

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

Action ID No. 200330386

July 1, 2003

PUBLIC NOTICE

CAMBRIDGE PROPERTIES, INCORPORATED, ATTENTION: MR. DAN THORN, 1043 EAST MOREHEAD STREET, SUITE 202, CHARLOTTE, NORTH CAROLINA 28204 has applied for a Department of the Army (DA) permit **TO IMPACT WETLANDS, OPEN WATER, AND STREAM CHANNELS IN ASSOCIATION WITH THE PROPOSED CONSTRUCTION OF THE SHOPPES AT DAVIS LAKE DEVELOPMENT LOCATED ON THE NORTH SIDE OF W.T. HARRIS BOULEVARD, IN CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.**

The following description of work is taken from data provided by the applicant and from observations made during an onsite visit by representatives of the Corps of Engineers. Plans submitted with the application show that Cambridge Properties is proposing to construct a Neighborhood Shopping Center (NSC) on an approximate 20-acre tract with approximately 102,000 square feet of retail space. A typical NSC features a full range of retail, convenience and service related businesses. The separate businesses are located in a layout that utilizes a central core of parking area that allows a shopper to park in one spot and then access stores without having to drive to each location. The applicant proposes an NSC based on zoning and market demand. The property was cleared in 1996 and has revegetated primarily with blackberry and hardwoods. In addition, an unnamed tributary to Mallard Creek bisects the property. The applicant's plans show retail space consisting of 51,759 square feet for a Lowes Food store and another 50,000 square feet for additional junior anchors and retail shops. In addition, internal roads and parking areas will require 8.18 acres of space on the tract. The development plan also features three out parcels (totaling 7.9 acres) located on uplands that will support freestanding restaurants, banks, pharmacies, or other retail buildings. In order to construct the development, the applicant has determined that it will be necessary to impact 718 linear feet of an unnamed tributary to Mallard Creek, 0.731 acre of wetlands, and 0.664 acre of open water (ponds). As part of the impacts, a drained recreational pond containing 0.249 acre of jurisdictional open waters will be engineered to serve as the storm water management facility for the site. The applicant plans to import up to 135,000 cubic yards of clean fill to balance the property and raise the elevation consistent with its surrounding roads and access points. Mitigation to offset the loss of aquatic resource (stream channel, open water, and wetlands) is being proposed by the applicant through payment to the North Carolina Wetland Restoration Program (WRP) at a 1:1 ratio and the WRP has agreed to accept payment. 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.

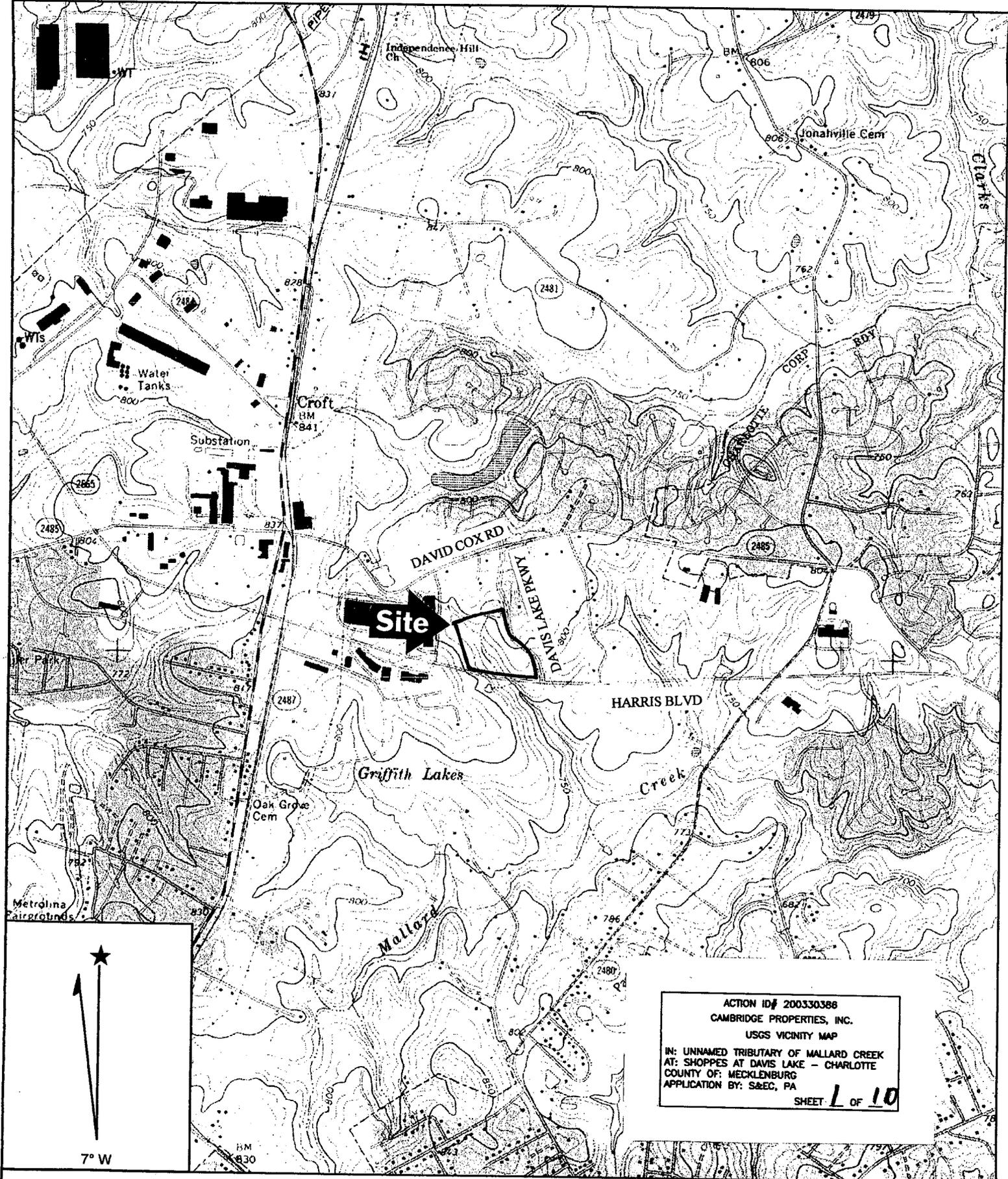
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity 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 July 25, 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 July 25, 2003, Attention: Mr. John Dorney.

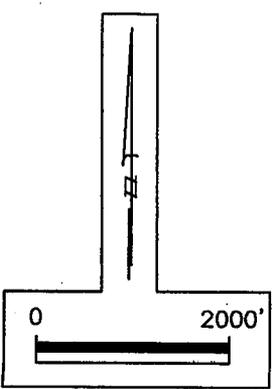
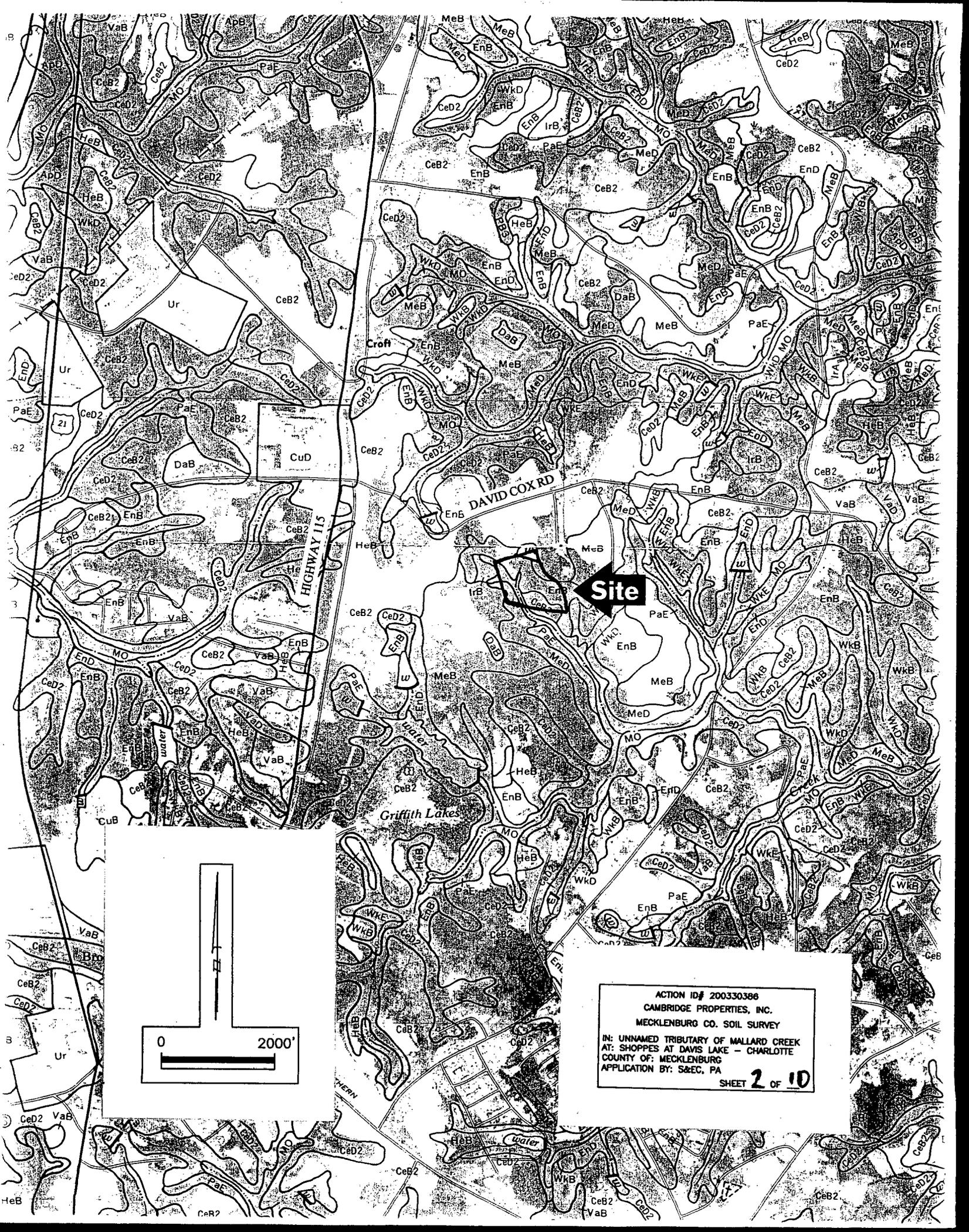
Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steve Chapin, until 4:15 p.m., July 30, 2003, or telephone (828) 271-7980, extension 5.



ACTION ID# 200330388
 CAMBRIDGE PROPERTIES, INC.
 USGS VICINITY MAP
 IN: UNNAMED TRIBUTARY OF MALLARD CREEK
 AT: SHOPPES AT DAVIS LAKE - CHARLOTTE
 COUNTY OF: MECKLENBURG
 APPLICATION BY: S&EC, PA
 SHEET **L** OF **10**

Name: DERITA
 Date: 5/28/2003
 Scale: 1 inch equals 2000 feet

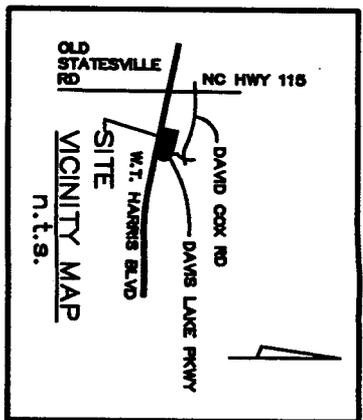
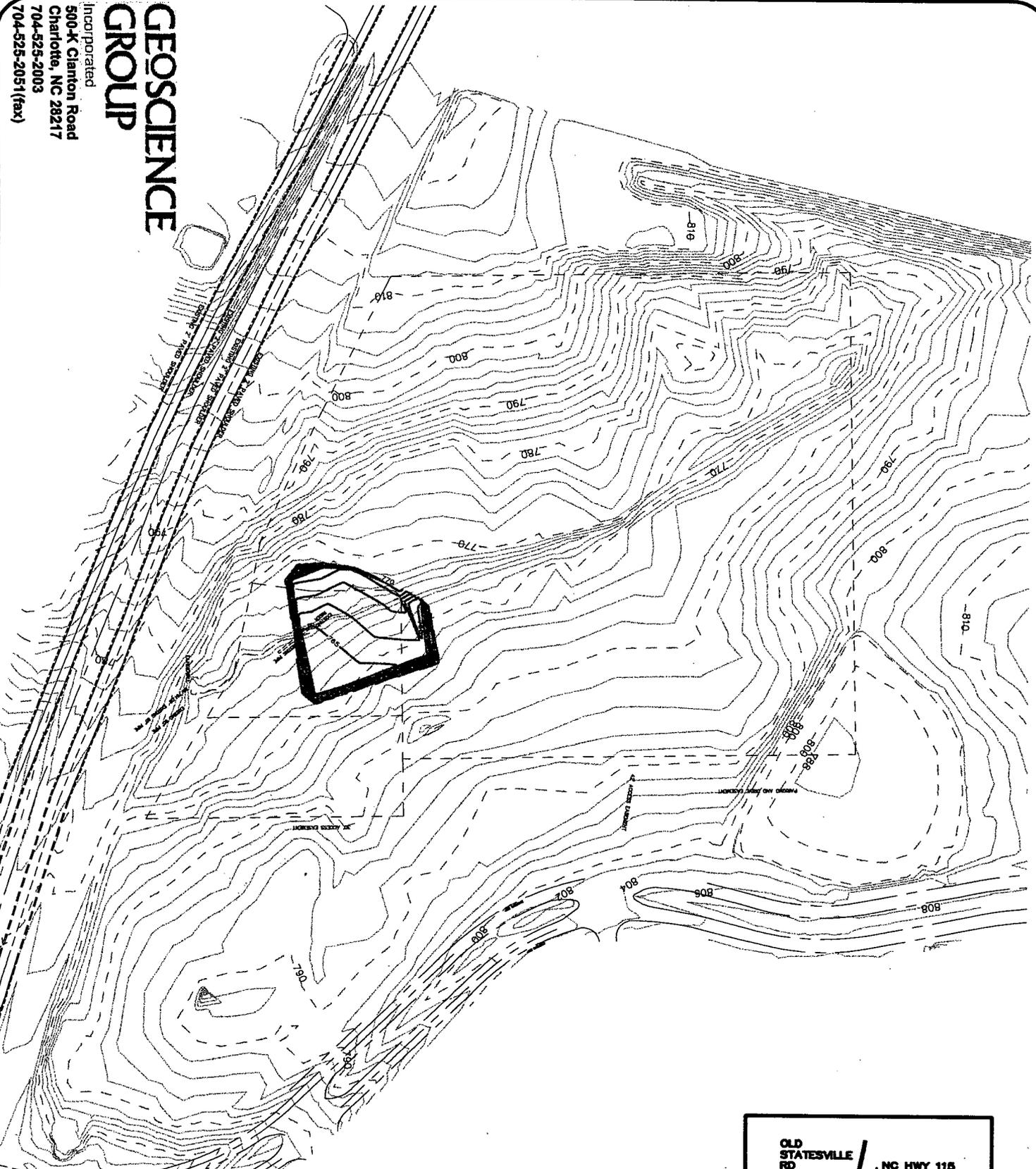
Location: 035° 20' 10.2" N 080° 48' 45.1" W



ACTION ID# 200330386
CAMBRIDGE PROPERTIES, INC.
MECKLENBURG CO. SOIL SURVEY
IN: UNNAMED TRIBUTARY OF MALLARD CREEK
AT: SHOPES AT DAVIS LAKE - CHARLOTTE
COUNTY OF: MECKLENBURG
APPLICATION BY: S&EC, PA
SHEET 2 OF 10

Incorporated
 500-K Clanton Road
 Charlotte, NC 28217
 704-525-2003
 704-525-2051 (fax)

GEOSCIENCE GROUP



TOPO MAP

SCALE: 1"=200'

THE SHOPPES AT DAVIS LAKE

CITY OF CHARLOTTE, NC

Action ID# 200330386
 Cambridge Properties, Inc.
 Sheet Title
 IN: Unnamed Tributary of Mallard Creek
 At: Shoppes at Davis Lake
 County of Mecklenburg
 Application S&EC, P.A.
 SHEET **3** OF **10**

Mecklenburg County, North Carolina

POLARIS

Property Ownership Land Records Information System



This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

ACTION ID# 200330386
CAMBRIDGE PROPERTIES, INC.
AERIAL PHOTO

IN: UNNAMED TRIBUTARY OF MALLARD CREEK
AT: SHOPPES AT DAVIS LAKE - CHARLOTTE
COUNTY OF: MECKLENBURG
APPLICATION BY: S&EC, PA

SHEET 4 OF 10

CROW CHILDRESS KLEIN B-A
5199-795
043-221-03

ACQUIPORT/AMSDELL LP
T2A MB 24 PG 602
043-221-09

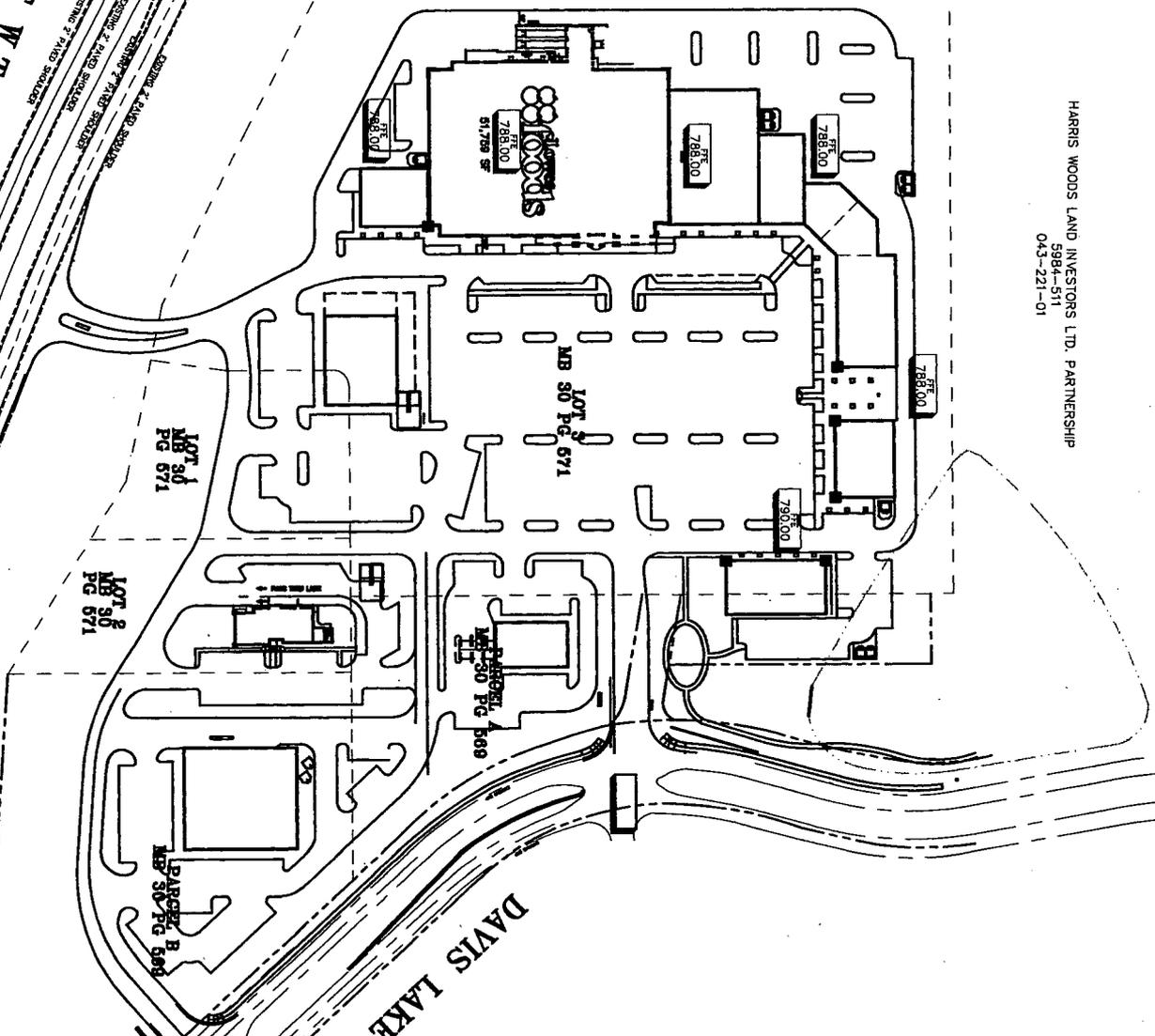
HARRIS WOODS LAND INVESTORS LTD. PARTNERSHIP
5984-511
043-221-01

GEO SCIENCE GROUP

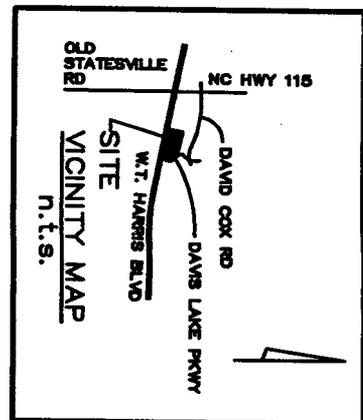
Incorporated
500-K Clanton Road
Charlotte, NC 28217
704-525-2003
704-525-2051 (fax)

WEST W.T. HARRIS BOULEVARD
VARIABLE WIDTH PUBLIC R/W

EXISTING 4' ROAD SHOULDER
EXISTING 2' ROAD SHOULDER
EXISTING 2' ROAD SHOULDER
EXISTING 2' ROAD SHOULDER



DAVIS LAKE PARKWAY



Action ID# 200330366
Cambridge Properties, Inc.
Sheet Title
In: Unnamed Tributary of Mellard Creek
At: Shoppes at Davis Lake
County of Mecklenburg,
Application by S&EC, P.A.

SITE PLAN
SCALE 1"=200'
THE SHOPPES AT DAVIS LAKE
CITY OF CHARLOTTE, NC

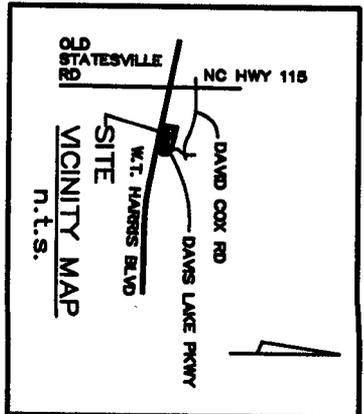
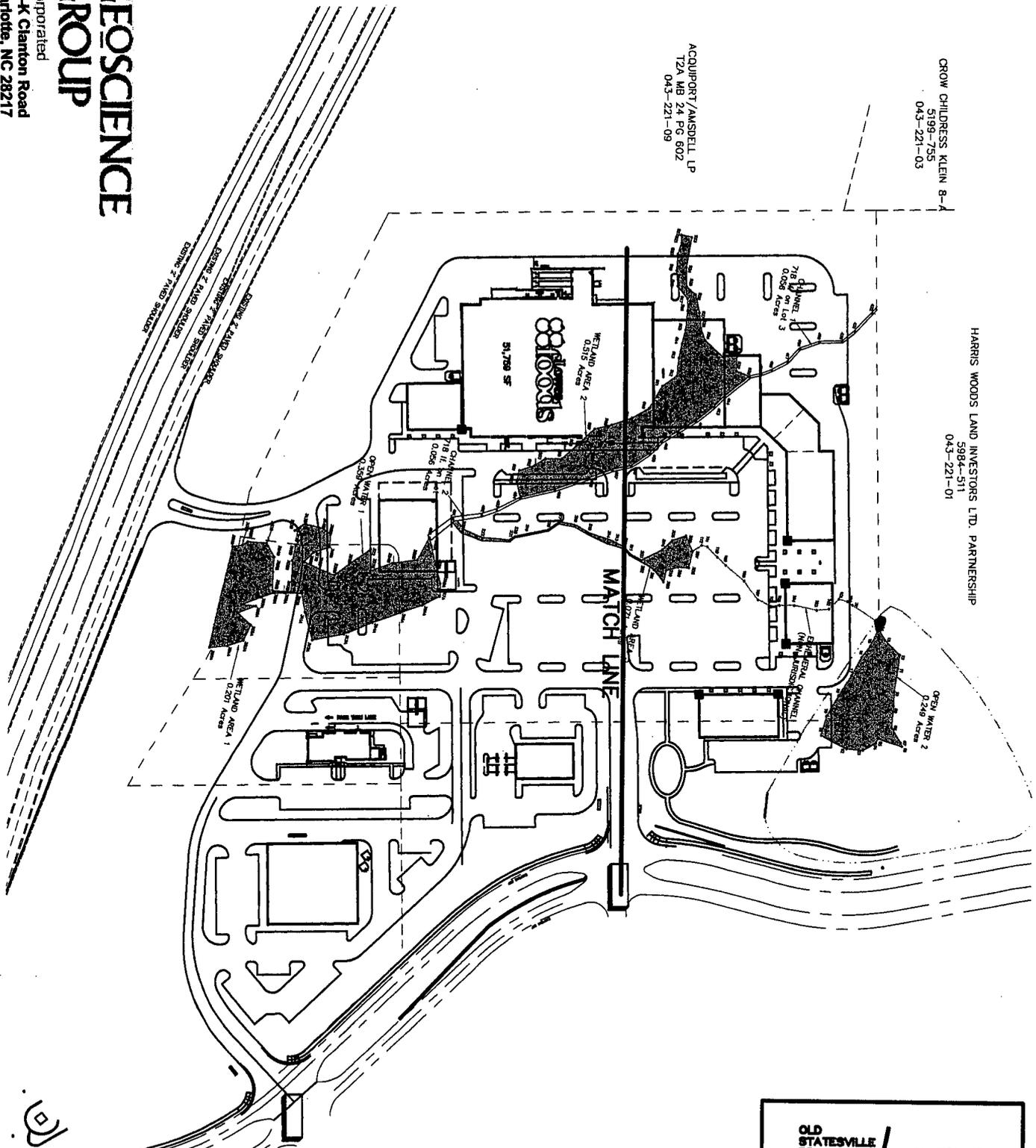
CROW CHILDRESS KLEIN 8-A
5199-755
043-221-03

HARRIS WOODS LAND INVESTORS LTD. PARTNERSHIP
5994-511
043-221-01

ACQUIRPORT/AMSDPELL LP
12A MB 24 PG 602
043-221-09

GEOSCIENCE GROUP

Incorporated
500-K Clanton Road
Charlotte, NC 28217
704-525-2003
704-525-2051 (fax)

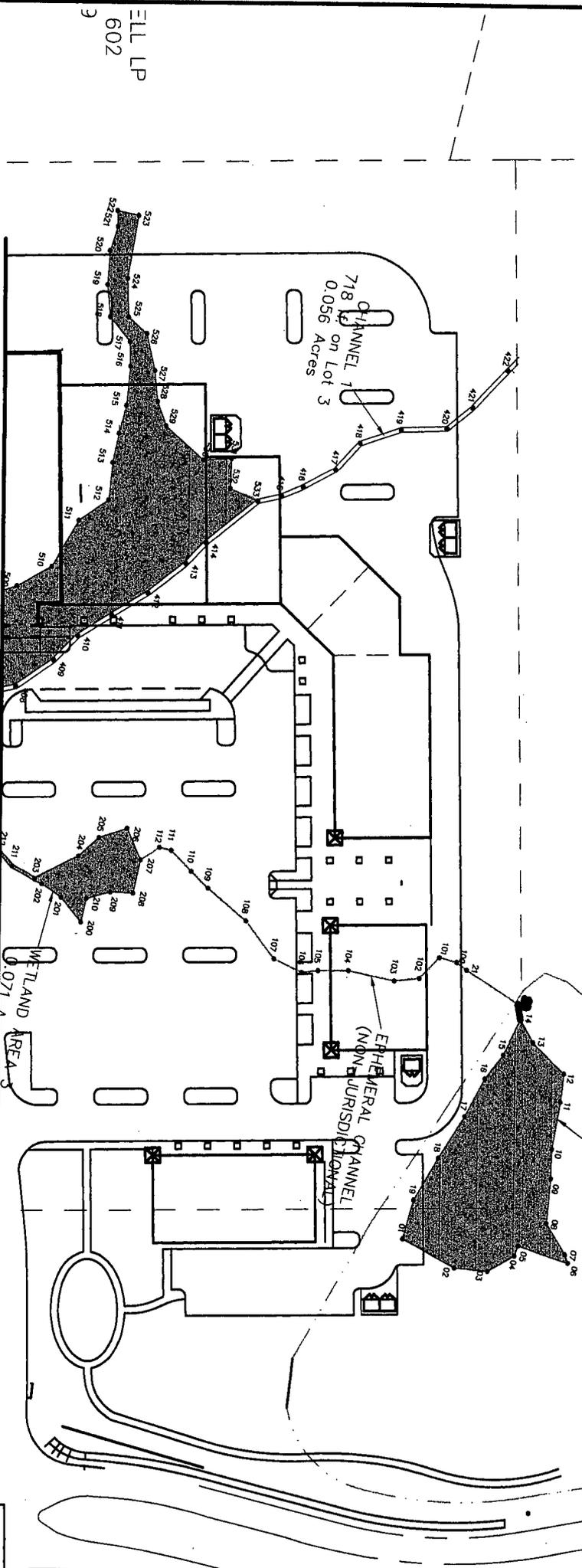


THE SHOPPES AT DAVIS LAKE CITY OF CHARLOTTE, NC

Action ID# 200330386
Cambridge Properties, Inc.
Sheet Title
IN: Unnamed Tributary of Mellard Creek
At: Shoppes at Davis Lake
County of Mecklenburg
Application by S&EC, P.A.
SHT **6** OF **10**

HARRIS WOODS LAND INVESTORS LTD. PARTNERSHIP
 5984-511
 043-221-01

S. KLEIN 8-A
 755
 1-03



ELL LP
 602
 3

GEOSCIENCE GROUP

Incorporated
 500-K Clanton Road
 Charlotte, NC 28217
 704-525-2003
 704-525-2051 (fax)

Action ID# 200330386
 Cambridge Properties, Inc.
 Sheet title
 In: Unnamed Tributary of Mallard Creek
 At: Shoppes at Dows Lake
 County of Mecklenburg
 Application by S&EC, P.A.

MATCH LINE SHEET _____ OF _____

Block 22: The following table indicates the surface area of the wetlands, open waters and stream channels that are to be filled.

Designation	Surface Area (square feet)
Wetland Area 1	0.145
Wetland Area 2	0.515
Wetland Area 3	0.071
Open Water 1	0.415
Open Water 2	0.249
stream channel	0.056

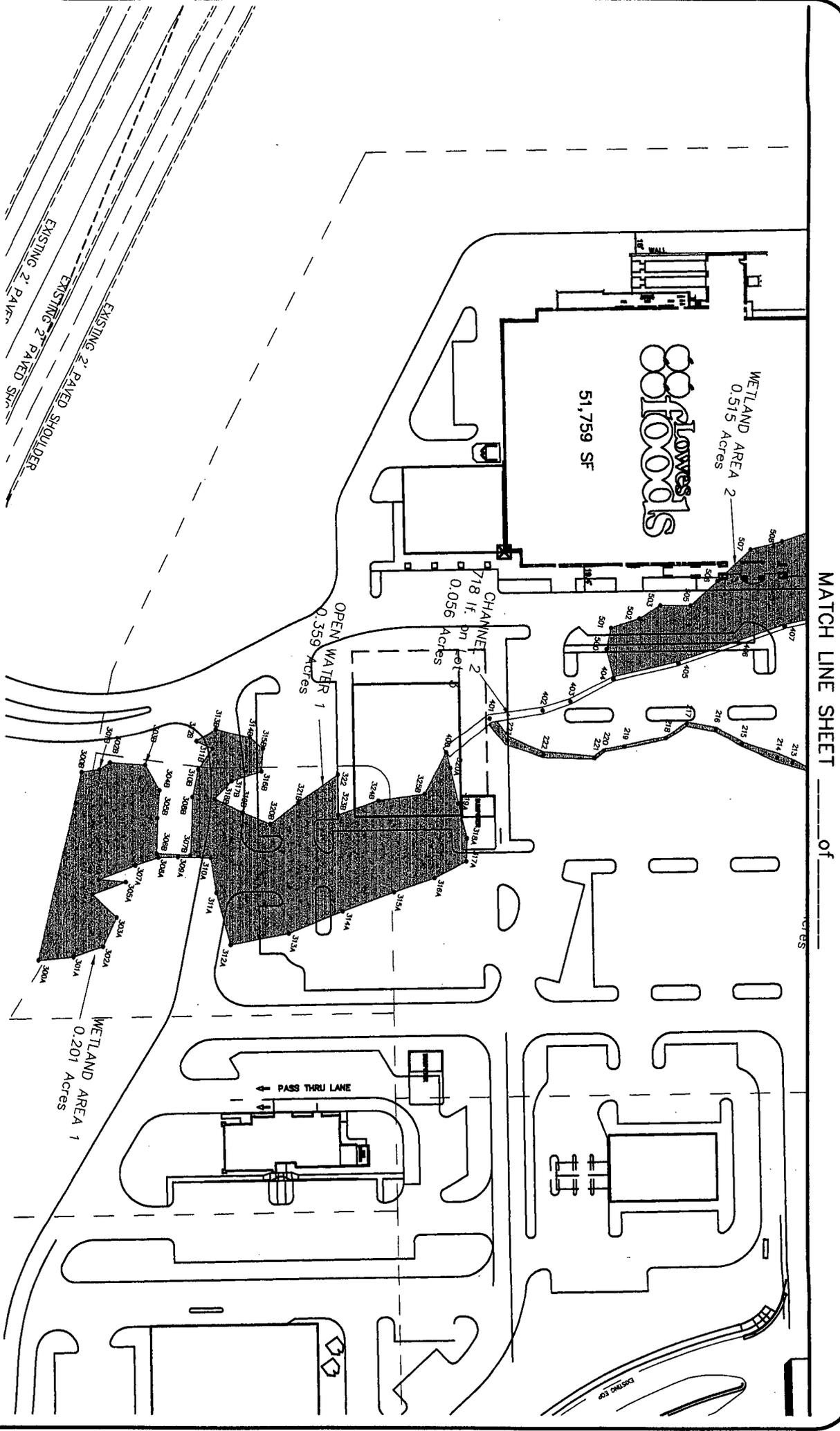
WETLANDS

SCALE: 1"=100'

Acton ID # 200330386
 Cambridge Properties, Inc.
 Sheet Title
 IN: Unnamed Tributary of Mellard Creek
 At: Shoppes at Davis Lake
 County of Mecklenburg
 Application by SEFC, P.A.

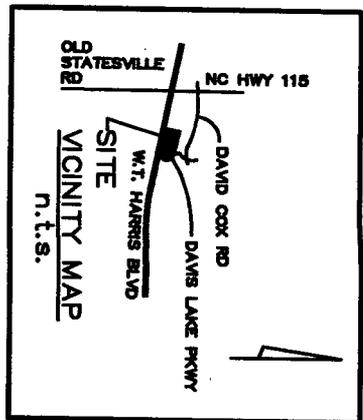
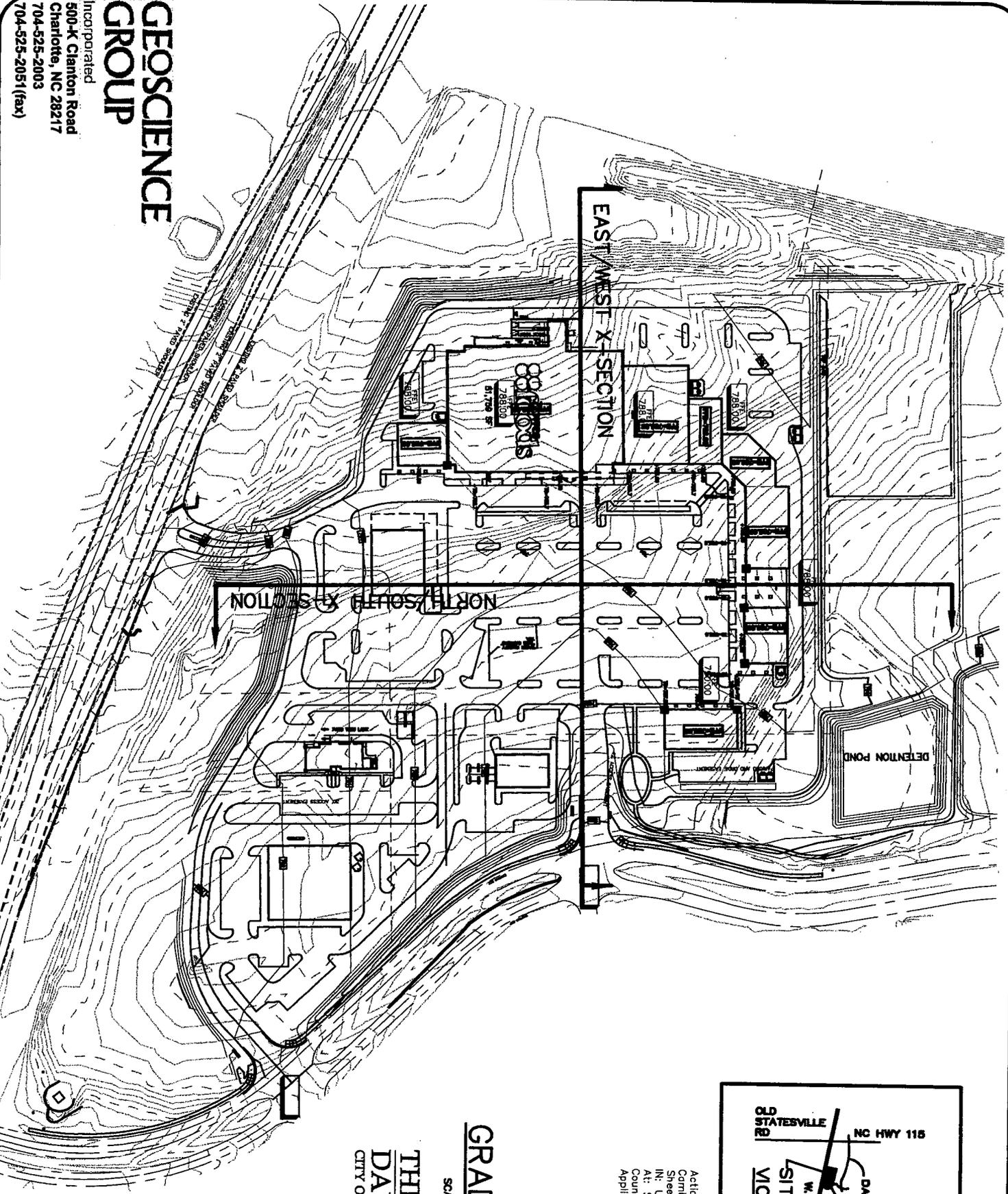
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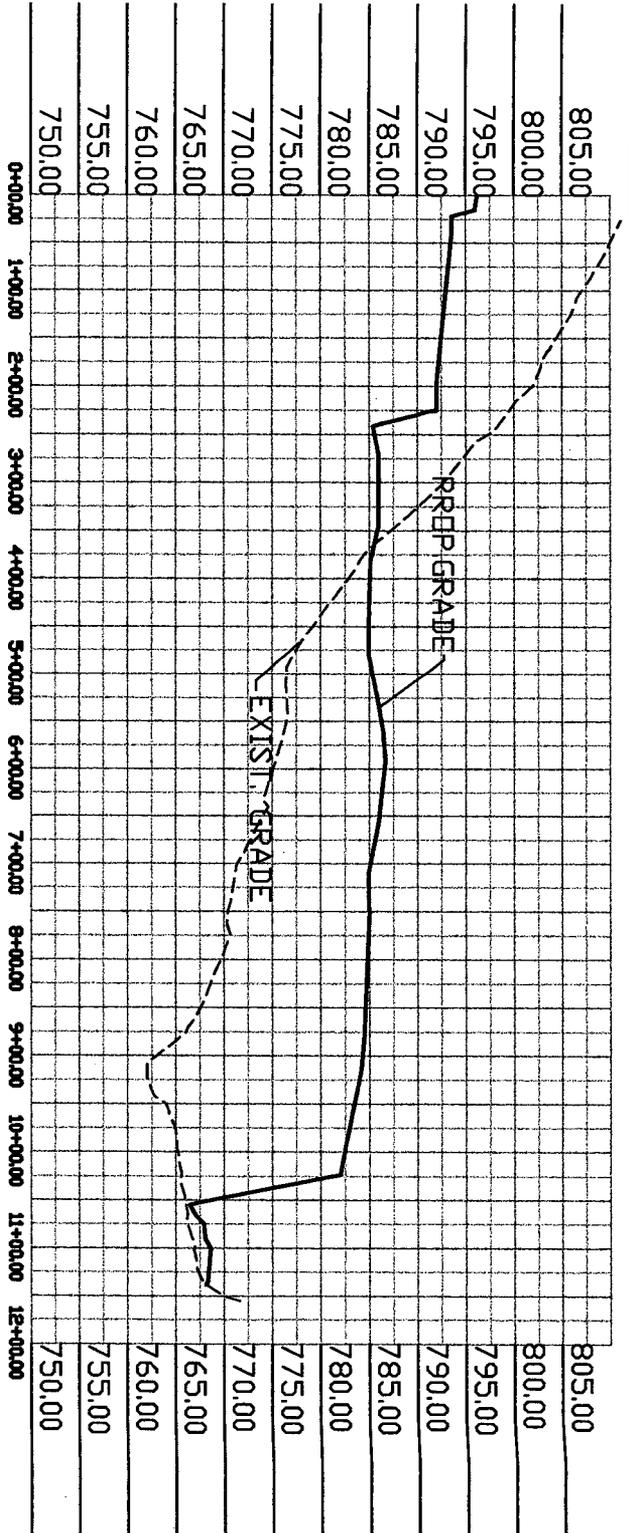
Action ID# 200330386
 Cambridge Properties, Inc.
 Sheet Title
 IN: Unnamed Tributary of Mallard Creek
 At: Shoppes at Davis Lake
 County of Mecklenburg
 Application by S&C, P.A

GRADING PLAN

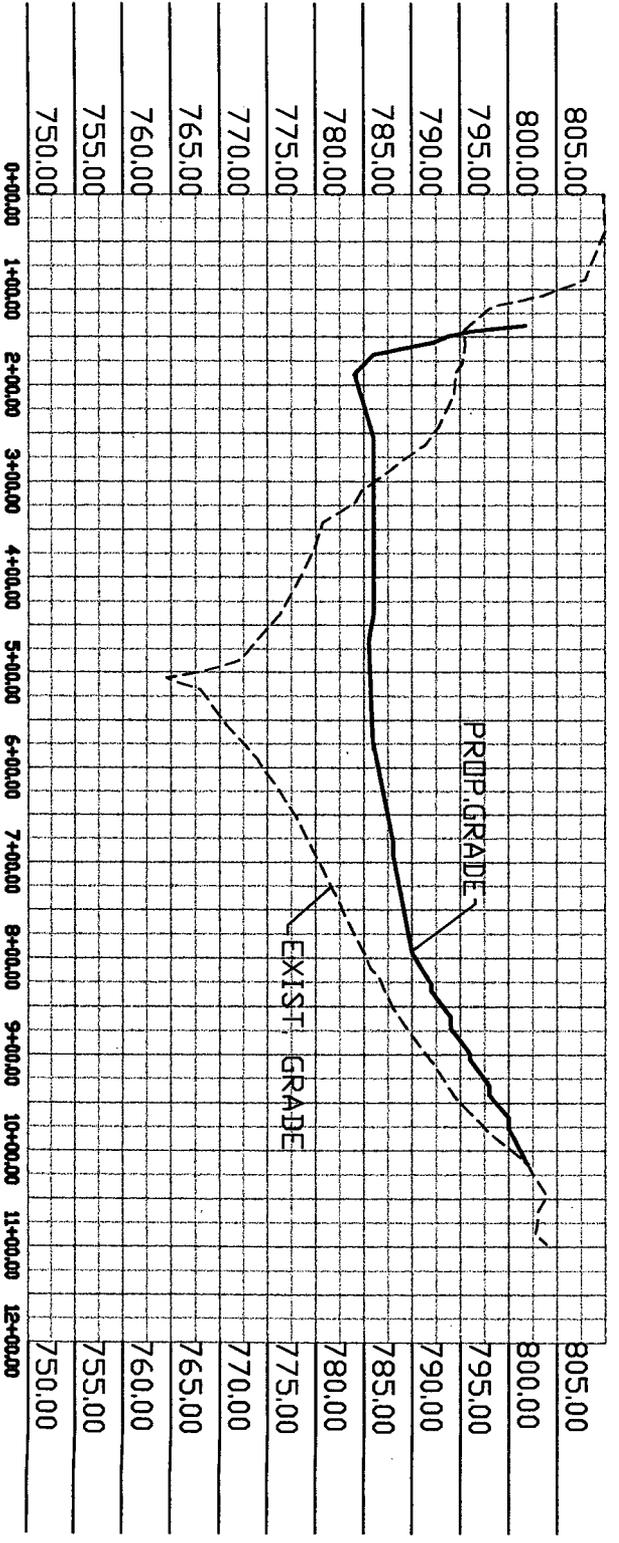
SCALE: 1"=200'

**THE SHOPPES AT
 DAVIS LAKE
 CITY OF CHARLOTTE, NC**

Action ID# 200330386
 Cornbridge Properties, Inc.
 Sheet Title
 In: Unnamed Tributary of Midland Creek
 At: Shoppes at Davis Lake
 County of Mecklenburg
 Application by S&EC, P.A



NORTH/SOUTH X-SECTION



EAST/WEST X-SECTION

GEOSCIENCE GROUP

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