PUBLIC NOTICE

US Army Corps
Of Engineers
Wilmington District

Issue Date: March 22, 2007
Comment Deadline: April 23, 2007
Corps Action ID #: 200420005

The Wilmington District, Corps of Engineers (Corps) has received information from the North Carolina Department of Transportation regarding a potential future requirement for Department of the Army authorization to impact streams and wetlands in the Little Lick Creek and Northeast Creek basins, associated with the proposed East End Connector (TIP U-0071), to provide a freeway to freeway connection between the Durham Freeway (NC 147) and US 70, southeast of Durham, in Durham County, North Carolina.

Specific alternative alignments 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: North Carolina Dept. of Transportation, Div. of Highways (NCDOT)
Attn: Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
1548 Mail Service Center
Raleigh, NC 27699-1548

Consultant: RS&H, Inc.
Woodfield Corporate Center
8008 Corporate Center Drive, Suite 410
Charlotte, North Carolina 28226-4489

Authority

The Corps will evaluate this application to compare alternatives that have been carried forward for study, pursuant to applicable procedures of Section 404(b) of the Clean Water Act (33 U.S.C. 1344).

Background

A NCDOT/Federal Highway Administration (FHWA) Final Environmental Impact Statement (FEIS) was completed for the NC 147 project, including the East End Connector, in the early 1980's. The East End Connector portion of the project was not constructed at that time due to funding constraints. The social, economic, and environmental impacts associated with reasonable and feasible build alternatives for this project have been re-evaluated and will be

described in an NCDOT/FHWA Supplemental FEIS, scheduled to be completed in late 2007. According to NCDOT's current schedule, construction of TIP U-0071 will begin after 2011.

NCDOT/FHWA has identified construction alternatives on new alignment for the East End Connector. The Corps of Engineers is reviewing Alternatives 1, 3 and 4, as described below. A fourth construction alternative, Alternative 2, is no longer being considered due to impacts to the natural and human environment associated with its construction.

Location

Between the Durham Freeway (NC 147) and US 70, southeast of Durham, in Durham County (Center of Study Area at ~ 35.975° N Latitude, 78.86° W Longitude), North Carolina.

Existing Site Conditions

The general area that would likely be impacted varies from highly developed commercial/industrial areas, to residential area, agricultural land and undeveloped wooded land. The study area is primarily in the Little Lick Creek, Neuse River basin, with a small portion on the western edge in the Northeast Creek, Cape Fear River basin.

The wetland habitats that will be impacted by the proposed project are typical piedmont, Triassic Basin wetlands, including emergent marsh, maintained and forested wetlands, and bottomland hardwood forest. These wetlands are adjacent to tributaries of Little Lick and Northeast Creeks that are unnamed on the USGS quadrangle maps. The impacted tributaries rang in size from one foot wide and less than one foot deep, to over ten feet wide and several feet deep, with most of the streams being less than three feet wide and one foot deep.

Applicant's Stated Purpose

- Improve roadway capacity for major freeways.
- Enhance transportation safety
- Improve freeway connectivity between the Durham Freeway (NC 147) and US 70.
- Be consistent with the state/local land use and transportation plans.

Project Description

Maps showing the location of the project study area and the three alternatives are included with this public notice.

The proposed connector will extend approximately 1.2 miles, from the Durham Freeway (NC 147) to US 70. The highway will be multi-lane, controlled access freeway, with freeway to freeway interchanges at the two existing highways. The entire construction project will be approximately 3.6 to 5 miles long, depending on the alternative chosen, because of necessary improvements to NC 147, US 70 and NC 98 associated with the project.

The impacts of the three proposed build alternatives that are being reviewed are described in the attached tables (Alternative 2 is included but is no longer being considered due to impacts to the natural and human environment associated with its construction). Wetland and streams have been delineated in the field.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404 (b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal, and on the three build alternatives discussed above. At the close of this comment period, the District Engineer will evaluate and consider the comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of the East End Connector at this time. A final Department of the Army permit could be issued, if at all, only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan has been approved.

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 is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service."

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

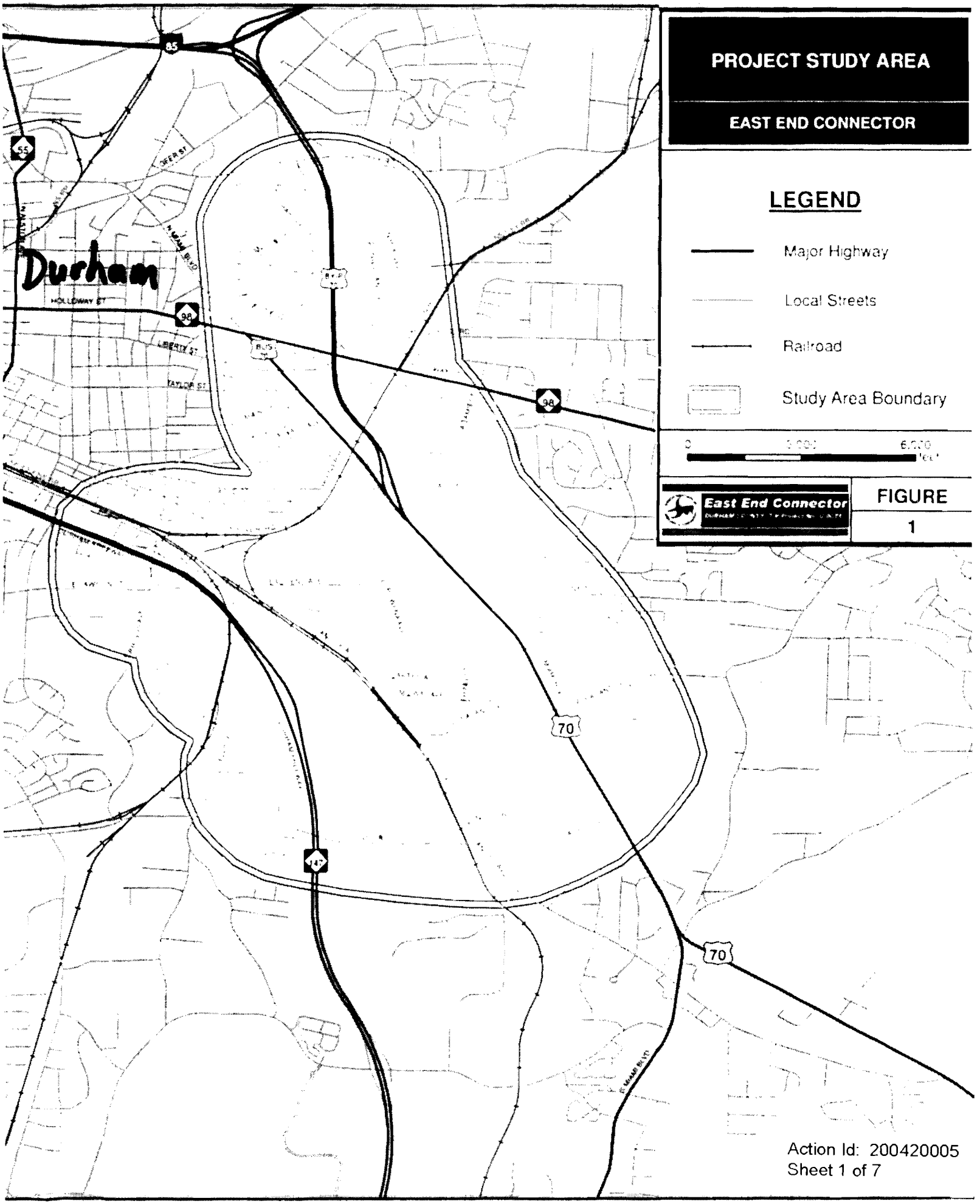
Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities 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 of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; 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 of Engineers 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, April 23, 2007. 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.


PROJECT STUDY AREA
EAST END CONNECTOR
LEGEND
Major Highway
Local Streets
Railroad
Study Area Boundary
East End Connector
FIGURE
1
Durham
85
55
98
70
147
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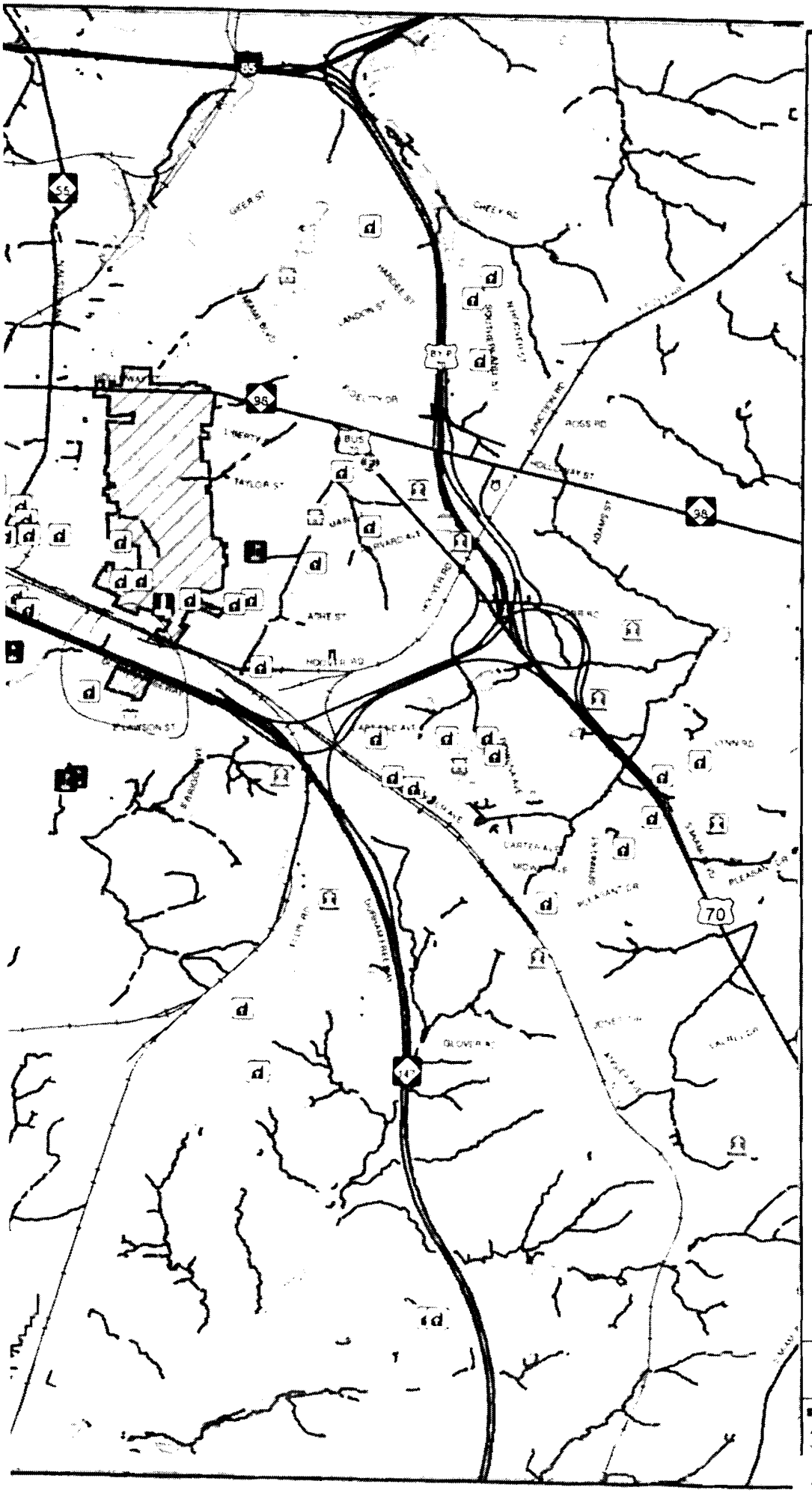

PRELIMINARY ALTERNATIVE 1

EAST END CONNECTOR

LEGEND

- Place of Worship
- Cemetery
- Local Historical Landmark
- Park
- Public School
- College or University
- Police Department
- Fire Station
- Government Building
- Community Centers
- Library
- Hospital
- National Historic District
- Wetlands (National Wetland Inventory)
- Streams

East End Connector

FIGURE 2

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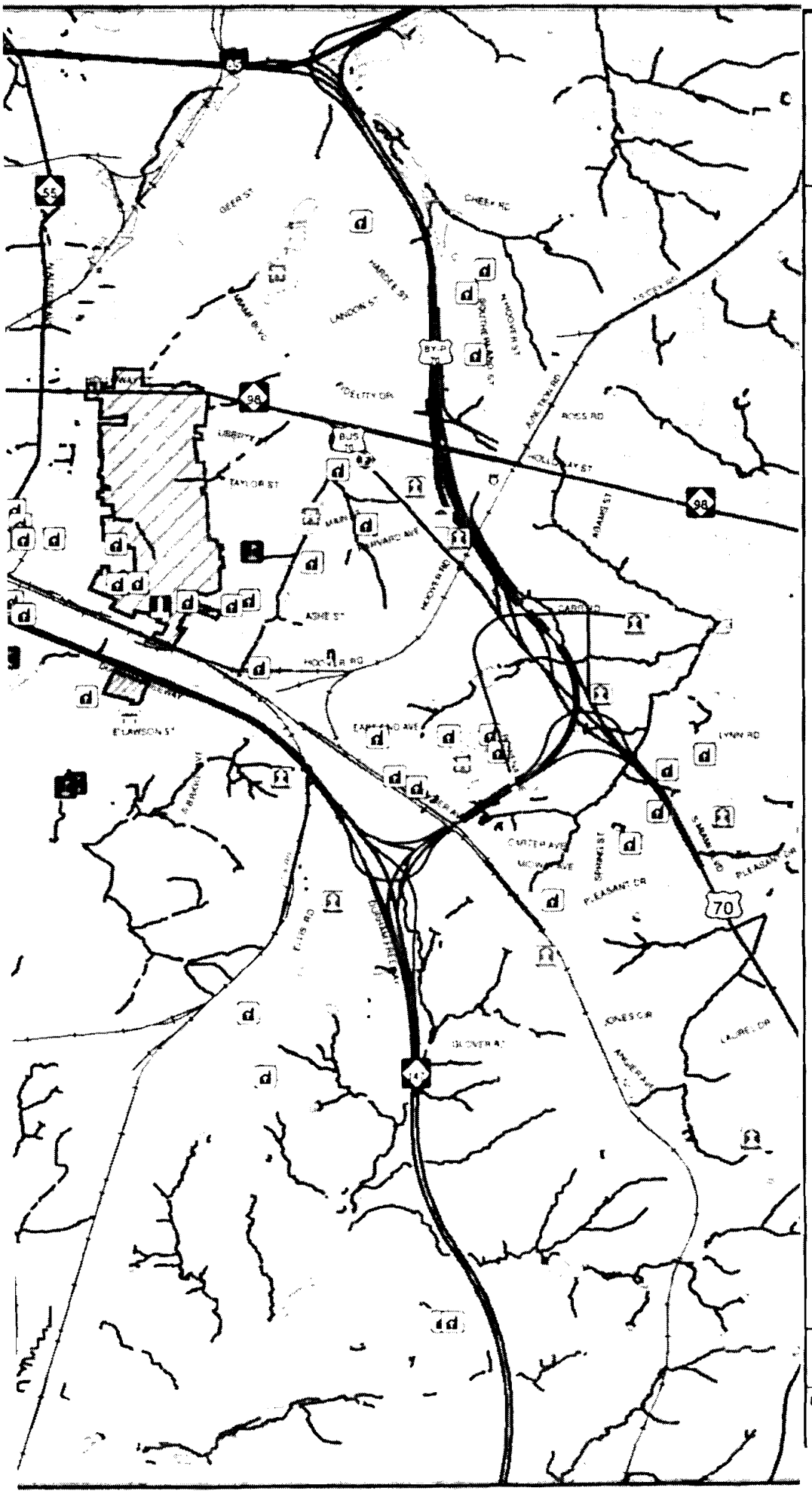

PRELIMINARY ALTERNATIVE 3

EAST END CONNECTOR

LEGEND

- Place of Worship
- Cemetery
- Local Historical Landmark
- Park
- Public School
- College or University
- Police Department
- Fire Station
- Government Building
- Community Centers
- Library
- Hospital
- National Historic District
- Wetlands (National Wetland Inventory)
- Streams

East End Connector

FIGURE 3

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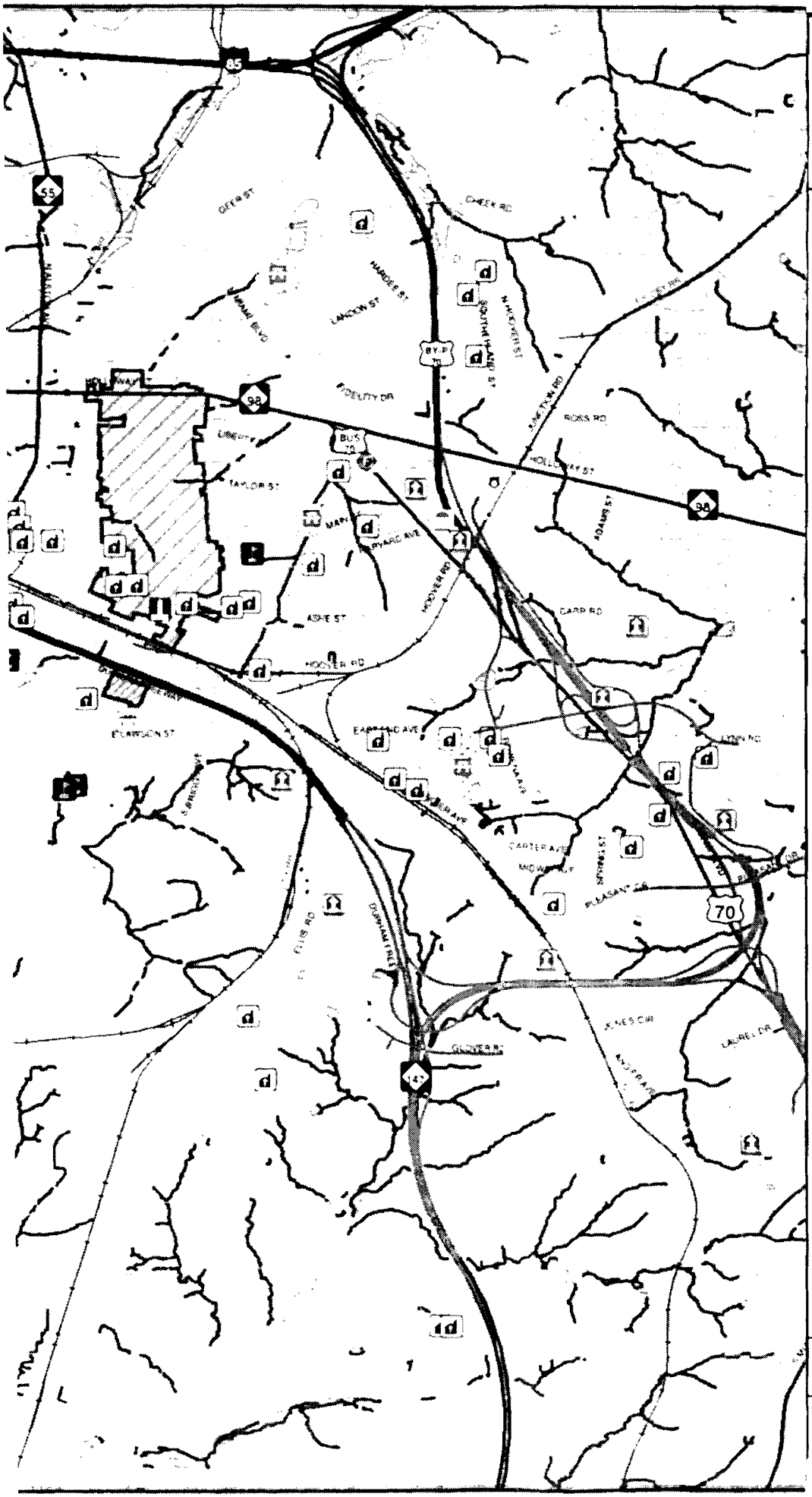

PRELIMINARY ALTERNATIVE 4

EAST END CONNECTOR

LEGEND

- Place of Worship
- Cemetery
- Local Historical Landmark
- Park
- Public School
- College or University
- Police Department
- Fire Station
- Government Building
- Community Centers
- Library
- Hospital
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East End Connector

FIGURE 4

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Table 2-7A
Alternatives Analysis - Functional Design Information

Impact Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Project Description				
Project Length (Miles)	3.57	3.54	3.61	5.04
Interchanges (New/Modified)	2/2	2/2	2/1	3/1
Total Length - includes all associated roadway improvements (Miles)	20.21	23.97	15.7	20.3
Replace Existing Structures				
Number of Railroad Structures	1	1	1	1
Square Feet of Railroad Structures	12,776	17,806	15,134	15,134
Number of Grade Separation	6	5	2	2
Square Feet of Grade Separation	112,107	119,417	51,967	51,967
Temporary Railroad Structures (detour)				
Number of Railroad Structures	1	1	2	2
Square Feet of Railroad Structures	13,440	17,806	3,850	3,850
Proposed Structures (New Locations)				
Number of Railroad Structures	1	1	0	0
Square Feet of Railroad Structures	6,377	6,701	0	0
Number of Grade Separation	11	12	7	8
Square Feet of Grade Separation	331,250	308,809	158,605	144,918
Constructability - Design/Phasing Complexity				
Low, Moderate or Highly Complex	High	High	Moderate	Moderate
Roadway Capacity				
Traffic Volume (Vehicles per day)	106,300	106,300	106,300	106,300

Table 2-7B

Alternatives Analysis - Natural, Human and Physical Environment

Impact Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Natural Resources Impacts				
Federal Listed Species Habitat (number)	0	0	0	0
100-Year Flood Plain and Floodway Impacts	No	No	No	No
Wetlands (number of crossings/acres)	10/1.06	8/1.27	7/1.37	19/5.29
Stream Crossings (number/linear feet)	32/7,982	35/8,850	23/7,220	26/7,734
Potential Riparian Buffers (acres)	20.16	22.35	18.23	19.53
Water Supply Critical Areas	No	No	No	No
Greenway Crossings (number)	0	0	0	0
Potential 4f Impacts	No	No	No	No
Human Environment Impacts				
Schools	0	0	0	0
Parks	0	0	0	0
Residential Relocations (number)	58	75	36	57
Business Relocations (number)	28	25	16	23
Low Income/Minority Population	Yes	Yes	Yes	Yes
Churches/Church Office (number)	0/1	3/1	0/1	0/1
Cemeteries/Gravesites (number)	1/5	1/5	1/0	1/0
Recorded Historic Sites/Districts	1 Adjacent	0	0	0
Physical Environment Impacts				
Railroad Crossings	11	6	2	2
Underground Storage Tanks (number)	8	7	9	12
USEPA-listed Superfund Sites Impacted (number)	2	1	0	0

Table 2-7C
Alternatives Analysis - Right of Way and Construction Costs

Impact Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Right-of Way				
Major Utility Conflicts	0	0	0	0
Right-of-Way (acres)	148	213	88	225
Construction Limits (acres)	262	301	200	326
Costs				
Construction Costs ($ M 2006)	$185	$200	$132	$148

Note: Construction costs DO NOT include right-of-way or relocation costs.