

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

Action ID No. 199503519

May 27, 2004

PUBLIC NOTICE

The NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), c/o DR. GREGORY J. THORPE, PHD, MANAGER, PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH, 1548 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-1548 HAS APPLIED FOR A DEPARTMENT OF THE ARMY PERMIT TO DISCHARGE FILL MATERIAL INTO 32.18 ACRES OF JURISDICTIONAL WETLANDS AND 776 FEET OF JURISDICTIONAL STREAMS TO CONSTRUCT THE US 17 WIDENING PROJECT FROM SR 1327/1410 NORTH OF JACKSONVILLE TO SR 1330/1439 SOUTH OF BELGRADE/MAYSVILLE, ONSLOW COUNTY, NORTH CAROLINA (TIP PROJECT NO. R-2514A).

The following description of the work is taken from data provided by the applicant and from observations made during site visits by representatives of the Corps of Engineers.

The State Environmental Assessment (SEA) prepared by the North Carolina Department of Transportation describing this project was approved on August 31, 1999 and on August 25, 2000 a State Finding of No Significant Impact (SFONSI) was approved.

The proposed project will widen existing US 17 from SR 1327/1410, north of Jacksonville, to SR 1330/1439 south of Belgrade/Maysville from two-lane roadway to a four-lane divided roadway with two twelve foot travel lanes in each direction divided by a 46 foot median. The proposed project will also replace the existing 111-foot bridge on US 17 over Starky's Creek with a new 138-foot bridge.

The proposed project crosses eight streams including Starky's Creek (twice), three unnamed tributaries to Starky's Creek, and three unnamed tributaries to Northeast Creek. Crossings associated with Starky's Creek and its unnamed tributaries are located in the White Oak River Basin (HUC 03030001). Crossings associated with Northeast Creek are located in the New River Basin (HUC 03020106). The proposed project will cross three perennial streams (Starky's Creek (twice) and an unnamed tributary to Northeast Creek at Wetland Site 10) and five intermittent streams (three unnamed tributaries to Starky's Creek and two unnamed tributaries to Northeast Creek). Dominant wetland vegetation includes loblolly pine (*Pinus taeda*), sweet gum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), giant cane (*Arundinaria gigantea*), royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), virginia chainfern (*Woodwardia virginica*), netted chainfern (*Woodwardia aereolata*), and swamp tupelo

(*Nyssa sylvatica var. biflora*). Soils within floodplains of the project area are the Muckalee-Doravan association. Specific hydric soil types found in the study area include Bayboro loam, Grantham, Leaf, Muckalee, Pantego, and Rains soils.

Construction of the proposed project will permanently impact 32.18 acres of wetlands. These impacts include 22.37 acres of fill, 3.9 acres of excavation, 4.3 acres of mechanized clearing, and 1.65 acres due to drainage of wetlands. The proposed permanent impacts by wetland community type are summarized as follows:

Table 1. Wetland Impacts (acres).

Wetland Community	Northeast Creek	Starky's Creek	Total
	New River Basin	White Oak River Basin	
Maintained/Disturbed land	0.16	0.03	0.19
Pine/Mixed Hardwood Forest	0.35	5.85	6.2
Pine Woodlands	16.63	4.00	20.63
Successional Vegetation	2.21	1.74	3.95
Successional/Maintained land	0.40	0.0	0.40
Small Stream Swamp	0.0	0.81	0.81
Total	19.75	12.43	32.18
Riverine	0.7	2.39	3.09
Non-Riverine	19.04	10.05	29.09

The proposed project will impact a total of 776 feet of jurisdictional stream associated with Starky's Creek and Northeast Creek and the associated unnamed tributaries. These stream impacts are summarized as follows:

Table 2. Stream Impacts (feet).

	Starky's Creek	Northeast Creek	Total
	White Oak River Basin	New River Basin	
Perennial Stream	194	322	516
Intermittent Stream	198	62	260
Total	392	384	776

The proposed wetland impacts associated with the proposed project are greater than the impacts proposed in the SEA for this project. The EA states the total wetland impacts are 25.27 acres for the proposed project and the total stream impacts are approximately 610 feet. It is our understanding, based on recent information from the applicant, that the increase in wetland and stream impacts is due to a revised project design that changed side slopes in wetland areas from 2:1 to 4:1 to improve traffic safety.

The NCDOT is proposing to use the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary compensatory mitigation for the unavoidable wetland and stream impacts associated with this project. The proposed compensatory mitigation for the proposed 32.18 acres of wetland impacts and 710 feet of stream impacts will be provided by the EEP. Based on a field inspection and discussions with USACE staff, compensatory mitigation for sixty-six feet of intermittent stream impacts at Wetland Site 38 is not proposed.

The purpose of the proposed project is to upgrade this section of US 17 to a modern, high speed, multi-lane roadway facility. A map showing the location of the proposed road is included with this public notice. The SEA and SFONSI, complete set of plan sheets, and the complete mitigation proposal and plans may be inspected at the U.S. Army Corps of Engineers, Regulatory Division office, 69 Darlington Avenue, Wilmington, North Carolina between the hours of 8:00 am and 4:30 pm Monday through Friday.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for its review and concurrence. The NCDCM has determined the proposed work is consistent with the North Carolina Coastal Zone Management Plan. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification is denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

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 site 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 that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to 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 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 decides that it would be contrary to the public interest.

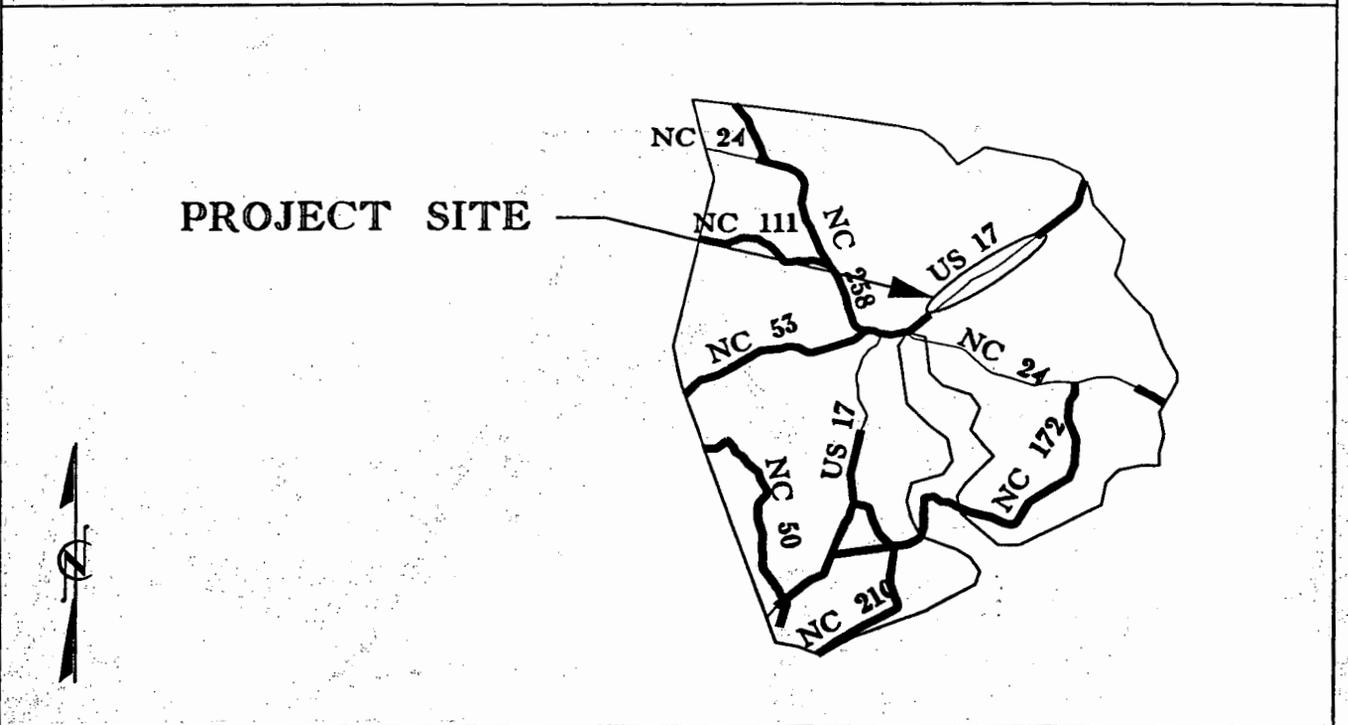
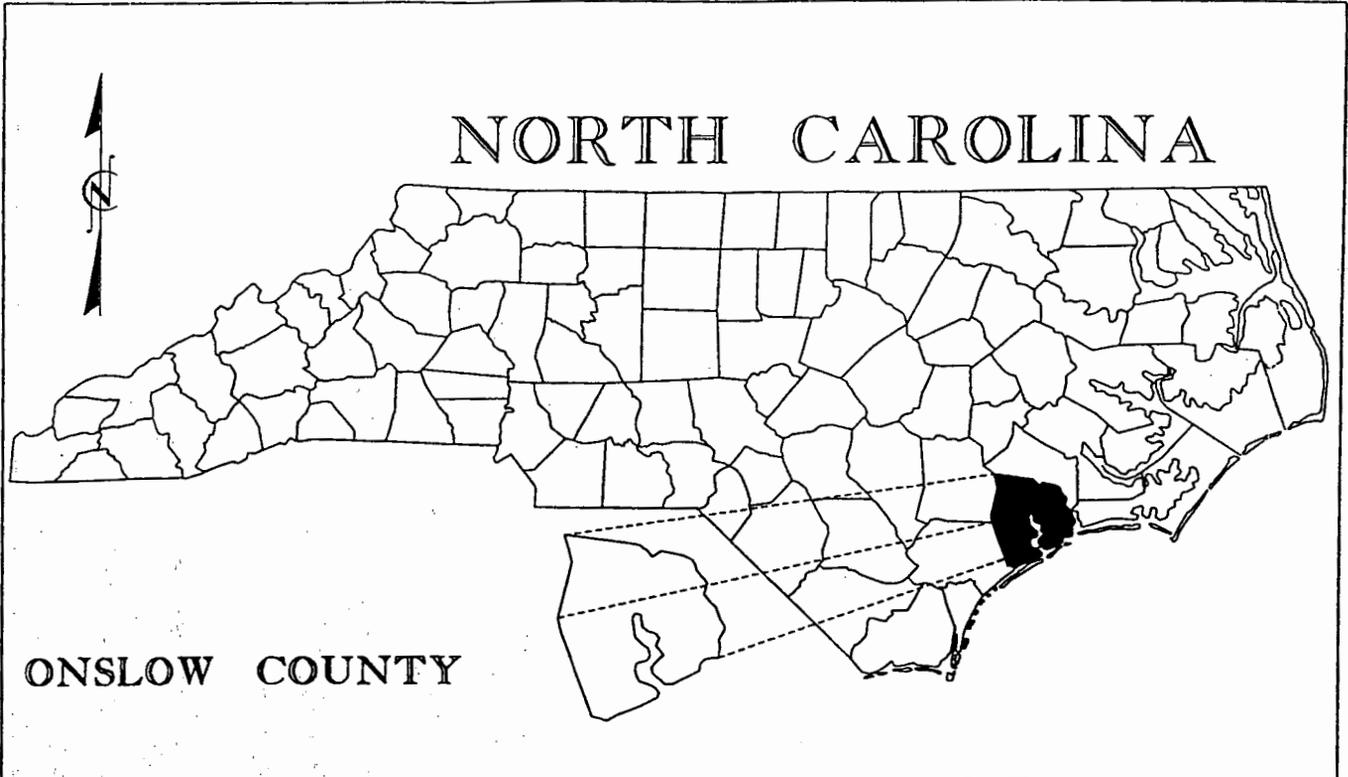
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether 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 decide the need for a public hearing and to decide the 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 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 Department of the Army (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 Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons wanting 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 (NCDWQ), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before June 21, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Dave Timpy, until 4:15 p.m., June 28, 2004.

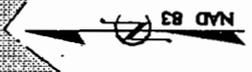


VICINITY
MAP

NCDOT
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.T190301 (R-2514A)
 US 17 NORTH OF JACKSONVILLE
 FROM SR 1327 / SR 1410
 TO SR 1330 / SR 1439
 SHEET **1** OF **81** DATE 7/14/03

BEGIN PROJECT
R-2514A

MATCH LINE



US-17

PERENNIAL STREAM
BOTH SIDES OF US-17
SITE 9, 10 & 10A

INTERMITTENT STREAM
NORTH SIDE OF US-17
SITE 4A

INTERMITTENT STREAM
NORTH SIDE OF US-17
SITE 2

NC DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ONSLOW COUNTY
STATE PROJ: 8.T190301 (R-2514A)
US 17 NORTH OF JACKSONVILLE FROM
SR 1327 TO SR 1330/1439
SCALE AS SHOWN
SHEET 2 OF 81 DATE 1/16/04

BOUNDARY

PRIVATE

Tailings Ponds

Trailer Park

Cem

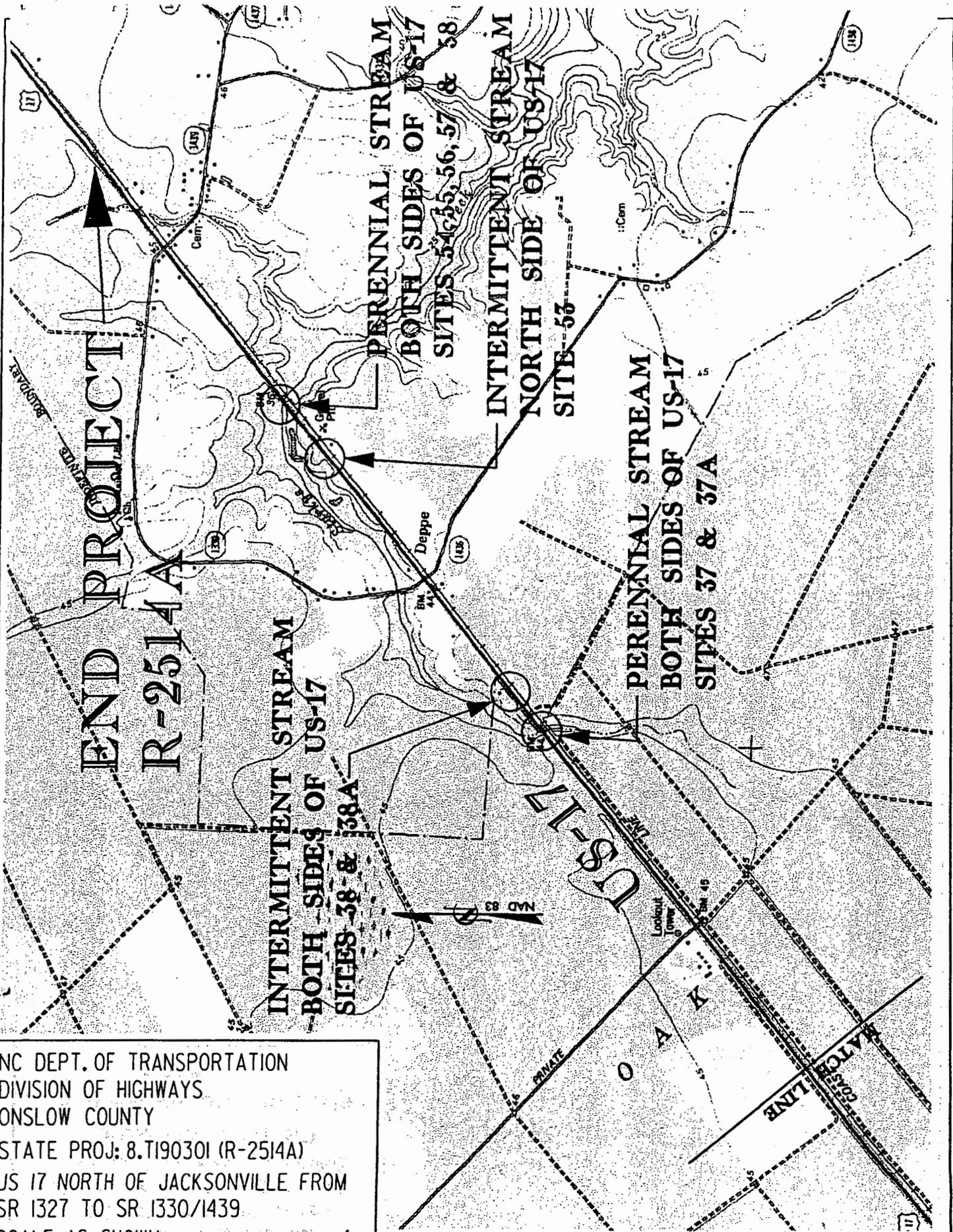
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Cem

1327

1327

1327



END PROJECT
R-2514A

NC DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 STATE PROJ: 8.TI9030I (R-2514A)
 US 17 NORTH OF JACKSONVILLE FROM
 SR 1327 TO SR 1330/1439
 SCALE AS SHOWN
 SHEET 3 OF 31 DATE 7/14/03

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS							
			Fill In Wetlands (Acres)	Temp. Fill In Wetlands (Acres)	Excavation In Wetlands (Acres)	Mechanized Clearing (Method III) (Acres)	Drained Wetlands (Acres)	Fill In SW (Natural) (Acres)	Temp. Fill In SW (Acres)	Existing Channel Impacted (Feet)	Natural Stream Design (Feet)			
1	105+66 - 105+99 RT	36" RCP	0.076		0.038	0.022				0.008				
2	106+01 - 106+04 LT	36" RCP	0.096		0.014			0.041					52	
3	106+98 - 107+26 RT		0.011											
4	107+48 - 107+63 CL		0.244					0.017		0.001			10	
5	107+60 - 111+40 RT		0.244			0.017								
6	107+61 - 110+64 RT		0.121		0.236	0.212		0.601						
7	110+58 - 111+65 RT		0.604											
8	111+26 - 111+73 LT		0.007		0.019	0.024								
8A	111+80 - 111+88 LT					0.006								
9	111+66 - 112+12 RT	7' x 7' RCBC	0.122											
10	112+10 - 112+77 RT	(same culvert as site 9)	0.057		0.014			0.054		0.031			315	
10A	112+08 LT	(same culvert as site 9)			0.003	0.051				0.001			7	
11	114+23 - 114+43 RT		0.013			0.010								
12	114+54 - 116+69 RT	18" RCP	0.851		0.024	0.158		0.042						
12A	114+60 - 114+90 LT	(same pipe as site 12)			0.008	0.010								
13	116+81 - 119+83 RT	30" RCP	1.288		0.172	0.204		0.219						
13A	119+48 - 119+66 LT	(same pipe as site 13)			0.008	0.012								
14	120+08 - 129+26 RT	24" RCP	4.768		0.060	0.301								
15	124+48 - 125+75 RT	(same pipe as site 14)			0.026	0.073								
15A	125+57 - 125+79 LT	(same pipe as site 14)			0.010	0.017								
16	125+80 - 142+50 RT		0.230		1.162	0.816		0.331						
17	Not Used													
TOTALS:			8.73	0	1.79	1.93	1.30	0.04	0	384	0			0

ENGLISH

NCDOT

DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT 8.T190301 (R-2514A)
 US 17 NORTH OF JACKSONVILLE
 TO SOUTH OF BELGRADE

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS						
			Fill In Wetlands (Acres)	Temp. Fill In Wetlands (Acres)	Excavation In Wetlands (Acres)	Mechanized Clearing (Method III) (Acres)	Drained Wetlands (Acres)	Fill In SW (Natural) (Acres)	Temp. Fill In SW (Acres)	Existing Channel Impacted (Feet)	Natural Stream Design (Feet)		
18	129+35 - 132+32 RT	15" RCP	0.818		0.013	0.014							
19	132+47 - 132+64 LT	36" RCP	0.004										
20	132+60 - 132+63 CL		4.587										
21	133+56 - 147+60 RT												
21A	136+00 - 136+15 LT	24" RCP		0.006	0.006	0.015							
21B	140+54 - 140+69 LT	24" RCP		0.002	0.002	0.013							
22	144+20 - 145+00 RT	24" RCP		0.076	0.076	0.037							
22A	144+30 - 144+45 LT	24" RCP		0.001	0.001	0.008							
23	145+22 - 146+97 RT	15" RCP		0.101	0.101	0.019		0.098					
24	147+05 - 148+64 RT	24" RCP		0.069	0.069	0.040		0.037					
24A	148+20 - 148+35 LT	24" RCP		0.004	0.004	0.024							
25	149+06 - 150+63 RT		0.273										
25A	149+02 - 150+33 RT					0.040							
26	150+55 - 151+05 RT		0.002			0.027							
27	Not Used												
28	150+68 - 151+37 RT		0.103										
29	151+41 - 153+07 RT												
30	151+84 - 152+76 RT		0.271			0.077							
31	153+13 - 153+51 RT		0.022										
32	153+32 - 153+49 RT		0.001			0.008							
33	154+40 - 156+76 RT		0.383										
34	156+97 - 157+18 RT			0.021									
TOTALS:			6.46	0	0.29	0.32	0.14	0	0	0	0	0	0

ENGLISH

NCDOT

DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT 8.T190301 (R-2514A)
 US 17 NORTH OF
 JACKSONVILLE
 TO SOUTH OF BELGRADE

SHEET 818 OF 818 4/1/04

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Form Revised 3/22/01

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS						
			Fill In Wetlands (Acres)	Temp. Fill In Wetlands (Acres)	Excavation In Wetlands (Acres)	Mechanized Clearing (Method III) (Acres)	Drained Wetlands (Acres)	Fill In SW (Natural) (Acres)	Temp. Fill In SW (Acres)	Existing Channel Impacted (Feet)	Natural Stream Design (Feet)		
35	156+92 - 160+40 RT		0.760										
36	159+14 - 160+35 RT			0.245									
37	160+40 - 162+10 RT	2 @ 7' w x 6' h RCBC	0.475	0.097		0.107			0.021			135	
37A	161+38 LT	(same culvert as site 37)				0.025						59	
38	162+52 - 169+43 RT		2.012						0.005	*		66	*
38A	163+77 - 163+96 RT			0.008		0.043						66	
39	162+52 - 169+26 RT	24" RCP	0.387	0.677		0.503		0.006					
40	164+76 - 167+38 LT		0.011			0.147							
41	168+24 - 168+64 LT					0.010							
42	169+59 - 170+34 LT					0.017							
43	170+35 - 173+39 RT			0.097				0.045					
44	171+69 - 174+29 CL		0.716										
45	173+58 - 174+25 LT	24" RCP	0.038		0.250	0.105							
46	173+70 - 176+59 RT					0.020							
47	174+56 - 174+82 CL		0.057										
48	174+56 - 175+48 LT	24" RCP	0.047	0.026		0.183							
49	175+08 - 176+91 RT		0.183										
50	Not Used												
51	176+61 - 176+83 LT		0.006	0.019				0.018					
52	177+07 - 177+88 LT	3.0' Base Tail Ditch	0.039	0.108		0.186		0.083					
53	179+13 - 179+30 LT	3.0' Base Tail Ditch										66	
54	181+51 - 182+79 CN	Bridge	0.288			0.053							
TOTALS:			5.02	0	1.53	1.40	0.15	0.03	0	392	0		0

* No Mitigation Required (Intermittent Stream in Site 38)

ENGLISH

NCDOT

DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT 8.T190301 (R-2514A)
 US 17 NORTH OF JACKSONVILLE
 TO SOUTH OF BELGRADE

SHEET 8/c OF 8 / 4/5/04

