



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: November 02, 2022  
Comment Deadline: December 02, 2022  
Corps Action ID Number: SAW-2022-00190

The Wilmington District, Corps of Engineers (Corps) received information from the North Carolina Department of Transportation (NCDOT), Division 9, 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 construction of a 2-lane extension of SR 1630 (Baltimore Road), and new interchange with I-40, on a new alignment, in Davie County, North Carolina. The project is identified in NCDOT's 2020-2029 State Transportation Improvement Program (STIP) as Project Number U-6187. Right-of-way acquisition and construction are scheduled for December 2023 and March 2025, respectively.

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)  
Project Management Unit  
Attn: Ryan Newcomb  
Project Manager  
375 Silas Creek Parkway  
Winston Salem, North Carolina 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)

## **Public Meeting**

NCDOT held a public meeting to provide information and solicit comments about the proposed alternatives being considered for this project, in Advance, NC, on November 3, 2022. A representative of the Corps of Engineers attended this meeting.

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 Department of the Army 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: SR 1630 (Baltimore Road) to I-40, Davie County, NC.

Nearest Towns: Town of Bermuda Run, Town of Mocksville, City of Winston-Salem.

Nearest Waterway: Smith Creek

River Basin: Yadkin River (HUC 03040101)

Latitude/Longitude: South End: 35.9864, -80.4607; North End: 36.0042, -80.4660

## **Existing Site Conditions**

Davie County is located within the Piedmont physiographic region of North Carolina. The southern end of the project begins where SR 1630 has a T-intersection with US 158 and ends with a new interchange on I-40. The existing Baltimore Road is a 2-lane undivided facility with a speed limit of 55 miles per hour (mph).

Topography in the project vicinity is characterized by rolling hills. Land use in the project vicinity consists of mixed forestland, agriculture, commercial, and residential. A church and community center are located just to the east of Baltimore Road at US 158.

Smith Creek is the main waterway crossing through the project corridor near the north end of the project. A system of unnamed tributaries to Smith Creek also occurs in the project area.

## **Applicant's Stated Purpose**

The purpose of the project is to provide direct access to I-40 from the communities of Bixby, Redland, and the surrounding rural area while adhering to local land use plans. The project will also provide direct routing to I-40 for industrial traffic. in accordance with local comprehensive and future land use plans and improve mobility for local/regional travelers while maintaining residential cohesiveness.

## **Project Description**

The N.C. Department of Transportation proposes to construct a 2-lane extension of Baltimore Road on a new alignment, and new interchange with I-40.

## **Detailed Study Alternatives (DSA)**

Concurrence on the alternatives for detailed study was reached at a NEPA/404 Merger Team meeting held on April 13, 2022. Team members agreed on the study alternatives described below:

- **No-Build Alternative** - The No-Build Alternative would not provide any substantial improvements to Baltimore Road or I-40 within the study area; only typical maintenance activities would occur.
- **Alternative 1** – proposes to extend Baltimore Road with a new interchange at I-40 located southwest of Riddle Circle
- **Alternative 2** – proposes to extend Baltimore Road with a new interchange at I-40 located southeast of Riddle Circle
- **Alternative 3** – proposes to realign and extend Baltimore Road with a new interchange at I-40 located southeast of Riddle Circle
- **Alternative 4** – proposes to realign and extend Baltimore Road with a new interchange at I-40 located southwest of Riddle Circle

The **Alternative Locations Map** (Figure 1) show the build alternatives.

Potential impacts to Waters of the United States and other resources for the four build alternatives are shown in Table 1. Figure 2 shows environmental features in the study area, other than potential jurisdictional waters of the US, and Figure 3 shows potential jurisdictional waters of the US in the project area.

Table 1: Potential Impacts

Resource	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Potential Affected Parcels	33	28	28	36
Total Full	0	9	11	2
Total Partial	33	21	17	34
Wetlands (acres)	1.05	1.29	0.45	0.37
Streams and Tributaries (acres)	0.262	0.10	0.10	0.26
Stream and Tributaries (linear ft.)	2,035	1,056	987	1,936
Ponds (acres)	0	0	0	0
Area in active agriculture	0	1	1	0
Historic Resources	0	0	0	0
Archaeological Sites	0	0	0	0

*Through development of the preliminary functional designs within the Detailed Study Alternatives (DSAs), NCDOT has attempted to avoid and minimize impacts to streams and wetlands to the greatest practicable extent; where avoidance was not possible, impacts were minimized to the greatest extent practicable. This included developing alignments and interchange configurations for the DSAs that avoided/minimized 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.*

## 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, 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

The Federal Highway Administration (FHWA) is the lead federal agency for compliance with Section 106 of the National Historic Preservation Act (NHPA) for this project. The proposed project is subject to compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and implemented by the Advisory Council on Historic Preservations' Regulations for Compliance with Section 106, codified as 36 CFR Part 800. Section 106 requires federal agencies to take into account their undertakings (federally-funded, licenses, or permitted) on properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) and to afford the Advisory Council a reasonable opportunity to comment on such undertakings.

### Architectural Resources

An Architectural Historian conducted a site survey on February 20, 2020, and concluded that there are no historic properties that are eligible for listing in the NRHP within the project study area.

### Archaeological Resources

A review of the databases maintained by the Office of State Archaeology (OSA) was performed on Tuesday, March 3, 2020. There are no known historic architectural resources located within or adjacent to the study area for which intact archaeological deposits would be anticipated within the footprint of the proposed 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

The FHWA is the lead federal agency for this project and is the federal agency responsible for making determinations and requesting concurrence with these determinations (if other than a "no effect") from the U.S. Fish and Wildlife Service (USFWS), in accordance with Section 7(a)(2) of the Endangered Species Act (ESA). 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 Heritage Database. As of October 3, 2022, the U.S. Fish and Wildlife Service (USFWS) lists two federally protected species, and one species proposed for listing, for the project study area, as shown in Table 2.

**Table 2. ESA Federally protected species within the Study Area**

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Perimyotis subflavus</i>	Tricolored bat	PE	Yes	Not Required*
<i>Rhus michauxii</i>	Michaux's sumac	E	Yes	No Effect
<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	E	Yes	No Effect

IPaC study area data checked on 10/03/2022, PE - Proposed Endangered, E - Endangered

\*A biological conclusion will be provided once the species is fully listed.

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 eventual 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 various alternatives and the associated impacts of this proposed activity. Any comments received will be considered by the Corps for the selection of the alternative to carry forward and the potential decision whether to issue, modify, condition, or deny a permit for this proposal. To make these decisions, 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, December 02, 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](mailto:NCDOT_REG@usace.army.mil).