



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 08/22/2005
Comment Deadline: 09/16/2005
Corps Action ID #: 200510630

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

Applicant: Mr. Leon R. Hardee
1156 Autumn Lakes Road
Grimesland, NC 27837

AGENT (if applicable): Mr. Michael Tolson
Baldwin and Associates
1015 Conference Drive
Greenville, NC 27858

Authority

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

Location

The property is located on the southeast side of North Carolina State Road 1760 in an unnamed tributary to Juniper Branch east of Galloways Crossroads in Pitt County, North Carolina (35.554569 -77.239416).

Existing Site Conditions

The property is an undeveloped tract of land consisting of farm fields and a small area wooded with pine trees and mixed hardwoods. A stream with herbaceous wetland fringe is located on the eastern side of the property.

Applicant's Stated Purpose

The applicant proposes to construct a 1.78-acre pond in a residential community.

Project Description

The applicant proposes to construct a 40-foot wide dike to create a pond. The proposed activity would result in the filling of 200 square feet of stream channel and the flooding of 1.78 acres of herbaceous and wooded wetland. Cattails, black willow, red maple, sweet gum, Carex, and sedges dominate the wetland.

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 September 16, 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 is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical

data may be located within the project area and/or could be affected by the proposed work.

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.

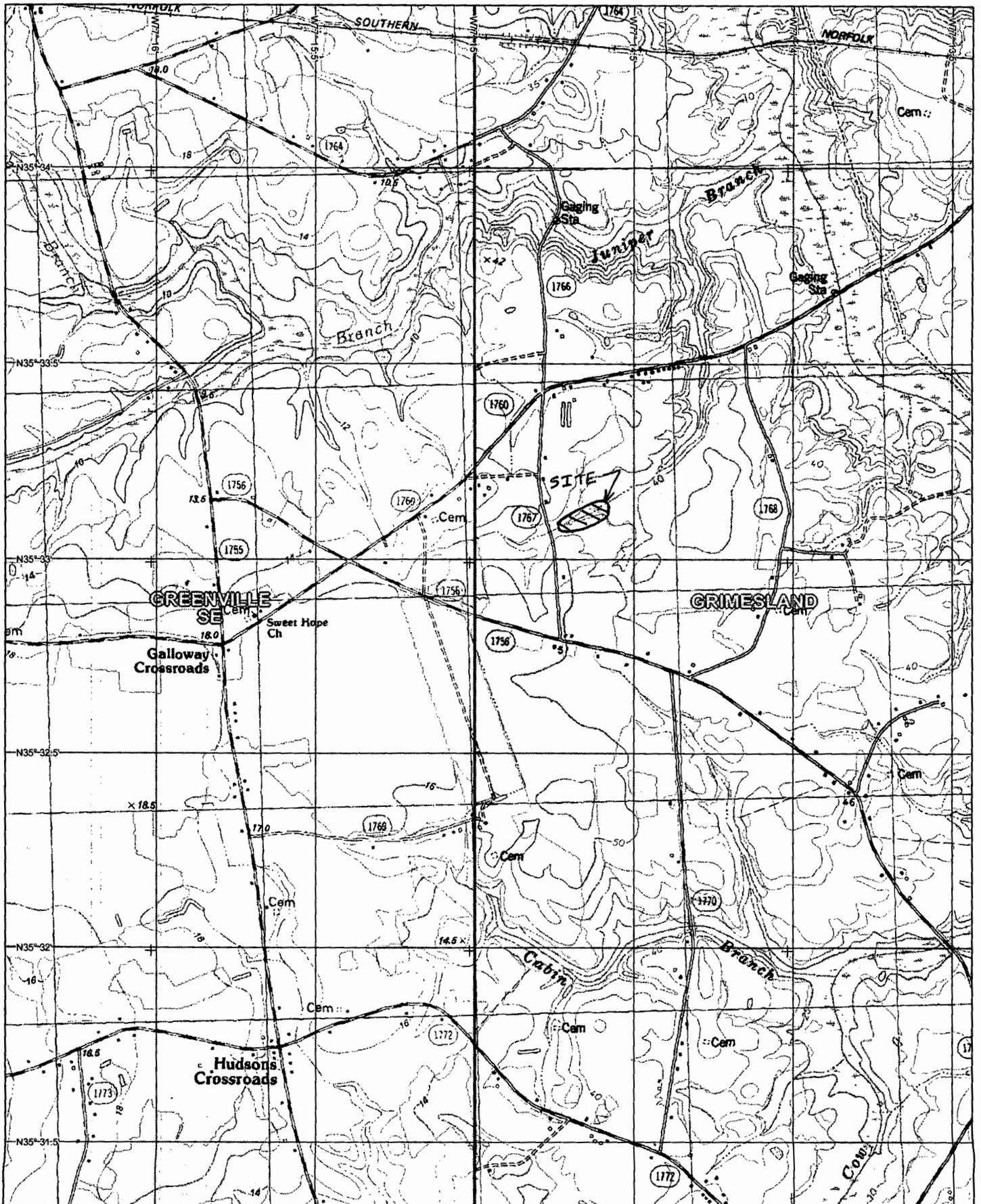
Commenting Information

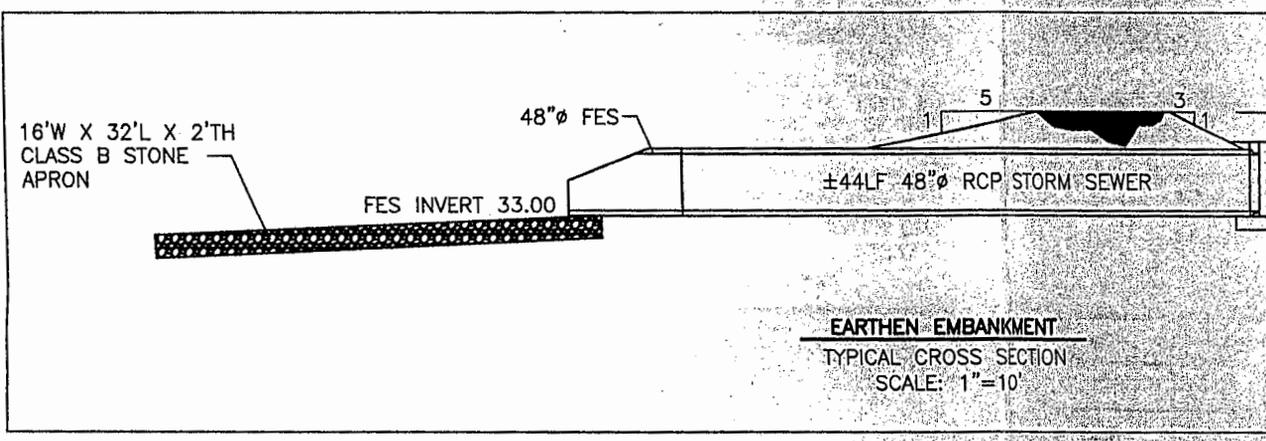
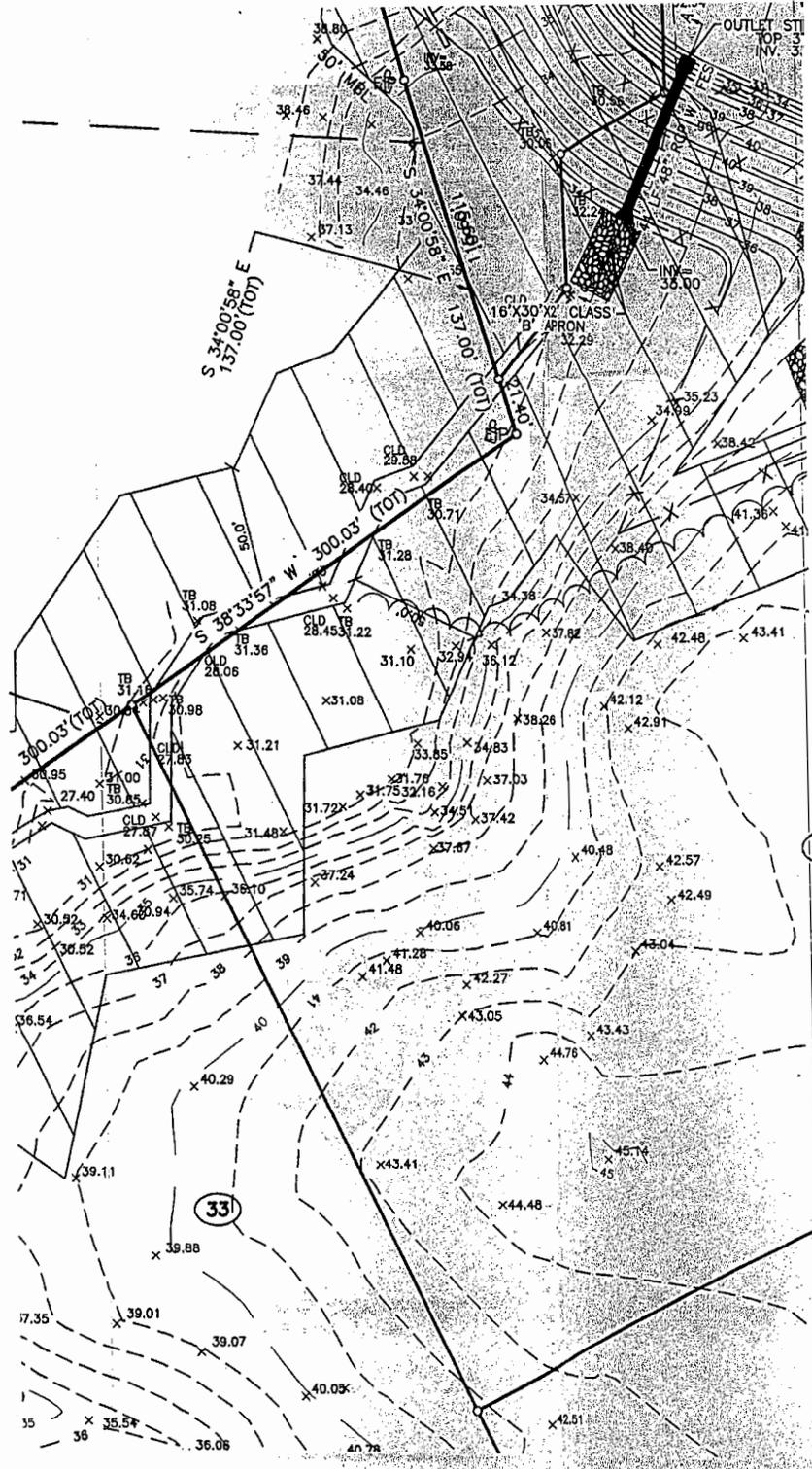
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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.

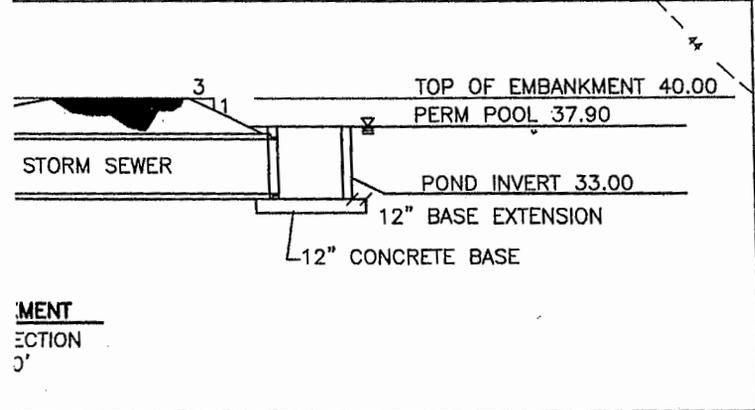
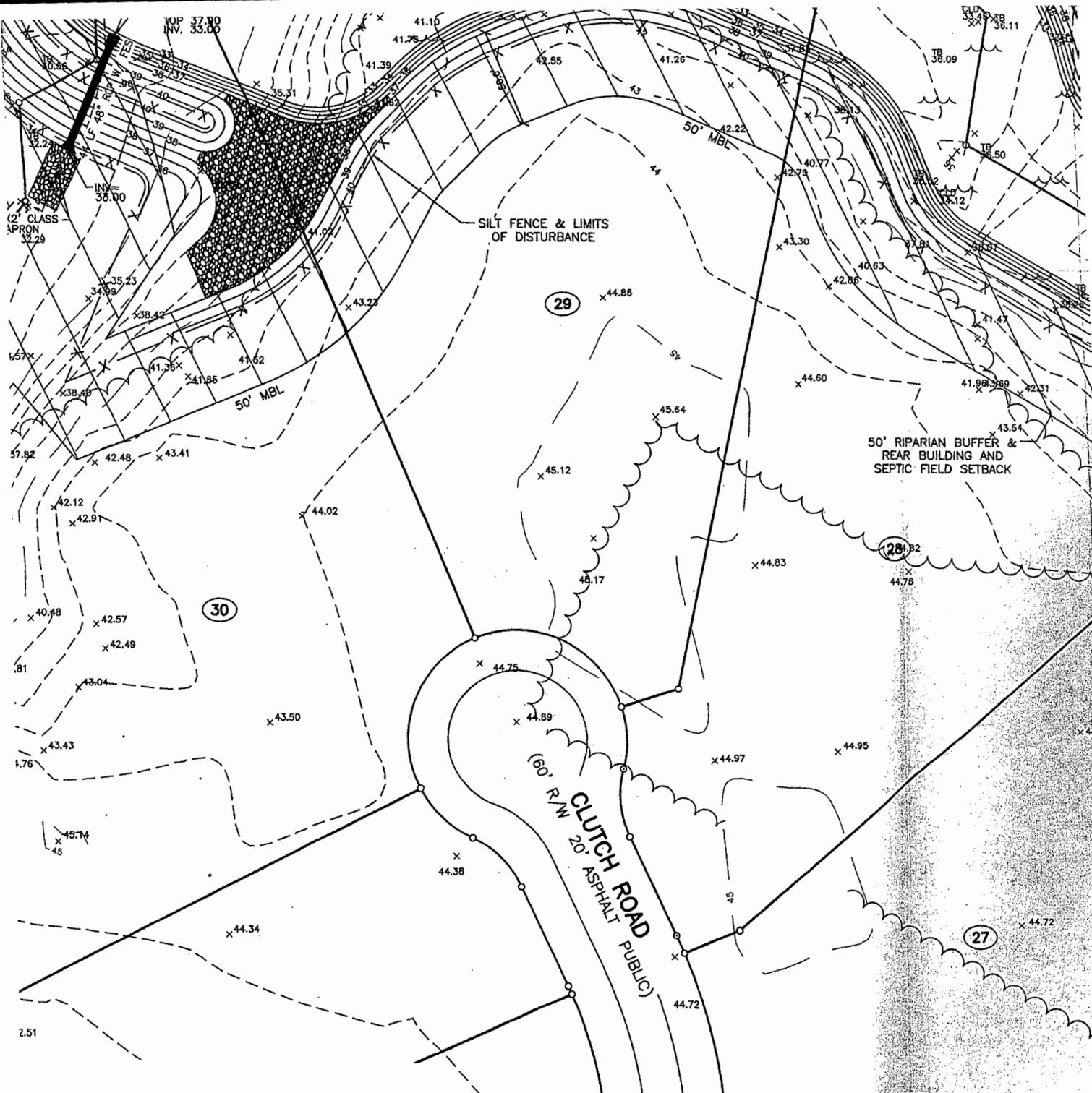
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings

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.

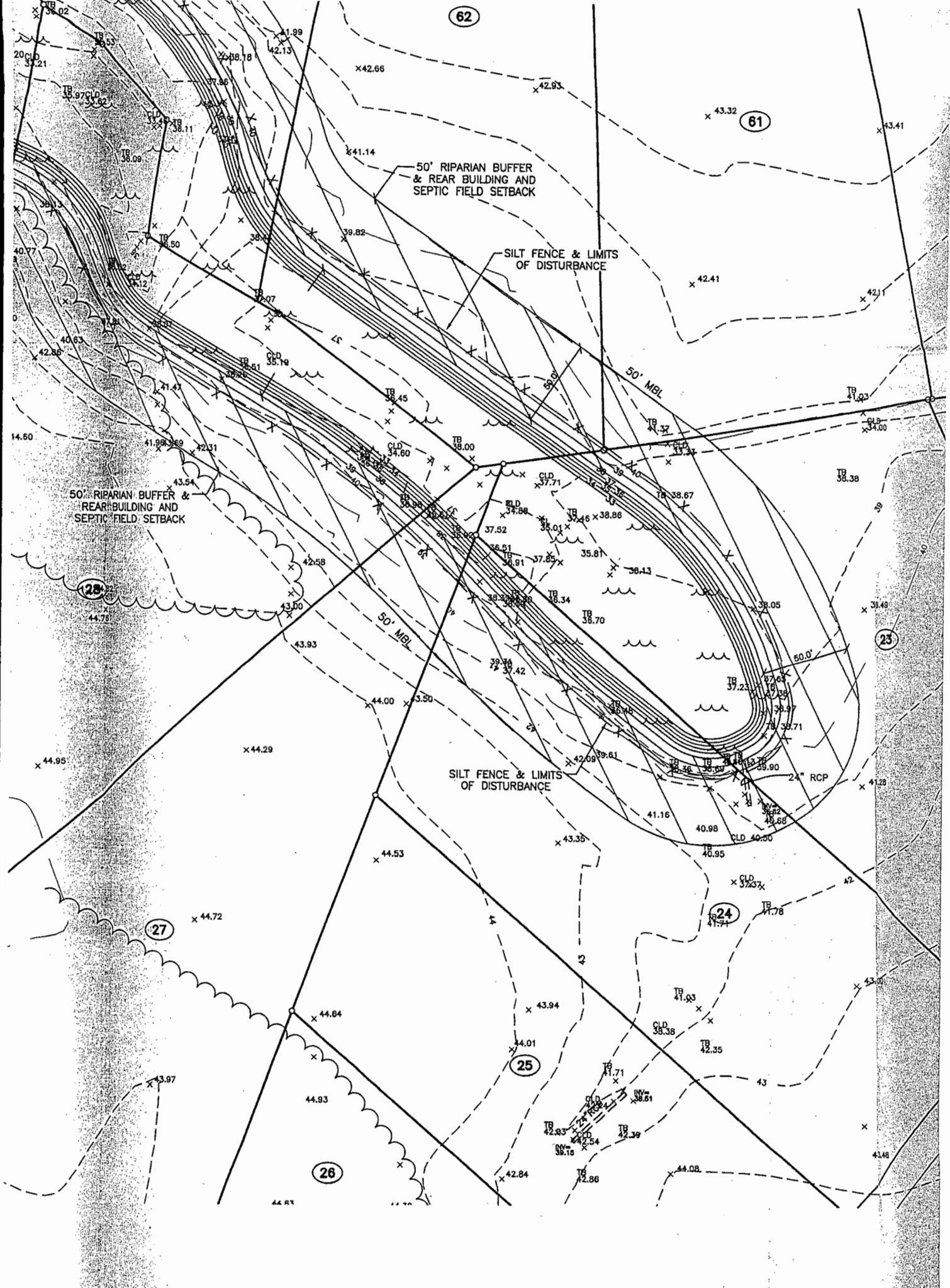
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, September 16, 2005. Comments should be submitted to Ms. Tracey L. Wheeler, Post Office Box 1000, Washington, North Carolina, 27889, or telephone (919) 975-1616, extension 24.

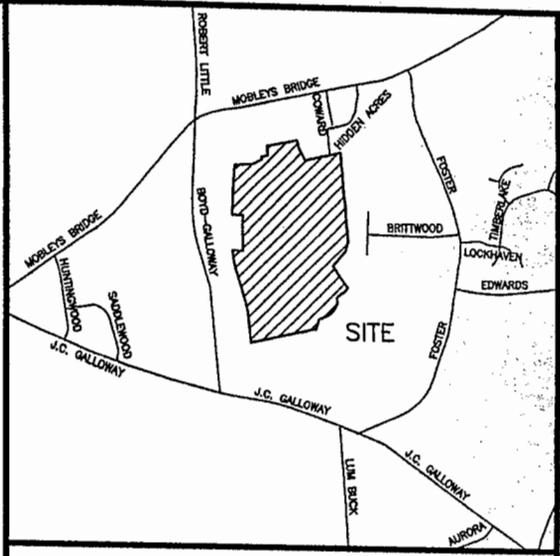
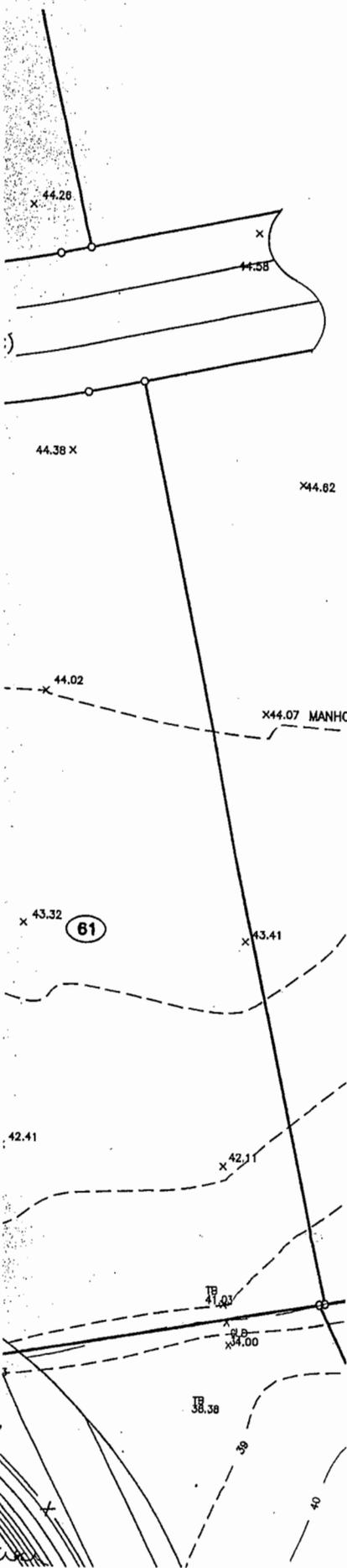




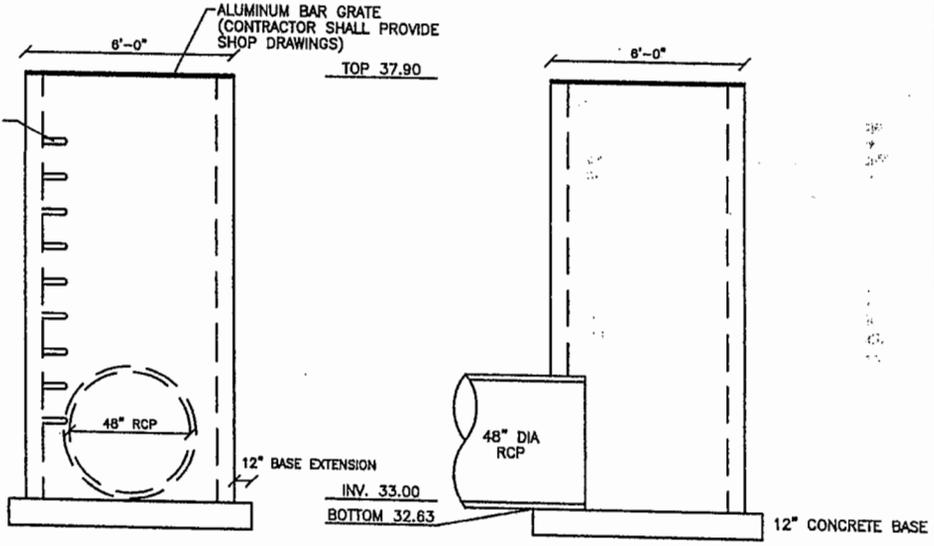


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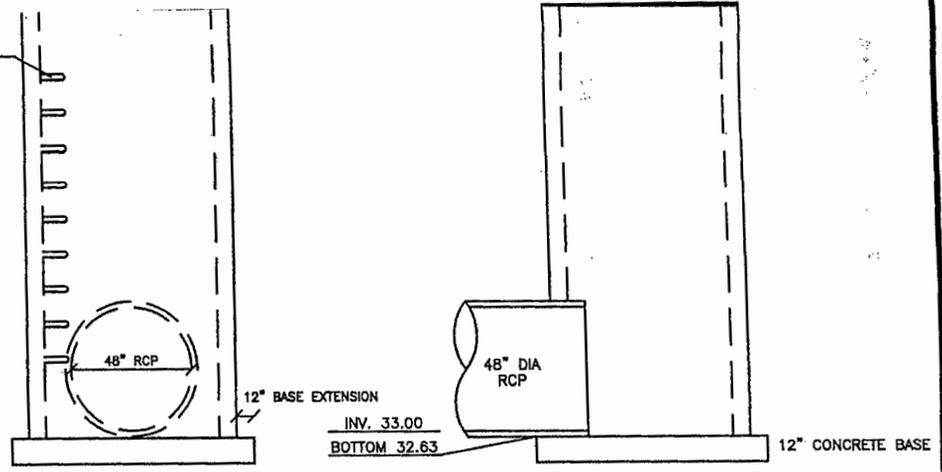
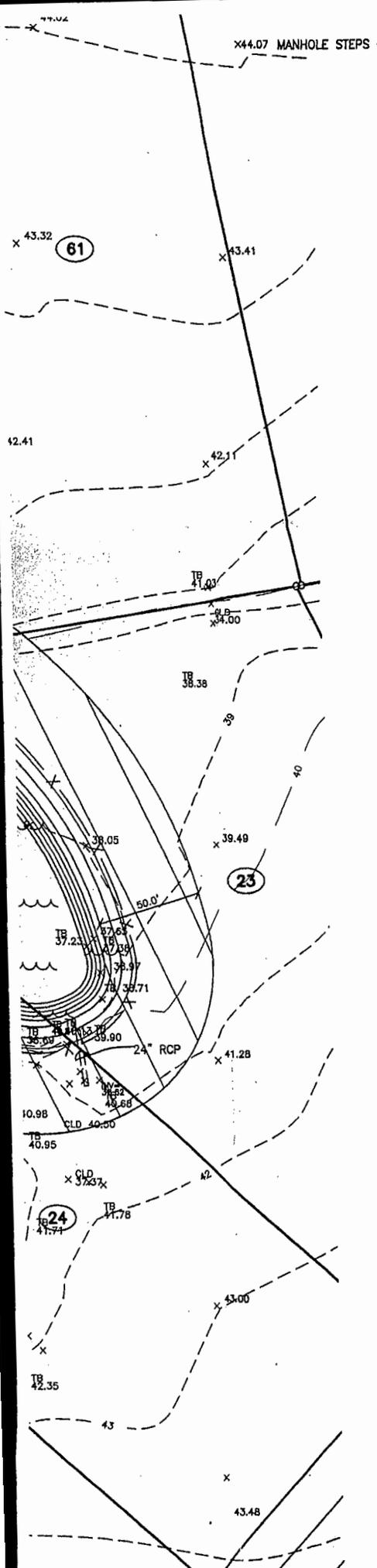




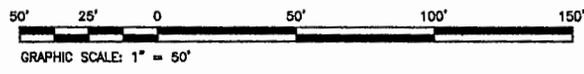
VICINITY MAP



WET DETENTION-SPILL BOX
NOT TO SCALE



WET DETENTION-SPILL BOX
NOT TO SCALE



SHEET 1 OF 1
SITE PLAN

POND EXPANSION FOR
MALLARD CROSSING
PHASE 1 AND PHASE 2
REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED
BOOKS 222, PAGE 248, DEED BOOK 288, PAGE 834, DEED BOOK 511,
PAGE 440 OF THE PITT COUNTY REGISTRY.
GRIMESLAND TOWNSHIP, PITT COUNTY, N.C.

OWNER: **LEON R. HARDEE**