



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: January 13, 2022  
Comment Deadline: February 14, 2022

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) seeking 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 Stecoa in Graham County, North Carolina.

Location information and a description of the project are below. Roadway plans are not attached to this Public Notice; however, they can be viewed at the following website:

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

If you wish to have a paper copy of the plans mailed to you, please contact the individual listed at the end of this Public Notice.

**Applicant:** North Carolina Department of Transportation (NCDOT)  
Division 14  
Attn: Ms. Wanda Austin  
253 Webster Road  
Sylva, North Carolina 28779

## 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**

The proposed project begins in Robbinsville on US 129 (Tallulah Road) approximately 0.5 miles south of the intersection of US 129 with NC 143. At the intersection, the project follows NC 143 eastwards approximately 8.8 miles to its intersection with NC 28. At NC 28, the project extends north for approximately 3 miles where it terminates at the existing four-lane section just east of Stecoah in Graham County, North Carolina.

Project Area (acres): Approximately 270 acres

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 make up the main roadway network in Graham County. These roadways typically have steep grades, sharp curves and may have paved or unpaved shoulders of varying widths or no shoulders at all. Grades often exceed 6% in mountainous areas, however near Stecoah Gap on NC 143, the grade reaches 8%. The posted speed limit along US 129, NC 143, and NC 28 vary from 35 miles per hour (mph) to 55 mph. There are locations throughout the corridor where advisory speeds are 35, 40, and 45 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. Emergency medical service responders, locals, and travelers are frequently affected by roadway impairment and must wait for the road to be cleared 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 are 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 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 the 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 shoulder widths, 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 Federal Highway Administration (FHWA) is the lead federal agency for this evaluation. 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 U.S. would be impacted by construction activities, i.e., widening of road and the replacement/extension of drainage structures.

The **Improve Existing (Alternative 1)** was the **Build Alternative** selected to be move forward as a detail study alternative. The Improve Existing Alternative 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 preferred alternative would include the impact to approximately 8,478 linear feet of streams and 1.14 acre of wetlands/open waters.

### **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 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 and to increase the safety of the traveling public. The existing roadway crosses and/or parallels Tulula Creek, Sweetwater Creek, Beech Creek, Carver Branch, Stecoah Creek and a number of smaller streams and some wetlands. Slight adjustment to the horizontal and vertical alignments were made, where practicable, to minimize jurisdictional, cultural and environmental impacts.

Throughout the development of the STIP No. A-0009C, NCDOT avoided and minimized jurisdictional impacts to the maximum extent practicable. Some of these avoidance and minimization efforts include:

- Providing best fit alignments including alignment shifts, symmetric and asymmetric widening.
- Utilizing the maximum allowable grassed lined slopes (2:1) in jurisdictional areas.
- Burying culverts and backfilling with native material where practical.
- Matching existing stream slopes with proposed culvert slopes as well as removing perched outfalls.
- Retaining and extending existing culverts where practicable to minimize in-stream work.
- Utilizing expressway and shoulder berm gutters.
- Maximizing use of shoulder sections to maximize infiltration.
- Providing stable outfalls and utilizing energy dissipation where necessary.

- Providing stable embankments and drainage ditches.
- Incorporating floodplain benches to lower velocities and dissipate energy.
- Extending existing culvert headwalls vertically, where practicable, to avoid stream loss”

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

“NCDOT will be using off-site mitigation provided by the North Carolina Department of Environmental Quality Division of Mitigation Services (DMS). Any mitigation requirements rests with the US Army Corps of Engineers and the NC Division of Water Resources (NCDWR).”

### **Essential Fish Habitat**

The project area occurs in the inland county of Graham County, North Carolina, and therefore contains no Essential Fisheries Habitat. No adverse impacts to Essential Fish Habitat will result from the proposed project

### **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:

- 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 District Engineer’s final eligibility and effect determination will be based upon coordination with the lead federal agency and 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, in concert with the lead federal agency, will consult under Section 7

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

### **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 the date of this public notice. 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 3, 2022 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

### **North Carolina Division of Coastal Management (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, February 14, 2022. Comments should be submitted to Crystal Amschler, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980, ext 4231.