



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

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

Corps Action ID Number: SAW-2021-01919

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation, Division 12, (NCDOT) seeking Department of the Army authorization to construct the proposed replacement of Bridge No. 25 over Buffalo Creek, TIP B-5845, impacting 874 linear feet of tributaries, and less than 0.03 acre of wetlands, on SR 2033, Oak Grove Road, west of Kings Mountain, in Cleveland 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: North Carolina Department of Transportation (NCDOT)
Division 12
Attn: Jeff L. Wyatt
PO Box 47
Shelby, NC 28151

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: Bridge No. 25 over Buffalo Creek, on SR 2033, Oak Grove Road, Cleveland County, NC

Nearest Town: Kings Mountain

Nearest Waterway: Buffalo Creek River Basin: Santee
Latitude and Longitude (deci-degrees): 35.2744; -81.4563

Existing Site Conditions

The general project area is undeveloped land in the upper southern piedmont, consisting primarily of forested land with some farm fields, and nearby residential areas. The project is directly downstream of the 1,660-acre Moss Lake (aka Kings Mountain Reservoir). The City of Kings Mountain's John H. Moss Lake Recreation Park and T.J. Ellison Water Treatment Facility are directly abutting the project on the north side of Oak Grove Road.

The project site consists of the existing 2-lane Oak Grove Road, the existing concrete and steel bridge crossing Buffalo Creek, and forested lands with relatively steep topography.

Applicant's Stated Purpose

Replace a structurally deficient bridge that was built in 1955 to maintain the safety of the traveling public.

Project Description

The lead Federal agency for this project is the Wilmington District, Corps of Engineers. The project involves the replacement of an existing 225-foot long by 28-foot wide (reinforced concrete deck on I-beams) five-span bridge with a proposed 230-foot long by 37-foot wide (34-foot clear roadway), 63-inch Prestressed Concrete Modified Bulb Tee bridge. The project originates approximately 50 feet west of the entrance to John H. Moss Lake Recreation Park and extends 0.37 miles along Oak Grove Road to terminate approximately 100 feet west of the entrance to T.J. Ellison Water Treatment Plant. The proposed bridge will be replaced on new alignment to the south and include two 12-foot lanes and 5-foot offsets.

The roadway grade at the new structure will be approximately two to three feet higher than the existing structure. Traffic will be maintained on the existing bridge during construction to avoid an 11-mile detour route, and excessive response times for emergency services. The approaches will include two 12-foot travel lanes and 8-foot shoulders (11-foot with guardrail) of which 5-feet will be paved.

The project would permanently impact 717 linear feet of perennial stream and 0.02 acre of disturbed riparian wetlands for roadway construction, stream relocation, stormwater pipe extensions, and stream bank stabilization. In addition, the project would temporarily impact 157 linear feet of stream and less than 0.01 acre of disturbed riparian wetlands for dewatering, erosion control, temporary work pads for proposed bridge construction and existing bridge removal.

Currently, the project is scheduled to let in March 2023.

Avoidance and Minimization

The applicant provided the following additional information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Replacing the bridge just upstream of the existing bridge was precluded due to untenable impacts it would cause to the T.J. Ellison Water Treatment Plant in the northeastern quadrant which provides water to the City of Kings Mountain. Additionally, avoiding this alternative minimizes impacts to the John H. Moss Lake Recreation Park in the northwest quadrant.

Bridge and roadway approaches are proposed as close to existing as possible to still allow for construction while maintaining traffic on the existing crossing. NCDOT recommends an 8-foot shoulder width on a bridge carrying this type of facility; however, to further reduce impacts, the shoulder on the bridge has been reduced to 5 feet. The posted speed in this area is 55 mph; therefore, the design speed is 60 mph. To lessen impacts, horizontal curvature was reduced such that it only meets posted speed. To further reduce impacts, the grade was kept as close to existing as practical by reducing vertical curvature down to 35 mph.

The number of bents in the creek is being reduced from two bents to one. These will be 5-foot diameter drilled concrete piers, as opposed to the much larger cast-in-place spread footings on the existing bridge. It is not practical to go to three spans due to constructability, maintenance, and bank stabilization concerns at the steep western bank and therefore, not practical to avoid a bent in the creek. The proposed bent is located as close to the streambank as practical without being right in the edge of water which sometimes can be more prone to debris and/or scour. All proposed cut and fill slopes affecting jurisdictional resources are at the maximum allowable slope for grass lining.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Compensatory wetland and stream mitigation credits will be provided with in-lieu-fee mitigation by the North Carolina Department of Environmental Quality (NCDEQ) – Division of Mitigation Services (DMS) at a mitigation ratio of 2:1, for unavoidable impacts causing the permanent loss of 644 linear feet of warm water streams and 0.02 acre of riparian 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 potentially 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).

The T.J. Ellison Water Treatment Facility, which directly abuts the project is potentially eligible for inclusion in the National Register. 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 will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

The federally threatened *Hexastylis naniflora* (Dwarf-flowered heartleaf) has been discovered on the site. Also, the project is within the known range of the federally threatened *Myotis septentrionalis* (Northern long-eared bat).

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

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 Eric Alsmeyer, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554 - 4884 x23.