

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: June 23, 2005
Comment Deadline: July 22, 2005
Corps Action ID #:199603141

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 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
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Authority

The purpose of this public notice is to solicit comments on the proposed alternatives under consideration to construct the proposed Wilmington Bypass, Brunswick and New Hanover Counties by the North Carolina Department of Transportation (NCDOT) including the previously selected least environmentally damaging practical alternative (LEDPA), several alternative alignments being considered in the vicinity of US 17 and Goodman Road, and the proposed interchanges at US 74/76 and Cedar Hill Road. The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 10 of the River and Harbor Act of 1899 (33 USC 403) and Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344).

Location

The proposed project is located in Brunswick and New Hanover Counties, North Carolina and crosses the Cape Fear River at a location north of the City of Wilmington. The project is located at approximately 34.2883° N, 77.9678° W.

Existing Site Conditions

The project study area is bounded by US 421 to the east, NC 87 to the west, and US 17 to the south. Currently, the segment of the US 17 Wilmington Bypass in New Hanover County (TIP Project No. R-2633C) is under construction including a new bridge over the Northeast Cape Fear River located north of Wilmington.

Applicant's Stated Purpose

According to the Federal Draft Environmental Impact Statement (DEIS), the purpose of the proposed project is to alleviate existing and projected traffic congestion in the region by separating through-traffic from local traffic and providing an additional crossing of the Cape Fear River and provide an improved transportation facility for through travelers around the City of Wilmington.

Project Background

The DEIS was signed on December 24, 1996. The applicant held a public hearing on the DEIS on October 9, 1997 and a post-hearing meeting on November 21, 1997. In a letter dated March 16, 1998, the Corps of Engineers concurred that Alternative 9 is the Least Environmentally Damaging Practicable Alternative (LEDPA).

Subsequently, the applicant began preliminary design for the proposed project and expanded the LEDPA study corridor to include a new interchange location at Cedar Hill Road (SR 1430), secondary road improvements, and to provide opportunities to avoid and minimize environmental impacts to Morgan Branch and its unnamed tributaries. The proposed alignment immediately north of US 17 was revised to avoid multiple crossings of a tributary to the Morgan's Branch and associated wetlands. An interchange and expanded corridor was added at Cedar Hill Road (SR 1430) to provide access to the Navassa community and includes a new bridge constructed over Cartwheel Branch and its associated wetlands.

A community meeting with the Town of Navassa was held on February 11, 2003 to provide the community an opportunity to review the preliminary design of the Cedar Hill Road interchange and comment on any potential project related impacts. A corridor-wide Citizens Informational Workshop was held on February 20, 2003 on the preliminary design and potential environmental impacts.

The applicant has incorporated avoidance and minimization measures into the proposed project including a revised alignment within the LEDPA corridor, a revised interchange design at Mount Misery Road, a shift in location of the interchange at US 74/76, additional bridges over streams and high quality wetlands, and three separate wildlife crossings. The proposed diamond interchange at Mount Misery Road (SR 1426) was changed to a partial diamond interchange to minimize wetland impacts in the northeast quadrant of the interchange. The US 74/76 interchange was shifted eastward to minimize wetland and stream impacts at the interchange and the alignment south of the interchange was shifted to the east to avoid an NCDOT wetland mitigation site (referred to as the Dale Tract) and to eliminate the proposed service roads and associated wetland impacts. New bridges will be constructed over the Cape Fear River, Cartwheel Branch, Morgan Branch, and Bishop Branch. The proposed project also includes three separate wildlife crossings. In addition, the previously proposed bridge lengths and heights have been increased to allow for wildlife passage and increased highway safety at each stream crossing. At the US 17 interchange, the southbound lane of US 17 was realigned to the north, allowing for a frontage road to be located within the existing right-of-way of US 17, thereby avoiding impacts to homes and wetlands along the northbound side of the roadway.

In March of 2004, members of the Spring Hill Community, located along SR 1446 (Wolfridge Road) just northeast of the proposed US 17/Wilmington Bypass interchange, notified the applicant of its concern with the location of the proposed project relative to this community. As a result, the LEDPA study corridor for the proposed project is currently being re-evaluated.

Project Description

The following description of work is taken from data provided by the applicant. The NCDOT has applied for a Department of the Army (DA) permit to discharge dredged or fill material into the waters and wetlands associated with the Cape Fear River, Cartwheel Branch, Morgan Branch, and Bishop Branch for the construction of approximately 13 miles of a 4-lane, median divided controlled access freeway on new location from the terminus of TIP Project R-2633C (currently under construction) in New Hanover County to US Highway 17, near Bishop, Brunswick, County. The interchanges under consideration are located at US 17, Andrew Jackson Highway (US 74/76), Mount Misery Road (SR 1426), Cedar Hill Road (SR 1430), and US 421. The proposed project includes five new bridges including a bridge over the Cape Fear River.

Project Alternatives

The Draft Environmental Impact Statement (DEIS), which describes the project's four build alternatives, was approved on December 24, 1996. Following public comments on the DEIS and comments made at the public hearing, Alternative 9 was selected as the LEDPA in March 1998. Map 1, attached, shows the alternative corridors studied in the DEIS and the current LEDPA. Subsequent to selection of the LEDPA, the applicant has made proposed revisions to the selected project corridor including expansion of the corridor between US 74/76 and US 17, addition of the Cedar Hill road interchange, improvements to Cedar Hill Road, and a relocation of the US 74/76 interchange.

A citizen's informational workshop by the applicant was held in February of 2003, where changes in the LEDPA corridor, the preliminary roadway design, and environmental impact information were presented.

According to the applicant, with the exception of a minor modification to the Cedar Hill Road interchange, the preliminary roadway design between US 74/76 and US 421 has not changed since the February 2003 workshop. However, based on citizen input and further environmental investigations, the applicant relocated the proposed US 74/76 interchange to the south and has evaluated alternative alignments in the vicinity of US 17 and Goodman Road. These alternative alignments and other recent modifications of the preliminary roadway design were recently presented by the applicant at a Citizens Informational Workshop held in April of 2005. Map 2, attached, shows the expanded study corridor for the entire project and the alternative alignments in the vicinity of Goodman Road that have been evaluated. A brief description of each alternative alignment under consideration is provided below:

Red Alternative. This alternative is currently the least environmentally damaging practicable alternative (LEDPA). This alternative is described as Alternative 9 in the DEIS. Between US 74/76 and US 17, this alternative is aligned along the eastern boundary of the LEDPA corridor to

avoid Morgan Branch and its associated wetland. This alternative is adjacent to the community of Spring Hill on Wolf Ridge Road.

Green Alternative. Between US 74/76 and US 17 this alternative is located immediately west of the Red Alternative (LEDPA) and adjacent to the community of Spring Hill but further west than the Red Alternative. This alternative crosses Morgan Branch at multiple locations and is approximately parallel to wetlands and unnamed tributaries associated with Morgan Branch. This alternative is located east of the Goodman Historic Property and the Battle Royal Natural Heritage Preservation (NHP) area.

Orange Alternative. Between US 74/76 and US 17 this alternative is located west of the Green Alternative and is further west of the Spring Hill Community than either the Red or Green Alternatives. This alternative also crosses Morgan Branch at multiple locations and is approximately parallel to wetlands and unnamed tributaries associated with Morgan Branch. This alternative is located east of the Goodman Historic Property and the Battle Royal Natural Heritage Preservation (NHP) area.

Blue Alternative. Between US 74/76 and US 17 this alternative is aligned along the eastern boundary of the LEDPA corridor and located west of the Orange Alternative, Goodman Historic Property, Morgan Branch, and the Community of Spring Hill but is located along the Battle Royal Natural Heritage Preservation (NHP) area.

Pink Alternative. Between US 74/76 and US 17, this alternative is aligned along the eastern boundary of the LEDPA corridor and located west of the Orange Alternative, Goodman Historic Property, Morgan Branch, and the Community of Spring Hill but is located east of the Blue Alternative. This alternative is similar to the Blue Alternative but has been revised by the applicant to result in fewer impacts to wetlands and the Battle Royal NHP area.

The wetland and stream impacts for each alternative alignment are provided below. A map showing the location of the four proposed alignments, expanded corridor, and interchanges under consideration for this project is included with this public notice.

Table 1. Environmental Impact Summary – Revised 01/18/05

	4A ALTERNATIVE EAST-RED	ORIGINAL ALT. CENTER-GREEN	NEW ALT. 1 CENTER/EAST- ORANGE	PRIOR WEST ALT. WEST-BLUE	NEW WEST ALT. WEST-PINK
Length (miles)	14.1	14.1	14.1	14.2	14.2
Total Construction Cost ² (millions)	\$226.4	\$233.9	\$229.5	225.9	227.7
Residential Relocations (Project / Spring Hill)	20 / 5	16 / 1	16 / 1	16 / 0	16 / 0
Business Relocations (Project / Spring Hill)	9 / 2	8 / 1	8 / 1	7 / 0	7 / 0
Goodman Historical Site (distance) ³	905	695	625	350	270
NHP – Battle Royal Bay IPA (acres) ⁴	1.9	2.8	11.1	11.7	1.4
WETLANDS					
Total Wetlands Traversed (acres)	103.2	106.4	107.1	106.6	106.1
Bridges over Wetlands (length)	8720	9885	9205	8600	8865
Wetlands Bridged (acres)	27.7	30.7	29.2	26.8	27.3
Permanent Wetland Impacts (acres)	75.5	75.7	77.9	79.8	78.8
Stream Crossings	8	8	8	7	7
Stream Impacts ⁵ (feet)	960	960	960	930	930
Floodplains ⁶ (feet)	4655	5940	6515	7350	7335
Floodplains (acres)	22.7	28.5	29.7	32.1	31.1

¹Assumes slope stake limits based on preliminary design. Does not include additional width for clearing & grubbing – typically 10 feet each side.

²Includes assumed bridges over wetlands.

³Distance from Alignment Centerline to Historic Boundary

⁴Area impacted by Proposed Right-of-Way

⁵Length of impact determined by calculating the stream lengths within the slope stakes. Streams are also bridged as outlined under "Wetlands"

⁶Length of encroachment measured along centerline, not including bridged floodplains

The applicant is currently investigating mitigation opportunities in the vicinity of the project; however, a mitigation proposal is not ready for review at this time. The District Engineer will review and approve a final mitigation plan prior to the commencement of construction on the 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. 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.

The applicant has not provided the Corps with a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

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

Cultural Resources

The proposed project will have no direct impact on structures of historical or architectural importance. However, one National Register eligible architectural property is located along the southern portion of the project. The Goodman Historical Site is located on Goodman road near Bishop, NC. Potential impacts to this property, or any other registered properties, or properties listed as being eligible for inclusion on the latest published version of the National Register of Historic Places, identified during the review of this project, will be coordinated, as appropriate, with the State Historic Preservation Officer (SHPO). Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work authorized by the requested permit.

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.

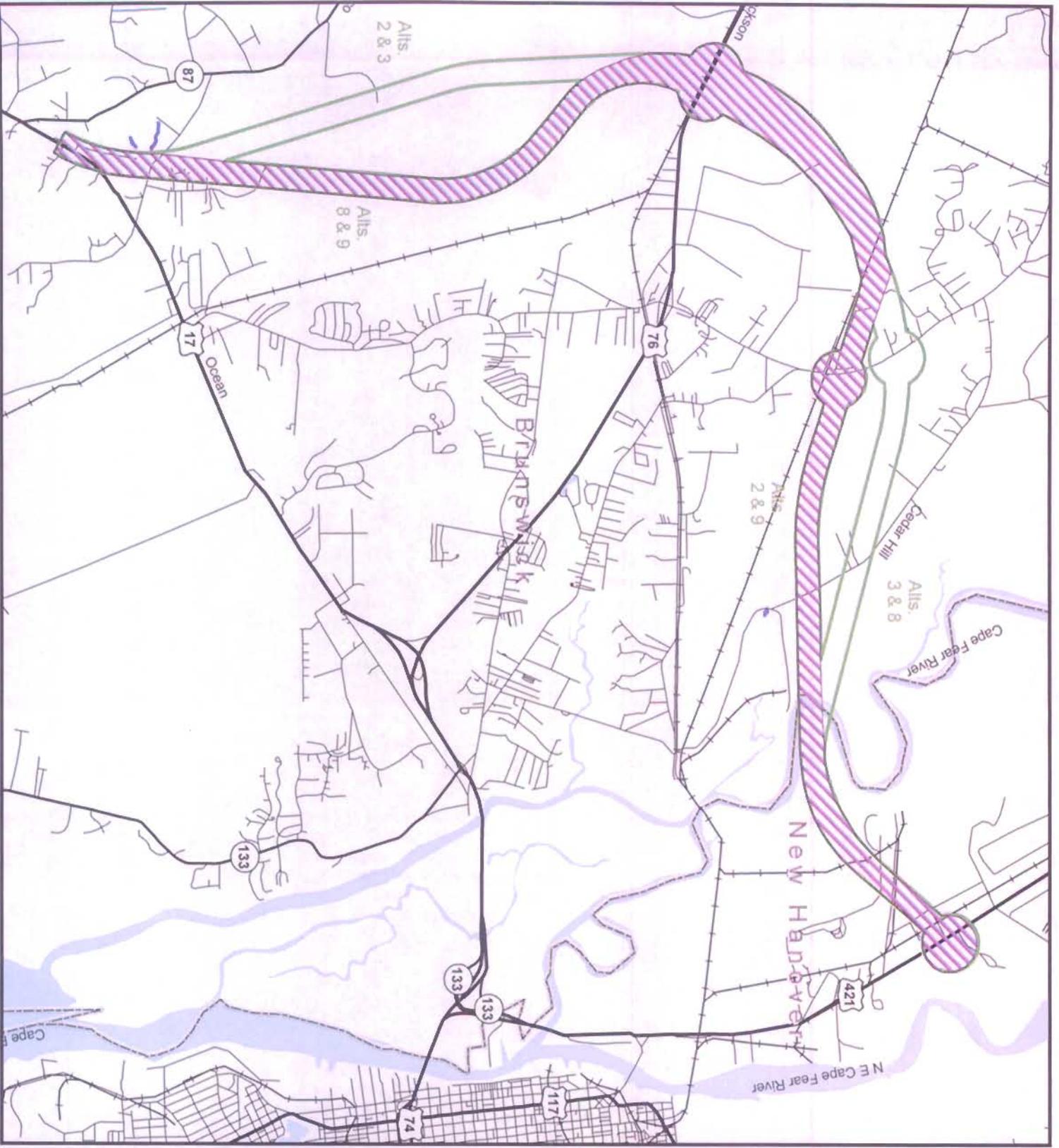
Commenting Information

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, July 22, 2005. Comments should be submitted to:

Dave Timpy
Wilmington District
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28402.



Map 1
 Wilmington Bypass
 From US 17 to US 421
 Brunswick &
 New Hanover Counties
 DEIS Alternative Corridors
 TIP Project R-2633A/B

Legend

- Alternative Corridors
- Preferred Alternative
- Interstate Highway
- Highways
- Roads
- Railroad
- County Boundaries
- Water



0 1,8503,700 7,400 Feet

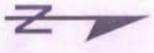


Map 2

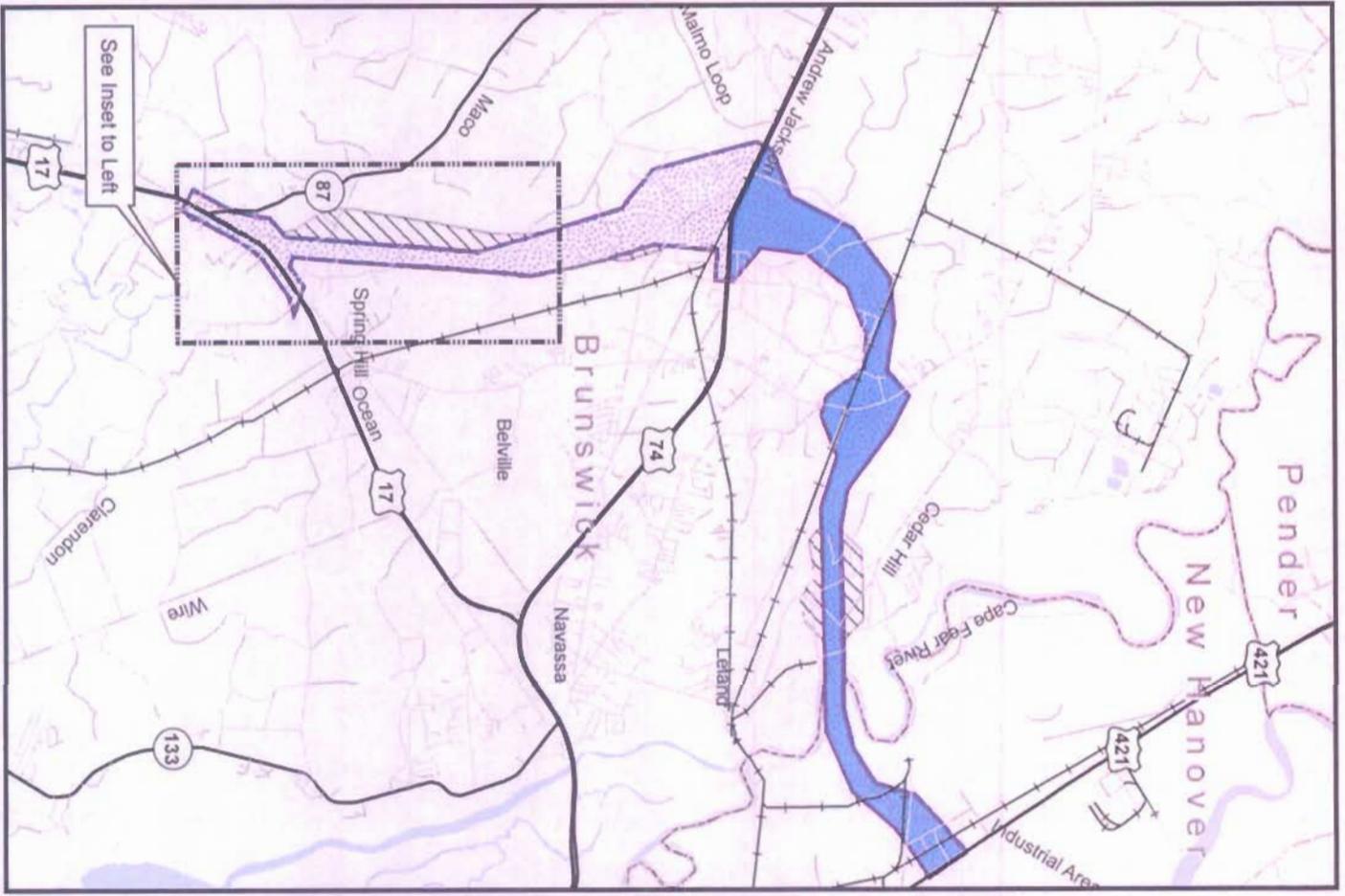
Wilmington Bypass
From US 17 to US 421
Brunswick &
New Hanover Counties
DEIS Alternative Corridors
TIP Project R-2633A/B

Legend

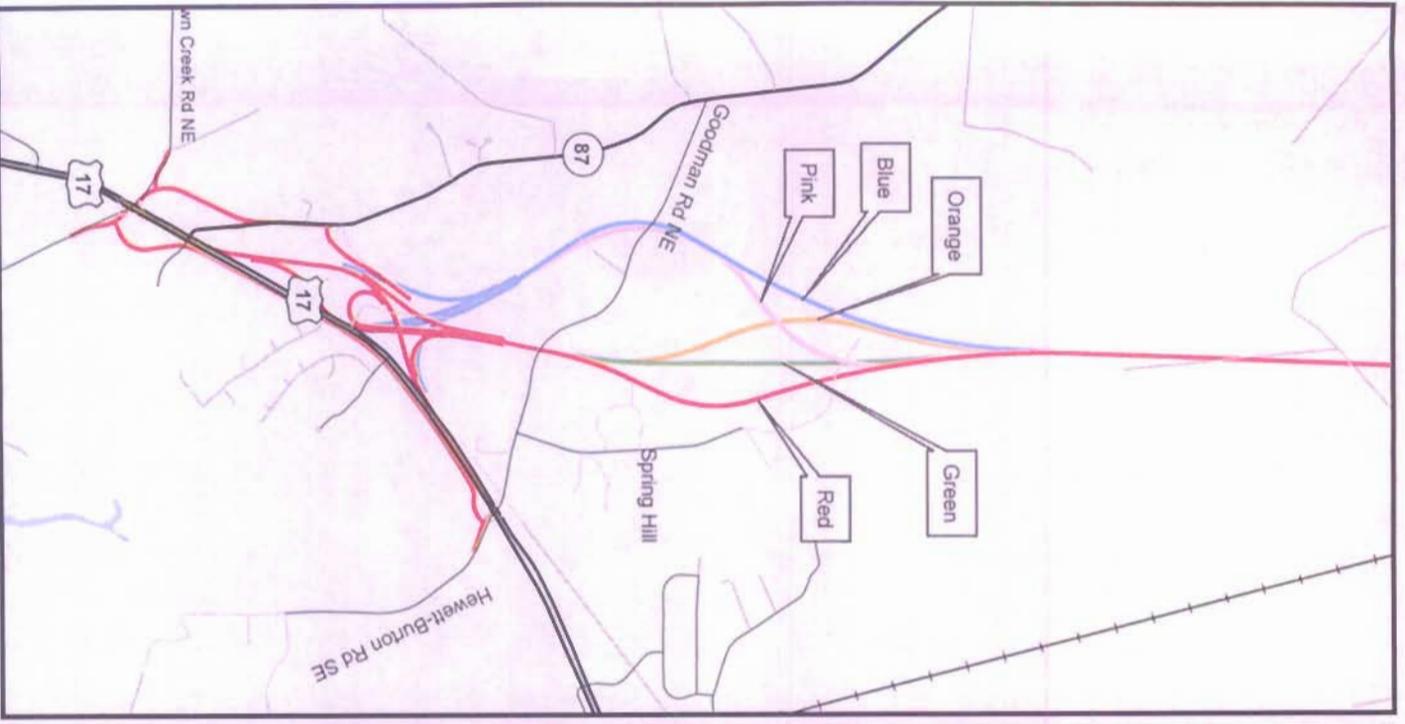
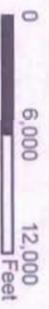
-  R-2633 A Initial Study Corridor
-  R-2633 B Initial Study Corridor
-  Expanded Study Corridor
-  Interstate Highway
-  Highways
-  Roads
-  Railroad
- County Boundaries
- Municipal Boundaries
- Water



May 2005
This map is for reference only.
Sources: ESRI, USGS, COA, and NC DOT.



Corridor Study Area



Alternative Alignments

