

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890  
(<http://www.saw.usace.army.mil/wetlands/regtour.gtm>)

Action ID No. 200330295

February 25, 2003

PUBLIC NOTICE

**THE CLEVELAND COUNTY SANITARY DISTRICT, ATTENTION: MR. CLYDE E. SMITH, JR., POST OFFICE BOX 788, LAWNSDALE, NORTH CAROLINA 28090** has applied for a Department of the Army (DA) permit to **DISCHARGE APPROXIMATELY 950 CUBIC YARDS OF ROCK AND CABC STONE INTO THE FIRST BROAD RIVER TO CONSTRUCT A DAM TO PROVIDE ADDITIONAL RAW WATER STORAGE FOR AN EXISTING RAW WATER INTAKE. THE PROPOSED PROJECT IS ADJACENT TO CASAR LAWNSDALE ROAD**, near Lawnsdale, in Cleveland County, North Carolina.

The following description of the proposed project 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 construction of a rock dam on the First Broad River at the same location as a previous dam that was authorized by an Individual Permit on December 24, 1996 (Action ID. 199604368). That permit authorized the installation of 75 cubic yards of class B riprap into the river for the purpose of constructing a small three-foot high dam, which would back raw water up to a nearby intake. Due to extreme drought conditions in the county in recent years, the applicant has determined that additional raw water storage is necessary. The applicant states that the existing dam does not provide adequate upstream storage to allow withdrawal of the average daily demand for water during drought conditions. The applicant is therefore requesting authorization to install approximately 950 additional cubic yards of rock and CABC stone as part of a larger and higher dam (175 feet long x 8 feet high). The existing rock structure would be removed as necessary to construct the new dam. The new dam would occupy 0.7 acre of river bottom and would span the river from bank to bank. The existing dam inundates approximately 6.5 acres of river. The new dam would inundate an additional 2.6 acres of river. Construction would begin in the spring of 2003 and be completed by summer of 2003. Plans showing the proposed work are included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No 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 decided the applicability of a Water Quality Certification 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 the 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 eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer.

The District Engineer, based upon 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 that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among these are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to 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 placement of dredged or fill materials in waters of the U.S., a permit will be denied if the discharge that would be authorized 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 decides 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 to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide 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 decide the need for a public hearing and to decide the public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit 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 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 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 Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons wanting 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), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before March 21, 2003, Attention: Mr. John Dorney.

Written comments pertaining to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steve Chapin, until 4:15 p.m., March 27, 2003, or telephone (828) 271-7980 extension 5.

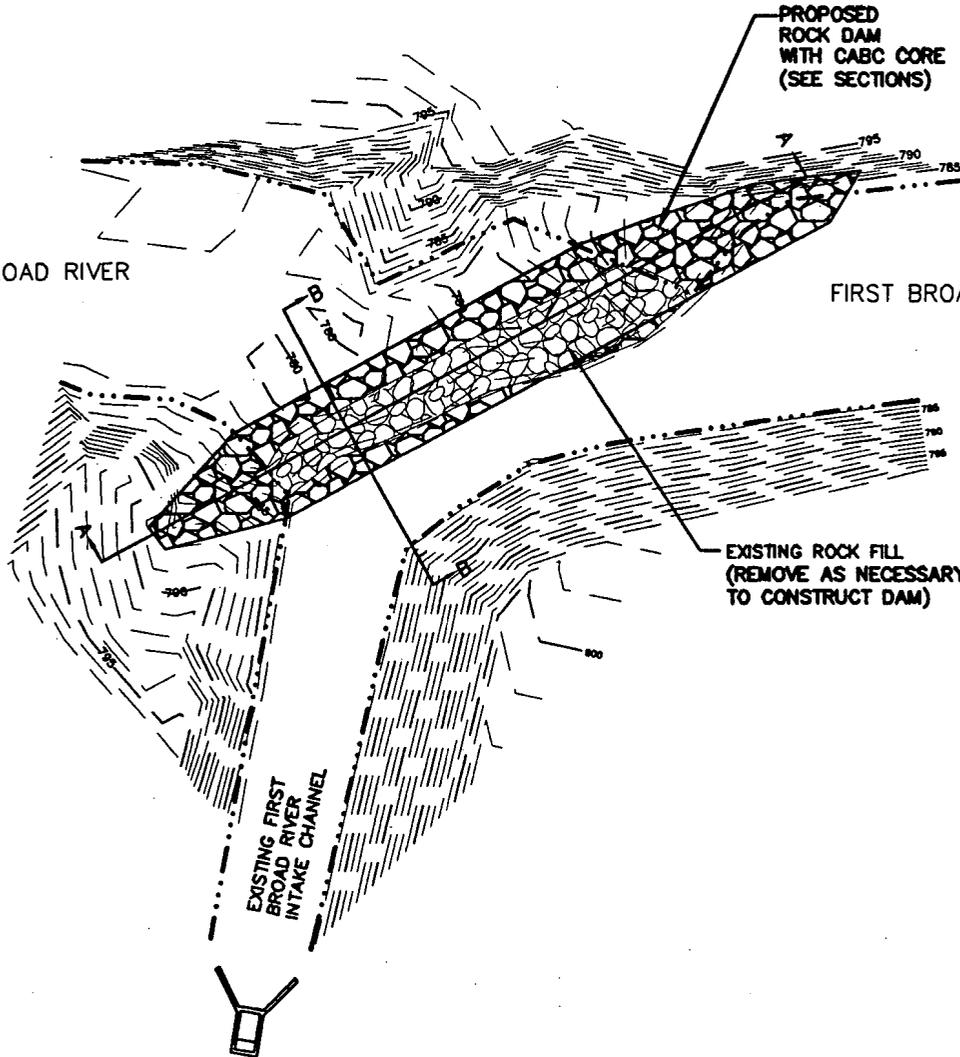
**PLAN**

SCALE: 1" = 50'



FIRST BROAD RIVER

FIRST BROAD RIVER



PROPOSED  
ROCK DAM  
WITH CABG CORE  
(SEE SECTIONS)

EXISTING ROCK FILL  
(REMOVE AS NECESSARY  
TO CONSTRUCT DAM)

EXISTING FIRST  
BROAD RIVER  
INTAKE CHANNEL

EXISTING KNOB CREEK  
INTAKE CHANNEL

EXISTING  
RAW WATER  
PUMP STATION

ACTION ID. 200330295  
SHEET 1 OF 4

APPLICANT:  
CLEVELAND COUNTY SANITARY DISTRICT  
P.O. BOX 788  
LAWNDALE, NC 28090

PROJECT:  
FIRST BROAD RIVER DAM

PROPOSED CONSTRUCTION:  
INSTALLATION OF A ROCK DAM ACROSS THE FIRST  
BROAD RIVER

- ADJACENT PROPERTY OWNERS:
1. CLEVELAND COUNTY SANITARY DISTRICT
  2. THE TRAVELERS INSURANCE COMPANY
  3. GROVER WAYNE CROCKER
  4. ROSANNE L. WILLIAMSON
  5. GRADY DALLAS WARD

LOCATION:  
LAWNDALE, NC  
LATITUDE: 35° 26' 12"  
LONGITUDE: 81° 33' 25"

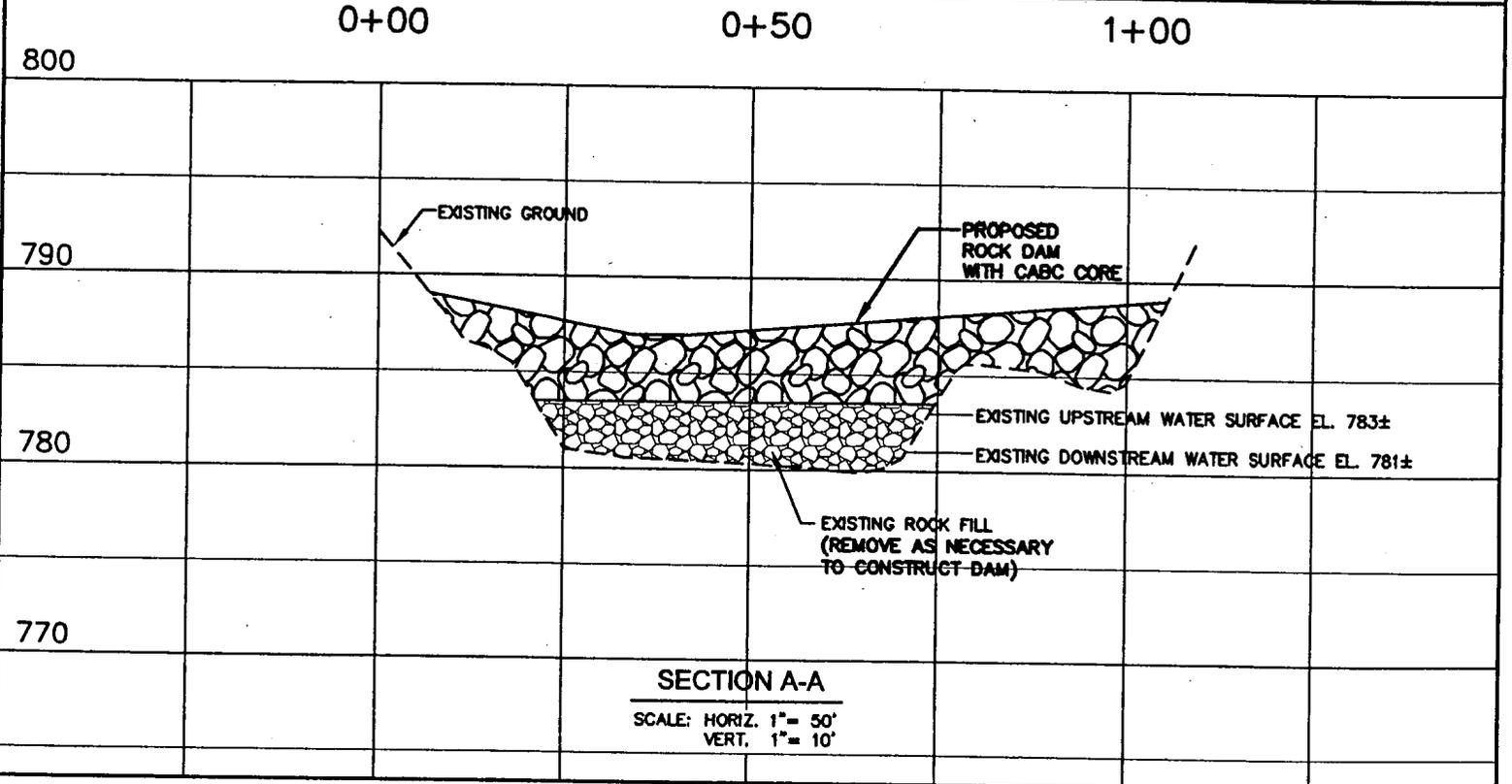
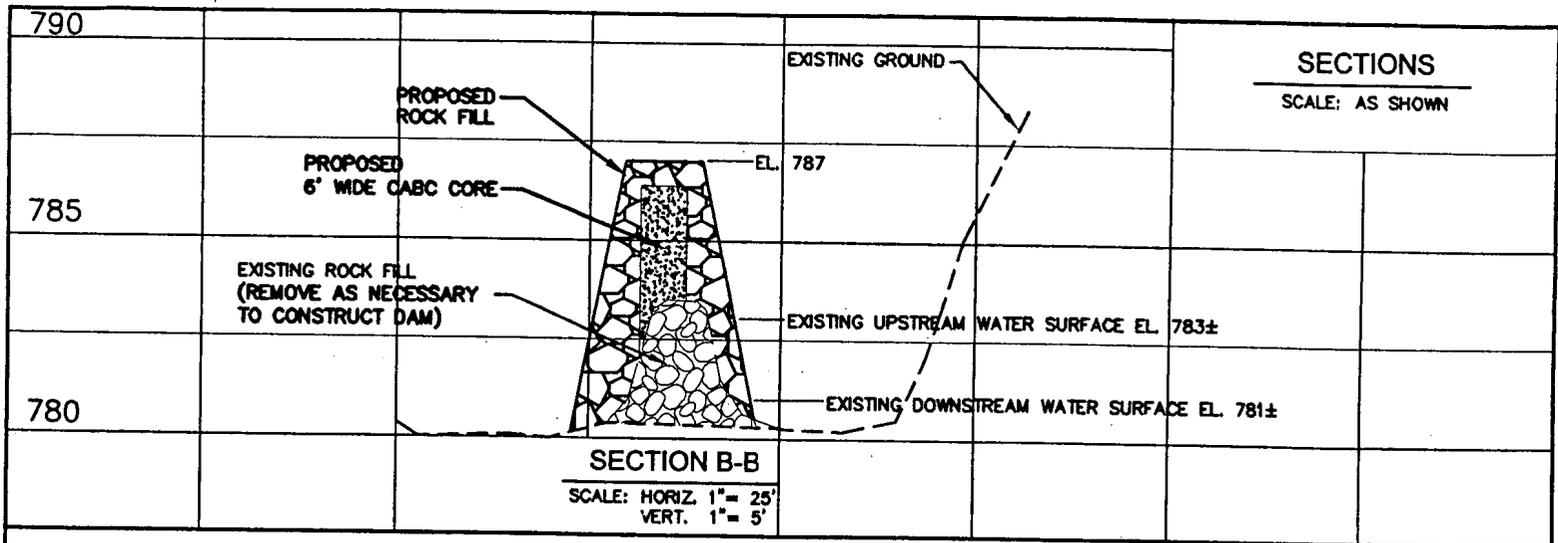
55 BROAD STREET  
ASHEVILLE, NC  
PH. (828) 252-0575  
FAX (828) 252-2518

COUNTY: CLEVELAND STATE: NORTH CAROLINA



**McGill**  
ASSOCIATES  
ENGINEERING • PLANNING • FINANCE

SCALE: 1" = 100' DATE: DEC., 2002 SHEET 1 OF 4



APPLICANT:  
 CLEVELAND COUNTY SANITARY DISTRICT  
 P.O. BOX 788  
 LAWDALE, NC 28090

PROJECT:  
 FIRST BROAD RIVER DAM

PROPOSED CONSTRUCTION:  
 INSTALLATION OF A ROCK DAM ACROSS THE FIRST BROAD RIVER

- ADJACENT PROPERTY OWNERS:
1. CLEVELAND COUNTY SANITARY DISTRICT
  2. THE TRAVELERS INSURANCE COMPANY
  3. GROVER WAYNE CROCKER.
  4. ROSANNE L. WILLIAMSON
  5. GRADY DALLAS WARD

LOCATION:  
 LAWDALE, NC  
 LATITUDE: 35° 26' 12"  
 LONGITUDE: 81° 33' 25"

ACTION ID. 200330295  
 SHEET 2 OF 4

COUNTY:  
 CLEVELAND

STATE:  
 NORTH CAROLINA

SCALE: AS SHOWN

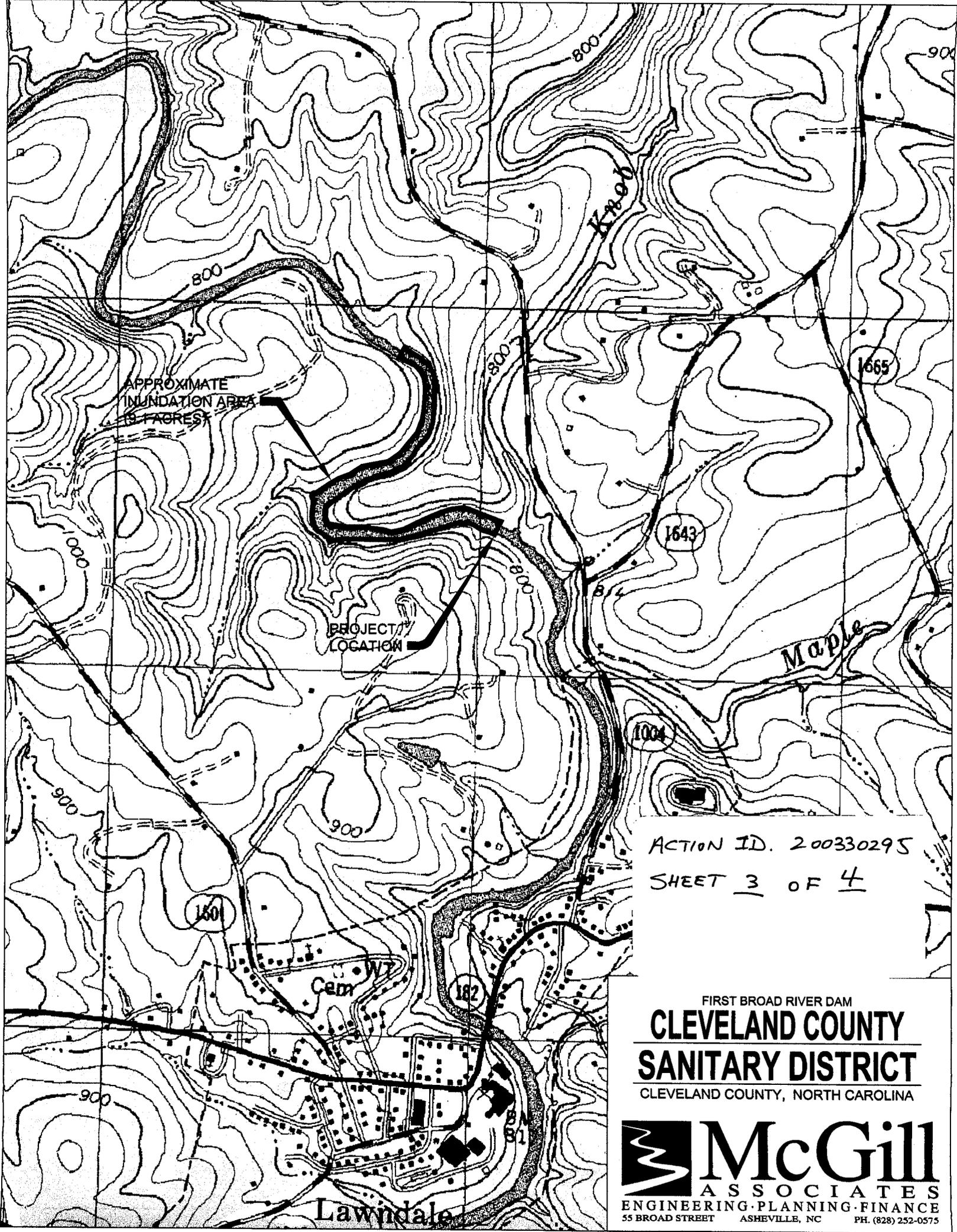
DATE: DEC., 2002

SHEET 2 OF 4

55 BROAD STREET  
 ASHEVILLE, NC  
 PH. (828) 252-0575  
 FAX (828) 252-2518



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APPROXIMATE  
INUNDATION AREA  
19 ACRES

PROJECT  
LOCATION

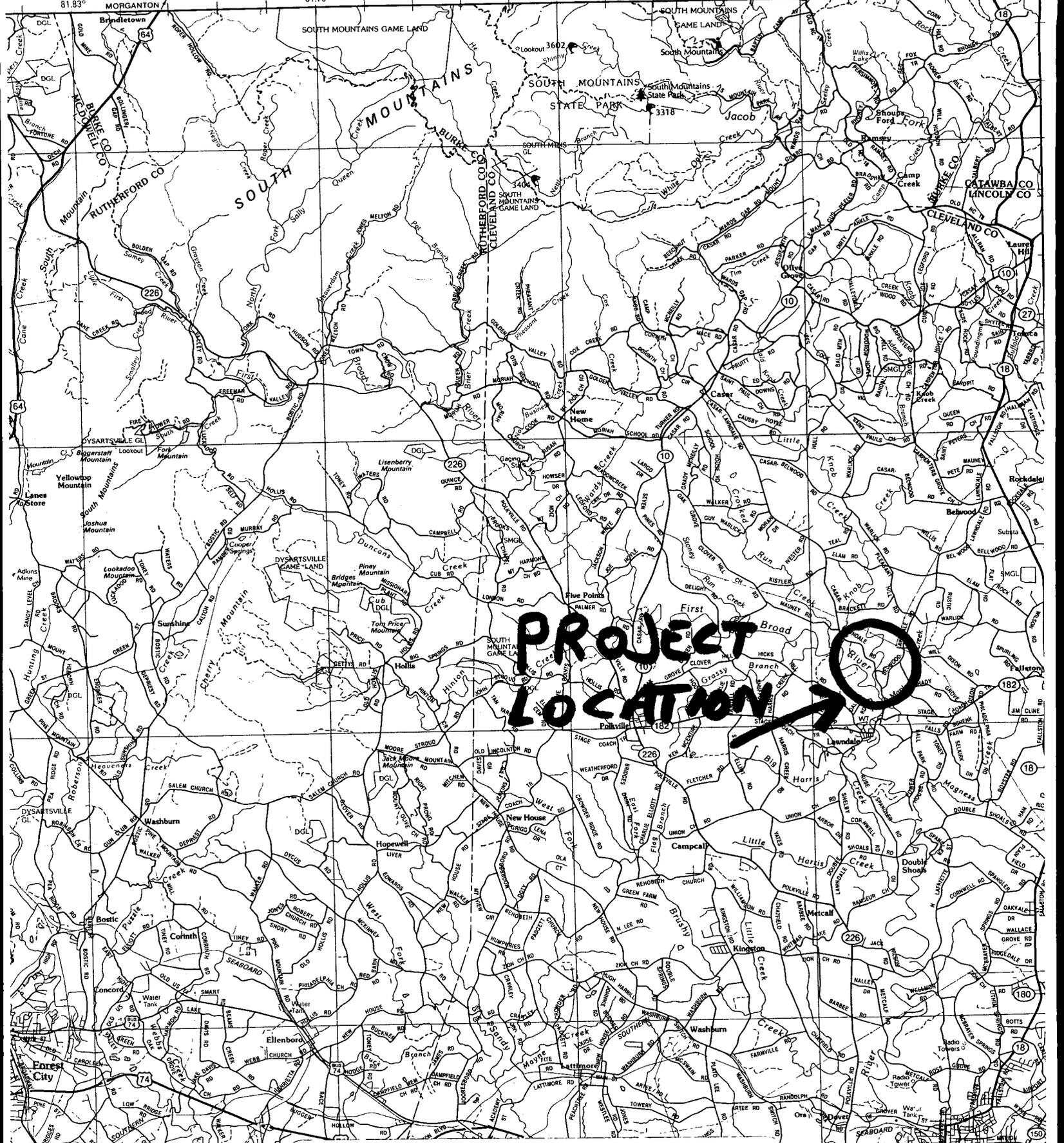
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SHEET 3 OF 4

FIRST BROAD RIVER DAM  
**CLEVELAND COUNTY**  
**SANITARY DISTRICT**  
CLEVELAND COUNTY, NORTH CAROLINA



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55 BROAD STREET ASHEVILLE, NC PH. (828) 252-0575

Lawndale



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SHEET 4 OF 4