



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: **May 11, 2005**  
Comment Deadline: **June 10, 2005**  
Corps Action ID #: **200420702**

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** PS/SE Ballentine, LLC  
2514 Reliance Avenue  
Apex, North Carolina 27539

**AGENT (if applicable):** Soil & Environmental Consultants, PA  
Attn: Todd Preuninger  
11010 Raven Ridge Road  
Raleigh, NC 27614

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures under Section 404 of the Clean Water Act (33USC 1344).

## Location

The site for the proposed residential development is located approximately 1.25 miles north of the intersection of Sunset Lake Road (SR 1301) and Highway 401 (South Main Street), northeast of Fuquay-Varina, Wake County, North Carolina (Lat. 35.613611N, Long. -78.770561W). The site contains a pond, riparian wetlands, and one unnamed tributary to Terrible Creek in the Neuse River Basin (Hydrologic Unit Code 03020201).

## Existing Site Conditions

The site for the proposed Ballentine subdivision, Phases 5,6, and 7, is approximately 53.7 acres and is located northeast of the existing development known as Ballentine

subdivision, Phases 1 through 4. The property is relatively undisturbed and consists entirely of forested land. Representative tree species include: Sweetgum (*Liquidambar styraciflua*), White Oak (*Quercus alba*), Sourwood (*Oxydendron arboretum*), and American Elm (*Ulnus americana*). Total acreage of wetlands located on the site is approximately 2.0 acres.

As proposed, the project impacts 139 linear feet of an unnamed tributary to Terrible Creek and 0.175-acre of adjacent wetland habitat consisting of bottomland hardwood forests. The perennial channel flows through an agricultural pond located in the northeast corner of the property. The project will not impact the pond.

The surrounding area adjacent to the project includes four previous phases of residential development associated with the proposed project. Previous permits for permanent impacts to waters of the U.S. associated with Ballentine subdivision, Phases 1 through 4, total 0.705-acre of streams and wetlands.

### **Applicant's Stated Purpose**

The purpose of the proposed project is to develop three new phases of an existing residential subdivision known as Ballentine subdivision, Phases 5,6, and 7. The development will provide approximately 156 single-family residences for the Town of Fuquay-Varina and adjacent communities.

### **Project Description**

The applicant has requested DA authorization for impacts to 139 linear feet of perennial channel and 0.175-acre of riparian wetlands for construction of a residential development, Ballentine subdivision, Phases 5,6, and 7. The applicant is proposing the installation of culverts associated with one road crossing. The road crossing is necessary to provide access to high ground in the northeast corner of the property. Impact 1 will involve the placement of fill in 139 linear feet of an unnamed tributary to Terrible Creek and 0.175 acre of adjacent forested wetland.

The applicant's proposed mitigation plan includes payment into the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to restore up to 278 linear feet of perennial channel and 0.26-acre of riparian wetlands.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded 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

receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms. Cyndi Karoly by June 3, 2005.

### **Essential Fish Habitat**

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

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or will be affected by the proposed work. The site is within a Historic District known as the Jones-Johnson-Ballentine Historic District. Impacts to the district may include potential disturbance to the visual aesthetics of the site.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

### **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of

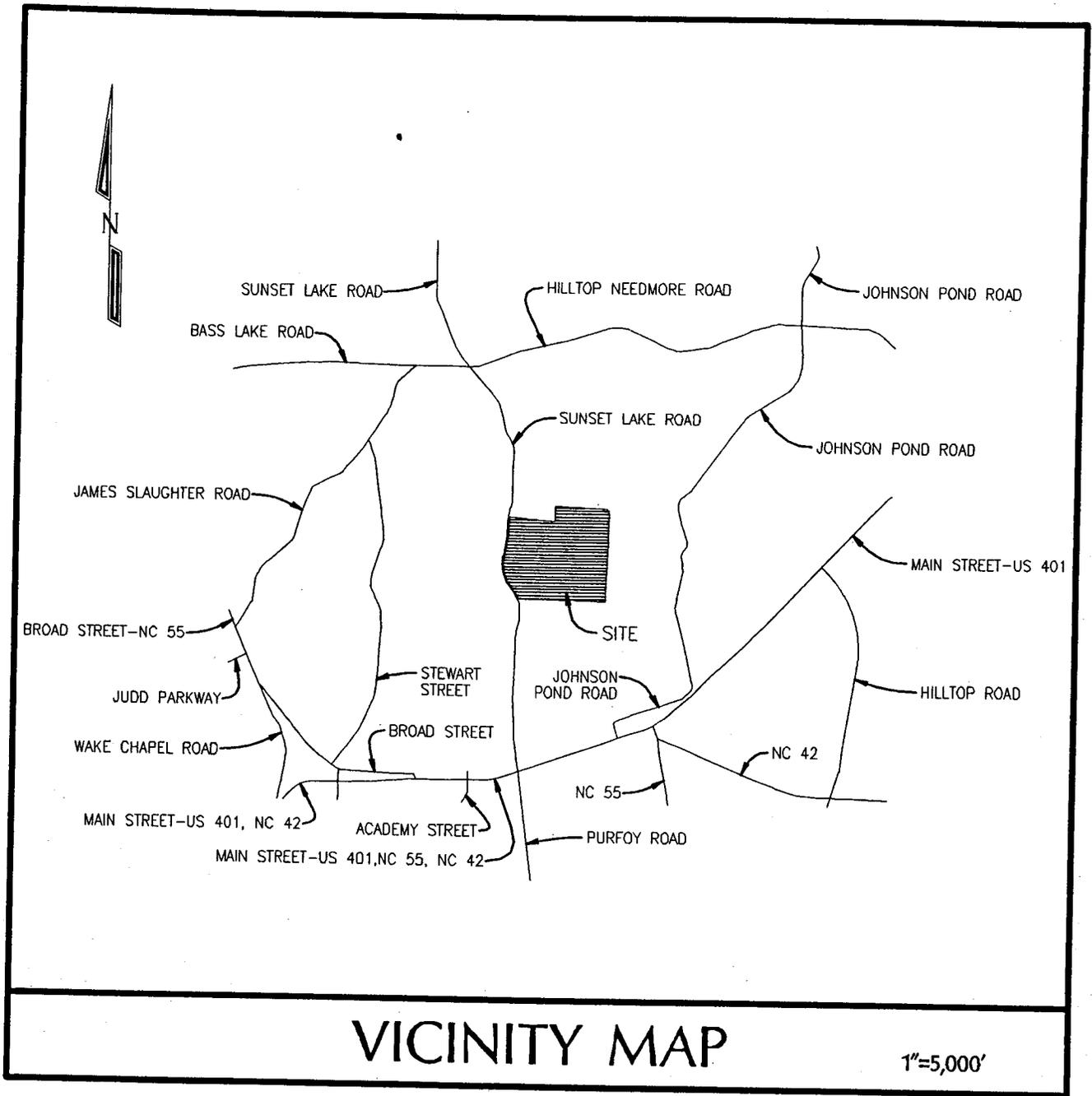
important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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 discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps 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 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, June 10, 2005. Comments should be submitted to Andrea Wade, 6508 Falls of the Neuse Road, Suite 120, Raleigh, North Carolina 27615.



*Ballewine SID Phases S16,7  
 Fuquay Varina, Wake County, NC  
 USACE AID # 200420702*

*Sheet 1 of 4*

# FUQUAY-VARINA, N.C.

N3530-W7845/7.5

Attachment

1974  
PHOTOREVISED 1981  
DMA 5255 III SE-SERIES V842

**SITE**

Phase  
S. 6, 7

Terrill

Sipshaw  
Country Club

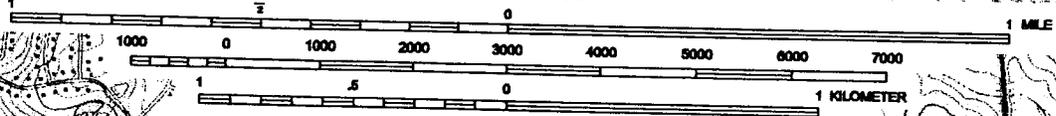
Trailer  
Park

SOUTHERN

Five Points

Fuquay-Varina

SCALE 1:24 000



CONTOUR INTERVAL 10 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929

PROJECT NO.	SCALE
3651	1" = 2000'
PROJECT MGR.	FILE
KM	\\SEC\SECFILES\
DRAWN BY	3651\BALL LOC.DWG
DM	
FIELD WORK	
BZ	

SHEET TITLE: USACE RID#:  
20420702  
LOCATION MAP

BASE MAP IS FROM THE USGS 35078 DIGITAL  
RASTER GRAPHICS SET. SOURCE FILE IS  
035078E7.TIF.



Sheet 2 of 4

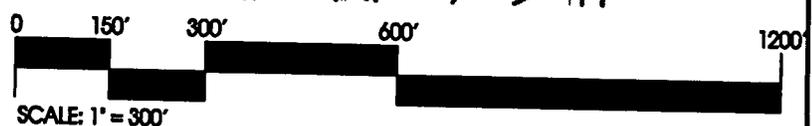
**Soil & Environmental Consultants, Inc**  
244 West Millbrook Road • Raleigh, North Carolina 27609 • (919) 846-5900 • Fax (919) 846-946

200420702

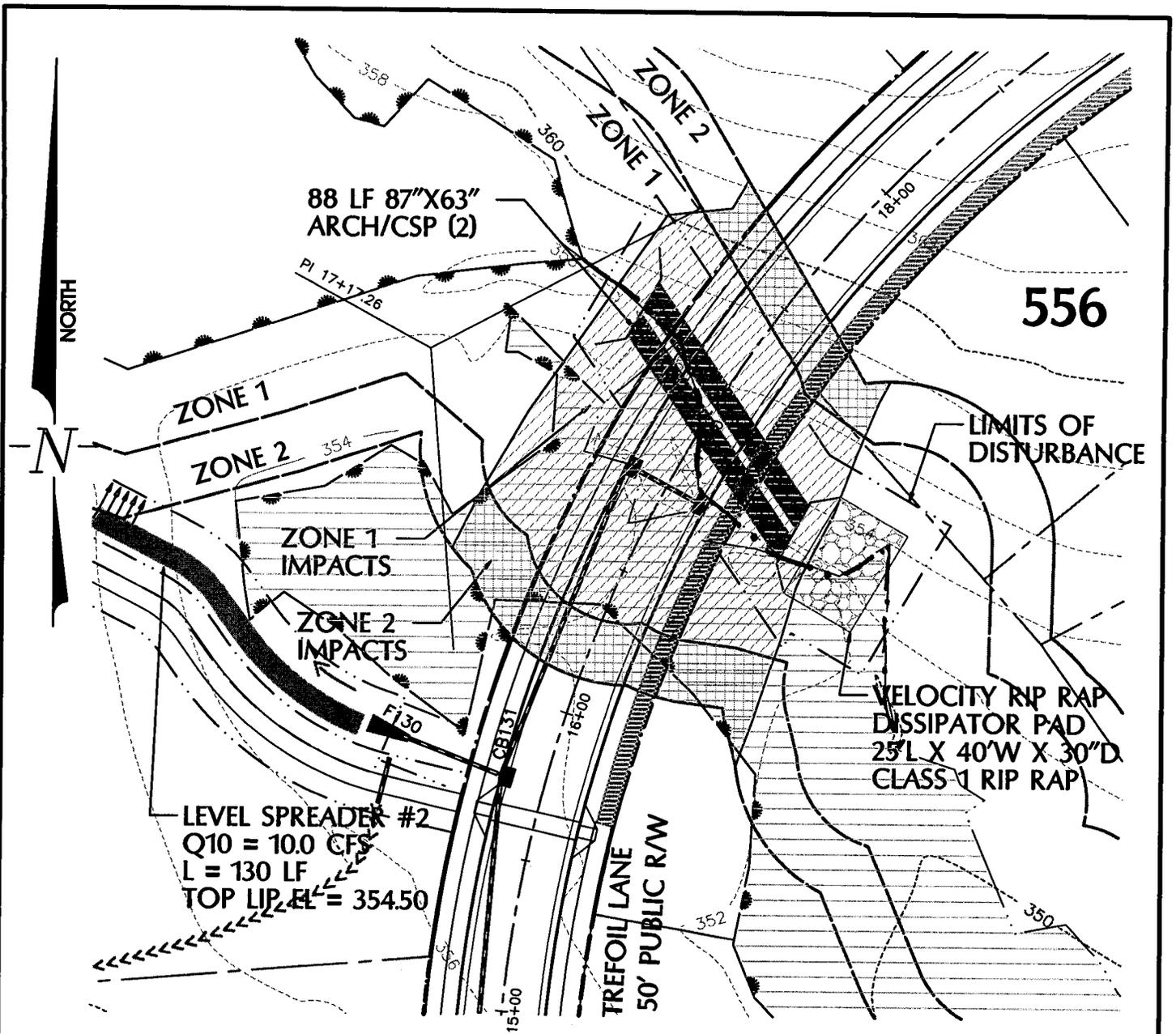


USACE AID# 200420702

**PRELIMINARY**  
NOT FOR RECORDING OR CONSTRUCTION



<p><b>WITHERS &amp; RAVENEL</b> ENGINEERS   PLANNERS   SURVEYORS 111 MacKenon Drive Cary, North Carolina 27511 tel: 919-488-3340 fax: 919-487-6008 www.wr.com</p> <p><b>200420702</b></p>	<p><b>BALLENTINE SUBDIVISION</b> PHASES 5, 6 &amp; 7 FUQUAY-VARINA WAKE COUNTY NORTH CAROLINA</p>	<p><b>OVERALL PROJECT MAP</b></p>	
		<p>Date</p>	<p>04/05/05</p>
		<p>Job No.</p>	<p>203175.00</p>
		<p>Scale</p>	<p>1" = 300'</p>



BUFFER IMPACTS	
ZONE 1	10,473 SF
ZONE 2	3,914 SF
<b>TOTAL</b>	<b>14,387 SF ; 0.33 AC</b>
LF STREAM DISTURBANCE	139 LF
WETLAND IMPACT	7,635 SF

**EXHIBIT C**  
 USACE AID # 200420702

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**WITHERS & RAVENEL**  
 ENGINEERS | PLANNERS | SURVEYORS  
 111 Mackenize Drive Cary, North Carolina 27511 tel: 919-488-3340 fax: 919-467-8006 www.witherandravenel.com  
 200420702

**BALLENTINE SUBDIVISION**  
 PHASES 5, 6 & 7  
 FUQUAY-VARINA  
 WAKE COUNTY NORTH CAROLINA

BUFFER IMPACTS MAP	
Date	04/18/05
Job No.	203175.00
Scale	1" = 50'