



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

May 26, 2015

F/SER47: KH/pw

(Sent via Electronic Mail)

Colonel Kevin Landers, Commander
U.S. Army Corps of Engineers, Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Attention: Crystal Amschler

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAW-2008-03229 dated May 1, 2015. To improve a 7.6-mile segment of U.S. Highway 85 (I-85) in Cabarrus and Rowan Counties, the North Carolina Department of Transportation (NCDOT) requests authorization from the Department of the Army to permanently impact 4,273 linear feet (lf) of stream channel (956 lf of impact is for stream stabilization) and 0.34 acres of jurisdictional wetlands and to temporarily impact 631 lf of stream channel and 0.07 acres of jurisdictional wetlands. The Wilmington District has determined the proposed work is not within areas designated essential fish habitat. NMFS agrees with this determination and offers no comments under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act.

The NCDOT proposes to improve a 7.6-mile segment of I-85 north of NC Highway 73 (Davidson Highway/Exit 55) to north of SR 2180 (Lane Street/Exit 63). Proposed improvements include adding four additional travel lanes (two in each direction) by widening the existing four-lane freeway to eight lanes, which would match the existing lane configuration at the northern terminus at NC Highway 73. Additionally, the proposed project includes improvements to existing interchanges, bridges, and other features along this segment of I-85. These proposed improvements include:

- Replacing the existing ramps, loops, and collector/distributor lanes at the I-85 and US Highway 29/601 Connector interchange with a Diverging Diamond Interchange (DDI).
- Constructing an improved Diamond with Directional Ramp at the SR 2126 intersection, which would provide a relocated, elongated loop, along with removal and modification of existing ramps and inclusion of a new directional on-ramp for I-85 southbound traffic.
- Removing and replacing the dual, three-lane bridges over I-85.
- Constructing a new bridge carrying SR 1790 over the Norfolk Southern Railroad tracks and closure of the existing at-grade crossing.
- Removing the SR 2001 bridge over I-85.
- Replacing the SR 2000 bridge over I-85 and shifting the horizontal alignment.
- Widening shoulder sections throughout the project on both the L-line and Y-lines in compliance with current design standards.

The public notice indicates approximately 0.41 acres of jurisdictional wetlands would be impacted by the proposed project. The loss of freshwater wetlands could adversely affect water quality as this habitat



filters pollutants and facilitates transport of organic material. Consideration of the losses to these wetlands and the ecosystem services they provide is important during construction.

The public notice also describes impacts to 4,904 lf of jurisdictional streams that would permanently eliminate or temporarily disturb habitats used by aquatic organisms. The NMFS recommends the Wilmington District also examine downstream impacts in its analysis. The Yadkin Pee-Dee River and its tributaries have spawning areas used by anadromous fish. Sediment and toxicant input into streams and rivers is a major threat to anadromous fish and their habitats. This input can directly impact individuals and spawning aggregations as well as permanently eliminate nursery and spawning habitat.

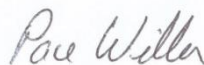
As compensatory mitigation for unavoidable impacts to jurisdictional wetlands and streams, NCDOT proposes payment to the North Carolina Division of Mitigation Services (NCDMS; formerly the North Carolina Ecosystem Enhancement Program) sufficient to provide for mitigation at a 2:1 ratio for 1,823 lf of stream channel and 1:1 for 1,307 lf of stream channel. The NCDOT further proposes to offset impacts to 0.34 acres of riparian wetlands through payment to NCDMS sufficient to provide for mitigation at a 2:1 ratio. Although the proposed project will permanently impact 4,273 lf of warm-water streams, 956 lf would result from stream bank stabilization and mitigation is not proposed for these impacts. Additionally, no mitigation is proposed for proposed permanent impacts to 187 lf of Stream SEF (site 19), which is currently a concrete lined channel. The NMFS supports mitigating the project impacts through the NCDMS.

Recommendation

The NMFS recommends the permit require Best Management Practices (BMPs) throughout all phases of construction. Specific BMPs include (1) ensuring all efforts are made to avoid toxicant input into surface waters and wetlands and (2) deploying a Sediment Control Fence (SCF), silt curtains, or other sedimentation and turbidity control barriers to minimize sediment input into waters and wetlands adjacent to construction and staging areas. Regular inspections and timely maintenance of all BMPs, including the SCFs, is necessary to minimize sediment and toxicant input into project-adjacent waters.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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