

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>)

Action ID. 200221534

March 26, 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 fill-material impacting 2,218 linear feet of STREAM and 0.52 acre of WETLANDS, for construction of Section CB of the I-85 WIDENING AND IMPROVEMENTS (T.I.P. No. I-2511CB), impacting TOWN CREEK and its unnamed tributaries, from north of SR 1002 (Bringle Ferry Road) to north of SR 2120 (Long Ferry Road), east of SPENCER, in ROWAN 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 2,218 linear feet of stream and 0.52 acre of wetlands, in the Yadkin River basin. These impacts are necessary for the construction of Section CB of the I-85 widening and improvements (T.I.P. No. I-2511CB). The proposed highway widening will extend approximately 3.4 miles, from north of SR 1002 (Bringle Ferry Road) to north of SR 2120 (Long Ferry Road). The highway will be widened to an eight-lane, median divided highway, and the interchanges at SR 1915 (Old Union Church Road) and SR 2120 (Long Ferry Road) will be improved with new ramp designs and associated road relocations and service road changes.

The proposed work is the northernmost section of the I-85 improvements (T.I.P. No. I-2511), extending from the US 29-601 Connector (Exit 68) to SR 2120 (Exit 81), in Rowan County, and will connect at its northern end to the proposed I-85 improvements (T.I.P. No. I-2304), extending from SR 2120 (Exit 81) to US 29-52-70/I-85 Business (Exit 87), in Rowan and Davidson Counties. NCDOT is currently constructing the southernmost sections of T.I.P. No. I-2511, and has recently applied for a permit for the southernmost sections of T.I.P. No. I-2304. NCDOT states that the I-2511CB section of the I-85 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 2,218 linear feet of stream channel at nine locations, which includes 1,642 linear feet of stream with important aquatic function. These impacts include 864 linear feet of impacts to Town Creek at the interchange for SR 1915 (Old Union Church Road), where the proposed interchange design improvements require relocation of the existing channel to the west, where a new channel approximately 1,375 long will be constructed using natural stream channel design, to include planting stream banks with trees and shrubs. The remaining stream impacts are due to extension of existing culverts. The proposed construction will also impact a total of 0.52 acres of vegetated wetlands by filling and mechanized clearing. The impacted wetlands are bottomland hardwood forest areas.

NCDOT is proposing to use onsite mitigation opportunities 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 1,375 linear feet of stream relocation using natural channel design, and 0.05 acre of wetland restoration on the south side of the Yadkin River at the existing I-85 crossing. Compensatory mitigation for the remaining 267 feet of impacts to stream with important aquatic function will be provided by the EEP. The wetland restoration is associated with removal of the fill causeway for T.I.P. No. I-2304.

The purpose of the work is to improve I-85, by providing improved sub-grade, additional travel lanes, and safer access to and from I-85 by revisions to interchanges and service roads. The applicant has considered alternatives to the proposed project, including the no build alternative, and alternate modes of transportation. In addition, the applicant has committed to investigating measures to avoid and minimize wetland and stream impacts, including not staging equipment or supplies in wetlands or near stream channels, using 2:1 fill slopes in wetlands, using a 46-foot median width, eliminating lateral ditching in wetlands as much as possible, and using depressed culverts to maintain aquatic life movement.

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 coordinated with the North Carolina State Historic Preservation Officer (SHPO). SHPO has concurred that the project is unlikely to affect 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.

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. NCDOT conducted a plant-by-plant survey for *Helianthus schweinitzii* (Schweinitz's sunflower) in October 2003, and did not find any individuals within the project study area. NCDOT is coordinating with the US Fish and Wildlife Service on the potential for effect to Schweinitz's sunflower.

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.

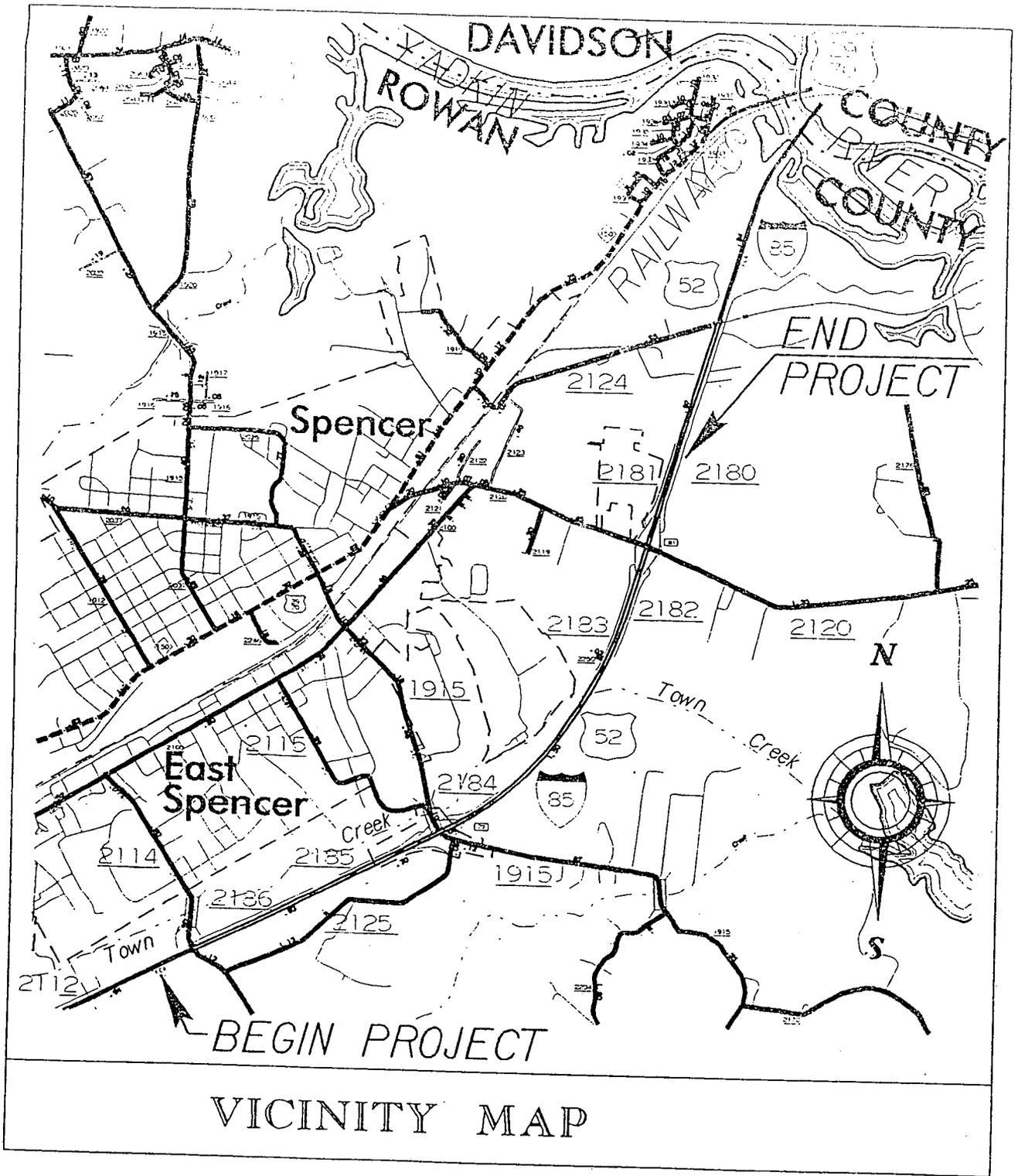
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

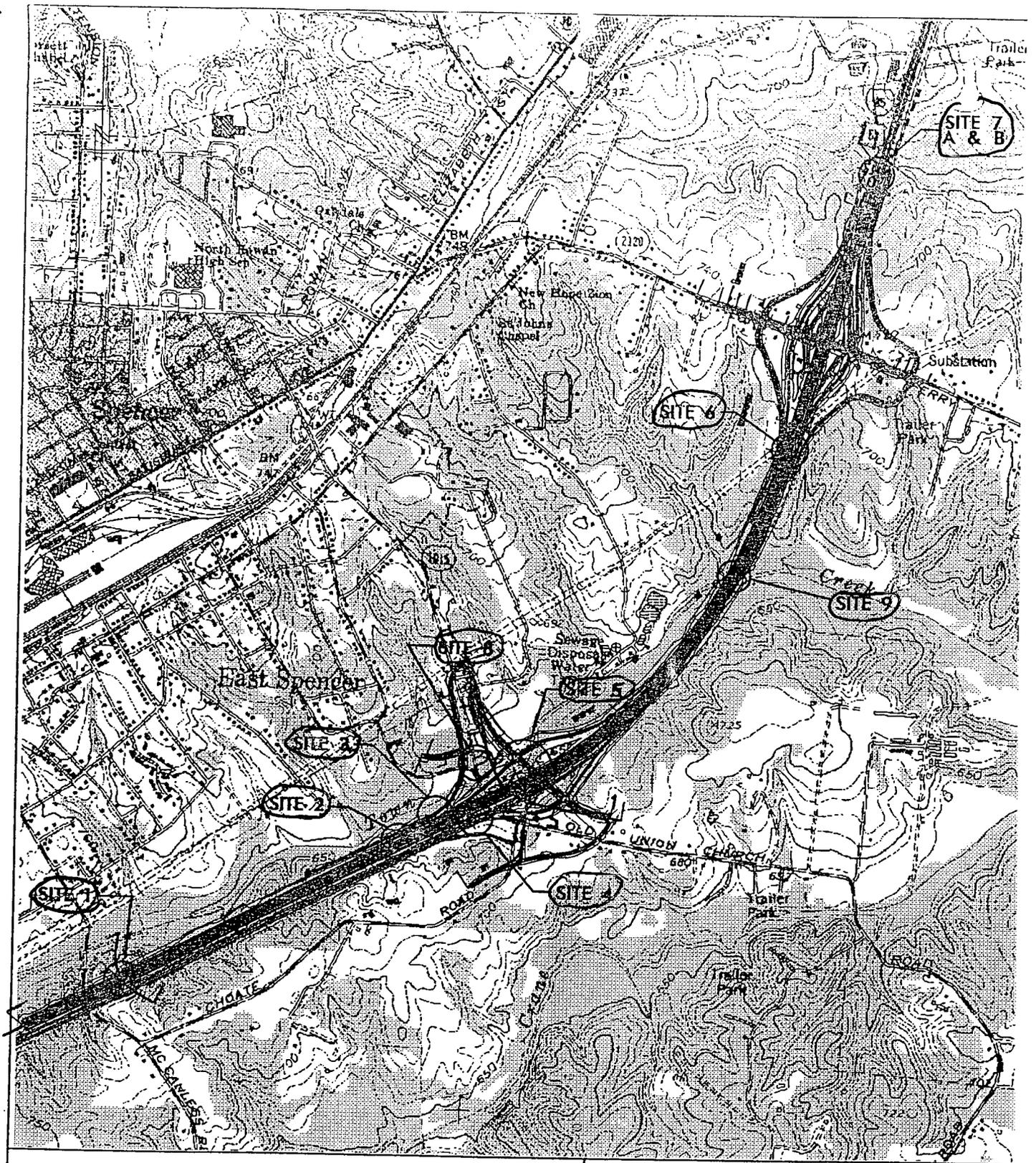
All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before April 19, 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 26, 2004, or telephone 919-876-8441, extension 23.



VICINITY MAP

**NCDOT**  
 DIVISION OF HIGHWAYS  
 ROWAN COUNTY  
 PROJECT: 8.1631503 (I-2511CB)  
 I-85 FROM N OF SR 1002 (BRINGLE  
 FERRY RD.) TO N OF SR 2120 (LONG  
 FERRY RD.) NEAR SPENCER  
 SHEET 1 OF 5 07 / 01 / 02



# SITE MAP

**NCDOT**

DIVISION OF HIGHWAYS

ROWAN COUNTY

PROJECT: 8.1631503 (I-2511CB)

I-85 N OF SR 1002 (BRINGLE  
FERRY RD.) TO N OF SR 2120 (LONG  
FERRY RD.) NEAR SPENCER

### WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To) (-L-)	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	647+50 -L- (LT/RT)	30" RCP	0	0	0	0	0.003	0	0	0	66	0
2	680+00 -L- (LT/RT)	30" RCP	0	0	0	0	0.01	0	0	0	180	0
3	49+27 -SR1- (LT.)	18" RCP	0	0	0	0	0.01	0	0	0	93	0
4	RPIC 16+00	18" RCP	0.001	0	0	0.003	0.008	0	0	0	114	0
5	708+00-717+00 -L- LT.	SPANS:3@60';1@45' BRIDGE	0	0	0	0	0.64	0	0	0	864	1375
6	SRC 31+40 (LT.)	NONE	0.041	0	0	0.006	0.009	0	0	0	200	0
7A & 7B	808+00-812+00	18"/30"RCP/8x7 RCBC	0	0	0	0	0.06	0	0	0	481	0
8	SR1- 72+00	NONE	0.41	0	0	0.06	0	0	0	0	90	0
9	752+65.85-L-	4@11' x 13' RCBC	0	0	0	0	0.1	0	0	0	130	0
<b>TOTALS:</b>			0.452	0	0	0.069	0.84	0	0	0	2218	1375

SITE 3: 93ft. Does not require mitigation

SITE 6: 163ft. Does not require mitigation  
37ft. Does require mitigation

SITE 7A: 230ft. Does not require mitigation  
22ft. Does require mitigation  
Site8: 90ft. Does not require mitigation

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ROWAN COUNTY

PROJECT: 8.1631503 (I-2511CB)

**REVISED**

SHEET **3** OF **5** (9/12/03)

# PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
1	JAMES E. SMITH	453 STEEPLECHASE TRAIL SALISBURY N.C. 28144
2	JAMES E. SMITH	453 STEEPLECHASE TRAIL SALISBURY N.C. 28144
9	WALLACE PROPERTIES	301 N. MAIN ST. SALISBURY N.C. 28145-0102
10	VOYLS W. & SHARON TYSINGER	740 CHOATE RD. SALISBURY N.C. 28146
12	NEW HOPE BAPTIST CHURCH	830 CHOATE RD. SALISBURY N.C. 28146
16	OLIN E. STAMPER & WIFE	308 HENDERSON ST. SALISBURY N.C. 28144
27	ROBERT LEE & STELLA RUSHER	721 ANDREWS ST. SALISBURY N.C. 28144-8714
28	CECIL B. DAY COMPANIES, INC.	7000 CENTRAL PARKWAY NE STE. 850 ATLANTA GA. 30328
29	DEBORAH T. AREY	2685 PROVIDENCE CHURCH RD. SALISBURY N.C. 28146

NCDOT

DIVISION OF HIGHWAYS

ROWAN COUNTY

PROJECT: 8.1631503 (I-2511CB)

I-85 FROM N OF SR 1002 (BRINGLE  
FERRY RD.) TO N OF SR 2120 (LONG  
FERRY RD.) NEAR SPENCER

SHEET 4 OF 5

7 / 02 / 02

# PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
37	BURLENA N. LYERLY	1031 OLD MOCKSVILLE RD. SALISBURY N.C. 28144
65	MARY LONG	OVERHILL DR. SALISBURY N.C. 28144
67	TEDDY BARNES & WIFE	405 WILLOW CREEK DR. SALISBURY, N.C. 28146- 2469
18A	CLARICE H. & KAREN L. ROE	2 LAUREL BROOK CT. GREENSBORO, N.C. 27407- 5037

NCDOT

DIVISION OF HIGHWAYS  
ROWAN COUNTY

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