

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 23, 2005
Comment Deadline: December 27, 2005
Corps Action ID #: 200120448

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
1598 Mail Service Center
Raleigh, NC 27699-1598

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 of the Clean Water Act (33 U.S.C. 1344).

Project

Widening of Davis Drive (SR 1613/SR 1999); T.I.P. No. U-4026

Location

Davis Drive (SR 1613/SR 1999), crossing unnamed tributaries to Kit Creek and Burdens Creek, from Morrisville-Carpenter Road (SR 3014) in Wake County (35.820° N Latitude, 78.848° W Longitude), to NC 54 in Durham County (35.890° N Latitude, 78.862° W Longitude), North Carolina.

Existing Site Conditions

The general area to be impacted is the Davis Drive corridor, and its setting varies from highly developed commercial areas, to undeveloped wooded land. All of the areas with impacts to waters of the United States are in the Cape Fear River basin.

The wetland habitats that will be impacted by the proposed project are typical piedmont wetlands, including emergent marsh, maintained and forested roadside depressions, and bottomland hardwood forest. These wetlands are adjacent to tributaries of Kit Creek and Burdens Creek that are unnamed on the USGS quadrangle maps. The wetlands were rated by NCDOT according to the North Carolina Division of Water Quality (NCDWQ) rating system, and their values ranged from 16 to 71, with six of the nine wetlands rating 16. The ten impacted unnamed tributaries ranged in size from one foot wide and one foot deep, to 12 feet wide and five feet deep, with most of the streams being less than 5 feet wide and 3 feet deep. Six of the unnamed tributaries are perennial, and four are intermittent tributaries that do not have important aquatic function. Six of the impacted streams are classified by NCDWQ as Class C (waters protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, agriculture and other uses) NSW (Nutrient Sensitive Waters), and four of the streams are Class WS-IV (Water Supply IV - generally in moderately to highly developed watersheds or Protected Areas, and involve no categorical restrictions on discharges) NSW.

Applicant's Stated Purpose

The purpose of the work is to increase traffic carrying capacity, manage traffic congestion, and provide improved access to adjacent properties, on this section of Davis Drive.

Project Description

Plans submitted with the application show the placement of fill material impacting a total of 2,125 linear feet of stream, 0.20 acre of surface water, and 0.28 acre of wetlands, including 0.06 acre of isolated wetlands not subject to Section 404 of the Clean Water Act. These impacts are necessary for the construction of the widening of Davis Drive (T.I.P. No. U-4026). The proposed highway widening will extend 5.6 miles, from Morrisville-Carpenter Road (SR 3014) in Wake County, to NC 54 in Durham County. The highway will be widened to a 4-lane, median divided roadway, with additional turn lanes in some sections.

The project will involve fill impacts to 2,125 linear feet of stream channel at ten locations. NCDOT proposes to extend existing pipes and culverts and construct new pipes and culverts for the stream crossings. NCDOT stream impacts include relocation of 261 linear feet of channel, using natural stream channel design, to include planting stream banks with trees and shrubs. The proposed construction will impact a total of 0.26 acre of vegetated wetlands, including 0.04 acre that are isolated and not subject to regulation under Section 404 of the Clean Water Act, but that will be considered in evaluation of impacts for this project. The construction will also impact 0.08 acre of wetlands and pond by permanent fill, and 0.12 acre of surface water (stream) with temporary fill for dewatering worksites.

NCDOT is proposing to use the onsite stream relocation using natural channel design, and the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary

compensatory mitigation for the unavoidable losses of 1,269 linear feet of stream with more than minimal function, and 0.26 acre of wetlands. 98 linear feet of the total 2,125 linear feet of stream impact associated with this project was previously permitted under an adjacent NCDOT project (Northern Wake Expressway, R-2000, Section AB), and compensatory mitigation was previously required and provided.

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 16 December, 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.

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

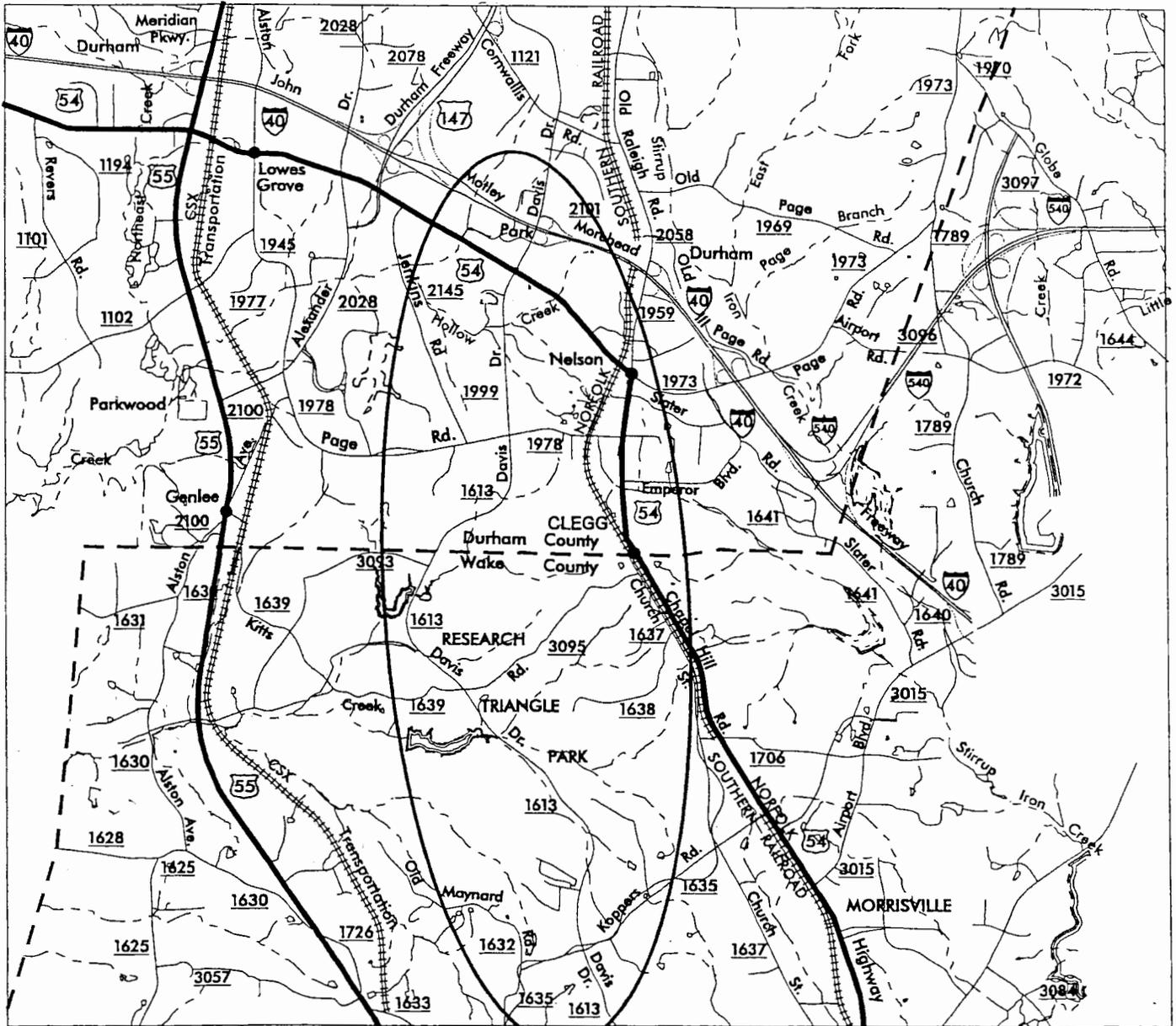
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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, December 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

SITE MAP



SITE



**NORTH CAROLINA
DEPARTMENT OF HIGHWAYS**

WAKE - DURHAM COUNTIES
35018.LI (U-4026)

DAVIS DRIVE (SR 1613/1999) FROM 390' NORTH OF
MORRISVILLE-CARPENTER RD (SR 3016) TO NC HWY 54

NOT TO SCALE

DATE: 02-04-05

SHEET 2 OF 4

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2/3/2005 8:26:23 AM

| WETLAND PERMIT IMPACT SUMMARY | | | | | | | | | | | | | |
|-------------------------------|--------------|----------------------|-----------------------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|---------------------------|------------------------|-----------------------|--------------------------------|----------------------------|-----|
| Site No. | Rdwy Sht 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 | 10-11 | 93+29 -L- | 54" RCP / 48" SUPPL PIPE | --- | --- | --- | --- | 0.0172 | --- | --- | 0.0115 | 216 | --- |
| 2 | 11 | 104+58 -L- | (2) 48" PIPES | --- | --- | --- | --- | 0.0089 | --- | --- | 0.0080 | 105 | --- |
| 3 | 14 | 134+23 -L- | 66" RCP / 72" SUPPL PIPE | --- | --- | --- | --- | 0.0458 | --- | --- | 0.0235 | 186 | --- |
| 4 | 17-18 | 178+23 -L- | 54" RCP / 66" SUPPL PIPE | --- | --- | --- | --- | 0.0557 | --- | --- | 0.0141 | 215 | --- |
| 5 | 19 | 199+96 -L- | (2) 7' x 6' RCBC | --- | --- | --- | --- | --- | --- | 0.0787 | 0.0365 | --- | --- |
| 6 | 20-21 | 205+00 - 215+00 -L- | Embankment / Lateral | 0.0230 | --- | --- | 0.0120 | 0.0159 | --- | --- | 0.0024 | 423 | --- |
| 7 | 22 | 229+99.7 -L- | 66" RCP / 72" SUPPL PIPE | --- | --- | --- | --- | 0.0807 | --- | --- | --- | 307 | --- |
| 8 | 23 | 241+00 -L- | 54" RCP | --- | --- | --- | --- | 0.0032 | --- | --- | 0.0019 | 21 | --- |
| 9 | 26-27 | 286+57.6 -L- | 66" RCP / 48" SUPPL PIPE | --- | --- | --- | --- | 0.0537 | --- | --- | 0.0076 | 394 | 261 |
| 10 | 27 | 293+82.1 -L- | (1) 8' x 6' RCBC / 60" SUPPL PIPE | --- | --- | --- | --- | 0.0465 | --- | --- | 0.0136 | 244 | --- |
| 11 | 31 | 29+40 -Y5- | Embankment | 0.0140 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 12 | 31 | 31+50 -Y5- | 15" RCP / Embankment | 0.0120 | --- | --- | 0.0010 | --- | --- | --- | --- | --- | --- |
| 13 | 31 | 31+20 -Y5- | Embankment | 0.0198 | --- | --- | 0.0007 | --- | --- | --- | --- | --- | --- |
| 14 | 31 | 34+80 -Y5- | 18" RCP / Embankment | 0.0090 | --- | --- | 0.0023 | --- | --- | --- | --- | --- | --- |
| 15 | 34 | 21+41 -Y12- | Embankment | 0.0125 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 16 | 24 | 23+25 -Y12- | 18" RCP / Embankment | 0.0361 | --- | --- | 0.0073 | --- | --- | --- | --- | --- | --- |
| 17 | 36 | 21+00 -Y13- | Embankment | --- | --- | --- | --- | --- | --- | 0.0029 | --- | --- | --- |
| 18 | 29&36 | 25+00 -Y13- | 30" RCP w EW / Embankment / Trail | 0.0267 | --- | --- | 0.0065 | 0.0006 | --- | --- | --- | 13 | --- |
| 19 | 25 | 269+05-270+67 -L- Lt | Proposed Ditches | 0.0130 | --- | 0.0770 | --- | --- | --- | --- | --- | --- | --- |
| TOTALS: | | | | 0.1661 | 0.0000 | 0.0770 | 0.0298 | 0.3282 | 0.0816 | 0.1191 | 2125 | 261 | |

** The 0.077 ac of Excavation in Wetlands Sta 269+05 -L- Lt consists of 0.042 Excavated and 0.035 Drained

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY
PROJECT: 35018.1.1 (U-4026)

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