

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

Action ID No. 200430596

April 16, 2004

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 0.26 ACRES OF WETLAND AND 1,998 LINEAR FEET (.25 ACRES) OF STREAM CHANNEL ON UNNAMED TRIBUTARIES TO THIRD CREEK TO FACILITATE THE WIDENING AND RELOCATION OF 5.1 MILES OF US HIGHWAY 70 EAST OF STATESVILLE, IREDELL COUNTY, NORTH CAROLINA (TIP NO. R-2911A, STATE PROJECT NO. 8.1631801).

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 widening and relocation of the existing two lane road to a four or five lane facility between Fanjoy Road (SR 2318) on the west and the Iredell-Rowan County Line on the east. The proposed five-lane, 60-foot wide, curb and gutter section would begin at Fanjoy Road and continue east for .4 miles. The existing at-grade railroad crossing on this section would be replaced with a bridged crossing. To the east the project would transition to a four-lane, 48-foot wide roadway with a 30-foot raised median and 8 to 10-foot wide shoulders. The new roadway would be located to the south of existing US Highway 70 and would impact a total of 0.26 acres of wetlands and 1998 linear feet of stream channel at 7 sites. Three forested, riverine wetlands ranging in area from 0.01 to 0.13 acres and vegetated with black gum, green ash, tulip poplar, red maple and silky dogwood would be filled. The affected streams are both intermittent and perennial unnamed tributaries to Third Creek. Proposed stream channel impacts range from 217 linear feet at Site 10 to 508 linear feet at Site 2. Approximately 180 linear feet of channel at Site 2 would be relocated utilizing natural stream channel design. Proposed drainage structures include single-cell, concrete box culverts at Sites 2 and 4 and reinforced concrete pipes at the remaining jurisdictional crossings. The applicant is proposing to mitigate for .26 acres of wetland impact and 1817 linear feet of stream by utilizing the North Carolina Ecosystem Enhancement Program. The proposed mitigation would occur in the Yadkin River Basin, Hydrologic Unit 03040102. A Federal Environmental Assessment (EA) that includes the proposed work was approved by the Federal Highway Administration (FHWA) on May 7, 1999. A Finding of No Significant Impact (FONSI) was approved on December 21, 2000. The proposed work is a section of a larger highway project that would widen US 70 between Statesville and Salisbury. The purpose of the proposed work is to increase traffic capacity and improve safety. 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.

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, 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.

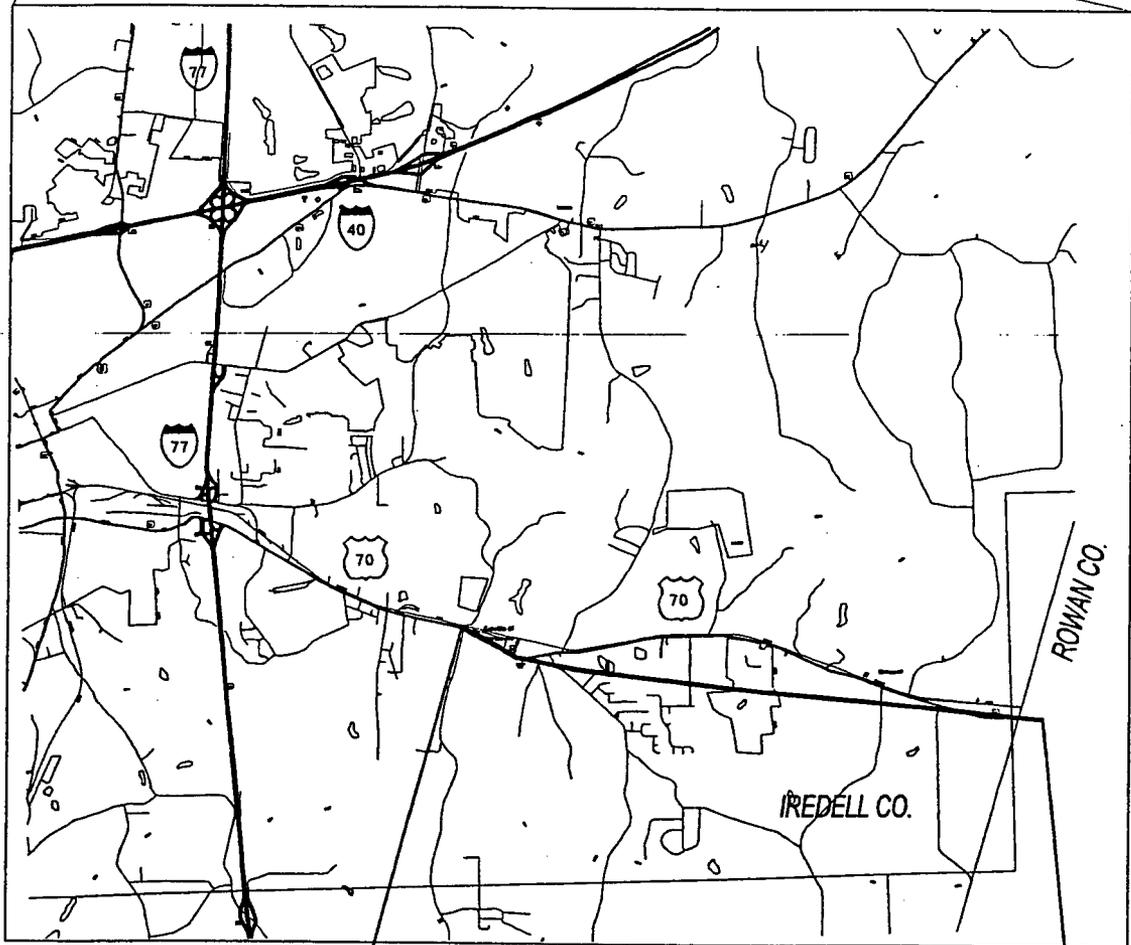
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity 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 May 10, 2004, 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., May 17, 2004, or telephone (828) 271-7980.

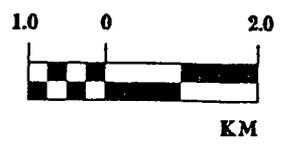
VICINITY MAP



BEGIN
PROJECT

END
PROJECT

ACTION ID 200430596



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

IREDELL COUNTY

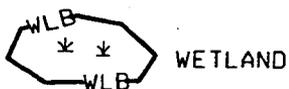
PROJECT: 8.1823401 (R-2911A)

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LEGEND

—WLB— WETLAND BOUNDARY



←←← FLOW DIRECTION

—TB— TOP OF BANK

---WE--- EDGE OF WATER

—C— PROP. LIMIT OF CUT

—F— PROP. LIMIT OF FILL

▲ PROP. RIGHT OF WAY

---NG--- NATURAL GROUND

—PL— PROPERTY LINE

—TDE— TEMP. DRAINAGE EASEMENT

—PDE— PERMANENT DRAINAGE EASEMENT

—EAB— EXIST. ENDANGERED ANIMAL BOUNDARY

—EPB— EXIST. ENDANGERED PLANT BOUNDARY

---▽--- WATER SURFACE

X X X LIVE STAKES

BOULDER

--- COIR FIBER ROLLS

ADJACENT PROPERTY OWNER OR PARCEL NUMBER

PROPOSED BRIDGE

PROPOSED BOX CULVERT

PROPOSED PIPE CULVERT

(DASHED LINES DENOTE EXISTING STRUCTURES)

SINGLE TREE

WOODS LINE

DRAINAGE INLET

ROOTWAD

VANE

RIP RAP

RIP RAP ENERGY DISSIPATOR BASIN

--- BUFFER ZONE

--- BUFFER ZONE

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DIVISION OF HIGHWAYS

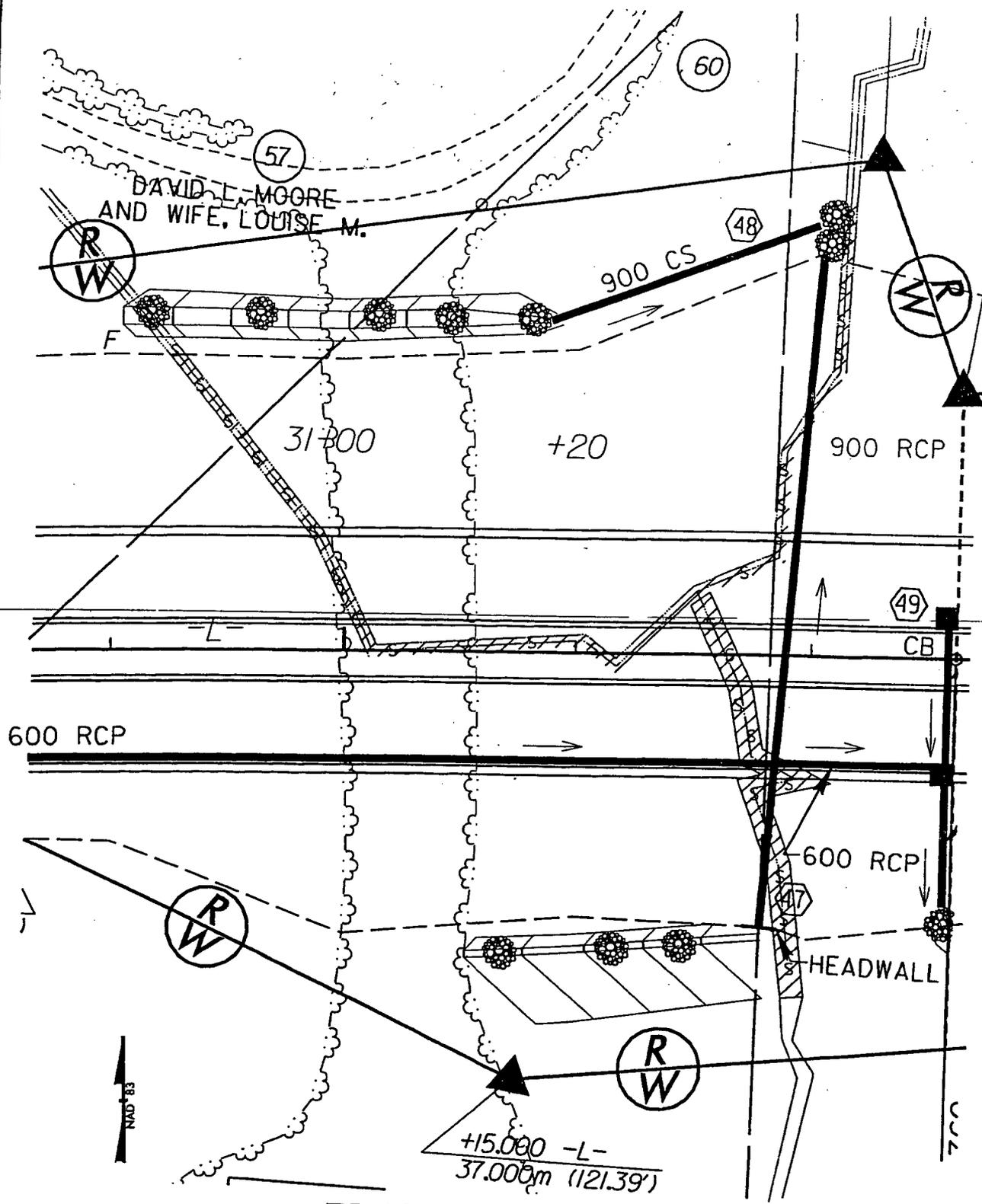
IREDELL COUNTY

PROJECT: 8.1823401 (R-2911A)

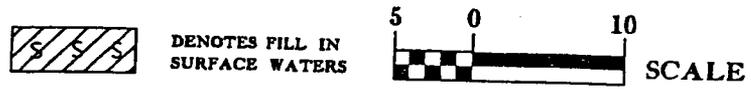
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PLAN VIEW
SITE 1



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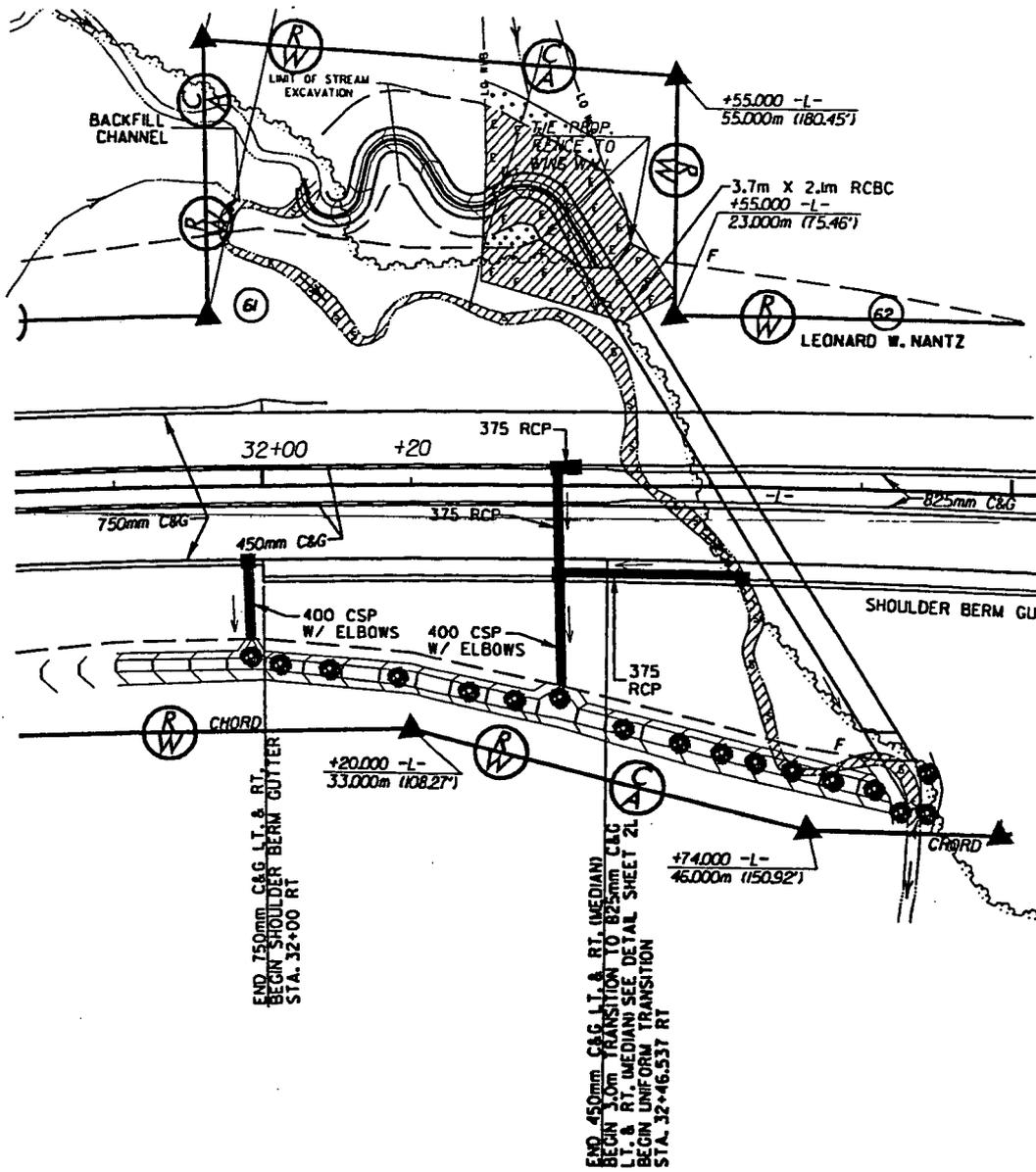
IREDELL COUNTY

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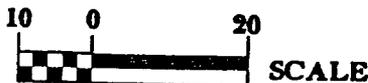
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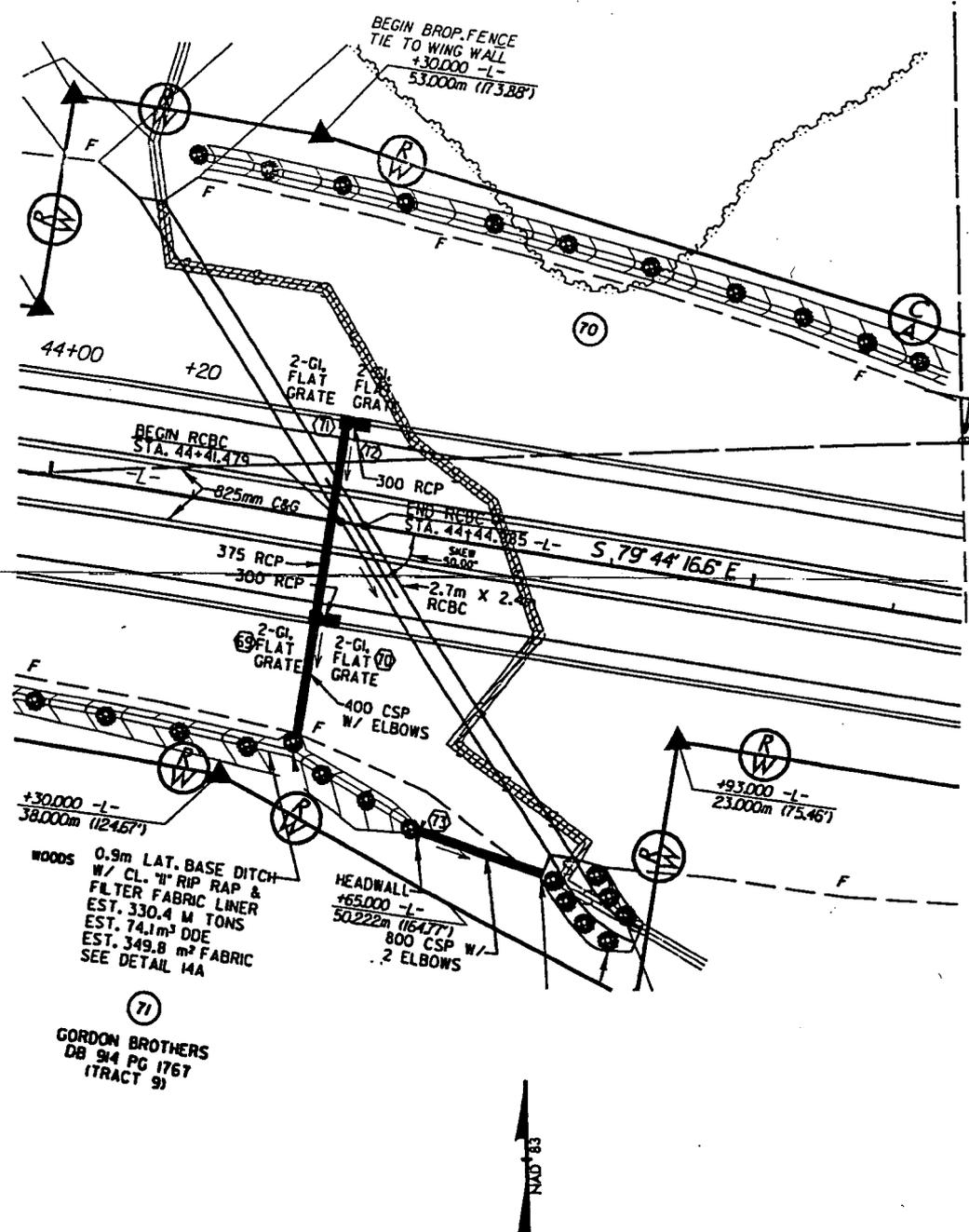


-  DENOTES MECHANIZED CLEARING
-  DENOTES EXCAVATION IN WETLANDS
-  DENOTES FILL IN WETLANDS
-  DENOTES FILL IN SURFACE WATERS

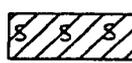
PLAN VIEW
SITE 2

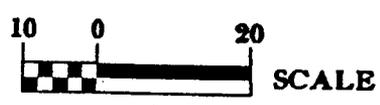


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 IREDELL COUNTY
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PLAN VIEW
SITE 4

 DENOTES FILL IN SURFACE WATERS



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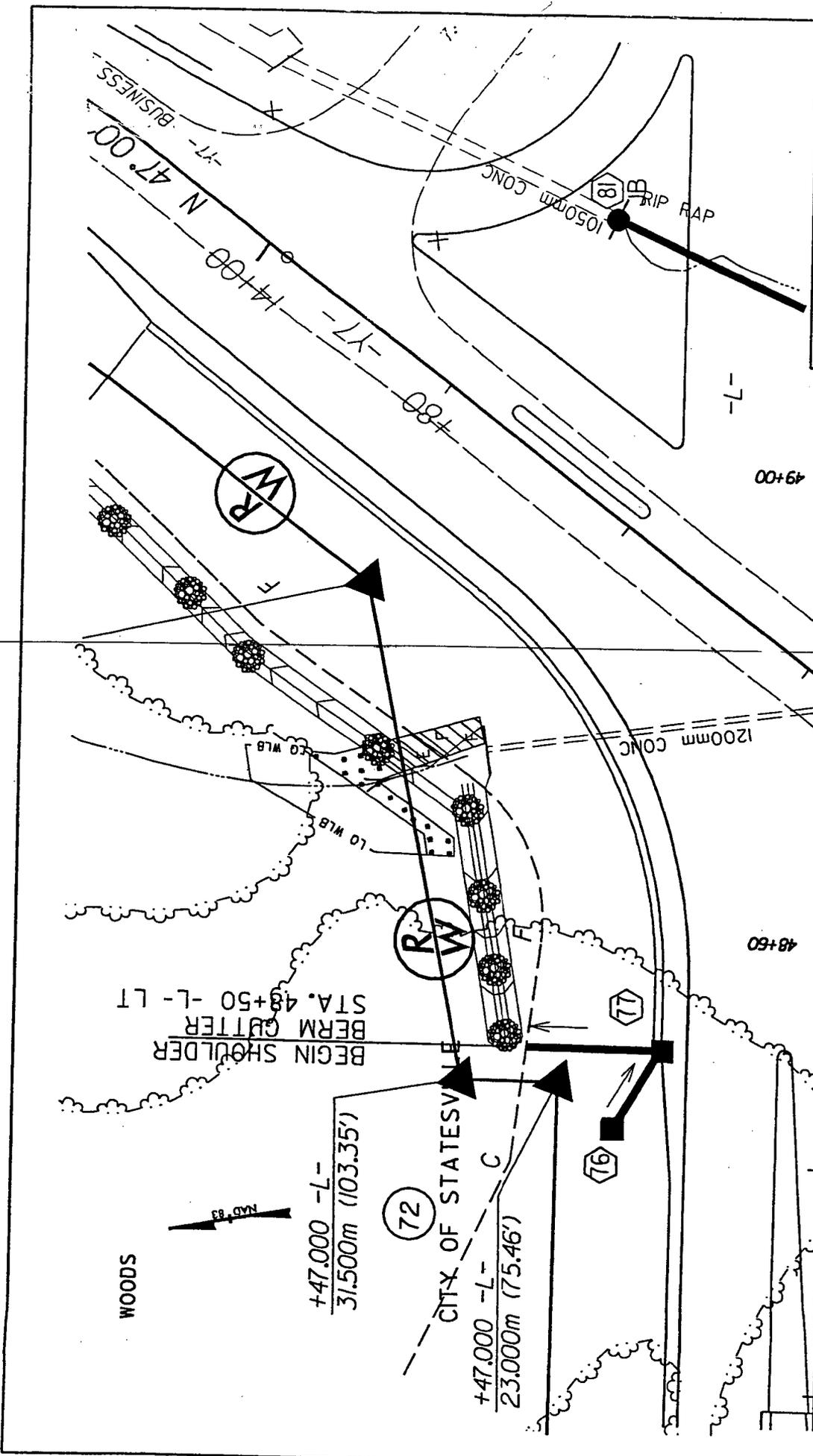
IREDELL COUNTY

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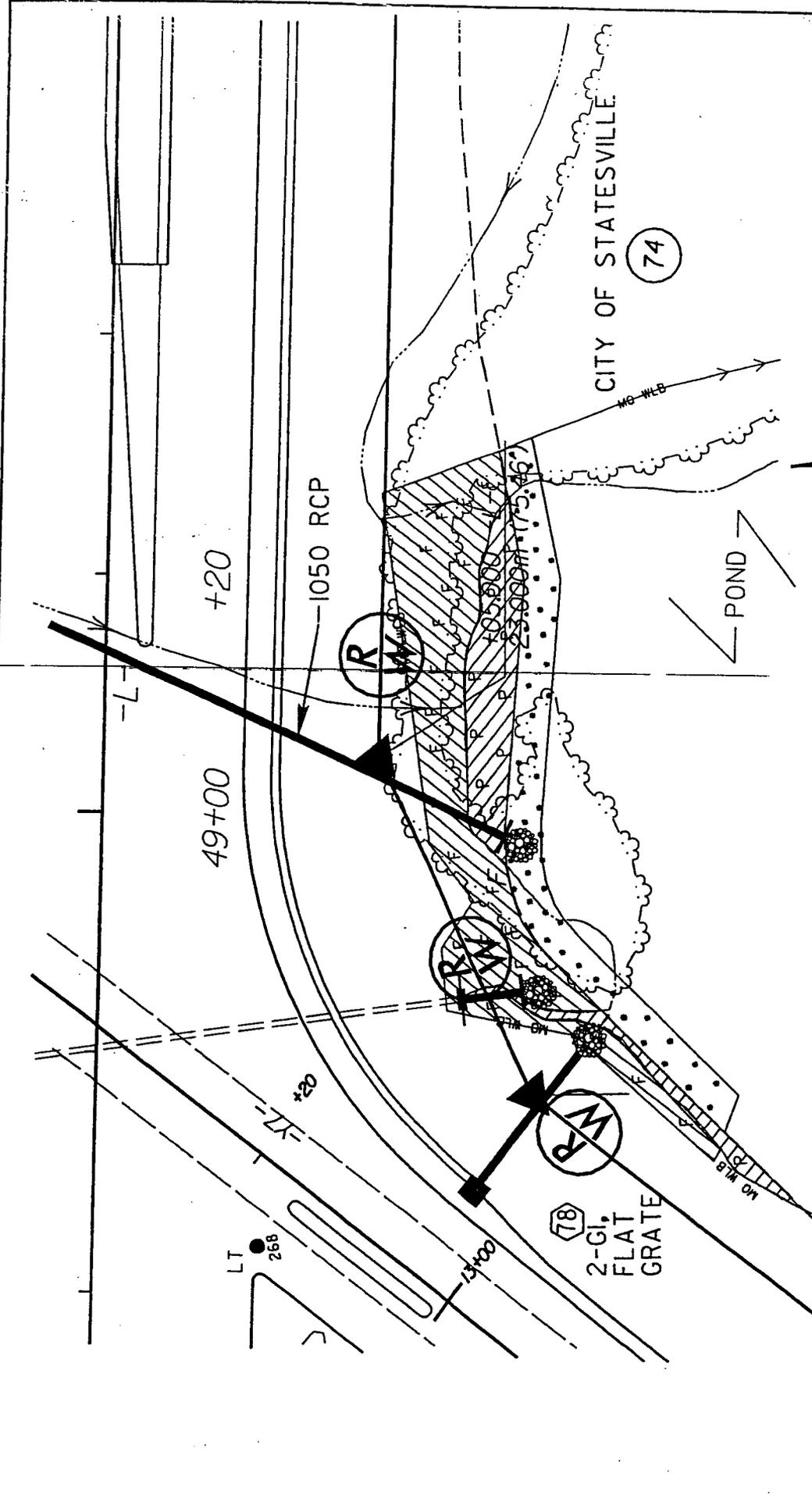


PLAN VIEW
 SITE 6

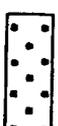
-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN WETLANDS
-  DENOTES EXCAVATION IN WETLANDS



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PLAN VIEW
 SITE 7

-  DENOTES FILL IN POND
-  DENOTES FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING



CITY OF STATESVILLE
 (74)

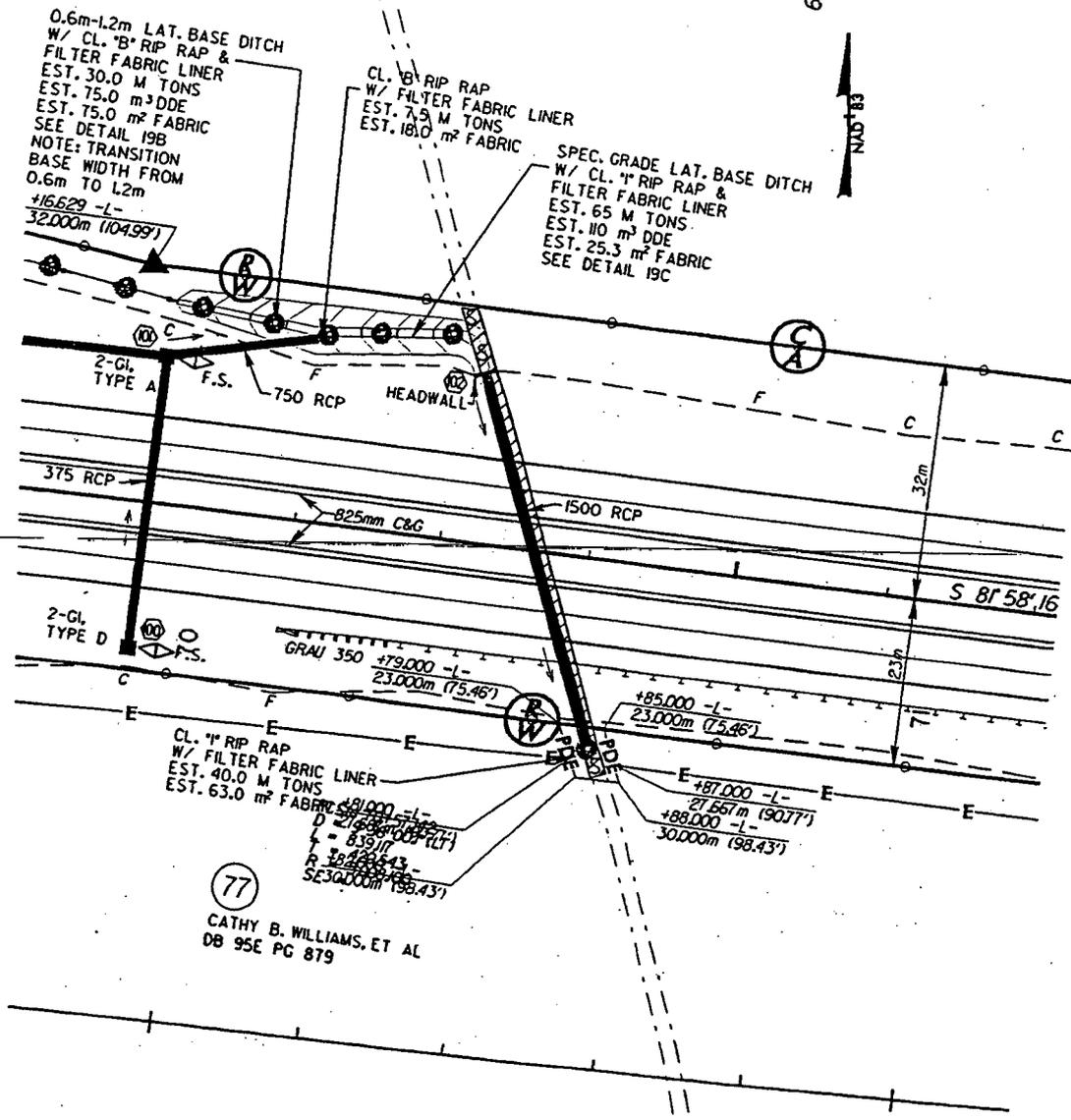
(78)
 2-GI. FLAT GRATE

LT 268

POND

63

64



0.6m-1.2m LAT. BASE DITCH
 W/ CL. 1/2" RIP RAP &
 FILTER FABRIC LINER
 EST. 30.0 M TONS
 EST. 75.0 m³ DDE
 EST. 75.0 m² FABRIC
 SEE DETAIL 19B
 NOTE: TRANSITION
 BASE WIDTH FROM
 0.6m TO 1.2m

CL. 1/2" RIP RAP
 W/ FILTER FABRIC LINER
 EST. 7.5 M TONS
 EST. 18.0 m² FABRIC

SPEC. GRADE LAT. BASE DITCH
 W/ CL. 1/2" RIP RAP &
 FILTER FABRIC LINER
 EST. 65 M TONS
 EST. 110 m³ DDE
 EST. 25.3 m² FABRIC
 SEE DETAIL 19C

+16.629 -L-
 32.000m (104.99')

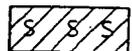
GRAU 350 +79.000 -L-
 23.000m (75.46')

+85.000 -L-
 23.000m (75.46')

CL. 1/2" RIP RAP
 W/ FILTER FABRIC LINER
 EST. 40.0 M TONS
 EST. 63.0 m² FABRIC

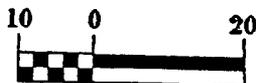
E +87.000 -L-
 27.507m (90.77')
 +88.000 -L-
 30.000m (98.43')

77
 CATHY B. WILLIAMS, ET AL
 DB 95E PG 879



DENOTES FILL
 IN SURFACE WATERS

PLAN VIEW
 SITE 10



SCALE

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS

IREDELL COUNTY

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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 II) (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	-L- 30+80 LT	900mm RCP					0.018				130	0
	-L- 31+45 LT											
2	-L- 32+20 LT	3.7m x 2.1m RCBC	0.017		0.026	0.007	0.026				155	55
3	-L- 32+90 RT											
	-L- 34+50 LT	1800mm RCP					0.011				105	0
	-L- 34+62 RT											
4	-L- 44+12 LT	2.7m x 2.4m RCBC					0.019				153	0
	-L- 44+90 RT											
5	-Y8-14+10 LT	3.4m x 2.7m RCBC	0	0	0	0	0	0	0	0	0	0
	-Y8- 15+35 RT											
6	-Y7- 13+55 LT	1200 RCP	0.001		0.001	0.004						
	-Y7- 13+70 LT											
7	-L- 48+66 RT	1050 RCP	0.033			0.019				0.013		
	-L- 49+30 RT											
8	-L- 68+35 RT	1350mm RCP										
	-L- 68+51 RT											
9	-L- 74+16 RT	600 RCP										
	-L- 74+63 RT											
10	-L- 63+62 LT	1500mm RCP					0.015				66	
	-L- 63+84 RT											
TOTALS:			0.051	0	0.027	0.03	0.089	0.013	0	609	55	

OMITTED - STREAM DEEMED NON-JURISDICTIONAL
 OMITTED - STREAM DEEMED NON-JURISDICTIONAL

NCDOT

DIVISION OF HIGHWAYS
 IREDELL COUNTY
 PROJECT 8.1823401 (R-2911A)
 US 70 FROM SR 2318 TO
 ROWAN COUNTY LINE

PUBLIC NOTICE
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2/6/04