

**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.htm>)

Action ID No. 200330699

April 29, 2003

**PUBLIC NOTICE**

**THE CITY OF CONCORD, ATTENTION: MR. W. BRIAN HIATT, POST OFFICE BOX 308, CONCORD, NORTH CAROLINA 28025**, has applied for a Department of the Army (DA) permit **TO CONSTRUCT A 0.81 ACRE POND ON AN UNNAMED TRIBUTARY TO THREEMILE BRANCH, IN CONCORD, CABARRUS COUNTY, NORTH CAROLINA.**

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show that the City of Concord is proposing to construct a 0.81-acre pond on an unnamed tributary to Threemile Branch in association with the Concord Greenway Trail Park. The project area is currently wooded and dominated with mature hardwood tree species. The construction of the pond will require deposition of approximately 113 cubic yards of fill material for the dam, excavation of stream channel in the pool area, and subsequent flooding of the pool area. The project will result in a total impact to 510 linear feet of a perennial, unnamed tributary to Threemile Branch and 0.064 acre of wetlands as a result of dam fill, excavation and inundation, and riprap outlet protection. To offset impacts to aquatic resources, the applicant has submitted a Conceptual Mitigation Plan, which includes a proposal to enhance approximately 2,000 linear feet of an unnamed tributary to Threemile Branch upstream of the proposed pond. Enhancement efforts would include the following: installation of in-stream habitat structures, stream bank stabilization using bioengineering techniques, and removal of invasive plant species within the riparian corridor. In addition, the applicant proposes to establish a shallow littoral shelf within the proposed pond and plant it with native wetland species. The purpose of the project is to provide the greenway trail with an aesthetic and recreational pond. The pond is also intended to treat storm water runoff originating from the City of Concord's downtown district before it enters Threemile Branch. The pond would treat runoff from an 84-acre drainage area, which is comprised of approximately 45% impervious cover. Plans showing the 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 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, and this worksite is \*not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of 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 which 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 which 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 Agencies' 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.

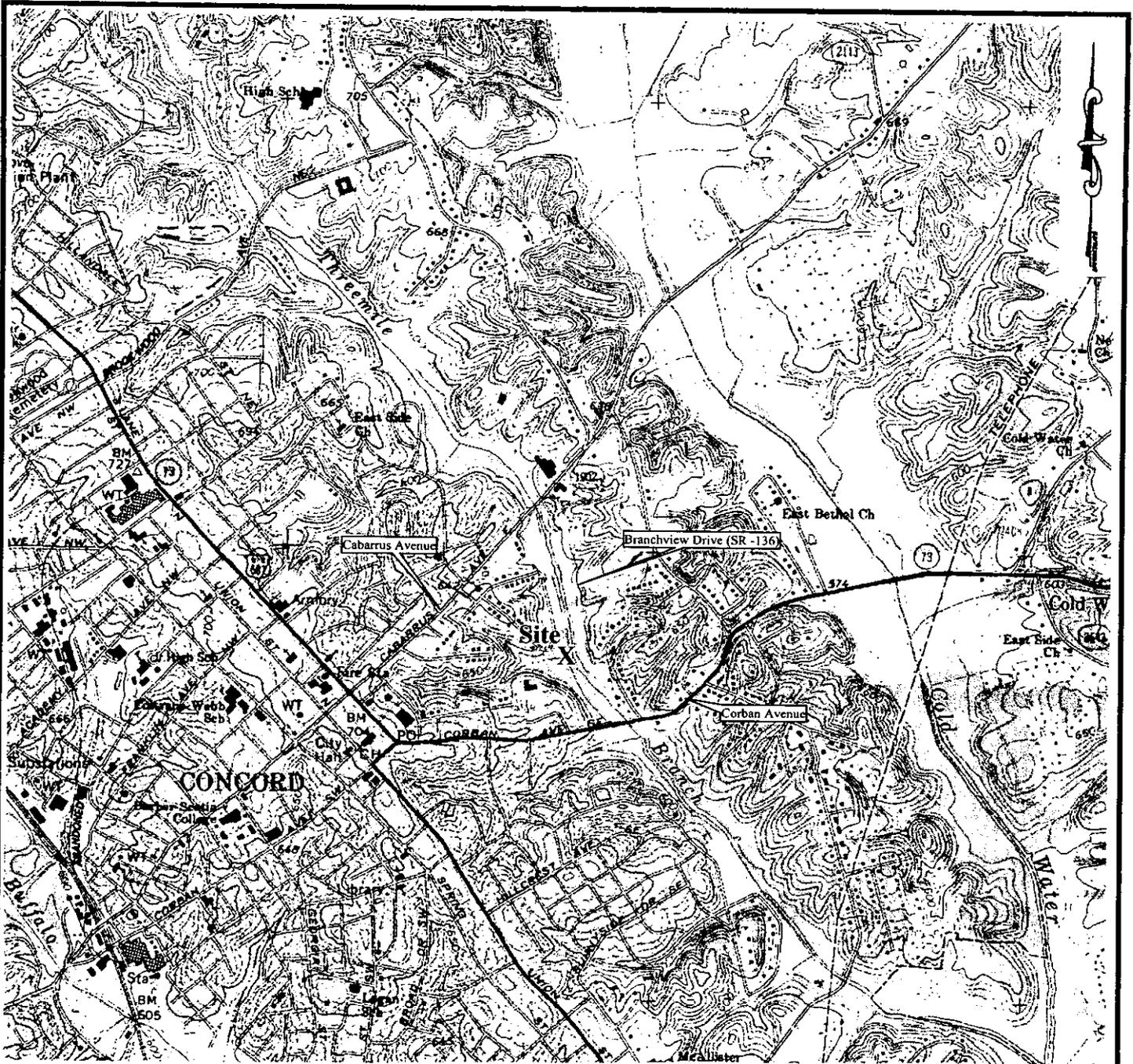
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity 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 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.

The North Carolina Division of Water Quality (NCDWQ) plans to take final action in the issuance of the Clean Water Act certification on or after May 23, 2003.

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), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before May 23, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steve Chapin, until 4:15 p.m., May 29, 2003, or telephone (828) 271-7980.



Approximate Scale 1" = 2000'

Reference: USGS 7.5 Minute Topographic Map Series, Concord Quadrangle, North Carolina, dated 1991.



**Carolina Wetland Services**

5000 Nations Crossing Road, Suite 230  
Charlotte, North Carolina 28217

**Figure 1. USGS Site Location Map**

Concord Greenway Trail Pond Project  
Concord, North Carolina  
CWS Project No. 2002-0231

PREPARED BY

IJH

DATE

2-18-03

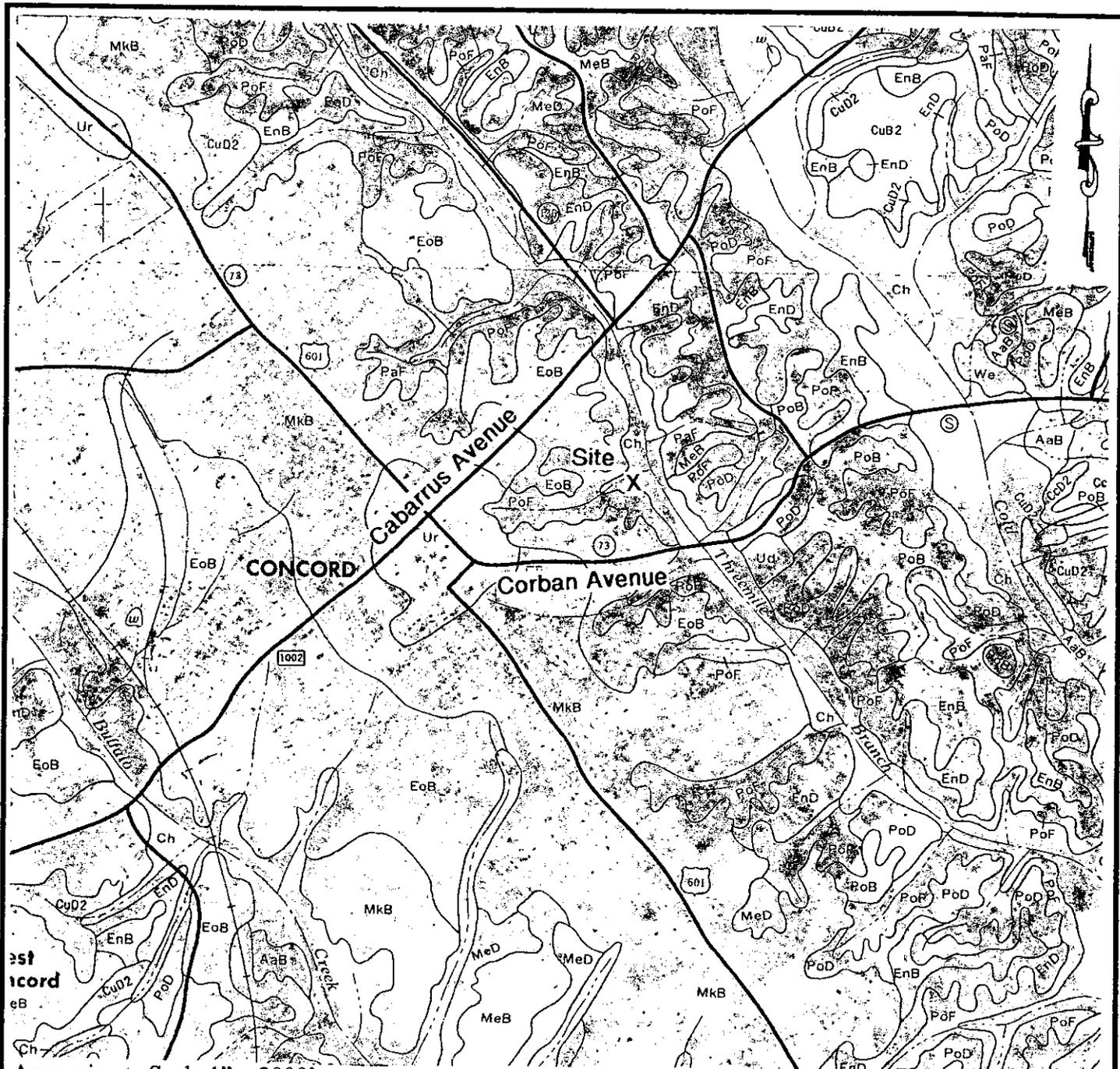
CHECKED BY

6LA

DATE

2-19-03

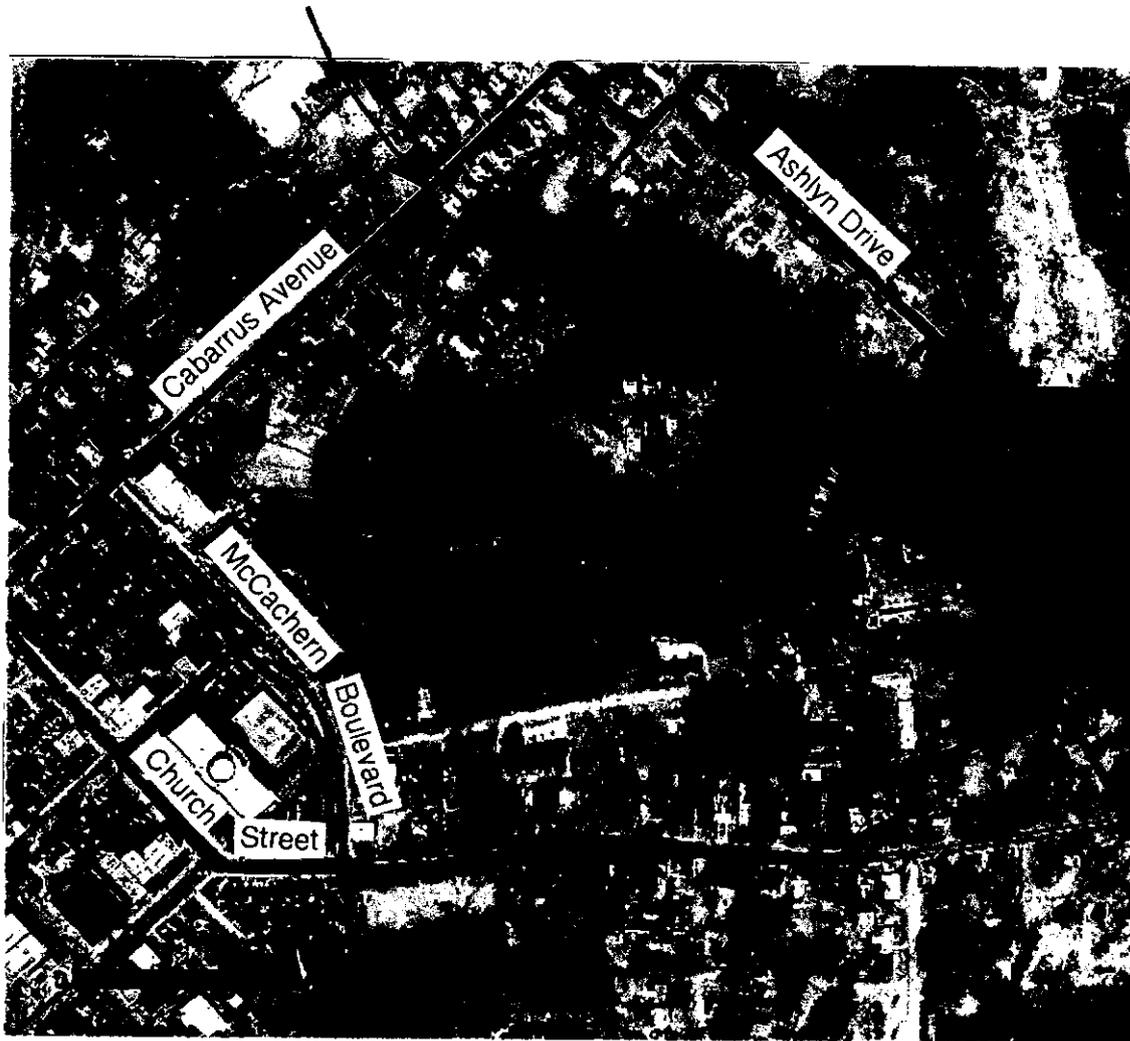
ACTION ID. 200330699  
SHEET 1 OF 6



Approximate Scale 1" = 2000'  
 Reference: NRCS Soil Survey of Cabarrus County, Sheet No. 2, dated 1982.

 <p><b>Carolina Wetland Services</b>          5000 Nations Crossing Road, Suite 230          Charlotte, North Carolina 28217</p>		<p><b>Figure 2. NRCS Soil Survey</b>          Concord Greenway Trail Pond Project          Concord, North Carolina          CWS Project No. 2002-0231</p>	
PREPARED BY FJM	DATE 2-18-03	CHECKED BY GCA	DATE 2-19-07
			<p><b>ACTION ID. 200330699</b>  <b>SHEET 2 OF 6</b></p>

DRAINAGE AREA:  
APPROXIMATELY 84 ACRES

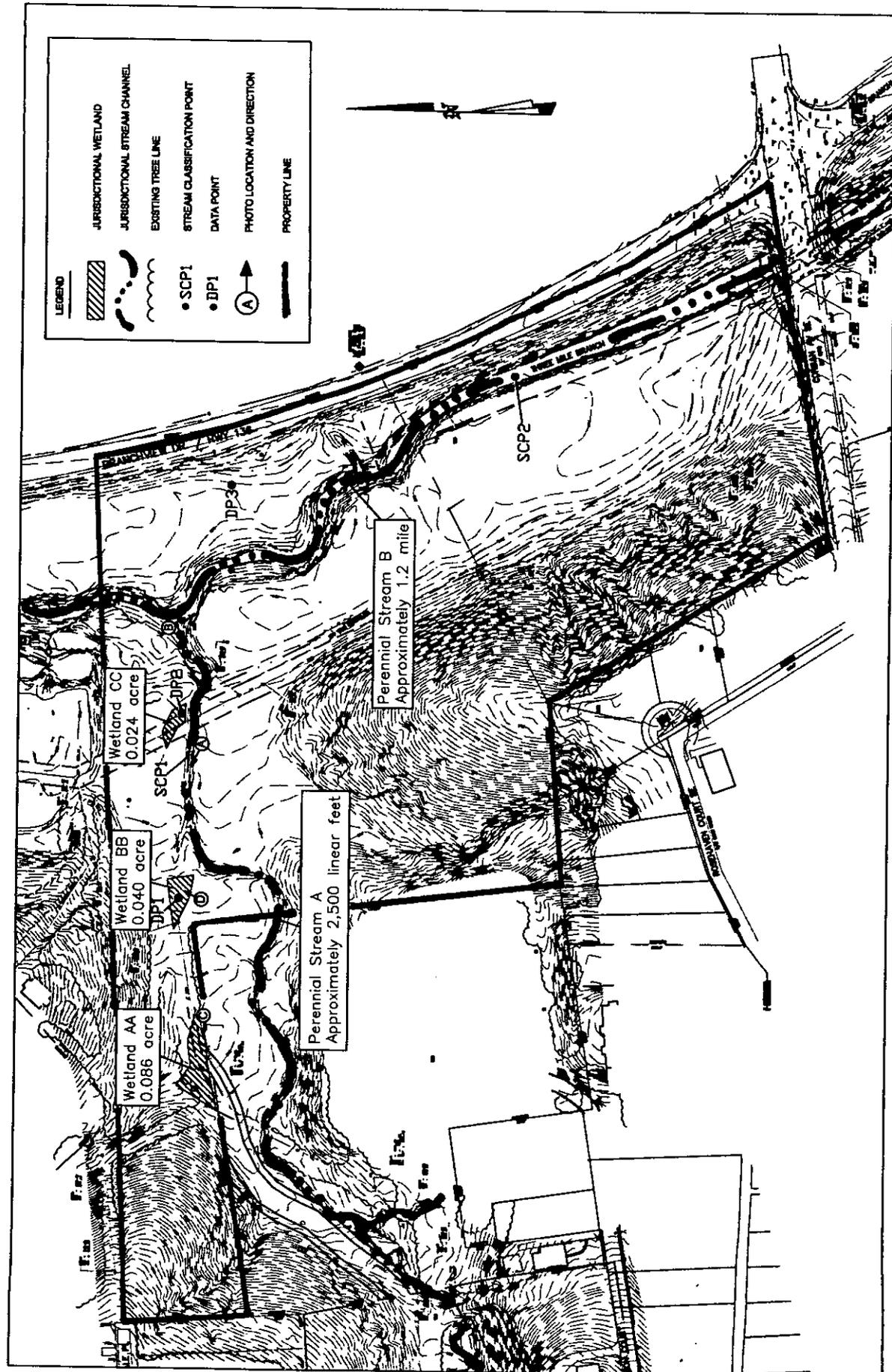


Approximate Scale 1" = 500'  
Reference: Cabarrus County GIS Department, dated 2001.

 <p><b>Carolina Wetland Services</b> 5000 Nations Crossing Road., Suite 230 Charlotte, North Carolina 28217</p>	<p><b>Figure 4. Aerial Photograph of Drainage Area</b> Concord Greenway Trail Pond Project Concord, North Carolina CWS Project No. 2002-0231</p>
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PREPARED BY IjH	DATE 3-28-03	CHECKED BY GCA	DATE 4-2-03
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ACTION ID. 200330699  
SHEET 3 OF 6



NOTE: JURISDICTIONAL WATERS OF THE U.S. WERE DELINEATED BY CAROLINA WETLAND SERVICES (CWS) FROM JULY 23-29, 2002. JURISDICTIONAL AREAS WERE SURVEYED USING A GPS UNIT WITH SUB-METER ACCURACY. THIS DELINEATION WAS FIELD-VERIFIED BY MR. STEVE CHAPIN OF THE USACE ON FEBRUARY 11, 2003.

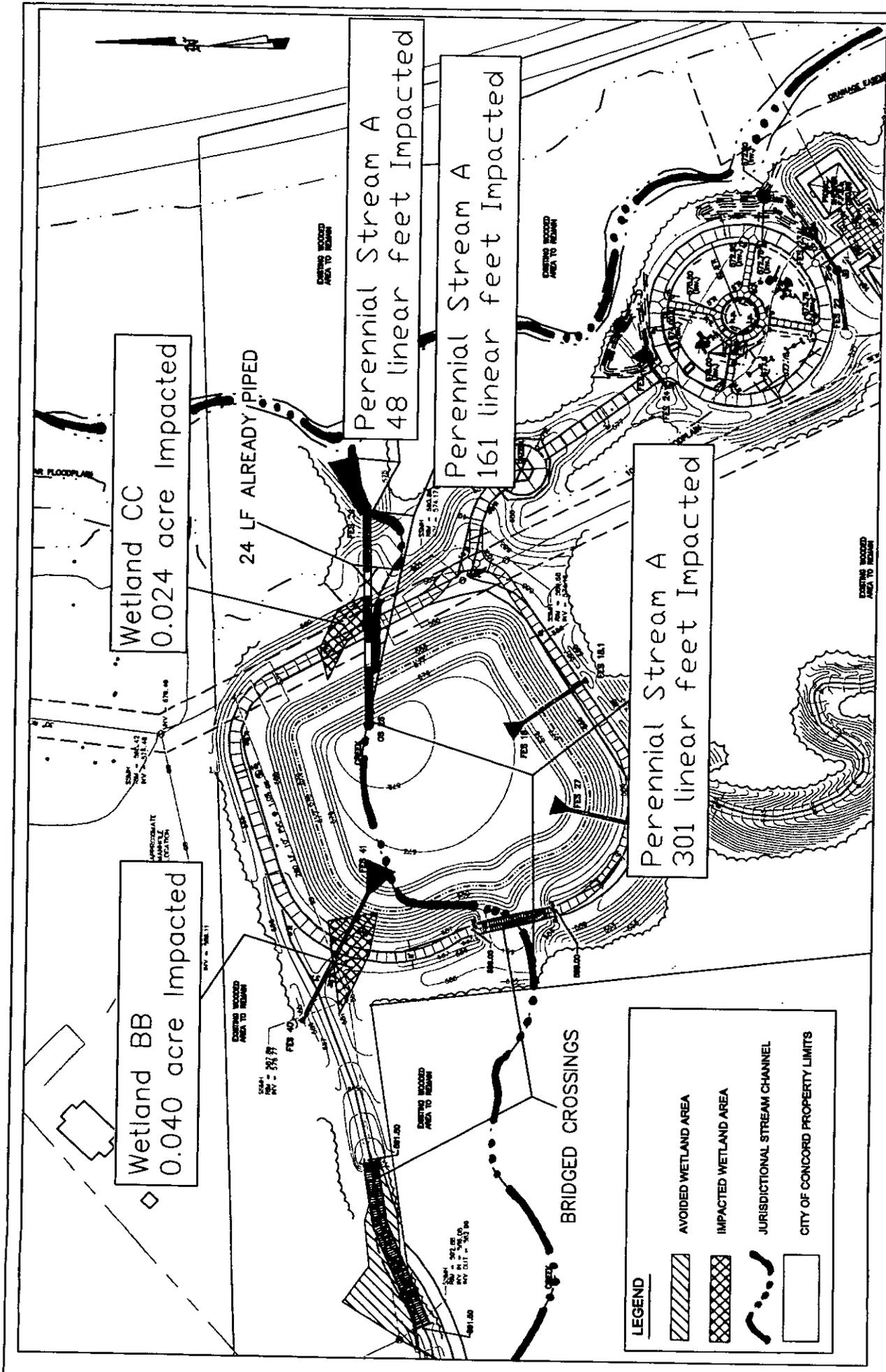


Carolina Wetland Services  
3000 N. Highway 24, Suite 210  
Charlotte, North Carolina 28217

SCALE	DATE
1" = 200'-0"	3/28/03
P.L. NO.	DRAWN BY
JOB NO.	CHECKED BY
3002-0821	SCA

FIGURE 3. WETLAND BOUNDARY SURVEY  
CONCORD GREENWAY TRAIL POND PROJECT  
CONCORD, NORTH CAROLINA

Action ID. 200330699



NOTE: JURISDICTIONAL WATERS OF THE U.S. WERE DELINEATED BY CAROLINA WETLAND SERVICES (CWS) FROM JULY 23-29, 2002. JURISDICTIONAL AREAS WERE SURVEYED USING A GPS UNIT WITH SUB-METER ACCURACY. THIS DELINEATION WAS FIELD-VERIFIED BY MR. STEVE CHAPIN OF THE USACE ON FEBRUARY 11, 2003.

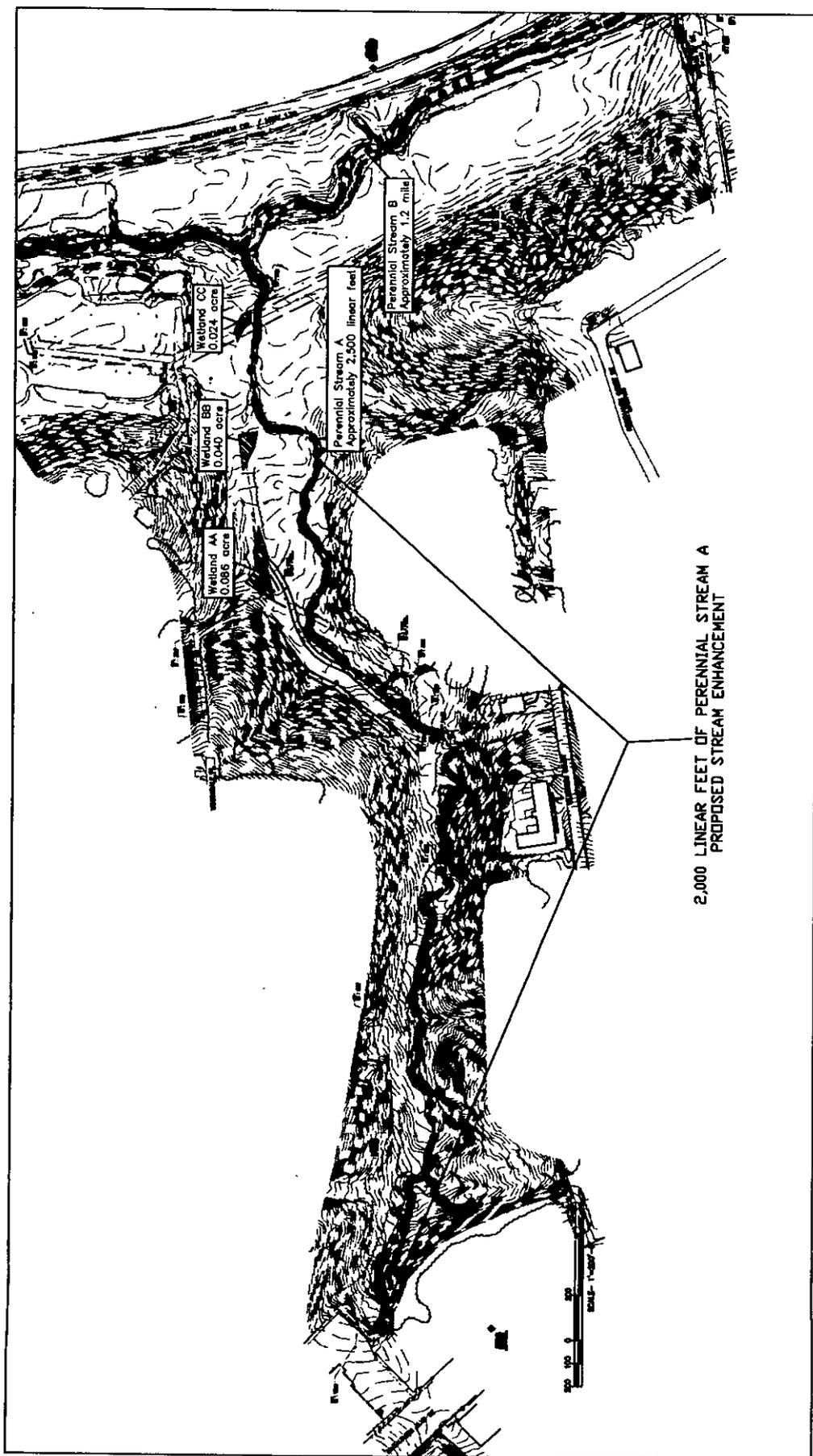


Carolina Wetland Services  
5020 Nations Crossing BL, Suite 200  
Charlotte, North Carolina 28217

SCALE	DATE
1" = 100'-0"	3/29/03
PLC. NO.	DRAWN BY
2002-0201	LH
JOB NO.	CHECKED BY
2002-0201	GOA

FIGURE 5. PROPOSED SITE PLAN  
CONCORD GREENWAY TRAIL POND PROJECT  
CONCORD, NORTH CAROLINA

ACTION ID. 200330699



LEGEND

JURISDICTIONAL WETLAND

JURISDICTIONAL STREAM CHANNEL

NOTE: STREAM ENHANCEMENT WILL CONSIST OF THE FOLLOWING:  
 (1) INSTALLATION OF INSTREAM HABITAT STRUCTURES  
 (2) STREAMBANK STABILIZATION USING BIO-ENGINEERING TECHNIQUES  
 (3) REMOVAL OF INVASIVE PLANT SPECIES WITHIN RIPARIAN CORRIDOR



Carolina Wetland Services  
 5000 N. Carolina Crossing Rd., Suite 200  
 Charlotte, North Carolina 28217

SCALE	DATE
1" = 300'-0"	4/4/03
FILE NO.	DRAWN BY
PK.	JM
JOB NO.	CHECKED BY
2003-0231	CSA

CONCEPTUAL MITIGATION PLAN  
 CONCORD GREENWAY TRAIL POND PROJECT  
 CONCORD, NORTH CAROLINA

ACTION ID. 200330699