence and confirmed the field delineation conducted by Kimley-Horn in an email dated January 31, 2020. The Preliminary Jurisdictional Determination letter is pending.

Field evaluations of representative wetland assessment areas within each of the five delineated wetlands were conducted on April 17, 2020. Data collected during this Project evaluation, as well as the extensive data collected during the wetland delineation efforts were used as part of a North Carolina Wetland Assessment Method (NCWAM) evaluation. Two NCWAM wetland types were observed within the Project: bottomland hardwood forest (wetlands WA, WB, WC and WD) and headwater forest (wetland WE). The bottomland hardwood forest wetlands had a “High” overall rating due to their geomorphic position within the floodplain of Middle Creek and their general connectivity to the landscape. The headwater forest wetland scored a “High” overall rating due to its strong connectivity to stream S1 and hydrologic function.

Field evaluations of representative stream reaches within each of the three delineated streams were conducted on April 17, 2020.

Data collected during this Project evaluation, as well as the extensive data collected during the stream delineation efforts were used as part of a North Carolina Stream Assessment Method (NCSAM) evaluation. Streams S1 and Middle Creek scored “High” overall ratings due to their strong hydrologic connectivity and hydrologic function. Stream S2 scored a “Low” overall rating due to its lack of biology and lack of flow within the reach.

Based on information obtained from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Wake County, the soils within the Project are composed of eight soil series summarized in the table below.

Soil Series Name	Map Symbol	Drainage Class	Percentage of Project	Hydric Status
Altavista fine sandy loam, 0 to 4% slopes, rarely flooded	AaA	Moderately Well-Drained	1.7	Primarily Non-Hydric
Appling sandy loam, 2 to 6% slopes	ApB	Well-Drained	6.6	Non-Hydric
Cecil sandy loam, 2 to 6% slopes	CeB	Well-Drained	6.9	Non-Hydric
Chewacla and Wehadkee soils, 0 to 2% slopes, frequently flooded	ChA	Somewhat Poorly Drained	14.5	Primarily Non-Hydric
Pacolet sandy loam, 10 to 15% slopes	PaD	Well-Drained	4.2	Non-Hydric
Pacolet sandy loam, 15 to 25% slopes	PaE	Well-Drained	9.5	Non-Hydric
Ur – Urban Land	Ur	N/A	39.8	Non-Hydric
Wedowee sandy loam, 10 to 15% slopes	WeD	Well-Drained	16.9	Non-Hydric

The 40-acre Project includes moderately dense commercial development and residential areas scattered throughout a suburban landscape. Three terrestrial communities were identified within the Project.

Community	Dominant Species (scientific name)	Coverage (ac.)
Maintained/Disturbed	loblolly pine ( <i>Pinus taeda</i> ) red maple ( <i>Acer rubrum</i> ) white oak ( <i>Quercus alba</i> )	27.58
Mixed Hardwood Forest	sweetgum ( <i>Liquidambar styraciflua</i> ) willow oak ( <i>Quercus phellos</i> ) musclewood ( <i>Carpinus caroliniana</i> ) giant cane ( <i>Arundinaria gigantea</i> )	5.37
Mixed Pine Forest	loblolly pine ( <i>Pinus taeda</i> ) yellow poplar ( <i>Liriodendron tulipifera</i> ) white oak ( <i>Quercus alba</i> )	7.05
<b>Total</b>		<b>40 acres</b>

A review of the North Carolina Floodplain Mapping Information System, accessed July 29, 2020, indicates that the Project contains 0.2% Annual Flood Hazards Zones, 1% Annual Flood Hazards (Zone AE) Zones, and FEMA-regulated floodways associated with Middle Creek, as designated by FEMA (FEMA Flood maps panel 3720065900J [effective May 2, 2006]). A Conditional Letter of Map Revision (CLOMR) from the FEMA Floodplain Manager is being pursued as part of the Project and would be received prior to construction.

### **Applicant's Stated Purpose**

The public need for the Project is fundamentally a result of existing traffic congestion and the importance of Holly Springs Road as a main connector within the Town of Holly Springs. Holly Springs Road serves as a critical transportation corridor which connects northeastern Holly Springs and points north such as Cary and Raleigh with downtown Holly Springs. The current overtopping of Holly Springs Road by Middle Creek during even the 10-year storm event presents frequent life safety concerns as Holly Springs Road is blocked and emergency services cannot cross Middle Creek. Additionally, land use in the vicinity of the Project is predominantly residential and commercial. Currently, pedestrian mobility is severely limited through this corridor due to the lack of sidewalks and shoulders along Holly Springs Road. Mobility improvements proposed by the Project would increase safety for the public in this corridor.

The purpose of the Project is to improve vehicular, pedestrian, and bicyclist mobility along the corridor. This segment of Holly Springs Road is congested and is anticipated to experience an increased growth in traffic once NC 540 connects to Holly Springs Road with a new interchange. Holly Springs Road serves as a critical transportation corridor which connects northeastern Holly Springs and points north such as Cary and Raleigh with downtown Holly Springs. Variation in the typical section leads to driver confusion and is inconsistent with local plans. Other projects propose to widen Holly Springs Road to four lanes adjacent to this segment: NC 540 Extension (R-2721) north of Sunset Lake Road and Holly Springs Road Phase I (U-6094) south of Flint Point Lane. Existing sidewalks on this segment of Holly Springs Road are intermittent and of varying widths and materials, and this Project would provide additional sidewalk consistent with the Town's transportation plan.

### **Project Description**

The overall Holly Springs Road Widening project is a phased project. Phase 1 of the Holly Springs Road Widening is being completed as NCDOT State Transportation Improvement Program (STIP) Project U-6094 which proposes to widen Holly Springs Road from east of NC 55 (Main Street) to Flint Point Lane and is estimated to begin construction in the fiscal year 2021. No impacts to potential jurisdictional resources are proposed by U-6094.

The currently proposed project includes only Phase 2 of the Holly Springs Road Widening, in which the Town of Holly Springs proposes to widen approximately 1.5 miles of the existing Holly Springs Road from Flint Point Lane to Sunset Lake Road.

The Project proposes to widen the roadway, which currently varies in width from a minimum of a two-lane undivided shoulder section to a fully developed four-lane median divided typical section with sidewalks, to a four-lane, median divided typical section with eight-foot sidewalks and curb and gutter on both sides. The inside travel lanes are proposed to be 12 feet wide with wider 14-foot outside lanes which would be marked as shared use bike lanes. The Project is currently a locally funded transportation bond through the Town of Holly Springs. The existing triple barrel box culvert carrying Middle Creek beneath Holly Springs Road would be removed & replaced with a three-span, 150-foot bridge.

The Project would result in 494 LF of permanent stream channel impacts, 196 LF of permanent (no functional loss) stream channel impacts, 16 LF of temporary stream channel impacts, 0.69 acre of permanent wetland impacts and 0.064 acre of temporary wetland impacts. Development of the Project would result in permanent wetland impacts due to the construction of the roadway crossing, fill slopes, and bridge approaches/supports within wetlands WA, WB, WC, WD, and WE. The Project would result in permanent stream and riparian buffer zone impacts due to the construction of the roadway crossing, fill slopes, and bridge approaches over perennial stream S1, and intermittent and perennial portions of stream S2, and Middle Creek.

Permanent impacts to Middle Creek would be limited to permanent (no functional loss) impacts resulting from the removal of the existing culverts and stabilization of the stream banks beneath the proposed bridge. Additional permanent (no functional loss) impacts would result from keyed-in rip rap outlet protection in stream S2.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed alignment utilizes existing infrastructure to the greatest extent practicable and impacts are associated with widening the existing road corridor to minimize impacts from new location road construction. The proposed alignment is designed to cross S1, S2, and Middle Creek as close to perpendicular as practical to minimize stream impacts. Permanent impacts to Middle Creek would be limited to no net loss impacts resulting from the removal of the existing culverts and stabilization of the stream banks beneath the proposed bridge.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: the applicant proposes to provide mitigation for all permanent stream and wetland impacts within the Project by purchasing compensatory mitigation credits through third-party mitigation bankers.

The applicant proposes a mitigation ratio of 2:1 for permanent wetland impacts to offset unavoidable wetland losses. The applicant plans to purchase these credits through Wildlands Holdings III, LLC: Falling Creek Umbrella Bank - McClenny Acres II Mitigation Site and has obtained a Statement of Availability (SOA) for up to 1.38 acres of wetland credits.

The applicant proposed to provide compensatory mitigation at a 1:1 ratio to offset impacts to NCSAM rated “low” S2 (223 LF) and a 2:1 ratio to offset impacts to NCSAM rated “high” S1 (271 LF). The applicant does not propose mitigation for the no functional loss permanent stream channel impact associated with riprap stabilization of Middle Creek or riprap for outlet protection with S2.

This results in a requirement of 765 LF of stream mitigation credits. The applicant plans to purchase a portion of these credits through the following third-party mitigation banks:

- 169.3 LF of stream credits from Wildlands Holdings III, LLC: Falling Creek Umbrella Bank - McClenny Acres II Mitigation Site;
- 38 LF of stream credits from Water & Land Solutions, LLC: WLS Neuse 01 Umbrella Bank - Hollowell Mitigation Site;
- The balance of the stream credits (558 LF) would be secured through the NC Division of Mitigation Services (NCDMS) In-Lieu Fee Program. Due to the changing availability and limited stream and buffer credits available from third-party banks, a NCDMS Acceptance Letter was secured for the total mitigable stream impacts.

### **Essential Fish Habitat**

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:

- 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 no potential to cause an effect 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 no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

The State Historic Preservation Office reviewed the project as part of the North Carolina State Clearinghouse Department of Administration Intergovernmental Review and provided "NO COMMENT" on June 8, 2020.

- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected 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 no adverse effect 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 may have an adverse effect 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-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 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.
  - By copy of this public notice, 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. 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, 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 September 10, 2020 to:

NCDWR Central Office  
Attention: Mr. Paul Wojoski, 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.

## **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, September 20, 2020. Comments should be submitted to Mr. Lyle Phillips, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554-4888-ext 25 or via email at [George.L.Phillips@suace.army.mil](mailto:George.L.Phillips@suace.army.mil).