

**DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Asheville Regulatory Field Office  
151 Patton Avenue Room 208  
Asheville, North Carolina 28801-5006**

Action ID No. 200430317

January 22, 2004

**PUBLIC NOTICE**

**PIEDMONT PROPERTIES, 821 BAXTER STREET, SUITE 312, CHARLOTTE, MECKLENBURG COUNTY, 28202, has applied for a Department of the Army (DA) permit TO PLACE FILL MATERIAL WITHIN 1.1 ACRES OF JURISDICTIONAL OPEN WATER, 0.20 ACRES OF JURISDICTIONAL WETLANDS AND 0.01 ACRES OF NON-JURISDICTIONAL, ISOLATED WETLANDS, ADJACENT TO AN UNNAMED TRIBUTARY TO IRWIN CREEK IN THE CATAWBA RIVER BASIN, IN ORDER TO CONSTRUCT A STORAGE LOT FOR SEMI-TRUCKS AND TRAILERS.** The site is located on the south side of Starita Road, approximately 1000 feet east of its intersection with Statesville Avenue (NC HWY 21), **IN CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.**

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the proposed placement of fill material into 1.1 acres of an open water pond, 0.20 acres of forested wetlands, and 0.01 acres of isolated wetlands associated with the construction of a parking lot and a 100,000 square-foot building for storage of semi-trucks and trailers. This work will involve the placement of approximately 9,556 cubic yards of fill material into open waters and wetlands located on the site. The site is approximately 11 acres in size and is currently zoned with an industrial designation of I-2. The preliminary site plan showing the proposed work is included with this public notice.

Proposed impacts will include the placement of fill in an existing 1.1-acre open water pond. The pond currently has a surrounding vegetated buffer except on the north side. Approximately 0.2 acres of forested wetlands immediately downstream of the pond are proposed for impact. These wetlands are sustained by over bank flooding from an off-site intermittent stream channel. Dominant vegetation includes red mulberry (*Morus rubra*), Chinese privet (*Ligustrum sinense*), green-briar (*Smilax rotundifolia*), green ash (*Fraxinus pennsylvanica*), and sweetgum (*Liquidambar styraciflua*). Approximately 0.01 acres of isolated wetlands will be impacted as well. This area is located at the base of the existing dam to the pond and exhibit no hydrologic connection to other jurisdictional areas. No perennial or intermittent streams are proposed to be filled during the construction of this project.

The applicant proposes to mitigate for impacts to jurisdictional areas through on-site measures. To provide mitigation for the open water impacts, the applicant proposes to construct two storm water detention ponds totaling approximately 0.9 acres of open water. For wetland mitigation, the applicant is proposing to create a 10-foot wide littoral shelf around each of the proposed detention ponds, which will be planted with native wetland vegetation thereby creating approximately 0.33 acre of wetlands. The preliminary site plan showing the proposed mitigation and storm water plan is included with this public notice. The applicant is proposing to combine mitigation requirements with storm water requirements in order to treat run-off from the impervious surface.

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 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 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.

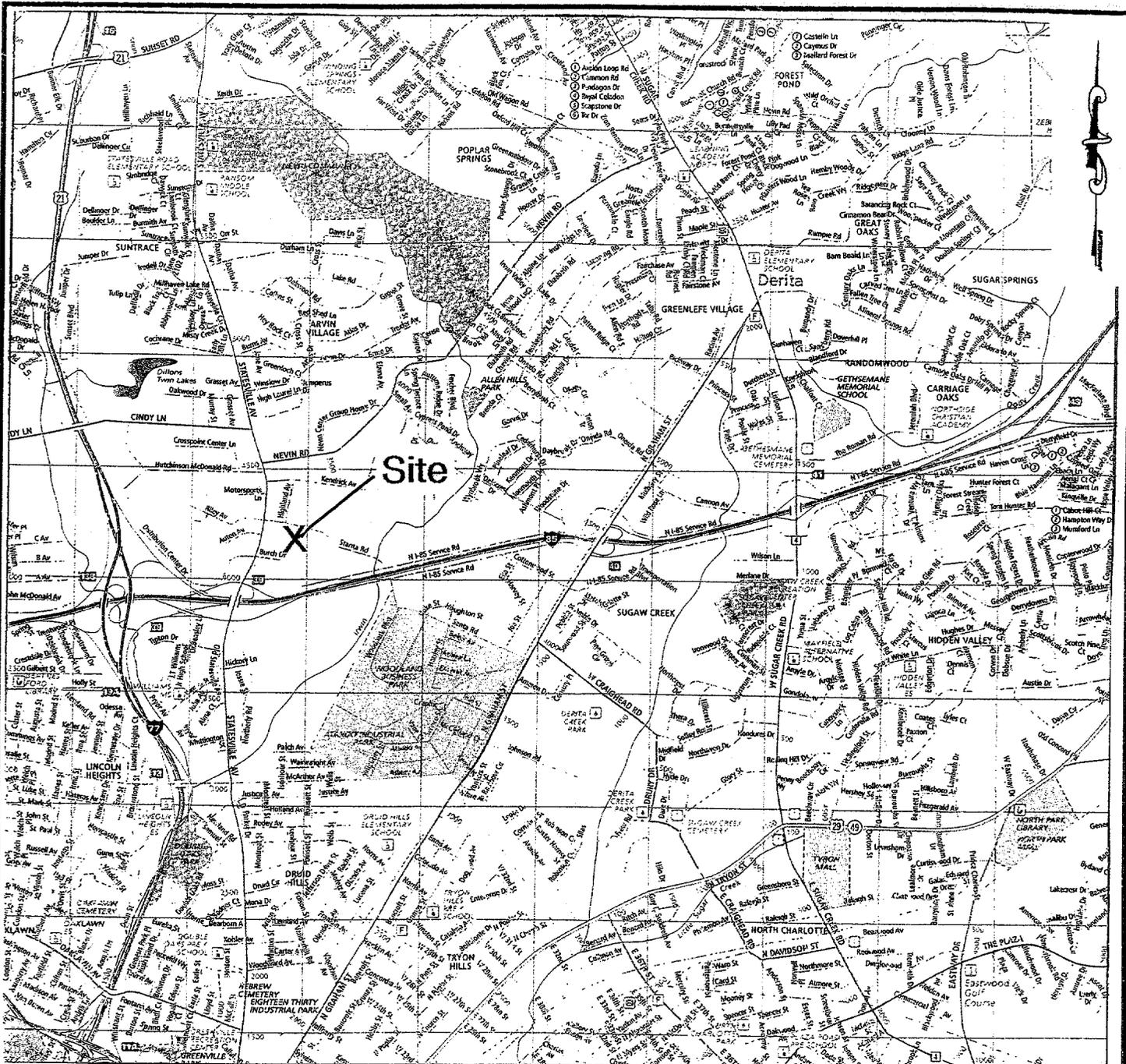
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 Blvd, Suite 250, Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

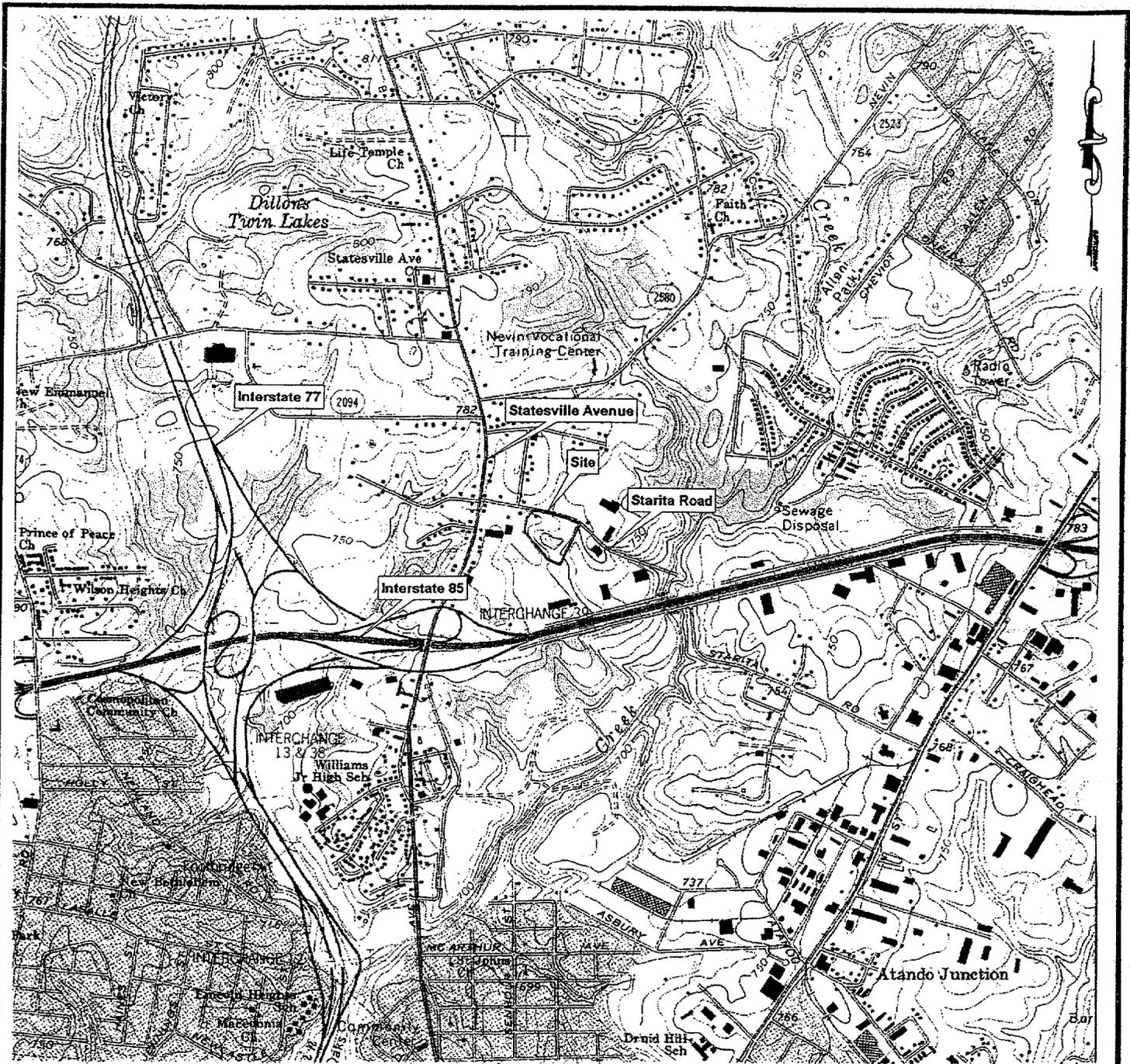
All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before Friday, February 13, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Ms. Amanda Jones, until 4:15 p.m. on Friday, February 20, 2004, or telephone (828) 271-7980 extension 231.



Approximate Scale 1" = 3,400'  
 Reference: Rand McNally Street Map of Charlotte, North Carolina, dated 2002.

 <p><b>Carolina Wetland Services</b>          5000 Nations Crossing Road, Suite 230          Charlotte, North Carolina 28217</p>	<p><b>Figure 1. Project Vicinity Map</b>          2705 Starita Road Site          Charlotte, North Carolina          CWS Project No. 2003-0432</p>		
<p>PREPARED BY  <i>IJH</i></p>	<p>DATE          12-11-03</p>	<p>CHECKED BY  <i>GLA</i></p>	<p>DATE          12-19-03</p>



Approximate Scale 1" = 2000'

Reference: USGS 7.5 Minute Topographic Map Series, Derita quadrangle, North Carolina, dated 1996.

**Carolina Wetland Services**

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

**Figure 2. USGS Site Location Map**

2705 Starita Road Site  
Charlotte, North Carolina  
CWS Project No. 2003-0432

PREPARED BY

IJK

DATE

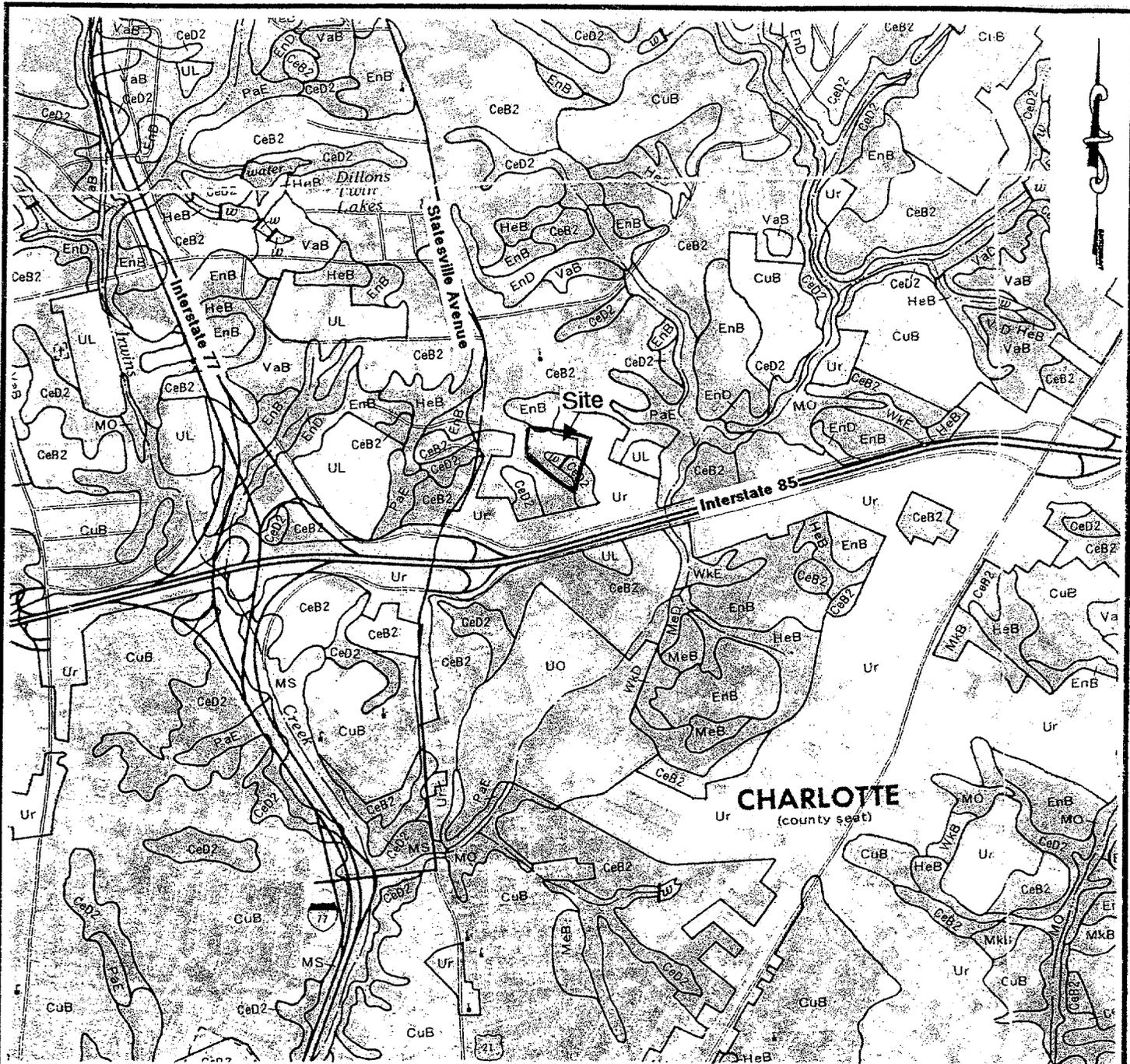
12-11-03

CHECKED BY

6CA

DATE

12-19-03



Approximate Scale 1" = 2000'

Reference: NRCS Soil Survey of Mecklenburg County, North Carolina, Sheet No. 4, dated 1980.

 <p><b>Carolina Wetland Services</b> 5000 Nations Crossing Road, Suite 230 Charlotte, North Carolina 28217</p>	<p><b>Figure 3. NRCS Soil Survey</b> 2705 Starita Road Site Charlotte, North Carolina CWS Project No. 2003-0432</p>		
<p>PREPARED BY <i>IJH</i></p>	<p>DATE 12-11-03</p>	<p>CHECKED BY <i>GLA</i></p>	<p>DATE 12-19-03</p>



Sheet 4 of 6

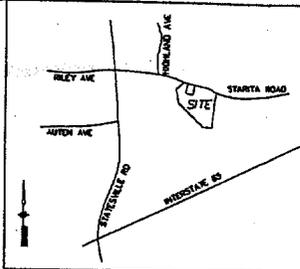
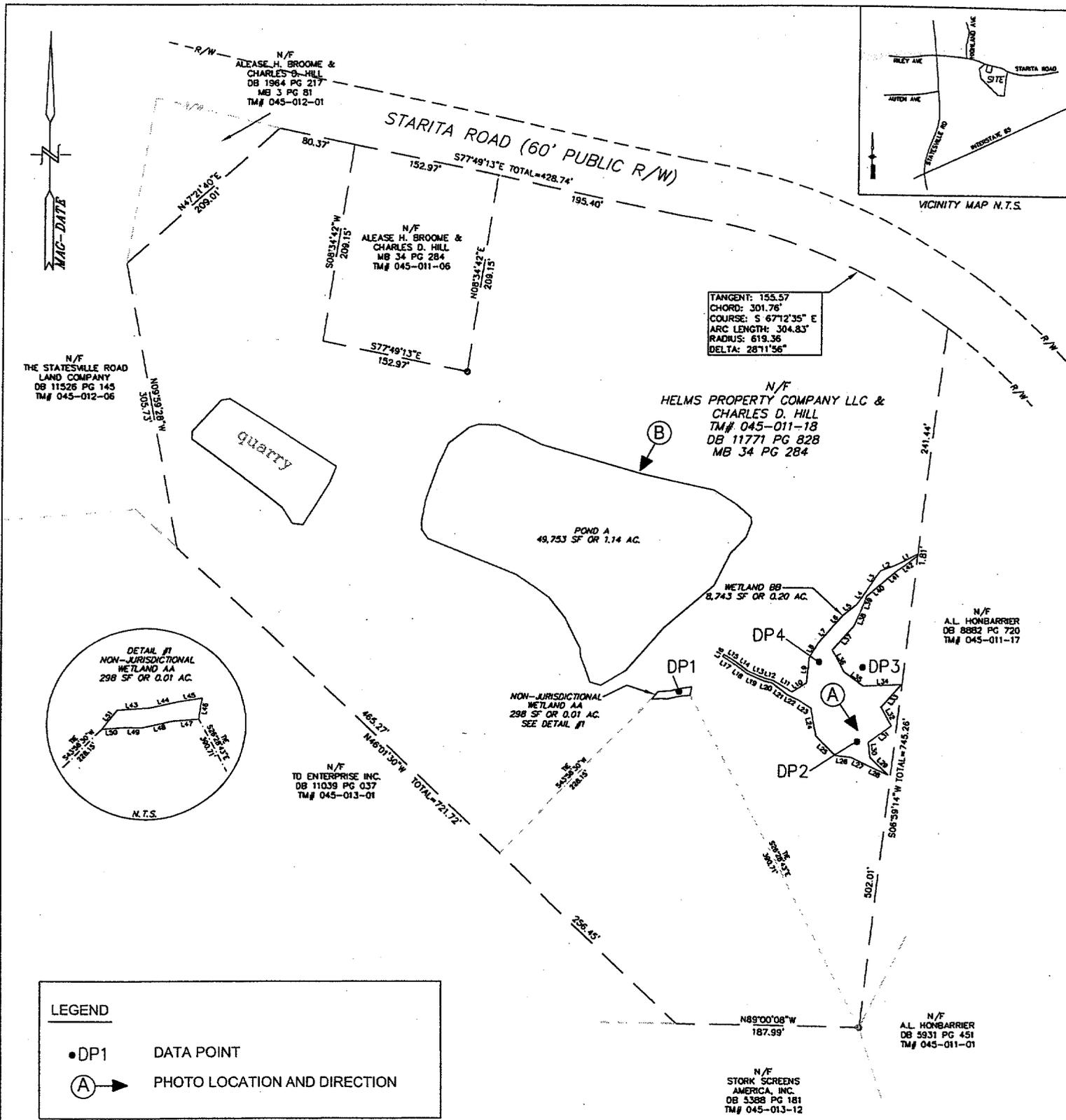
**LEGEND**



PROJECT BOUNDARY

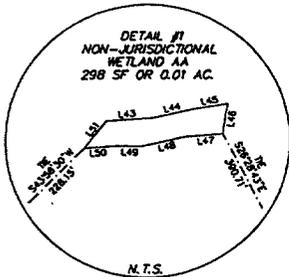
APPROXIMATE SCALE: 1" = 400'

 <p><b>Carolina Wetland Services</b>          5000 Nations Crossing Road, Suite 230          Charlotte, North Carolina 28217</p>			
<p>REFERENCE: GIS LAYERS PROVIDED BY MECKLENBURG COUNTY LAND USE AND ENVIRONMENTAL SERVICES, DATED 2002.</p>			
<p><b>Figure 7. Aerial Photography of Project Vicinity</b>          2705 Starita Road Site          Charlotte, North Carolina          CWS Project No. 2003-0432</p>			
<p>PREPARED BY <i>Ijm</i></p>	<p>DATE 12-12-03</p>	<p>CHECKED GCA</p>	<p>DATE 12-19-03</p>



VICINITY MAP N.T.S.

TANGENT: 155.57  
 CHORD: 301.76  
 COURSE: S 67°12'35\"/>



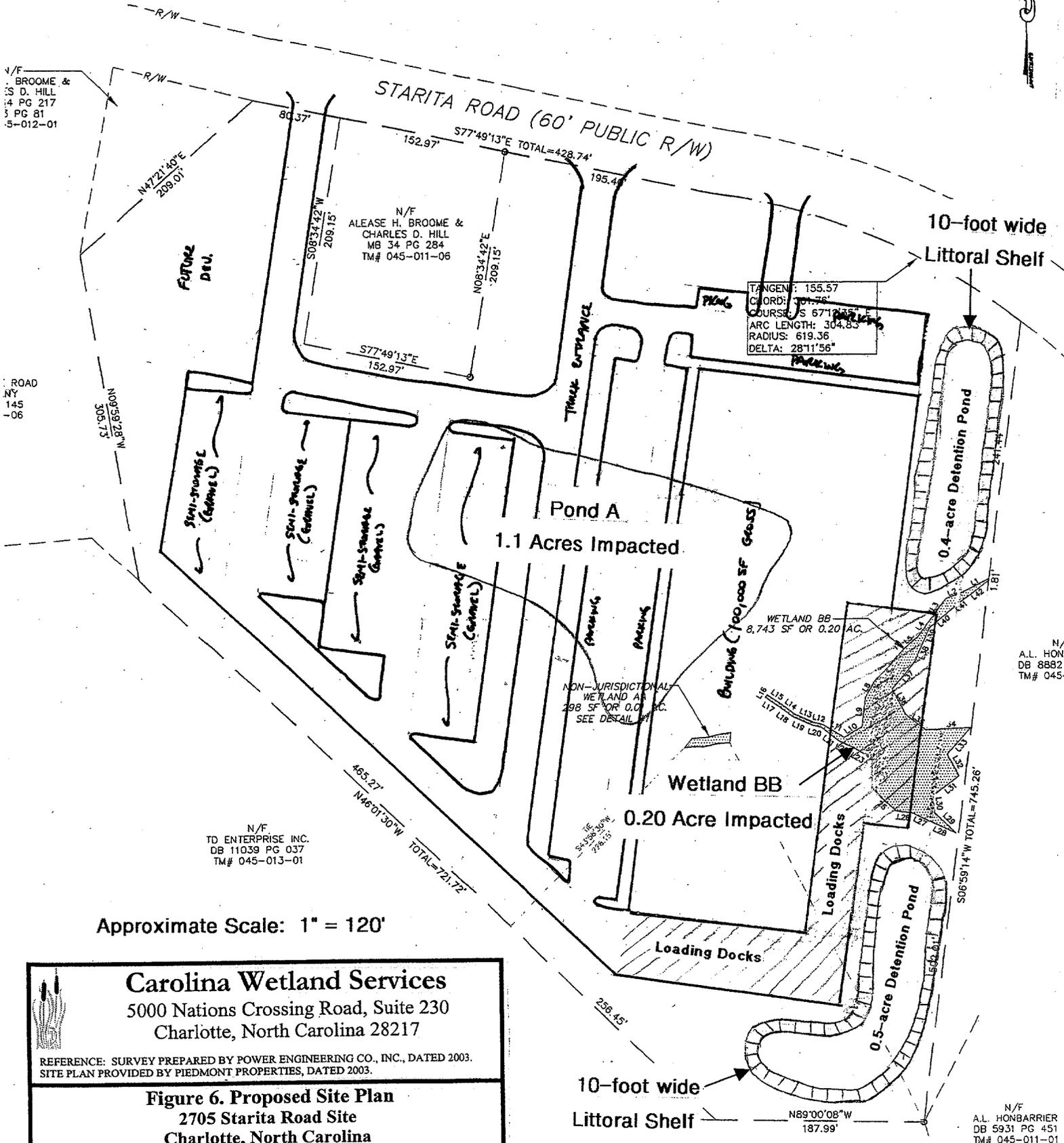
N.T.S.

**LEGEND**

- DP1 DATA POINT
- Ⓐ PHOTO LOCATION AND DIRECTION

APPROXIMATE SCALE: 1" = 150'

	SCALE 1" = 150'		DATE 12/19/03	SHEET 1 OF 2	
	FLD. OR. 2003-0432	PC. LSI	DRAWN BY LSI		FIGURE 4. WETLAND BOUNDARY SURVEY 2705 STARITA ROAD SITE CHARLOTTE, NORTH CAROLINA
	JOB NO. 2003-0432	CHECKED BY CCA	CAROLINA WETLAND SERVICES 5000 Nations Crossing Rd, Suite 230 Charlotte, North Carolina 28217		



N/F  
ALEX H. BROOME &  
CHARLES D. HILL  
MB 34 PG 217  
TM# 045-012-01

ROAD  
NY  
145  
-06

N/F  
TO ENTERPRISE INC.  
DB 11039 PG 037  
TM# 045-013-01

N/  
A.L. HONBARRIER  
DB 8882  
TM# 045-

N/F  
A.L. HONBARRIER  
DB 5931 PG 451  
TM# 045-011-01

Approximate Scale: 1" = 120'



**Carolina Wetland Services**  
5000 Nations Crossing Road, Suite 230  
Charlotte, North Carolina 28217

REFERENCE: SURVEY PREPARED BY POWER ENGINEERING CO., INC., DATED 2003.  
SITE PLAN PROVIDED BY PIEDMONT PROPERTIES, DATED 2003.

**Figure 6. Proposed Site Plan**  
2705 Starita Road Site  
Charlotte, North Carolina  
CWS Project No. 2003-0432

PREPARED BY <b>JSH</b>	DATE <b>12-17-03</b>	CHECKED <b>GCA</b>	DATE <b>12-19-03</b>
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N/F  
STORK SCREENS  
AMERICA, INC.  
DB 5388 PG 181  
TM# 045-013-12