



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 01 February 2013  
Comment Deadline: 04 March 2013  
Corps Action ID #: SAW-2012-00705

The Wilmington District, Corps of Engineers (Corps) has received an application from Stallings Oil Company seeking Department of the Army authorization for 0.551 acres of permanent impacts to riparian wetlands associated with the infrastructure, and lot fill for a commercial development located on the east side of NC Hwy 58, south of US Hwy 64, Nashville, Nash 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:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

**Applicant:** Stallings Oil Company  
Boyd Tolman  
300 S. Wesleyan Boulevard  
Rocky Mount, NC 27805

**Agent:** Soil and Environmental Consultants  
Nicole J. Thomson  
11010 Raven Ridge Road  
Raleigh, NC 27614

## Authority

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

## Location

The project site is located on the east side of NC Hwy 58, south of its intersection with US Hwy 64 Bypass, Nashville, Nash County, NC.

## **Existing Site Conditions**

The 52 acre site indicated for the proposed commercial development is currently comprised of an undeveloped farm field and wooded land. The site's eastern and southern border is Stony Creek. The site is comprised of approximately 16 acres of Bottomland Hardwood Forest wetlands, an existing 0.8 acre pond, and one Unnamed Tributary to Stony Creek. Stony Creek is a tributary to the Tar River within the Tar-Pamlico River Basin Cataloging Unit No. 03020101. The wetlands are typically dominated by yellow poplar, red maple, loblolly pine, red bay, tag alder, giant cane, lizard's tail, and green briar.

Three previous authorizations for wetland impacts were issued in 1999 and 2000. These authorizations include SAW-2000-20306, a Nationwide Permit 14 for 0.15 acre of wetland impacts associated with a road crossing, and SAW-2000-21223, a Nationwide Permit 18 for 0.06 acres of wetland impacts associated with lot fill. Impacts associated with SAW- 1999-21210 are estimated to be less than 0.1 acre.

## **Applicant's Stated Purpose**

The purpose of the project is to construct the infrastructure, a stormwater management device and lot fill that will support the proposed commercial development.

## **Project Description**

The project would involve constructing one road crossing and lot fill. There is an existing permitted crossing which enters the property from a more southern access point. The applicant is proposing an access road which lines up with the existing Evans Drive / NC Hwy 58 intersection. Proposed impacts associated with the road crossing total 0.5172 acres of riparian wetland. Lot fill is proposed in order to raise two lots out of the 100 year floodplain. Proposed impacts associated with lot fill total 0.0338 acres of impacts to riparian wetland.

## **Mitigation Discussion**

The applicant has proposed to mitigate for impacts to 0.551 acres of wetlands by onsite preservation of the remaining 14.53 acres of wetlands, and approximately 2800 linear feet of stream including an additional 100ft buffer on each side of Stony Creek. The applicant proposes to preserve these areas through Declaration of Protective Covenants.

## **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 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, 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. Karen Higgins, by February 21, 2013.

### **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 has determined pursuant to the Endangered Species Act of 1973 (ESA), that the proposed Project may affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps have determined that the Dwarf Wedgemussel (*Alasmidonta heterodon*) could be in Stony Creek. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

## **Evaluation**

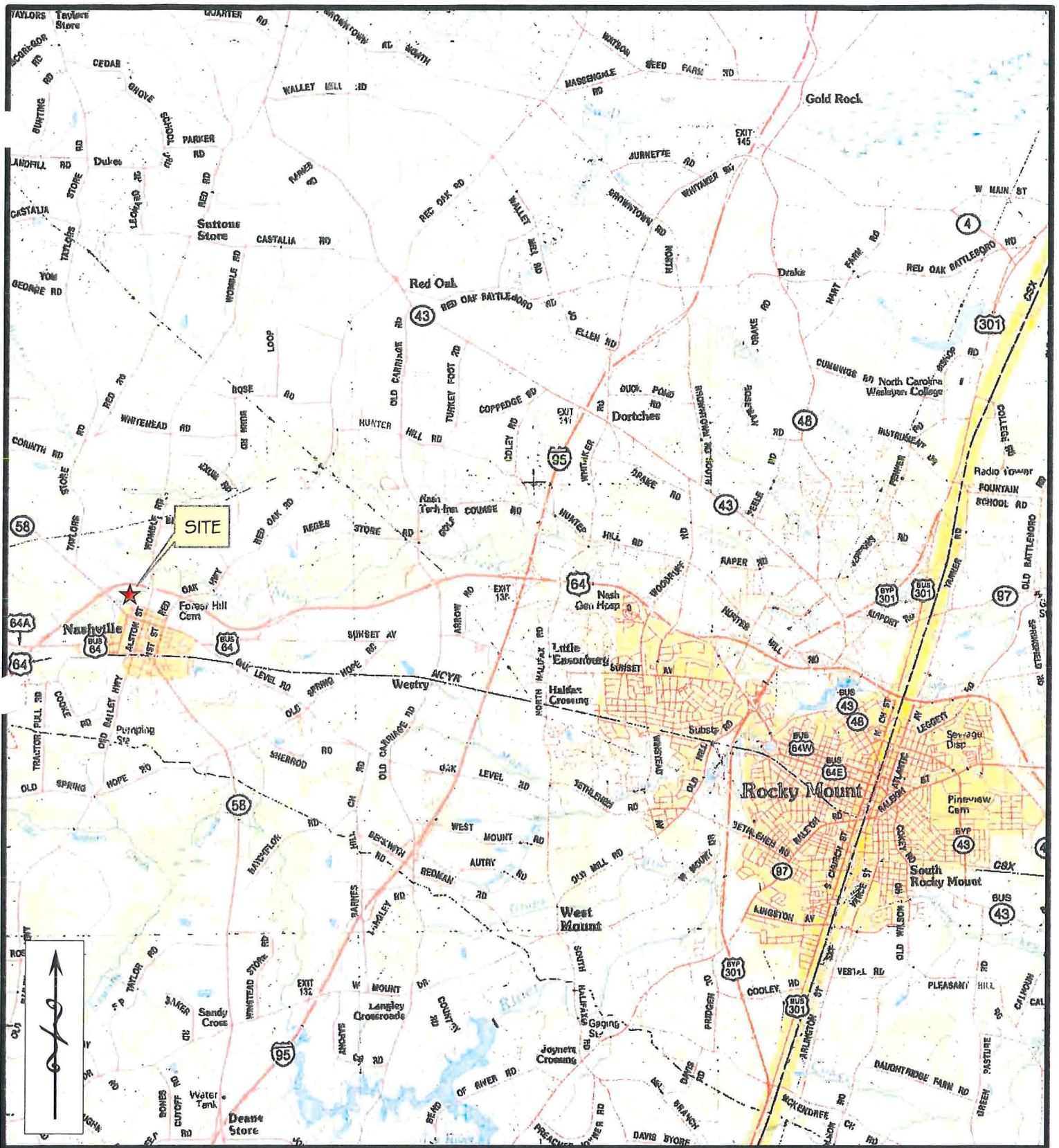
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, March 4, 2013. Comments should be submitted to Mr. Thomas Brown, US Army Corps of Engineers, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587, telephone 919-554-4884, Ext. 22.



Project No.  
11610.PI

Project Mgr.:  
T

Scale:  
1" = 2 miles

1/17/13

VICINITY MAP - REGIONAL  
STALLINGS OIL  
COMMERCIAL SITE  
NASHVILLE, NASH CO., NC

2003 NC Atlas & Gazetteer  
Page 42



Soil & Environmental Consultants, PA  
11010 Raven Ridge Rd. • Raleigh, NC 27614  
(919) 846-5900 • (919) 846-9467  
Web Page: [www.SandEC.com](http://www.SandEC.com)



**NOTES**

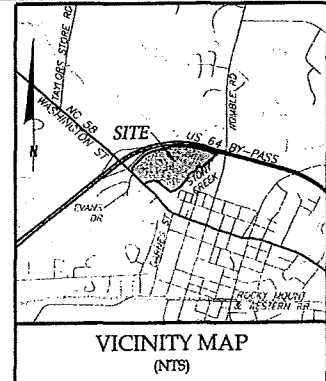
- Property Information**  
 Tax Map Parcel ID Number: 3163-1831-1494 & 3161-1432-6999  
 Physical Address: 508 W. Washington St.  
 Nashville, NC 27804  
 Zoning: B1  
 Easement: Vacant  
 Proposed Land Use: Commercial Subdivision  
 Minimum Setback Requirements:  
 Front: 25'  
 Side: 10'  
 Rear: 10'  
 Min. Lot Width: N/A  
 Min. Lot Frontage: N/A  
 Min. Lot Area: 5,000 SF  
 Total Number of Lots: 9  
 Area of Disturbance: 6.01 AC
- Legal Reference:** Being a portion of that property described in Deed Book 1692 Page 819 and Deed Book 2288 Page 694, Nashville Township, Nash County Registry.
- This map does not depict encumbrances that are found during a thorough & complete Title Search.
- Area computed by coordinate method. All distances are Chord distances, unless noted otherwise.
- All Right-of-Ways are Privately maintained, unless noted otherwise.
- The property shown herein **DOES** contain Special Flood Hazard Areas (SFHA) subject to inundation by the 1% Annual Chance Flood (A. 100-Yr. Event) per FEMA FIRM Map Panel No. 37201R0101, effective date 11/03/04 (NAVD 1988).
- Surveyor did not visually see any encumbrances in any open areas unless noted otherwise.
- Topographic data and existing improvements shown on the proposed subdivided parcel is per an actual field survey performed by Joyner Keeny, PLLC in July 2011. Horizontal Datum is NAD 83 NC State Plane Coordinates. Vertical Datum is NAVD 88.
- Joyner Keeny, PLLC, can only locate utilities that are above ground at the time of field survey. Underground lines shown herein are approximate or as reported by various responsible parties. Location of Underground Utilities are APPROXIMATE and must be field verified. Surveyor does NOT guarantee that any underground structures such as utilities, tanks and pipes are located herein.
- The contractor is responsible for calling the NC One Call Center at 811 to locate existing utilities prior to beginning work.
- The Contractor/Owner shall be responsible for verifying all minimum building setback requirements with the Building Inspection Department prior to construction.
- Copies of all permits and approved plans must be kept on-site in a permit box that is conspicuously located and easily accessible during construction. This includes approved construction plans, encroachment agreements and driveway permits.
- Developer/Owner is responsible for all costs related to the relocation of any existing utilities.
- For underground utilities, the Developer/Owner is responsible for all costs of boring, conduit, pavement patching & landscaping replacement.

**OWNER:**  
**STALLINGS OIL COMPANY**

300 S. Wesleyan Boulevard  
 Rocky Mount, NC 27804

**LEGEND**

- Lines Surveyed
- Lines Not Surveyed
- Existing Force Main
- Existing Gravity Sewer
- Existing Overhead Electric
- Existing Fence
- Existing Water Line
- Existing Underground
- Telephone Line
- Woods Line
- Concrete Monument Found
- Iron Pipe Found
- Iron Pipe Set
- 1/2" Iron Set or Found
- Driveway & Utility
- Deed Book
- Map Hook
- Pin Cabinet
- Flag Number
- Right-of-Way
- Rail Road
- Water Valve
- Water Meter
- Fire Hydrant
- Sanitary Sewer Manhole
- Power Pole
- Power Pole with guy anchor
- Existing
- Proposed
- Permitted
- Typical
- Approximate

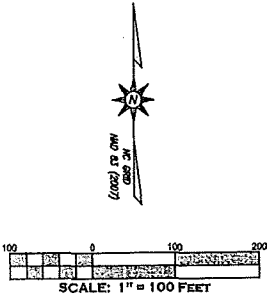
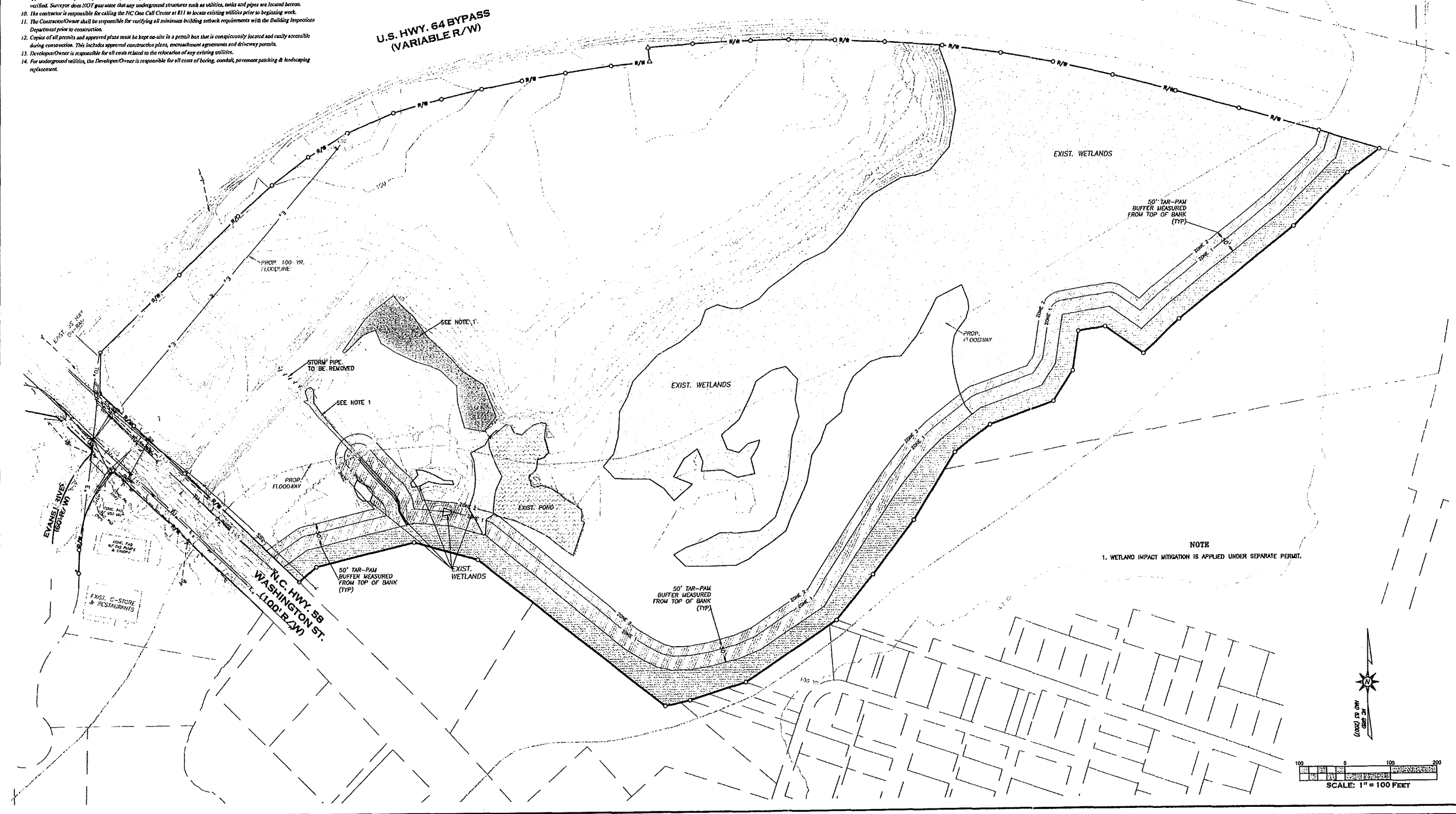


**STALLINGS OIL COMPANY - NASHVILLE SITE**  
**NASH CROSSING SUBDIVISION**  
**EXISTING CONDITIONS**

DATE	12/18/12
SCALE	1"=100'
DRAWN BY	JMK
JOB NUMBER	110012A
DRAWING FILE	110012A SH02 Exist Cond.dwg
LAYOUT TAB	Exist

#	DATE	DESCRIPTION

**JOYNER KEENY, PLLC**  
 LAND PLANNING & SURVEYING  
 1051 N. Westwood Avenue - P.O. Box 7533  
 Rocky Mount, North Carolina 27804  
 North Carolina Firm No. P-0531  
 V: 252.877.3124  
 F: 252.883.6226



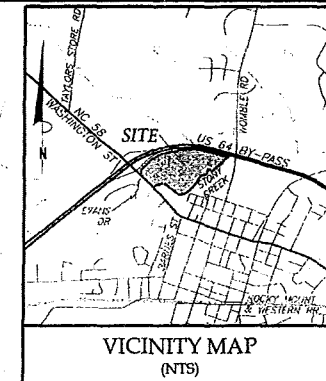
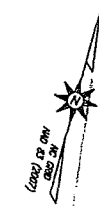
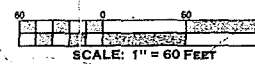








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**STALLINGS OIL COMPANY**  
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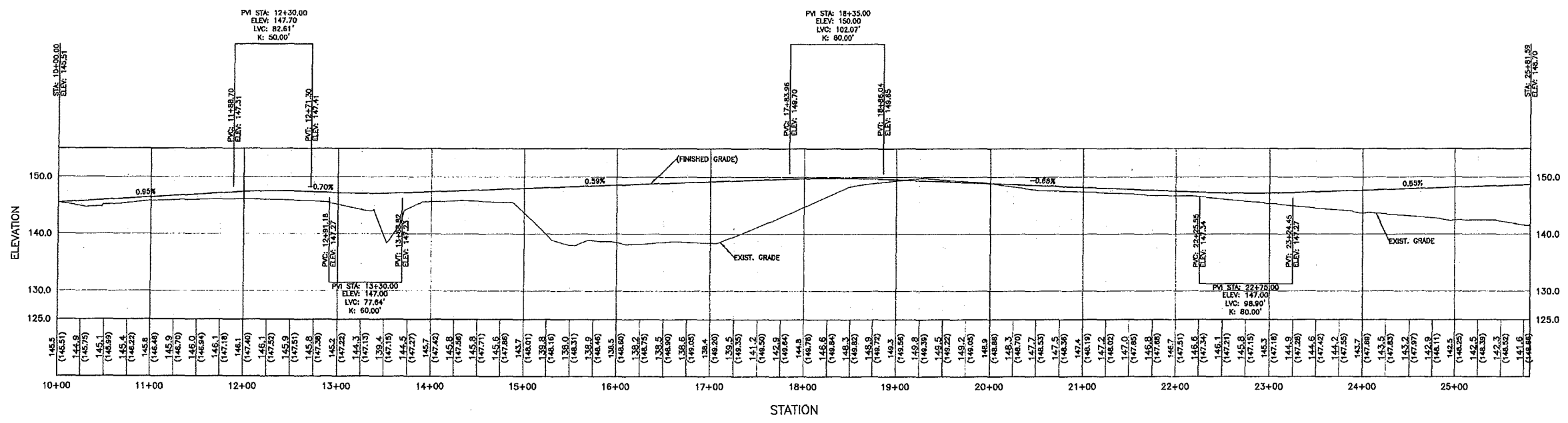
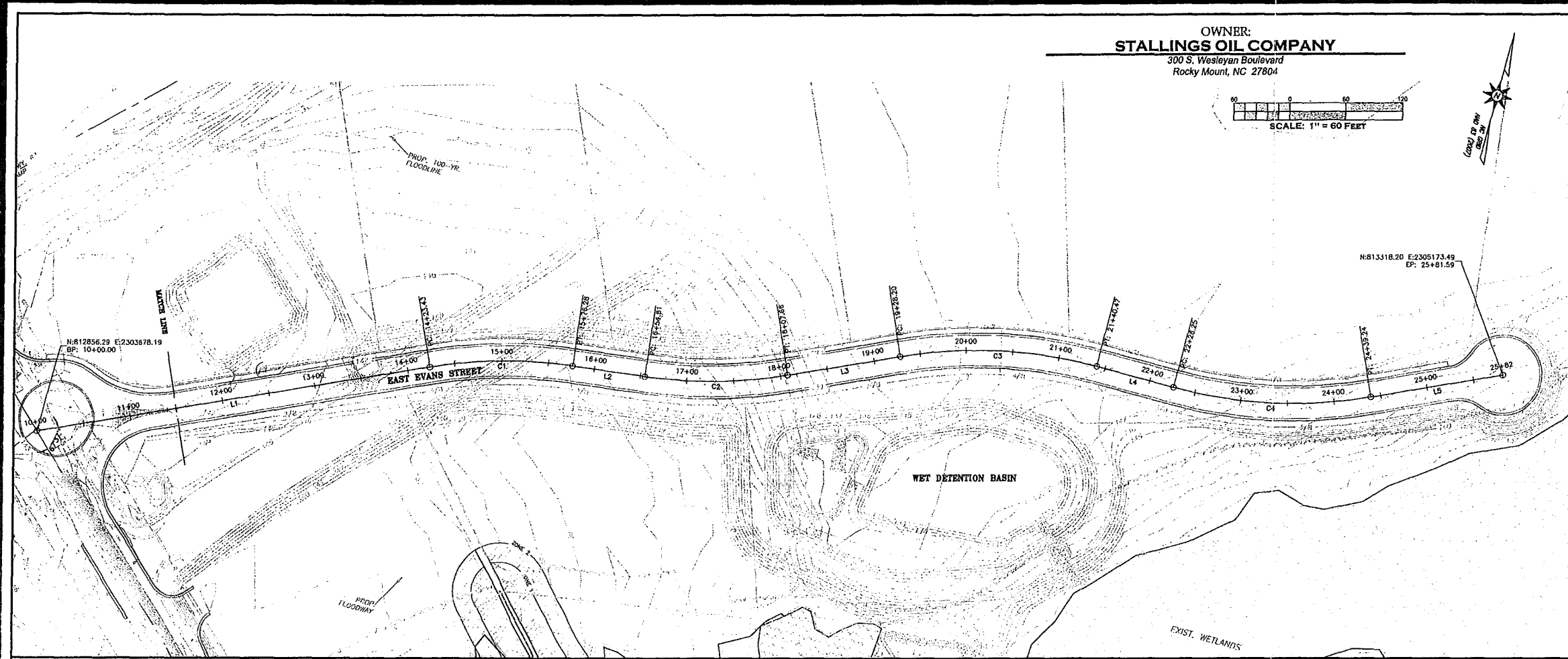


LEGEND  
 --- EXIST. CONTOUR  
 --- NEW CONTOUR

Subdivision Road			
Number	Length(ft)	Radius(ft)	Line/Chord Direction
L1	423.43		N65°43'00"E
C1	152.85	500.00	N74°28'28"E
L2	78.63		N83°13'57"E
C2	152.85	500.00	N74°28'28"E
L3	120.64		N65°43'00"E
C3	212.27	500.00	N77°52'43"E
L4	85.78		S89°57'33"E
C4	212.99	500.00	N77°50'15"E
L5	142.35		N85°38'04"E

STALLINGS OIL COMPANY - NASHVILLE SITE  
 NASH CROSSING SUBDIVISION  
**ROAD PLAN  
 AND PROFILE**

DATE  
 12/19/12  
 SCALE  
 1"=60'  
 DRAWN BY  
 JMK  
 JOB NUMBER  
 110012A  
 DRAWING FILE  
 110012A S107 Road Plan.dwg  
 LAYOUT TAB  
 Road Plan



#	DATE	DESCRIPTION	BY
1	12-19-12	REVISED	JMK

JOYNER KEENEY, PLLC  
 LAND PLANNING & SURVEYING  
 1051 N. Winston Avenue - P.O. Box 7553  
 Rocky Mount, North Carolina 27804  
 North Carolina Firm No. P-0551  
 N.C. Reg. No. 1124  
 F. 232-585-6228

