

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 2, 2008
Comment Deadline: June 2, 2008
Corps Action ID #: SAW-2002-10108

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation for work within jurisdictional waters of the United States. 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. Gregory J. Thorpe, Ph. D.
Environmental Management Director, PDEA
N. C. Department of Transportation
Project Development & Environmental Analysis
1548 Mail Service Center
Raleigh, North Carolina 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 of the Clean Water Act and Section 10 of the River and Harbor Act of 1899. The Corps is only soliciting comment at this time pertaining to the selection of the Least Environmentally Damaging Practicable Alternative (LEDPA) pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The proposed TIP project U-3815 involves improvements at the intersection of US 64 and NC 345 in Manteo, North Carolina (see **Figure 1**). The improvements, which includes improvements to US 64/ NC 345 intersection and the relocation of Russell Twiford Road (SR 1338) will include dual southbound left turn-lanes, free-flow right-turn lanes and raised concrete medians. The proposed relocation of Russell Twiford Road would move its current intersection with US 64 away from the US 64/NC 345 intersection and align its entrance directly across from the entrance to the Dare County Government Center. One intersection improvement and three Russell Twiford relocation alternatives (including no build) are proposed. The project would impact wetlands

adjacent to Scarboro Creek, Roanoke Sound and the Croatan Sound. The proposed project is located in the Pasquotank River Basin, Hydrologic Units 03010205. The central portion of the project is located at approximately Latitude 35.8895580N, Longitude 75.6615074W. The project termini extend approximately 1400 feet to the south and west, 1000 feet to the east and 1600 feet north of the main intersection.

Existing Site Conditions

The project area is in Dare County, in northeastern North Carolina. Land use around the project intersection includes several businesses, community facilities, and two small neighborhoods on the north side of the US 64 Bypass and forested vacant land owned by the State of North Carolina on the south side of US Bypass 64.

The project lies in the Middle Atlantic Coastal Plain physiographic region of North Carolina. Flat terrain, Loblolly Pine Forest, and tidally influenced wetlands and tributaries characterize the landscape.

The northeastern portion of the study area drains towards Scarboro Creek, which is a tributary to Shallowbag Bay. The southeastern portion of the study area drains toward Broad Creek, which discharges to the Roanoke Sound. Both the north and southwestern portions of the study area drain to Ashbee Harbor and ultimately to the Croatan Sound.

Based on the US Natural Resource Conservation Service (NRCS) survey of Dare County, the soils found generally have a sandy surface layer and loamy subsoil. Soils within the study area are mapped as one unit – Leon fine sand. The Leon sand unit is characterized as nearly level, with 0 to 2 % slopes, and can be found on flats and slight depressions. It is rarely flooded and poorly drained with moderate to rapid permeability. NRCS lists Leon as hydric in the county. Descriptions of the soil series can be found in the Dare County Soil Survey or page 39 of the State Environmental Assessment for TIP Project # U-3815.

Applicant's Stated Purpose

The purpose of the proposed project is to improve the level of service at the US 64/NC 345 intersection. The purpose and need for this project was agreed upon by federal, state, and local representatives in July 2002.

Background

A State Environmental Assessment (EA) for the project was approved in November, 2007. A citizen's informational workshop was held in December 2002 in order to present the proposed project to the public and to generate comments on the proposed improvements and possible alternatives. Based on the comments received at the

workshop, the majority of the public comments were against the fly-over design which was ultimately eliminated from consideration by the merger team. Additional public involvement is currently being planned to introduce alternatives for the relocation of Russell Twiford Road (SR 1338). On May 15, 2007 the Merger Team agreed to eliminate alternatives 1 and 2 and carry forward alternatives 1A, Russell Twiford Road relocation # 1 and 2. The Merger Team also agree to rescind a previous commitment made by Dare County and allow a one right in/ right out access to the Dare County Government Center under the conditions that the driveway will not impact any jurisdictional wetlands, cause secondary wetland impacts, or have a negative impact on hurricane evacuation along US 64 Bypass.

Project Description

The project is identified as TIP # U-3815. The following description of work is taken from data provided by the applicant. The alternatives and the no-action/build alternative are described below. Additional findings for the project including NCDOT's State Environmental Assessment may be reviewed at the U.S. Army Corps of Engineers Regulatory Field Office at 107 Union Drive, Suite 202, Washington, North Carolina 27889

Project Alternatives

1. **No-Action/Build Alternative:** The "no build" alternative consists of doing nothing to the existing facilities. If improvements are not made to the US 64/ NC 345 intersection, the facility will be unable to accommodate the future traffic. Delay at the US 64/ NC 345 intersection will increase and result in the intersection operating at a LOS F by the year 2030. Therefore, the "no-build" alternative has been dropped from further consideration. The "no-build" alternative does, however, provide a basis for comparison of other alternatives.

2. **Alternative 1 A (Dual Southbound Left-Turns):** This alternative consists of widening the existing intersection with avoidance of CAMA coastal wetlands, estuarine waters, and areas of environmental concern (see **Figure 3C**). This alternative was developed at the request of environmental agencies through the NEPA/404 Merger Process. This alternative consists of providing dual southbound left-turns. This alternative would not require an additional receiving lane and taper on US 64 eastbound, thereby, eliminating any impacts to the CAMA coastal wetlands, located in the southeast quadrant of the intersection. The free flow right-turn lane from Nags Head on US 64 westbound into Manteo on Virginia Dare Road will be maintained. A yielding right-turn lane will be maintained from NC 345 turning onto US 64 eastbound. Yielding right-turn lane from Manteo on Virginia Dare Road southbound turning onto US 64 Bypass westbound will be maintained. A receiving lane with taper would also be added to westbound US 64 Bypass. Also, a yielding right-turn lane would be added for traffic turning from US 64 Bypass eastbound onto NC 345 towards Wanchese.

3. Russell Twiford Relocation: The Russell Twiford Road relocation alternatives were developed to address access concerns caused by the inclusion of concrete median islands on US 64 north of the US 64/ NC 345 intersection.

a) **Russell Twiford Road Relocation # 1:** This alternative will relocate SR 1338 (Russell Twiford Road) on new location, to align it with the entrance to the Dare County Government Center (**see Figure 3D**). Russell Twiford Road would be the new access point for all traffic traveling southbound on Virginia Dare Road trying to access businesses and homes located in the northeast quadrant of the US 64/ NC 345 intersection. This Russell Twiford Road relocation alignment was developed to minimize impacts to wetlands.

b) **Russell Twiford Road Relocation # 2:** This alternative will also relocate SR 1338 (Russell Twiford Road) on new location, to align it with the entrance to the Dare County Government Center similar to Alternative #1 (**see Figure 3E**). This Russell Twiford Road relocation alignment avoids relocation impacts to homes and businesses.

Impacts to Waters of the United States

Impacts to water resources will be unavoidable due to the nature of the project study area. Thirteen jurisdictional wetland sites were delineated within the project study area. Of these 13 sites, as few as six or as many as seven are potentially impacted by the proposed alternatives. **Table 1** details the wetland sites that are impacted by the proposed US 64/ NC 345 intersection improvements and for the relocation of SR 1338 (Russell Twiford Road) #1 and #2. In consultation with other agencies, NCDOT has determined that compensatory mitigation will likely be required for the potential impacts associated with this project. Wetland restoration or enhancement potential will be evaluated on site and The Ecosystem Enhancement Program (EEP) also could serve as a potential in-lieu-fee source for compensatory mitigation. Appropriate compensatory mitigation for wetland impacts from the Preferred Alternative would be determined in consultation with the appropriate Federal and State environmental resource and regulatory agencies. Note – If Alternative 1A and 1A & Relocation Alternative # 1 are selected as the LEDPA the proposed project could be issued under the nationwide permit process. Alternative 1A & Relocation Alternative # 2 would have to be issued under the standard (IP) permit process.

Table 1: Wetland Type / Impacts

Wetland	Wetland Type	Classification	Alternative 1A (Acres)	Alternative 1A & Relocation Alt. #1 (Acres)	Alternative 1A & Relocation Alt. #2 (Acres)
A	CAMA	PFO4A Tidal	0.02	0.02	0.03
B	Estuarine Public Trust	E2EM Tidal	0.01	0.01	0.01
C	Non CAMA	PFO4A Tidal	0.00	0.00	0.00
D	Estuarine Public Trust	E2EM Tidal	0.00	0.00	0.00
E	Non CAMA	PFO4A Tidal	0.24	0.24	0.24
F	Estuarine Public Trust	E2EM Tidal	0.00	0.00	0.00
G	Estuarine Public Trust	E2EM Tidal	0.00	0.00	0.00
H	CAMA	PFO4A Tidal	0.09	0.09	0.09
I	Estuarine Public Trust	E2EM Tidal	0.00	0.00	0.00
J	CAMA	PFO4A Tidal	0.11	0.11	0.11
K	Estuarine Public Trust	E2EM Tidal	0.00	0.00	0.00
L	Non CAMA*	PFO4A Tidal	0.00	0.00	0.32
M	Non CAMA	PFO4A Tidal	0.00	0.01	0.07
Totals			0.5	0.5	0.9

Notes:

PFO4A Palustrine Forested, Needle-Leaved Evergreen, Temporarily Flooded

E2EM Estuarine, Intertidal, Emergent

* Denotes change in wetland type from what is listed in the Environmental Assessment. NCDCM concur that wetland L is not under CAMA jurisdiction.

Schedule and Costs

Preliminary cost estimates for the Detailed Study Alternatives are presented in **Table 2** below. The costs include right-of-way and construction costs, but do not account for any wetland mitigation costs. The project is included in the approved 2007-2013 State Transportation Improvement Program (STIP) and Draft 2008-2015 STIP (TIP Project No. U-3815) with right-of-way acquisition scheduled to begin in state fiscal year (SFY) 2009 and construction scheduled to begin in SFY 2011. The total estimated cost included in the STIP is \$6,325,000.

Table 2: Preliminary Costs & Schedule

	Alternative 1A & Russell Twiford Road Relocation #1	Alternative 1A & Russell Twiford Road Relocation #2	Schedule
Right of Way Cost	\$4,238,500	\$3,650,500	FFY 2009*
Construction Cost	\$2,325,000	\$2,325,000	FFY 2011*
Total Cost	\$6,563,500	\$5,975,500	

* From the 2007-2013 STIP and Draft 2008-2015 STIP

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). This 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. Brian Wrenn.

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.

Essential Fish Habitat

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

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

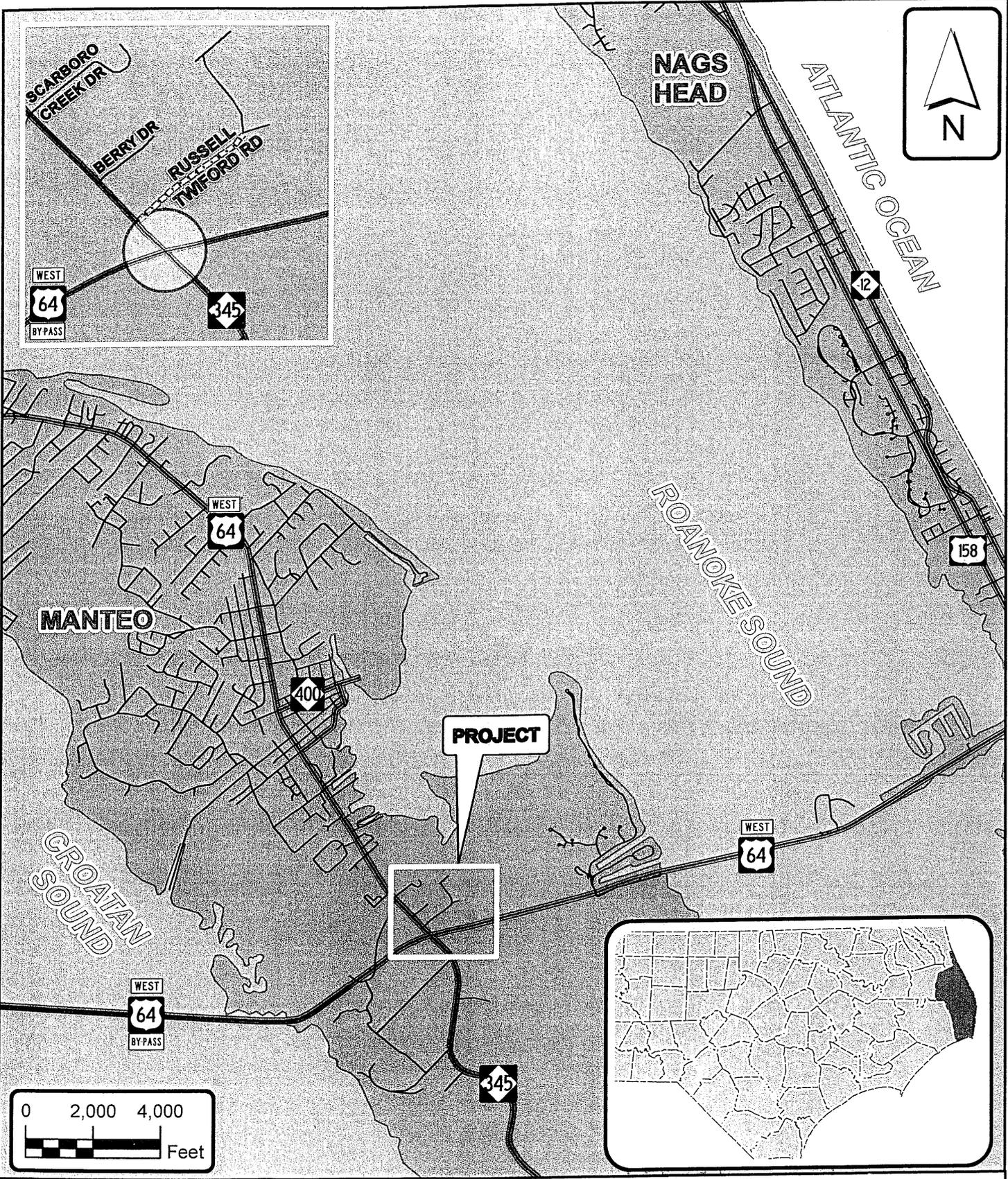
the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

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 alternatives evaluated in the EA. 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 intersection improvement and road relocation to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of TIP # U- 3815 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.

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, June 2, 2008. Comments should be submitted to William Biddlecome, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889.

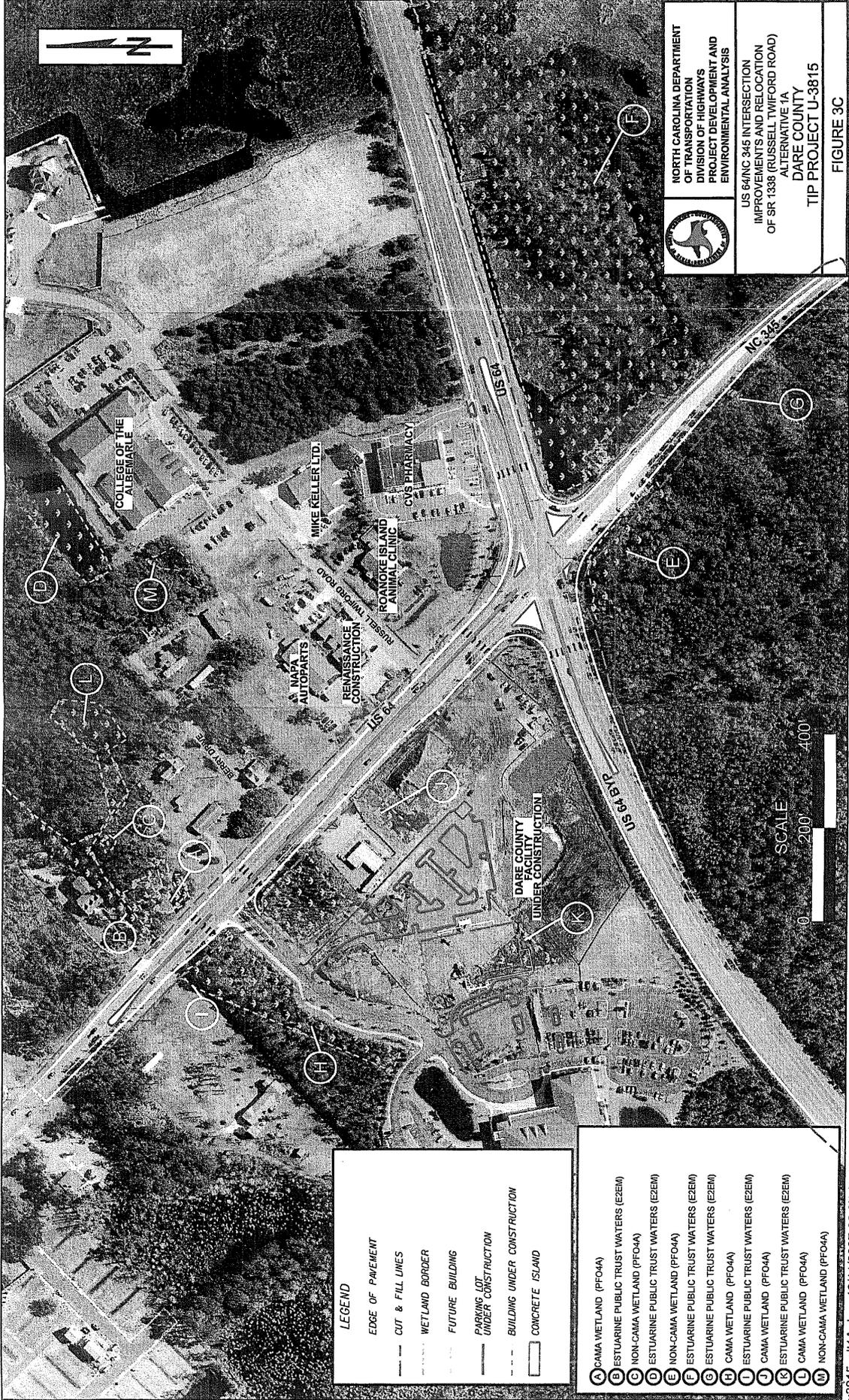


NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

VICINITY MAP
US 64 / NC 345
INTERSECTION IMPROVEMENT
AND REALIGNMENT OF SR 1338
(RUSSELL TWIFORD ROAD)
 DARE COUNTY
 TIP PROJECT U-3815

County:	DARE
Div: 1	TIP# U-3815
WBS:	34978.1.1
Date:	MAY 2007

Figure
1




 NORTH CAROLINA DEPARTMENT
 OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND
 ENVIRONMENTAL ANALYSIS

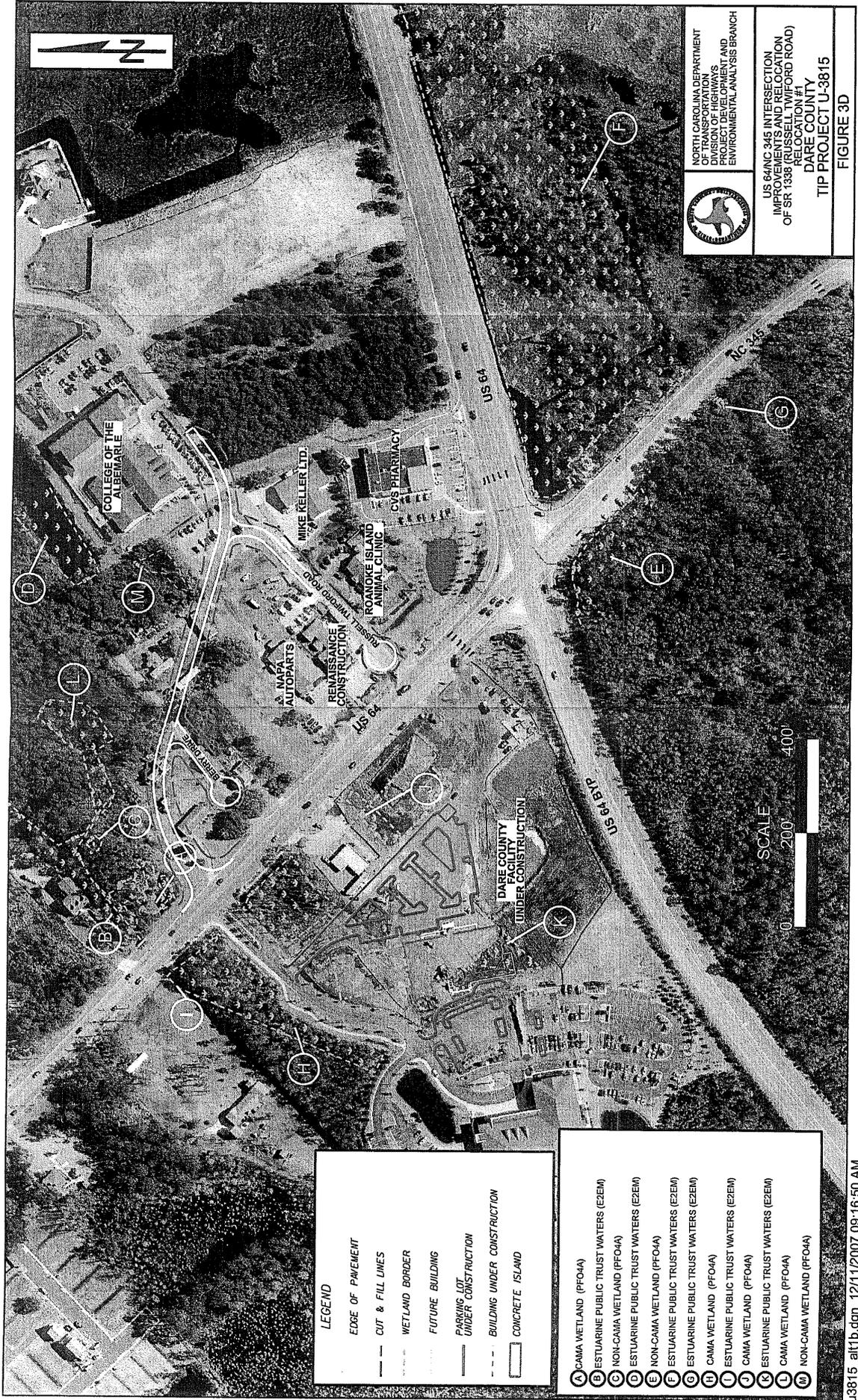
US 64/NC 345 INTERSECTION
 IMPROVEMENTS AND RELOCATION
 OF SR 1388 (RUSSELL TWIFORD ROAD)
 ALTERNATIVE 1A

DARE COUNTY
 TIP PROJECT U-3815
 FIGURE 3C

LEGEND

—	EDGE OF PAVEMENT
---	CUT & FILL LINES
- - -	WETLAND BORDER
▭	FUTURE BUILDING
▭	PARKING LOT UNDER CONSTRUCTION
▭	BUILDING UNDER CONSTRUCTION
▭	CONCRETE ISLAND

- A CAMA WETLAND (PF04A)
- B ESTUARINE PUBLIC TRUST WATERS (E2EM)
- C NON-CAMA WETLAND (PF04A)
- D ESTUARINE PUBLIC TRUST WATERS (E2EM)
- E NON-CAMA WETLAND (PF04A)
- F ESTUARINE PUBLIC TRUST WATERS (E2EM)
- G ESTUARINE PUBLIC TRUST WATERS (E2EM)
- H CAMA WETLAND (PF04A)
- I ESTUARINE PUBLIC TRUST WATERS (E2EM)
- J CAMA WETLAND (PF04A)
- K ESTUARINE PUBLIC TRUST WATERS (E2EM)
- L CAMA WETLAND (PF04A)
- M NON-CAMA WETLAND (PF04A)




 NORTH CAROLINA DEPARTMENT
 OF TRANSPORTATION
 PROJECT DEVELOPMENT AND
 ENVIRONMENTAL ANALYSIS BRANCH

US 64/NC 345 INTERSECTION
 IMPROVEMENTS AND RELOCATION
 OF SR 1338 (RUSSELL WILFORD ROAD)
 DARE COUNTY
 TIP PROJECT U-3815

FIGURE 3D

LEGEND

EDGE OF PAVEMENT

CUT & FILL LINES

WETLAND BORDER

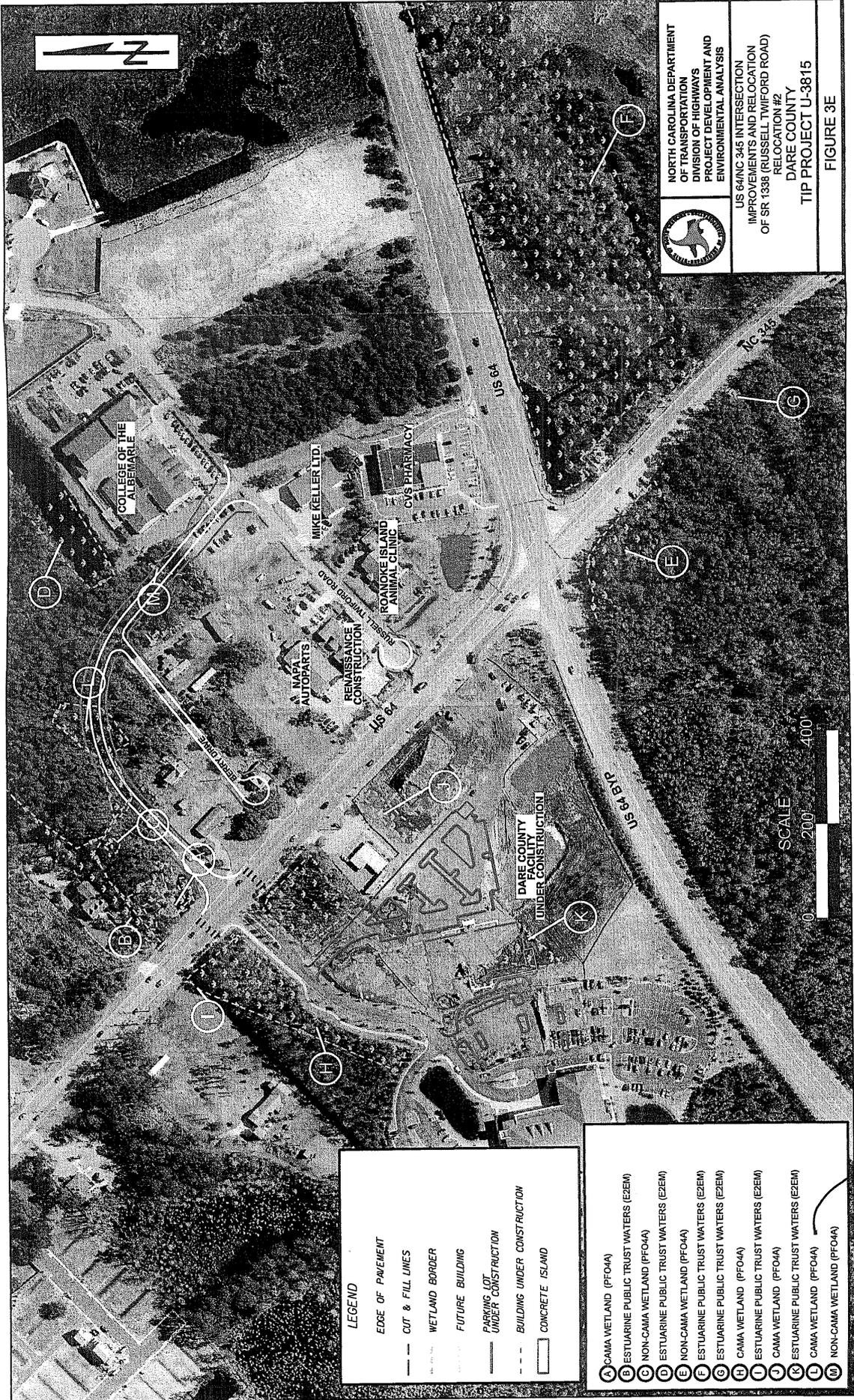
FUTURE BUILDING

PARKING LOT UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

CONCRETE ISLAND

(A) CAMA WETLAND (PFO4A)
 (B) ESTUARINE PUBLIC TRUST WATERS (E2EM)
 (C) NON-CAMA WETLAND (PFO4A)
 (D) ESTUARINE PUBLIC TRUST WATERS (E2EM)
 (E) NON-CAMA WETLAND (PFO4A)
 (F) ESTUARINE PUBLIC TRUST WATERS (E2EM)
 (G) ESTUARINE PUBLIC TRUST WATERS (E2EM)
 (H) CAMA WETLAND (PFO4A)
 (I) ESTUARINE PUBLIC TRUST WATERS (E2EM)
 (J) CAMA WETLAND (PFO4A)
 (K) ESTUARINE PUBLIC TRUST WATERS (E2EM)
 (L) CAMA WETLAND (PFO4A)
 (M) NON-CAMA WETLAND (PFO4A)




 NORTH CAROLINA DEPARTMENT
 OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND
 ENVIRONMENTAL ANALYSIS

US 64/NC 345 INTERSECTION
 IMPROVEMENTS AND RELOCATION
 OF SR 1338 (RUSSELL TWIFORD ROAD)
 RELOCATION #2
 DARE COUNTY
 TIP PROJECT U-3815

FIGURE 3E

LEGEND

	EDGE OF PAVEMENT
	CUT & FILL LINES
	WETLAND BORDER
	FUTURE BUILDING
	PARKING LOT UNDER CONSTRUCTION
	BUILDING UNDER CONSTRUCTION
	CONCRETE ISLAND

A	CAMA WETLAND (PFO4A)
B	ESTUARINE PUBLIC TRUST WATERS (E2EM)
C	NON-CAMA WETLAND (PFO4A)
D	ESTUARINE PUBLIC TRUST WATERS (E2EM)
E	NON-CAMA WETLAND (PFO4A)
F	ESTUARINE PUBLIC TRUST WATERS (E2EM)
G	ESTUARINE PUBLIC TRUST WATERS (E2EM)
H	CAMA WETLAND (PFO4A)
I	ESTUARINE PUBLIC TRUST WATERS (E2EM)
J	CAMA WETLAND (PFO4A)
K	ESTUARINE PUBLIC TRUST WATERS (E2EM)
L	CAMA WETLAND (PFO4A)
M	NON-CAMA WETLAND (PFO4A)