



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: January 8, 2007
Comment Deadline: February 6, 2007
Corps Action ID #: 200100921, TIP Project No. R-3324

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation seeking Department of the Army authorization to discharge dredged or fill material into waters and wetlands adjacent to Dutchman Creek, to construct a roadway on a new location, beginning at the intersection of NC 211 (Southport-Supply Rd), and NC 133, (Longbeach Rd) and terminating at NC 87-133 (River Rd), near Southport, Brunswick County, North Carolina.

Specific information regarding the project is provided 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

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 is soliciting public comment on the merits of this proposal and on the alternatives evaluated in the Federal Highway Environmental Assessment (EA). At the close of this comment period, the District Commander will evaluate and consider the comments received as well as the expected adverse and beneficial effects of the proposed road alternatives to select the least environmentally damaging practicable alternative (LEDPA). The District Commander is not authorizing the construction of the proposed roadway at this time. A final Department of the Army permit could be issued, it 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 for unavoidable impacts has been approved.

Location

The proposed project involves the construction of a roadway on a new location from NC 133 extending north for approximately 1.3 to 2.6 miles, depending on the alternative, and ending at

NC 87-133 (River Rd). The midpoint of the project, is at approximately 33.9571 degrees north latitude and 78.03718 degrees west longitude and is in the Cape Fear River Basin, Hydrologic Unit 03030005.

Background

A Federal Highway Administration (FHWA) Environmental Assessment (EA) describing the proposed project, various alternatives to the proposed action, and its expected impacts was approved on July 2006. The project is included in the approved 2006-2012 Transportation Improvement Program. During the jurisdictional determinations in the project area, several individuals of the Federally endangered red cockaded woodpecker (*Picoides borealis*) were identified as well as a population of federally endangered rough-leaved loosestrife (*Lysimachia asperulaefolia*).

Applicant's Stated Purpose

The stated purpose of the proposed project is to improve safety, reduce congestion, and improve system linkage in the Southport/Oak Island area.

Project Description

The proposed project involves the construction of a roadway on a new location from NC 133 extending north for approximately 1.3 to 2.6 miles, depending on the alternative, and ending at NC 87-133 (River Rd). The proposed project will consist of a two-lane roadway, consisting of 12-foot travel lanes and 4-foot paved shoulders. The total project length ranges from 1.3 to 2.6 miles and will be kept within the right of way of 100 to 120-feet. The proposed roadway has a design speed of 60-miles per hour. A complete list of alternatives being considered for this project and impacts associated with each are attached to this public notice.

Existing Conditions

The project area is composed primarily of Carolina bays overlaid on broad, non-alluvial inter-stream flats. Aquatic resources to be impacted by the project include perennial streams including Dutchmans Creek and Jump and Run Creek and their associated tributaries, riverine wetlands associated with these streams, and inter-stream flat-wood systems dominated by loblolly pine (*Pinus taeda*). The southern end of the project area is composed of a commercial district at the intersection of NC 211 and NC 133.

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 application for A Section 401 certification will be submitted to the NCDWQ after the LEDPA has been chosen and the final design plans are available. Additional information regarding the Clean Water Act certification

process may be obtained from the NCDWQ Central Office, Transportation Permitting Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260, Attn: Mr. John Hennessy.

The applicant has not provided to the Corps, 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.

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

No Section 4 (f) properties will be affected by the proposed project and based on information provided by the applicant, there are no properties within Area of Potential Effect that are 50 years of age or greater and therefore no further consultation pursuant to Section 106 is required for historic architectural resources. An archeological survey of the project area was conducted in May of 2005. No archeological sites were recorded and no evidence of cultural use or occupation of the project area was encountered during the survey. Once a recommended alignment is chosen, additional archeological studies will be conducted.

Endangered Species

Two endangered species were identified within the project area, the red cockaded woodpecker (*Picoides borealis*) and rough-leaved loosestrife (*Lysimachia asperulaefolia*). All of the populations of these species are located north of the current alternatives being considered for the proposed project. Depending on the alternative selected for the proposed project, formal consultation may be required between the US Fish and Wildlife 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

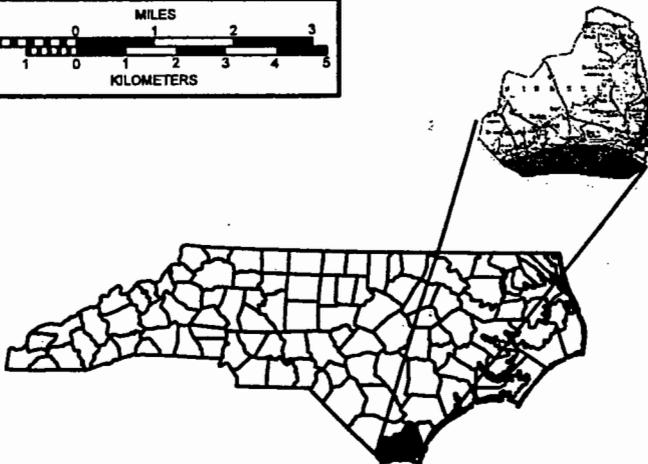
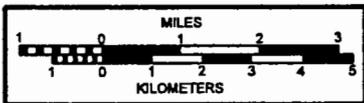
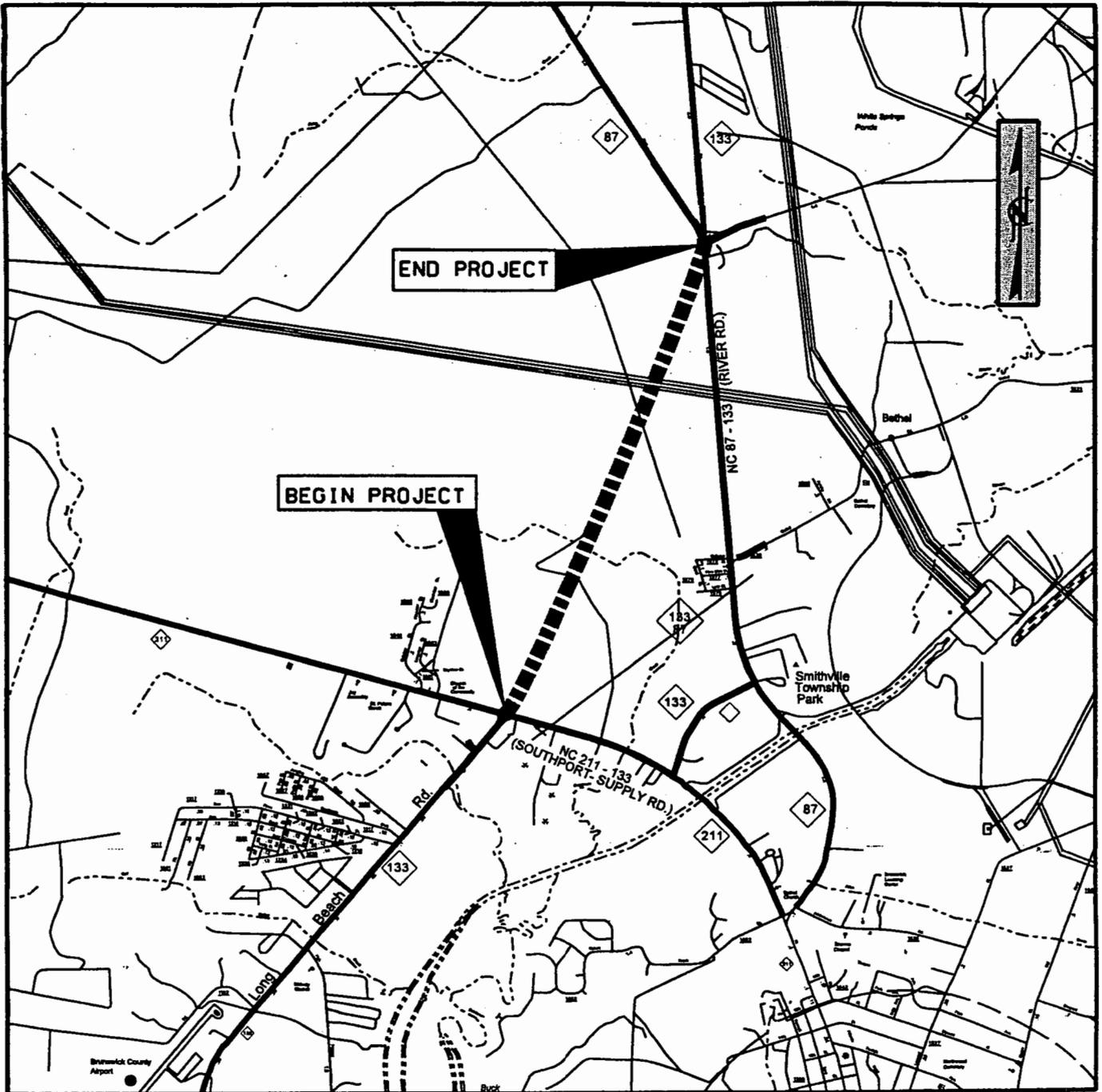
property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps 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.

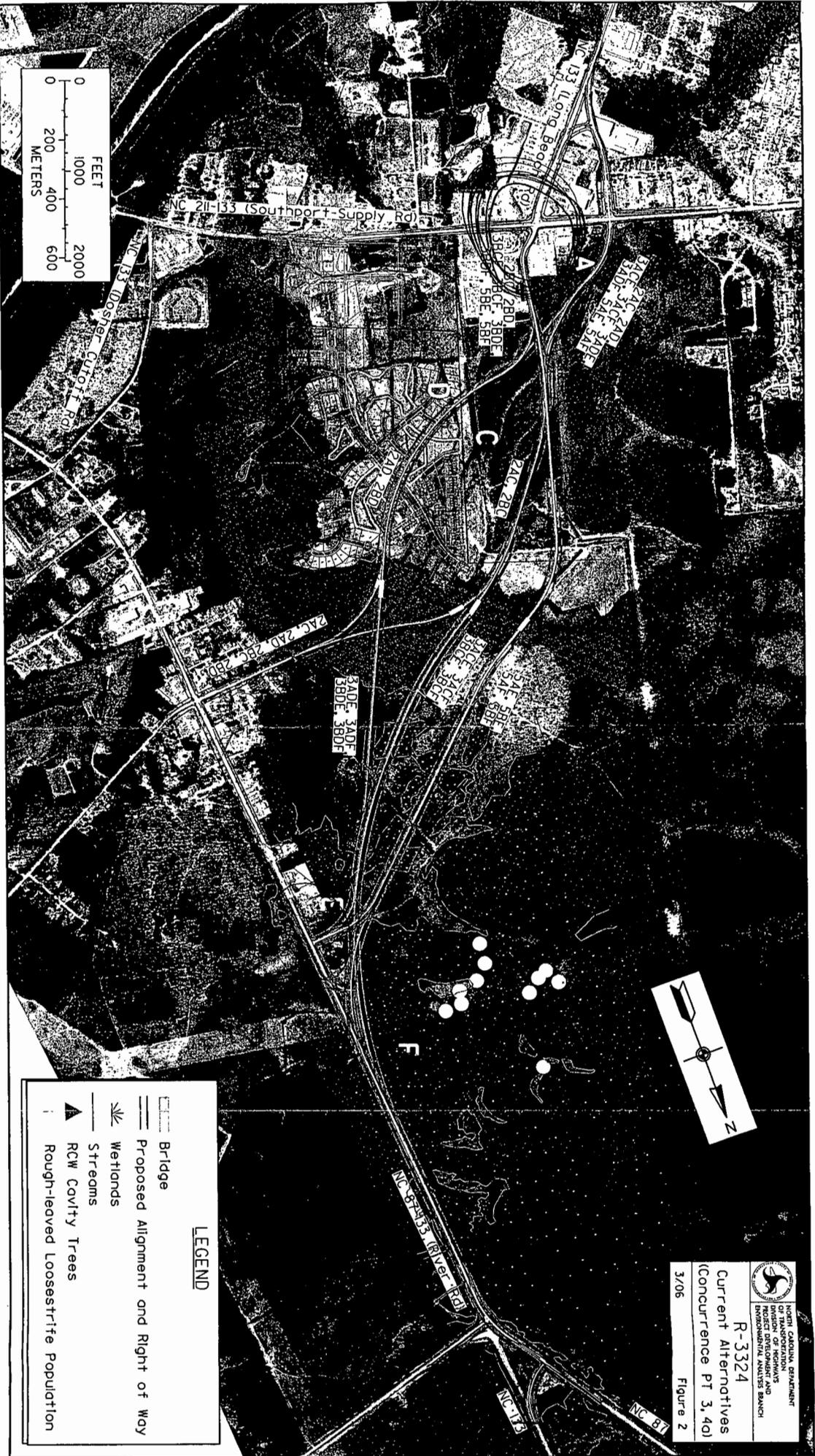
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless 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, February 6, 2007. Comments should be submitted to Ms. Jennifer Frye, US Army Corps of Engineers, Wilmington Regulatory Field Office, Post Office Box 1890, Wilmington NC 28402.



	<p>NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH</p>
	<p>NC 133 CONNECTOR FROM NC 211 AT NC 133 TO NC 87-133 SOUTHPORT BRUNSWICK COUNTY R - 3324</p>

FIGURE 1 *964*



LEGEND

	Bridge
	Proposed Alignment and Right of Way
	Wetlands
	Streams
	RCW Covtly Trees
	Rough-leaved Loosestrife Population


 NORTH CAROLINA DEPARTMENT
 OF TRANSPORTATION
 PROJECT DEVELOPMENT AND
 ENVIRONMENTAL ANALYSIS BRANCH
R-3324
 Current Alternatives
 (Concurrence PT 3, 40)
 3/05
 Figure 2

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Table 1: R-3324 Alternative Comparison Table

Resource	Alt. 2AC	Alt. 2AD	Alt. 2BC	Alt. 2BD	Alt. 3ACE	Alt. 3ACF	Alt. 3BCE	Alt. 3BCF
Length	1.8 mi.	1.7 mi.	1.4 mi.	1.3 mi.	2.1 mi.	2.6 mi.	1.7 mi.	2.1 mi.
Railroad Crossings	0	0	0	0	0	0	0	0
School	0	0	0	0	0	0	0	0
Recreational Areas and Parks	0	0	0	0	0	0	0	0
Churches	0	0	0	0	0	0	0	0
Cemeteries	0	0	0	0	0	0	0	0
Major Utility Crossings	1	1	1	1	1	1	1	1
Historic Properties	0	0	0	0	0	0	0	0
Archaeological Sites	0	0	0	0	0	0	0	0
Federally Listed Species within Corridors	4*#	3#	4*#	3#	4*#	4*#	4*#	4*#
100-Year Floodplain Crossings	1	1	1	1	1	1	1	1
Acreage of Prime Farmland	0	0	0	0	0	0	0	0
Residential Relocations (Existing)	11	11	5	5	6	6	0	0
Residential Relocations (including possible future) [^]	11	42	5	36	6	6	0	0
Business Relocations	12	12	6	6	10	10	4	4
Hazardous Material Sites	0	0	0	0	0	0	0	0
Wetland Impacts	13.01ac.	7.88 ac.	9.44 ac.	4.46 ac.	12.86 ac.	17.90 ac.	9.32 ac.	14.01 ac.
Number of Stream Crossings**	3	3	2	2	3	3	2	2
Total Stream Impacts ***	187 lf	134 lf	100 lf	100 lf	247 lf	247 lf	160 lf	160 lf
Substantial Noise Impacts	0	0	0	0	0	0	0	0
Water Supply Watershed Protected Areas	0	0	0	0	0	0	0	0
Wildlife Refuges and Game Lands	0	0	0	0	0	0	0	0
Section 4(f) Impacts (Park / Historic)	0	0	0	0	0	0	0	0
Low Income Population Impacts	1****	1****	1****	1****	0	0	0	0
Minority Population Impacts	0	0	0	0	0	0	0	0
Construction	\$12,550,000	\$11,450,000	\$10,250,000	\$9,650,000	\$14,150,000	\$16,550,000	\$12,350,000	\$14,650,000
Right of Way	\$8,726,000	\$16,225,000	\$8,775,000	\$16,175,000	\$8,025,000	\$7,915,000	\$8,000,000	\$7,875,000
Utilities	\$881,000	\$988,000	\$634,000	\$640,000	\$197,000	\$253,000	\$454,000	\$485,000
Total Cost	\$22,157,000	\$28,663,000	\$19,659,000	\$26,465,000	\$22,372,000	\$24,718,000	\$20,804,000	\$23,010,000

Notes:

- * "May Affect" for Red Cockaded Woodpecker (within 1/2 mile of cavity trees)
- # "May Affect" for Eastern Cougar; "Unresolved" for Rough-leaved loosestrife and Cooley's meadowrue
- ** Stream crossings include Dutchman Creek
- *** Dutchman Creek will be bridged (0 feet of impacts)
- **** Mobile Home Park
- ^ Possible future relocations from lots being developed in the Rivermist Subdivision

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Table 1 (Continued): R-3324 Alternative Comparison Table

Resource	Alt. 3A/DE	Alt. 3A/DF	Alt. 3B/DE	Alt. 3B/DF	Alt. 5A/E	Alt. 5A/F	Alt. 5B/E	Alt. 5B/F
Length	2.1 mi.	2.6 mi.	1.5 mi.	2.2 mi.	2.1 mi.	2.5 mi.	1.7 mi.	2.1 mi.
Railroad Crossings	0	0	0	0	0	0	0	0
School	0	0	0	0	0	0	0	0
Recreational Areas and Parks	0	0	0	0	0	0	0	0
Churches	0	0	0	0	0	0	0	0
Cemeteries	0	0	0	0	0	0	0	0
Major Utility Crossings	1	1	1	1	1	1	1	1
Historic Properties	0	0	0	0	0	0	0	0
Archaeological Sites	0	0	0	0	0	0	0	0
Federally Listed Species	3#	3#	3#	3#	4*#	4*#	4*#	4*#
100-Year Floodplain Crossings	1	1	1	1	0	0	0	0
Acraege of Prime Farmland	0	0	0	0	0	0	0	0
Residential Relocations (Existing)	6	6	0	0	6	6	0	0
Residential Relocations (Including possible future)^	37	37	31	31	6	6	0	0
Business Relocations	10	10	4	4	10	10	4	4
Hazardous Material Sites	0	0	0	0	0	0	0	0
Wetland Impacts	8.25 ac.	13.28 ac.	4.83 ac.	9.87 ac.	7.69 ac.	12.19 ac.	4.50 ac.	8.67 ac.
Number of Stream Crossings**	3	3	2	2	3	3	2	2
Total Stream Impacts***	214 lf	214 lf	180 lf	180 lf	202 lf	202 lf	115 lf	115 lf
Substantial Noise Impacts	0	0	0	0	0	0	0	0
Water Supply Watershed Protected Areas	0	0	0	0	0	0	0	0
Wildlife Refuges and Game Lands	0	0	0	0	0	0	0	0
Section 4(f) Impacts (Park / Historic)	0	0	0	0	0	0	0	0
Low Income Population Impacts	0	0	0	0	0	0	0	0
Minority Population Impacts	0	0	0	0	0	0	0	0
Construction	\$14,150,000	\$15,950,000	\$11,450,000	\$14,150,000	\$13,550,000	\$15,450,000	\$11,850,000	\$14,050,000
Right of Way	\$15,450,000	\$15,350,000	\$15,450,000	\$15,300,000	\$7,925,000	\$7,925,000	\$8,550,000	\$8,425,000
Utilities	\$375,000	\$375,000	\$559,000	\$640,000	\$197,000	\$247,000	\$489,000	\$489,000
Total Cost	\$29,975,000	\$31,675,000	\$27,459,000	\$30,090,000	\$21,672,000	\$23,622,000	\$20,889,000	\$22,964,000

Notes:

* "May Affect" for Red Cockaded Woodpecker (within 1/2 mile of cavity trees)

"May Affect" for Eastern Cougar; "Unresolved" for Rough-leaved loosestrife and Cooley's meadowrue

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