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# News Release

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## Owens Drive permit appeal denied

Brigadier General J. Richard Capka, Commander of the U.S. Army Corps of Engineers, South Atlantic Division today issued a decision denying of a permit to build a two-mile stretch highway at Owen Drive, in Fayetteville. The original permit application had been denied by the Wilmington District Engineer on July 19, 1999.

"The Wilmington District and the North Carolina State Department of Transportation (NCDOT) have worked very closely through this process," said Wilmington District Engineer James W. DeLony. "Over the past five years, we have been building a cooperative agreement with the NCDOT regarding the Section 404 National Environmental Protection Act Process. This project didn't fall under that agreement, but it certainly benefited our communication on the permit."

Dr. Wayne Wright, Chief of Wilmington District's Regulatory Division, said, "In talking to Secretary David McCoy of NCDOT this afternoon, we agreed that we could come to a resolution that will meet both Fayetteville's needs and our regulatory requirements. What Brigadier General Capka said in his statement about the permit is true—the work that has already been done isn't wasted, and we will be able to make an expeditions decision as soon as we have complete information on alternative routes from NCDOT."

"Secretary McCoy is in agreement with us—we want a resolution on the project that will provide a prime example of smart growth and sustainable development coupled with the highest level of environmental awareness and responsibility," Dr. Wright said.

At issue in the permit denial was the fact that the state's proposal called for filling 6.3 acres of streamhead/mixed hardwood and loblolly pine flatwood wetlands located on the Cape Fear River floodplain terrace as well as 246 feet of perennial stream. Also, the state had not fully assessed all

the alternative routes available for completing the project, particularly East Mountain Drive and the US 301/Business 95 routes.