

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. 200120105

March 11, 2004

PUBLIC NOTICE

The North Carolina Department Of Transportation, Division Of Highways (NCDOT), 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 and SECTION 10 OF THE RIVERS AND HARBOR ACT to authorize the proposed discharge of fill material impacting wetlands and streams, for construction of the extension of SR 1537 (Daniel Street), from SR 1518 (Baker Street) to US 258 (T.I.P. No. U-3826), crossing the TAR RIVER, unnamed tributaries, and ADJACENT WETLANDS, east of Tarboro, in EDGECOMBE 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 December 8, 2003. According to NCDOT, the let date for Transportation Improvement Program (TIP) U-3826 will be in Federal Fiscal Year 2007.

The EA identifies six (6) construction alternatives on new alignment to be studied in detail. The "No Build" alternative is also addressed in the EA. By Concurrence Form signed July 2, 2001, the Corps of Engineers agreed with the six (6) construction alternatives on new alignment to be studied in detail.

PROJECT DESCRIPTION:

The following description of work is taken from data provided by the applicant and from observations made during an on-site inspection by a representative of the Corps of Engineers. The six proposed build alternatives are described below. Maps showing the location of the project, and the alignment of the six (6) construction alternatives, and a drawing of the typical roadway cross sections, are included with this public notice.

The proposed Daniel Street Extension is approximately 1.8 miles with a two-lane, 24-foot wide roadway, with 8-foot shoulders, of which 2 feet are paved, on a 100-foot right-of-way. The proposed roadway has a design speed of 60 miles per hour.

None of the alternatives directly impact residences or businesses that will require relocation. The project will involve fill impacts to intermittent and perennial stream channels tributary to the Tar River, and adjacent wetlands. Wetland types that would be impacted by the project are linear vegetated depressions, swamp forests, and bottomland hardwood forests. These wetland and stream impacts are summarized in Table 1:

	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F	Alternative H
Wetland fill impact	1.10	3.43	2.37	2.96	2.34	1.62
Wetland bridge impact	0.40	0.03	0.28	0.14	0	0.49
Total stream impact*	0	0	320	0	222	304
Total cost (\$)	5,940,341	5,957,525	7,437,712	6,359,936	6,330,820	7,799,098

* Impacts do not include impacts to the Tar River and a portion of one of its tributaries from bridging.

In order to more fully integrate Section 10 and 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 Daniel Street Extension 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 states that it will likely use either existing or planned NCDOT mitigation sites, or use mitigation through the North Carolina Ecosystem Enhancement Program (EEP), to provide the necessary compensatory mitigation for the unavoidable wetland and stream impacts associated with this project.

According to the EA, the purpose of the proposed project is to provide a more efficient travel route from downtown Tarboro to nearby regional highways in the eastern portions of Edgecombe County, and to reduce truck traffic through downtown Tarboro.

Functional design plans, the EA, and information about the North Carolina Ecosystem Enhancement Program 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 an open-house public hearing for this project on Monday, March 22, 2004, 4:00 p.m. to 7:00 p.m., at the M.A. Ray Recreation Center, 1405 Martin Luther King Drive, on the east side of Tarboro.

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 10 of the Rivers and Harbors Act (33 U.S.C. 407) and 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 two properties that have been determined to be eligible for inclusion in the Register (the Atlantic Coast Line Railroad Bridge and the Shiloh Graveyard) are within the areas of potential effect for the construction alternatives. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer. NCDOT has conducted surveys for architectural resources, and has coordinated with the North Carolina State Historic Preservation Officer (SHPO). SHPO has concurred that the proposed project alternatives will not have an effect on the Atlantic Coast Line Railroad Bridge. SHPO has also concurred that Alternative F will not have an adverse effect on the Shiloh Graveyard if mitigation efforts are undertaken to mark the graveyard boundaries and post interpretive language. NCDOT will conduct a detailed archaeological resource survey once a preferred alternative is selected. The District Engineer is otherwise unaware of the presence of registered or eligible properties. 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. A bald eagle (*Haliaeetus leucocephalus*) has been sighted recently in the project's study area along the Tar River. However, a bald eagle survey on August

21, 2002 revealed no bald eagle nests in or within one mile of the project study area. The U.S. Fish and Wildlife Service (USFWS) has concurred that the project is not likely to adversely affect the bald eagle, based on information available at this time. Although the Tar Spiny mussel (*Elliptio steinstansana*) has historically been found in the Tar River within the project study, no individuals of the mussel were found within the study area in a 2002 mussel survey. NCDOT will be consulting with the USFWS regarding the potential for effect to the mussel from this project.

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.

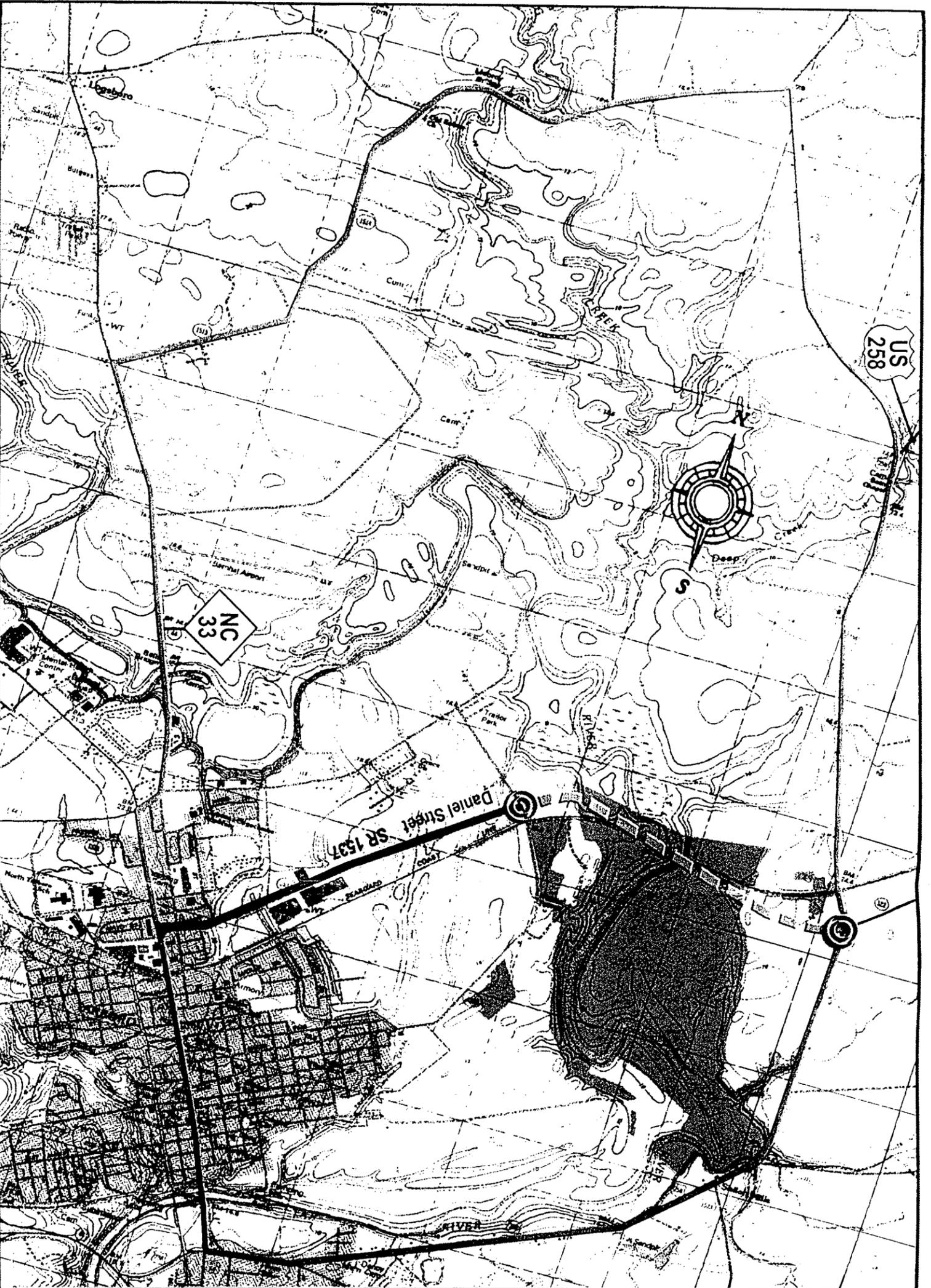
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 April 5, 2004, 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., April 12, 2004, or telephone 919-876-8441, extension 23.

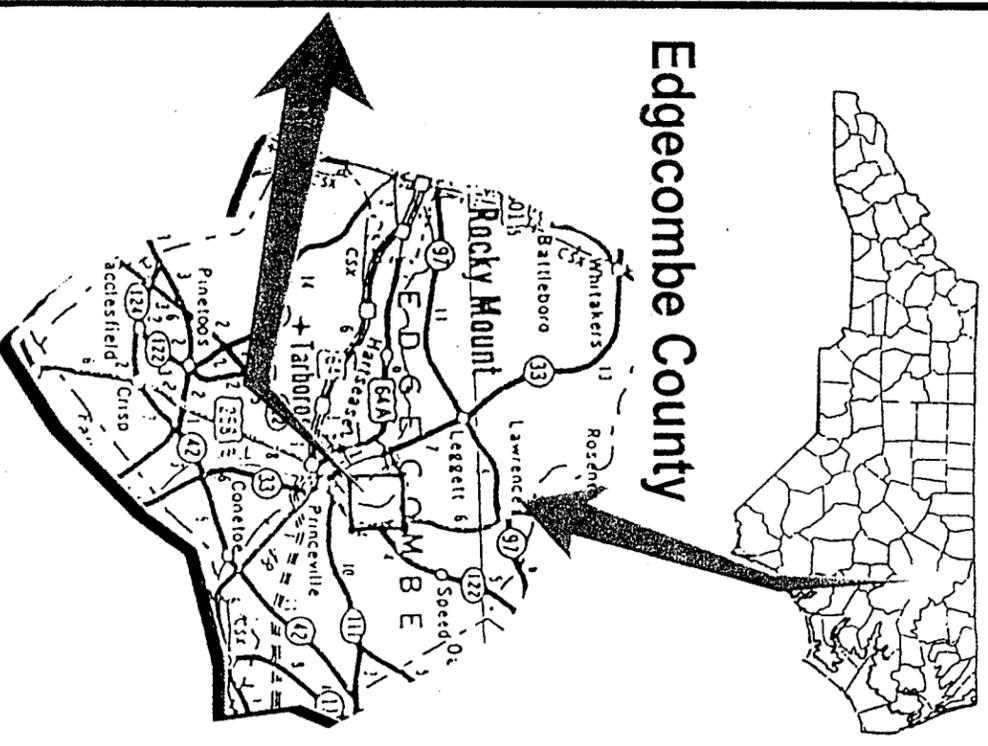


LEGEND

-  Conceptual Alignment
-  Current Northern Travel Route
-  Current Southern Travel Route
-  Project Study Area

North Carolina

Edgemoor County



North Carolina Department of Transportation
 Project Development and
 Environmental Analysis Branch

**PROJECT STUDY AREA WITH
 NORTHERN & SOUTHERN
 TRAVEL ROUTES**

EDGECOMBE COUNTY
 SR 1537 (Daniel Street) Extension
 In Tarboro From SR 1518 (Baker Street)
 To US 258/NC 122
 T.I.P. No. U-3826

Figure 1



SR 1537 (Daniel Street) Extension

in Tarboro from SR1518 (Baker Street) to US 258/NC 122
T.I.P. No. U-3826

Detailed Study Alternatives

Legend:		Alternatives	
	Cemetery		B
	Historic Bridge		C
	Natural Heritage Occurrence		D
	Surface Water Intake (SWI)		E
	1/4 Mile SWI Buffer		F
	Municipal Boundaries		H

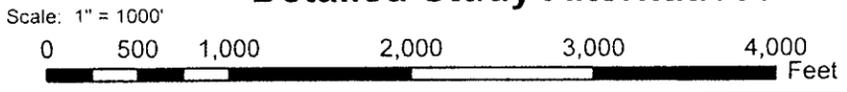


Figure 2



