

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. 200201248

November 22, 2004

PUBLIC NOTICE

The Town of Carthage, Attn: Ms. Carol Cleetwood, Town Manager, 4396 Highway 15/501, Town Hall, Carthage, North Carolina 28327 has applied for a Department of the Army (DA) permit TO DISCHARGE FILL MATERIAL INTO 0.073 ACRES OF SECTION 404 WATERS OF THE UNITED STATES AND PERMANENTLY IMPOUND 4.49 ACRES OF SECTION 404 WETLANDS ADJACENT TO NICKS CREEK, A TRIBUTARY TO THE LITTLE RIVER, ASSOCIATED WITH THE CONSTRUCTION OF THE TOWN OF CARTHAGE WATER INTAKE DAM AND IMPOUNDMENT, LOCATED IMMEDIATELY WEST OF NC HIGHWAY 22, APPROXIMATELY 2 MILES NORTH OF THE MOORE COUNTY AIRPORT, SOUTH OF CARTHAGE, MOORE COUNTY, NORTH CAROLINA.

The following is a description of the work taken from data provided by the applicant and from observations made during site visits by representatives of the Corps of Engineers. The proposed impoundment of Nicks Creek would be located immediately west of NC Highway 22, north of the Moore County Airport. Plans submitted with the application show permanent impacts to the 0.073 acres of jurisdictional waters and conversion of approximately 4.49 acres of scrub-shrub, riparian wetlands to open water associated with construction of a water intake dam and impoundment. Plans for the project include the proposed placement of 253 cubic yards of fill material for the dam structure, fill slope, and energy dissipater. Plans showing the work are included with this public notice.

The current land use of the project area is undeveloped and forested. According to the applicant, historic manmade impoundment structures and beaver activity have affected this section of Nicks Creek. In the 1950's, a water supply reservoir and water intake for the Town of Carthage was constructed at this location. Then in the 1960's, a portion of this dam washed out; however, water remained impounded during normal conditions (non-drought) to the water intake structure and the dam was never repaired. During the drought of 2002, the Town of Carthage requested Department of Army authorization to temporarily repair the historic dam in order to ensure a continuous supply of water. On September 16, 2002, the Corps of Engineers verified the use of Nationwide Permit 18 for 0.10 acres of impact to jurisdictional waters (Action ID#200201248), with the condition that they were to remove the structure by September 16, 2003 or apply for an Individual Permit for the permanent impact. The dam was never removed and consequently the Town of Carthage was notified on October 28, 2003 of their non-compliance with the permit conditions. The Town has responded with this request to permanently impound Nicks Creek. Surrounding land use is currently a mixture of forest, agriculture, and scattered single-family residences.

The applicant's proposal also includes a mitigation plan for the impacts to jurisdictional waters. This proposal consists of placing a portion of Nicks Creek and adjacent wetlands and uplands, currently owned by the Town of Carthage, under a Conservation Easement with the Sandhills Area Land Trust. The projected preservation includes 25 acres of scrub-shrub riparian wetlands and 10 acres of adjacent uplands immediately upstream of the proposed water intake impoundment. The estimated mitigation ratio for this preservation is 5:1. The mitigation plan is included with this public notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

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 Corps is forwarding this notice and all applicable application materials to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). 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 Department of the Army (DA) permit serves as application to the NCDWQ for certification.

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 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, 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 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

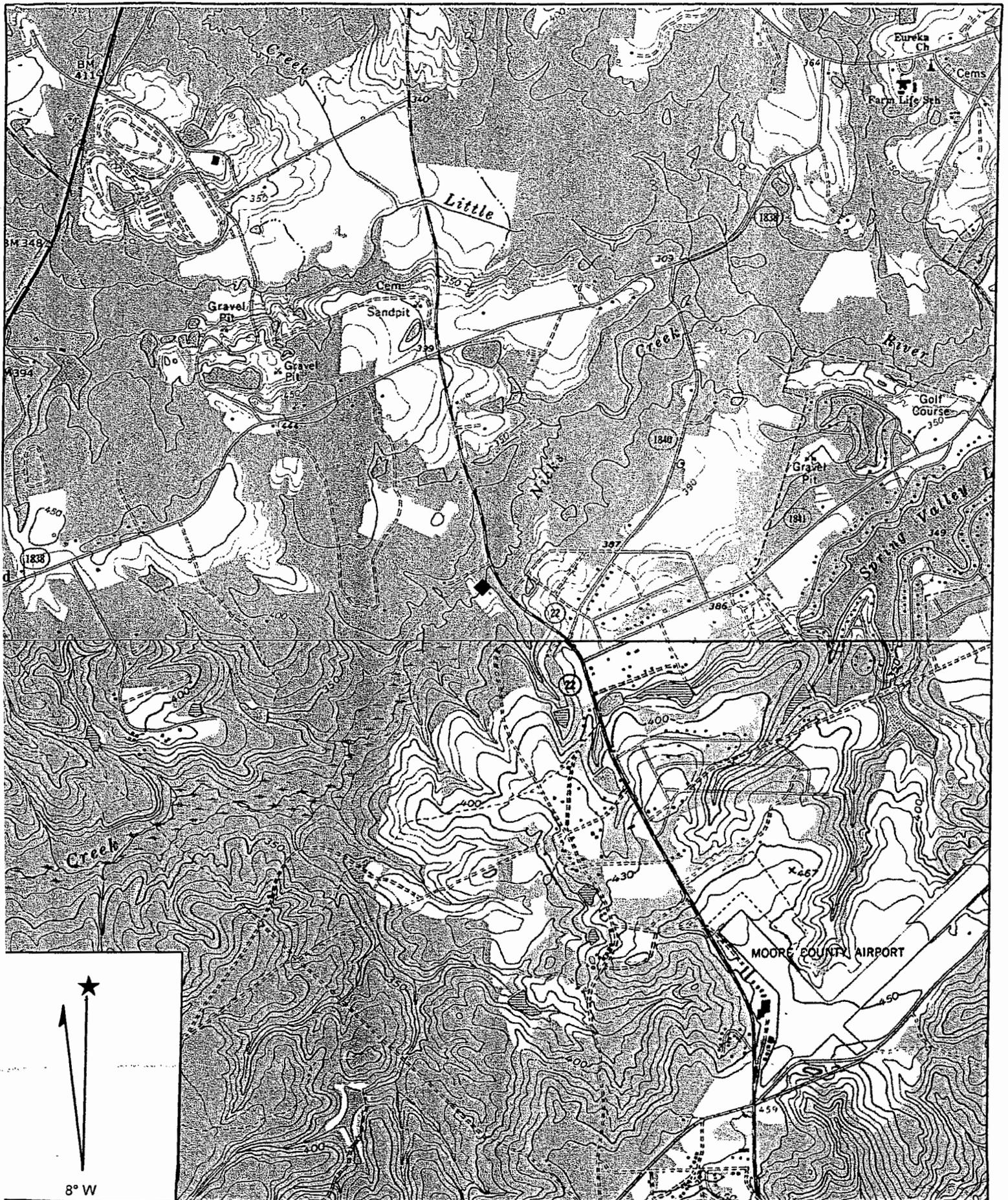
general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental 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 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 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.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, NCDWQ, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction cost.

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, NC 27699-1621, on or before December 8, 2004, Attn: Ms. Cyndi Karoly.

Written comments pertinent to the proposed work, as outlined above, will be received in the Corps of Engineers, Wilmington District, Wilmington Regulatory Field Office, Attn: Ms. Jennifer Frye, Post Office Box 1890, Wilmington, North Carolina, 28402-1890, until 4:15 p.m., December 22, 2004, at telephone (910) 251-4923.



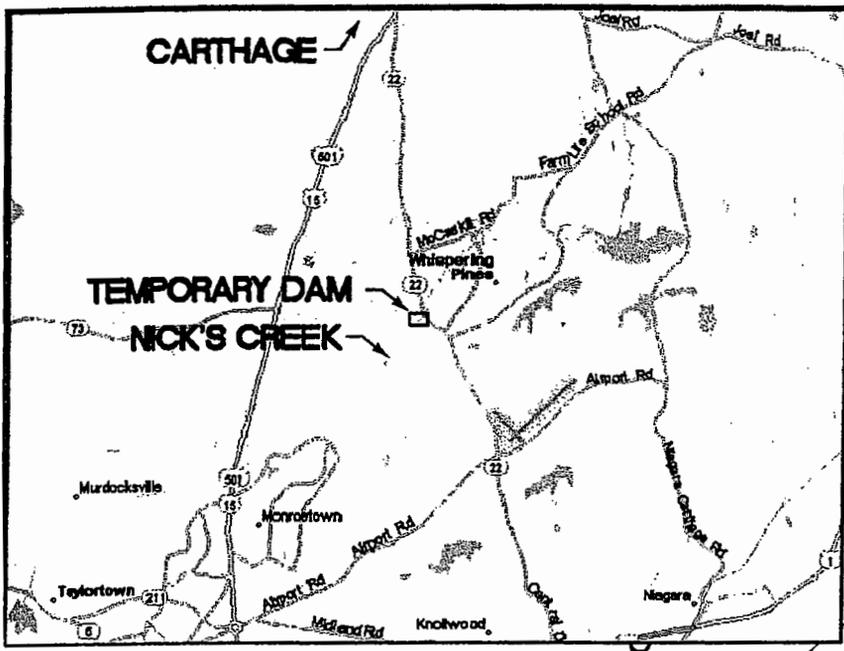
Name: CARTHAGE  
 Date: 8/27/2004  
 Scale: 1 inch equals 2000 feet

Location: 035.2518043° N 079.4123501° W  
 Caption: Location of Town of Carthage Water Intake Dam, Nick's Creek,  
 Moore County, NC.



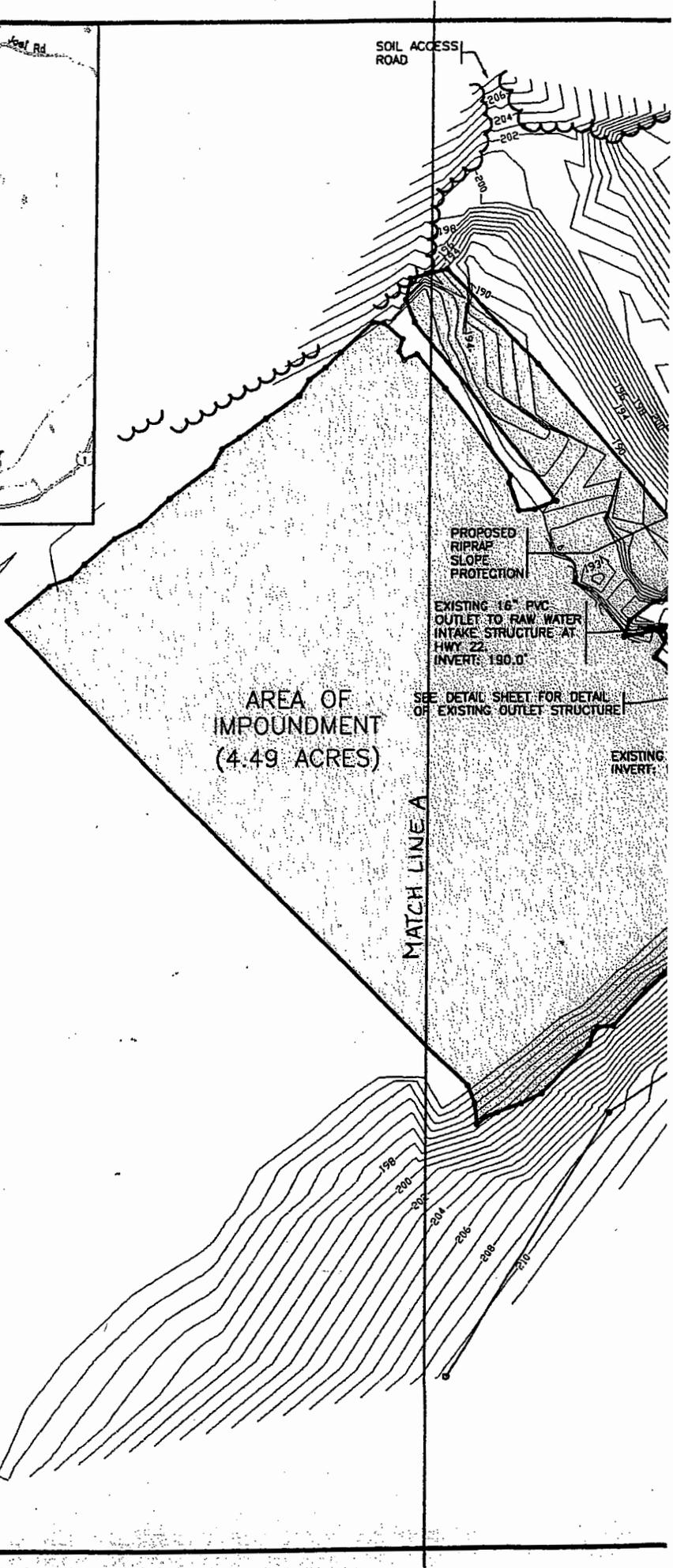
CARTHAGE

TEMPORARY DAM  
NICK'S CREEK



LOCATION MAP

SOIL ACCESS ROAD



AREA OF  
IMPOUNDMENT  
(4.49 ACRES)

MATCH LINE A

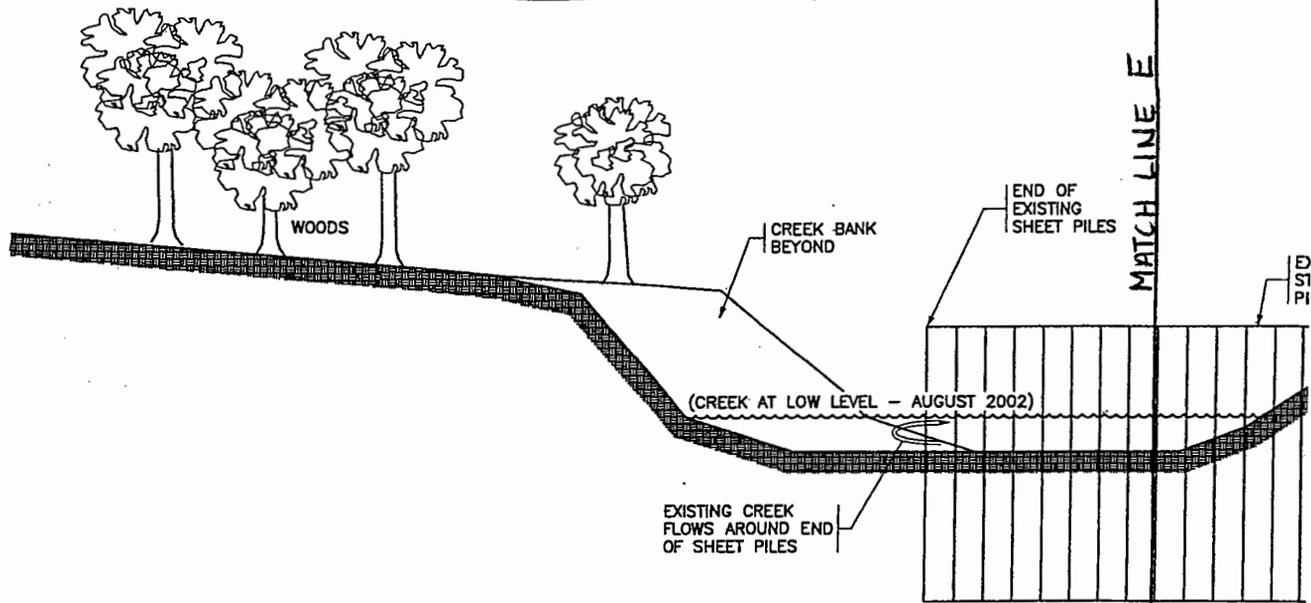
PROPOSED  
RIPRAP  
SLOPE  
PROTECTION

EXISTING 16" PVC  
OUTLET TO RAW WATER  
INTAKE STRUCTURE AT  
HWY 22  
INVERT: 190.0'

SEE DETAIL SHEET FOR DETAIL  
OF EXISTING OUTLET STRUCTURE

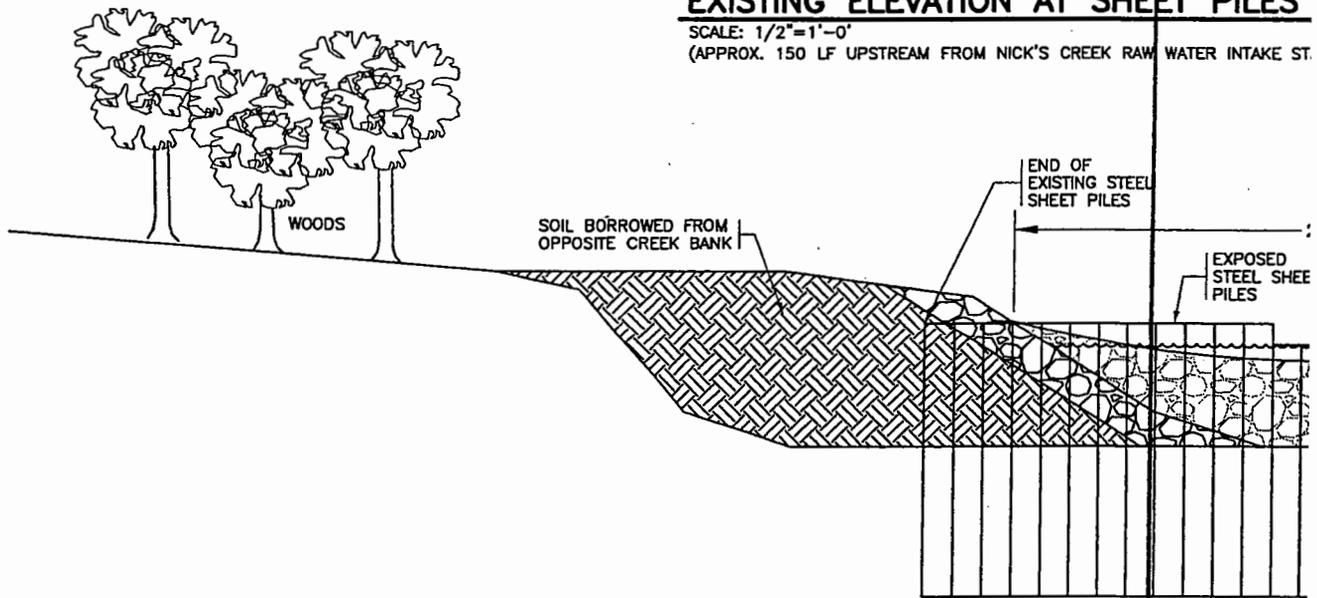
EXISTING  
INVERT:





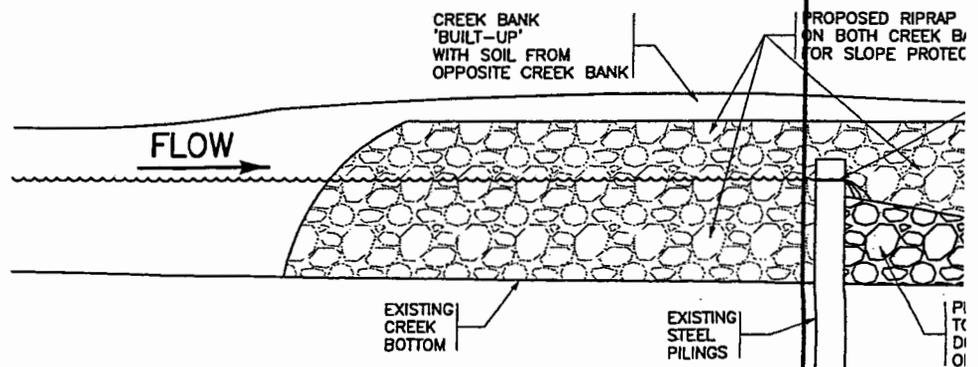
**EXISTING ELEVATION AT SHEET PILES**

SCALE: 1/2"=1'-0"  
 (APPROX. 150 LF UPSTREAM FROM NICK'S CREEK RAW WATER INTAKE ST.)



**ELEVATION OF DAM UTILIZING EXIS**

SCALE: 1/2"=1'-0"  
 (APPROX. 150 LF UPSTREAM FROM NICK'S CREEK RAW WATER INTAKE ST.)



**SECTION THRU WEIR**

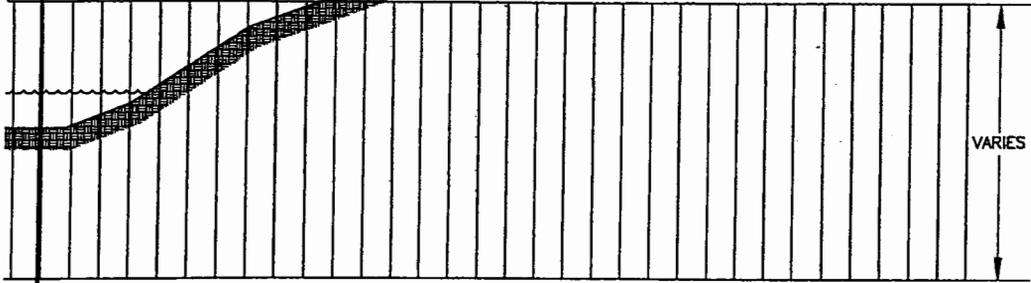
SCALE: 1/2"=1'-0"

MATCH LINE E

EXPOSED STEEL SHEET PILES

WOODS

VARIES



**HEET PILES**

RAW WATER INTAKE STRUCTURE)

EEL 5

28' ±

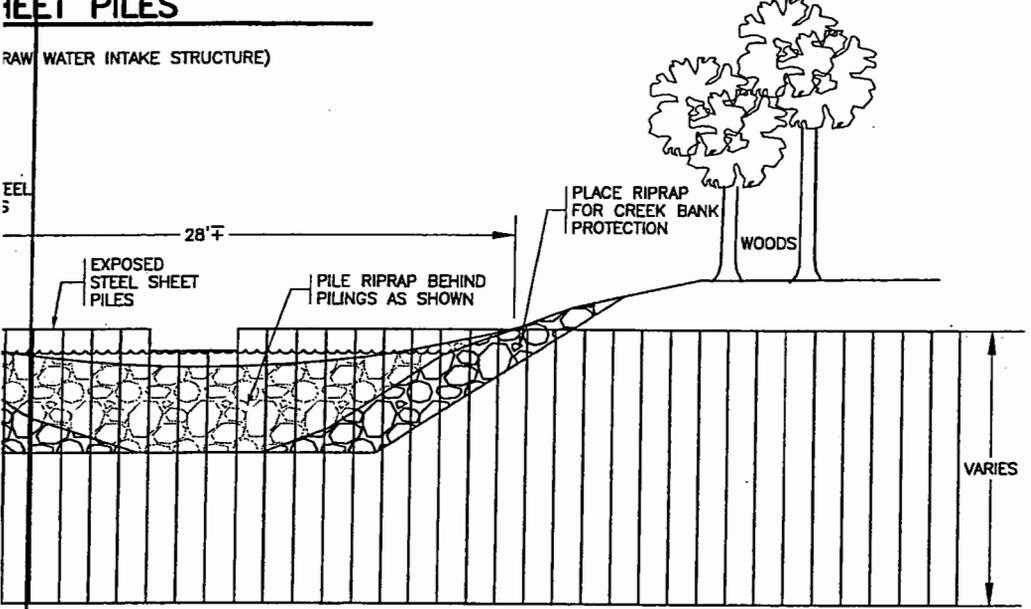
EXPOSED STEEL SHEET PILES

PILE RIPRAP BEHIND PILINGS AS SHOWN

PLACE RIPRAP FOR CREEK BANK PROTECTION

WOODS

VARIES



**LIZING EXISTING SHEET PILES**

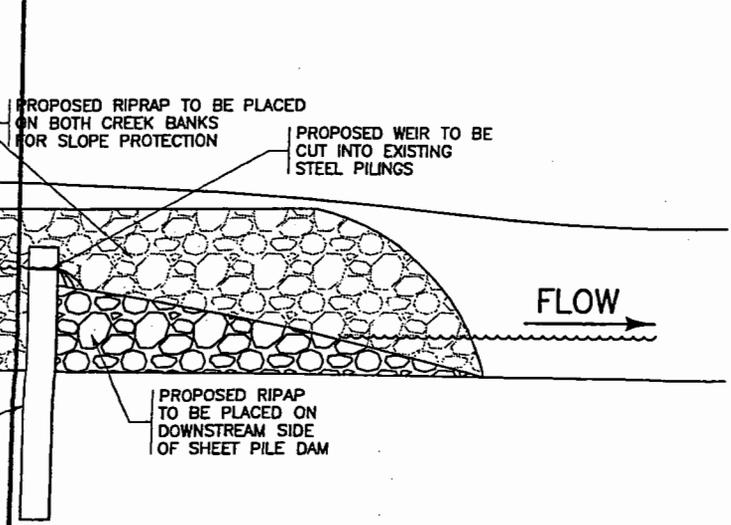
CREEK RAW WATER INTAKE STRUCTURE)

PROPOSED RIPRAP TO BE PLACED ON BOTH CREEK BANKS FOR SLOPE PROTECTION

PROPOSED WEIR TO BE CUT INTO EXISTING STEEL PILINGS

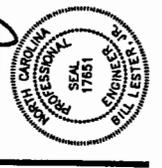
FLOW

PROPOSED RIPRAP TO BE PLACED ON DOWNSTREAM SIDE OF SHEET PILE DAM



*Handwritten:* BGL 8.30.04

| SYMBOL | DATE   | BY  |
|--------|--------|-----|
|        | 9-3-02 | DFW |
|        | 9-9-02 | DFW |

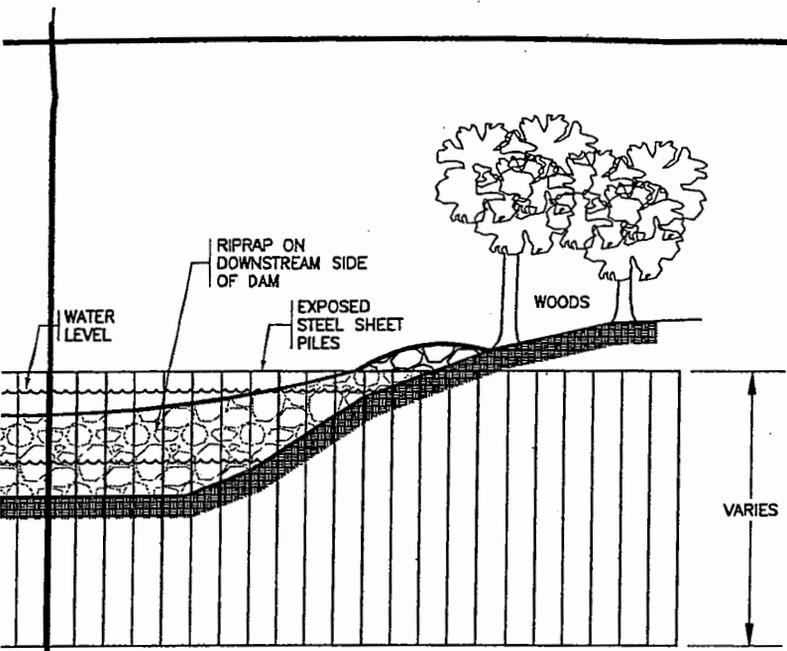


**Hobbs, Upchurch & Associates, P.A.**  
 Consulting Engineers  
 SOUTHERN PINES, NC - MYRTLE BEACH, SC  
 RAIL DEVIL HILLS, NC - RALEIGH, NC  
 290 S.W. Broad Street, Southern Pines, North Carolina 28387  
 Phone: 704/337-4444 Fax: 704/337-4444

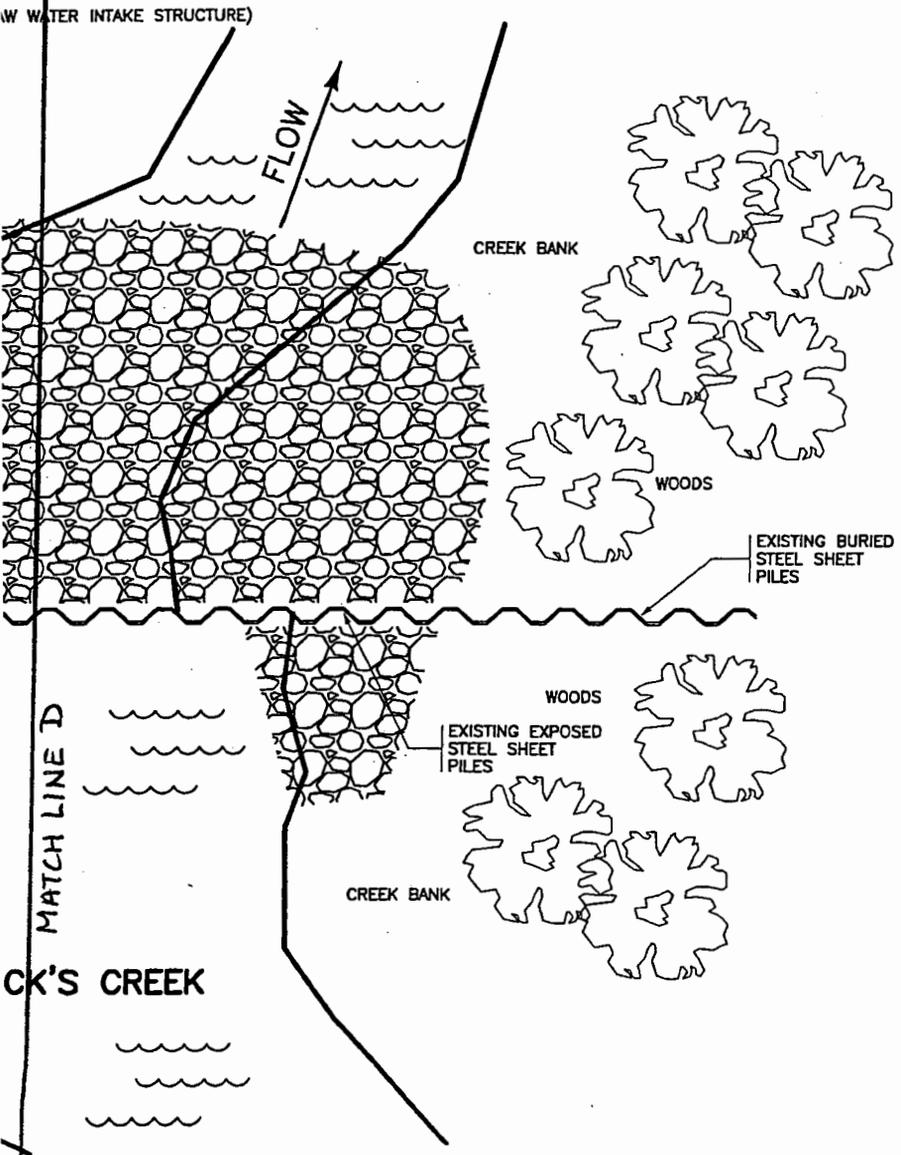


NICK'S CREEK WATER INTAKE DAM  
 TO SERVE  
 TOWN OF CARTHAGE  
 MOORE COUNTY, NORTH CAROLINA  
 DAM ELEVATIONS  
 AND SECTION

|           |              |
|-----------|--------------|
| DATE:     | AUGUST, 2004 |
| DESIGNED: | BGL          |
| DRAWN:    | DFW          |
| CHECKED:  | BGL          |
| SCALE:    | AS SHOWN     |
| SHEET NO. | 1            |
| OF        | 2            |



**CE DAM ELEVATION**



**NICK'S CREEK WATER INTAKE DAM PLAN**

(RAW WATER INTAKE STRUCTURE)

*Bill G 8.30.04*

| STN. | REVISIONS      | DATE   | BY  |
|------|----------------|--------|-----|
|      | DESCRIPTION    | 9-3-02 | DFW |
|      | REVISED LAYOUT |        |     |



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 Consulting Engineers  
 SOUTHERN PINES, NC - MYRTLE BEACH, SC  
 MILL DEVIL HILLS, NC - RALEIGH, NC  
 280 S.W. Broad Street, Southern Pines, North Carolina 28387  
 Phone: (910) 692-5616 - Fax: (910) 692-4795



NICK'S CREEK WATER INTAKE DAM  
 TO SERVE  
 TOWN OF CARTHAGE  
 MOORE COUNTY, NORTH CAROLINA

DAM PLAN  
 AND ELEVATION

DATE: AUGUST, 2004

DESIGNED: BGL

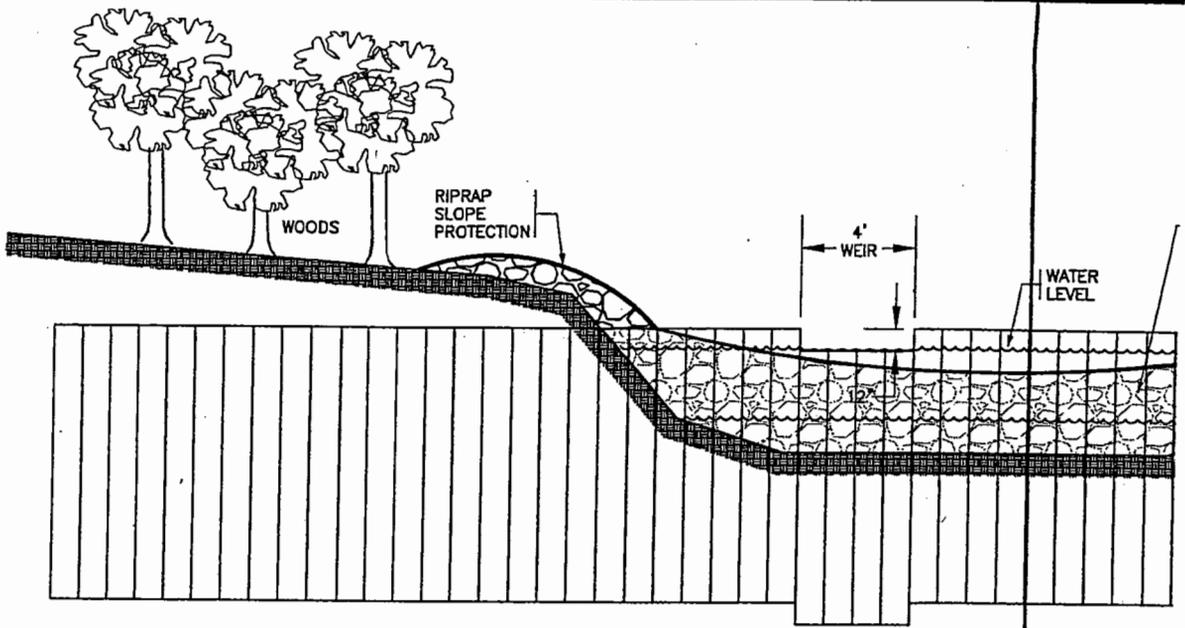
DRAWN: DFW

CHECKED: BGL

SCALE: AS SHOWN

SHEET NO. 2

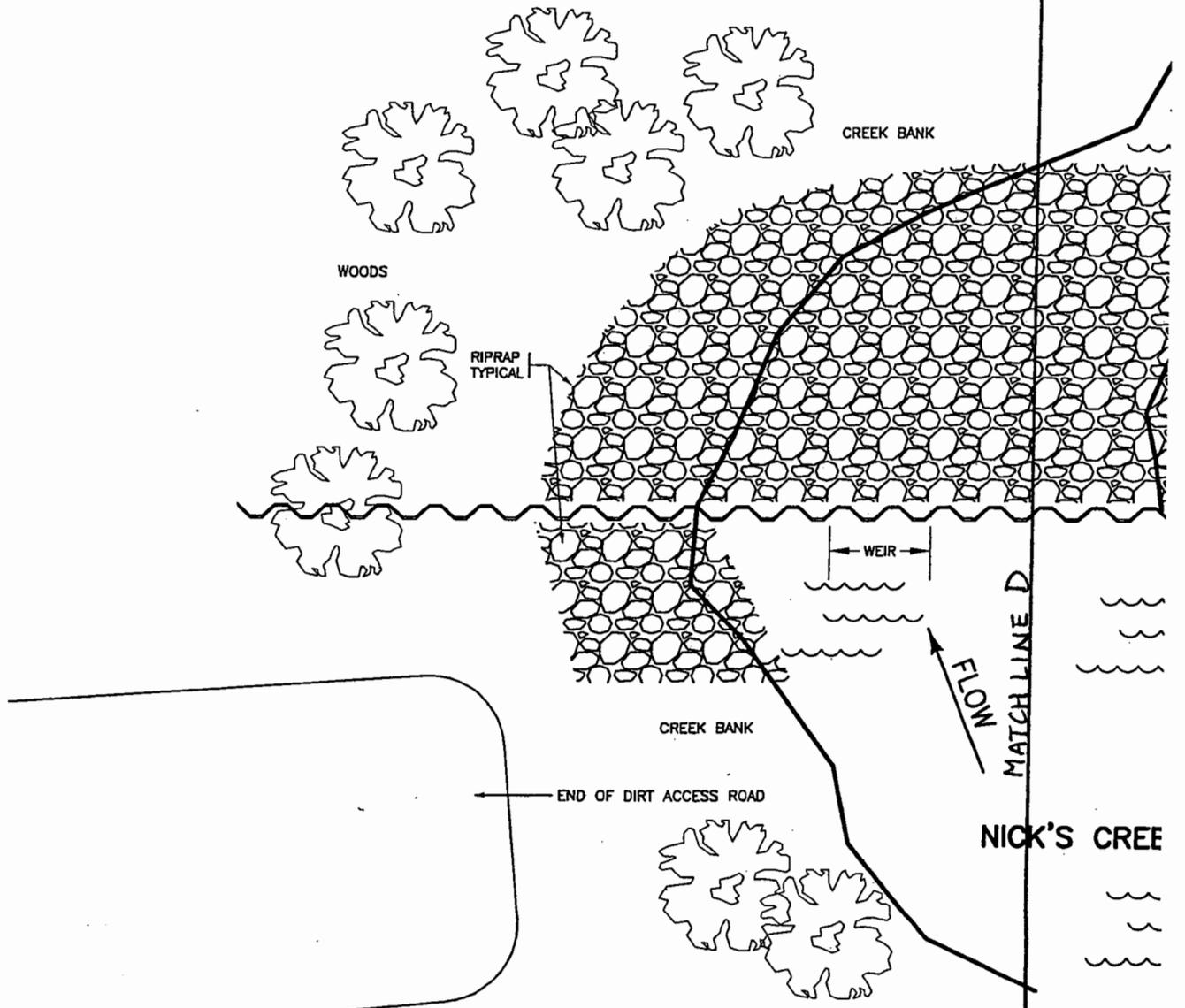
OF 2



**NICK'S CREEK WATER INTAKE DAM ELE**

SCALE: 1/2"=1'-0"

(APPROX. 150 LF UPSTREAM FROM NICK'S CREEK RAW WATER INTAKE STRL

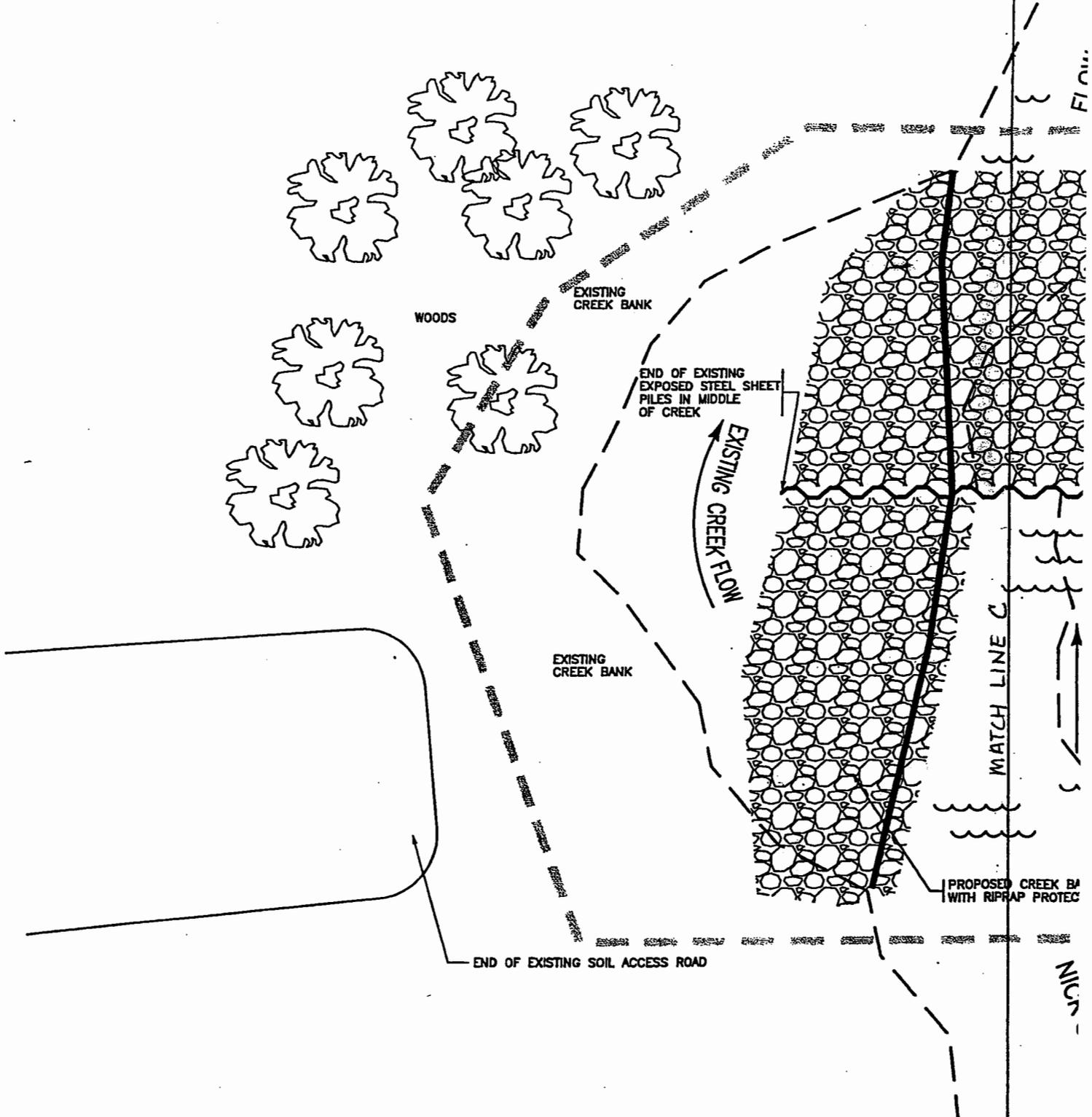


**NICK'S CREEK WATER INTAKE DAM**

SCALE: 1/2"=1'-0"

(APPROX. 150 LF UPSTREAM FROM NICK'S CREEK RAW WATER INTAKE



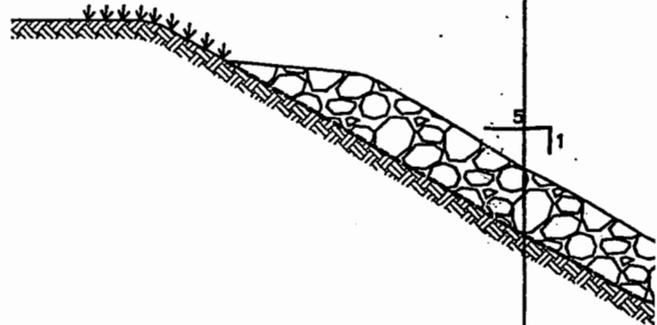


**PROPOSED TEMPORARY**  
 SCALE: 1/2"=1'-0"  
 (APPROX. 150 LF UPSTREAM FROM NICK'S CR)



## EROSION CONTROL CONSTRUCTION SEQUENCE

1. OBTAIN AN APPROVED SOIL AND EROSION CONTROL PLAN.
2. INSTALL TEMP. DIVERSIONS, & TEMPORARY SEDIMENT TRAP AND/OR OTHER MEASURES AS SHOWN ON THE APPROVED PLAN.
3. CALL FOR ON-SITE INSPECTION BY THE N.C.D.E.H.N.R., LAND QUALITY SECTION.
4. BEGIN CLEARING, GRUBBING, AND GRADING. MAINTAIN MEASURES AS REQUIRED.
5. ALL DISTURBED AREAS ARE TO BE PLANTED SUFFICIENTLY TO RESTRAIN EROSION AFTER THE COMPLETION OF ANY PHASE OF GRADING. WHEN AVERAGE HEIGHT OF TURF BECOMES 5 INCHES, MOW TO A 3" HEIGHT.
6. MAINTAIN EROSION CONTROL DEVICES PERIODICALLY AFTER ALL RUNOFF PRODUCING RAINS.
7. WHEN CONSTRUCTION IS COMPLETE AND ALL AREAS STABILIZED, CALL FOR A PRELIMINARY FINAL INSPECTION BY THE N.C. DEHRN LAND QUALITY SECTION. IF ACCEPTABLE, REMOVE ALL TEMPORARY DEVICES.
8. SEED AND MULCH ALL RESULTING DISTURBED AREAS. WHEN VEGETATION IS ESTABLISHED, CALL FOR FINAL SITE INSPECTION.



RIPR  
N.T.S.

## PERMANENT SEEDING SCHEDULE

### PERMANENT SEEDING MIXTURE WITH NURSE CROP

| <u>SPECIES</u>            | <u>RATE (LB./ACRE)</u> | <u>DATE</u>      |
|---------------------------|------------------------|------------------|
| GERMAN MILLET             | 10                     | APRIL 15-JULY 1  |
| ANNUAL RYE (GRAIN)        | 40                     | NOV. 15-APRIL 15 |
| COMMON BERMUDA (HULLED)   | 25                     | APRIL 15-JULY 1  |
| COMMON BERMUDA (UNHULLED) | 30                     | NOV. 15-APRIL 15 |

NO PERMANENT SEEDING SHALL BE DONE BETWEEN JULY 1 & NOV. 15

### TEMPORARY SEEDING MIXTURE

| <u>SPECIES</u>     | <u>RATE (LB./ACRE)</u> | <u>DATE</u>     |
|--------------------|------------------------|-----------------|
| GERMAN MILLET      | 120                    | MAY 1-AUGUST 25 |
| ANNUAL RYE (GRAIN) | 200                    | AUGUST 25-MAY 1 |

#### NOTE:

TEMPORARY SEED MIX SHALL BE USED FOR ALL AREAS EXPOSED GREATER THAN ONE WEEK AND SUBJECT TO FURTHER DISTURBANCE. PERMANENT SEED MIX SHALL BE CHECKED FOR ADEQUACY ON JULY 15. AN ADEQUATE COVER SHALL HAVE 30 SPRIGS OF BERMUDA PER ONE SQUARE FOOT.

## SOIL AMENDMENTS (TILLED TO 6" DEPTH PRIOR TO SEEDING)

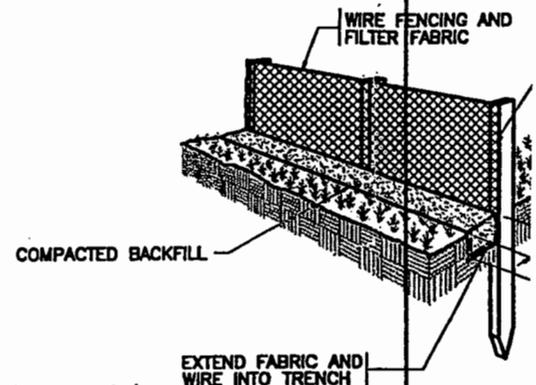
APPLY AGRICULTURAL LIMESTONE - 2 TONS/ACRE  
APPLY FERTILIZER AT A RATE OF 1,000 LB/ACRE (10-10-10).

#### MULCH

MULCH - 2 TO 2 1/2 TONS/ACRE - SMALL GRAIN STRAW OR EQUIVALENT COVER.  
ANCHOR - ASPHALT EMULSION ON SLOPES. @ 430 GAL./ACRE (TYPE R.S.)  
MULCH ANCHORING TOOL SHALL BE USED ON ALL OTHER AREAS.

#### MAINTENANCE

REFERTILIZE IN THE SECOND YEAR UNLESS GROWTH IS FULLY ADEQUATE. MOW TO 3" HT. WHEN AVERAGE HT. OF GRASS BECOMES 5".  
RESEED, APPLY SOIL AMENDMENTS AND MULCH DAMAGED OR DEAD AREAS IMMEDIATELY.



SILT FENCE I  
N.T.S.

MATCH LINE B

**MITIGATION PLAN**  
**TOWN OF CARTHAGE WATER INTAKE DAM**  
**NICK'S CREEK, MOORE COUNTY, NORTH CAROLINA**

In order to mitigate for impacts from the repair of the dam on Nick's Creek, the Town of Carthage proposes to place a portion of Nick's Creek and adjacent wetlands (approximately 35 acres) and uplands owned by the Town under a Conservation Easement to be held by the Sandhills Area Land Trust (SALT).

The property to be conserved consists of the Coastal Plain Semipermanent Impoundment and Coastal Plain Small Stream Swamp community types. The Coastal Plain Semipermanent Impoundment community type occurs immediately upstream of the dam and consists of a permanently flooded areas with a canopy of swamp black gum (*Nyssa biflora*), red maple (*Acer rubrum*) and tag alder (*Alnus serrulata*) saplings, with dense patches of buttonbush (*Cephalanthus occidentalis*). Herbaceous vegetation includes patches of wool grass (*Scirpus cyperinus*), southern waxy sedge (*Carex glaucescens*), short-bristle beakrush (*Rhynchospora corniculata*) and various smartweeds (*Polygonum* spp.).

Coastal Plain Small Stream Swamp community type occurs upstream of the impounded area. The canopy is dominated by swamp black gum, red maple, tulip poplar (*Liriodendron tulipifera*) and sweetgum (*Liquidambar styraciflua*). The shrub layer ranges from sparse to dense and includes titi (*Cyrilla racemiflora*), Virginia willow (*Itea virginica*) and fetterbush (*Lyonia lucida*). Herbaceous vegetation is generally sparse.

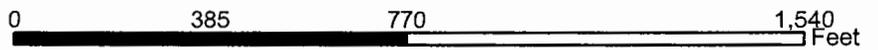
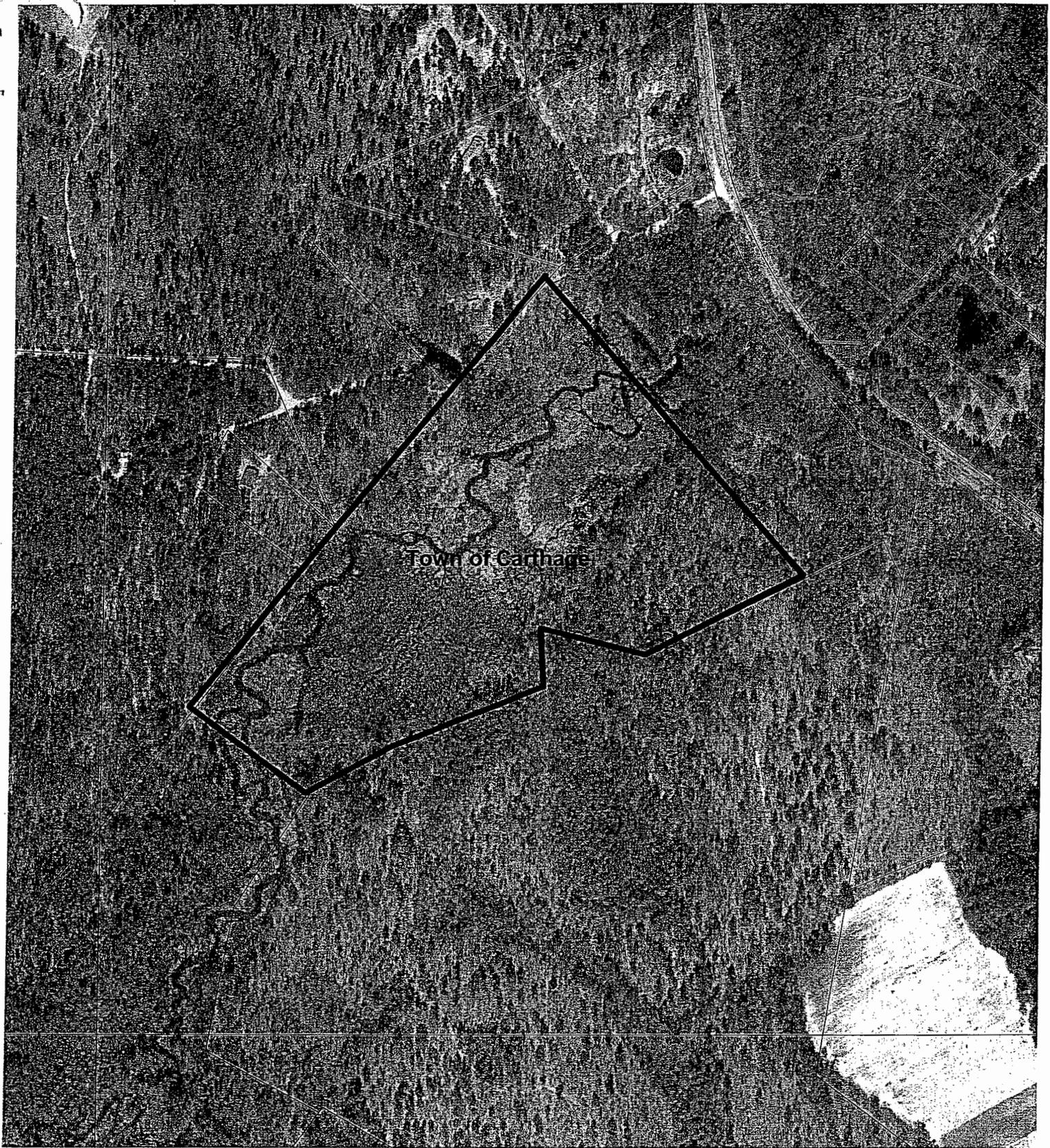
A majority of the uplands and a portion of the wetlands on the south side of Nick's Creek have been recently clearcut. This area consists of regenerating hardwoods and pines as well as various shrub species. Opportunistic wetland vegetation such as wool grass and various beakrushes (*Rhynchospora* spp.) has invaded much of the disturbed area.

Activities to be allowed on the property include hiking, biking and wildlife viewing. Prohibited activities will include all construction, grading, filling, excavating, ditching, draining, as well as any further removal of vegetation. The Town of Southern Pines is currently constructing a greenway along an existing sewer line easement on and adjacent to the property. A gravel parking area is planned on uplands near the dam. Construction of the greenway trail

and parking area will be allowed on the property and will not impact the dam, impoundment or wetland mitigation site.

During repair of the dam, upland areas adjacent to the pool were disturbed. These areas will be stabilized with vegetation and other erosion control measures in order to prevent siltation into the wetland system.

Also, as part of the mitigation, rip-rap within the spillway will be rearranged in order to provide for a gradual transition so aquatic species can move from downstream to upstream of the spillway.



Area to be placed under Conservation Easement as mitigation for the Town of Carthage's water intake dam, Nick's Creek, Moore County, North Carolina. Area includes approximately 35 acres of jurisdictional wetlands.