

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.htm>)

Action ID. 200221536

August 22, 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 dredged and fill material impacting 377 linear feet of stream, for construction of Section E of the US 70 widening (T.I.P. No. R-2911E), crossing Setman Branch, from 0.4 miles west of SR 1953 (Kepley Road) to US 601 (Jake Alexander Boulevard), west of Salisbury, 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 377 linear feet of stream, in the Yadkin River basin. These impacts are necessary for the construction of Section E of the US 70 widening (T.I.P. No. R-2911E). The proposed highway widening will extend 3.8 miles, from 0.4 miles west of SR 1953 (Kepley Road) to US 601 (Jake Alexander Boulevard). The highway will begin at an existing two-lane section of US 70, at the western end of the project, and widen US 70 to a minimum four-lane, 18-foot median divided curb and gutter roadway, with 14-foot outside pedestrian lanes, to the project's eastern end, where it ties into a five-lane section of US 70.

The proposed work is the easternmost section of five sections of the US 70 improvements (T.I.P. No. R-2911), extending from US 601, west of Salisbury, in Rowan County, to SR 2318, east of Statesville, in Iredell County. NCDOT is currently in planning for the four westernmost section, which are proposed for construction in the years following construction of Section E. NCDOT states that the E section of the US 70 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 377 linear feet of stream channel at one location. NCDOT proposes to extend an existing 8 foot by 6 foot box culvert, causing the loss of 197 linear feet of channel, and to relocate an additional 180 linear feet of channel on the north side of US 70, using natural stream channel design, to include planting stream banks with trees and shrubs. No wetlands will be impacted by the proposed project.

NCDOT is proposing to use to the North Carolina Ecosystem Enhancement Program to provide compensatory mitigation for the stream impacts from the culvert extension for this project.

The purpose of the work is to increase traffic carrying capacity and to improve safety, for this portion of the US 70 corridor. The applicant has considered several alternatives to the proposed project. In addition, the applicant has committed to measures to avoid and minimize wetland and stream impacts, including not using heavy equipment or storing construction supplies in or near surface waters, using minimal median widths, and burying the culvert at least one foot below the stream bed.

Plans showing the proposed construction are included with this public notice. Additional detailed plans and information 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.

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.

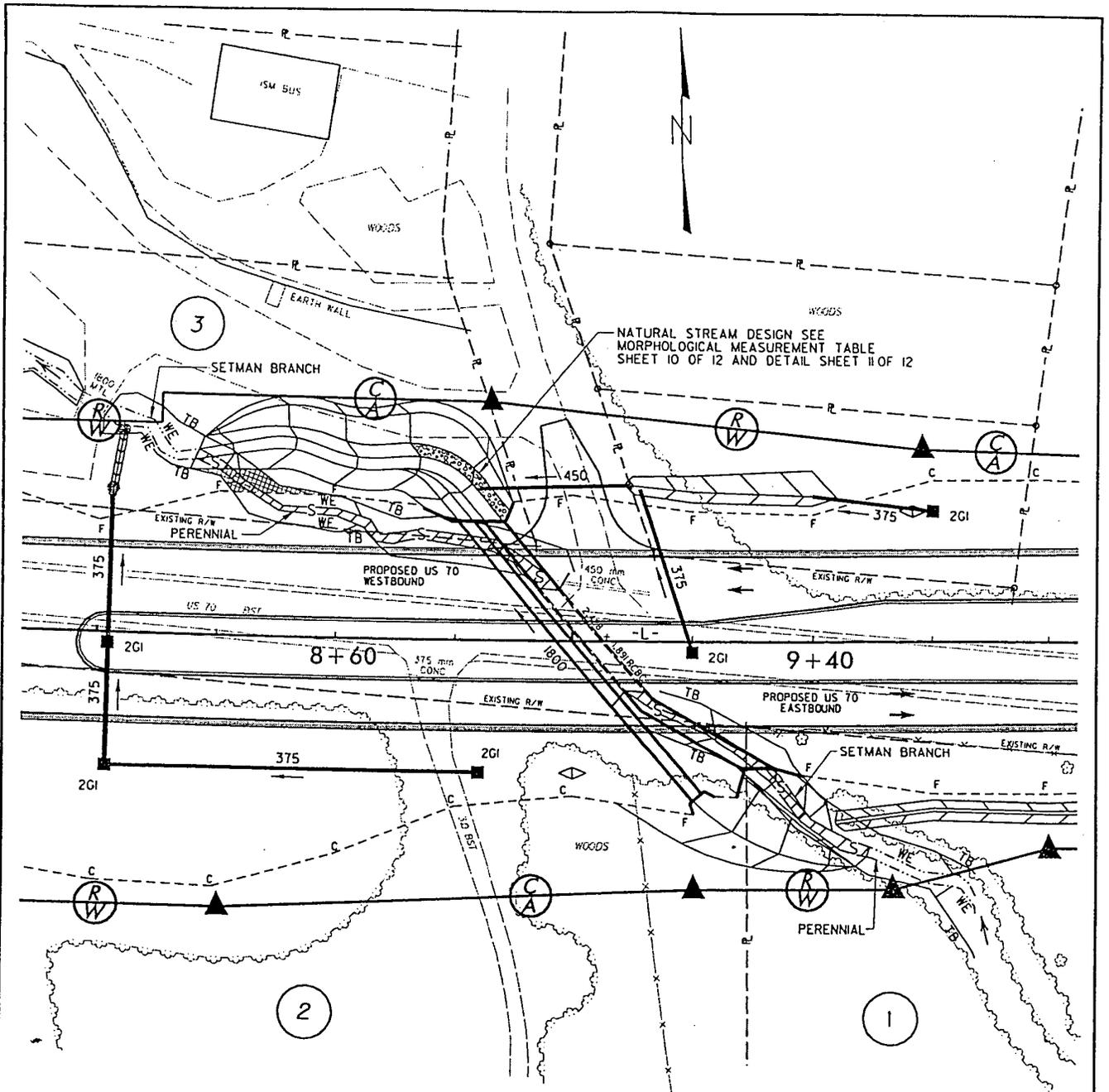
Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon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

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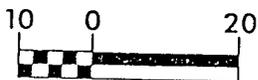
All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before September 15, 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., September 22, 2003, or telephone 919-876-8441, extension 23.





PLAN VIEW  
SITE 1



DENOTES FILL IN  
SURFACE WATERS



N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ROWAN COUNTY

PROJECT: 8.1631801 (R-2911E)  
US 70 WIDENING

SHEET 2 OF 4

10/04/02



Project No. 8.1631801 (R-2911E)

Property Owner List

Site NO.	Property NO.	Name DB and Pg	Address
1	(1)	James R. Carscaddon DB 621 PG 358	5175 Statesville Blvd. Salisbury, N.C. 28147
	(2)	Charles Glenn Pethel & Frances Rabon Bethel DB 706 PG 769	5325 Statesville Blvd. Salisbury, N.C. 28144
	(3)	Shed Time Inc. & Kenneth I. Schwendinger DB 811 PG 495	5350 Statesville Blvd. Salisbury, N.C. 28144

N.C. DEPT. OF TRANSPORTATION  
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US 70 WIDENING