

**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: August 13, 2008
Comment Deadline: September 12, 2008
Corps Action ID #: 200110454, TIP Project No. U-3419

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 OF THE UNITED STATES TO CONSTRUCT the proposed extension of NC 94 from NC 32 to US 17 Bypass, Chowan County. Federal Aid Project STP-1114(2), WBS No. 34949.1.1, T.I.P. No. U-3419

Specific information regarding the project is provided below. Alternative location information is shown on the attached diagram. 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 construction of TIP # U-3419 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.

A copy of the Federal Highway Administration Environmental Assessment (EA) and complete application package may be reviewed at the North Carolina Department of Transportation offices, Project Development and Environmental Analysis Branch, Transportation Building, 1 South Wilmington Street, Raleigh, North Carolina or at the Washington Regulatory Field Office, 107 Union Drive, Suite 202, Washington, NC 27889.

Location

The project study area is situated in NCDWQ Sub-basin 03-01-04, and in Hydrologic Unit Code (HUC) 03010205 of the Chowan River drainage basin. Queen Anne Creek, three unnamed tributaries (UTs) of Queen Anne Creek, and a pond represent the surface waters in the project study area. The proposed project is located near Edenton, Chowan County, North Carolina.

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 in May of 2008. The project is included in the approved 2006-2012 Transportation Improvement Program.

Applicant's Stated Purpose

The applicants' purpose of the project is to reduce truck traffic along existing NC 32 within downtown Edenton.

Project Description

The NCDOT, in consultation with the FHWA, proposes the construction of a two-lane road on new location from NC 94/NC 32 to US 17 Bypass in Edenton, Chowan County, North Carolina. The proposed two-lane facility will have 12-foot lanes with 8-foot shoulders (2-foot paved). The total length of the project is approximately 3.0 miles, depending on the alternative chosen. The design speed for the proposed project is 60 mph. The new facility will have limited control of access.

Alternatives

There are currently three build alternatives being considered for this project. All three alternatives begin at the intersection of NC 32, NC 94 (Soundside Road), and SR 1103 (Hobbs Lane) east of downtown Edenton. The alternatives utilize the existing SR 1103 (Hobbs Lane) alignment before turning north and crossing an unnamed tributary of Queen Anne Creek. The alternatives incorporate a service road near the beginning of the project in order to maintain access to fields that are currently accessed via Hobbs Lane. Construction for this service road

ends before the unnamed tributary of Queen Anne Creek. The current intersection of SR 1102 (Yeopim Road) and NC 32 will be moved east of the existing intersection. The alternative locations are shown on the attached Figure 1.

Paradise Road #2: From the south terminal, this alternative turns northwest, crosses an agricultural field then crosses another tributary of Queen Anne Creek. This alternative continues in a northwesterly direction across another agricultural field, then crosses Queen Anne Creek before reaching the intersection of Old Hertford Road. The alternative proposes an at-grade crossing at Old Hertford Road. The alternative proceeds across more agricultural fields, includes an at-grade crossing at US 17 Business (N. Broad Street), a grade separation of the Chesapeake and Albemarle Railroad, and a new half diamond/cloverleaf interchange with US 17 Bypass. The existing Paradise Road Bridge over US 17 Bypass will remain in place to provide access to the properties along Paradise Road, but the ramps will be removed.

Peanut Drive #1: From the south terminal, this alternative turns northwest, crosses an agricultural field then crosses another tributary of Queen Anne Creek. This alternative proceeds north along the edge of the large wooded tract before turning west and crossing Queen Anne Creek (to the north of the Paradise Road proposed location). This alternative then crosses US 17 Business (N. Broad Street) and follows the existing Peanut Drive. A grade-separation over the Railroad and a new half-diamond/cloverleaf interchange with US 17 Bypass and proposed. The existing Paradise Road Bridge over US 17 Bypass will remain in place to provide access to the properties along Paradise Road, but the ramps will be removed. Old Hertford Road will not have direct access to the new road, but will be redirected to align with US 17 Business.

Soundside Road Western: From the south terminal, this alternative crosses an agricultural field then crosses another tributary of Queen Anne Creek. The alignment then continues north along the edge of the large wooded tract and crosses Butternut Lane before ending just south of the existing interchange of US 17 Business and US 17 Bypass. The existing interchange will remain in place with no improvements. In addition, a realignment of US 17 Business near the interchange with US 17 is required to meet current design standards.

Cost Estimates and Schedule

This project is included in the approved 2009-2015 State Transportation Improvement Program (STIP). The total cost in the STIP is \$29,670,000, which includes \$6,400,000 for right of way, \$640,000 for utilities, \$630,000 for mitigation and \$22,000,000 for construction. The current estimated construction cost ranges from \$5,588,750 to \$22,786,250 and estimated construction cost ranges from \$14,399,000 to \$38,549,000 depending on the alternative selected. Right of way acquisition is scheduled to begin in Federal Fiscal Year (FFY) 2010 with construction to begin in FFY 2012.

Impacts to jurisdiction waters and wetlands

Wetland and stream impacts were calculated based on the current alternatives. Wetland impacts are calculated from slope stake to slope stake plus an additional 25 feet outside of each limit as determined from the current functional design plans for each alternative studied. They are rounded to the nearest 0.1 acre for wetlands and to the nearest 10 feet for streams. Bridges are recommended at several locations and impacts reflect these recommendations. **Table 1** details the wetland sites that are impacted by the proposed project.

Table 1: Wetland and Stream Impacts

Alt.	Wetland Type #	Wetland/ Stream ID	Wetland Area Impacted (acres)	Length of Stream Impacted (ft)	NC DWQ Rating	USACE Stream Score
Paradise		UT1		0	30	68
	Sw-For	W1A	1.6		82	
	Sw-For	W1B	0.9		82	
	Sw-For	W1C	1.6		82	
		QA1		0	36	61
	Sw-For	W1D	1.9		82	
		UW2	0.1		-	
		UT3			370	22.5
Total			6.1 acres	370 feet		
Peanut		UT1		0	30	68
	Sw-For	W1B	0.9		82	
	Sw-For	W1A	2.1		82	
	Sw-For	W1C	1.3		82	
	Sw-For	UW1A	0.1		82	
		SB		120	-	-
		QA2		0	36	61
	Sw-For	W1E	0.8		82	
		UW4	0.8		-	
Total			6 acres	120 feet		
Soundside		UT1		0	30	68
	Sw-For	W1A	1.9		82	
	Sw-For	W1B	0.9		82	
	Sw-For	W1C	1.1		82	
	Bot-HF	W2	3.2		54	
		UW5A	0.1		-	
		UW5B	0.1		-	
Total			7.3 acres	0 feet		

Notes: Sw-For = Swamp forest; Bot-HF = Bottomland hardwood forest Wet-FI = Wet flat

Existing Conditions

Chowan County is situated in the northeastern portion of the Coastal Plain physiographic province of North Carolina. The geography of the county consists predominantly of broad, gently sloping uplands and broad, level floodplains along most streams. The elevations in the project study area range from approximately 4 feet above Mean Sea Level (MSL) near the drainage ways, to approximately 6 feet MSL along ridgelines, as depicted on the Edenton, North Carolina, USGS topographic quadrangle map. Soils located along the floodplain of Queen Anne Creek and its associated tributaries consist of Chowan silt loam. On the adjacent stream terraces, soils are comprised of Altavista fine sandy loam, Dogue fine sandy loam, Augusta fine sandy loam, Dragston loamy fine sand, Conetoe loamy sand, and State loamy fine sand. Other poorly drained soils in the project study area are located on upland flats and consist of Roanoke silt loam, Tomotley loam, and Portsmouth loam. The project study area is composed of five different vegetative communities: cypress-gum swamp (blackwater subtype); mesic mixed hardwood forest (Coastal Plain subtype); non-riverine wet hardwood forest; agricultural-maintained-disturbed area; and pine plantation.

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. 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

There are no historic structures eligible for the National Register located within the Area of Potential Effects (APE). The Edenton Historic District is outside the APE. (See Appendix C of the EA for the Concurrence Form). No archeological surveys have been completed so far. The applicant has stated that survey will be completed once the recommended alternative is selected. No Section 4(f) protected properties will be impacted by this project.

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

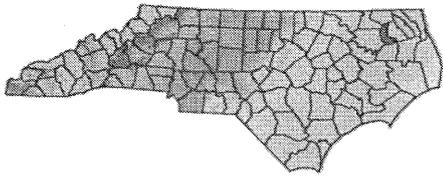
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 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, September 12, 2008. Comments should be submitted to Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Regulatory Field Office, Post Office Box 1000, Wilmington 27889-1000.



Legend

-  Soundside Corridor
-  Paradise Corridor
-  Peanut Corridor

SR 1319
PARADISE RD

PERQUIMANS COUNTY
CHOWAN COUNTY

END PROJECT

END PROJECT

← Soundside

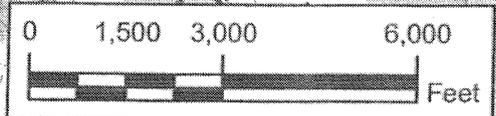
← Peanut

← Paradise

EDENTON

EDENTON BAY

BEGIN PROJECT



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

VICINITY MAP
NC 94 EXTENSION
FROM
NC 32 TO US 17 BYPASS
CHOWAN COUNTY
TIP PROJECT U-3419

County:	CHOWAN
Div:	1
TIP#	U-3419
WBS:	34939.1.1
Date:	MAY 2008

Figure
1