



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: June 24, 2008  
Comment Deadline: July 23, 2008  
Corps Action ID #: SAW-2008-01454

The Wilmington District, Corps of Engineers (Corps) has received an application from The North Carolina Department of Transportation (NCDOT), seeking Department of the Army (DA) authorization to permanently impact approximately 0.03 acre of adjacent wetlands and 468 linear feet (lf) of stream channel, and temporarily impact 125 linear feet of stream channel within jurisdictional waters of the United States. This project is referred to as Transportation Improvement Project (TIP) U-3303A and U-3303B. Specifically, the project would impact three unnamed tributaries to Gum Creek, two unnamed tributaries to Little Alamance Creek and one forested freshwater wetland areas adjacent to an unnamed tributary to Gum Creek. These impacts are associated with the proposed improvements and widening of 2.4 miles of Mebane Street (SR 1306), which is composed of two (2) sections. Segment A, or U-3303A, is located from the existing Huffman Mill Road (SR 1158) to Alamance Road (NC 62) and Segment B, or U-3303B, is located from Alamance Road (NC 62) to Chapel Hill Road (NC 54), in Burlington, Alamance 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  
Attn: Ms. Erica McLamb  
Project Development and Environmental Analysis  
Natural Environment Unit  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

## **Location**

The proposed project (Mebane Street Improvements and Widening) is located from the existing Huffman Mill Road (SR 1158) to Chapel Hill Road (NC 54), in Burlington, Alamance County, North Carolina. The site contains unnamed tributaries to Gum Creek, wetlands adjacent to one

of those tributaries and tributaries to Little Alamance Creek, in the Cape Fear River Basin (8-Digit Cataloging Unit 03030002). Coordinates (in decimal degrees) for the site are 36.0700° N, -79.4667° W (NAD83/WGS84). See attached project location map and USGS topographic map.

### **Existing Site Conditions**

The project corridor is approximately 29.1 acres, is located in an urbanized area of Burlington and is mostly residential, with commercial development at the existing major intersections. Five stream channels flow through the proposed project boundary and one forested freshwater wetland is also located within the proposed boundary. Two of the five streams located on the site were determined to have important aquatic functions by the U.S. Army Corps of Engineers.

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

As stated by the applicant, the purpose of the project is to address the anticipated transportation needs along this corridor by improving the existing facility in a manner that increases capacity and safety, promotes an atmosphere conducive to multiple forms of transportation, and provides system linkage.

### **Project Description**

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the placement of fill material permanently impacting approximately 468 linear feet of stream channel and temporarily impacting approximately 125 linear feet of the jurisdictional waters of the Cape Fear River basin (Hydrologic Categorical Unit 03030002). These impacts are necessary for the construction of proposed improvements to South Mebane Street, also known as SR 1306, (TIP No. 3303A and 3303B). Approximately 0.03 acre of adjacent wetlands will be impacted by this project. Construction of the proposed project will occur along the existing alignment and will involve the extension of existing culverts at the following impact sites: 1) U-3303A, sites 1 and 3; 2) U-3303B, sites 1 and 2. Encapsulation of the stream channel will occur at U-3303A, site 2, as a relocation of the channel is not possible due to the proximity to residential buildings and yards. All temporary impacts are to allow access for equipment and construction of the new roadway and the installation of culverts.

The applicant proposes compensatory mitigation of impacts to stream channels with important aquatic function, which is 317 linear feet, at a 1:1 ratio by providing payment into the North Carolina Ecosystem Enhancement Program (NCEEP) for the restoration of 317 linear feet of stream channel. In addition to the proposed payment to the NCEEP, the applicant has avoided and minimized impacts by proposing to utilize NCDOT's Best Management Practices (BMPs) for the protection of surface waters, and by proposing to increase the side slopes from 4:1 to 3:1 at Site 1, Section U-3303A. The U.S. Army Corps of Engineers may require compensatory mitigation for all wetland impacts.

## **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 July 16, 2008.

## **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFE) 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 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."

## **Evaluation**

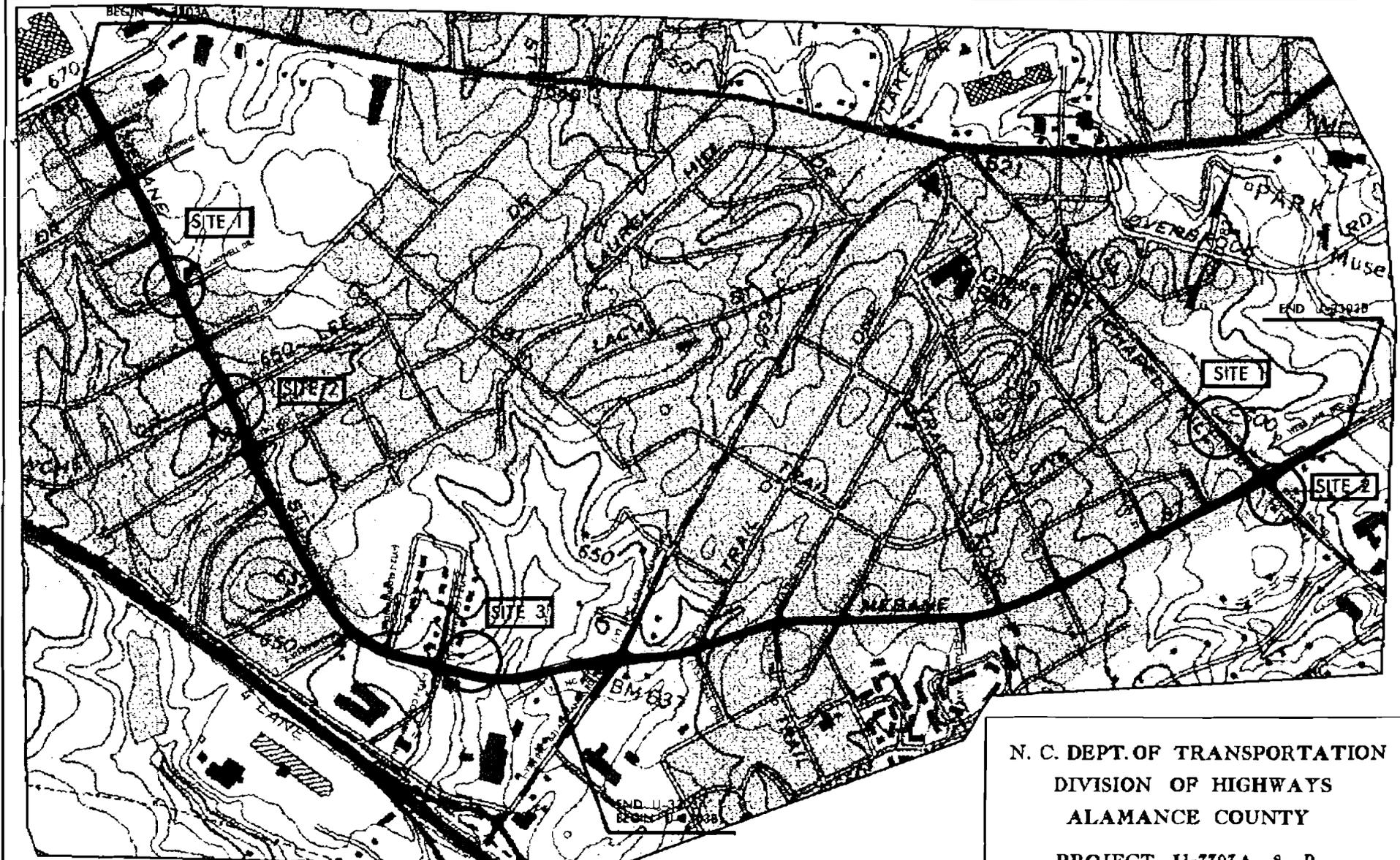
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 1 1988), 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, 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 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.

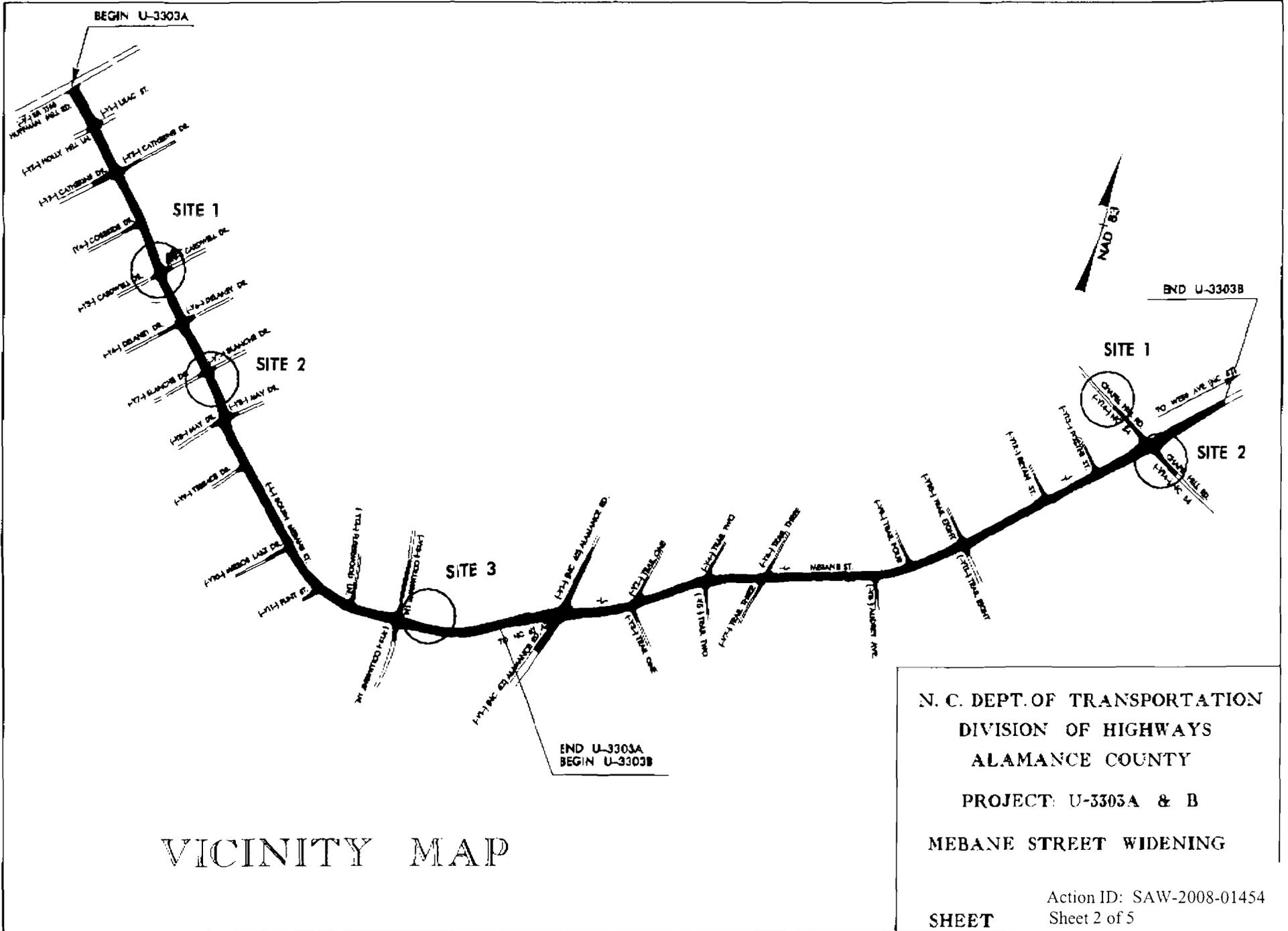
Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider the application. Requests for public hearings shall state, within particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

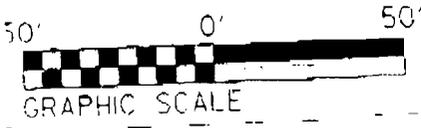
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 23, 2008. Comments should be submitted to Andrew E. Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587.



# VICINITY MAP

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 ALAMANCE COUNTY  
 PROJECT: U-3303A & B  
 MEBANE STREET WIDENING





U-3303A  
Site 1  
(See permit drawing sheet 5 of 13)

18

PEC FAMILY LMTD PARTNRSHP  
DB 977 PG 510  
Sta. 14+58.31  
Sta. 14+60.79

19

DU VAN TRIED  
DB 1595 PG 108  
PB 12 PG 93  
PT Sta. 29  
Pc Sta. 28+35.02

20

BETTY  
DB 368  
PB 12 F  
CONC PATIO

AROLYN A. PRICE  
DB 2092 PG 815

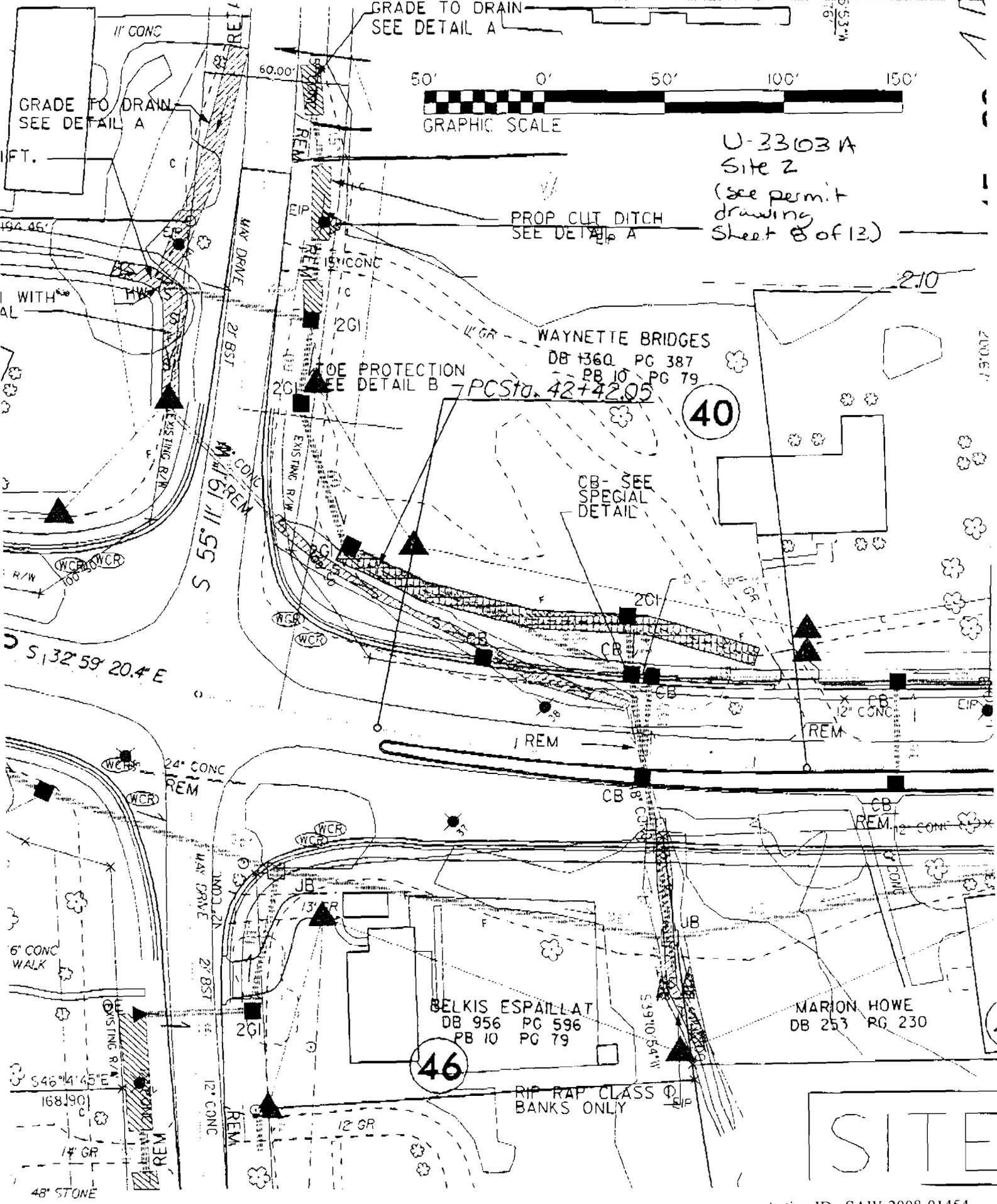
28

28A

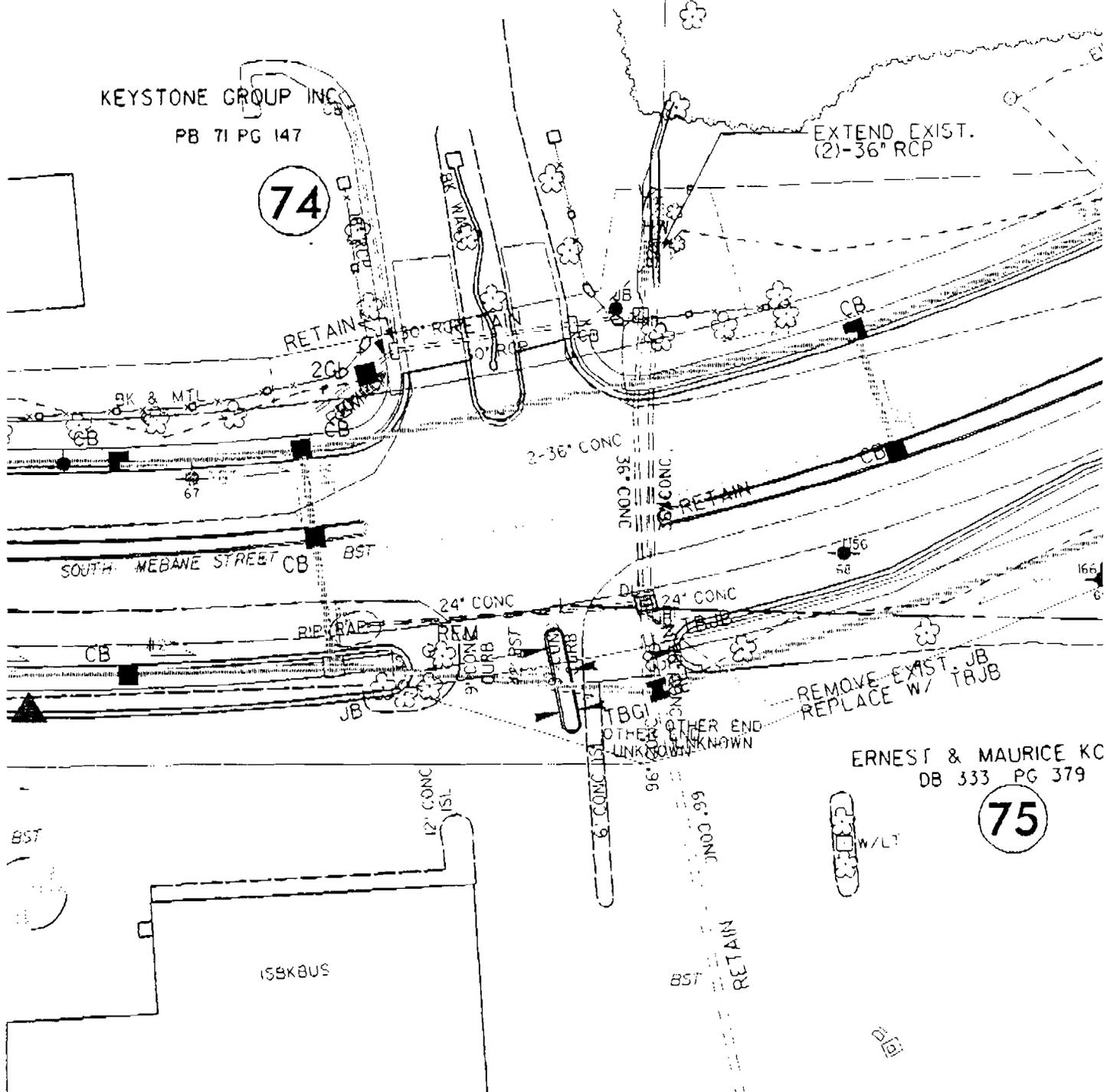
LOUIS JONES  
DB 497 PG 737  
PB 16 PG 28

29

HAROLD FOGLEMAN  
DB 1126 PG 95



U-3303A  
Site 3  
(see permit drawing  
sheet 11 of 13)



ERNEST & MAURICE KC  
DB 333 PG 379

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