

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
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.html>)

Action ID. 200121280

August 6, 2004

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 dredged and fill material impacting 2,987 linear feet of STREAM and 0.75 acre of WETLANDS, for construction of Section B of the improvements to NC 109 (T.I.P. No. R-2568B), crossing RICH FORK CREEK and unnamed tributaries, from north of I-85 Business to north of SR 1756 (Lexington Avenue), northwest of THOMASVILLE, in DAVIDSON COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the placement of fill material impacting a total of 2,987 linear feet of stream and 0.75 acre of wetlands, in the Yadkin River basin. These impacts are necessary for the construction of Section B of the improvements to NC 109 (T.I.P. No. R-2568B). The proposed highway improvement will extend approximately 3.5 miles, from north of I-85 Business to north of SR 1798 (Old Greensboro Road). The improvements will begin on the project's southern end at the north end of the recently completed improvements to existing NC 109 at the I-85 Business interchange, and will put NC 109 on a new location, 4-lane divided roadway, with partial access control from that point, for the majority of the project, to where the new location roadway ties into existing NC 109 near Beech Ridge Road, and the project continues as a widening of existing NC 109 to the project's northern end, north of SR 1756 (Lexington Avenue). At-grade intersections with the new location NC 109 will be constructed at SR 1800 (Midway School Road), and Beech Ridge Road, with two other state-maintained road connections to existing NC 109.

The proposed work is the second section of six proposed sections of improvements to NC 109 (T.I.P. No. R-2568, A through F), extending from the I-85 Business interchange in Davidson County, to US 311 in Forsyth County. NCDOT has recently completed the construction the first section at the I-85 Business interchange (TIP No. R-2568A, AID 199700601), and has just recently started project planning for the last 4 sections (TIP No. R-2568 C through F), which are not yet scheduled for construction. NCDOT states that the B section of the NC 109 improvements, which is included in this application, has independent utility because it can stand alone as a functioning project, and thus can be permitted and constructed independently of the other unpermitted sections.

The project will involve fill impacts to 2,987 linear feet of stream channel at ten locations. At one site, NCDOT proposes to relocate 315 linear feet of a perennial stream, using natural stream channel design, to include planting stream banks with trees and shrubs. The proposed construction will also impact a total of 0.75 acre of vegetated wetlands by filling, excavation, and mechanized clearing. The impacted wetlands consist of palustrine, non-riverine forested areas.

NCDOT is proposing to use an onsite mitigation opportunity and the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary compensatory mitigation for the unavoidable wetland and stream impacts associated with this project. The onsite mitigation is 315 linear feet of perennial stream relocation, using natural channel design, at one of the stream crossing sites. NCDOT has requested that the compensatory mitigation for 0.75 acre of non-riverine wetland impacts, and the remaining 1,090 linear feet of impacts to streams with important aquatic function, be provided by the EEP.

The purpose of the work is to increase traffic carrying capacity and to improve safety, for this portion of the NC 109 corridor. The applicant has considered several alternatives to the entire project that includes Sections A and B of the improvements, including a No Build Alternative, a Transportation Management Alternative, the Mass Transit Alternative, and two Build Alternatives. In addition, the applicant has committed to investigating measures to avoid and minimize wetland and stream impacts, including 2:1 fill slopes in wetlands, no ditches in wetlands, depressed culverts, no bridge deck drains over surface waters, and grassed roadway ditches instead of curb and gutter.

Overall plans showing the location of the proposed construction and impact sites are included with this public notice. Additional detailed plans and information about the North Carolina Ecosystem Enhancement Program may be reviewed at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615-6846, or at the offices of the North Carolina Division of Water Quality at the address shown below.

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 conducted surveys for architectural and archaeological resources, and has coordinated with the North Carolina State Historic Preservation Officer (SHPO). SHPO has concurred that the project will not have any effect on architectural or archaeological resource properties eligible for inclusion in the Register. 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.

NCDOT conducted surveys for the Schweinitz's sunflower, a Federal endangered species, in June 2004, and found no individuals in the areas of suitable habitat within the project right-of-way limits. Based on the occurrence of suitable habitat for the sunflower on the project, NCDOT has determined that the project "may affect, but is not likely to adversely affect" Schweinitz's sunflower. The District Engineer is not aware, based on available information, that the activity will affect any other 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 August 31, 2004, Attention: Mr. John Dorney.

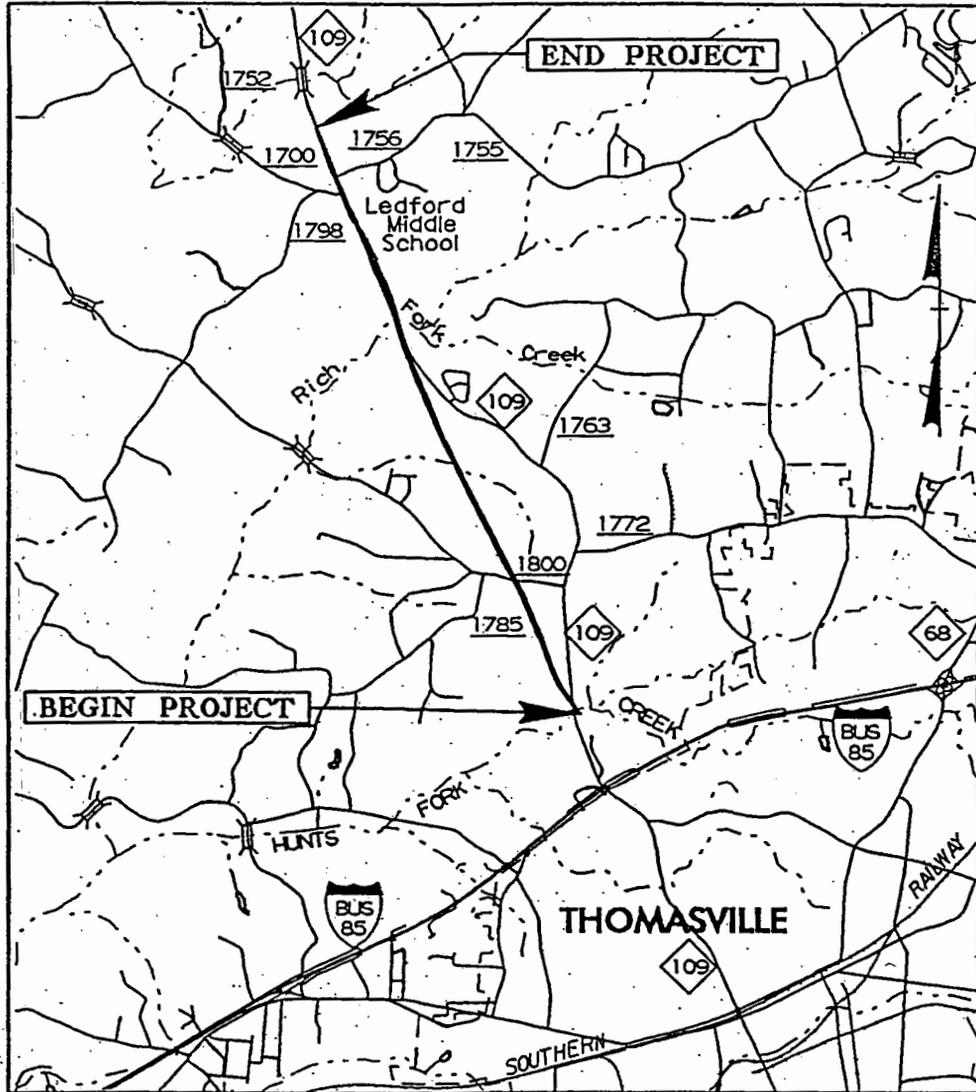
Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Eric Alsmeyer, until 4:15 p.m., September 7, 2004, or telephone 919-876-8441, extension 23.

Action ID No. 200121280

Applicant: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, ATTN: GREGORY J. THORPE, PH.D., ENVIRONMENTAL MANAGEMENT DIRECTOR, PDEA, 1548 MAIL SERVICE CENTER, RALEIGH, NC 27699-1548

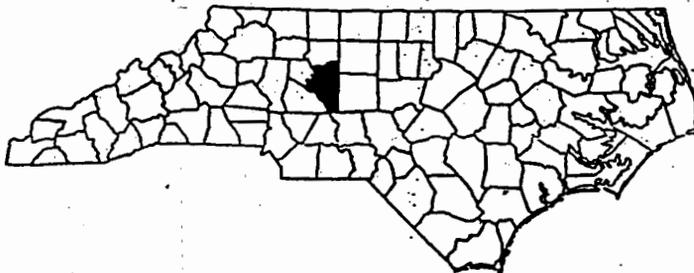
Proposed Work: Discharge of dredged and fill material impacting 2,987 linear feet of stream and 0.75 acre of wetlands, for construction of Section B of the improvements to NC 109 (T.I.P. No. R-2568B), crossing Rich Fork Creek and unnamed tributaries, from north of I-85 Business to north of SR 1756 (Lexington Avenue), northwest of Thomasville, in Davidson County, North Carolina.

No. Cys.	Mailed To
1	Applicant
44	All NC Public Notices including ... List for Raleigh FO
1	Congressman Howard Coble
1	Congressman Melvin Watt
1	Postmaster, Thomasville, NC 27360
15	Ms. Rosalyn Camara, NCDENR, Raleigh, NC
2	Dr. Pete Benjamin, USFWS
2	Mr. Ronald Mikulak, EPA, Atlanta, GA
1	Mr. John Dorney, NCDWQ
1	Mr. David Cox, NCWRC
31	Adjacent Owners (See attached list)
1	USACE, RALEIGH REGULATORY FIELD OFFICE, 6508 FALLS OF NEUSE ROAD, SUITE 120, RALEIGH, NC 27615-6814
10	EXTRA
111	TOTAL



VICINITY MAP

NORTH CAROLINA



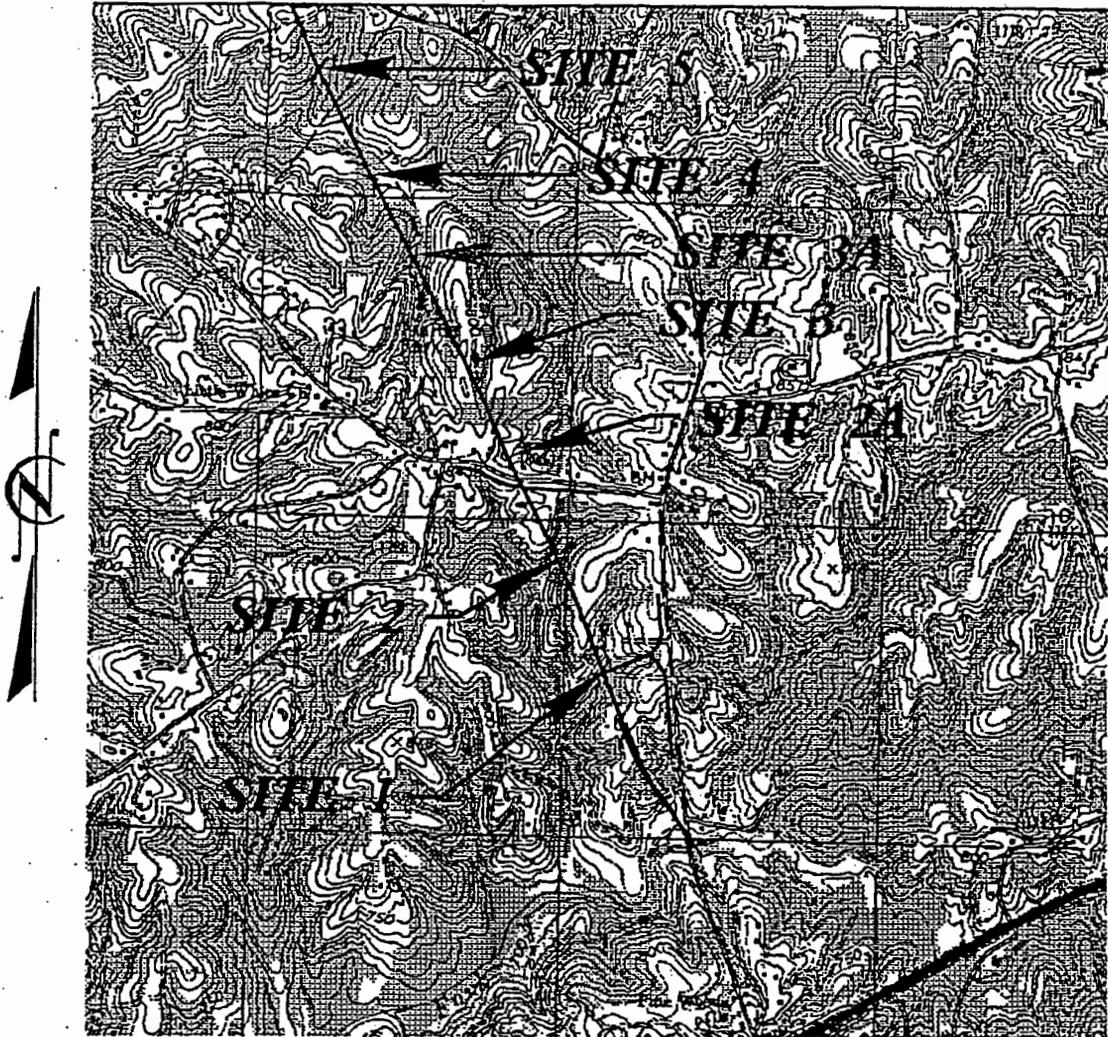
N.C.D.O.T.
DIVISION OF HIGHWAYS
DAVIDSON COUNTY

NC 109 FROM NORTH
 OF I-85 BUSINESS TO
 NORTH OF SR1756
 (LEXINGTON AVE.)
 NORTH OF LEDFORD M.S.

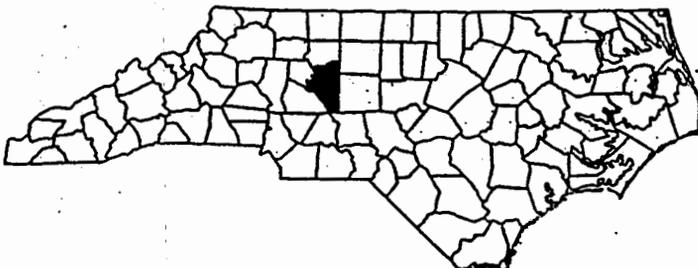
STATE PROJECT #1160991 R-2568B
 SHEET 1 OF 4

D1202

MATCHLINE



VICINITY MAP
(HIGH POINT WEST QUADRANGLE)

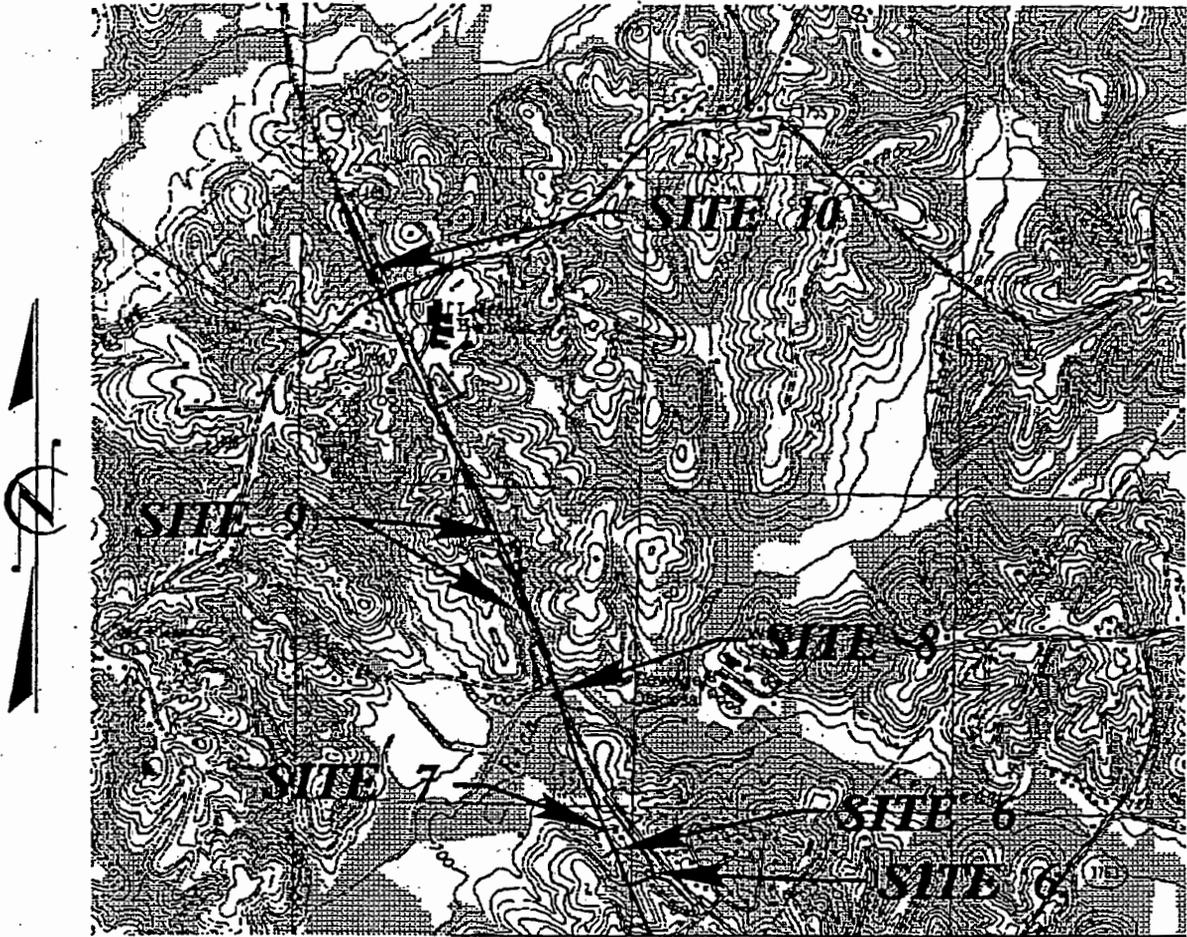


N.C.D.O.T.
DIVISION OF HIGHWAYS
DAVIDSON COUNTY

**NC 109 FROM NORTH
OF I-85 BUSINESS TO
NORTH OF SR1756
(LEXINGTON AVE.)
NORTH OF LEDFORD M.S.**

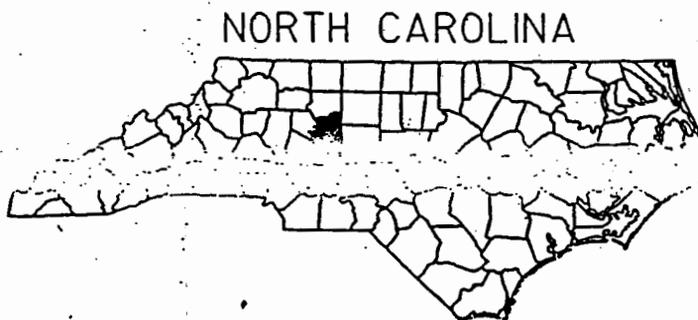
STATE PROJECT #81600961 R-2568B
SHEET 2 OF 4

060404



MATCHLINE

VICINITY MAP
MIDWAY AND HIGH POINT WEST QUADRANGLE



N.C.D.O.T.
DIVISION OF HIGHWAYS
DAVIDSON COUNTY

NO. 100 FROM NORTH
OF SR1756
(LEXINGTON AVE.)
NORTH OF LEDFORD M.S.

STATE PROJECT #81600901 R-2568B
SHEET 3 OF 4

060404

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)	
1	29+50-30+20 -L-	48" Pipe					0.03				427	
2	33+55-33+80 -L-	48" Pipe	0.02				0.02				233	
2a***	37+20 -L-	no structure										
3	40+40-40+60 -L-	no structure	0.03			0.02						
3a	43+70-44+60 -L-	66" Pipe					0.05				437	
4*	46+60-47+80 -L-	11' X 8' m RCBC					0.14				617	315
5	50+60-51+00 -L-	30" Pipe	0.14			0.01						
6	10+60-11+00 -Y10-	24" Pipe					0.01				121	
6	55+60-56+00 -L-	30" Pipe					0.02				289	
7	56+70 -L-	24" Pipe					0.01				273	
8**	61+31.50 -L-	2@85" X 54" P/S Conc. Girder Bridge					0.05			0.030	98	
9	64+00-66+60 -L-	42" Pipe	0.43		0.03	0.07	0.01				141	
10	75+50-76+50 -L-	36" Pipe	0.62		0.03	0.100	0.02			0.03	351	315
TOTALS:												

NCDOT

DIVISION OF HIGHWAYS
 DAVIDSON COUNTY
 PROJECT 8.1600901 (R-2568B)
 NC 109 FROM NORTH OF I-85
 BUSINESS TO NORTH OF SR1756
 (LEXINGTON AVE.) NORTH OF
 LEDFORD MIDDLE SCHOOL

SHEET 4 OF 4 7/14/04

Sites 1, 2, 9, 10: Includes 10ft of Temporary impacts for pipe installation for each site.
 Sites 3a, 6 & 7: Includes 20ft of Temporary impacts for pipe installation for each site.
 * Site 4: Includes 82 feet of Temporary impact for culvert/stream construction.
 ** Site 8: Channel impacts are temporary only. Permanent impacts at this site are associated with the fill of a natural scour hole adjacent to the stream channel.
 *** Site 2a: Although no impacts will occur at this site, it has been included in the permit drawings to demonstrate avoidance.