

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. 199708127

December 8, 2003

PUBLIC NOTICE

The North Carolina Department of Transportation, Division of Highways (NCDOT), 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 2,368 LINEAR FEET OF STREAM AND 0.06 ACRES OF WETLANDS, for construction of the WESTERN OUTER LOOP OF HENDERSON (T.I.P. No. U-2527), crossing RED BUD CREEK and its unnamed tributaries, from SR 1128 (Ruin Creek Road) to SR 1101 (Old County Home Road), generally southwest of HENDERSON, in VANCE 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 2,368 linear feet of stream and 0.06 acre of wetlands, in the Tar River basin. These impacts are necessary for the construction of the Western Outer Loop of Henderson (T.I.P. No. U-2527). The proposed new four-lane divided facility, with a 16-foot grassed median, will extend approximately 2.5 miles, from SR 1128 (Ruin Creek Road), at the northwestern end of the project, to SR 1101 (Old County Home Road), at the southeastern end. The roadway will have an at-grade intersection with US 158 Business, and includes a relocation of a portion of SR 1128 (Ruin Creek Road).

The project will involve fill impacts from culvert pipe and box culvert crossings to 2,368 linear feet of stream channel, including 1,529 linear feet of perennial stream, at seven locations. NCDOT is proposing to compensate for the impacts to perennial streams with 1,529 linear feet of stream restoration adjacent to the project. The stream restoration, which totals 2,592 linear feet, will restore stream functions using natural stream design, to include planting stream banks with trees and shrubs. The proposed construction will also impact 0.06 acre of a vegetated wetland at one site by filling. The impacted area is a palustrine, emergent, seasonally flooded wetland dominated by soft rush, broom sedge, sweetgum, blackberry and Japanese grass.

The purpose of the work is to increase traffic mobility, enhance safety, and alleviate traffic congestion, particularly heavy truck traffic, on the roadways in the area southwest of Henderson. The applicant has considered several alternatives to the proposed project, including an alternate

new location construction alignment, postponement of the project, alternate modes of transportation and the no action alternative. In addition, the applicant has committed to measures to avoid and minimize wetland and stream impacts, including no staging of construction equipment or storing construction supplies in wetland areas or near surface waters, a minimal median width (sixteen feet), using High Quality Water Best Management Practices for the Protection of Surface Waters and Sedimentation Control Guidelines, scour holes or level spreaders at various sites to minimize water quality impacts from storm water discharges, natural channel design for a stream relocation, and installing culverts one foot below the stream bed, where feasible.

Overall plans showing the location of the proposed construction are included with this public notice. Additional detailed plans 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 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.

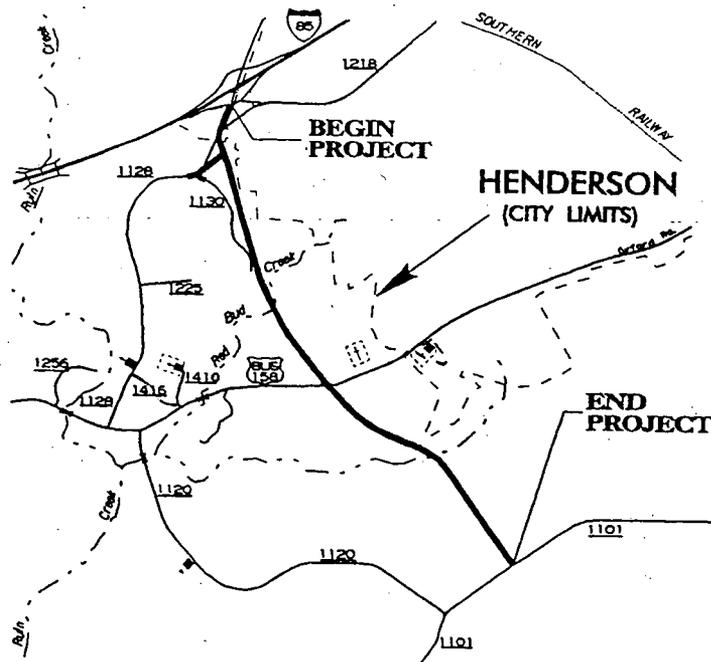
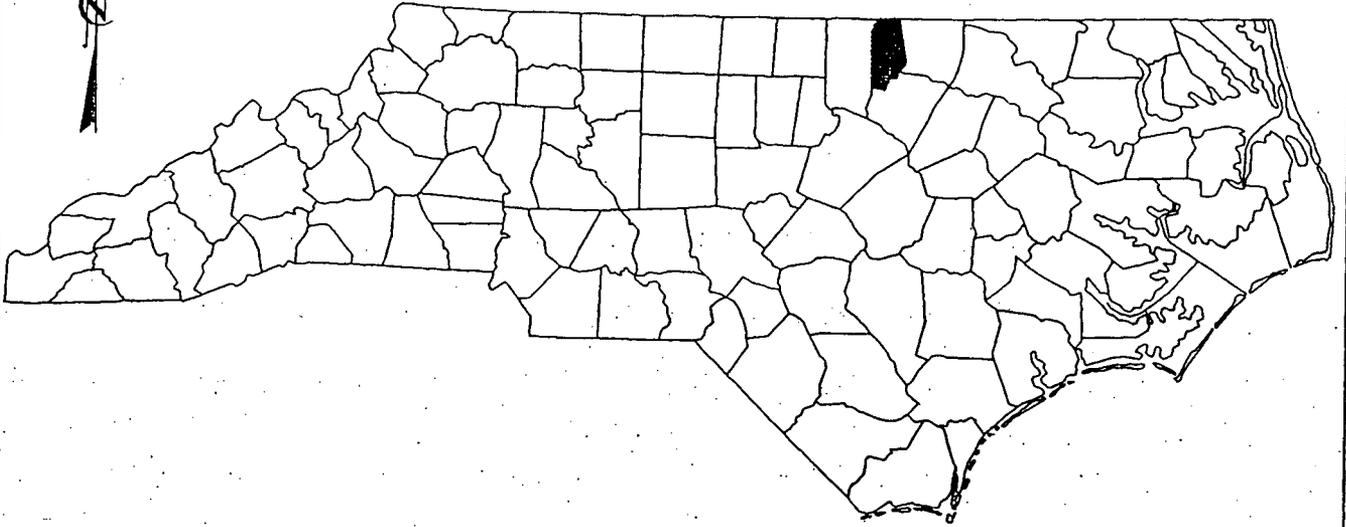
Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 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.

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 January 1, 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., January 8, 2004, or telephone 919-876-8441, extension 23.

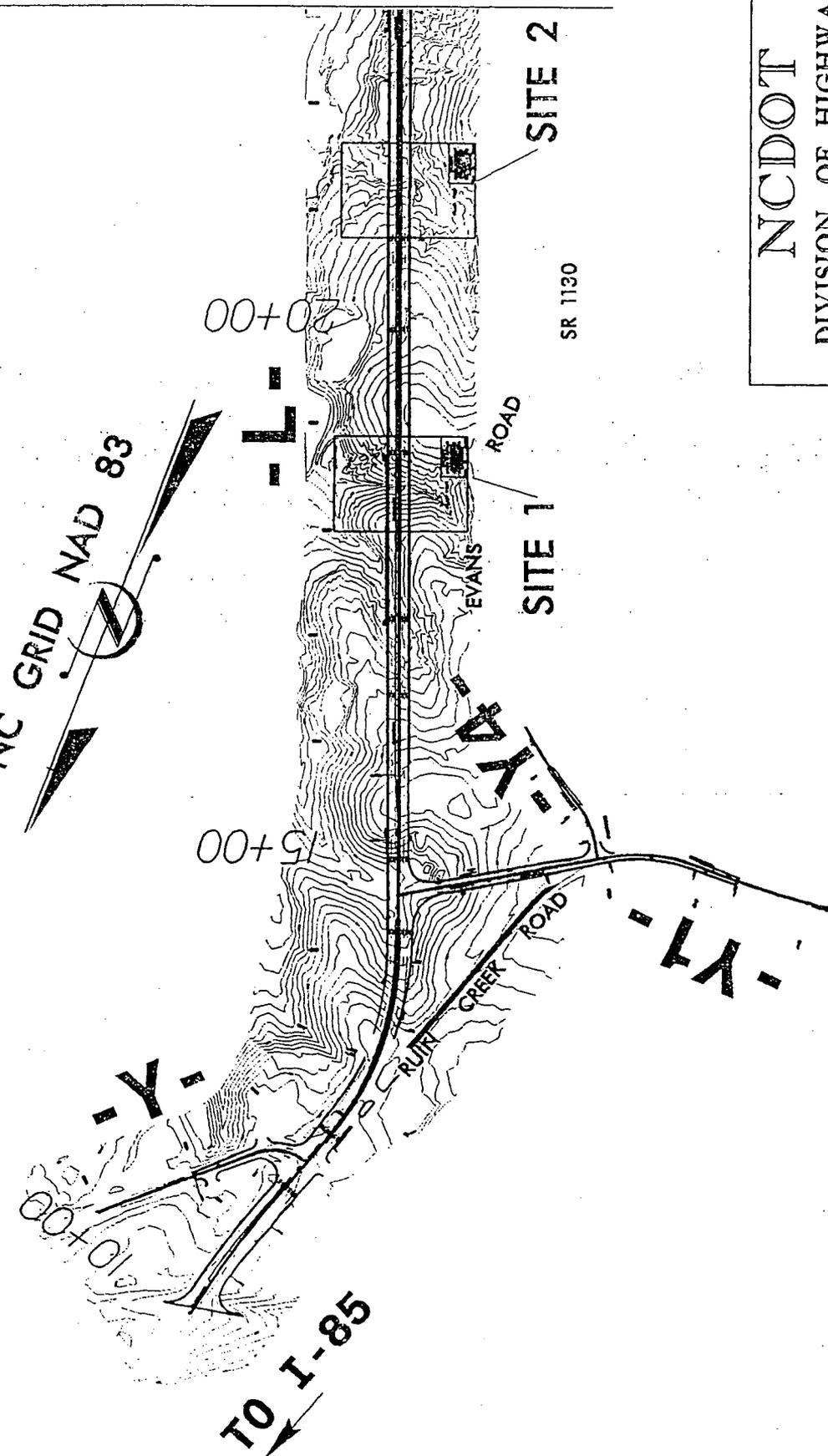
NORTH CAROLINA



STREAM AND WETLANDS IMPACTS VICINITY MAPS

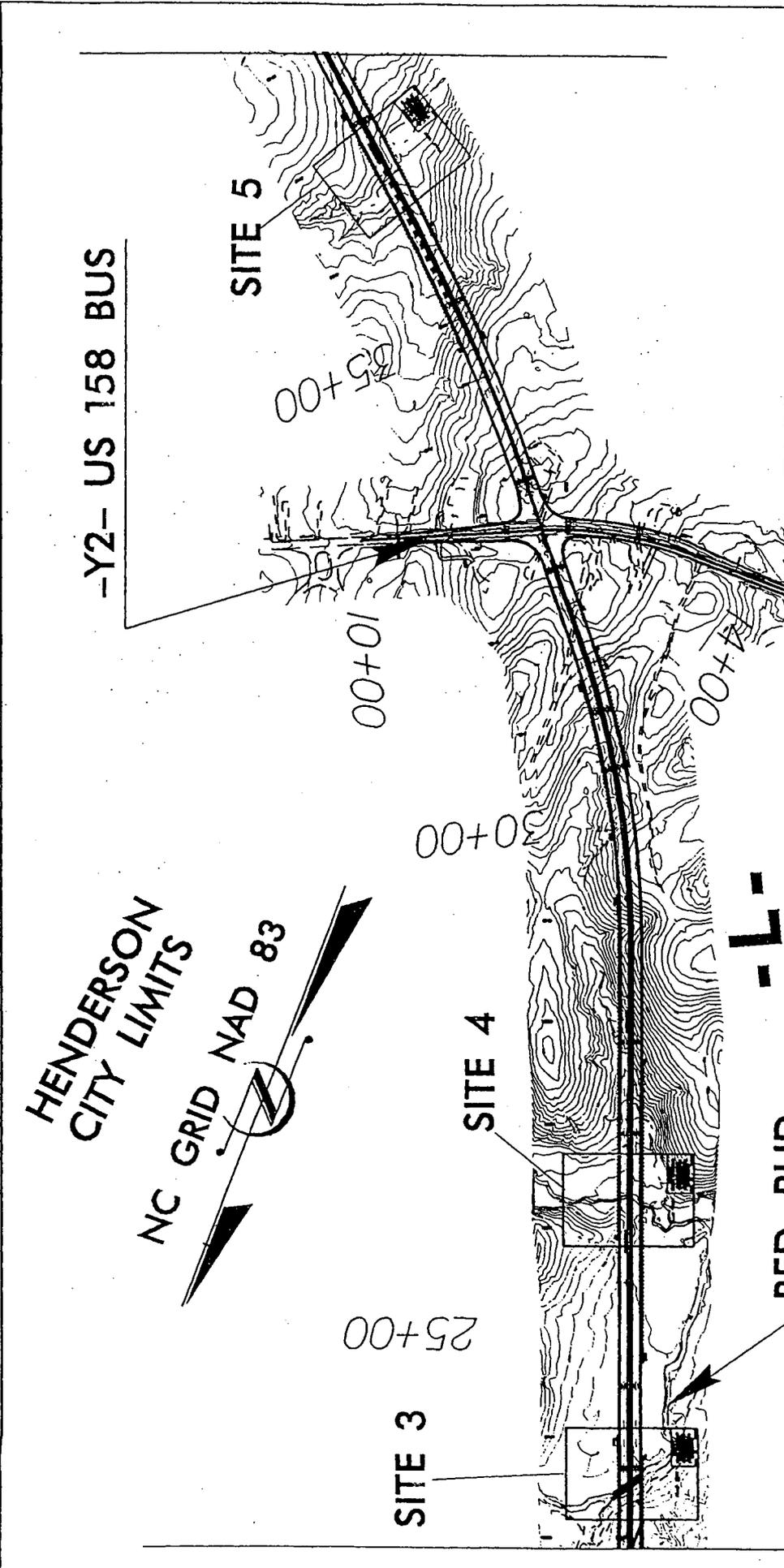
NCDOT
DIVISION OF HIGHWAYS
VANCE COUNTY
PROJECT: 8.2390201 (U-2527)
HENDERSON WESTERN
OUTER LOOP FROM
SR 1128 TO SR 1101

NC GRID NAD 83



NCDOT
 DIVISION OF HIGHWAYS
 VANCE COUNTY
 PROJECT: 8.2390201 (U-2527)
 HENDERSON WESTERN
 OUTER LOOP FROM
 SR 1128 TO SR 1101
 SHEET 2 OF 7 3/16/02

SITE VIEW
 STREAM AND WETLAND IMPACTS

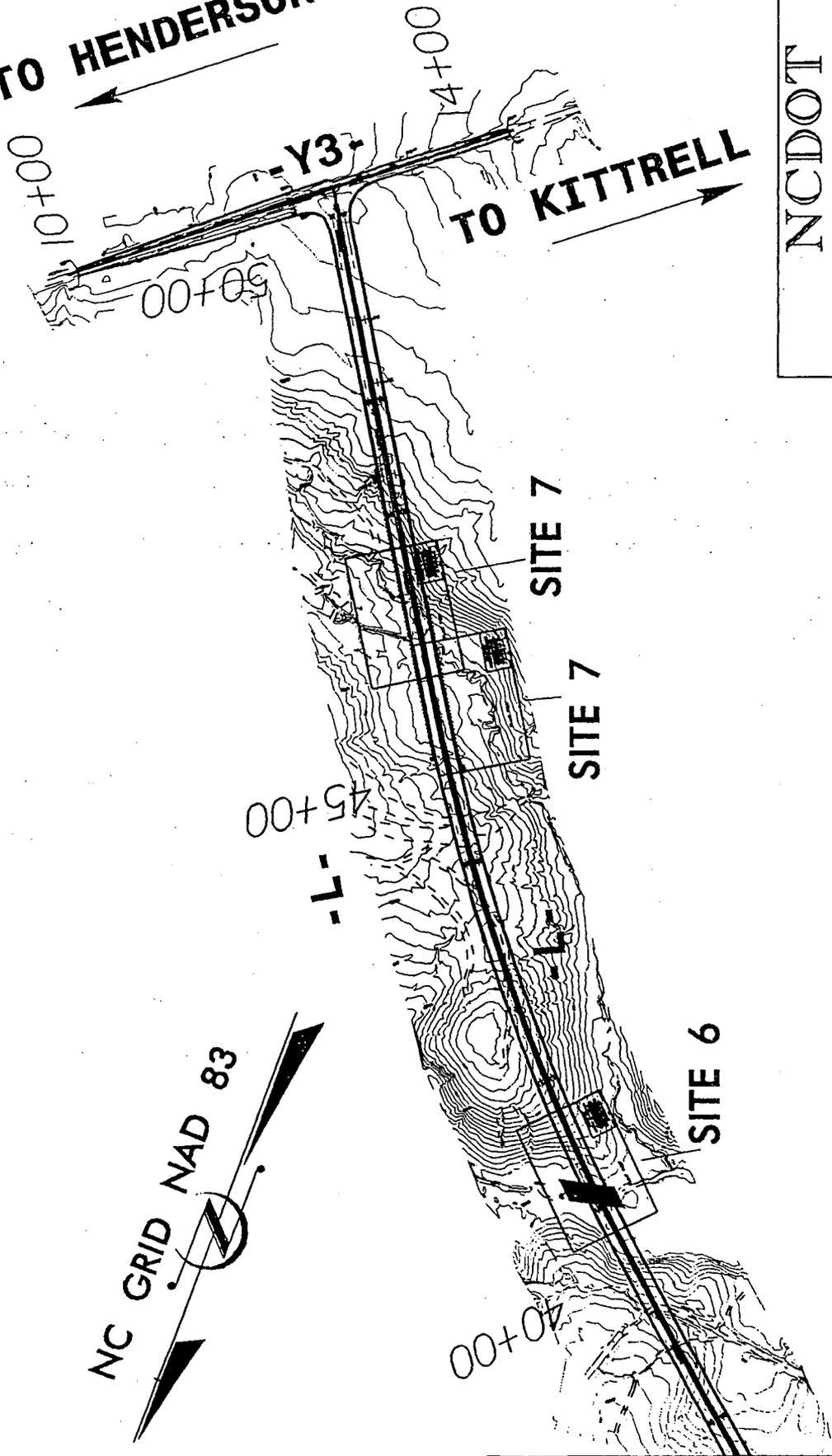


NCDOT
 DIVISION OF HIGHWAYS
 VANCE COUNTY
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 HENDERSON WESTERN
 OUTER LOOP FROM
 SR 1128 TO SR 1101
 SHEET 3 OF 7 3/16/02

SITE VIEW
 STREAM AND WETLAND IMPACTS

TO HENDERSON
←

TO KITTRELL
→



NCDOT

DIVISION OF HIGHWAYS

VANCE COUNTY

PROJECT: 8.2590201 (U-2527)

HENDERSON WESTERN

OUTER LOOP FROM

SR 1128 TO SR 1101

SHEET 4 OF 7

3/16/02

SITE VIEW
STREAM AND WETLAND IMPACTS

PROPERTY OWNER

NAME AND ADDRESS

OWNER'S NAME	ADDRESS
Jesse B. Adams, Jr.	3758 Evans Trailway Beltsville, MD 20705
Patricia Ann Adams	9039 Sligo Parkway, #509 Silver Springs, MD 20901
B & B Properties c/ o W. L. Stanley	P. O. Box 1092 Henderson, NC 27536
Gloria Carver & Harvey A. Wilson	Rt. 4 Box 352-C Henderson, NC 27536
John D. Ellis & Mildred Ellis	435 Oak Hill Street Henderson, NC 27536
Virgil Evans c/ o Lillian B. Evans	PO BOX 684 Henderson, NC 27536
John H. Faulkner	215 Crestwood Road Henderson, NC 27536
Plummer Howard	630 Farrar Ave. Henderson, NC 27536

NCDOT

DIVISION OF HIGHWAYS

VANCE COUNTY

PROJECT: 8.2290201 (U-2527)

HENDERSON WESTERN

OUTER LOOP FROM

SR 1128 TO SR 1101

SHEET 5 OF 7

3/16/02

PROPERTY OWNER

NAME AND ADDRESS

OWNER'S NAME	ADDRESS
J.P. Howard Heirs	630 Farrar Ave. Henderson, NC 27536
David & Marjorie Lewis	Rt. 4 Box 290 Henderson, NC 27536
Nationsbank c/o Nannie Crowder	Nationsbank Trust HSZ-5 P.O. Box 27287 Raleigh, NC 27611
George Washington Perry	Rt. 5 Box 26 Henderson, NC 27536
Shannon P. & John Rock	P.O. Box 676 Louisburg, NC 27549
Jewel Royster	Rt. 4 Box 352-A Henderson, NC 27536
Geneva Turner	245 North 8th Street Kenilworth, NJ 07033
W.D. Turner, et al.	938 Hargrove St. Henderson, NC 27536

NCDOT

DIVISION OF HIGHWAYS

VANCE COUNTY

PROJECT: 8.2290201 (U-2527)

HENDERSON WESTERN

OUTER LOOP FROM

SR 1128 TO SR 1101

SHEET 6 OF 7

3/16/02

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	18+40 -L-	450 RCP					0.00					173.8	
2	21+30 -L-	600 RCP					0.06					272.2	
3	23+40 -L-	CULVERT					0.11					265.7	
4	26+00 to 26+30 -L-	1500 RCP					0.07					262.4	
5	36+72 -L-	900 RCP					0.03					393.6	
6	40+81 -L-	CULVERT					0.11					223.0	
7	46+20 -L-	1500 RCP	0.06				0.18					777.4	2,592
TOTALS:			0.06	0.00	0.00	0.00	0.58	0.00	0.00	0.00	0.00	2368.2	2,592

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 VANCE COUNTY
 PROJECT 8.2290201 U-2527
 SHEET 7 of 7
 3/2002 Rev.1C