PUBLIC NOTICE

US Army Corps
Of Engineers
Wilmington District

Issue Date: June 21, 2005
Comment Deadline: July 21, 2005
Corps Action ID #: 200531849

All interested parties are herby 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 shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant:

Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
NC Department of Transportation
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 of the Clean Water Act (33 U.S.C. 1344). The purpose of this public notice is to solicit comments on the applicant's proposal to construct an extension of SR 1223 (M.L. King, Jr. Boulevard) from NC 200 (Lancaster Avenue) to SR 1162 (Goldmine Road) west of Monroe in Union County (TIP U-3412 A/B). Two alternatives for the project are still under consideration, which will lead to the identification of a Least Environmentally Damaging Practical Alternative (LEDPA).

Location

The proposed 3-mile long extension of SR 1223 (M.L. King, Jr. Boulevard) is located just west of the city limits of Monroe, North Carolina and would cross Dry Fork, Bearskin Creek and several of its unnamed tributaries, and unnamed tributaries to Beaverdam Creek. The project is located in central Union County at approximately 34.9935 degrees north latitude and 80.5746 degrees west longitude.

Background

In March 1997, the NC Department of Transportation (NCDOT) completed a State Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the portion of SR 1223 that connects SR 1162 (Goldmine Road) and SR 1009 (Old Charlotte Road). This project was identified as TIP U-3412 C. Construction of this section of the project was

completed in September 1999. Project studies for TIP U-3412 A/B, the subject of this public notice, were also initiated in 1999. The NCDOT completed an EA for TIP U-3412 A/B that was approved by the Federal Highway Administration on February 1, 2005. This EA describes the social, economic and environmental impacts associated with two build alternatives designated Alternative 1 and Alternative 5. The proposed project is part of the 1996 Monroe Thoroughfare Plan and the 2004 Mecklenburg-Union Metropolitan Planning Organization Thoroughfare Plan.

Applicant's Stated Purpose

The purpose of the proposed project, as stated in the EA, is to reduce through traffic, including truck traffic, to improve safety in the downtown area of Monroe and to facilitate travel on the west side of Monroe.

Project Description and Existing Conditions

The following description of the proposed work is taken from data provided by the applicant. The proposed work would extend the existing two-lane roadway on new location from SR 1162 (Goldmine Road) on the north to NC Highway 200 (Lancaster Avenue) on the south, a distance of approximately three miles. The proposed roadway would be constructed as a two-lane road on four-lane right-of-way with 12-foot travel lanes and 8-foot shoulders. The proposed right-of-way width is 200 feet. Partial control of access (one access per property parcel) is proposed. Acquisition of right-of-way and the relocation of homes would be required for the proposed road extension.

Aquatic resources potentially impacted by the project include perennial streams, intermittent stream channels, wetlands and ponds. The project is located within the Richardson Creek watershed of the Yadkin River Basin. The southern portion of the project study area, south of NC Highway 75, is part of the protected water supply watershed for Richardson Creek. Two named streams occur within the study area: Bearskin Creek and Dry Fork. Twelve unnamed tributaries (Uts) are also found in the study area. There are nine Uts to Bearskin Creek and three Uts to Beaverdam Creek. Descriptions of these surface water resources are provided in the attached Table 2. Estimated surface water impacts are based on the approximate width required for the future four-lane typical section of the project. Three wetland types have been identified within the project study area: palustrine forested, palustrine scrub shrub and palustrine emergent marsh. These wetlands are generally found within floodplains, on riparian margins of streams and in stream headwaters. Man-induced and natural disturbance, such as by beaver activity, have resulted in development of the scrub shrub and marsh wetlands. Wetland vegetation is varied and includes sweetgum, green ash, red maple, American sycamore, box elder, tulip poplar, hackberry, black willow, American elm, tag alder, Chinese privet, cattail, wool-grass, soft rush and sedges. Table 3 presents information and anticipated impacts to wetlands for each of the project alternatives. Impacts are based on the approximate width required for the future four-lane typical section of the project. Three small man-made ponds are also located in the project study area. Estimated impacts to ponds are included in Table 4. At this time, the applicant has proposed utilizing the North Carolina Ecosystem Enhancement Program (NCEEP) to mitigate for unavoidable impacts to waters and wetlands.

Project Alternatives

The social, economic and environmental impacts associated with the proposed alternatives for this project are described in the Federal Highway Administration/NCDOT Environmental Assessment (EA) dated February 1, 2005. According to this EA, two alternatives are currently under consideration for the proposed extension of SR 1223, Alternative 1 and Alternative 5. The locations of these alternatives are shown in Figures 1 and 2. A comparison of the alternatives is included in Table 1 and a brief description of each alternative is provided below:

Alternative 1. This alternative follows the alignment shown on the 1996 Monroe Thoroughfare Plan map and the 2004 Mecklenburg-Union Metropolitan Planning Organization Thoroughfare Plan. The alignment extends from Goldmine Road (SR 1162) on the north to NC 200 at Corinth Church Road (SR 1158) on the south. This alignment utilizes portions of two existing roads located north of NC Highway 84 and south of NC Highway 75. The remainder of the roadway would be on new location. The new location portions total approximately 1.8 miles and the total length of this alternative is approximately 3 miles. The historic Robert Ney McNeely House and two schools, Walter Bickett Elementary School and Union Academy, are located within the 1,000-foot study corridor for Alternative 1.

Alternative 5. This alternative extends from Goldmine Road (SR 1162) on the north to NC 200 north of Brooks Farm Lane and the Brooks Farm Subdivision on the south. This alignment varies from 400 to 4000 feet east of Alternative 1 with its southern terminus opposite the Lakeland Memorial Park cemetery on NC 200. Alternative 5 would be constructed entirely on new location and is approximately 2.4 miles long. The Waxhaw-Weddington Roads Historic District is located within the 1000-foot study corridor for Alternative 5 as is a newly constructed funeral home on NC 200.

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). 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.

Cultural Resources

The applicant has surveyed the Area of Potential Effect (APE) for the proposed project for both historic architectural and archaeological resources. Two historic properties were identified by this survey, the Waxhaw-Weddington Roads Historic District which is listed on the National Register of Historic Places and the Robert Ney McNeely House which is eligible for listing on

the National Register. Pursuant to Section 106 of the National Historic Preservation Act of 1966, it was determined that neither Alternative 1 nor Alternative 5 would have an effect on the Waxhaw-Weddington Road Historic District. The McNeely House is located within the study corridor for Alternative 1; however, it was determined that this alternative would have no adverse effect on the property if a landscape screen was installed along the eastern property line to provide a dense visual barrier. The State Historic Preservation Officer has concurred with these effect determinations.

Endangered Species

The applicant has conducted surveys for the endangered Carolina heelsplitter mussel and Schweinitz's sunflower, the two Federally protected species known to occur in Union County. Potentially suitable habitat for the Carolina heelsplitter in Bearskin Creek and other perennial streams within the project area was surveyed in August 2002 and July 2004. No individuals were found. Pursuant to the Endangered Species Act of 1973, a determination of "not likely to adversely affect" the Carolina heelsplitter was made for the proposed project. The US Fish and Wildlife Service concurred with this determination. Field surveys of the study area were conducted for Schweinitz's sunflower in September 2003. No specimens were found. Additionally, the NC Natural Heritage Program database does not record any known occurrences of this sunflower within three miles of the project study area. Based on this information, it was concluded in the EA that the proposed project would have "no effect" on this species.

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.

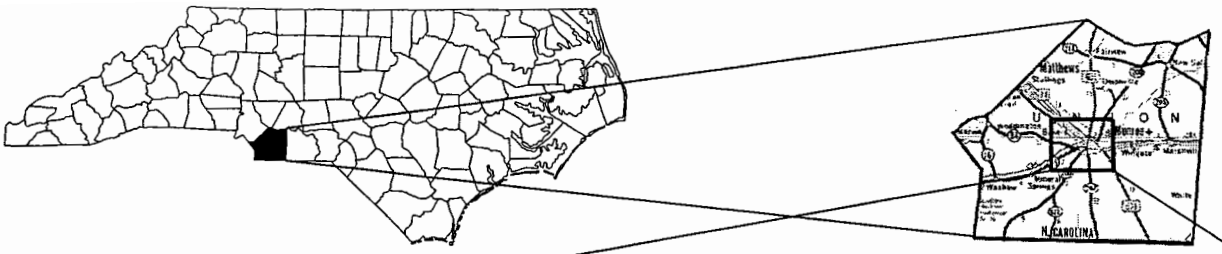
Commenting Information

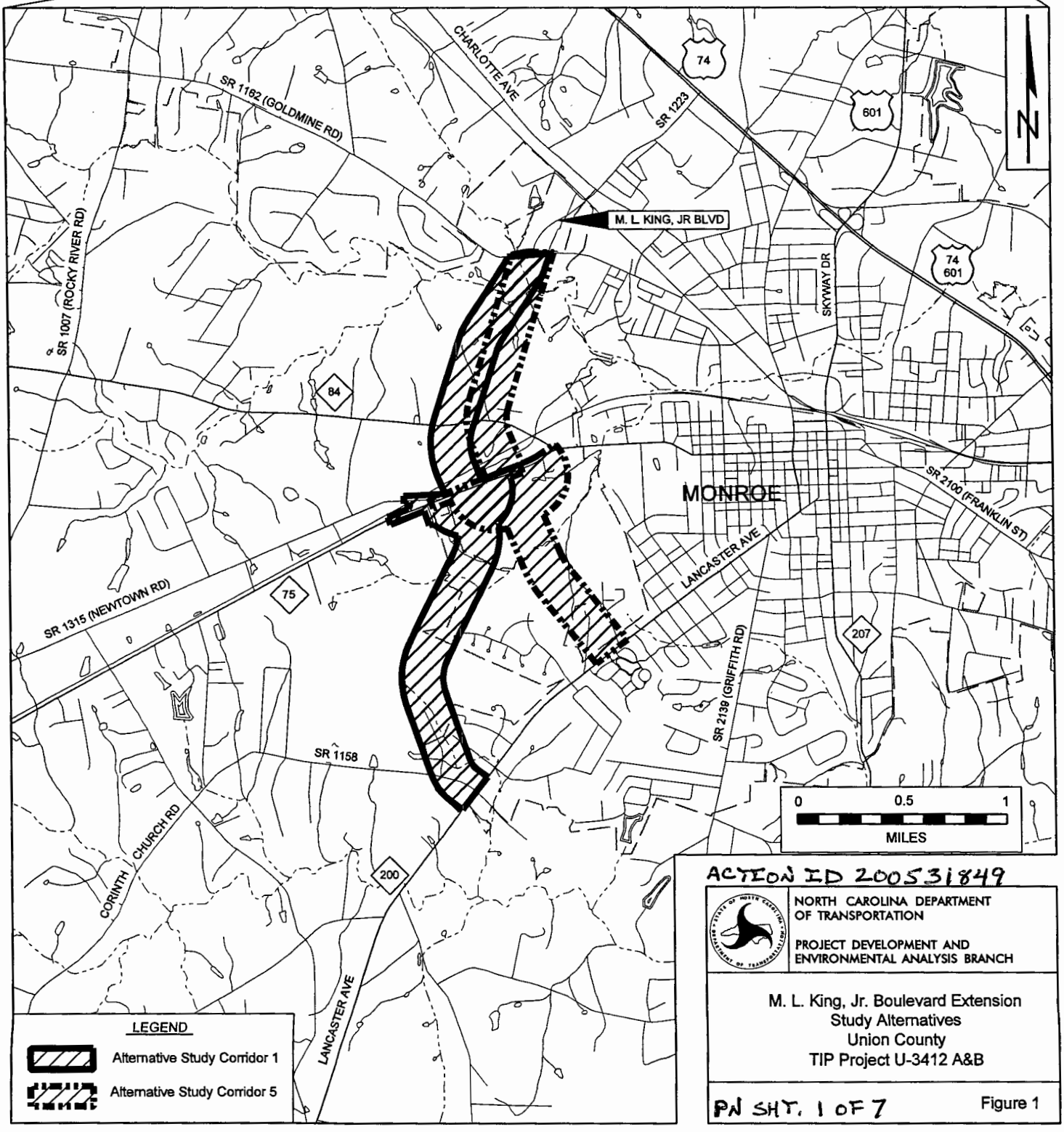
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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, July 21, 2005. Comments should be submitted to Mr. Steven Lund, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006.





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NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

M. L. King, Jr. Boulevard Extension
Study Alternatives
Union County
TIP Project U-3412 A&B

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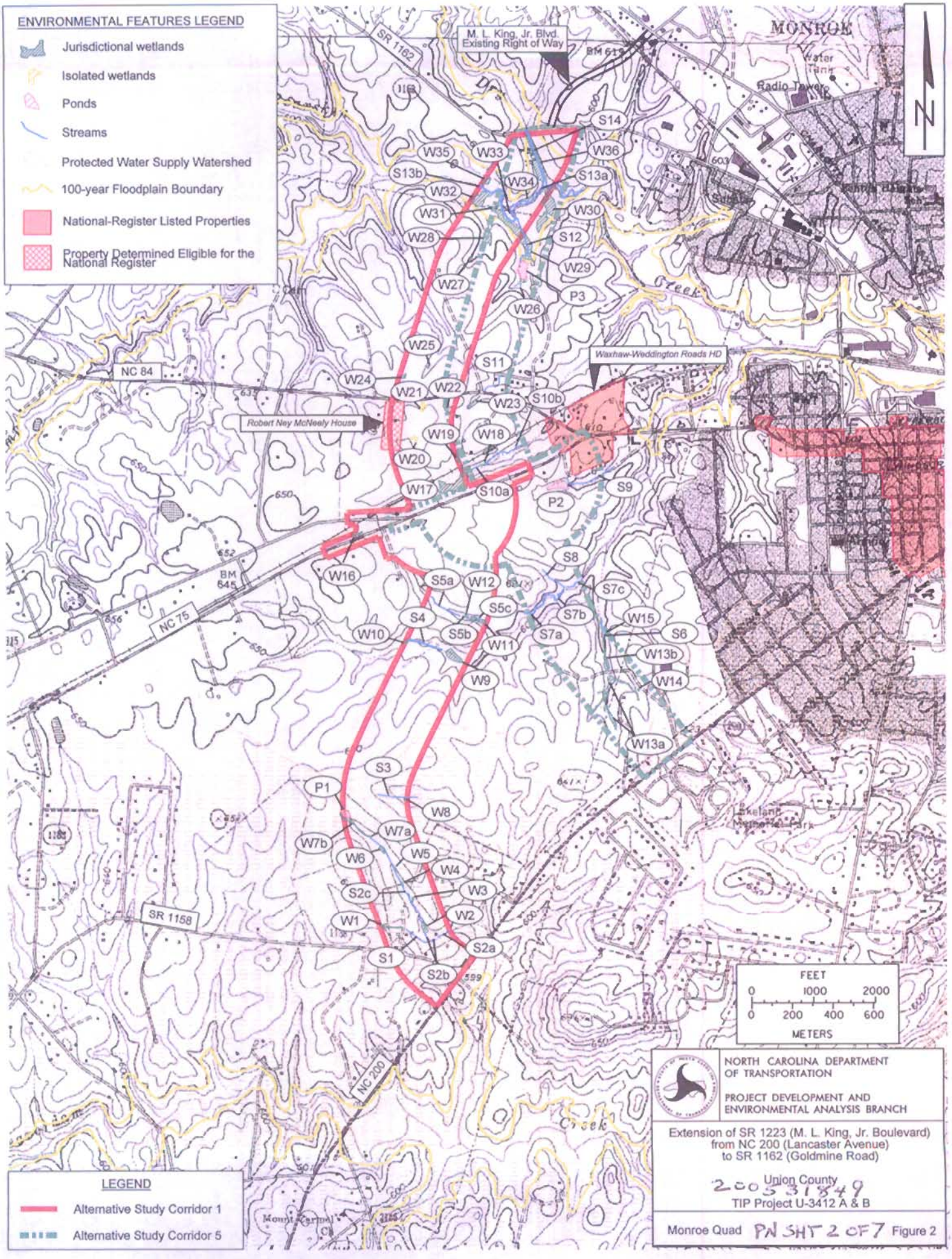
Figure 1



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

Extension of SR 1223 (M. L. King, Jr. Boulevard) from NC 200 (Lancaster Avenue) to SR 1162 (Goldmine Road)

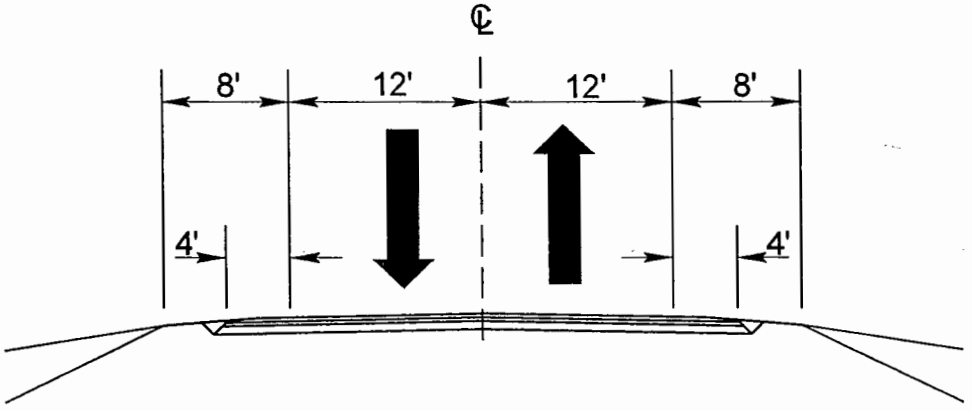
Union County

2005 31849

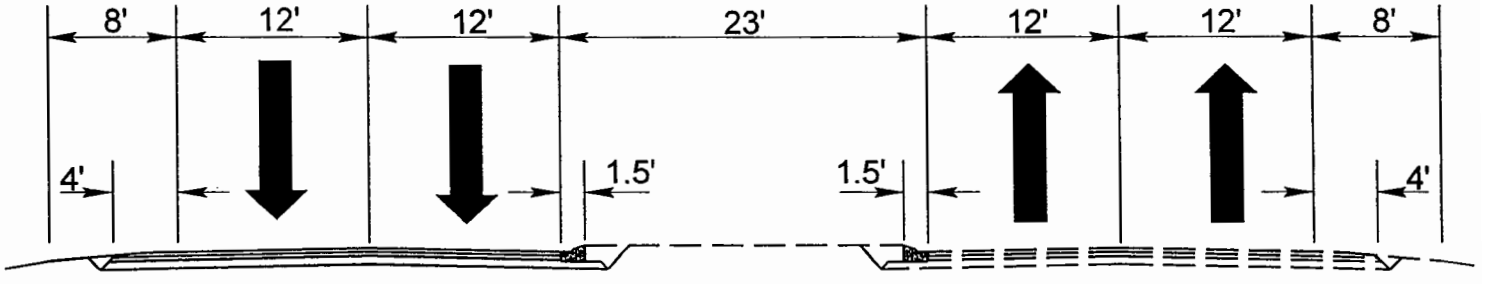
TIP Project U-3412 A & B

Monroe Quad PN SHT 2 OF 7 Figure 2

TIP PROJECT U-3412 A&B
PROPOSED TYPICAL SECTION



TIP PROJECT U-3412 A&B
ULTIMATE FOUR-LANE DIVIDED TYPICAL SECTION



PROPOSED

FUTURE

NOTE: INITIAL TWO LANES MAY BE ON EITHER
LEFT OR RIGHT SIDE OF PROPOSED RIGHT OF WAY

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS BRANCH

Extension of SR 1223 (M. L. King, Jr. Boulevard)
from NC 200 (Lancaster Avenue)
to SR 1162 (Goldmine Road
Union County
TIP Project U-3412 A&B

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Figure 3

TABLE 1: ALTERNATIVE COMPARISON

	Alternative 1	Alternative 5
Residential Relocatees	5	6
Business Relocatees	0	0
Jurisdictional Wetlands Affected (Acres)	1.77	1.22
Isolated Wetlands Affected (Acres)	0.02	0
Ponds Affected (Acres)	0	0.05
Stream Impacts (Linear Feet)	2,040	1,510
Length of Alternative within Protected Water Supply Watershed* (Feet)	3,960	200
Floodplain Crossings?	Yes	Yes
Habitat for Federally Protected Species?	Yes**	Yes**
Historic Properties?	Robert Ney McNeely House within 1,000 ft corridor	Waxhaw-Weddington HD within 1,000 ft corridor
Involve Section 4(f)?	No	No
Total Length (Miles)	3.0	2.4
Length New Location (Miles)	1.8	2.4
Right of Way Cost Estimate	$1,761,000	$2,616,000
Construction Cost Estimate	$15,000,000	$15,200,000
Wetland/Stream Mitigation Cost	$869,000	$666,000
Total Cost	$17,630,000	$18,482,000

Impacts computed based on approximate width required for future four-lane typical section for the project, adjusted to minimize impacts within the corridor.

*Protection relates to residential development density.
**Habitat present for the federally-protected Carolina heelsplitter and Schweinitz's sunflower. However, no individuals observed. Therefore, biological conclusion of "May Affect – Not Likely to Adversely Affect" proposed for the Carolina heelsplitter. The US Fish and Wildlife Service concurred with this biological conclusion. The project is expected to have "No Effect" on Schweinitz's sunflower.

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TABLE 2: IMPACTS TO JURISDICTIONAL STREAMS

Stream Map Code	Stream Name	Avg. Depth (ft)	Avg. Width (ft)	Substrate	Cowardin Classification (R3/R4)*	Perennial/ Intermittent (P/I)	Important/ Unimportant (I/U)	Alt. 1 Impacts (ft)**	Alt. 5 Impacts (ft)**
S1	UT Beaverdam Creek	2	5	Gravel/mud	R4	I	I	295	0
S2a	UT Beaverdam Creek	2	7	Gravel/mud	R4	I	I	0	0
S2b	UT Beaverdam Creek	2	7	Gravel/mud	R4	I	I	201	0
S2c	UT Beaverdam Creek	2	7	Gravel/mud	R4	I	I	673	0
S3	UT Beaverdam Creek	1	5	mud	R4	I	I	201	0
S4	UT Bearskin Creek	3	20	Mud/cobble	R3	P	I	11	0
S5a	UT Bearskin Creek	0.4	1.9	Mud/gravel	R4	I	I	45	0
S5b	UT Bearskin Creek	0.4	1.9	Mud/gravel	R4	I	I	76	0
S5c	UT Bearskin Creek	0.4	1.9	Mud/gravel	R4	I	I	0	0
S6	UT Bearskin Creek	0.4	3.3	Mud	R4	I	U	0	0
S7a	UT Bearskin Creek	3.4	8.3	Mud	R3	P	I	0	361
S7b	UT Bearskin Creek	3.4	8.3	Mud	R3	P	I	0	0
S7c	UT Bearskin Creek	3.4	8.3	Mud	R3	P	I	0	0
S8	UT Bearskin Creek	1.5	3.7	Gravel/mud	R4	I	U	0	0
S9	UT Bearskin Creek	1	3.5	Mud	R4	I	U	0	0
S10a	UT Bearskin Creek	1	3.5	Mud	R4	I	I	0	136
S10b	UT Bearskin Creek	1	3.5	Mud	R4	I	I	0	102
S11	UT Bearskin Creek	1	3	Mud	R4	I	U	0	31
S12	UT Bearskin Creek	3	6	Mud	R3	P	I	0	278
S13a	Bearskin Creek	5	25	Mud	R3	P	I	175	281
S13b	Bearskin Creek	5	25	Mud	R3	P	I	141	0
S14	Dry Fork	5	25	Mud	R3	P	I	222	321

*Cowardin Classification
R3 – Upper perennial riverine systems
R4 – Intermittent Streams
**Impacts computed based on approximate width required for future four-lane typical section for the project, adjusted to minimize impacts within the corridor.

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TABLE 3: IMPACTS TO JURISDICTIONAL WETLANDS

Wetland Map Code	Cowardin Classification*	Riparian/ Non-Riparian/ Isolated	DWQ Wetland Rating	Alt.1 Impacts** (acres)	Alt. 5 Impacts** (acres)
W1	PEM	Riparian	19	0	0
W2	PFO	Riparian	28	0.05	0
W3	PEM	Riparian	19	0	0
W4	PEM	Riparian	19	<0.01	0
W5	PEM	Riparian	19	0.05	0
W6	PEM	Riparian	19	0.04	0
W7a	PEM	Riparian	19	0	0
W7b	PEM	Riparian	19	0	0
W8	PFO	Riparian	15	0	0
W9	PEM	Riparian	#	0.23	0
W10	PEM	Riparian	#	0	0
W11	PSS	Riparian	21	0	0
W12	PEM	Riparian	21	0.03	0
W13a	PFO	Riparian	30	0	0.43
W13b	PSS	Riparian	30	0	0
W14	PFO	Non-Riparian	30	0	0
W15	PSS	Riparian	30	0	0
W16	PFO	Non-Riparian	6	0	0
W17	PFO	Riparian	34	0.64	<0.01
W18	PFO	Riparian	19	0	0.07
W19	PFO	Non-Riparian	8	0	0
W20	PSS	Non-Riparian/Isolated	8	0	0
W21	PFO	Non-Riparian/Isolated	8	0.02	0
W22	PFO	Non-Riparian	8	0	0
W23	PFO	Riparian	18	0	0.06
W24	PFO	Non-Riparian	10	0	0
W25	PFO	Non-Riparian	10	0	0
W26	PFO	Riparian	33	0	0
W27	PSS	Non-Riparian	13	0.02	0
W28	PFO	Non-Riparian	28	0	0
W29	PFO	Riparian	67	0	0
W30	PFO	Non-Riparian	40	0	0
W31	PSS	Riparian	44	0.14	0
W32	PFO	Riparian	44	0.06	0
W33	PSS	Riparian	19	0	0
W34	PSS	Riparian	19	0	0.08
W35	PSS	Riparian	44	0	0
W36	PEM	Riparian	43	0.49	0.58

*Cowardin Classifications
PEM – Palustrine, emergent; PFO – Palustrine, forested; PSS – Palustrine, scrub-shrub
**Impacts computed based on approximate width required for future four-lane typical section for the project, adjusted to minimize impacts within the corridor.
#Sediment Pond – not naturalized.

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TABLE 4: IMPACTS TO PONDS

Pond Map Code	Cowardin Classification*	Alt. 1 Impacts** (acres)	Alt. 5 Impacts** (acres)
P1	PUB	0	0
P2	PUB	0	0
P3	PUB	0	0.05

*Cowardin Classification
PUB – Palustrine, unconsolidated bottom
**Impacts computed based on approximate width required for future four-lane typical section for the project, adjusted to minimize impacts within the corridor.

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