



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: June 15, 2017
Comment Deadline: July 14, 2017
Corps Action ID Number: SAW-2017-01232

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to discharge dredged or fill material into waters and wetlands in Hydrologic Unit Code (HUC) 03040101 (Yadkin/Pee Dee River Basin), associated with Transportation Improvement Project (TIP) No. U-2579C (I-74/Winston Salem Northern Beltway) in Forsyth 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:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Mr. Phillip S. Harris III, P.E., C.P.M.
Natural Environment Section
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

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

Directions to Site: The proposed site is a new alignment linear transportation corridor from US 158 running northwest to a new interchange with US-311 located east of Winston-Salem, Forsyth County, North Carolina.

Project Area (acres): 43/1.99 miles Nearest Town: Winston-Salem
Nearest Waterway: Lowery Mill Creek River Basin: Yadkin
Latitude and Longitude: 36.150030N, -80.169590W

Existing Site Conditions

The proposed corridor contains primarily a combination of open, agricultural, and forested land use classifications, with single family residential land uses occurring throughout the corridor.

This project lies within the Piedmont Physiographic Province in the Yadkin River Basin (Hydrologic Unit Code 03040101). Jurisdictional features within the U-2579C project study area that will be impacted include 3 unnamed tributaries (UT) to Frazier Creek (NCDWR Classification WS-III; NCDWR Index No. 12-94-12-3-[0.5]), Frazier Creek, Lowery Mill Creek (NCDWQ Classification WS-III; NCDWQ Index No. 12-94-12-3-1), one UT to Lowery Mill Creek, and four riparian wetlands.

There are no designated Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply I (WS-I), or Water Supply II (WS-11) waters within 1.0 mile of the project area. No waters within the project area and within a mile of the project area are listed on the 2012 303(d) Final List of Impaired Waters of North Carolina.

Applicant's Stated Purpose

The purpose of the proposed project is to improve intrastate and interstate mobility, improve roadway system linkage and continuity, reduce traffic congestion and carry future traffic at a desirable level of service, enhance safety, and provide a corridor for I-74 (a congressionally designated High Priority Corridor on the National Highway System). The transportation needs of the proposed project are intended to address the following: poor intrastate and interstate linkage to the north and south, poor roadway connectivity within and through eastern Forsyth County, capacity deficiencies, above-average accident rates on area roadways and corridor for I-74.

Background

Merger Process

This project additionally has progressed through a collaborative process which includes multiple Resource and other integral Regulatory Agencies known in the State of North Carolina as the Merger Process. This group of agencies reviewed key points in the project development and agreed to milestones relative to their Agency responsibilities. The Merger Team agreed to the following milestones:

The NEPA/404 Merger project team (Merger team) for this project was assembled in Raleigh in July 19, 2000, and February 8, 2001, to discuss the purpose and need

statement and study corridor, and team concurrence was confirmed by signature. The Merger team concurred on alternatives to be studied in detail in February 8 and April 18, 2001. The Corps has reviewed NCDOT's wetland and stream delineations for this project in the field, and verified the accuracy of the delineations. The Merger team concurred with the Preferred Alternative in March 17, 2005, and avoidance and minimization measures in June 9, 2005. January 2007, FHWA approved the Supplemental Final Environment Impact Statement Winston-Salem Northern Beltway (that includes TIP U-2579C). The Merger team met on November 19, 2008, and concurrence was confirmed for the Merger Concurrence 4B Hydraulic Design Review. On February 8, 2017, the interagency Merger team met and concurrence was confirmed for the Merger Concurrence 4C Permit Drawings Review. On June 9, 2017, NCDOT applied for a permit application to discharge fill material into waters of the United States for U-2579C.

Project Description

The North Carolina Department of Transportation, Division of Highways, proposes to construct on new alignment an eastern section of the proposed Winston-Salem Northern Beltway from US 158 to US 311. The new road alignment will consist in each direction 3 12-foot lanes plus 1 12-foot future lane with a 12-foot paved shoulder and a 22-foot grassed median. The road alignment will be a control access freeway with an interchange at US 311. The estimated length of the project is 1.99 miles. This project is included in the North Carolina Department of Transportation's Transportation Improvement Program (TIP).

Summary of Impacts:

Proposed impacts for U-2579C project include permanent impacts to 997 linear feet of stream channel (921 linear feet of permanent fill and 76 linear feet of bank stabilization), and 0.88 acre of wetlands (0.79 acre of permanent fill, and 0.09 acre of mechanized clearing). The proposed project also involves temporary impacts to 199 linear feet of stream channel. Proposed project impacts are listed per project section in the table below:

Table 1 – U-2579C Wetland Impacts*

Permit Site	Wetland Number ^{1/}	Wetland Size (ac)	Permanent Fill in Wetlands (ac)	Excavation (ac)	Mechanized Clearing (ac)	Impacts Requiring Mitigation (ac)
7	ES-W9	0.06	<0.01	--	<0.01	0.01
7A	ES-W10	0.15	0.14	--	--	0.14
11	ES-W15	0.56	0.08	--	0.03	0.11
13	ES-W12 ^{3/}	1.06	0.57	--	0.05	0.65
Total Impacts **			0.79	0.00	0.09	0.88

* Wetlands impacted are riparian.

^{1/} Wetland number corresponds to U-2579/R-2247 PJD labeling.

^{2/} Wetland size is based on U-2579/R-2247 PJD.

^{3/} Wetland number corresponds to U-2579B PJD.

** Rounded Totals are sum of actual impacts to 1/1000th.

Table 2 - U-2579 Stream Impacts

Site	Stream Name (P / I)*	Stream Number 1/	Impact Type	Permanent Impact (lf)	Temporary Impacts (lf)	Mitigation Requirement 2/
6	UT to Frazier Creek (I)	ES-S30	Perm. Fill	53	--	USACE
			Channel Stabilization	15	--	USACE
7A	UT to Frazier Creek [Sh. 13 of 41] (P)	ES-S31	Perm. Fill (pipe)	205	40	USACE & DWR
			Bank Stabilization	25	--	--
9	UT to Frazier Creek [Sh. 25 of 41] (P)	ES-S31	Perm. Fill (pipe)	271	56	USACE & DWR
			Channel Stabilization	45	--	USACE & DWR
11	Frazier Creek (P)	Frazier Creek (ES-S32)	Perm. Fill (RCBC)	317	23	USACE & DWR
			Bank Stabilization	25	--	--
12	Lowry Mill Creek (P)	Lowry Mill Creek (ES-S34)	Bank Stabilization	26	--	--
			Temp. crossing	--	80	--
14	UT to Lowry Mill Creek (P)	ES-S47	Perm. Fill (pipe)	15	--	USACE
Total Temporary Impacts:				--	199	
Total Permanent Impacts (Perm. Fill + Bank Stabilization):				997		
Bank Stabilization Impacts:				76		
Permanent Impacts Requiring USACE Mitigation (Total Permanent Impacts - Bank Stabilization Impacts):				921^{3/}		
Permanent Impacts Requiring DWR Mitigation:				838		
Total Impacts Requiring Mitigation:				921 lf †		

*P = Perennial; I = Intermittent

1/ - Stream Number corresponds to U-2579/R-2247 PJD labeling.

2/ - Mitigation is required by DWR when permanent impacts to a single feature exceed 150 linear feet.

3/ - USACE stream mitigation is typically at a ratio of 2:1.

† - Final mitigation requirement will be up to the USACE and DWR. Mitigation for 921 LF of permanent stream impact (at 2:1 ratio) has been requested from DMS.

NOTE: Site 8 has been renamed as Site 7A and Site 10 has been eliminated.

Activities resulting in permanent fill in streams include culvert installation, channel re-alignment, and stream channelization activities. Bank stabilization activities are a separate type of fill activity as these activities do not typically occur within the channel (thalweg) of the stream, but rather only on the stream banks. Activities resulting in permanent impacts in wetlands include roadway fill, excavation in association with a fill activity, and mechanized clearing without a specified wetland restoration plan. Temporary impacts proposed are those associated with construction access and dewatering activities, as well as stormwater tie-ins where the impact areas would be returned to pre-construction grade and contour following construction.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Existing drainage patterns and outfalls have been maintained where possible. Best Management Practices (BMPs) will be utilized during construction to attempt to reduce the stormwater impacts to receiving streams and wetlands due to erosion and runoff.

Measures have been taken throughout the project to limit impacts to wetlands and surface waters. These additional measures have been taken:

- A Dry Detention basin will be utilized in the gore area between the -L- line and Ramp B. This basin will serve to attenuate peak stormwater flows, promote settlement of suspended solids and reduce erosive velocities downstream.
- Site 11: The CSPA will utilize a headwall and endwall to shorten the length of the CSPA to minimize stream impacts to Frazier Creek. Additionally, constructed riffle will be employed upstream of the culvert to prevent head-cutting into the wetland to avoid further impacts.
- Site 12: Lowery Mill Creek is hydraulically a culvert-sized crossing; however, NCDOT has agreed to bridge this stream as a minimization effort.
- No deck drains will be used on the Lowery Mill Creek bridge, eliminating the potential for direct roadway runoff into surface waters. A riprap energy dissipator basin will be used at storm drain system outlets, in the Lowery Mill Creek floodplain, to reduce peak flow velocities to Lower Mill Creek.
- 2:1 slopes will be used to reduce impacts to surrounding wetlands and jurisdictional streams (except on the interchange ramp/loop and Dry Retention Basin, where 4:1 slopes are used, which do not change the impact quantity as this area will be filled to elevation 940.0 for the Dry Retention Basin).
- Based on discussions at Merger Meeting 4C, several pipes will not be buried in order to prevent destabilization of streams (headcuts), as stability is the primary objective of any stream relocation. The following pipes at jurisdictional locations will not be buried:
 - site 6: 24-inch Reinforced Concrete Pipe (RCP) outlet at station 31 + 30-Y1-Rt
 - site 7: 72-inch RCP inlet at station 413+74-L-Lt
 - site 9: 78-inch CSP inlet at station 21+46-Y1RPD-Rt; 78-inch CSP at station 25+82-Y1RPD-Lt
 - site 14: 42-inch RCP outlet at station 42+15-Y1-Rt

Compensatory Mitigation

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

For U-2579C, 997 linear feet of permanent warm water stream impacts are proposed. Of that total, NCDOT does not propose to provide compensatory mitigation for the 76 linear feet of bank stabilization impacts. Of the remaining 921 linear feet of permanent stream impacts, NCDOT proposes to provide compensatory mitigation for 921 linear feet at a 2:1 ratio. Compensatory mitigation for the 0.88 acre of U-2579C wetland impacts is proposed at a 2:1 ratio. NCDOT proposes to provide the above compensatory mitigation through purchasing stream and wetland credits from the NC Division of Mitigation Services (NCDMS).

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial 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).
- 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, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat.

According to the North Carolina Natural Heritage Program (NHP) Biotics Database, most recently updated October 2015, the nearest NLEB hibernacula record is 80 miles west (EO ID 32171) and no known NLEB roost trees occur within 150 feet of the project area.

NCDOT has also reviewed the USFWS Asheville Field office website for consistency with NHP records (http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html). This project is located entirely outside of the red highlighted areas (12-digit HUC) that the USFWS Asheville Field Office has determined to be representative of an area that may require consultation.

NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016. NCDOT may presume its determination is informed by best available information and consider Section 7 responsibilities fulfilled for NLEB. NCDOT made notification to USFWS on April 12, 2016.

- 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. 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 July 6, 2017 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):

- 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 shall 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, July 14, 2017. Comments should be submitted to James Lastinger, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-488 Ext 32.