

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200221192

April 1, 2004

PUBLIC NOTICE

Mr. Jay Weavil, 4683 High Point Road, Kernersville, North Carolina, 27284, has applied for a Department of the Army (DA) after-the-fact permit TO PLACE FILL MATERIAL INTO 173 LINEAR FEET OF STREAM CHANNEL AND TO FLOOD 1,500 LINEAR FEET OF STREAM CHANNEL, ALONG UNNAMED TRIBUTARIES TO ABBOTTS CREEK, IN THE YADKIN RIVER BASIN, ASSOCIATED WITH THE CONSTRUCTION OF AN IRRIGATION AND RECREATION POND, IN KERNERSVILLE, FORSYTH COUNTY, NORTH CAROLINA.

This public notice is being issued after-the-fact. All impacts associated with the proposed pond have been completed, except for flooding the pond and the associated 1,500 linear feet of impact to streams. This public notice does not imply, on the part of the Corps of Engineers or other agencies, either a favorable or unfavorable opinion of the work performed. This notice is issued to solicit comments regarding the factors on which a final decision will be based. Further enforcement action, including possible legal action, has been suspended pending the outcome of this consideration.

The following description of the work is taken from data provided by the applicant and from observations made during site visits by representatives of the Corps of Engineers. Plans submitted with the application show the construction of a recreational and irrigation pond and the installation of three stream stabilization structures within tributaries to Abbots Creek. The project is located at 7653 Watkins Ford Road, west of NC Highway 6, and north of NC Highway 311, in Kernersville, Forsyth County, North Carolina.

The dam for the pond was constructed using earthen fill material excavated from areas adjacent to the dam. The dam measures 26 feet in height, 149 feet in width at the base, and 390 feet in length along the top. The pond has been designed with a grassed emergency overflow spillway. The primary spillway involves the proposed construction of a vertical riser pipe, which once installed would result in subsequent flooding of the proposed impoundment. Completion of the pond would result in the placement of fill material into 149 linear feet of stream channel for the dam, and the flooding of 1,500 linear feet of stream channel for the impoundment. The plans also show the proposed installation of three in-stream structures, measuring approximately 8 feet in length, designed to reduce bank erosion and stream incision in the northern tributary draining into the new pond, which will impact a total of 24 linear feet of channel. The total proposed impact associated with the project is 1,673 linear feet of stream channel. Plans showing the work are included with this public notice.

The applicant proposes mitigation for impacts to stream channels and wetlands associated with the project by preserving 1,540 linear feet of stream channel and adjacent riparian buffer on a property located approximately one mile south of the project site. The riparian buffer adjacent to this stream will vary from 90-240 linear feet in width, with an average width of 126 linear feet for a total of approximately 3.03 acres. The applicant has also proposed the preservation of approximately 2,200 linear feet of buffer, measuring 3.48 acres in size, around the edge of the pond, representing approximately 67% of the total shoreline for the pond. The width of the buffer around the shoreline of the pond will extend approximately 100 feet from the normal pool elevation. The proposed preservation areas are depicted on the attached plans.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. Based on the best available evidence, it has been determined that no sites within the vicinity of the project are registered or listed as being eligible for inclusion in the Register. Examination of the National Register of Historic Places constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of other such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors that may

be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers 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 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.

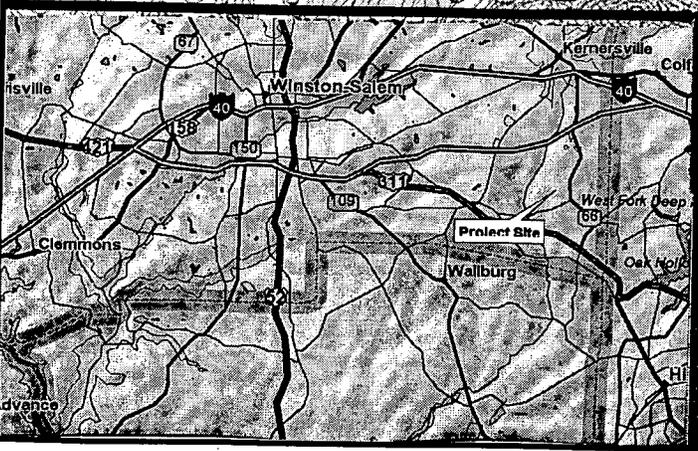
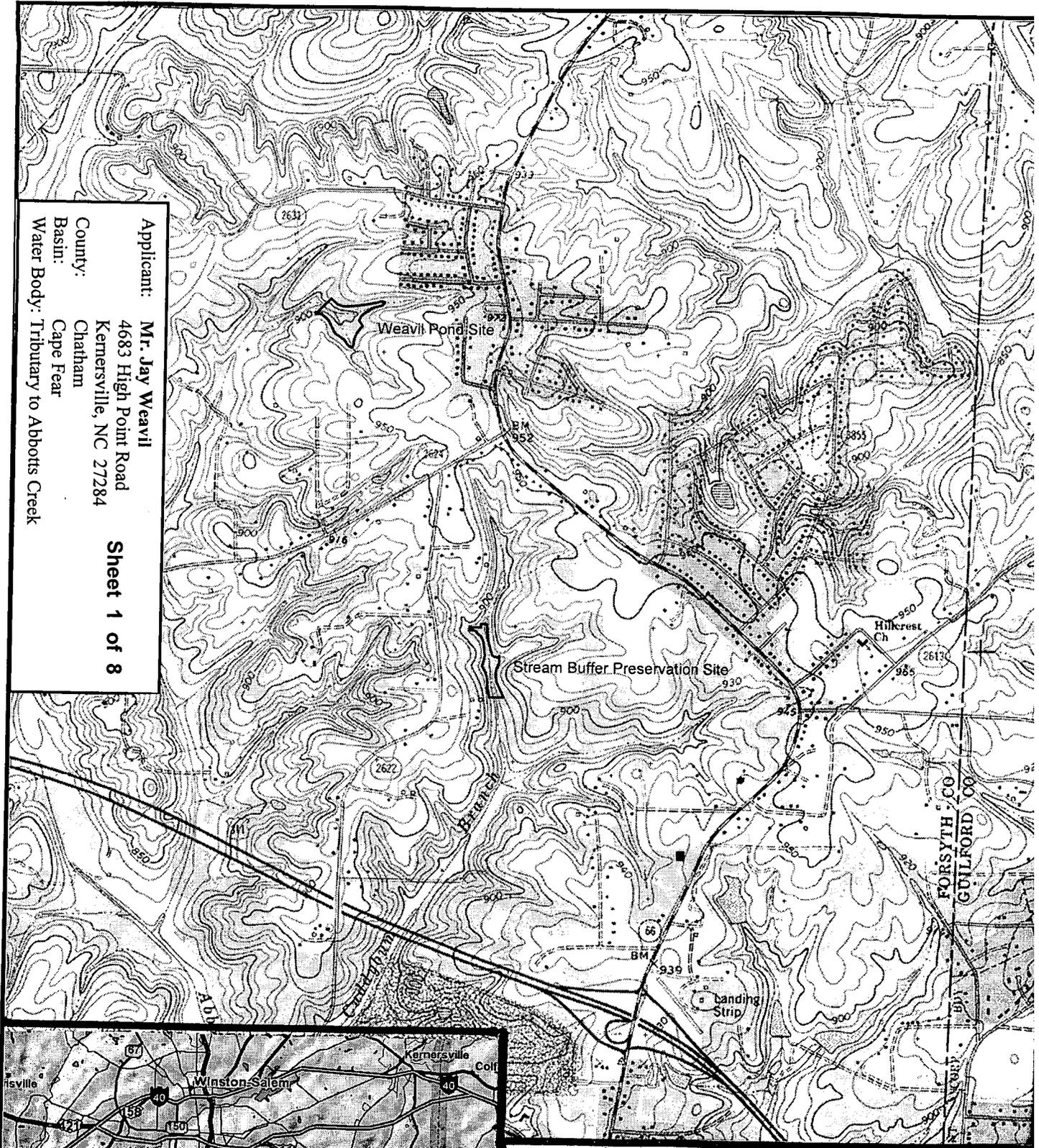
Generally, the decision whether to issue this Department of the Army (DA) permit modification will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before April 23, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Todd Tugwell, until 4:15 p.m., April 30, 2004, or telephone (919) 876-8441, extension 26.

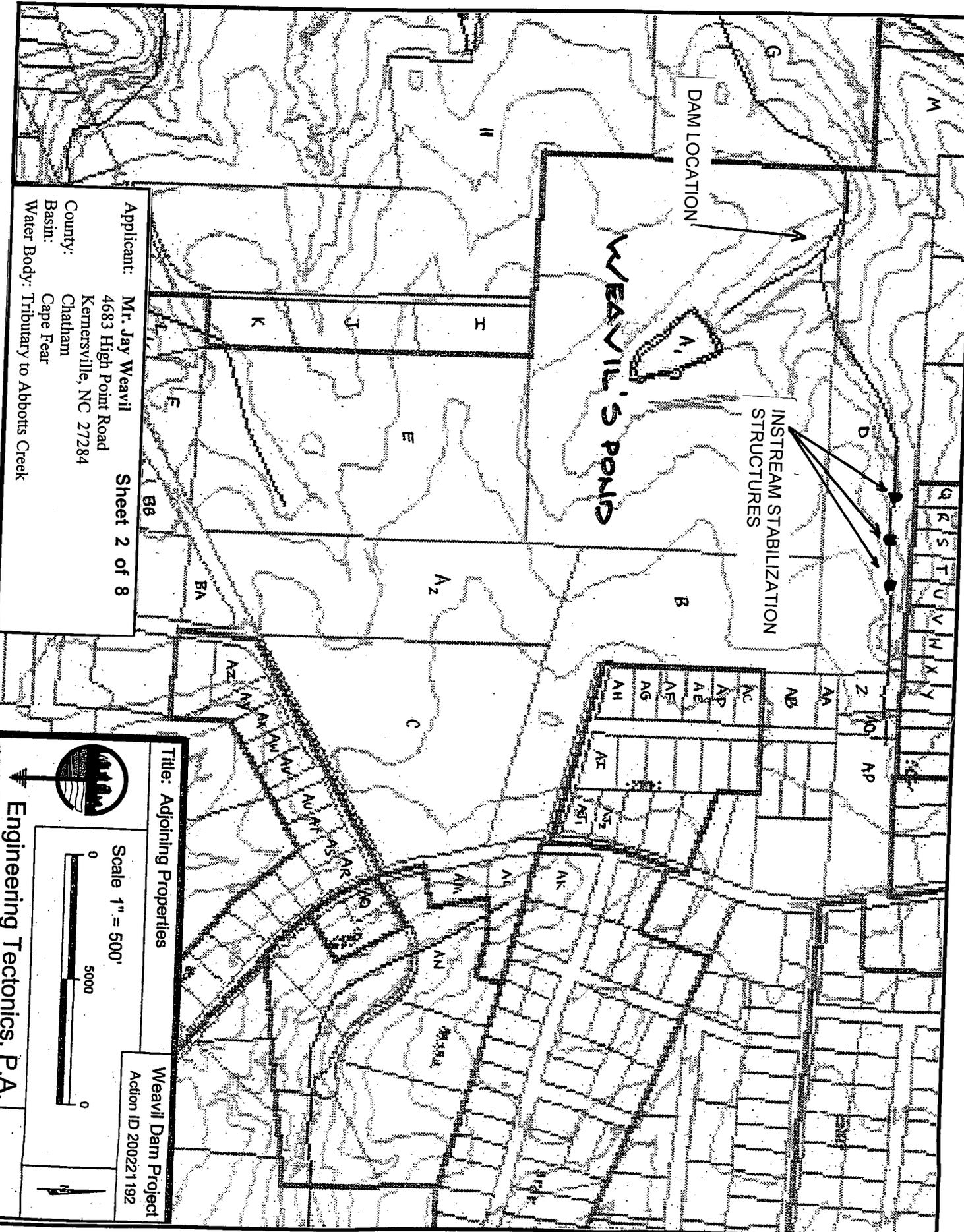
Applicant: Mr. Jay Weavil
 4683 High Point Road
 Kernersville, NC 27284
 Sheet 1 of 8
 County: Chatham
 Basin: Cape Fear
 Water Body: Tributary to Abbots Creek



Title: Project Vicinity Map
 Weavil Dam Project
 Action ID 200221192

Scale 1" = 2000'


 Engineering Tectonics, P.A.



Applicant: **Mr. Jay Weavil**
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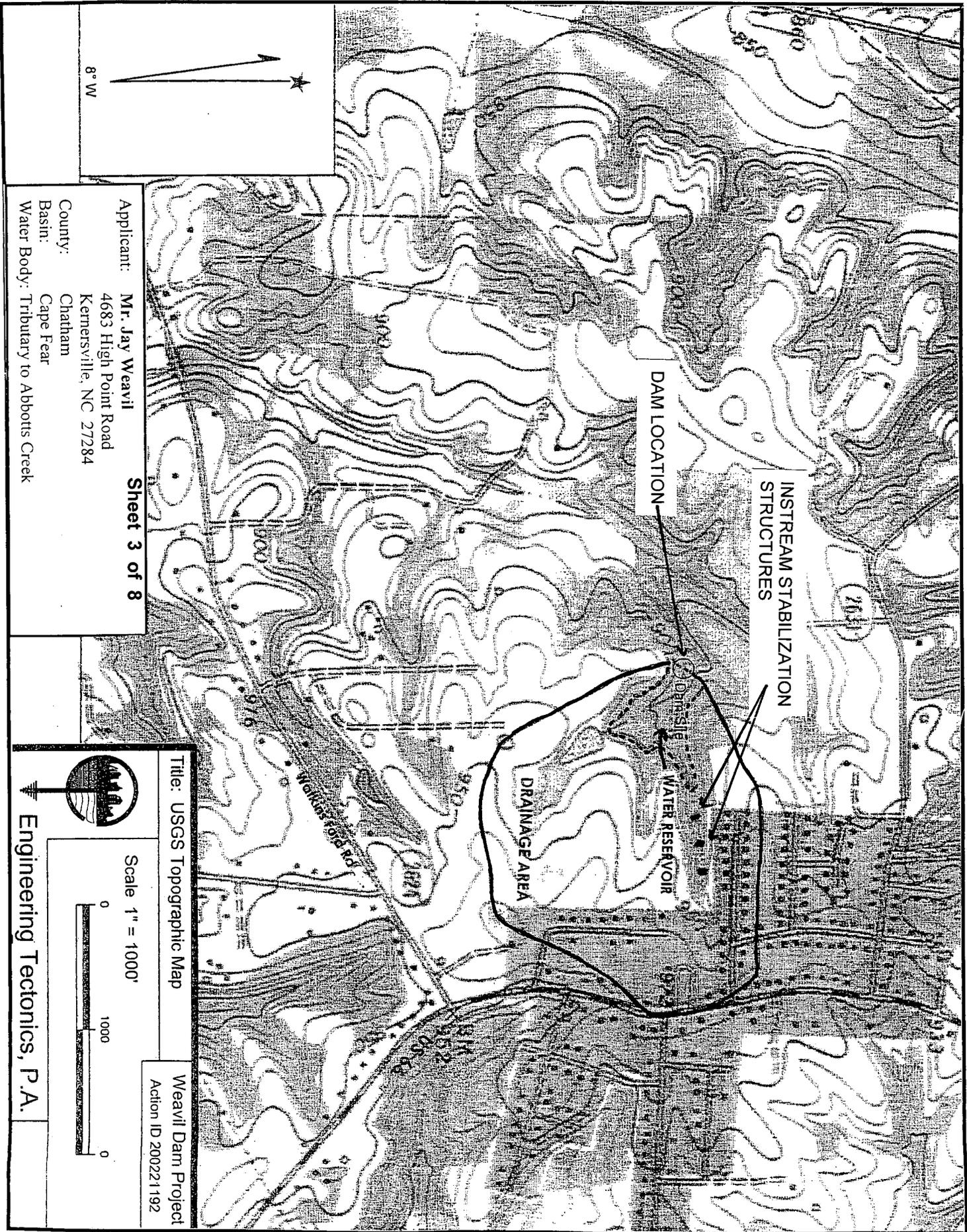
Title: Adjoining Properties

Weavil Dam Project
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Scale 1" = 500'



Engineering Tectorics, P.A.



INSTREAM STABILIZATION
STRUCTURES

DAM LOCATION

DRAINAGE AREA

WATER RESERVOIR

8° W

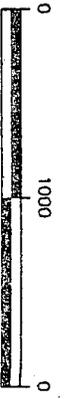
Applicant: **Mr. Jay Weavil**
4683 High Point Road
Kernersville, NC 27284

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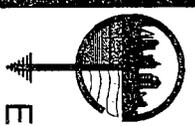
County: Chatham
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Title: USGS Topographic Map

Scale 1" = 1000'



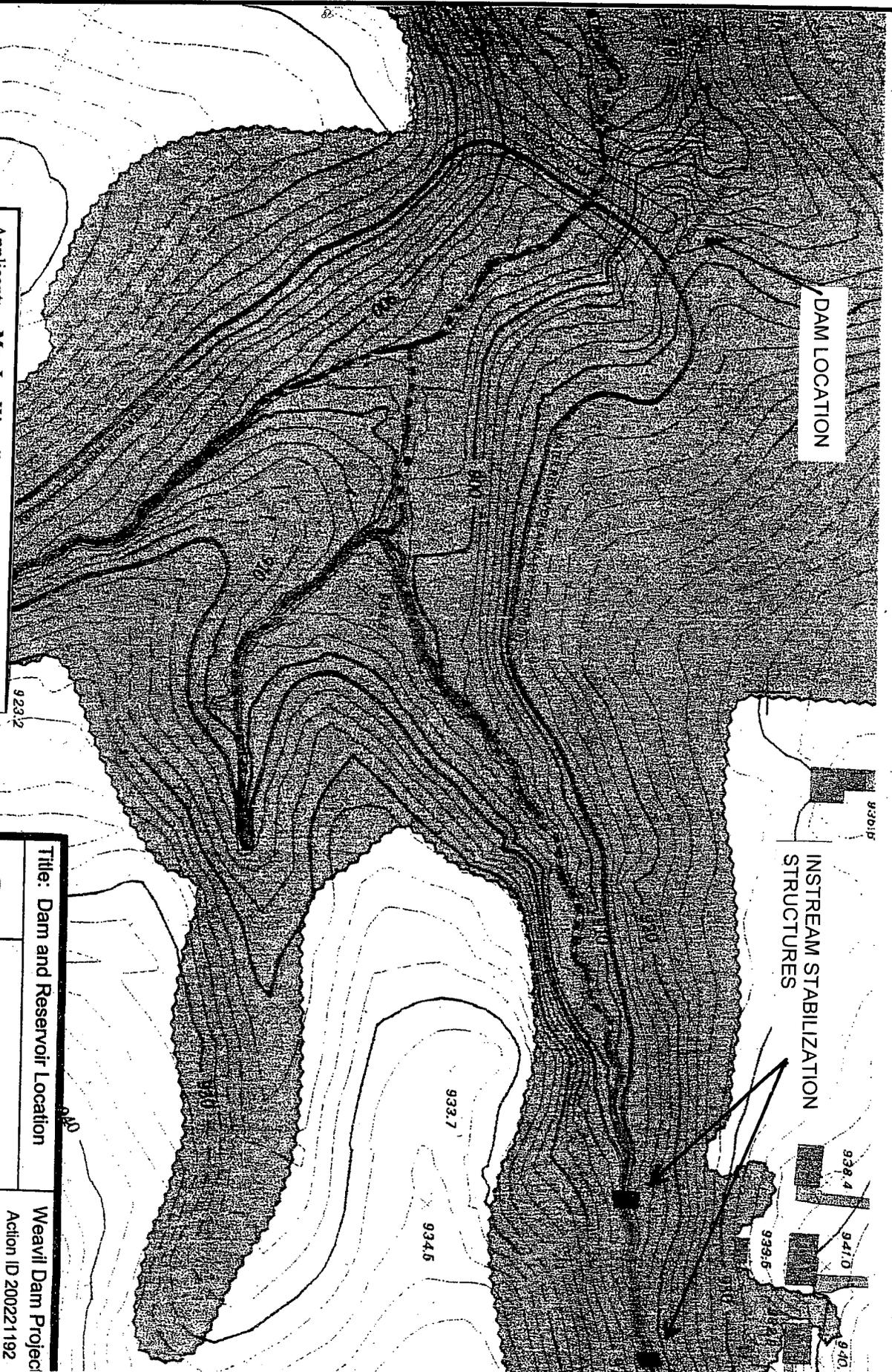
Weavil Dam Project
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DAM LOCATION

INSTREAM STABILIZATION
STRUCTURES



Applicant: Mr. Jay Weavil
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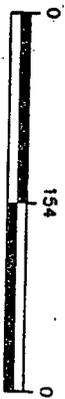
County: Chatham
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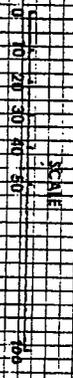
Title: Dam and Reservoir Location

Weavil Dam Project
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Scale 1" = 154'



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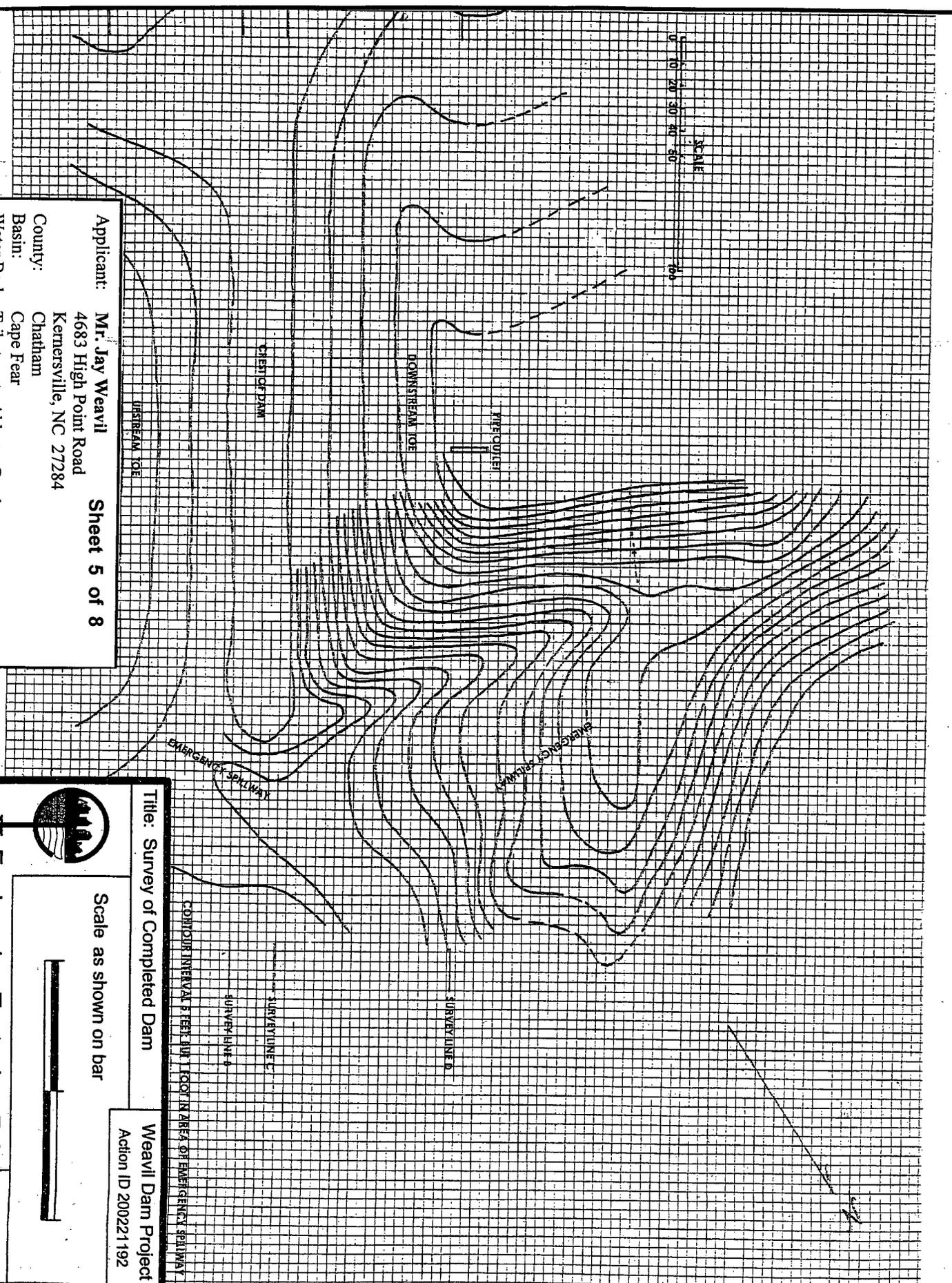
Title: Survey of Completed Dam

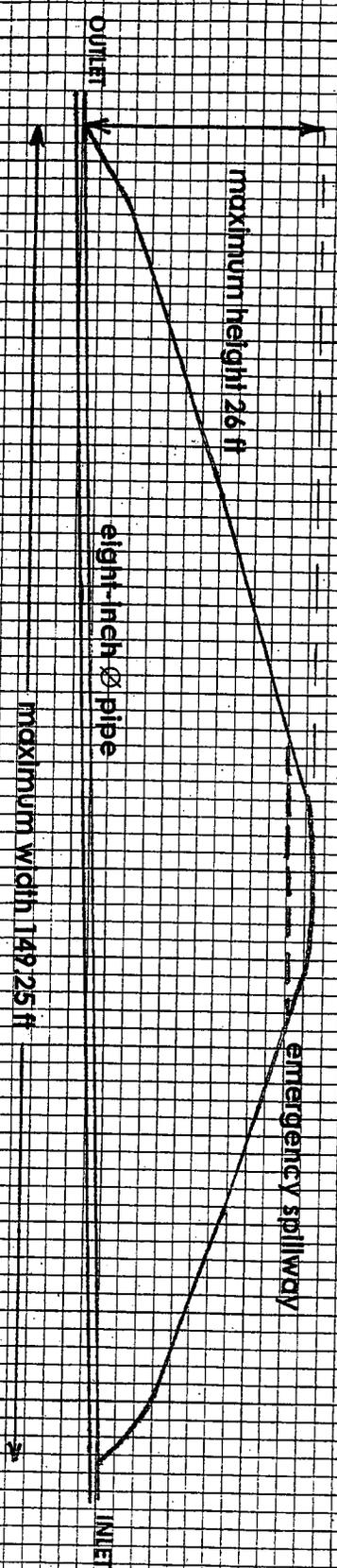
Scale as shown on bar



Weavil Dam Project
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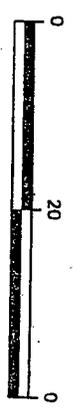
WEAVIL DAM CROSS SECTION

Applicant: **Mr. Jay Weavil**
 4683 High Point Road
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Scale 1" = 20'



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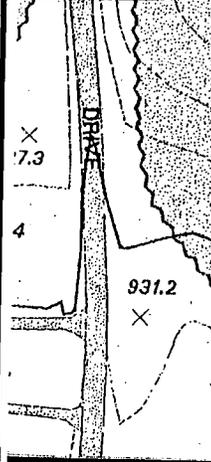
Title: **Cross Section of Dam**
 Weavil Dam Project
 Action ID 200221192

Applicant: Mr. Jay Weavil
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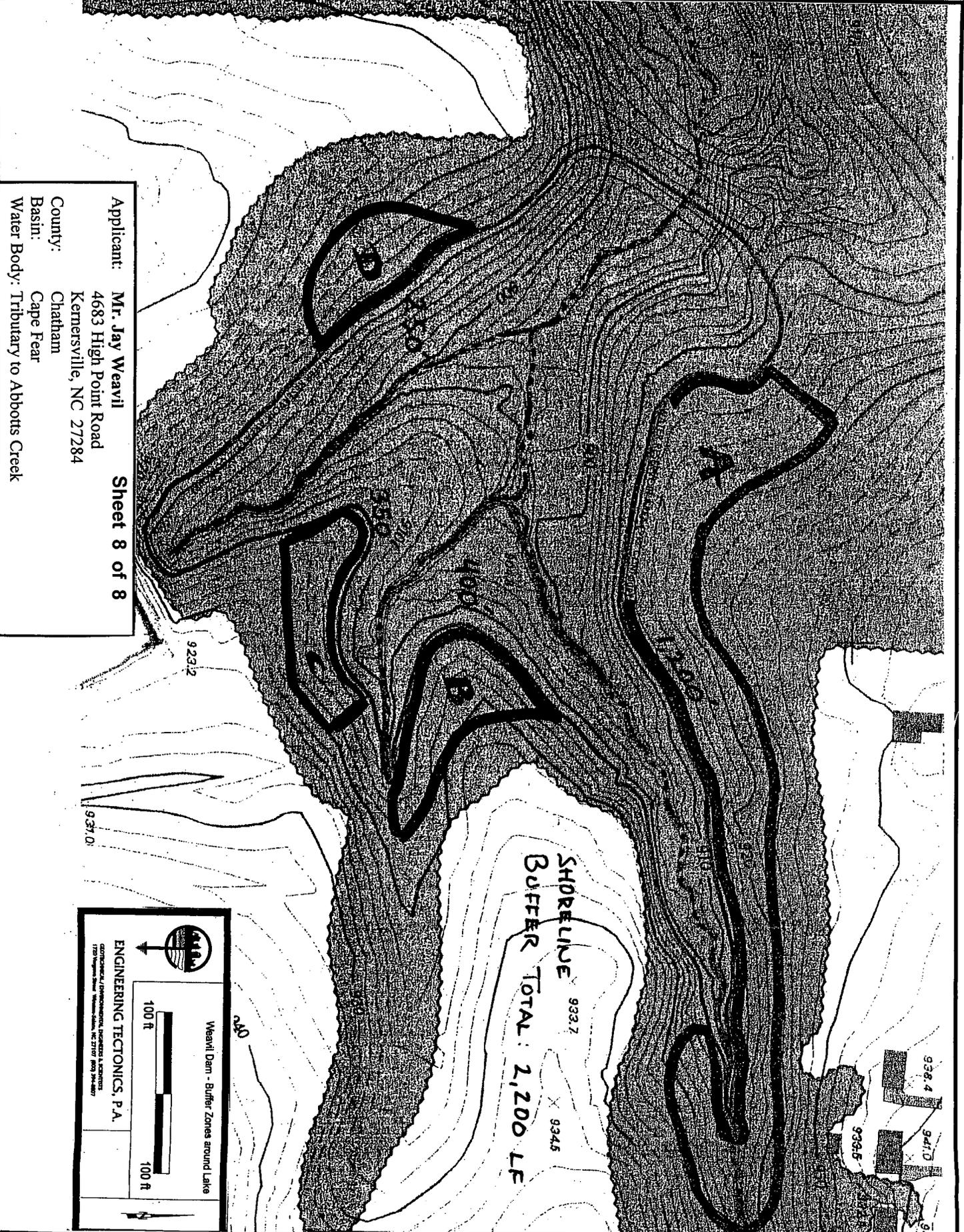
WEAVIL
 PROPERTY
 FORSYTH Co.
 MAP # 684834
 PARCEL 103

TOTAL LENGTH
 OF CREEK WITHIN
 MITIGATION AREA: 1,540'
 AREA: 132,200 SF or 3.03 AC.



ENGINEERING, P.A.
 GEOTECHNICAL / ENVIRONMENTAL / PLANNING / SURVEYING / SCIENTISTS
 1155 Veterans Road, Kernersville, NC 27284 (800) 944-8877

Weavil - Stream Mitigation Area



Applicant: **Mr. Jay Weavil**
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Sheet 8 of 8



 Weavil Dam - Buffer Zones around Lake
 ENGINEERING TECTONICS, P.A.
CIVIL, ENVIRONMENTAL, SURVEYING & LANDSCAPE ARCHITECTURE
 1725 Virginia Street - Greensboro, NC 27107 780.344.8877

100 ft 100 ft