



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

(15 day)

Issue Date: October 11, 2007  
Comment Deadline: October 26, 2007  
Corps Action ID #: 2007-03114

The Wilmington District, Corps of Engineers (Corps) has received a modification request from the North Carolina Department of Transportation, seeking Department of the Army authorization to impact an additional 264 linear feet of stream associated with construction of Section A of NC 98 Wake Forest Bypass (T.I.P. No. R-2809), southwest of Wake Forest in Wake County, 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](http://www.saw.usace.army.mil/wetlands)

**Applicant:** North Carolina Department of Transportation, Division of Highways  
Attn: Gregory J. Thorpe, Ph.D.  
Environmental Management Director, PDEA  
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(b) of the Clean Water Act (33 U.S.C. 1344).

## Background

The social, economic, and environmental impacts associated with reasonable and feasible build alternatives for this project have been described in an NCDOT/Federal Highway Administration Environmental Assessment (FHWA-EA) approved on October 25, 1995. The project has been divided into three sections (A, B, and C) for construction purposes, and the entire NC 98 Wake Forest Bypass (Transportation Improvement Program (TIP) No. R-2809) was previously authorized under a single individual Department of the Army permit (Action ID. 199601836). Sections A and B were authorized based on preliminary design, with a condition that their construction would require modification of the permit if the final design changed the impacts to waters of the U.S. A modification was issued for the final design for Section B on October 30, 2003, and Sections B and C have been constructed. The impacts described in this public notice are for all of the construction related to Section A, and do not include the previously

permitted impacts that have occurred for construction of Sections B and C. No additional compensatory mitigation is proposed, beyond the mitigation for the complete NC 98 Wake Forest Bypass as required in the original permit. The final design for Section A has increased the impacts from the preliminary design to an intermittent stream by 264 linear feet. This impact was not originally permitted because the stream was not identified during the original delineation. According to NCDOT, the let date for Section A of TIP R-2809 is December, 2007.

### **Location**

The complete NC 98 Wake Forest Bypass will extend 4.8 miles, from NC 98 west of SR 1923 (Thompson Mill Road) to NC 98 east of SR 2053 (Jones Dairy Road), generally south of Wake Forest, with an interchange at U.S. 1. Section C will extend approximately 1.6 miles, from NC 98 west of SR 1923 (Thompson Mill Road) to the interchange at U.S. 1, connecting with the completed Section B, in Wake County, North Carolina (Section A center at ~35.97° N Latitude, -78.55° W Longitude).

### **Existing Site Conditions**

The general area to be impacted between NC 98 and US 1 varies from highly developed residential areas to some undeveloped wooded land. The corridor is in the Neuse River basin, with a drainage divide between Horse Creek to the north for the western 1/3 of Section A, and Richland Creek to the south and east for the eastern 2/3 of Section A, occurring along SR 1967 (Old NC 98). The streams to be impacted are typical piedmont streams, one perennial, relatively permanent stream, and one intermittent stream (not relatively permanent), both tributaries to Horse Creek. The wetland that will be impacted is a hillside seep, abutting the perennial tributary to Horse Creek.

### **Applicant's Stated Purpose**

The purpose of the entire Wake Forest Bypass is to provide better roadway access around the south side of Wake Forest, connecting major radial roadways with each other; and to provide an east-west connector to reduce traffic congestion on existing NC 98 through Wake Forest.

### **Project Description**

Section C of the highway will be a 4-lane, median divided roadway, with an at-grade intersection at existing SR 1967 (Old NC 98), and improvements and/or relocations to Wakefield Plantation Drive, SR 1967, SR 2000 (Falls of Neuse Road), Garden Hill Drive, existing NC 98, Jones Wynd, SR 1200, SR 1923, and SR 1999.

Section C will involve permanent fill impacts to 0.01 acre of wetlands, 90 linear feet of perennial stream, and 185 linear feet of intermittent stream channels, unnamed tributaries of Horse Creek (275 linear feet total). The project will also temporarily impact an additional 79 linear feet of the intermittent tributary to Horse Creek, for dewatering to

facilitate construction. The 264 linear feet of impact to the intermittent tributary was not included in the original application and permit for the complete NC 98 Wake Forest Bypass.

NCDOT is required to mitigate for the permanent impacts to the wetland and perennial stream through payment to the North Carolina Ecosystem Enhancement Program. NCDOT has not proposed mitigation for the permanent impacts to the intermittent stream.

Design plans, the EA, and information about the North Carolina Ecosystem Enhancement Program are available for review at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120; Raleigh, North Carolina 27615-6846 (Call ahead to arrange a time for review at (919) 876-8441, ext. 23).

### **Other Required Authorizations**

This notice is 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 combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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 October 26, 2007.

### **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. NCDOT conducted a re-survey of the Section C corridor for Michaux's sumac on June 20, 2007, and no specimens were found.

## **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, October 26, 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, ext. 23.

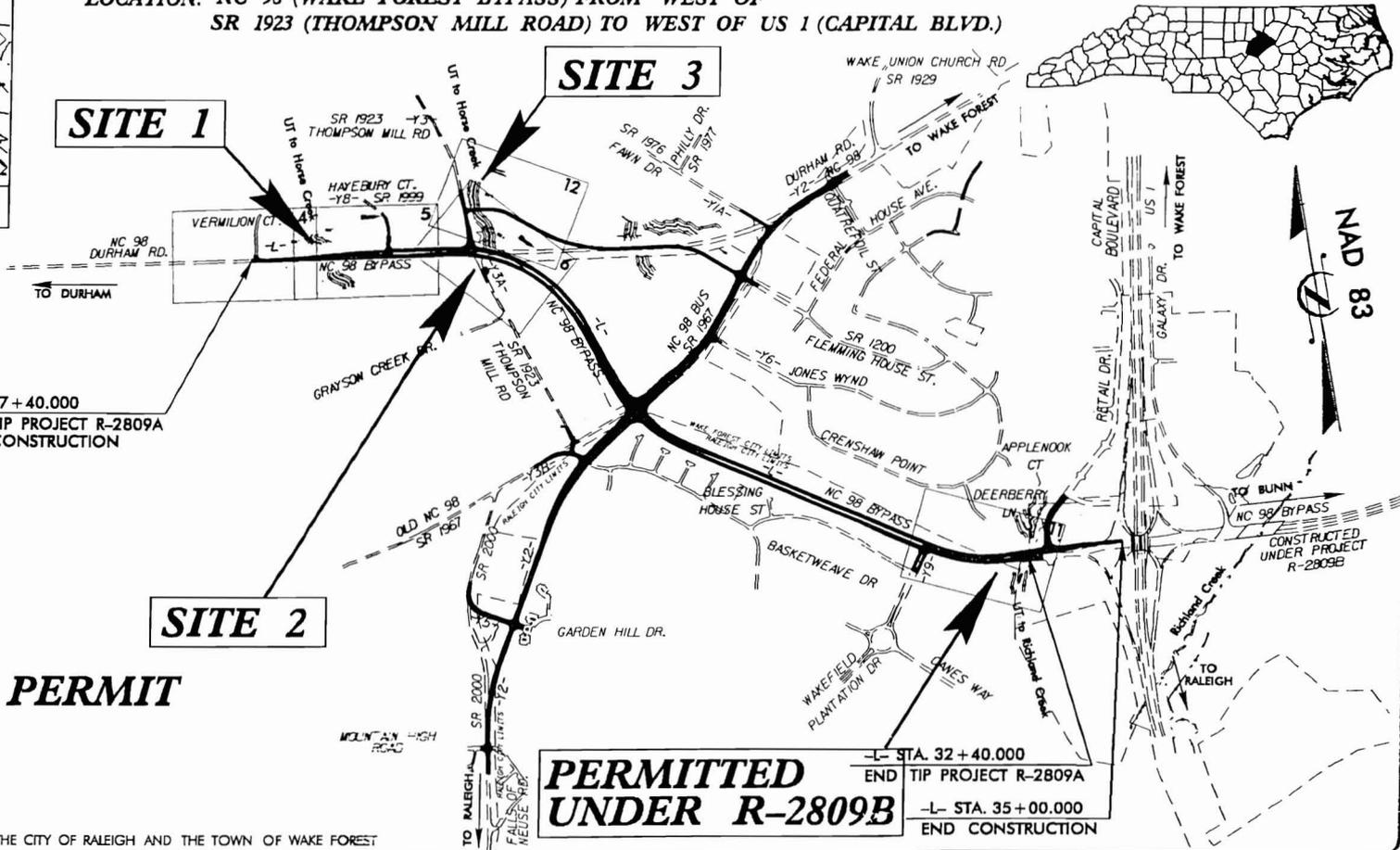
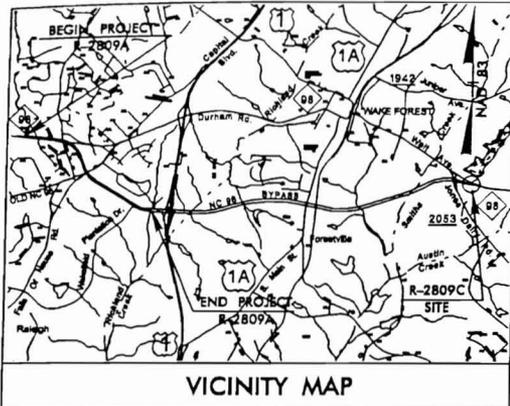
See Sheet 1-A For Index of Streets  
 See Sheet 1-B For Conventional Symbolology  
 See Sheet 1-C & 1-D For Survey Control Sheets

STATE OF NORTH CAROLINA  
 DIVISION OF HIGHWAYS

**WAKE COUNTY**

LOCATION: NC 98 (WAKE FOREST BYPASS) FROM WEST OF  
 SR 1923 (THOMPSON MILL ROAD) TO WEST OF US 1 (CAPITAL BLVD.)

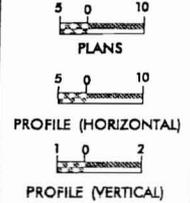
 ALL DIMENSIONS IN THESE PLANS ARE IN METERS OR MILLIMETERS UNLESS OTHERWISE SHOWN	STATE PROJECT REFERENCE NO.	R-2809A	SHEET NO.	1	TOTAL SHEETS
	STATE FUND NO.	34503.1.1	STP-98(1)	DESCRIPTION	PE
		34503.2.5	STP-98(2)		R/W & UTIL
		34503.3.7	STP-98(23)		CONST.



**WETLAND/STREAM PERMIT**

PORTIONS OF THIS PROJECT FALLS WITHIN THE BOUNDARIES OF THE CITY OF RALEIGH AND THE TOWN OF WAKE FOREST

**GRAPHIC SCALES**



**DESIGN DATA**

ADT 2007 = 24,100  
 ADT 2025 = 36,500  
 DHV = 10 %  
 D = 60 %  
 T = 6 % \*  
 V = 100 km/h  
 \* (TTST 2% & DUAL 4%)

**PROJECT LENGTH**

LENGTH ROADWAY TIP PROJECT R-2809A = 2.500 km  
 TOTAL LENGTH OF TIP PROJECT R-2809A = 2.500 km

**DIVISION OF HIGHWAYS**

300 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
 JUNE 30, 2005

LETTING DATE:  
 DECEMBER 18, 2007

JASON MOORE, PE  
 PROJECT ENGINEER

KEVIN E. MOORE, PE  
 PROJECT DESIGN ENGINEER

**HYDRAULICS ENGINEER**

ROADWAY DESIGN ENGINEER

**DIVISION OF HIGHWAYS  
 STATE OF NORTH CAROLINA**



2007-03114  
 STATE HIGHWAY DESIGN ENGINEER

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