

**DEPARTMENT OF THE ARMY**  
**Wilmington District, Corps of Engineers**  
**Post Office Box 1890**  
**Wilmington, North Carolina 28402-1890**

Action ID No. 200231069

September 5, 2003

**PUBLIC NOTICE**

The North Carolina Department of Transportation, ATTN: Dr. Gregory J. Thorpe, Director, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit TO DISCHARGE DREDGED OR FILL MATERIAL INTO 1.17 ACRES OF WETLAND AND 1141 LINEAR FEET OF STREAM CHANNEL IN THE WATERS AND ADJACENT WETLANDS OF AFTON RUN AND UNNAMED TRIBUTARIES AND AN UNNAMED TRIBUTARY OF IRISH BUFFALO CREEK TO FACILITATE THE CONSTRUCTION OF 4.2 MILES OF THE KANNAPOLIS WESTSIDE BYPASS FROM NC HIGHWAY 73 NORTH TO NC HIGHWAY 136 WEST OF KANNAPOLIS, CABARRUS COUNTY, NORTH CAROLINA (TIP NO. U-2009B, STATE PROJECT NO. 9.8103406).

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed construction of a four-lane divided highway facility on a 200-foot wide right-of-way from NC Highway 73 on the south to NC Highway 136 on the north, a distance of approximately 4.2 miles. The alignment of the proposed road from NC 73 to the intersection with SR 1622 (Trinity Church Road) and SR 1624 (Boy Scout Camp Road) would be on new location. From Trinity Church Road the project generally follows the alignment of Boy Scout Camp Road to NC 136. The proposed road would have partial control of access. The new location section crosses Afton Run and two unnamed tributary channels. Two additional unnamed tributaries to Afton Run would be impacted by improvements to Trinity Church Road. Widening Boy Scout Camp Road would impact an unnamed tributary to Irish Buffalo Creek. The installation of concrete pipe culverts would impact all streams except Afton Run. Channel impacts totaling 1141 linear feet would occur. Individual impacts range from 121 linear feet at Site 5 to 308 linear feet at Site 1, both on unnamed tributaries to Afton Run. All culverted crossings are on intermittent channels with the exception of the stream at Site 7 that becomes perennial on the south side of Trinity Church Road. Afton Run is a perennial stream and would be spanned by a bridge approximately 154 feet in length. Wetlands totaling 1.17 acres would be impacted at four of the stream crossings (Sites 2, 3, 4 and 6). Individual impacts range from .01 acres at Site 2 to .96 acres at Site 3 on Afton Run where approach fills to the bridge would be placed in wetlands. The wetland systems are forested with a mixture of bottomland species including American elm, green ash, box elder, red maple, sycamore, sweet gum, elderberry, greenbrier, poison ivy and Japanese honeysuckle.

The project as a whole would impact 1.17 acres of wetland, 974 linear feet of intermittent stream channel and 167 linear feet of perennial stream channel. Based on a field assessment of stream function, the applicant is proposing to mitigate for the stream losses at ratios from 1:1 to 2:1 with a total of 1558 linear feet of stream mitigation proposed. Wetlands would be mitigated at a 2:1 ratio. To accomplish this mitigation, the applicant proposes to contribute to the North Carolina Ecosystem Enhancement Program (EEP). All proposed mitigation would occur in the Yadkin River Basin, Hydrologic Unit 03040105. A State Environmental Assessment (EA) for the proposed work was approved on June 5, 1991. A Revised State Environmental Assessment/Finding of No Significant Impact was signed on June 28, 1996. An Indirect and Cumulative Impact Assessment was completed for this project on July 30, 2003. A portion of the Kannapolis Westside Bypass (TIP U-2009A) consisting of a new interchange at I-85 and Crisco Road has been completed. The applicant has requested additional DA permits for a section of the Kannapolis Westside Bypass Extension (TIP R-2246C). The purpose of the proposed work is to improve access to I-85 and provide a north-south arterial route serving western Cabarrus County. Plans showing the proposed work are included with this public notice.

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 (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Department of Environment and Natural Resources (NCDENR) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this 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 this worksite is not 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, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed 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 and flood plain values (in accordance with Executive Order 11988), 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.

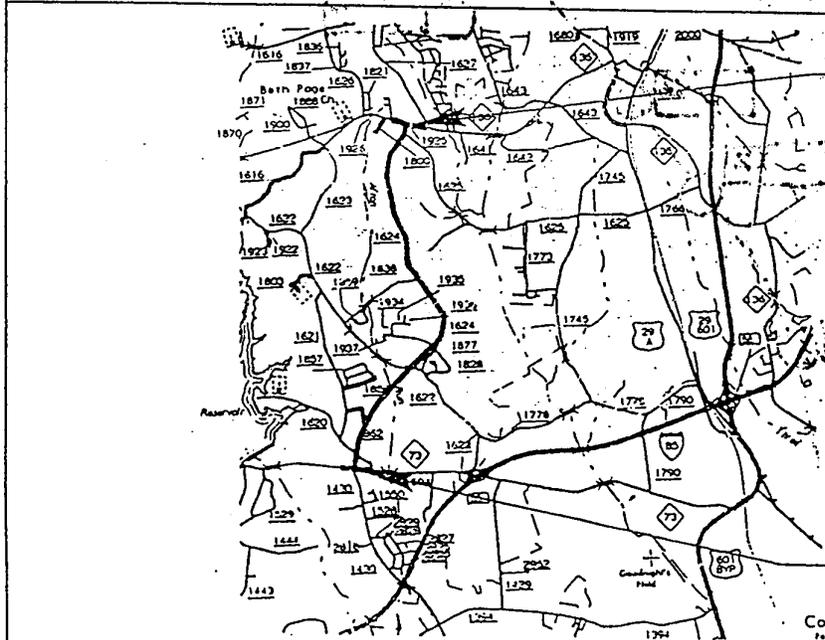
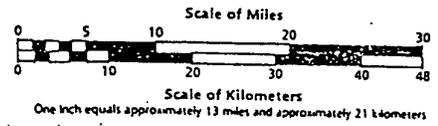
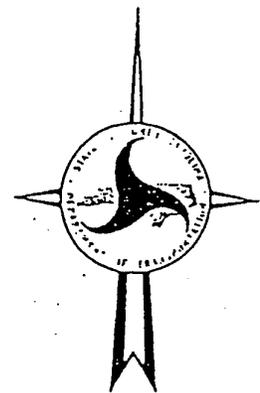
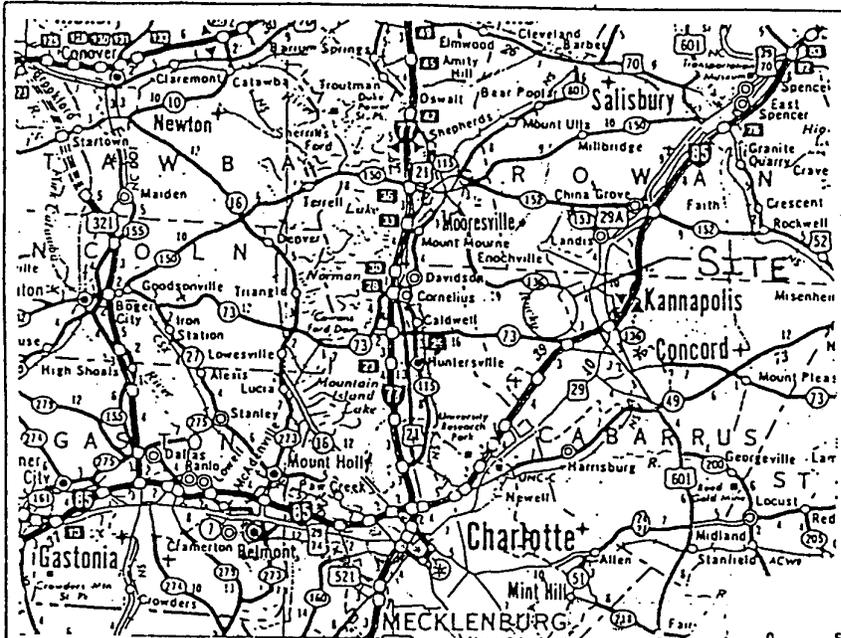
Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts, including secondary and cumulative impacts, of this proposed activity. Any comments received will be considered 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 the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). 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 Department of the Army (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 401 Wetlands Certification Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd., Raleigh, North Carolina 27604. 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 Division of Water Quality Wetlands Section, 1621 Mail Service Center, Raleigh, North Carolina 27626-0621, on or before September 29, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steven Lund, until 4:15 p.m., October 6, 2003, or telephone (828) 271-7980.



END PROJECT

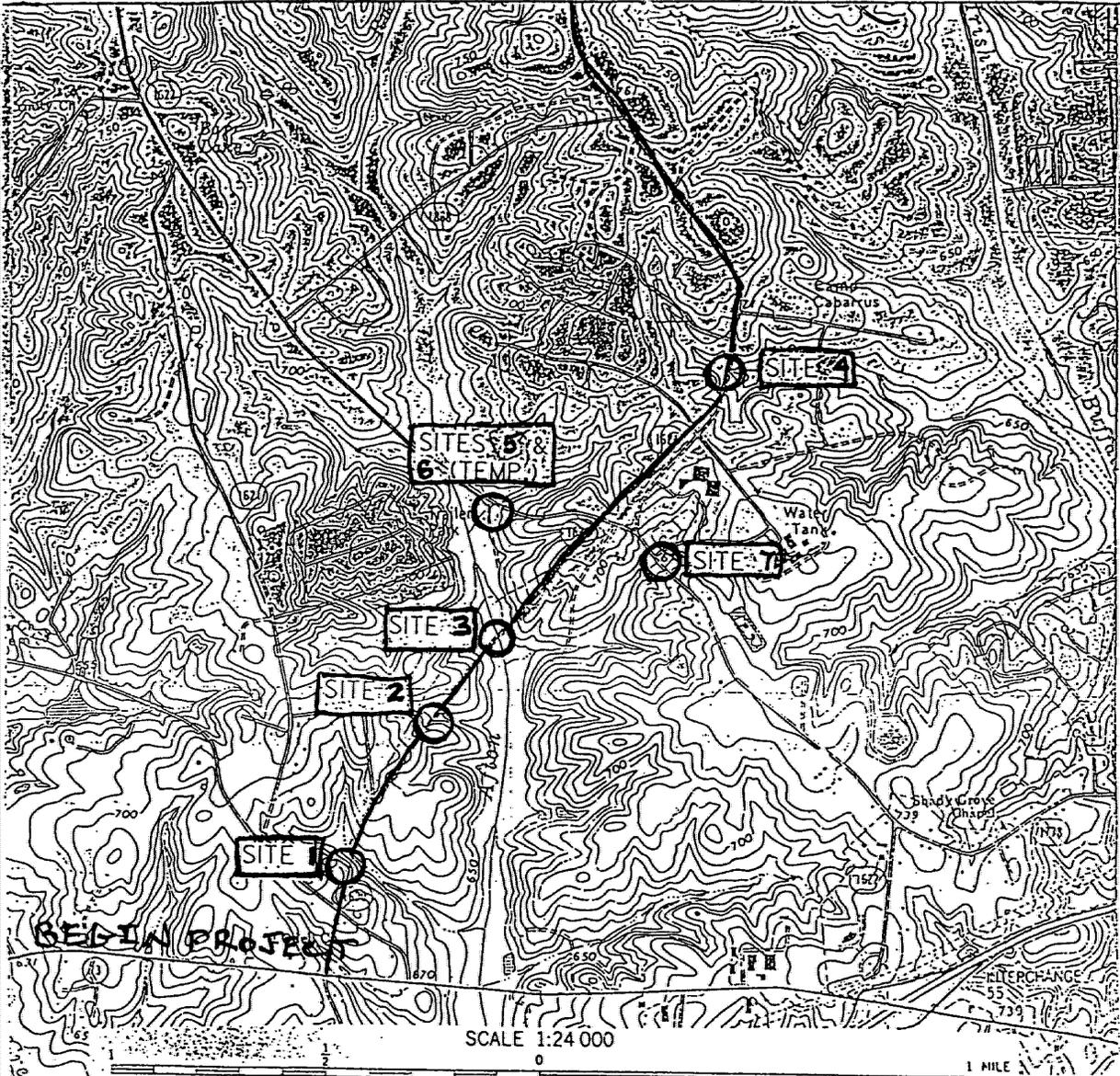
BEGIN PROJECT

Concord  
Fig. 23, 016

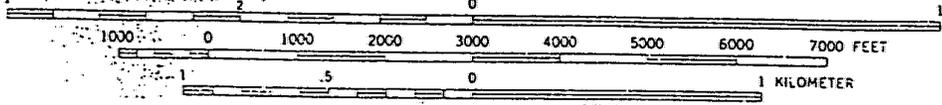
VICINITY  
MAPS

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8103406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 75 TO NC 136  
DATE: 5 / 26 / 98  
REV. DATE: OCT., 2001  
SHEET 1 OF 20

MATCH LINE



SCALE 1:24 000



# SITE MAP

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8105406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 2 OF 20

END PROJECT

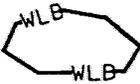
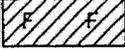
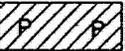
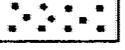
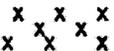
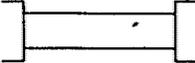
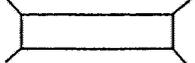


MATCH LINE

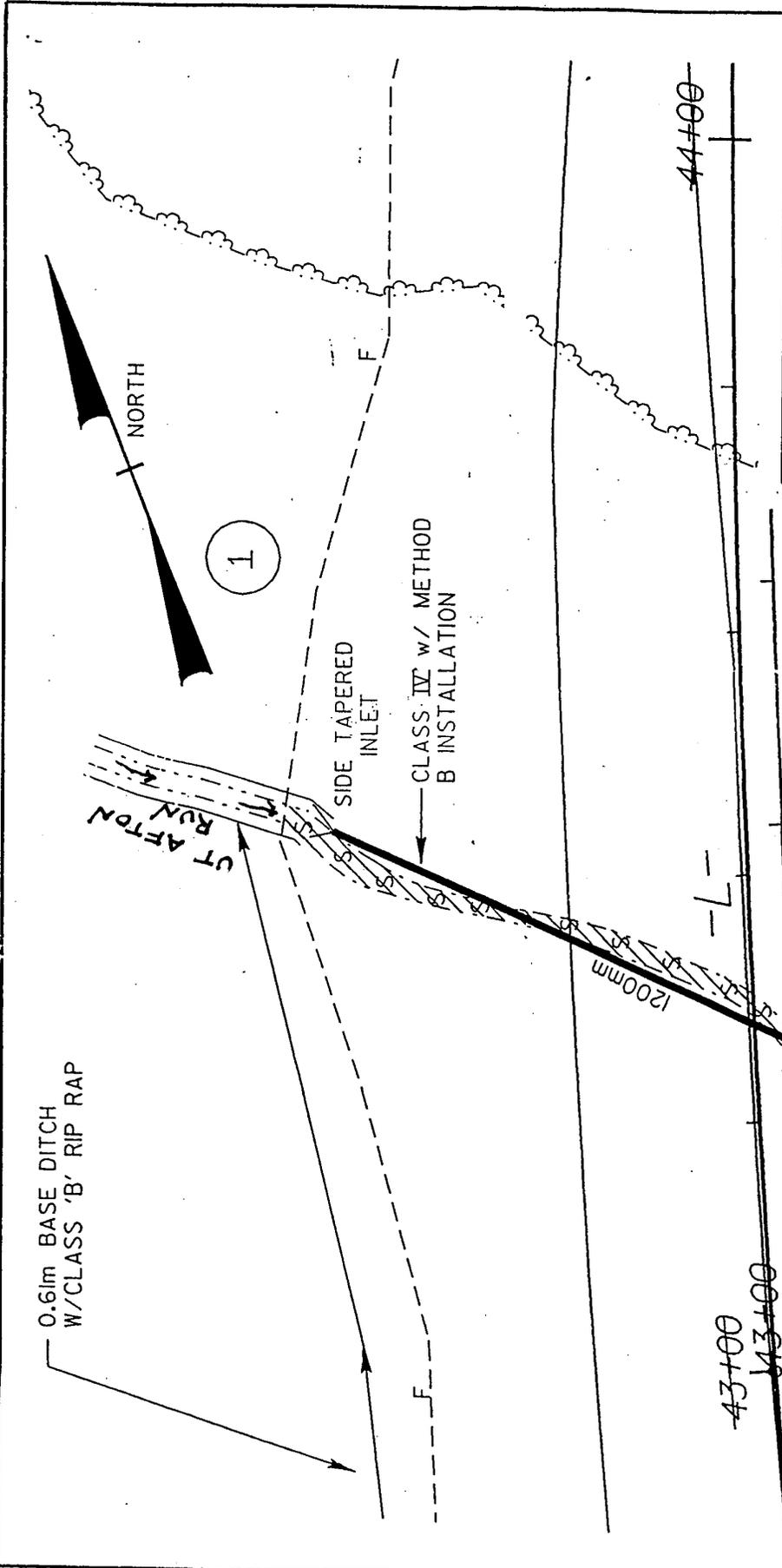
SITE MAP

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8105406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 3 OF 20

# LEGEND

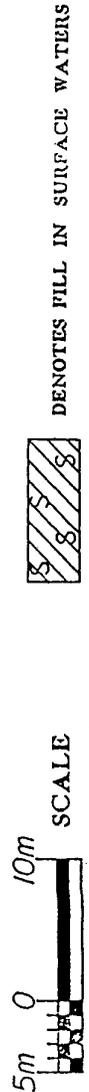
- |  |   |
|--|---|
| <p>— WLB — WETLAND BOUNDARY</p> <p> WETLAND</p> <p> DENOTES FILL IN WETLAND</p> <p> DENOTES FILL IN SURFACE WATER</p> <p> DENOTES FILL IN SURFACE WATER (POND)</p> <p> DENOTES TEMPORARY FILL IN WETLAND</p> <p> DENOTES EXCAVATION IN WETLAND</p> <p> DENOTES TEMPORARY FILL IN SURFACE WATER</p> <p> DENOTES MECHANIZED CLEARING</p> <p>—&gt;—&gt;— FLOW DIRECTION</p> <p>— TB — TOP OF BANK</p> <p>— WE — EDGE OF WATER</p> <p>— C — PROP. LIMIT OF CUT</p> <p>— F — PROP. LIMIT OF FILL</p> <p>—▲— PROP. RIGHT OF WAY</p> <p>— NG — NATURAL GROUND</p> <p>— PL — PROPERTY LINE</p> <p>— TDE — TEMP. DRAINAGE EASEMENT</p> <p>— PDE — PERMANENT DRAINAGE EASEMENT</p> <p>— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY</p> <p>— EPB — EXIST. ENDANGERED PLANT BOUNDARY</p> <p>— — — WATER SURFACE</p> <p> LIVE STAKES</p> <p> BOULDER</p> <p>— — — CORE FIBER ROLLS</p> | <p> PROPOSED BRIDGE</p> <p> PROPOSED BOX CULVERT</p> <p> PROPOSED PIPE CULVERT<br/>12"-48" PIPES<br/>54" PIPES &amp; ABOVE</p> <p> (DASHED LINES DENOTE EXISTING STRUCTURES)</p> <p> SINGLE TREE</p> <p>— Woods Line</p> <p> DRAINAGE INLET</p> <p> ROOTWAD</p> <p> RIP RAP</p> <p> ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE</p> <p>— BZ1 — BUFFER ZONE 1</p> <p>— BZ2 — BUFFER ZONE 2</p> |
|--|---|

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
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 FROM NC 73 TO NC 136  
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 REV. DATE: OCT., 2001  
 SHEET 4 OF 20



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 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 5 OF 20

PLAN VIEW  
 MATCH LINE A-A  
 SITE 1



MATCH LINE A-A

375mm

400mm CSP W/2  
ELBOWS - F

1

1200mm

UT AFTON RAN

F

CLASS 'B' RIP RAP

NORTH

0.61m BASE DITCH  
W/CLASS 'B' RIP RAP

CLASS '1'  
RIP RAP

NO. 1000

# PLAN VIEW SITE 1

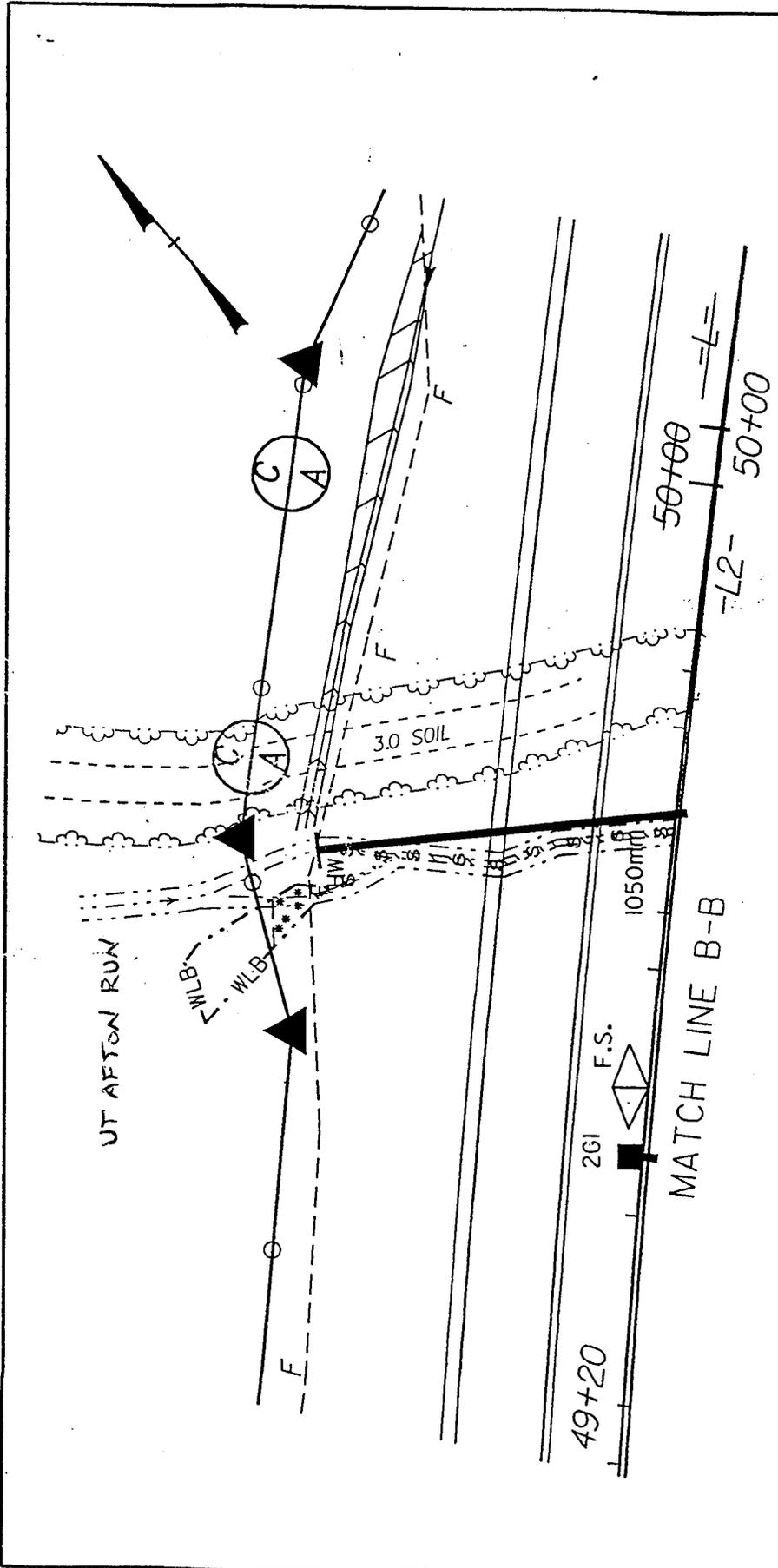


SCALE



DENOTES FILL IN SURFACE WATERS

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103.406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 6 OF 20



N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 7 OF 20

PLAN VIEW

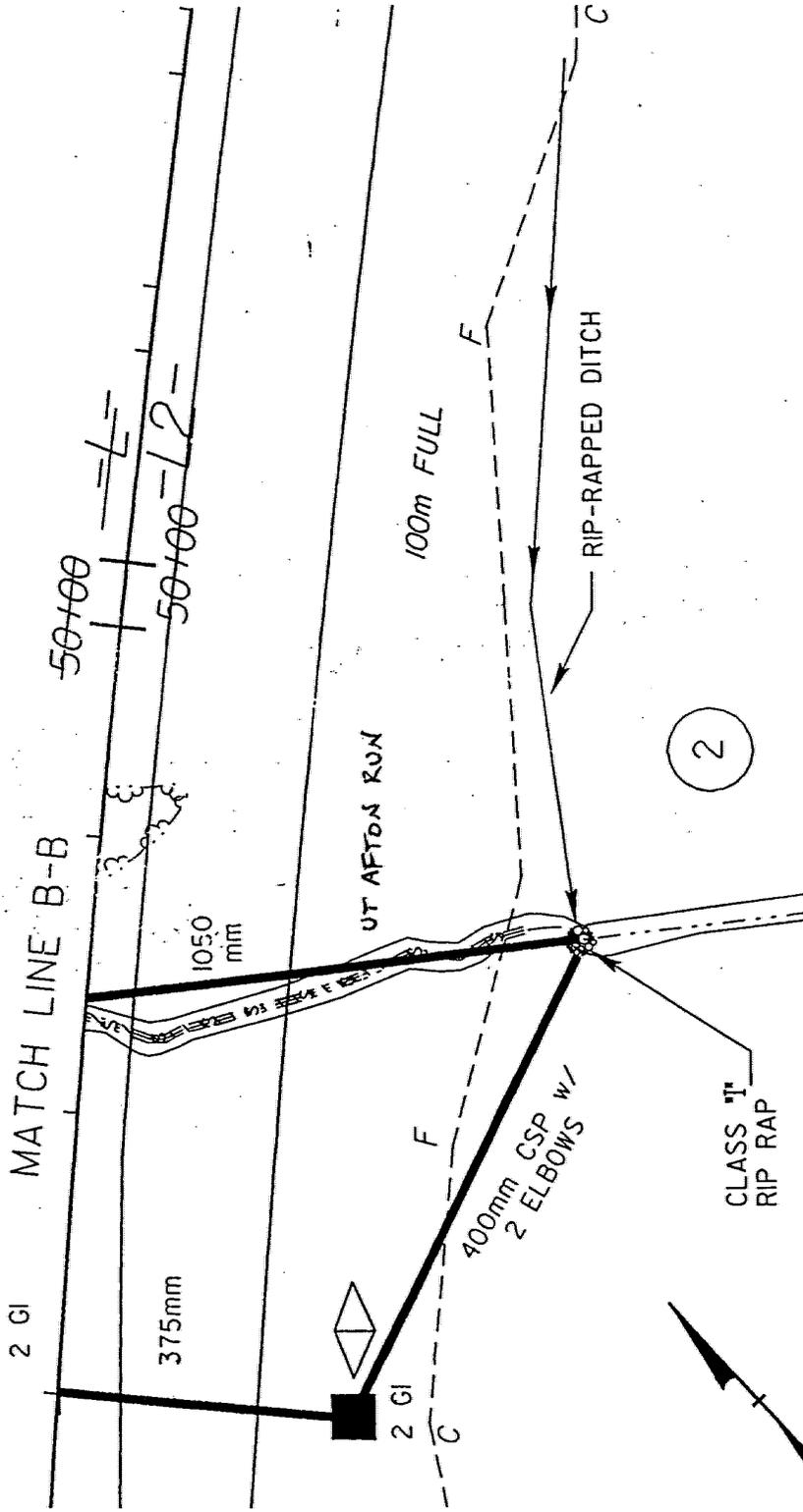
SITE 2



DENOTES FILL IN SURFACE WATERS

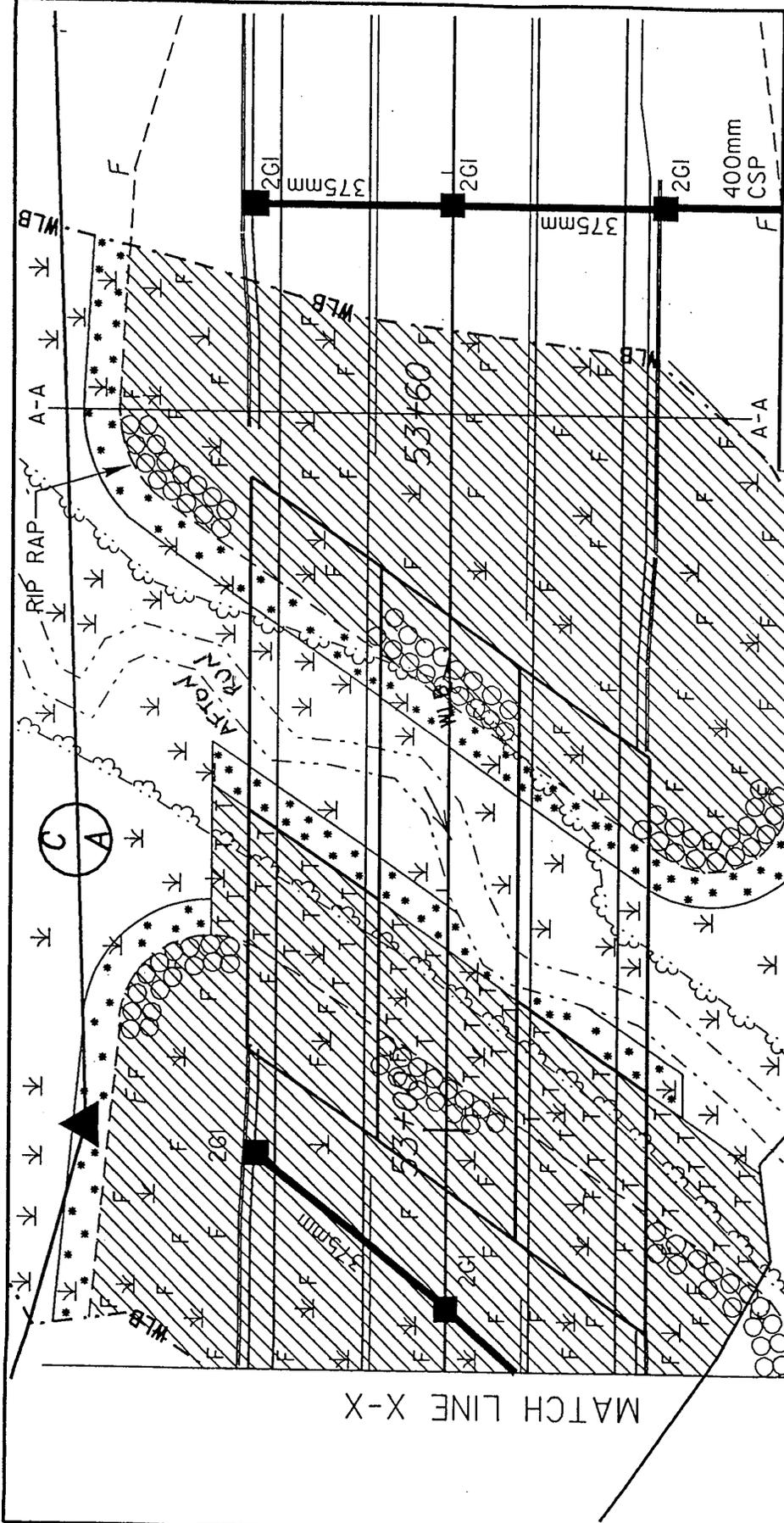
DENOTES FILL IN WETLANDS

DENOTES MECHANIZED CLEARING



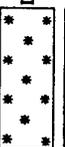
N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 8 OF 20

PLAN VIEW  
 SITE 2



N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9-8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 9 OF 20

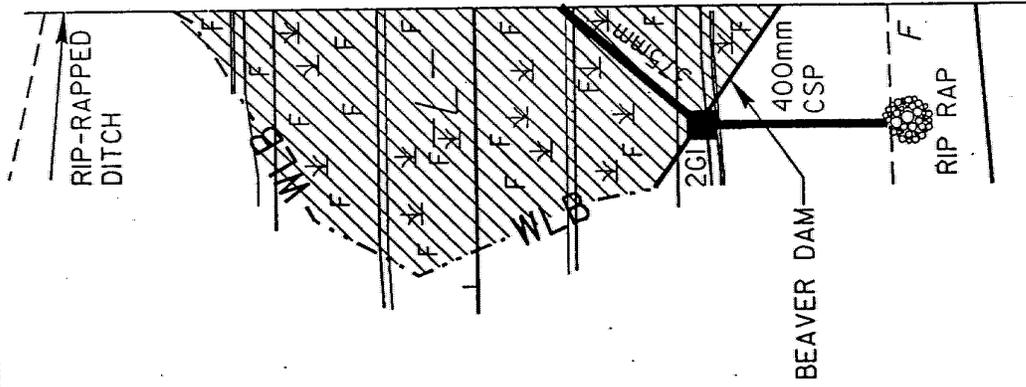
**PLAN VIEW SITE 3**

	DENOTES TEMPORARY FILL IN WETLANDS (TIMBER MATS)
	DENOTES MECHANIZED CLEARING
	DENOTES FILL IN WETLANDS

MATCH LINE X-X

# PLAN VIEW SITE 3

MATCH LINE X-X

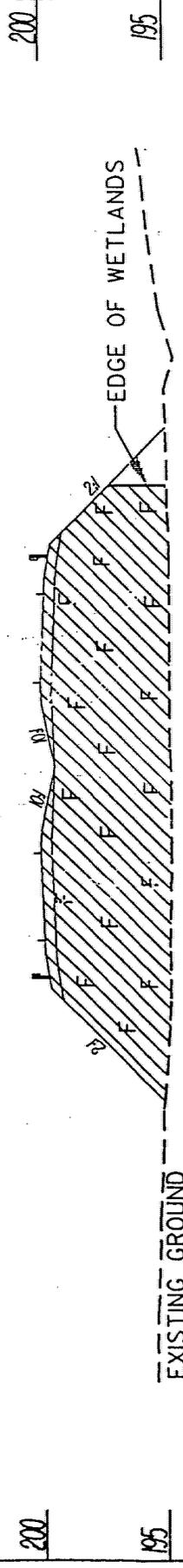


DENOTES FILL IN WETLANDS



N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8103406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 10 OF 20





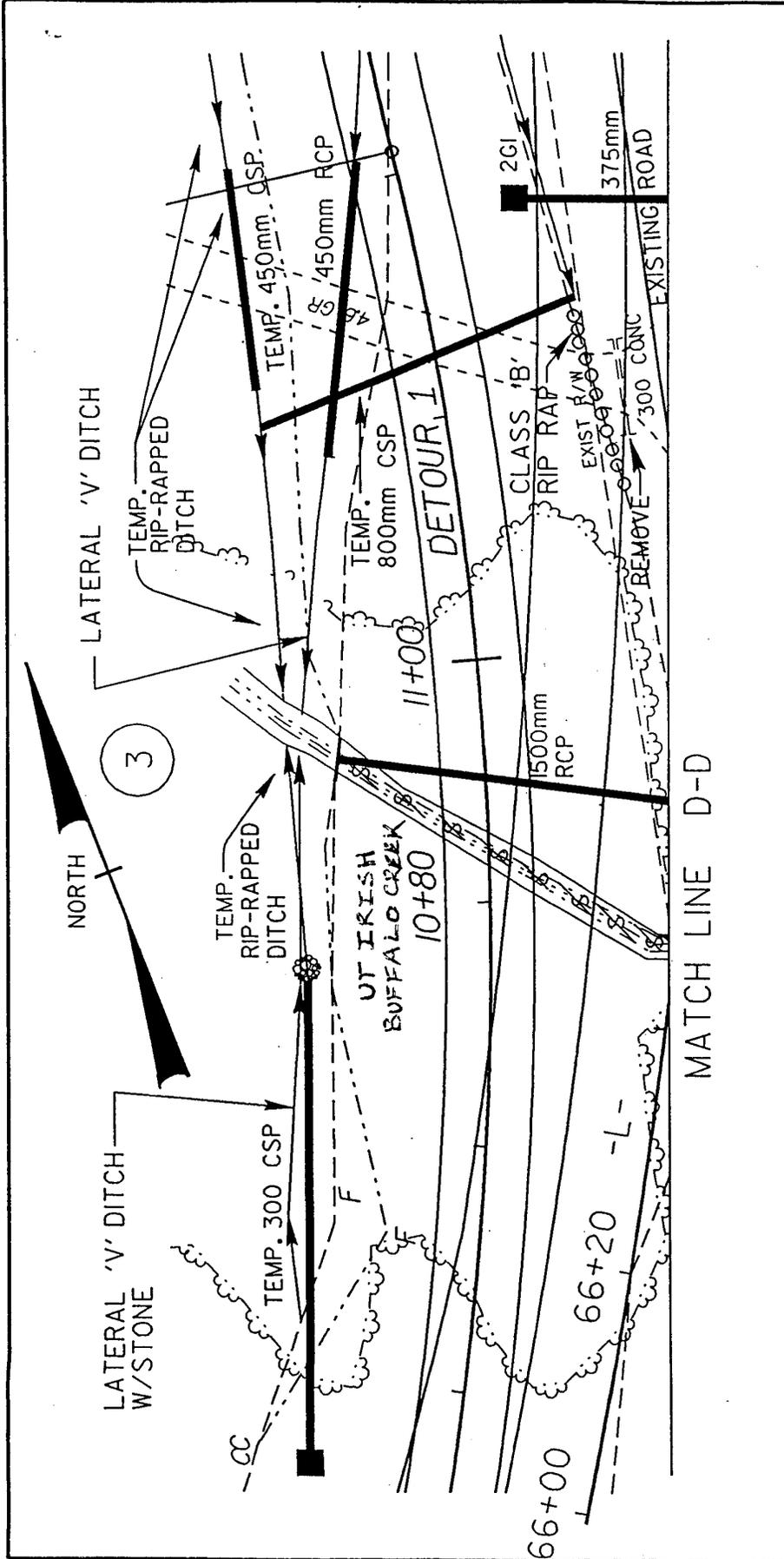
50 | 40 | 30 | 20 | 10 | 0 | 10 | 20 | 30 | 40 | 50

53+60

SITE 3  
X-SECTION VIEW  
A-A

 DENOTES FILL IN WETLANDS

N. C. DEPT. OF TRANSPORTATION  
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CABARRUS COUNTY  
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KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 12 OF 20



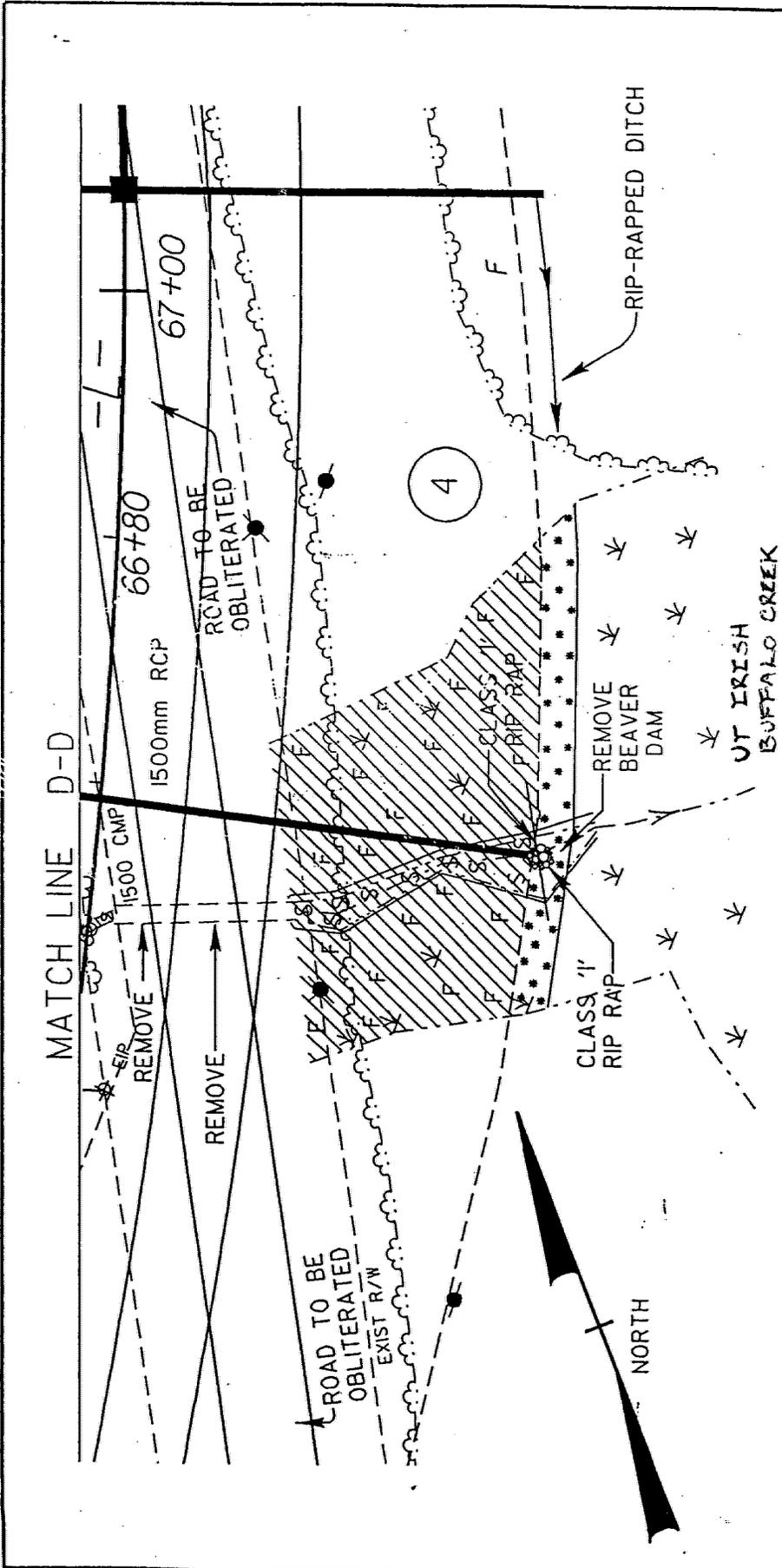
N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 156  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 13 OF 20

PLAN VIEW  
 SITE 4

DENOTES FILL IN SURFACE WATERS

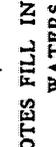


MATCH LINE D-D



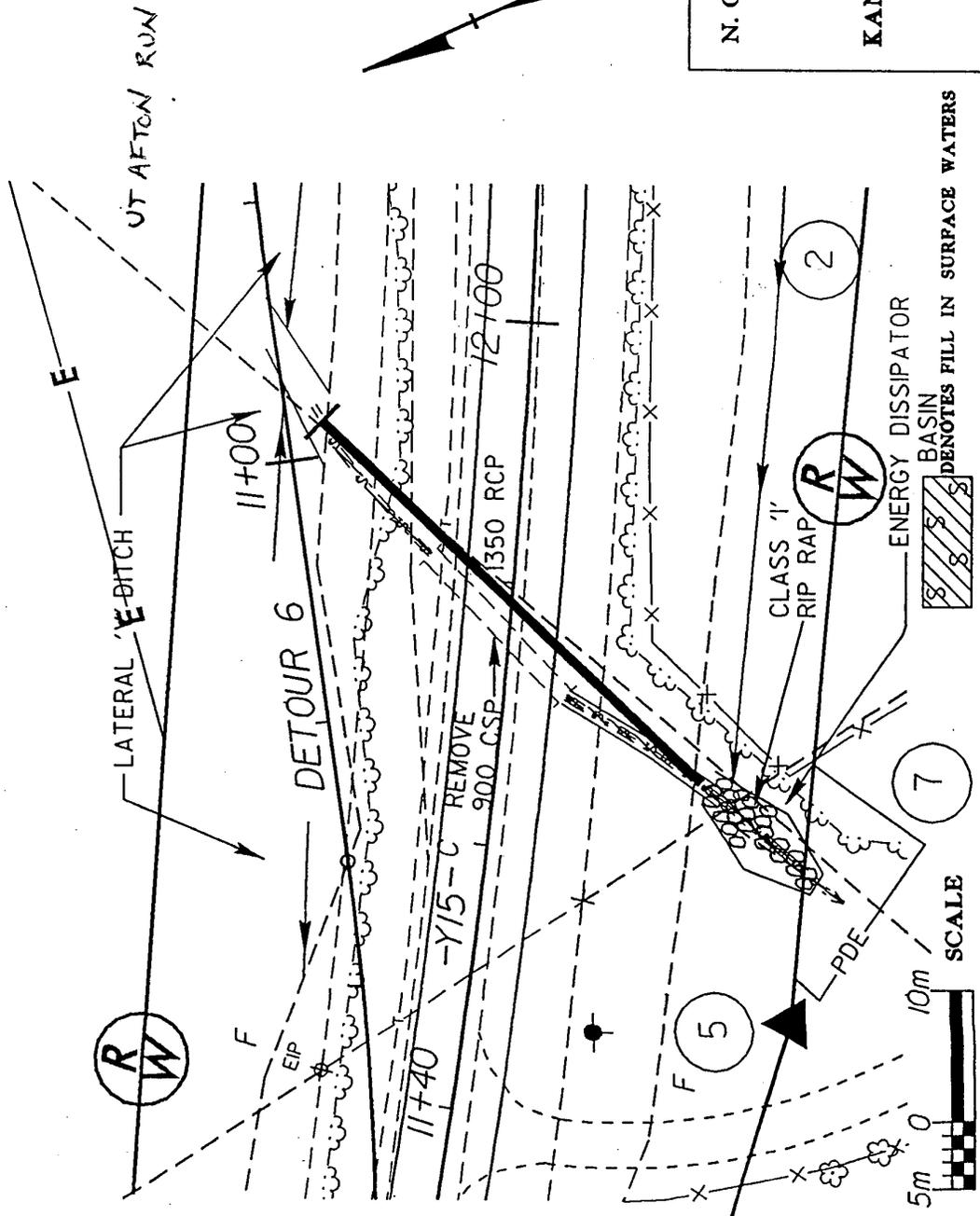
PLAN VIEW

SITE 4

-  DENOTES FILL IN WETLANDS
-  DENOTES FILL IN SURFACE WATERS
-  DENOTES MECHANIZED CLEARING

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 14 OF 20

# PLAN VIEW SITE 5

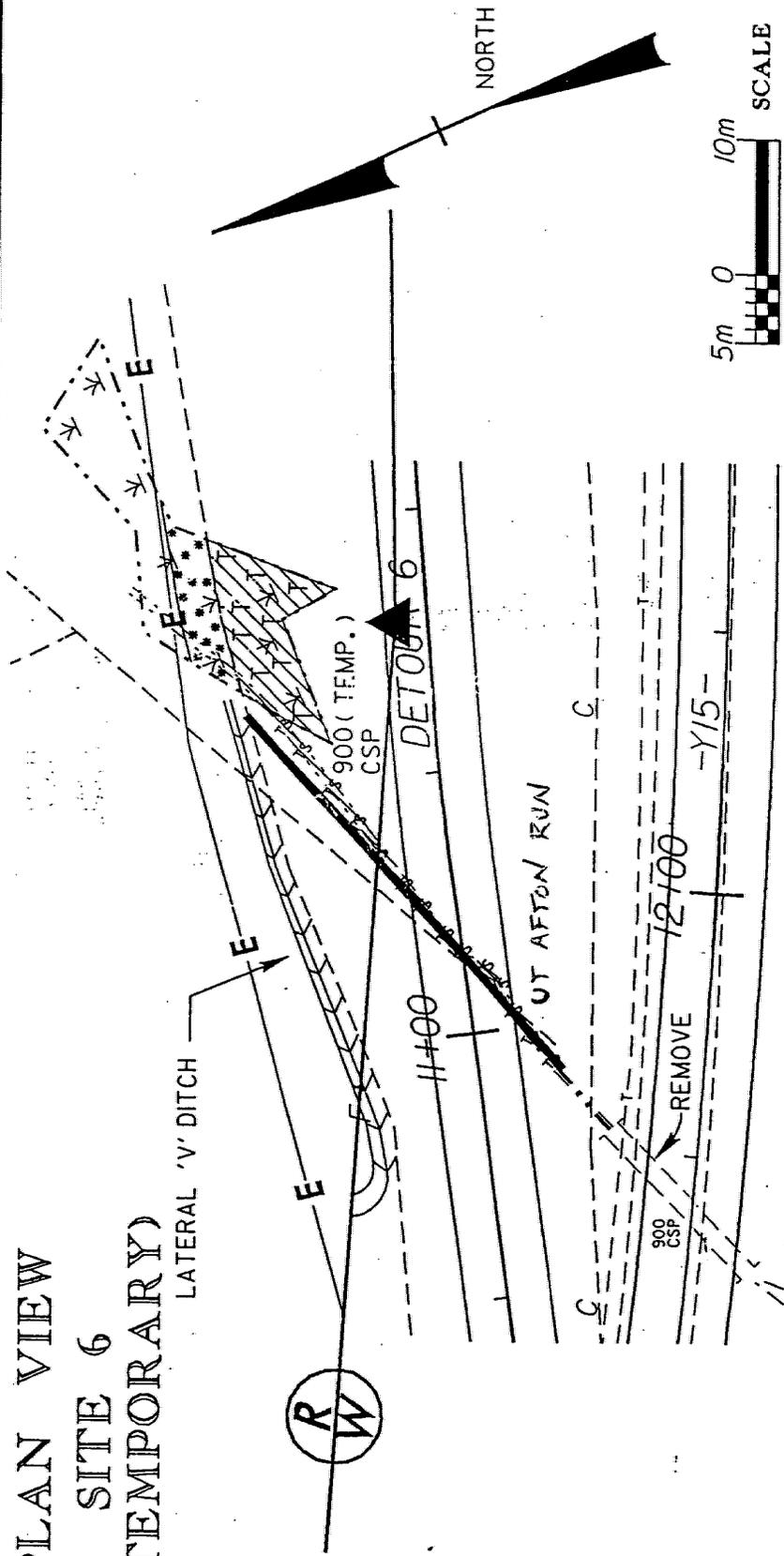


N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 15 OF 20

PLAN VIEW

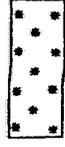
SITE 6  
(TEMPORARY)

LATERAL 'V' DITCH

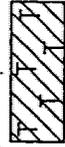


SCALE

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 16 OF 20



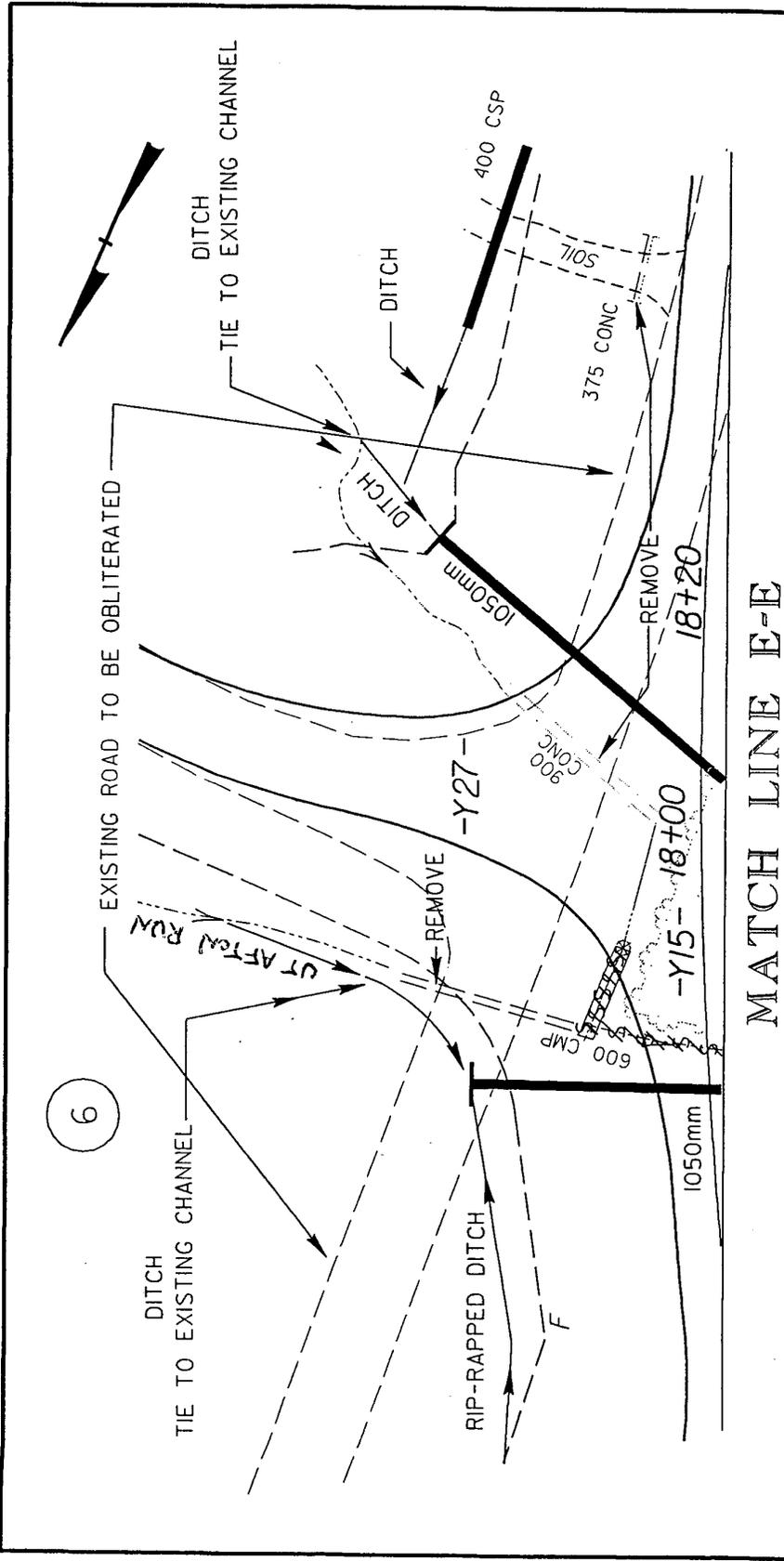
DENOTES MECHANIZED CLEARING



DENOTES TEMPORARY FILL IN WETLANDS



DENOTES TEMPORARY FILL IN SURFACE WATERS



N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 98103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 73 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: APRIL, 2002  
 SHEET 17 OF 20

MATCH LINE E-E

SITE 7



DENOTES FILL IN SURFACE WATERS



SCALE

6

MATCH LINE E-E

18+00 -Y15-

1050mm

1050mm

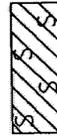
RIP RAPPED  
LAT V DITCH

ENERGY DISSIPATOR BASIN

2

UT AFTON RUN PLAN VIEW  
SITE 7

DENOTES FILL IN SURFACE WATERS



SCALE

RIP RAPPED  
SPECIAL DITCH

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8103406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 18 OF 20

# PROPERTY OWNERS

## NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
1	BARBEE FAMILY LAND C/O BERNARD BARBEE	5913 MACEDONIA CHURCH RD. CONCORD, N.C. 28027
2	DAVID B. & WILLIAM S. & SARAH AUSTIN, LLC	P.O. BOX 3067 CONCORD, N.C. 28025
3	TIMOTHY W. & REGINA C. GORDON	3041 BOY SCOUT CAMP ROAD KANNAPOLIS, N.C. 28081
4	CENTRAL NORTH CAROLINA COUNCIL of the BOY SCOUTS OF AMERICA	P.O. BOX 250 ALBEMARLE, N.C. 28001
5	JAMES SORROW	2907 TRINITY CHURCH RD. CONCORD, N.C. 28027
6	CABARRUS COUNTY BOARD OF EDUCATION	P.O. BOX 388 CONCORD, N.C. 28025
7	ORA H. SPEARS, WIDOW	2901 TRINITY CHURCH RD. CONCORD, N.C. 28027

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
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SHEET 19 OF 20

## WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method III) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Natural Stream Design (m)	
1	43+27.6 L2	1200mm RCP	0	0	0	0	0.019	0	0	0	94	0
2	49+68.5 L2	1050mm RCP	<0.0001	0	0	0.003	0.004	0	0	0	60	0
3	53+20 L	1 @ 20m, 1 @ 28m BRIDGE	0.34	0.051*	0	0.049	0	0	0	0	0	0
4	66+59 L	1500mm RCP	0.057	0	0	0.012	0.007	0	0	0	54	0
5	11+78 Y15	1350mm RCP	0	0	0	0	0.002	0	0	0	37	0
6	11+06 DET6	900mm CSP (TEMP)	0	0.007	0	0.003	0.002	0	0	0	44	0
7	17+78 Y15	1050mm RCP	0	0	0	0	0.005	0	0	0	59	0
<b>TOTALS:</b>			0.397	0.007	0	0.067	0.039	0	0	0	348	0

\* DENOTES TEMPORARY FILL DUE TO USE OF TIMBER MATS FOR CONSTRUCTION OF PROPOSED INTERIOR BENT.

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CABARRUS COUNTY  
PROJECT: 9.810341 (U2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/99 REV. APRIL, 2002  
SHEET **20** OF **20**