



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 13 September 2006
Comment Deadline: 12 October 2006
Corps Action ID #: SAW-2006-40540-251

The Wilmington District, Corps of Engineers (Corps) has received an application from The North Carolina Railroad seeking Department of the Army authorization to impact 1.44 acres of wetlands associated with the widening of the existing rail bed to construct a siding rail in Johnston, North Carolina.

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: Mr. Scott Saylor
North Carolina Railroad Company
2809 Highwoods Blvd., Suite 100
Raleigh, NC 27604-1000

AGENT: Ms. Elizabeth Scherrer
EcoScience Corporation
1101 Haynes Street, Suite 101
Raleigh, NC 27604

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.

Location

The project consists of adding a siding track immediately adjacent to the North Carolina Railroad Company's existing railroad bed, northeast of US 70 between Clayton and Wilson Mills in Johnston County, North Carolina (35.606765 N, -78.390699 W). The property contains the riparian wetlands adjacent to Little Poplar Creek, which flows into the Neuse River.

Existing Site Conditions

The corridor consists predominantly of naturally regenerating cutover pine hardwood forest and agricultural fields. The agricultural fields comprise approximately one quarter of the acreage and are underlain by Norfolk soils, which are well-drained soils. The wooded upland areas are vegetated by sweet gum (*Liquidambar styraciflua*), tulip poplar (*Liriodendron tulipifera*), white oak (*Quercus alba*), sourwood (*Oxydendron arboreum*), American holly (*Ilex opaca*), sweetgum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), and Hercules club (*Aralia spinosa*). The nonwetland forested areas are primarily underlain by Rains and Lynchburg soils.

Wetlands on the property have historically been impacted by logging activities and the wooded areas are vegetated with species that are about 7 to 30 years old. The wetlands can be characterized as a headwater bottomland hardwood forest that drains into Little Poplar Creek. The wetlands are vegetated by sweet bay (*Magnolia virginiana*), black gum (*Nyssa sylvatica*), sweet gum, pepperbush (*Clethra alnifolia*), giant cane (*Arundinaria gigantea*), cinnamon fern (*Osmunda cinnamomea*), netted chain fern (*Woodwardia aereolata*), and laurel leaf greenbriar (*Smilax laurifolia*). These wetland areas are underlain by Toisnot soils and have evidence of wetland hydrology from surface ponding, saturation to the soil surface, drainage patterns, oxidized root channels within the upper 12 inches of the soil, and the vegetation meets the FAC-Neutral test.

Applicant's Stated Purpose

The project purpose is to construct a new siding track to the south of the existing single track such that freight and passenger trains may safely pass.

Project Description

The project involves the addition of a siding track, to allow passing, approximately 20 feet to the south of the existing track. Overall, the project would involve the discharge of 13,205 cubic yards of fill material into 1.44 acres of wetlands. Consistent with the 404 b(1) Guidelines, impacts have been minimized by designing the siding on the south side by widening the existing railroad bed. The applicant proposes to mitigate unavoidable wetland impacts through payment to the North Carolina Ecosystem Enhancement Program.

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, 401 Oversight and Express Permits 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: Ms Cyndi Karoly by October 6, 2006.

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

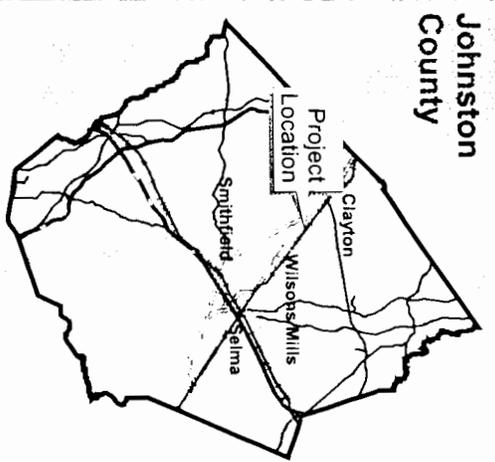
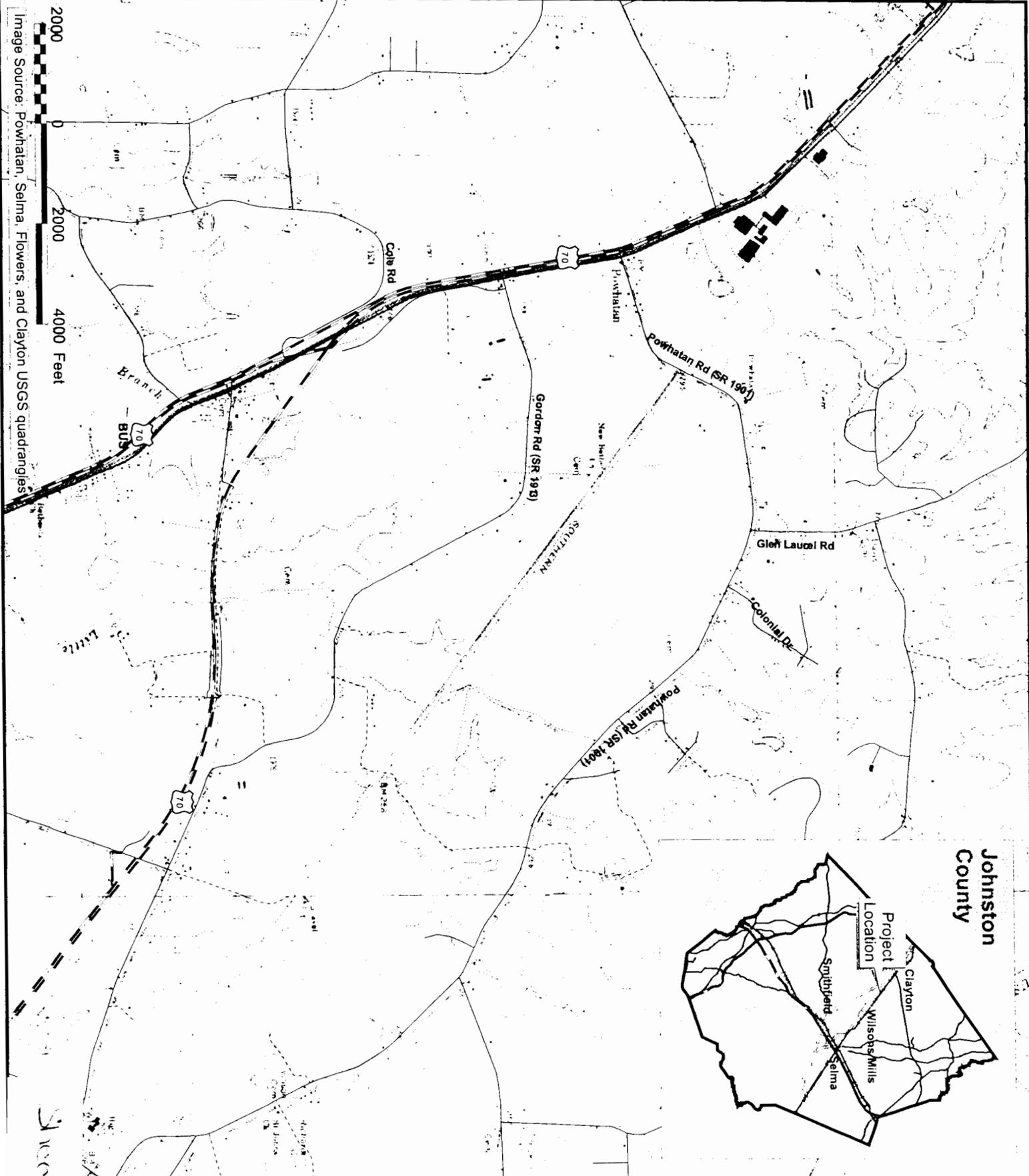
the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

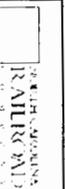
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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, October 12, 2006. Comments should be submitted to Mr. Jamie Shern at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.

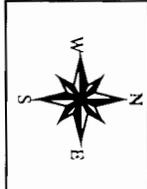


**Johnston
County**


 North Carolina
 Railroad
 Company

PROJECT
**POWHATAN
 SIDINGS**
 Johnston County,
 North Carolina

TITLE
**PROJECT
 LOCATION**



Drawn By: **ES**
 Date: **JUL 06**
 Scale: **1" = 2000'**
 ESC Project No: **06-295**

BLOCK

2000
 0
 2000
 4000 Feet
 Image Source: Powhatan, Selma, Flowers, and Clayton USGS quadrangles

Sheet 1 of 12



Image Source: Johnston County 2001 a


 North Carolina
 Railroad
 Company

PROJECT
**POWHATAN
 SIDINGS**
 Johnston County,
 North Carolina

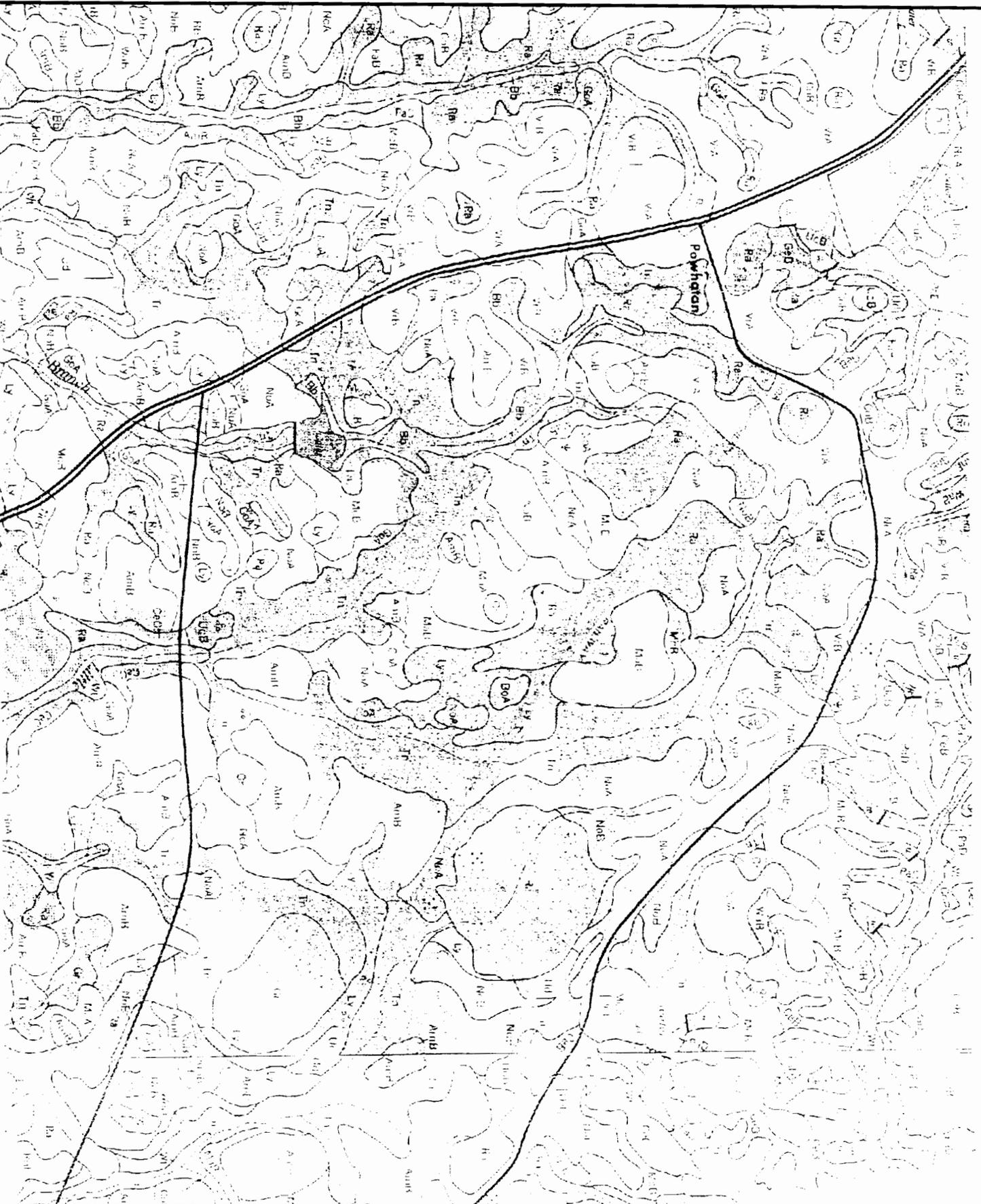
TITLE
**JURISDICTIONAL
 AREAS**
 Jurisdictional Areas
 Stream
 Wetland



Drawn By: **ES** Date: **JUL 06**
 Scale: **1" = 1000'** FSC Project No: **06-295**

**BLOCK
 22**

Source: Johnston County (1994) NRCS Soil Survey, Sheets 6 and 7




 North Carolina
 Railroad
 Company

PROJECT
**POWHATAN
 SIDINGS**
 Johnston County,
 North Carolina

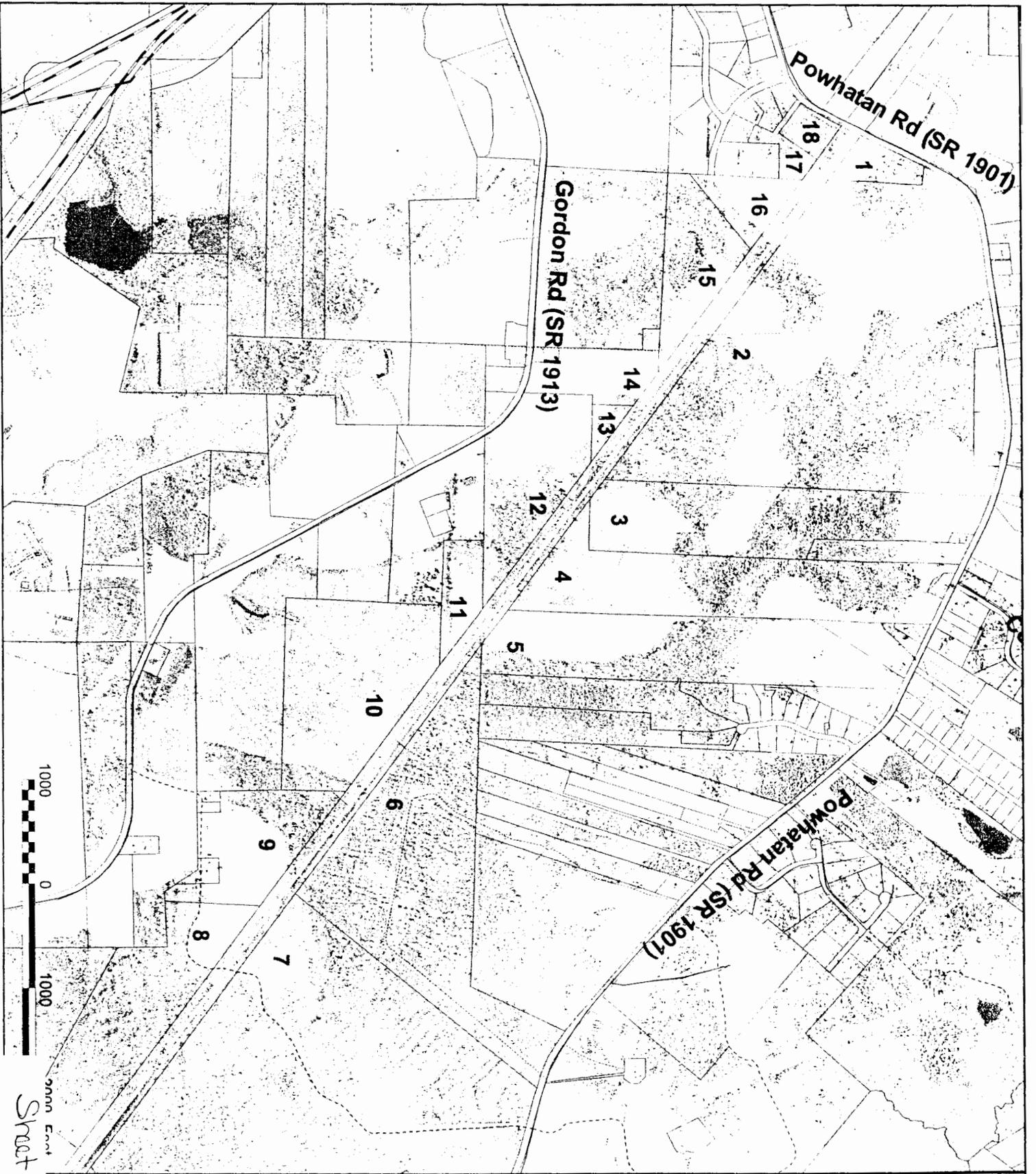
TITLE
**NRCS
 SOILS**



Drawn By: ES
 Date: JUL 06
 Scale: No scale
 ESC Project No: 06-295

**BLOCK
 22**

Sheet 3 of 12



Powell & Powell
 REAL ESTATE
 North Carolina
 Railroad
 Company

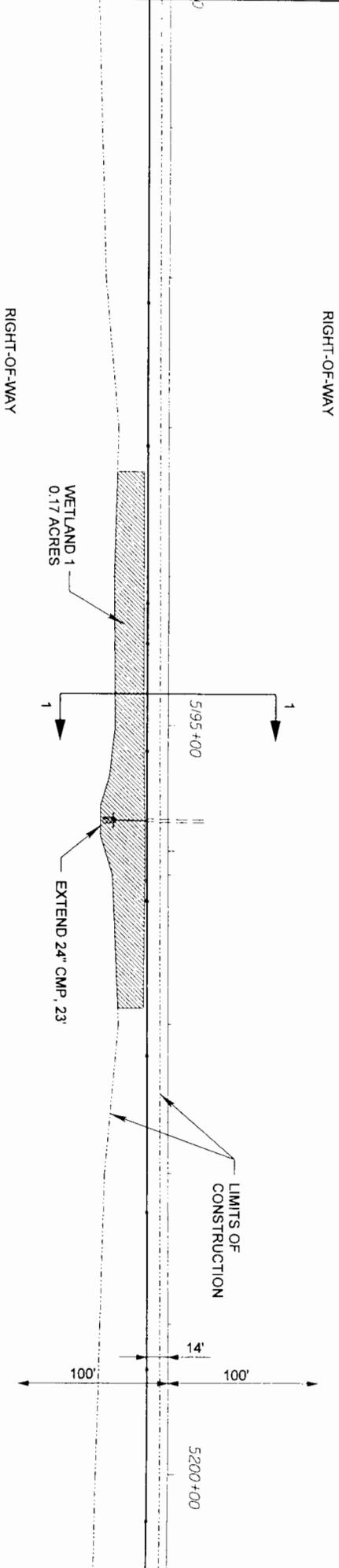
PROJECT
**POWHATAN
 SIDINGS**
 Johnston County,
 North Carolina

TITLE
**PROPERTY
 BOUNDARIES**
 Parcel numbers
 correspond to
 owner list.



Drawn By: **ES** Date: **JUL 06**
 Scale: **1" = 1200'** ESC Project No: **06-295**

**BLOCK
 24**
 Sheet 4 of 12

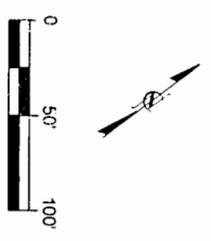


WETLAND 1
 AREA OF IMPACTED WETLAND: 7,575 FT²

PLAN VIEW, WETLAND SITE 1

LEGEND

	WETLAND IMPACT		LIMITS OF CONSTRUCTION
	ZONE 1 BUFFER IMPACT		STREAM LINE
	ZONE 2 BUFFER IMPACT		RIGHT-OF-WAY

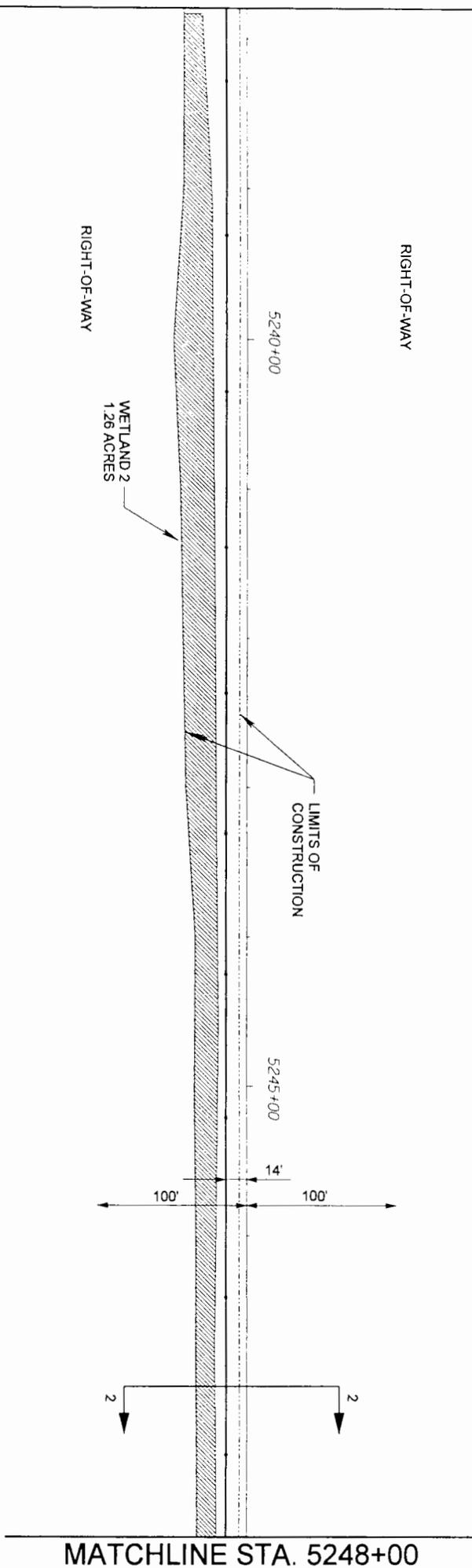


NORTH CAROLINA
RAILROAD
 COMPANY

HNTB NORTH CAROLINA, P.C.
 843 E. SIX FORKS ROAD, SUITE 200
 RAILFORD, NORTH CAROLINA 27809

POWHATAN SIDING

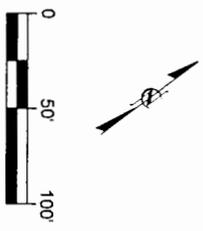
Sheet 5 of 12



WETLAND 2
 AREA OF IMPACTED WETLAND: 55,043 FT²

PLAN VIEW, WETLAND SITE 2

- LEGEND
- WETLAND IMPACT
 - ZONE 1 BUFFER IMPACT
 - ZONE 2 BUFFER IMPACT
 - LIMITS OF CONSTRUCTION
 - STREAM LINE
 - RIGHT-OF-WAY



HNTB NORTH CAROLINA, P. C.
 343 E. SIX FORKS ROAD, SUITE 200
 RALEIGH, NORTH CAROLINA 27609

POWHATAN SIDING

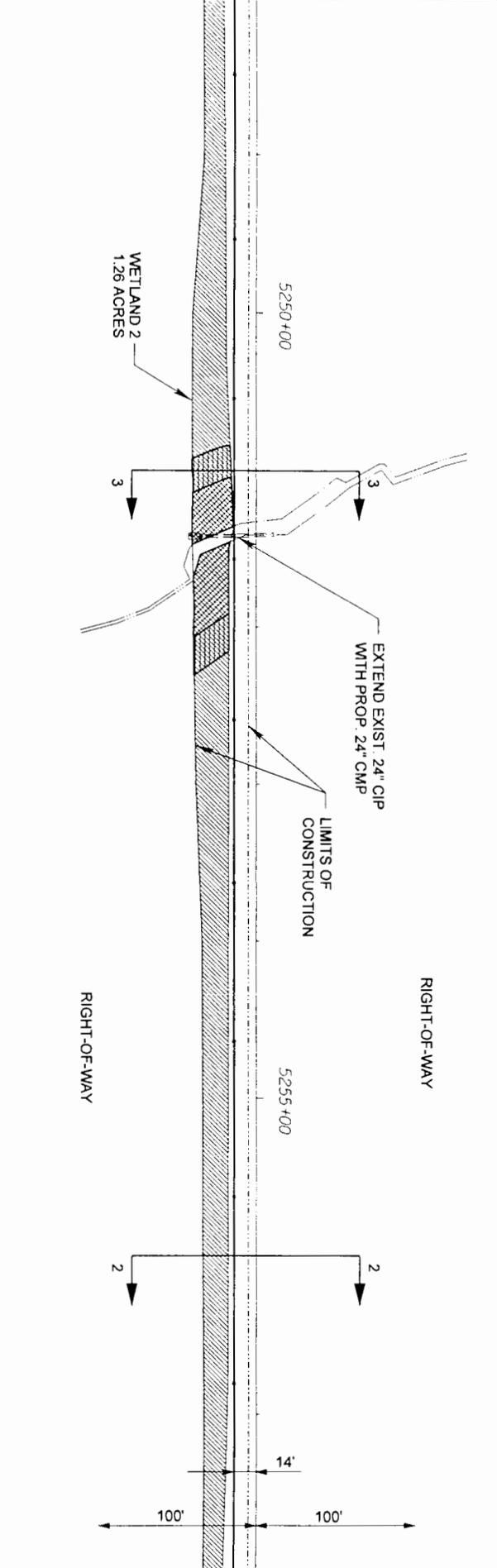
Sheet 6 of 12

MATCHLINE STA. 5248+00

STREAM

ZONE 1 BUFFER IMPACT: 1,059 FT.
 ZONE 2 BUFFER IMPACT: 1,876 FT.
 STREAM IMPACT: 31 LF & 249 FT.

MATCHLINE STA. 5248+00



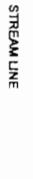
WETLAND 2

AREA OF IMPACTED WETLAND: 55,043 FT.²

LEGEND

-  WETLAND IMPACT
-  ZONE 1 BUFFER IMPACT
-  ZONE 2 BUFFER IMPACT

PLAN VIEW, WETLAND SITE 2

-  LIMITS OF CONSTRUCTION
-  STREAM LINE
-  RIGHT-OF-WAY



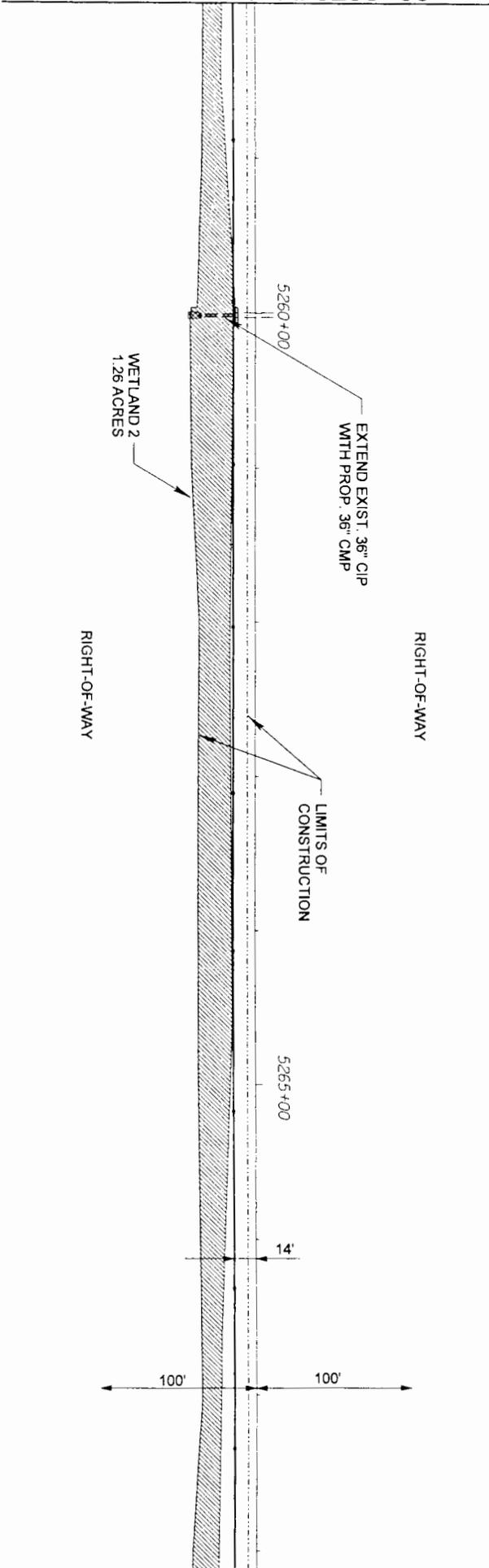
HNTB NORTH CAROLINA, P. C.
 343 E. SIX FORKS ROAD, SUITE 200
 Raleigh, North Carolina 27609

POWHATAN SIDING

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MATCHLINE STA. 5258+00

MATCHLINE STA. 5258+00



WETLAND 2

AREA OF IMPACTED WETLAND: 55,043 FT

LEGEND

- WETLAND IMPACT
- ZONE 1 BUFFER IMPACT
- ZONE 2 BUFFER IMPACT

PLAN VIEW, WETLAND SITE 2

- LIMITS OF CONSTRUCTION
- STREAM LINE
- RIGHT-OF-WAY



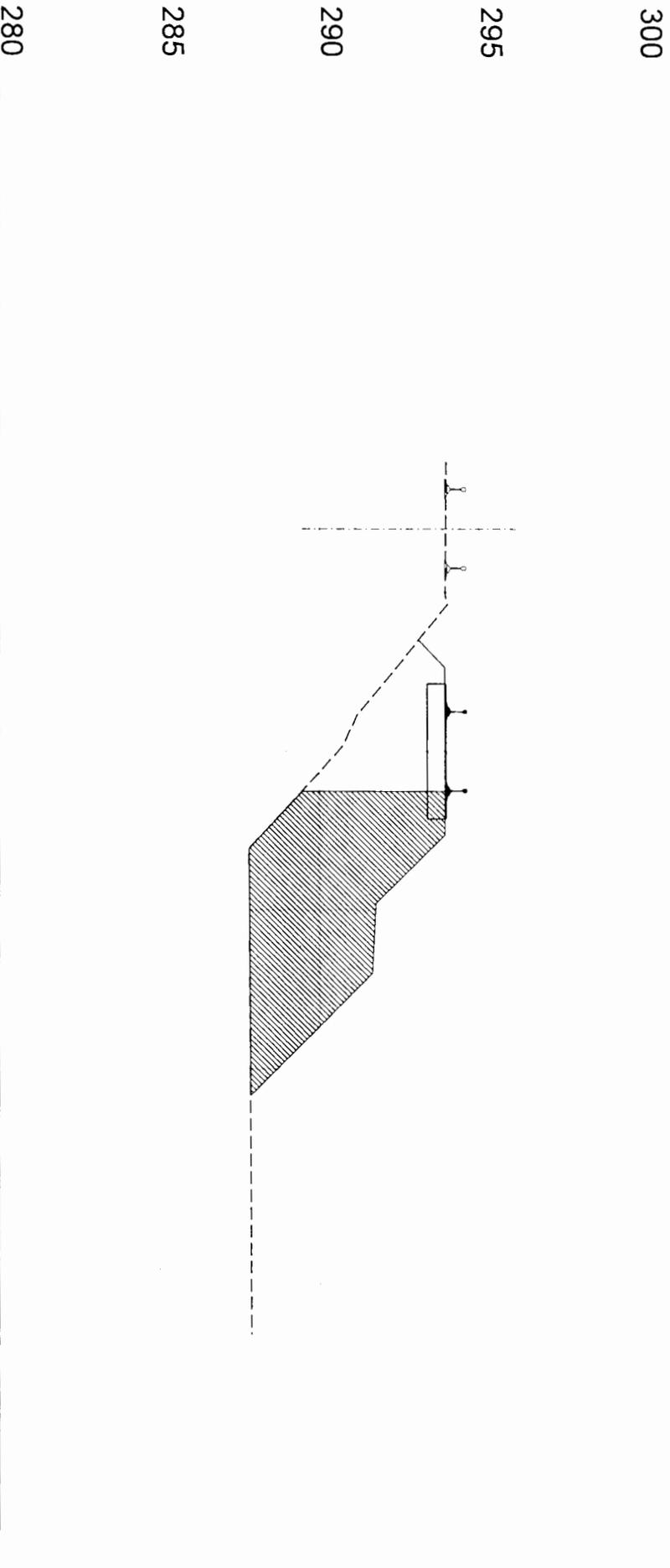
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POWHATAN SIDING

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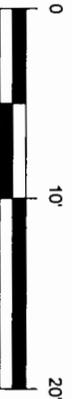
PROPOSED ELEVATION

WETLAND 1
VOLUME OF IMPACTED WETLAND: 2,115 CY (FILL)



TYPICAL SECTION 1, WETLAND SITE 1

LEGEND
WETLAND IMPACT



NORTH CAROLINA
RAILROAD
COMPANY

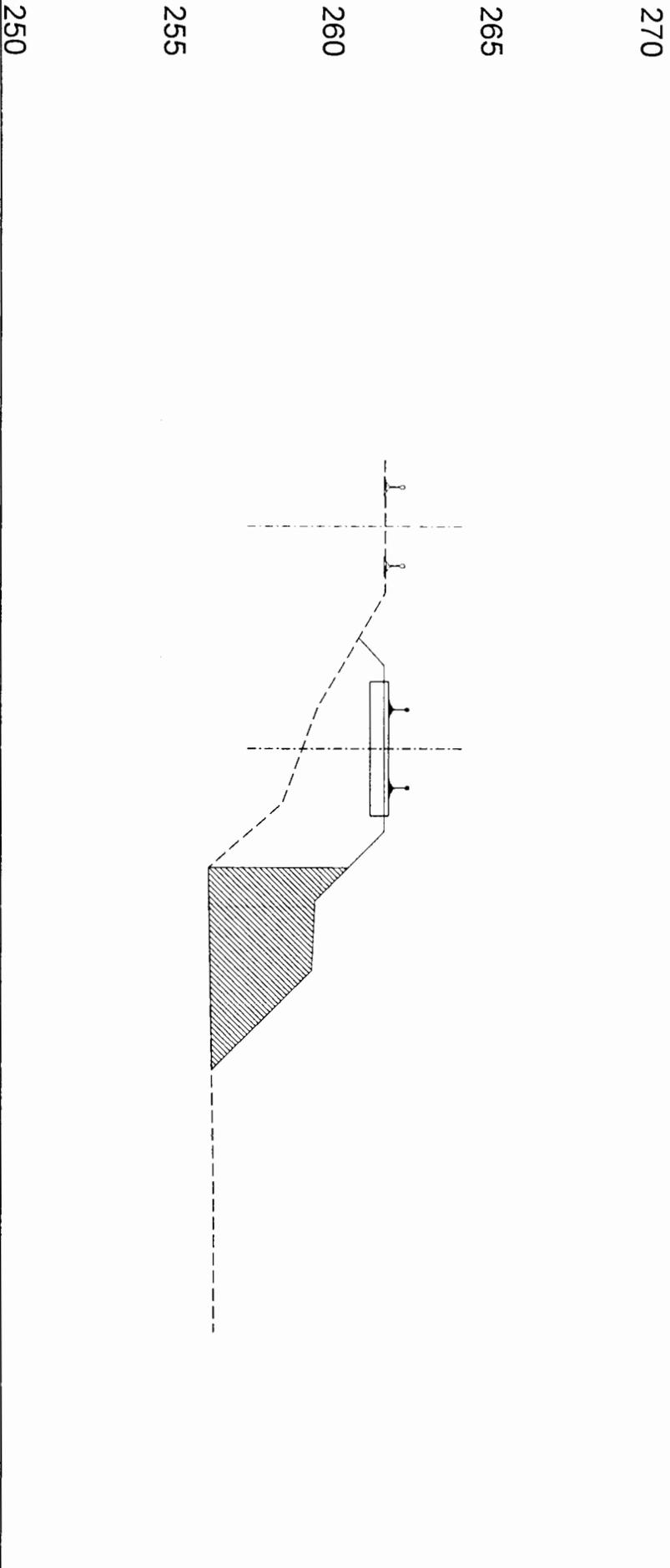
HNTB
HNTB NORTH CAROLINA, P.C.
349 E. SOUTH FORK RAILROAD SUITE 200
Raleigh, North Carolina 27609

POWHATAN SIDING

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PROPOSED ELEVATION

WETLAND 2
VOLUME OF IMPACTED WETLAND: 10,428 CY (FILL)



TYPICAL SECTION 2, SITE 2

LEGEND
WETLAND IMPACT



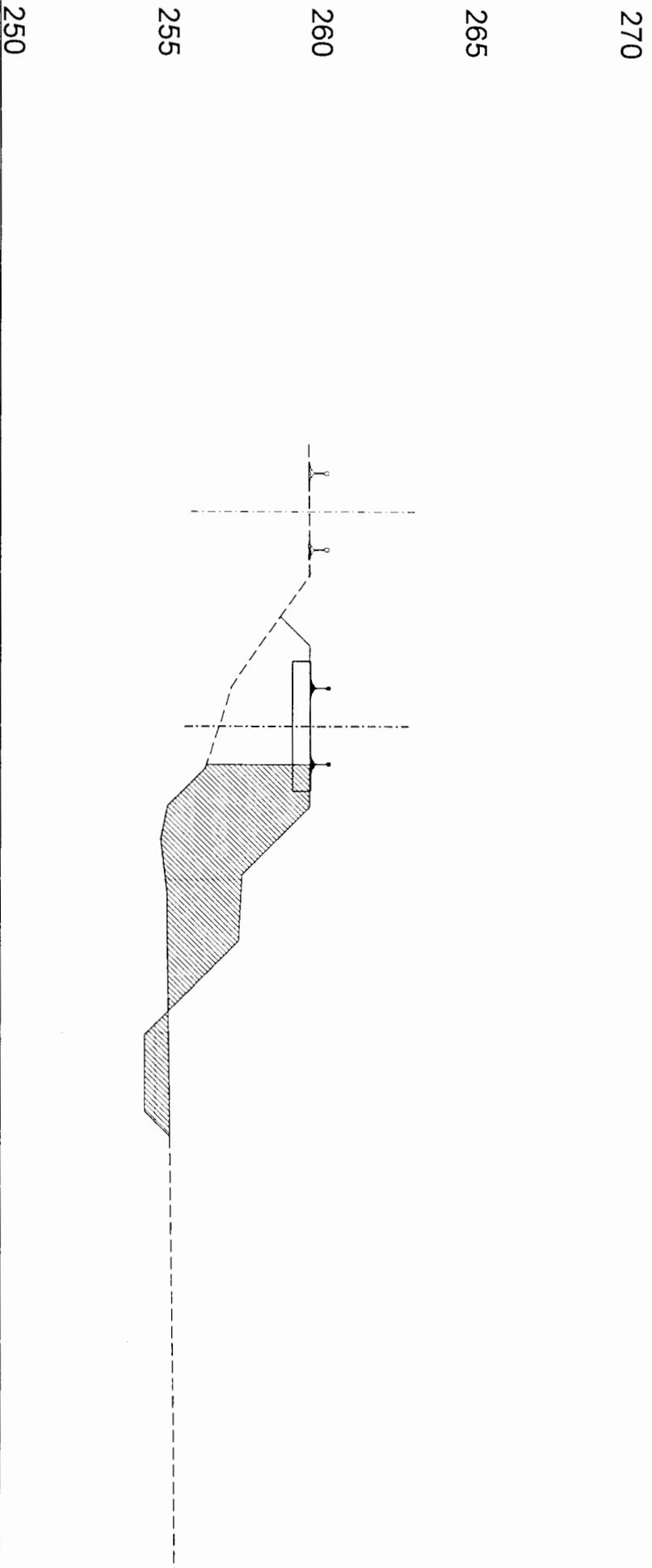
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343 E. SIX FORKS ROAD, SUITE 200
RALEIGH, NORTH CAROLINA 27609

POWHATAN SIDING

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PROPOSED ELEVATION

WETLAND 2
VOLUME OF IMPACTED WETLAND: 662 CY (CUT)



TYPICAL SECTION 3, SITE 2

LEGEND
WETLAND IMPACT

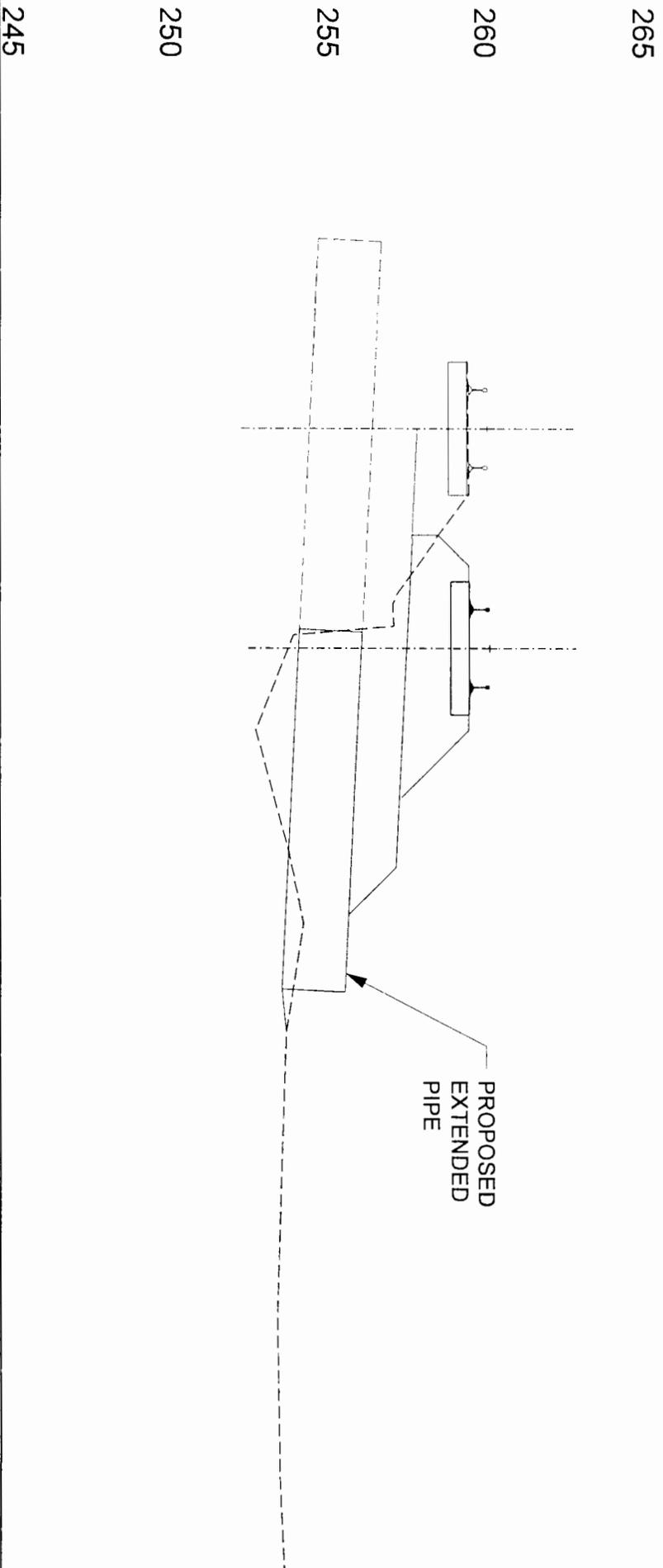


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POWHATAN SIDING

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PROPOSED ELEVATION



LONGITUDINAL PROFILE, STREAM SITE 1

LEGEND
WETLAND IMPACT



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RALEIGH, NORTH CAROLINA 27609

POWHATAN SIDING

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