



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: August 05, 2022
Comment Deadline: September 05, 2022
Corps Action ID Number: SAW-2019-00055

The Wilmington District, Corps of Engineers (Corps) received information from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army authorization to discharge dredged or fill material into waters of the United States, associated with the proposed I-85 Widening, and Improvements to the NC 7 (N Main St) and US 29/74 (Wilkinson Blvd) Intersection , projects, in Gaston County, North Carolina (TIPs I-5719/U-5800).

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: North Carolina Department of Transportation (NCDOT)
Attn: Nora McCann
1595 Mail Service Center
Raleigh, North Carolina 27699-1595

Agent: HNTB North Carolina, PC
Attn: Kat Bukowy
343 E. Six Forks Rd, Ste 200
Raleigh, North Carolina 27609

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)

Public Meeting

NCDOT will hold two public meetings to answer questions and receive comments about this project. A Corps of Engineers representative will be at both meetings.

Date: Tuesday, August 23, 2022
Time: PM, 5 p.m. – 7 p.m.
Location: Gaston College – Kimbrell Campus Auditorium, 7220 Wilkinson Blvd. Belmont

Date: Wednesday, August 24, 2022
Time: 5 p.m. – 7 p.m.
Location: Gastonia Conference Center, 145 Dr. M.L.K. Jr. Way, Gastonia

In order to more fully integrate 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 considered. 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

Location Description: I-85, from US 321 to Exit 27, and NC 7 (N. Main St) and US 29/74 (Wilkinson Blvd) intersection, between Gastonia and Belmont, NC

Nearest Towns: City of Gastonia, City of Lowell, Town of McAdenville, City of Belmont, and City of Mt. Holly

Nearest Waterways: multiple, notably Duharts Creek, South Fork Catawba River and Catawba River

River Basin: Santee (HUC 03050102)

Latitude and Longitude: West end: 35.285 N, -81.192 W; East end: 35.257 N, -81.023 W.

Existing Site Conditions

Although a north-south route, I-85 within the project corridor generally runs west-east. Beginning in the City of Gastonia and traveling east toward the Catawba River, I-85 is generally bounded on both sides by urban infrastructure including residences, commercial and industrial establishments, and some undeveloped land. I-85 crosses several named streams as well as the South Fork Catawba River. Water resources in the study area are part of the Catawba River Basin. Additional resources considered in developing the project alternatives are Sims Legion Park, located at the I-85

interchange with US 321, and several historic properties, including Belmont Abbey and Belmont Abbey College, located just north of the I-85 interchange with Belmont-Mt. Holly Road.

The intersection of NC 7 (N. Main Street) with US 29/74 (Wilkinson Boulevard) is within the City of Belmont municipal limits and is surrounded by commercial establishments on three corners, with the Sisters of Mercy – Holy Angels and Belmont Abbey College – Sacred Heart campus on the fourth corner.

Applicant’s Stated Purpose

The purpose of the I-85 Widening project is to reduce congestion and improve mobility in this growing area of Gaston County.

Project Description

NCDOT proposes widening I-85 from US 321 in Gastonia to NC 273 in Belmont/Mt. Holly, Gaston County (TIP I-5719). As part of the widening, NCDOT will also improve and/or replace the fifteen road or railroad structures and interchanges over I-85. A second project (U-5800) is being studied in conjunction with the I-85 widening and proposes to improve the intersection of NC 7 (N. Main St.) and US 29/74 (Wilkinson Boulevard) from a signalized intersection to a reduced conflict intersection (RCI). Both projects are included in the 2020-2029 North Carolina State Transportation Improvement Program.

Detailed Study Alternatives (DSA)

At the January 23, 2019, Concurrence Point 2 (Detailed Study Alternatives) NEPA/ Section 404 Merger Team meeting, concurrence was reached to carry the No Build and Build Alternative forward for detailed study for STIP Project I-5719.

The No Build alternative would not construct any improvements to I-85. The No Build alternative does not meet the purpose of the project, nor is it consistent with local plans. The No Build alternative is retained as a “baseline” comparative alternative.

The Build alternative proposes to add an additional through lane in each direction to I-85 within the project limits. The proposed typical section is an eight-lane, median-divided freeway with 12-foot lanes and 14-foot shoulders (12 feet paved and 2 feet grass). The northbound and southbound lanes will be divided by 26-foot median that includes a concrete median barrier and 12-foot paved shoulders on either side.

Impacts to waters of the United States and other resources for the Build alternative are listed in Table 1. These impact estimates were calculated using preliminary roadway design slope stake limits plus an additional 25 feet. Impacts are shown in Figure 2.

Table 1. Impacts to resources using slope stake limits plus 25 feet

| | Resource | Potential Impacts* |
|-----------------------|-----------------------------------|---------------------------|
| Jurisdictional Waters | Stream (linear feet) | 5,440 ft |
| | Wetland (acres) | 0.1 ac |
| FEMA | 100-year Floodplain (acres) | 11.8 ac |
| | 500-year Floodplain (acres) | 2.3 ac |
| | Water Supply Watershed (acres) | 58.7 ac |
| Cultural Resources | Recreational Areas/Parks (no.) | 1 |
| | Historic Architecture Sites (no.) | 7 |

**Subject to change*

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Through development of the preliminary designs of the Build alternative, NCDOT has attempted to avoid or minimize impacts to streams and wetlands to the greatest practicable extent. This included developing alignments for the Build alternative, and associated interchange and bridge alignments crossing I-85, that avoided these resources as much as possible, while also minimizing impacts to other resources. NCDOT will continue to seek ways to avoid and minimize impacts in further design efforts for the selected alternative. Jurisdictional determinations will be made once a LEDPA has been agreed on..

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: NCDOT will investigate potential on-site compensatory mitigation opportunities for whichever alternative is selected as the LEDPA. If on-site compensatory mitigation is not feasible, or if a sufficient amount of mitigation is not available on-site, mitigation will be provided by the NC Division of Mitigation Services (NCDMS). All permanent losses of waters of the U.S. would be mitigated at a 2:1 compensatory mitigation ratio unless NCDOT provides justification for a lower ratio by submitting NC Stream Assessment Worksheets (for streams) or NC Wetland Assessment Worksheets (for wetlands).

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 Corps subsequently initiates consultation with the SHPO (or THPO).

Architectural Resources

NCDOT's architectural historian reviewed the proposed project in July 2017. The NCDOT architectural historian recommended an effects assessment be undertaken for 21 National Register (NR)-eligible or listed properties. Of these properties, seven may be impacted by the proposed projects, including: Piedmont and Northern Railway Linear Historic District, Gastonia and Belmont (GS1625, MK3298); Faith United Methodist Church, Gastonia (GS0490); Flint Manufacturing Company, Mill No. 2, Gastonia (GS0495); McAdenville Historic District, McAdenville (GS0428); McAdenville Historic District No 3., McAdenville (GS0427); Belmont Abbey Historic District, Belmont (GS0020); and Belmont Fabric-South Fork Manufacturing Co. Mill Village, Belmont (GS0348).

NCDOT will assess the proposed projects potential to cause effects to these properties through consultation with FHWA, NC-HPO, federally recognized and interested tribes, and other consulting parties.

Archaeological Resources

An intensive archaeological survey and evaluation for the proposed project was completed in June 2016 and no NR-listed or eligible archaeological sites were present within the project's area of potential effects. Subsurface investigations did not reveal the presence of any archaeological resources considered eligible for the NR. All identified archaeological sites located within the Area of Potential Effects (APE) have been considered and all compliance for archaeological resources with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.

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. Pursuant to the Endangered Species Act of 1973, the Corps is relying on the NCDOT review of the project area, and has examined all information provided by the applicant, and consulted the latest North Carolina Heritage Database. As of April 18, 2022, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consulting (IPaC) lists four federally protected species that should be considered in effects analysis for a project in this area.

Table 2. ESA federally listed species in Gaston County¹.

| Scientific Name | Common Name | Federal Status | Habitat Present | Biological Conclusion |
|--------------------------------|--------------------------|----------------|-----------------|-----------------------|
| <i>Myotis septentrionalis</i> | Northern long-eared bat | T | Yes | Unresolved |
| <i>Glyptemys muhlenbergii</i> | Bog turtle | T(S/A) | No | Not Required |
| <i>Hexastylis naniflora</i> | Dwarf-flowered heartleaf | T | Yes | No Effect |
| <i>Helianthus schweinitzii</i> | Schweinitz's sunflower | E | Yes | Unresolved |

¹ IPaC data checked on 4/18/2022

E-Endangered T-Threatened T (S/A)- Threatened due to similarity in appearance

Northern long-eared bat

USFWS optimal survey window: May 15th -August 15th

Biological Conclusion: Unresolved

Suitable habitat for Northern long-eared bat (NLEB) is present within the study area. An NLEB survey will be provided by the NCDOT Biological Surveys Group (BSG). A review of Natural Heritage Program (NHP) records on or April 28, 2022, indicates no known occurrences within 1.0 mile of the study area.

Dwarf-flowered heartleaf

USFWS optimal survey window: March-May

Biological Conclusion: No Effect

Suitable habitat for dwarf-flowered heartleaf (DFHL) is present within the study area. Prior to the survey effort, Terracon biologists visited a reference population of DFHL, in flower, located in Cleveland County, NC. Immediately after visiting this reference population, Terracon biologists conducted surveys throughout areas of suitable habitat on April 12 and 13, 2022. No DFHL was identified in the I-5719 study area. Many of the areas that were believed to potentially provide habitat were found to be disturbed and/or contained extremely thick groundcover that is not conducive for this species. A review of NHP records on April 28, 2022 indicates no known occurrences within 1.0 mile of the study area.

Schweinitz's sunflower

USFWS optimal survey window: late August-October

Biological Conclusion: Unresolved

Suitable habitat for Schweinitz's sunflower is present in the study area along roadsides and forest edges. Surveys should be conducted during the recommended survey window. A review of NCHNP records on April 28, 2022, indicates no known Schweinitz's sunflower occurrences within 1.0 mile of the study area. Surveys performed as part of the 2016 NRTR did not identify this species at that time.

Compliance with the requirements of ESA Section 7 consultation must be completed prior to issuance of any authorization to impact waters of the U.S.

Evaluation

The decision whether to issue a permit or verification letter for the use of a general 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, September 05, 2022. Comments should be submitted to Eric Alsmeyer, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, telephone (919) 554-4884, extension 23. Comments may also be submitted to NCDOT_REG@usace.army.mil