

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

Action ID No. 200331090

August 12, 2003

PUBLIC NOTICE

MR. LARRY U. CLARK, 210 POINTE ROAD, SENECA, SOUTH CAROLINA 29672 has applied for a Department of the Army (DA) permit **TO CONSTRUCT AN APPROXIMATELY 6.14 ACRE POND ON AN UNNAMED TRIBUTARY TO HOWARD'S CREEK, WEST OF REEPSVILLE ROAD, NORTHWEST OF LINCOLNTON, IN LINCOLN 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 applicant proposes to construct a 6.14-acre pond on a perennial, unnamed tributary to Howard's Creek. The applicant has determined that in order to create a 6.14-acre impoundment it will be necessary to deposit fill material in 56 linear feet of channel for the dam resulting in the inundation of approximately 944 linear feet of channel.

The applicant proposes to mitigate for the loss of stream channel (by fill and inundation) through implementation of the following: (1) Exclusion of cattle from the pond and a 68 acre area in the vicinity of the pond through removal of cattle and subsequent installation of approximately 1,200 feet of fencing. As part of this plan, approximately 58 acres of eroding grazing land would be converted to hay land; (2) Establishment of 50 foot wide wooded buffers in the following areas: both sides of the tributary directly downstream from the proposed dam for a length of 600 feet, both sides of the small stream that runs from west to east parallel to Howard's Creek for a length of 700 feet, and the north side of Howard's Creek for a length of 1,200 feet. Much of these riparian areas are sparsely vegetated and livestock grazing and watering has severely degraded stream banks and stream channel. Buffers would be established through the planting of a mixture of native herbaceous cover, shrubs and small trees, and larger trees. In addition, the western shoreline of the proposed pond would remain wooded; (3) Construction of an approximately 0.5 acre shallow planted wetland area at the upper end of the pond utilizing native wetland plant species, and (4) Potentially entering approximately 2.2 acres of wetlands located downstream from the proposed pond area into the USDA Wetland Reserve Program. The applicant's stated purpose for the pond is recreation and to attract waterfowl and wildlife (not for hunting purposes). If the project is approved, the applicant states that he envisions the pond and buffer areas to have limited walking trails and wildlife viewing areas for recreational and educational purposes. 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.

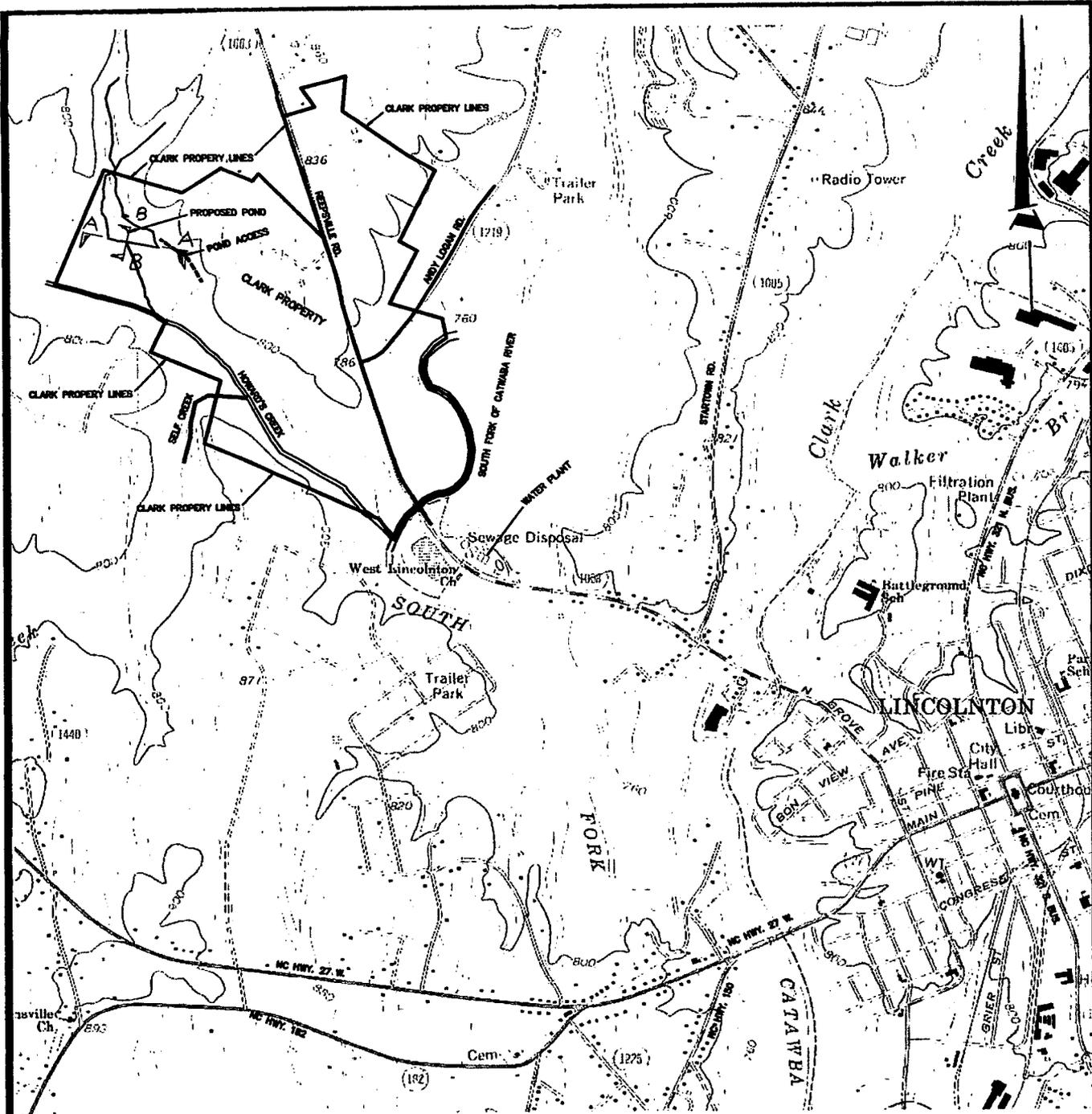
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity 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 September 5, 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 September 5, 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., September 11, 2003, or telephone, (828) 271-7980 extension 5.



NOTES:
 1) CLARK BOUNDARY SURVEY AND POND LOCATION PROVIDED BY BUCKNER & ASSOCIATES, BACKGROUND INFORMATION TAKEN FROM THE LINCOLNTON WEST QUAD SHEET.

PIN	3614	00	60	6800
	3614	00	92	7524
	3614	00	71	1822

DESCRIPTION OF PROPERTY FOUND IN:
 DEED BOOK: 722, PAGE: 60
 DEED BOOK: 722, PAGE: 53
 HOWARD'S CREEK TWP. LINCOLN CO., NC
 VICINITY MAP FOR:
LARRY U. CLARK
 AND WIFE,
ANN C. CLARK

SCALE: 1" = 2000' DATE: 07/03/2003

BUCKNER & ASSOCIATES, P.A.
 LAND SURVEYORS
 212 EAST MAIN STREET
 P.O. BOX 206
 LINCOLNTON, NC 28083
 TELEPHONE NO. (704)735-7214
 RAYMOND T. BUCKNER, JR., P.L.S.
 DRAWN BY: JEDEDIAH B. SCHRUM

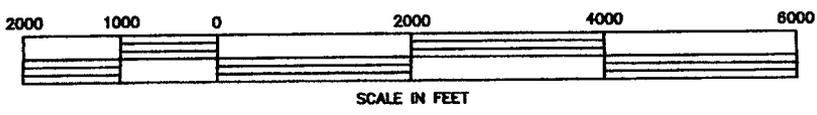
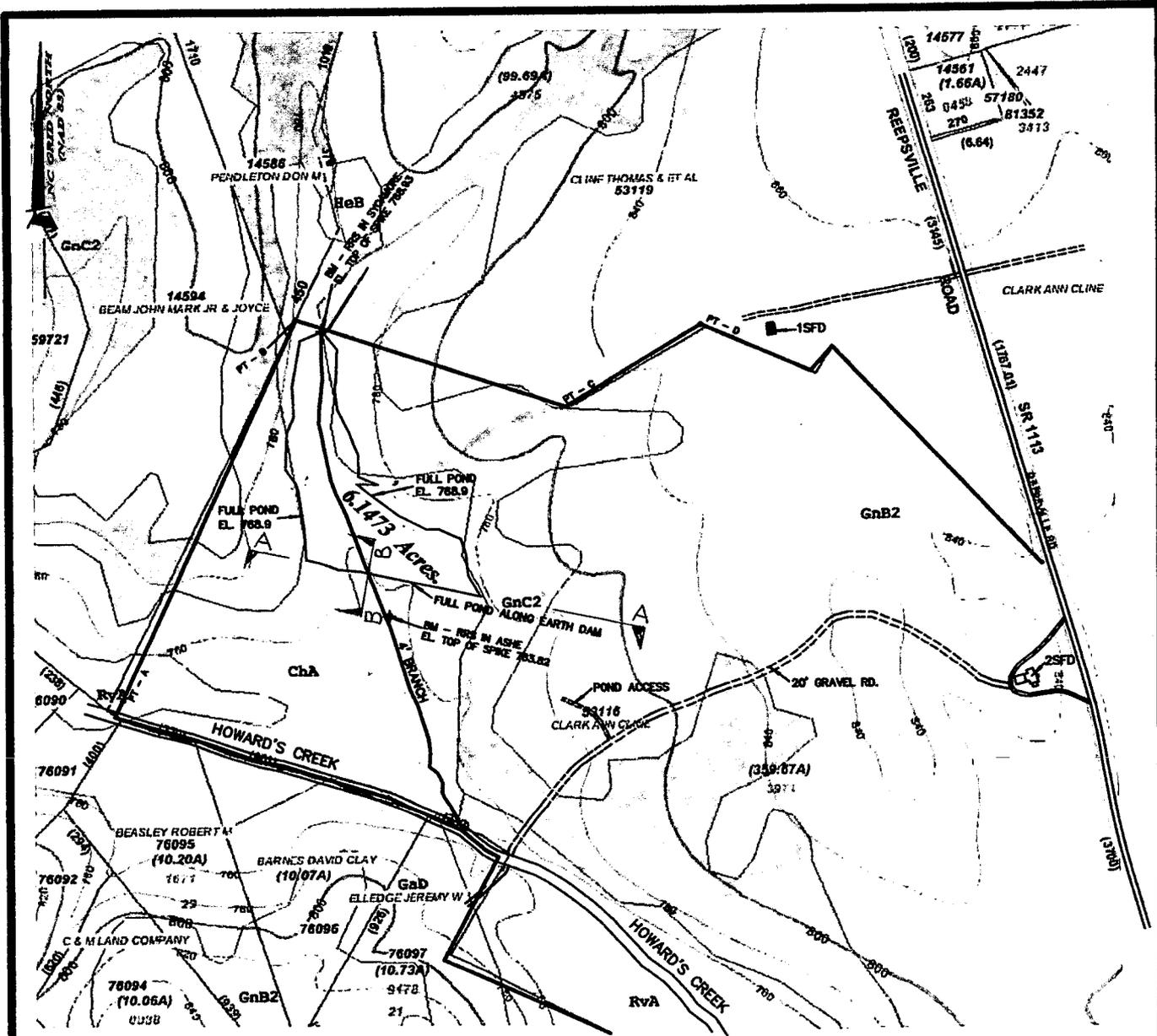


EXHIBIT I
 ACTION ID. 200331090
 SHEET 1 OF 6



- Township Lines
- Contour Lines
- Intermediate Contours
- Map Features
- Moist Base ment
- Flow in Creeks
- Subsidence
- Handicapped
- Intermediate Line
- UT of Elevation

POINT	DESC.	GRID CORD. N =	GRID CORD. E =	ELEVATION
PT - A	T. POST	641249.008	1315949.935	761.54
PT - B	5/8" ROD	642877.072	1316609.178	775.59
PT - C	5/8" ROD	642334.369	1317598.739	804.78
PT - D	#5 REBAR	642836.887	1318105.294	804.91

PIN	3614	00	80	8600
	3614	00	82	7524
	3614	00	71	1822

DESCRIPTION OF PROPERTY FOUND IN:
 DEED BOOK: 722, PAGE: 60
 DEED BOOK: 722, PAGE: 53
 HOWARD'S CREEK TWP. LINCOLN CO., NC

POND SITE PLAN FOR:
LARRY U. CLARK
 AND WIFE,
ANN C. CLARK

SCALE: 1" = 600' DATE: 07/07/2003

BUCKNER & ASSOCIATES, P.A.
 LAND SURVEYORS
 212 EAST MAIN STREET
 P.O. BOX 206
 LINCOLN, NC 28093
 TELEPHONE NO. (704)735-7214
 RAYMOND T. BUCKNER, JR., P.L.S.
 DRAWN BY: JEDEDIAH B. SCHRUM

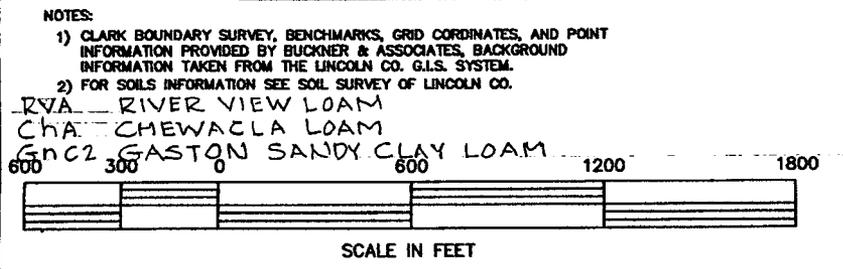
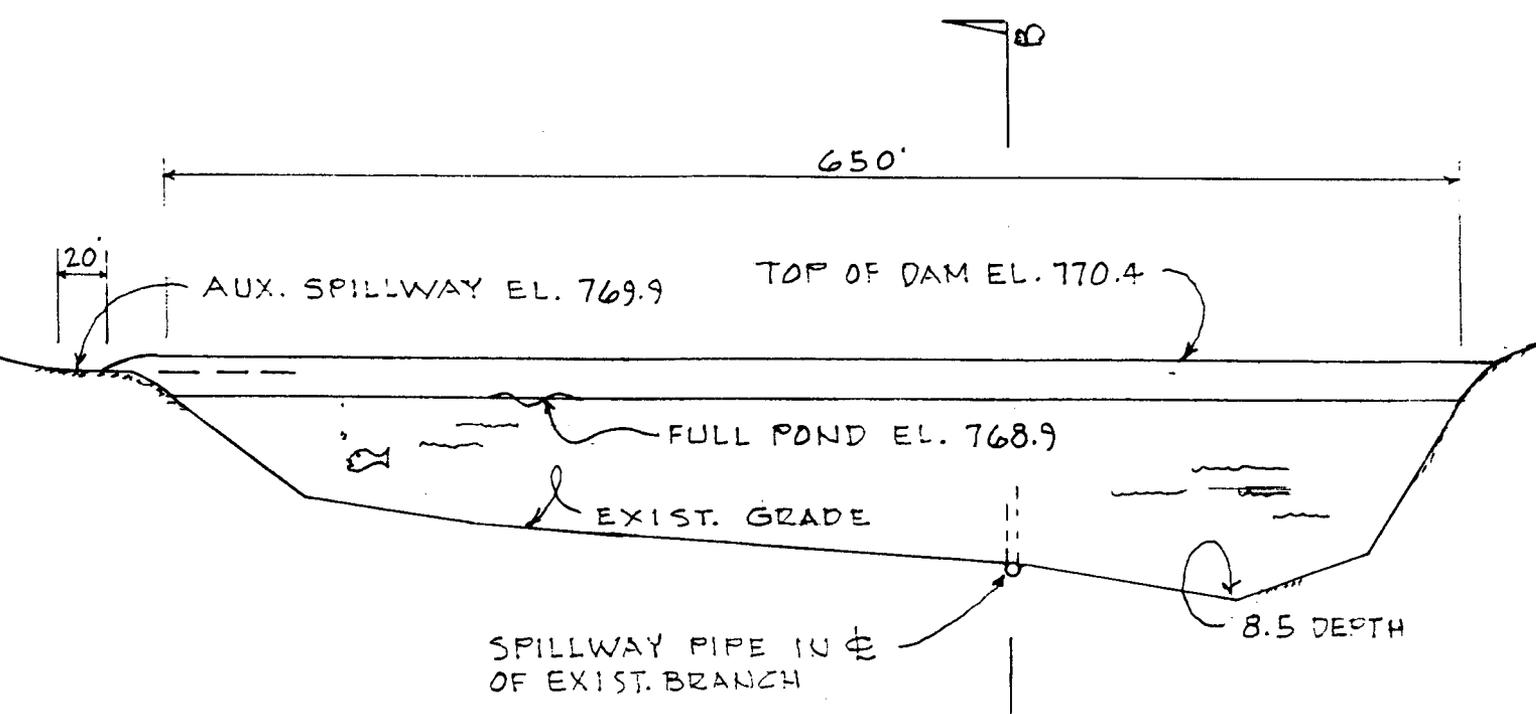


EXHIBIT 2
 ACTION I.D. 200331090
 SHEET 2 OF 6



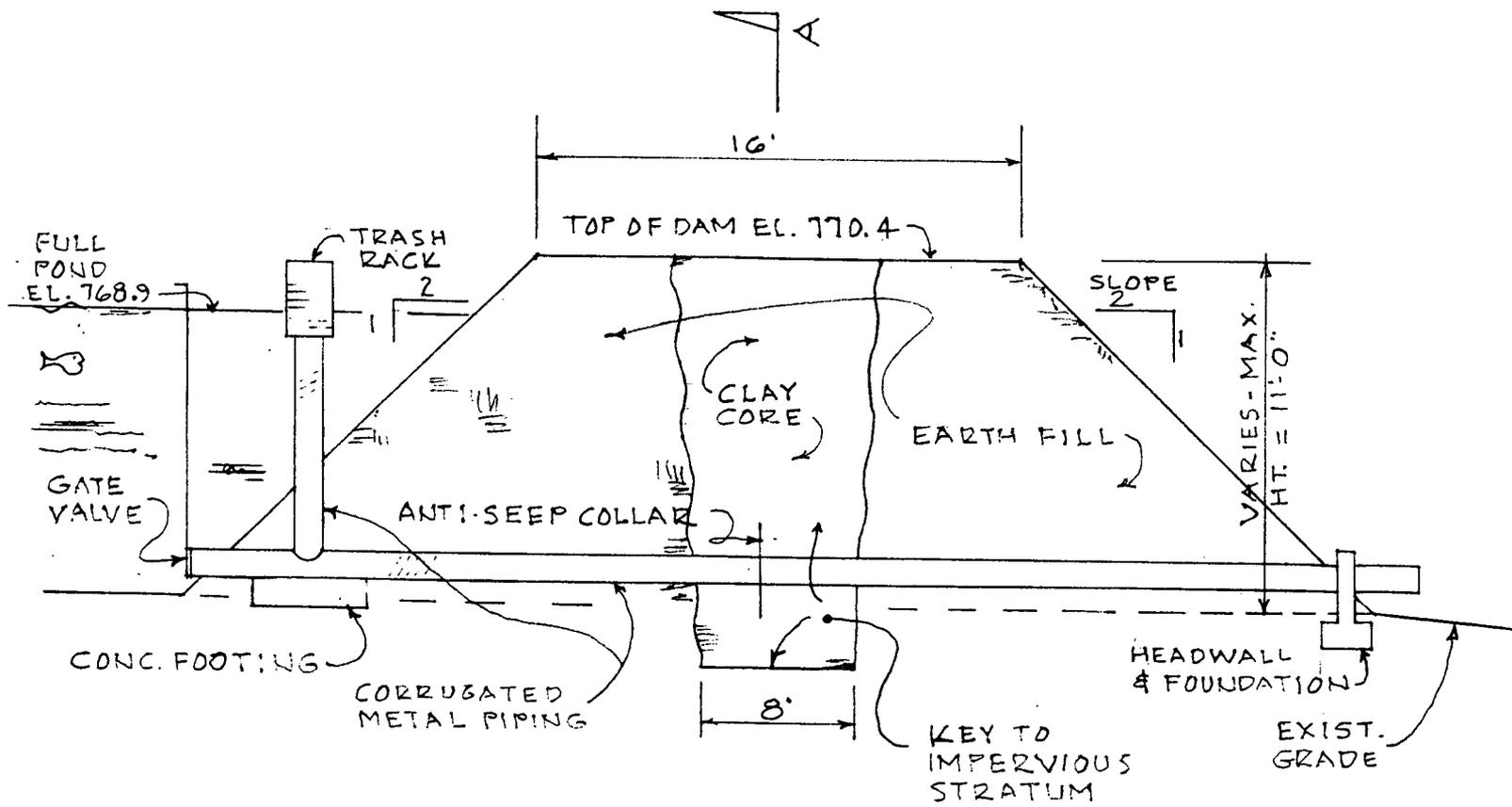
LONGITUDINAL SECTION OF
DAM AT POINT OF FULL POND "A"

SCALE:
 HORIZONTAL 1"=100'
 VERTICAL 1/8"=1'-0"

ACTION ID. 200331090
SHEET 3 OF 6

APPLICANT:
 LARRY U. CLARK
 JULY 16, 2003

EXHIBIT 3



LATERAL SECTION OF DAM
AT SPILLWAY STRUCTURE "B"
 NOT TO SCALE

ACTION ID. 200331090
SHEET 4 OF 6

APPLICANT:
 LARRY U. CLARK
 JULY 16, 2003

EXHIBIT 4



Township Lines	Parcel Hook	Railroads	A	A16	ETJ
Map Features	Interior Lot Line	Parcels	A5	B	Lake Norman
Road Easement	Utility Easement	Private Roads	A6	C	
Rivers, Creeks	Right-of-Ways	Flood Plain-12/1/1981	A10	Lincolnton	
Subdivision Corner (cont)	Roads (cont)	(cont)	A13	City Limits (cont)	
			A14 (cont)		

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD. Lincoln County, NC Office of the Tax Administrator, GIS Division

APPLICANT
LARRY U. CLARK
JULY 27, 03
ACTION ID. 200331090
SHEET 5 OF 6
 EXHIBIT 5



Township Lines	Rivers, Creeks	Utility Easement	Railroads	Lincolnton	Lake Norman
Map Features	Subdivision Corner	Right-of-Ways	Parcels	City Limits	ETJ
Road Easement (cont)	Parcel Hook	Roads (cont)	Private Roads		
	Interior Lot Line (cont)				

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LEGEND

- PLANNED LAKE SITE
- PLANNED WETLAND ENHANCEMENT
- PLANNED 50' RIPARIAN BUFFER
- PLANNED 6" DEEP SHELF IN LAKE
- PROPERTY BOUNDRY
- PLANNED FENCE
- EXISTING FENCE

ACTION ID. 200331090
SHEET 6 OF 6