

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

Action ID No. 200321221

June 3, 2004

PUBLIC NOTICE

Mr. Timothy Scoggin, Commonwealth-Mebane Partners, LP, 500 Henly Street, Suite 200, Knoxville, Tennessee, 37902, has applied for a Department of the Army (DA) permit TO PLACE FILL MATERIAL INTO 0.5 ACRE OF WETLANDS AND 1,008 LINEAR FEET OF UNNAMED TRIBUTARIES TO HAW CREEK, IN THE CAPE FEAR RIVER BASIN, ASSOCIATED WITH THE CONSTRUCTION OF THE MEBANE RETAIL SITE, IN ALAMANCE COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed development of a 42.5-acre commercial retail center, including the construction of a Walmart Supercenter, nine associated retail shops, and five gas station/restaurant out-parcels. The project site is located south of U.S. Interstate 40/85 and west of Mebane Oaks Road (SR 1007), in Mebane, Alamance County, North Carolina.

The proposed project would require the placement of fill material for the construction of two building pads and a road crossing within wetlands and adjacent tributaries to Haw Creek. A total of three separate wetland areas are proposed to be filled for the construction of the building pad for the Walmart Supercenter and for the construction of an access drive into the development from the north. Two stream reaches are also proposed to be filled and/or placed into pipes for the construction of the Walmart and one of the associated retail stores. Plans showing the work are included with this public notice.

The applicant proposes to mitigate for impacts to wetlands stream channels associated with the project by providing payment into the North Carolina Ecosystem Enhancement Program sufficient to provide for the restoration of 1.0 acre of riparian wetlands and 1,008 linear feet of stream channel.

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.

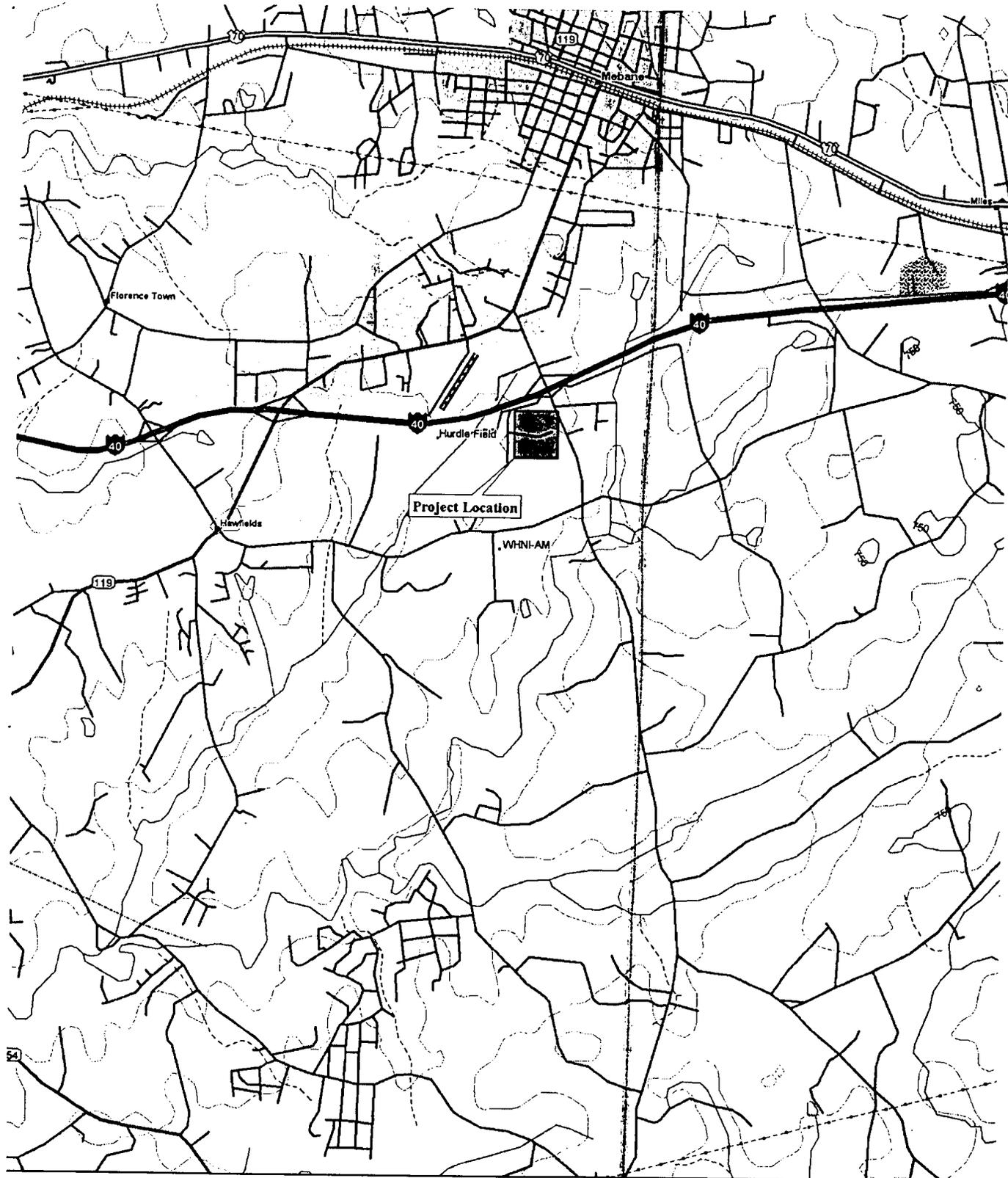
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

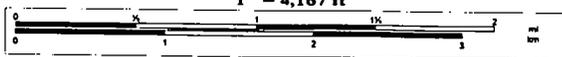
Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon 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 June 29, 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., July 6, 2004, or telephone (919) 876-8441, extension 26.

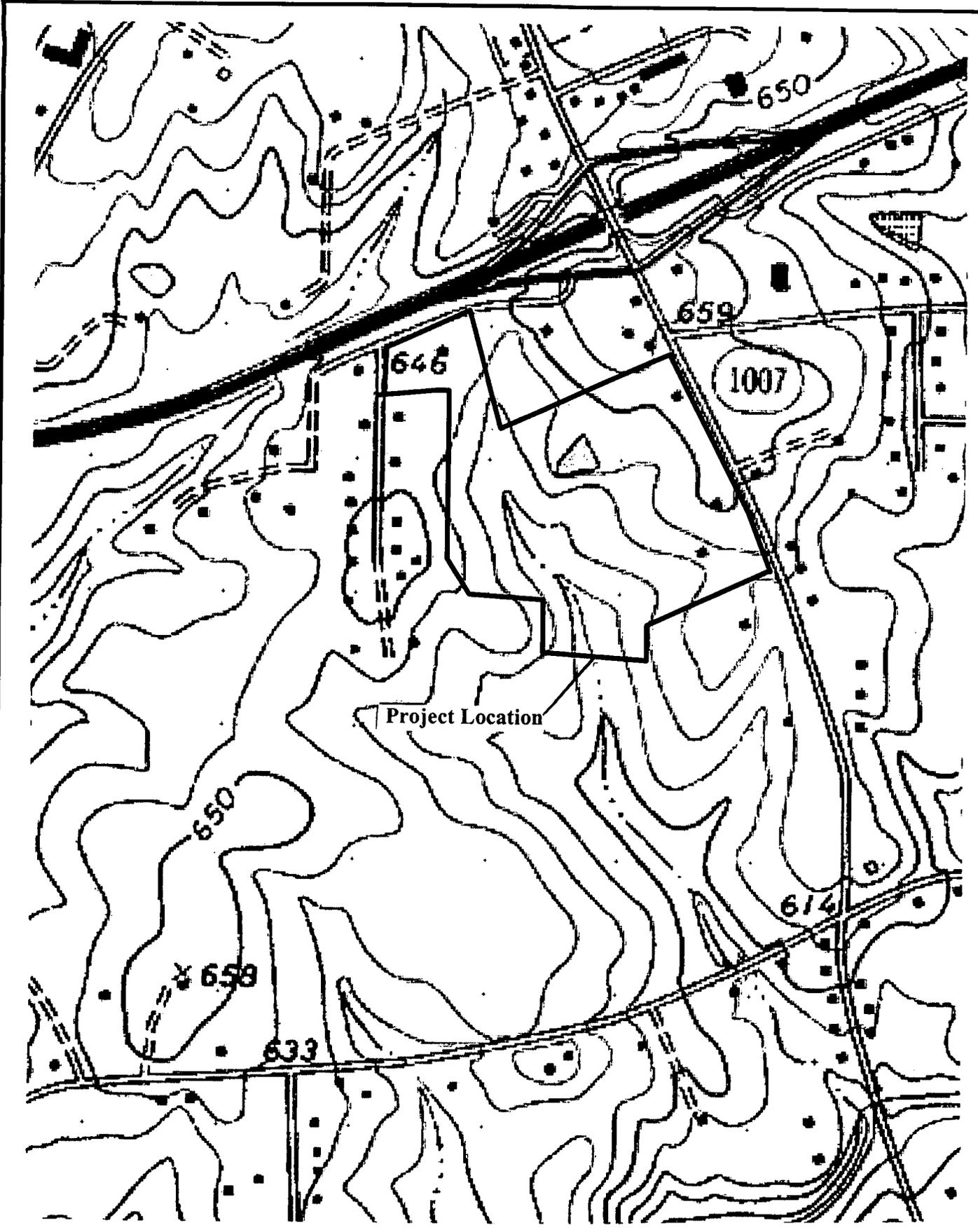


Scale 1 : 50,000
1" = 4,167 ft



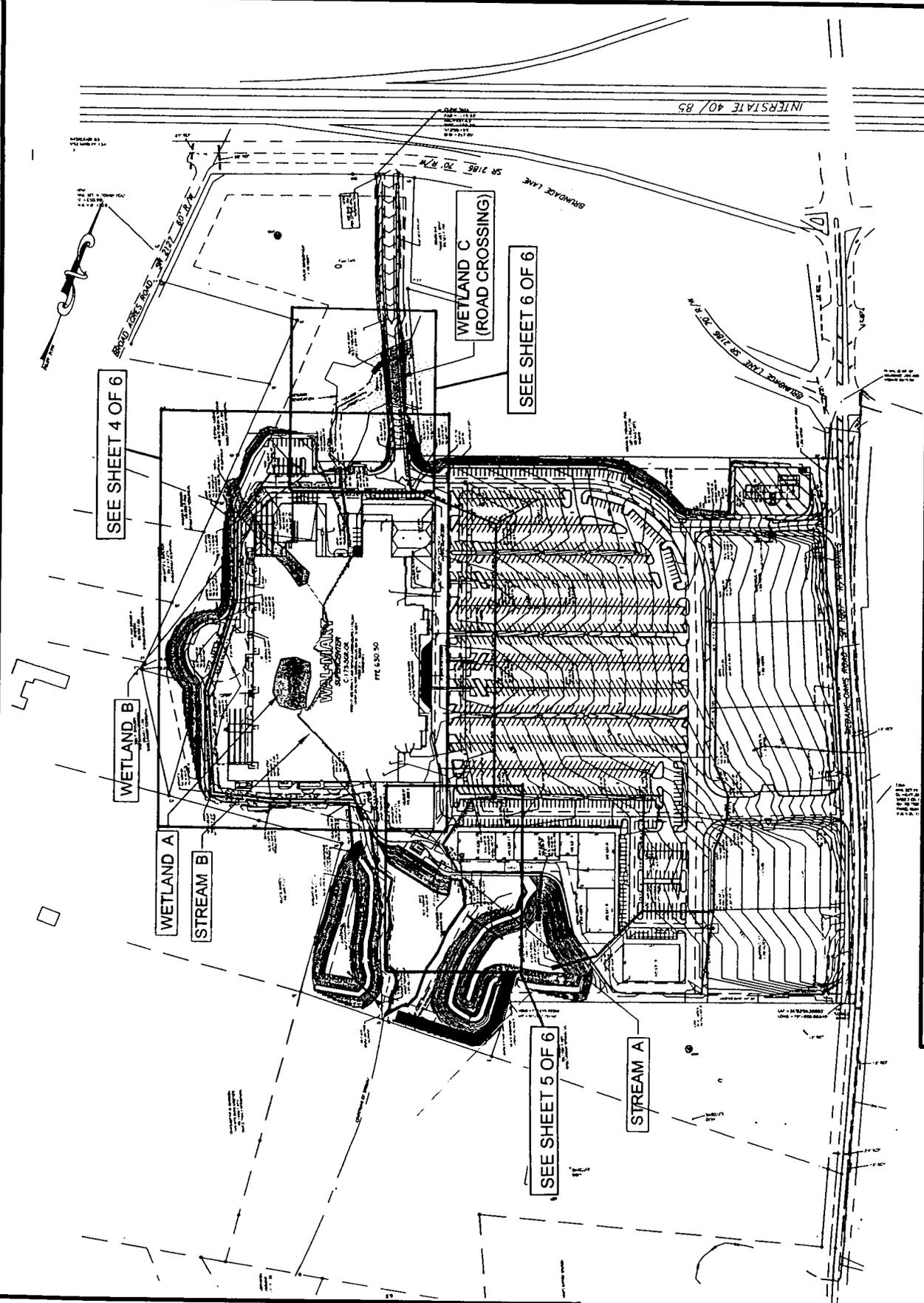
Commonwealth-Mebane Partners, LP
Action ID: 200321221
Haw Creek, Cape Fear Basin

Location Map - Mebane, NC
Sheet 1 of 6
06/03/2004



Commonwealth-Mebane Partners, LP
Action ID: 200321221
Haw Creek, Cape Fear Basin

USGS Map - Mebane Quad
Sheet 2 of 6
06/03/2004



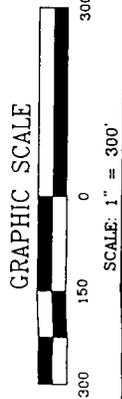
STREAM & WETLAND IMPACTS
 PROPOSED WALMART SITE
 MEBANE, NORTH CAROLINA

JOB NO. 1588-03-051



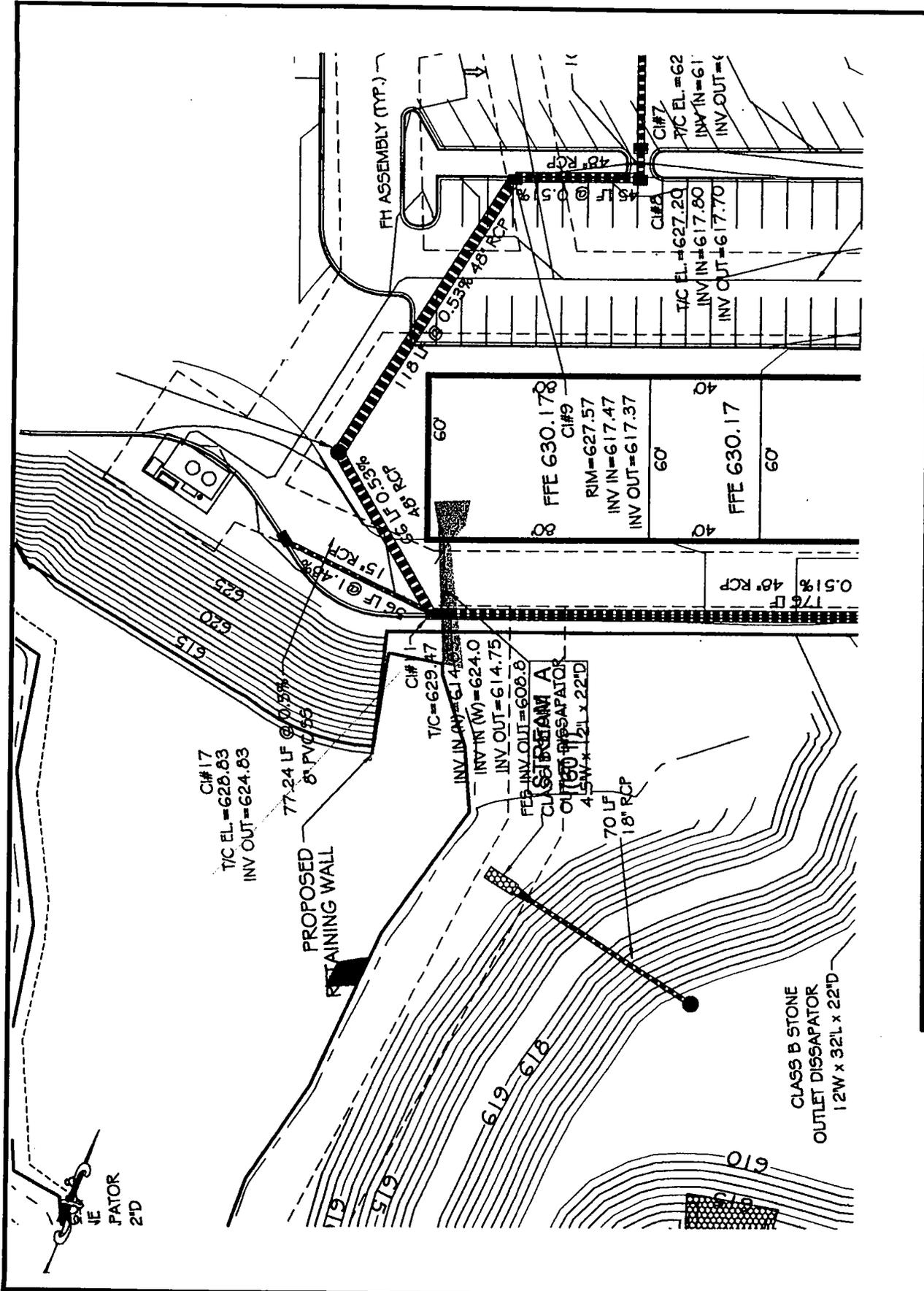
ENGINEERING • TESTING • ENVIRONMENTAL SERVICES

SCALE:	AS SHOWN
CHECKED BY:	SM
DRAWN BY:	RDM
DATE:	MAY 2004



Commonwealth-Mebane Partners, LP
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 Haw Creek, Cape Fear Basin

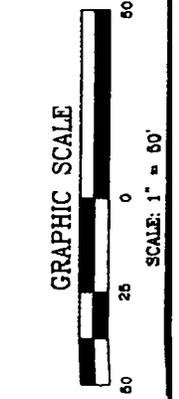
Plan View
 Sheet 3 of 6
 06/03/2004



STREAM A - LOADING DOCK RETAIL SHOP AREA
 PROPOSED WALMART SITE
 MEBANE, NORTH CAROLINA



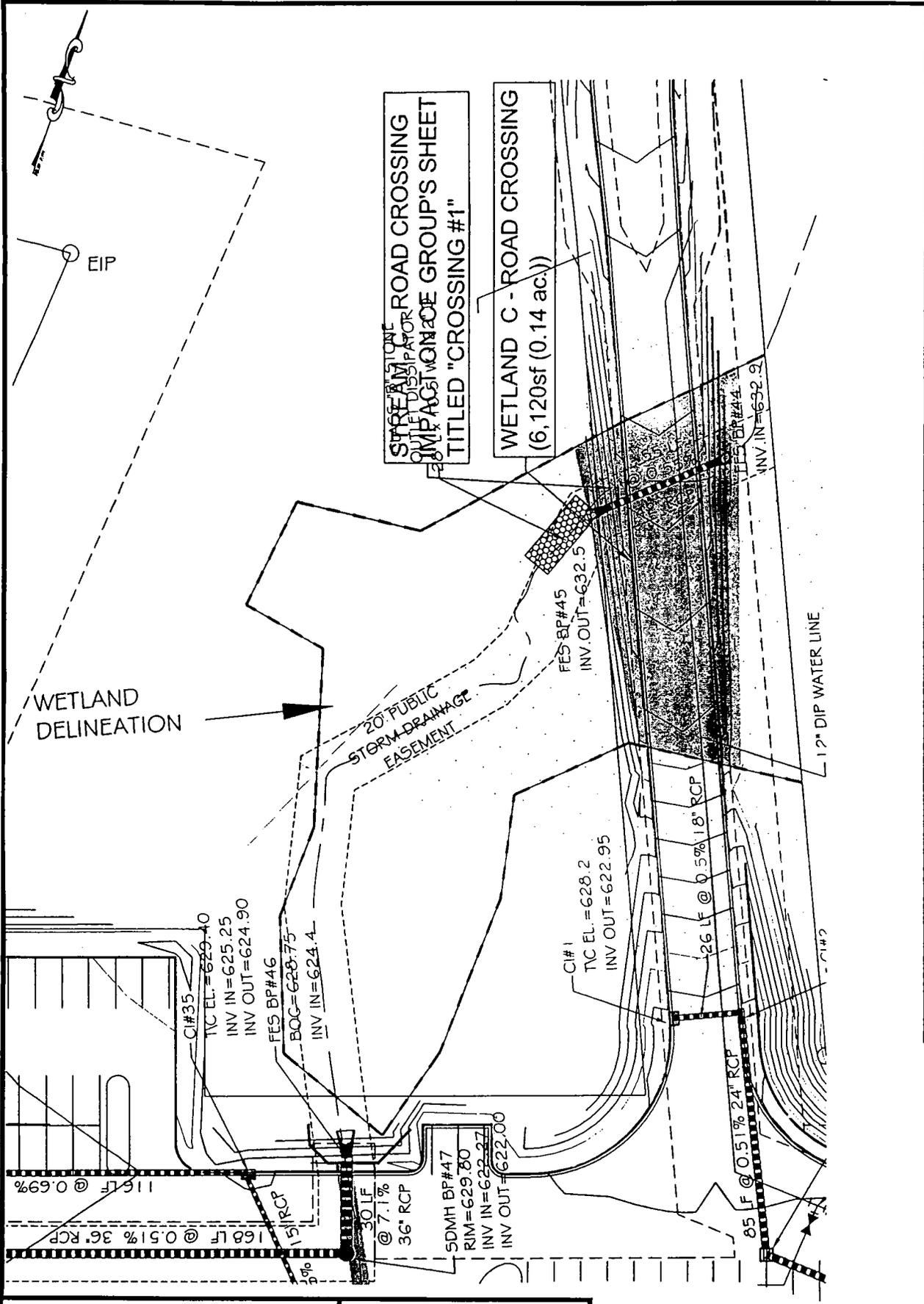
SCALE:	AS SHOWN
CHECKED BY:	MHOB
DRAWN BY:	RDM
DATE:	MARCH 2004



Commonwealth-Mebane Partners, LP
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 Haw Creek, Cape Fear Basin

Impact Detail
 Sheet 5 of 6
 06/03/2004

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Commonwealth-Mebane Partners, LP
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Impact Detail
 Sheet 6 of 6
 06/03/2004

WETLAND C - ROADWAY CROSSING
 PROPOSED WALMART SITE
 MEBANE, NORTH CAROLINA
 JOB NO. 1588-03-051



SCALE: AS SHOWN
 CHECKED BY: MHOB
 DRAWN BY: RDM
 DATE: MAY 2004

