

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

(Supplemental)

Issue Date: December 27, 2004
Comment Deadline: January 27, 2005
Corps Action ID #: 200020945

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and overall plans showing the location of the proposed construction and impact sites are attached. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands.

Applicant: North Carolina Department Of Transportation, Division Of Highways
1548 Mail Service Center
Raleigh, NC 27699-1548

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404(b) of the Clean Water Act (33 U.S.C. 1344).

Project

Widening of US 15-501 (T.I.P. No. U-4012), including replacement of the existing New Hope Creek crossing with new dual bridges, an on-site detour with a temporary bridge crossing of New Hope Creek, and extension of an existing culvert crossing of an unnamed tributary.

Location

US 15-501, crossing New Hope Creek and an unnamed tributary of New Hope Creek, and adjacent wetlands, between SR 2294 (Mt. Moriah Road) and SR 1116 (Garrett Road), in Durham, Durham County, North Carolina, 35.961° N Latitude, 78.977° W Longitude.

Existing Site Conditions

A major power line corridor parallels the west side of New Hope Creek where its floodplain crosses the US 15-501 corridor. A small power line parallels the north side of US 15-501 in the floodplain. The remainder of the floodplain is undeveloped, with a majority of relatively mature hardwood tree growth. An unnamed tributary to New Hope Creek crosses US 15-501 just east of the New Hope Creek crossing and cuts diagonally across the floodplain. The areas along US 15-501 east of the floodplain contain dense commercial development.

The proposed project impacts wetland habitats consisting of typical piedmont riverine bottomland hardwood forest, and palustrine emergent, wetlands, which are adjacent to New Hope Creek and its tributary. The wetlands were rated by NCDOT according to the North Carolina Division of Water Quality (NCDWQ) rating system, and their values ranged from 20 to 78, with several of the wetlands rating in the 70's. New Hope Creek, in the area that it is impacted by the project, is approximately 50 feet wide and several feet deep, with a diverse substrate. The New Hope Creek tributary is a typical perennial piedmont stream, approximately three feet in width, and averaging approximately 9 inches in depth. NC Division of Water Quality classifies New Hope Creek as Class C (waters protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, agriculture and other uses) NSW (waters needing nutrient management).

Applicant's Stated Purpose

The purpose of the work is to improve traffic flow, level of service, and safety, for this section of the US 15-501 corridor.

Background

The Corps of Engineers issued an initial public notice for this project on January 29, 2003. That public notice described three construction alternatives to be considered. The alternatives differed only in the length of the dual bridges crossing New Hope Creek and its floodplain. As a result of its environmental review for this project, NCDOT has now applied for a permit for 300-foot long spans, with a minimum of 10 feet of vertical clearance over New Hope Creek, for the proposed bridges, which are longer spans than the longest alternative previously considered. The spans were extended to allow wildlife crossings under the bridges.

Project Description

NCDOT plans to widen a 0.9-mile long section of US 15-501 (T.I.P. No. U-4012). The project also includes improvements to the off ramp from I-40 westbound to US 15-501.

The project involves replacement of the existing New Hope Creek crossing with new dual bridges, an on-site detour with a temporary bridge crossing of New Hope Creek, temporary cofferdams for construction access, and extension of an existing culvert crossing of an unnamed tributary. The temporary bridge and approach fill for the on-site detour will be on the north side of the existing bridge, to reduce impacts to the higher quality natural area on the south side, and the permanent bridges and detour bridge will completely span New Hope Creek. The slope fills for the causeway for the new bridges, and the fill for the culvert extension, will permanently impact 164 linear feet of the unnamed tributary, and 0.71 acre of riverine wetlands. The approach fill for the detour bridge will temporarily impact 0.19 acre of riverine wetlands. The cofferdams for removal of the existing bridge piers will temporarily impact 0.02 acre of New Hope Creek.

NCDOT is proposing to use the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary compensatory mitigation for the unavoidable permanent wetland and stream impacts associated with this project.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, Transportation Permitting Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy by January 20, 2005.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat, other than the smooth coneflower (*Echinacea laevigata*) and the Michaux's sumac (*Rhus michauxii*). The US Fish and Wildlife Service has concurred with a determination that the project may affect, but will not adversely affect the smooth coneflower and the Michaux's sumac by letter dated November 18, 2003, based on the presence of habitat for both species, but no individuals found in NCDOT plant surveys.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against

its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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 discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps 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 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

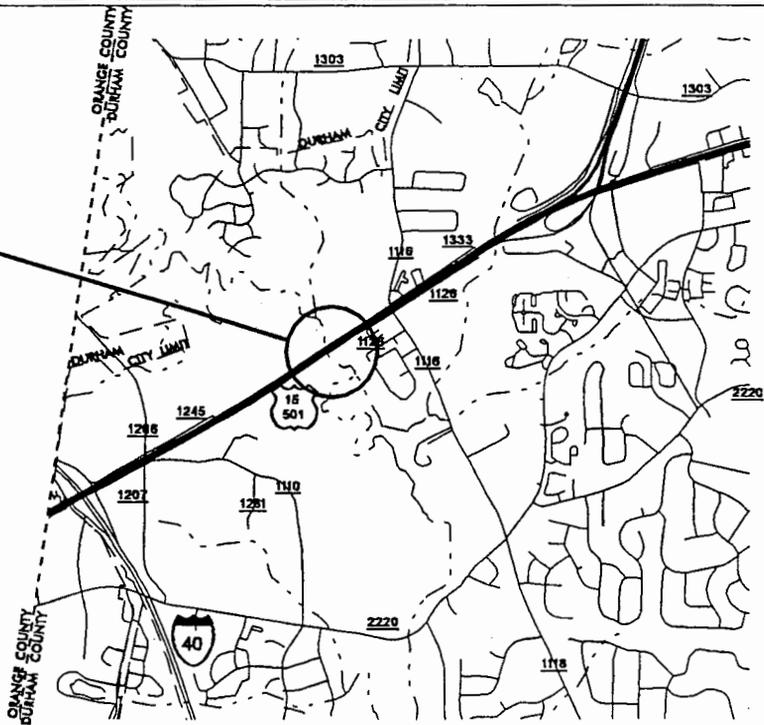
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 27, 2005. Comments should be submitted to:

Eric Alsmeyer
Wilmington District, Corps of Engineers
Raleigh Regulatory Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814
Telephone (919) 876-8441

NORTH CAROLINA



PROJECT SITE



VICINITY
MAPS

NCDOT
DIVISION OF HIGHWAYS
DURHAM COUNTY
PROJECT: WBS 35010.1.1 (U-4012)

US 15-501 WIDENING

