

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

Action ID No. 200420117

December 21, 2004

PUBLIC NOTICE

Windsor Commercial Properties, LLC, 2311 West Cone Boulevard, Suite 150, Greensboro, North Carolina, 27408, and Hillcrest Property Development, LLC, 609-B Eugene Court, Greensboro, North Carolina, 27401, have applied for a Department of the Army (DA) permit TO DISCHARGE FILL MATERIAL INTO A TOTAL OF 175 LINEAR FEET OF STREAM CHANNEL, 0.94-ACRE OF OPEN WATER, AND 0.017 ACRE OF WETLAND, ALONG AN UNNAMED TRIBUTARY TO LITTLE CREEK, IN THE YADKIN-PEEDEE RIVER BASIN, ASSOCIATED WITH THE DEVELOPMENT OF HILLCREST TOWNE CENTER (MIXED USE DEVELOPMENT), IN WINSTON-SALEM, FORSYTH COUNTY, NORTH CAROLINA. ALSO, THE PROPOSED PROJECT WILL REMOVE AN ADDITIONAL 5.77 ACRES OF OPEN WATER FROM CORPS JURISDICTION THROUGH THE CONVERSION OF THREE IRRIGATION PONDS TO STORMWATER TREATMENT FACILITIES.

The following description of the work 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 proposed 167-acre mixed-use development, including the construction of residential housing, retail space and office space. The project site is located on the site of the former Hillcrest Golf Course on the west side of Stratford Road, approximately 1.5 miles south of its intersection with I-40, in Winston-Salem, Forsyth County, North Carolina.

The property consists of an abandoned 27-hole golf course initially developed in 1932. The abandoned fairways are dominated by several species of grass and six ponds are dispersed throughout the property. Presently, all stream channels on the property are culverted except 1,194 linear feet of a tributary to Little Creek that flows along the northern property boundary below Pond E and approximately 800 linear feet of the same tributary located above Pond B on the eastern side of the property. Ponds A through E are located on the eastern portion of the property adjacent to Highway 158 and Pond F is located in the floodplain adjacent to Little Creek. Little Creek forms the western property boundary for the project.

The proposed project will involve the placement of 9 cubic yards of fill material into 125 linear feet of an unnamed tributary to Little Creek that exhibits important aquatic function for one road crossing. Pond A will impact 0.26 acre of open water with the placement of 1,666 cubic yards of fill material associated with road and lot fill. The project also involves the discharge of 3,000 cubic yards of fill material into 0.48 acre of open water associated with road and lot fill in Ponds C and D and nine cubic yards of road and lot fill in 0.008 acre of marsh wetlands bordering Pond C. The project will temporarily impact 50 linear feet of stream channel and 0.009 acre of wetland along an unnamed tributary to Little Creek for two stream crossings

associated with the installation of a sanitary sewer line to service the proposed development. In addition, the project will impact 0.20 acre of open water for the placement of 1,322 cubic yards of fill material at Pond E associated with the modification of the outlet structures. Finally, the applicant proposes to permanently remove Ponds B, E, and F from Corps jurisdiction by the conversion of the 5.77 acres of open water previously utilized for golf course irrigation to stormwater treatment facilities. Plans showing the location of impacts are included with this public notice.

The applicant proposes to mitigate for impacts to stream channels and open waters associated with the project through buffer preservation and enhancement. The applicant will provide for the construction of littoral shelves in two of the storm water treatment facilities and a 20-foot wide vegetated buffer around all three storm water treatment facilities. The total area of proposed vegetated buffers will be approximately 2.02 acres. Furthermore, the applicant proposes to preserve a 30-foot wide vegetative buffer along 1,194 linear feet of stream channel and a 60-foot wide tree buffer along the southern boundary of the property to mitigate for impacts associated with the road crossing. The proposed buffer preservation sites are depicted on the attached plans; however, submittal of a detailed plan for the mitigation proposal is still pending.

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. Based on the best available evidence, it has been determined that no sites within the vicinity of the project are registered or listed as being eligible for inclusion in the Register. Examination of the National Register of Historic Places constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of other 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, 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 that 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 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 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 modification 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 Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321

Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

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), Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before January 12, 2005, Attention: Mrs. Cyndi Karoly.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Ms. Andrea Wade, until 4:15 p.m., January 21, 2005, or telephone (919) 876-8441, extension 31.

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Applicant: Windsor Commercial Properties, LLC
Hillcrest Property Development, LLC

Proposed Work: To place fill material into 185 linear feet of stream channel, 0.017 acres of wetland, and 0.94 acres of open water and to modify 5.77 acres of open water for storm water treatment facilities associated with Hillcrest Towne Center in Winston-Salem, Forsyth County, North Carolina.

No. Cys. Mailed To

1 Windsor Commercial Properties, LLC (Applicant)
2311 West Cone Boulevard, Suite 150
Greensboro, North Carolina 27408

1 Hillcrest Property Development, LLC (Applicant)
609-B Eugene Court
Greensboro, North Carolina 27401

1 Congressman Richard M. Burr
2468 Rayburn House Office Building
Washington, DC 20515-3306

2 Mrs. Cyndi Karoly
NCDENR – Division of Water Quality
Wetland/401 Unit
1650 Mail Service Center
Raleigh, North Carolina 27699-1650

1 Mr. William D. Gilmore, P.E.
NCDENR – Division of Water Quality
Ecosystem Enhancement Program
1619 Mail Service Center
Raleigh, North Carolina 27699-1619

2 Mr. Ron Mikulak, Chief
Wetlands Section-Region IV
Water Management Division
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303

1	Mr. Peter Benjamin United States Fish and Wildlife Service Post Office Box 33726 Raleigh, North Carolina 27636-372
2	Mr. Doug Huggett Division of Coastal Management CEDENR 1638 Mail Service Center Raleigh, North Carolina 27699-1638
1	Ms. Suzanne Klimek North Carolina Ecosystem Enhancement Program 1619 Mail Service Center Raleigh, North Carolina 27699-1619
1	Postmaster, Winston-Salem, North Carolina 27103
43	All NC Public Notices
68	Attached Mailing List
<u>10</u>	EXTRA
134	TOTAL