

DEPARTMENT OF THE ARMY
Raleigh Regulatory Field Office
6508 Falls of Neuse Road; Suite 120
Raleigh, North Carolina 27615-6814
(Web page - <http://www.saw.usace.army.mil/wetlands/index.htm>)

Action ID No. 200020945

January 29, 2003

PUBLIC NOTICE

The North Carolina Department Of Transportation, Division Of Highways, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, has applied for a Department of the Army (DA) Permit pursuant to SECTION 404 OF THE CLEAN WATER ACT to authorize the proposed discharge of fill material waters of the United States, including WETLANDS AND STREAM, for construction of IMPROVEMENTS TO US 15-501 (T.I.P. No. U-4012), crossing NEW HOPE CREEK and an unnamed tributaries of New Hope Creek, and adjacent wetlands, north of SR 2294 (Mt. Moriah Road), to south of SR 1116 (Garrett Road), in DURHAM, DURHAM COUNTY, North Carolina.

BACKGROUND:

The social, economic, and environmental impacts associated with reasonable and feasible build alternatives for this project have been described in a NCDOT/Federal Highway Administration Environmental Assessment (EA) dated July 31, 2002.

The EA identifies three construction alternatives to be studied further. The mass transportation and "No Build" alternatives are also addressed in the EA. The Corps of Engineers has agreed with the three construction alternatives to be studied further.

PROJECT DESCRIPTION:

The following description of work is taken from data provided by the applicant and from observations made during on-site inspections by a representative of the Corps of Engineers. The three proposed build alternatives are described below. A map showing the location of the project, and a drawing depicting the three alternatives is included with this public notice.

The types of wetland impacted by all three alternatives of the project include a combination of emergent, scrub-shrub and forested wetlands. All three alternatives impact the same 0.4 acres of wetland permanently for slope fill, an additional 0.4 acre of wetland temporarily for the approach fill for the temporary detour bridge, and 84 linear feet of an unnamed tributary to New Hope Creek for extension of a culvert for additional slope fill. The alternatives differ in the length of the bridge crossing New Hope Creek and its floodplain, with

the spans ranging from 150 feet to 205 feet to 268 feet. The temporary bridge and approach fill for the on-site detour would be on the north side of the existing bridge, to reduce impacts to the higher quality natural area on the south side.

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 of Engineers is soliciting public comment on the merits of the proposal and on the alternatives evaluated in the EA. At the close of this comment period, the District Engineer will evaluate and consider the comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of the US 15/501 improvements at this time. A final Department of the Army permit could be issued, if at all, 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 has been approved.

NCDOT proposes to mitigate for the unavoidable impacts to streams and wetlands, associated with this project, by payment to the North Carolina Wetlands Restoration Program (NCWRP) for the required compensatory mitigation within the Cape Fear River Basin.

According to the EA, the purpose of the proposed project is to improve traffic flow, level of service, and safety on this section of US 15-501.

Functional design plans and the EA are available for review at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120; Raleigh, North Carolina 27615-6846.

NCDOT will be holding a public hearing for this project on February 26, 2003, starting at 7 p.m., at the Githens Middle School, 4800 Chapel Hill Road, Durham, North Carolina 27707. A Corps of Engineers representative will attend the hearing.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and the project does not impact any registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer. NCDOT has coordinated with the North Carolina State Historic Preservation Officer (SHPO). The District Engineer is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer is not aware, based on available information, that the activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; 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

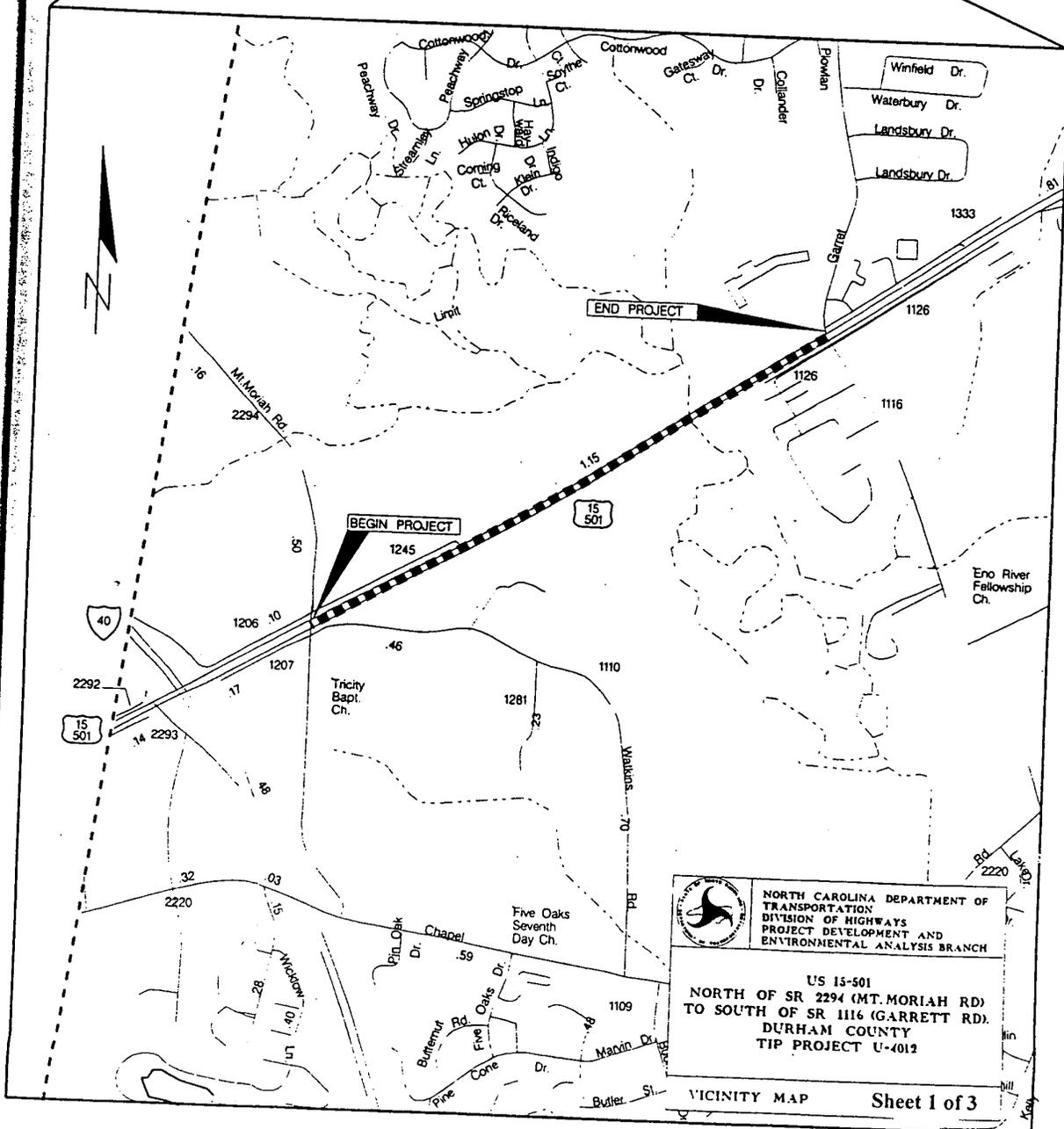
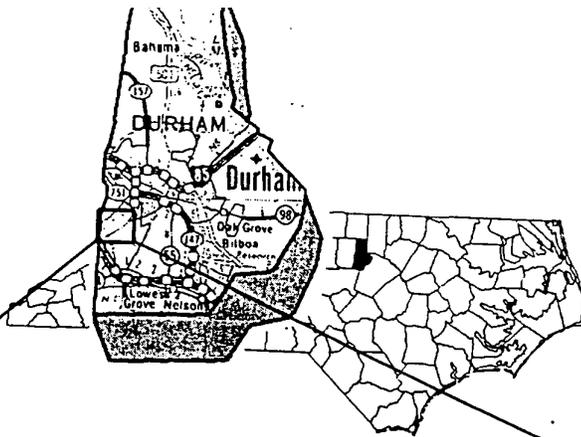
factors listed above. Comments are used in preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before February 27, 2003, Attention: Mr. John Dorney.

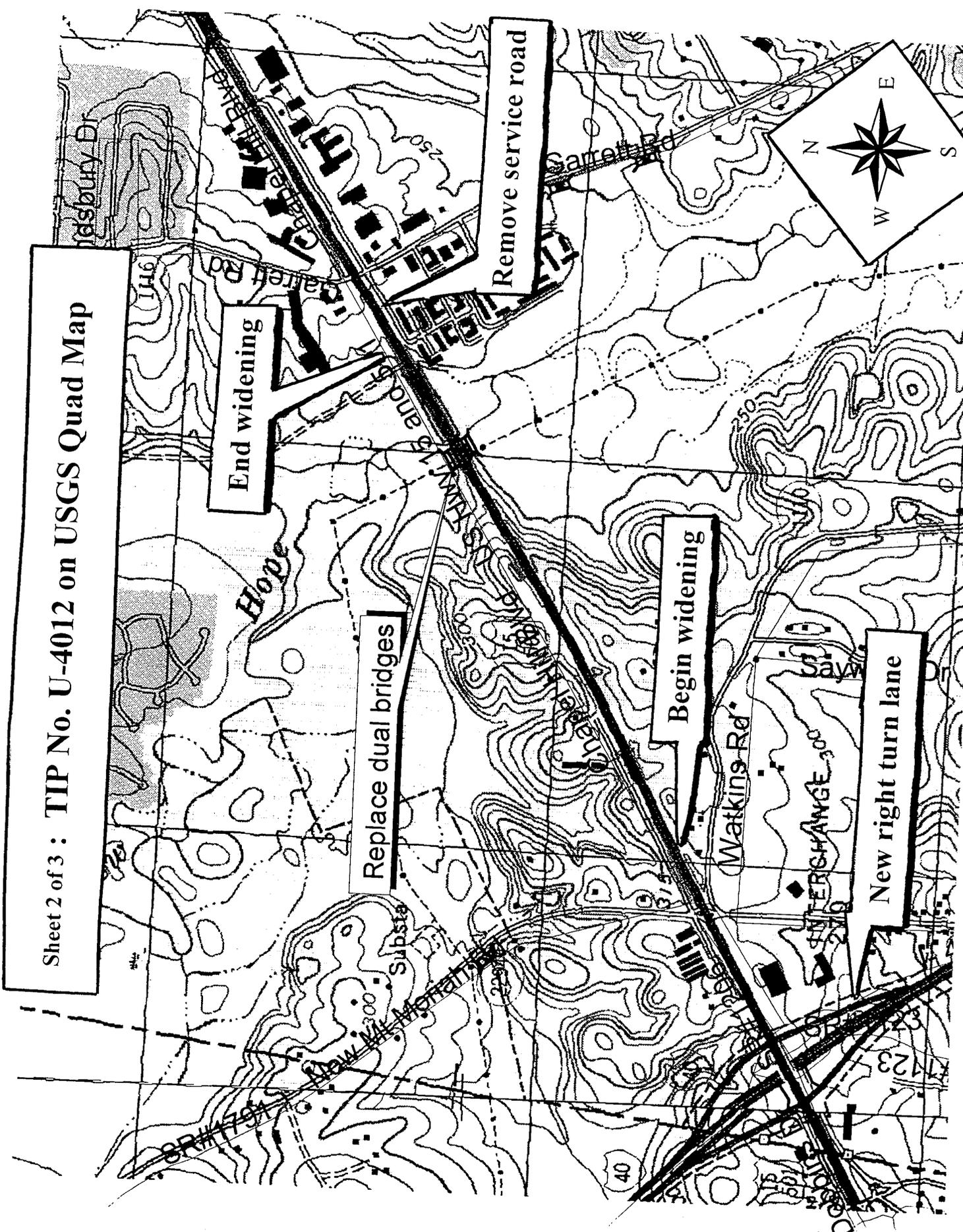
Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Eric Alsmeyer, until 4:15 p.m., February 27, 2003, or telephone 919-876-8441, extension 23.




 NORTH CAROLINA DEPARTMENT OF
 TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND
 ENVIRONMENTAL ANALYSIS BRANCH

US 15-501
 NORTH OF SR 2294 (MT. MORIAH RD)
 TO SOUTH OF SR 1116 (GARRETT RD).
 DURHAM COUNTY
 TIP PROJECT U-4012

Sheet 2 of 3 : TIP No. U-4012 on USGS Quad Map



End widening

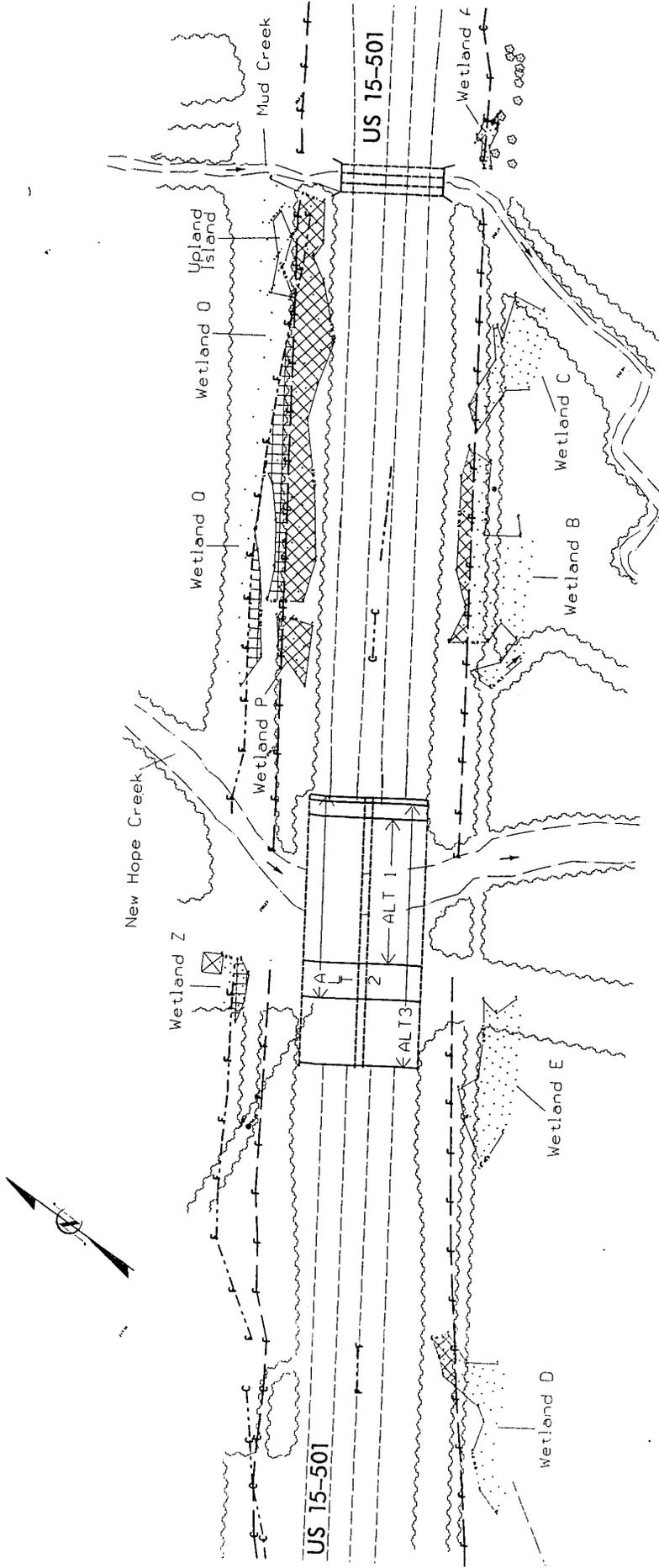
Replace dual bridges

Begin widening

Remove service road

New right turn lane





	NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH
	US 15-501 North of SR 2294 (Mt. Moriah Rd.) to South of SR 1116 (Garrett Rd.) Durham County TIP Project U-4012

	WETLAND DELINEATION
	WETLAND IMPACTS (PERMANENT)
	WETLAND IMPACTS (TEMPORARY FROM DETOUR BRIDGE)
	FILL LINE (PERMANENT)
	FILL LINE (DETOUR BRIDGE)



Sheet 3 of 3 : Proposed Alternatives
and Wetland Impacts