



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 24, 2005  
Comment Deadline: June 23, 2005  
Corps Action ID #: 200520319

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:** **Sandler At Amberly, LLC**  
**GS Carolina**  
**Attn: Mr. Bob Jones**  
**3412 ½ Hillsborough Street**  
**Raleigh, North Carolina 27607**

**AGENT (if applicable):** **Chas H. Sells, Inc.**  
**Attn: Mr. Donald Sever**  
**15300 Weston Parkway**  
**Suite 106**  
**Cary, North Carolina 27513**

## Authority

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

## Location

The project is approximately 612 acres in size and is located to the east and west of Yates Store Road, south of O'Kelly Chapel Road, and north of Carpenter Fire Station Road, in Cary, North Carolina. The site is located in both Wake and Chatham Counties and the Coordinates (in decimal degrees) for the site are 35.8342 ° North, 78.9109 ° West. The site contains tributaries of Nancy Branch and Morris Branch, and adjacent wetlands, in the Cape Fear River Basin. The project, identified as parcel AR, is located within the Amberly Planned Unit Development (PUD).

## **Existing Site Conditions**

The site is located in a rapidly developing rural setting. Numerous new residential developments are located near the proposed project. An extension of Yates Store Road is currently under construction, which will bisect the property and connect to O'Kelly Road to the north. A sewer pump station and sanitary sewer trunklines have also been constructed on the site to provide sewer service to the vicinity. Otherwise, the site is primarily abandoned agricultural fields and forestland. Numerous tributaries are located on the property, including approximately 13,000 linear feet of perennial stream and 5,000 linear feet of intermittent stream. The site also contains a small farm pond and a recently constructed 14-acre lake.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the project is to provide housing and commercial space for the growing Cary area. Half of the project has been designed as a retirement community, and will provide active retirement living for the retired community in the region.

## **Project Description**

The project is a planned development that will include construction of single and multi family residential units, and a commercial center. Development of the site will require extensive clearing, grading, excavation, and fill necessary for the construction of homes, lots, roads and infrastructure. Heavy equipment, including graders, pan scrapers, excavators, bull dozers, etc. will be used for the construction of the project. Proposed impacts to waters of the U.S. include the placement of fill material into 0.18 acre of wetlands, and placement of culverts, fill material, and/or riprap into 1,269 linear feet of stream channel, including 304 linear feet of perennial stream channel and 965 linear feet of intermittent stream channel. The applicant has proposed to mitigate for impacts to streams and wetlands with the creation of approximately 73 acres of riparian buffers and 17 acres of upland buffers along the perimeter of the property. Proposed plans detailing impacts have been included in this notice.

Development plans for an additional parcel of Amberly PUD, identified as Amberly MF-2 & MF-2A, were submitted by KB Home Raleigh-Durham, LLC and are currently under review. Plans for Amberly MF-2 & MF-2A have been distributed by public notice (Corps Action ID #: 200520751) and are available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands). Impacts associated with the Amberly MF-2 & MF-2A and with the current proposal will be reviewed as a single and complete project for the purposes of the Corps permit evaluation procedures.

## **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 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 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 property, known as the John D. Horton Farm, contains a listed structure and is located on a parcel adjacent to the proposed development. Impacts to the property 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**

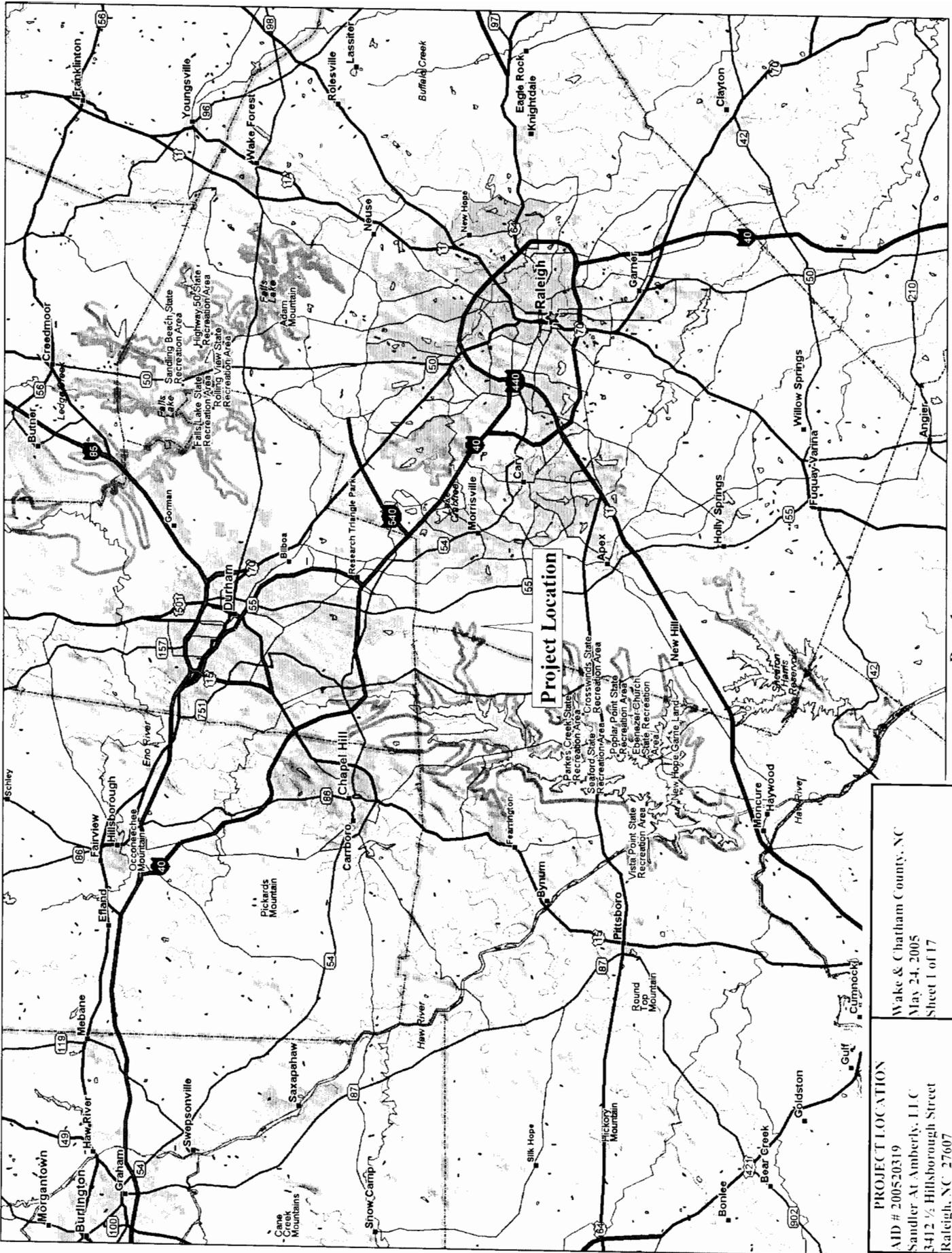
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, including any consolidate State Viewpoint or written position of the Governor; 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.

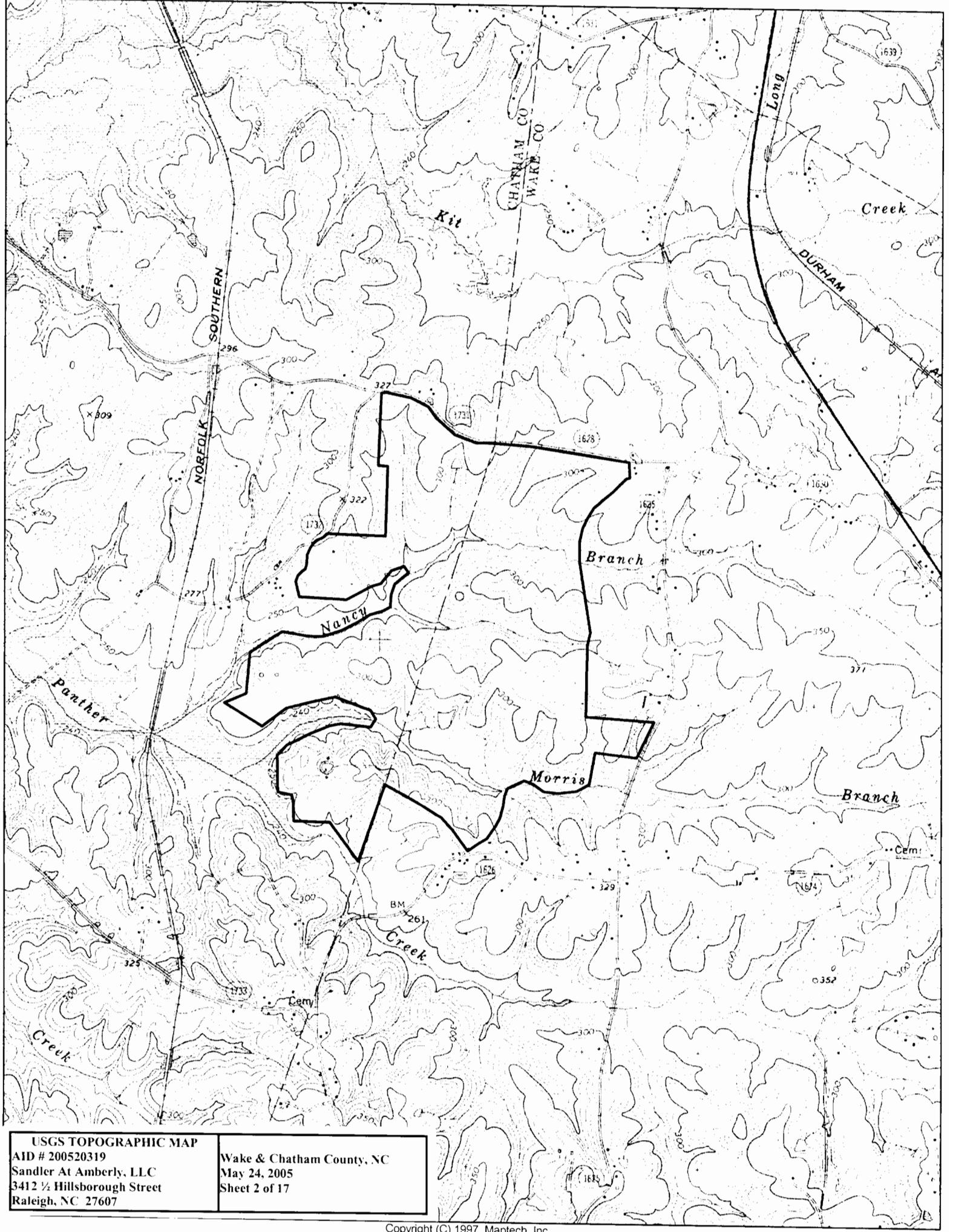
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless 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 23, 2005. Comments should be submitted to Todd Tugwell, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.



<p><b>PROJECT LOCATION</b>          AID # 200520319          Sandler At Amberly, LLC          3412 1/2 Hillsborough Street          Raleigh, NC 27607</p>	<p>Wake &amp; Chatham County, NC          May 24, 2005          Sheet 1 of 17</p>
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5 mi

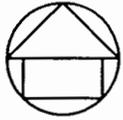


<p>USGS TOPOGRAPHIC MAP AID # 200520319 Sandler At Amberly, LLC 3412 1/2 Hillsborough Street Raleigh, NC 27607</p>	<p>Wake &amp; Chatham County, NC May 24, 2005 Sheet 2 of 17</p>
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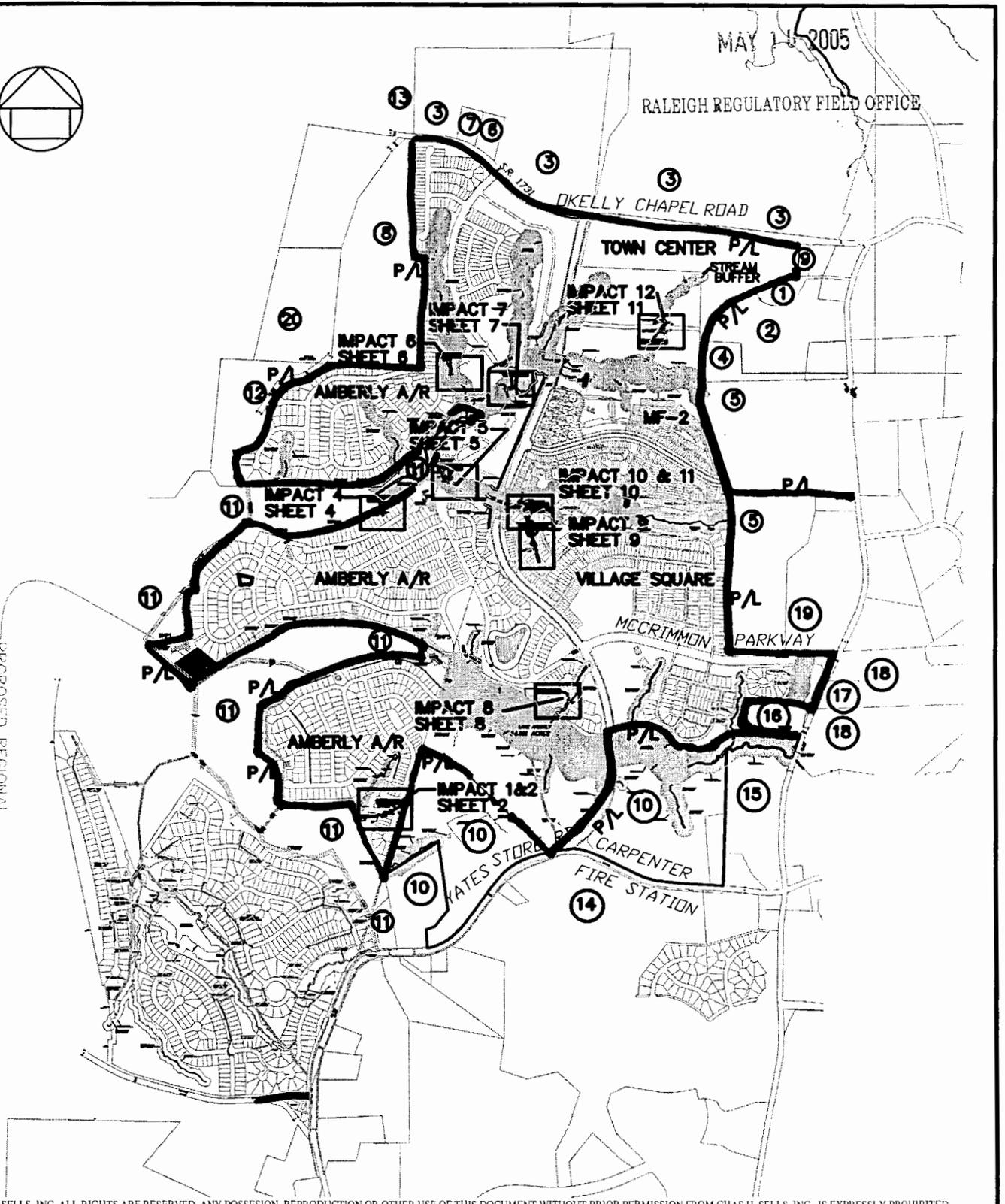
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MAY 14 2005

RALEIGH REGULATORY FIELD OFFICE



PROPOSED REGIONAL MORRIS BRANCH PUMP STATION



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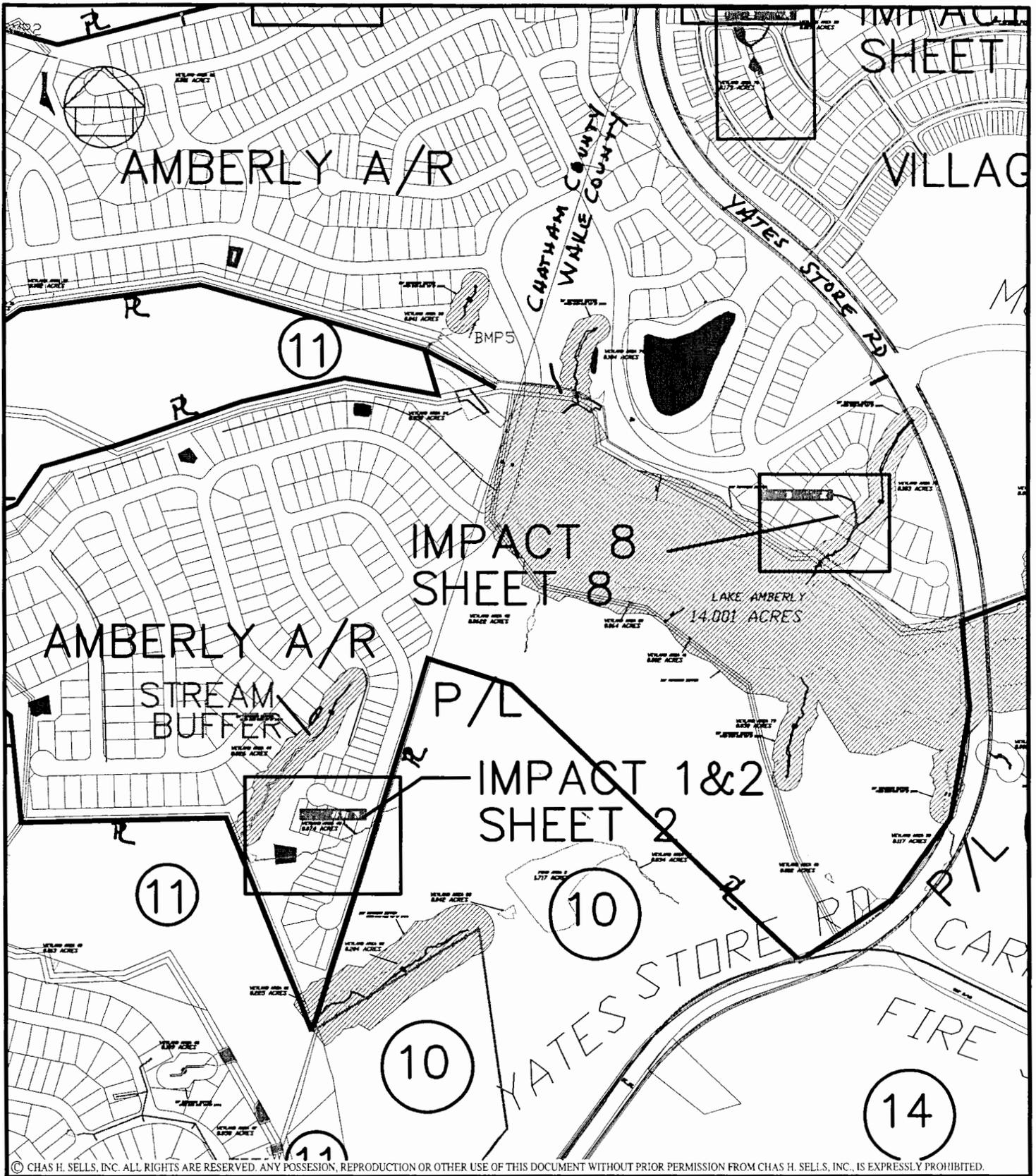
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Suite 106  
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### Amberly

PLAN VIEW  
AID # 200520319  
Sandler At Amberly, LLC  
3412 1/2 Hillsborough Street  
Raleigh, NC 27607

PROJECT #: 04-4300	DATE: 3-25-05
DRAWN BY: JWE	CHECKED BY: DS
TITLE	SCALE 1"=1500'

Wake & Chatham County, NC  
May 24, 2005  
Sheet 3 of 17



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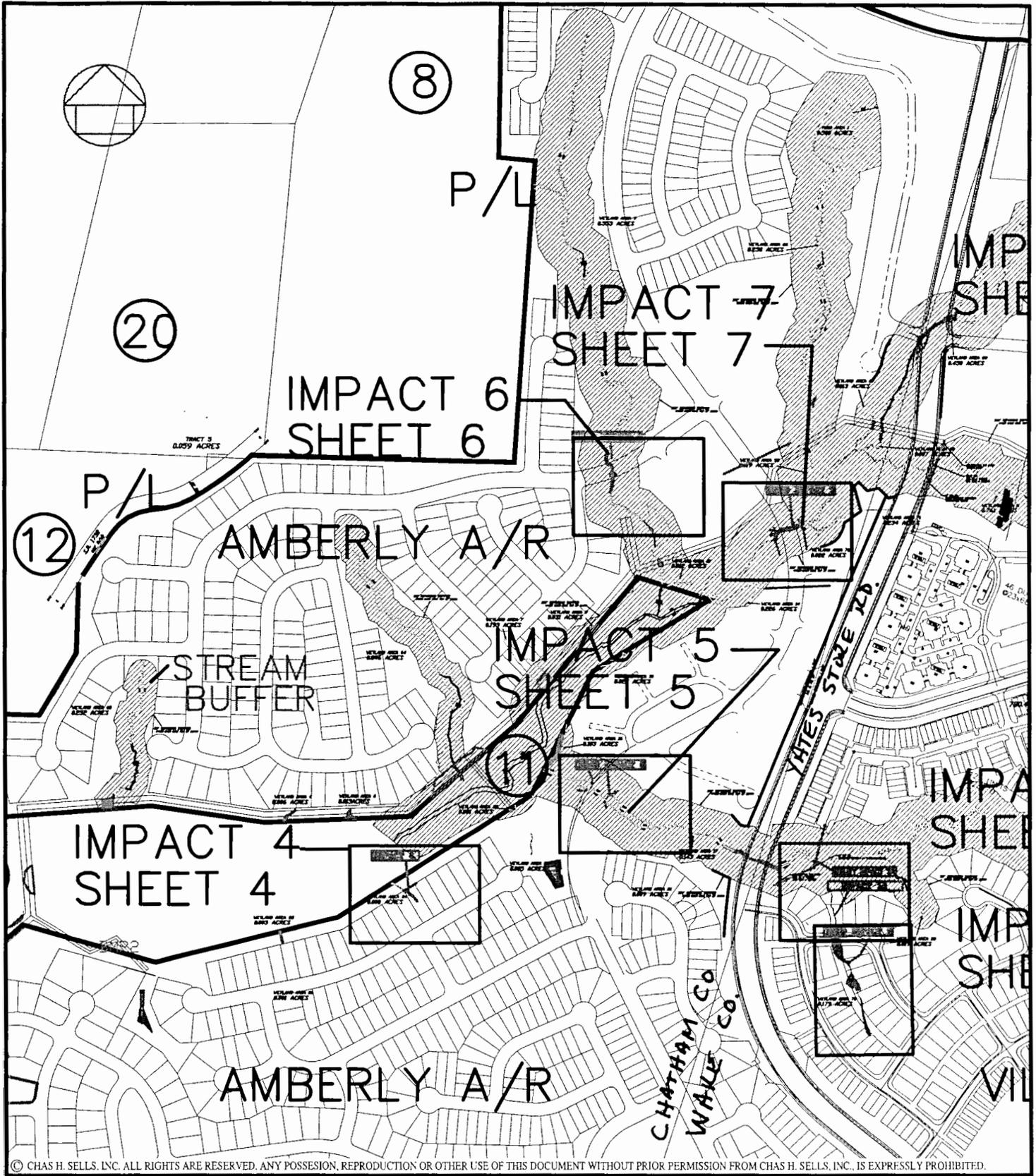
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## Amberly A/R

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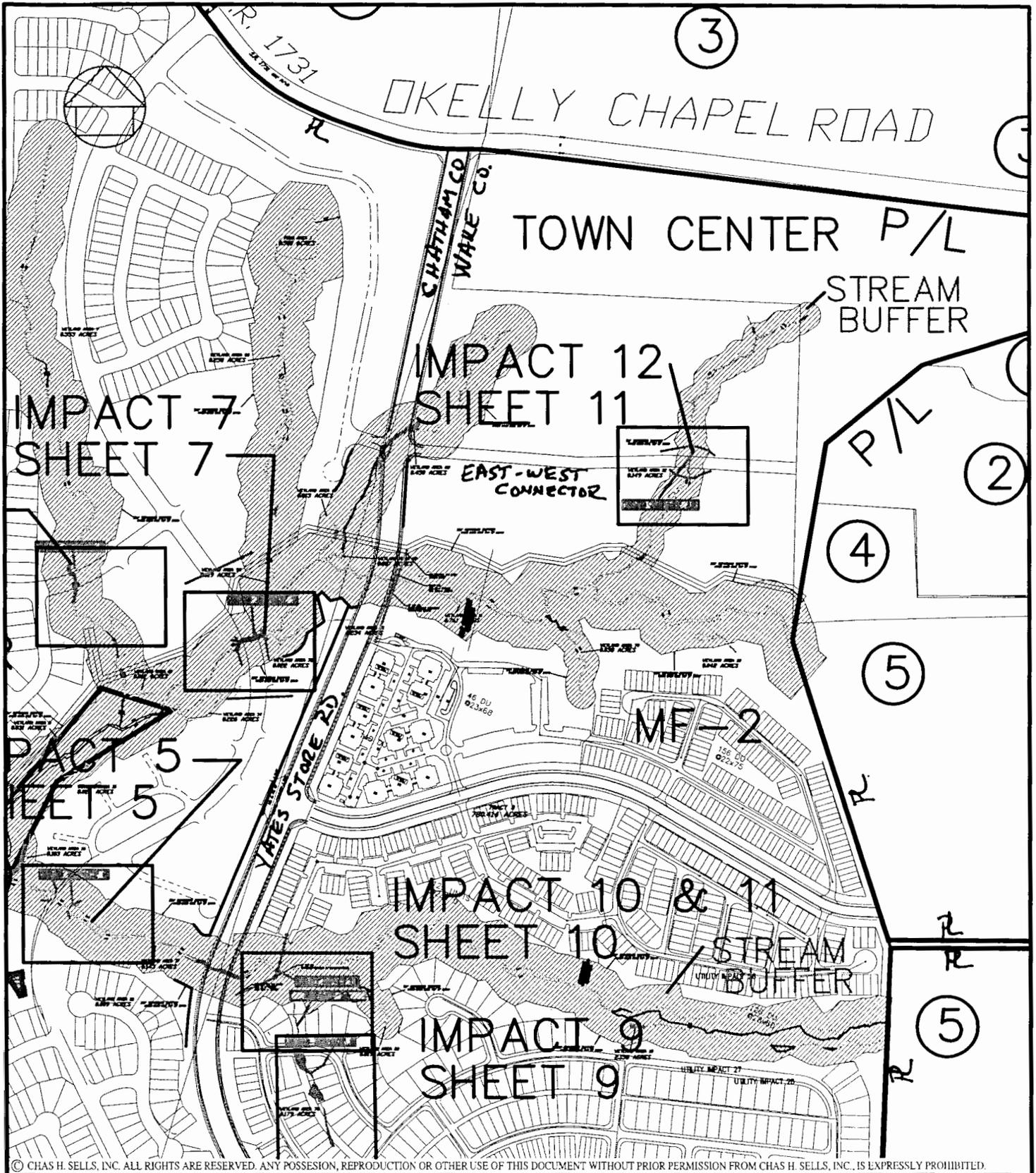
Amberly A/R

PROJECT #: 04-4300	DATE: 03-25-05
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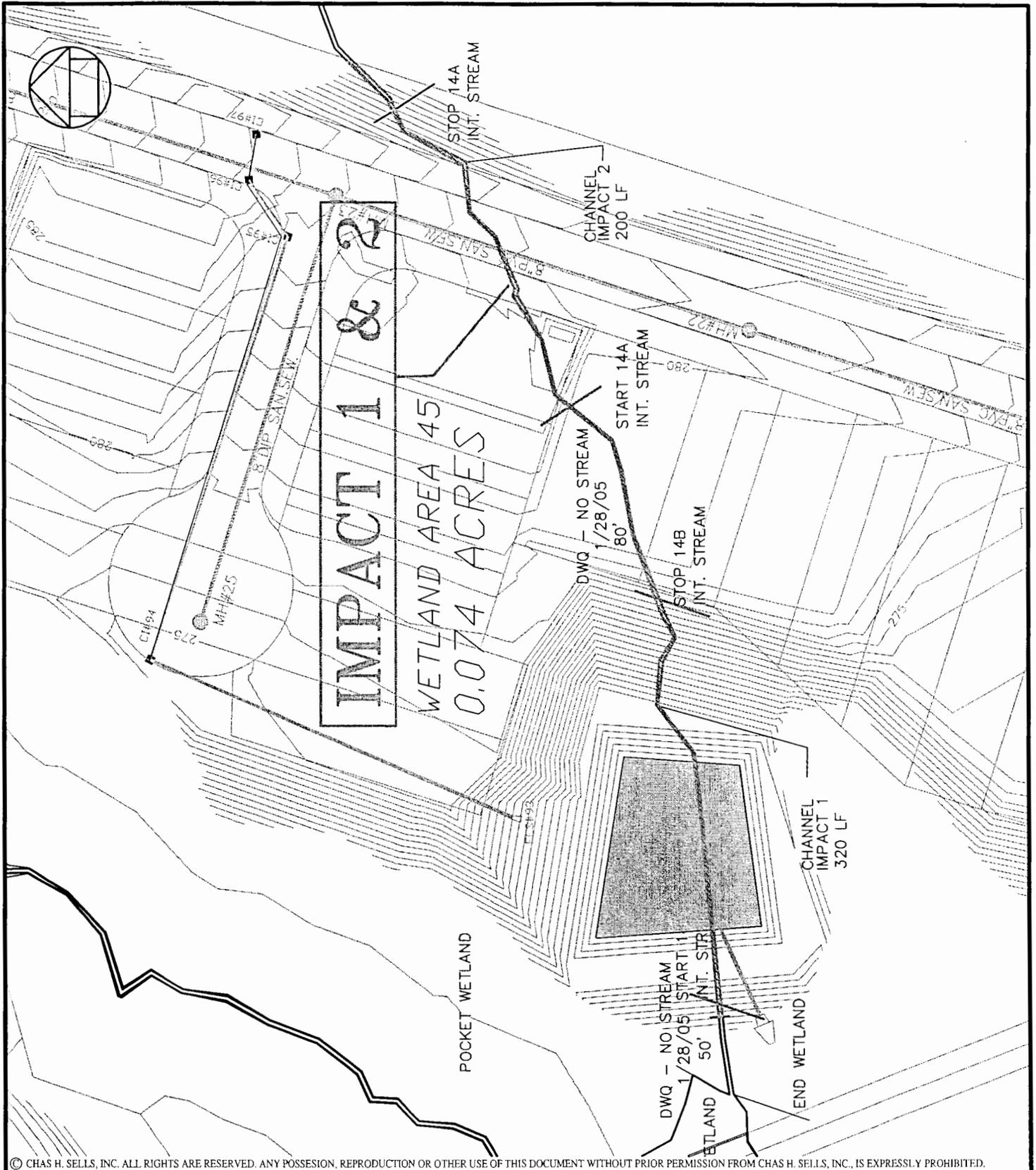
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**Amberly Town Center**

PROJECT #: 04-4300	DATE: 03-25-05
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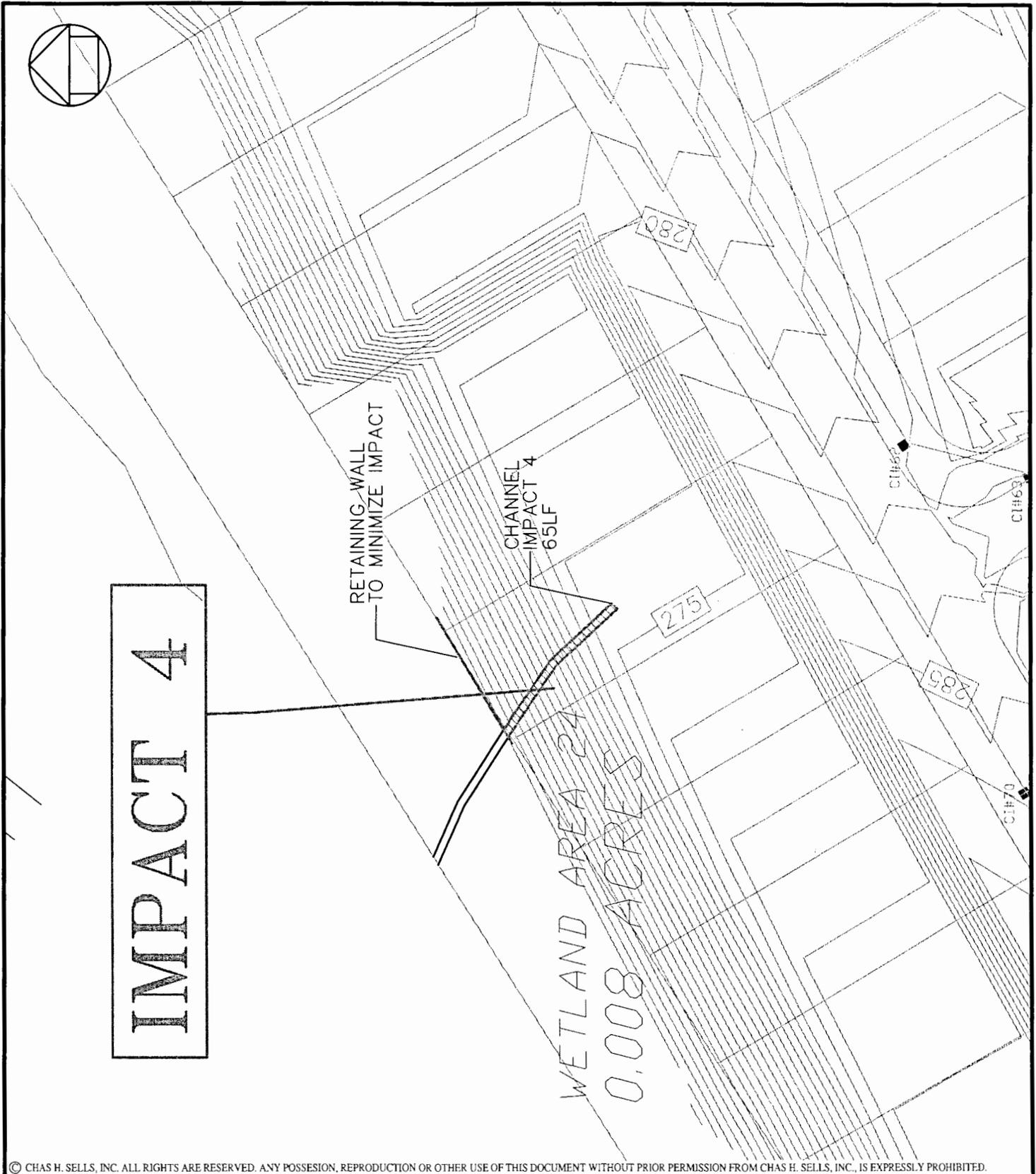
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## Amberly A/R

**IMPACT DETAIL**  
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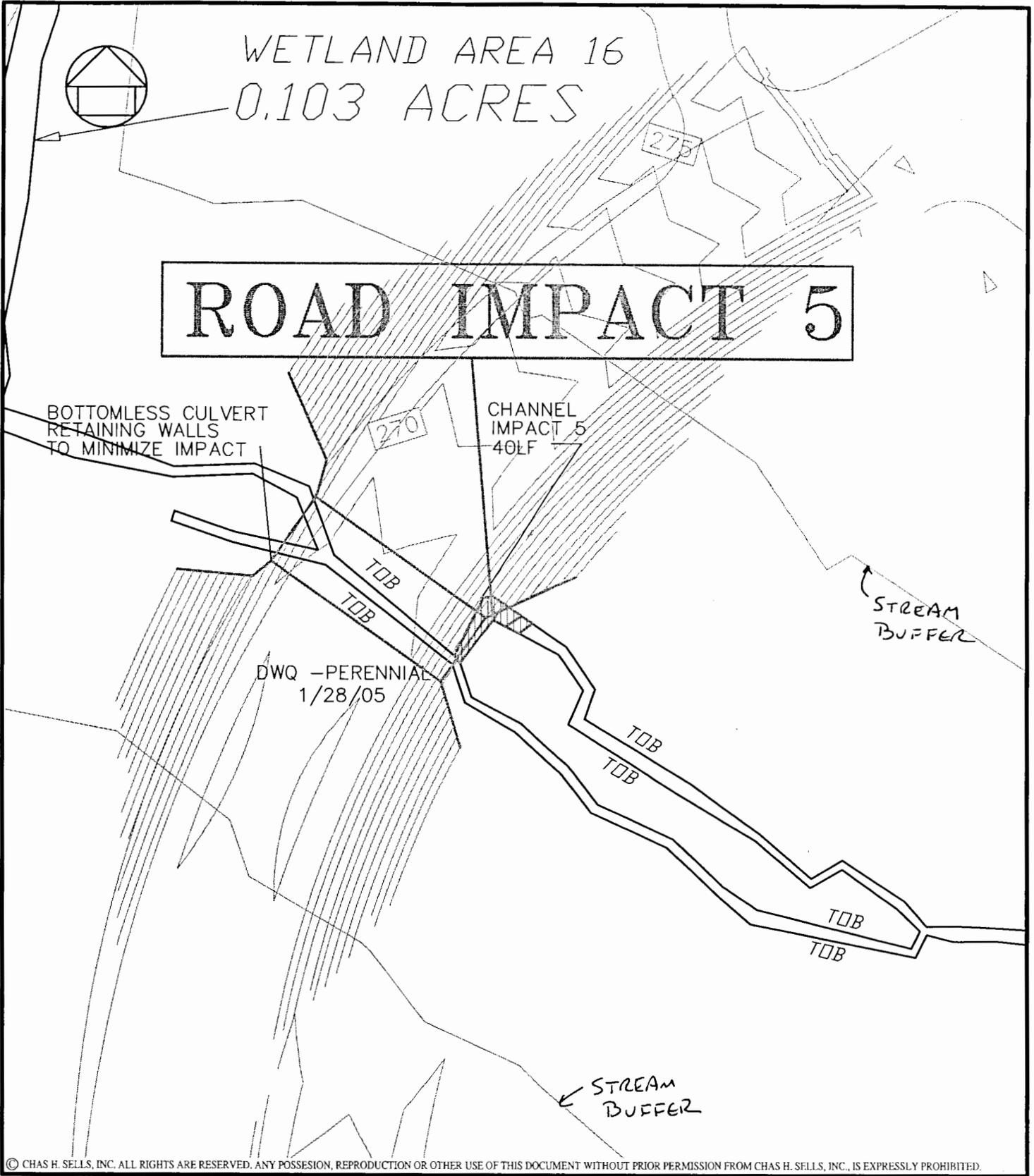
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**Amberly A/R**

PROJECT #: 04-4300	DATE: 3-25-05
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**IMPACT DETAIL**  
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**Amberly A/R**

**IMPACT DETAIL**  
AID # 200520319  
Sandler At Amberly, I.I.C  
3412 1/2 Hillsborough Street  
Raleigh, NC 27607

PROJECT #: 04-4300	DATE: 3-25-05
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# ROAD IMPACT 6

CHANNEL  
IMPACT 6  
140LF

TOB

TOB

RIPRAP

Ø 18" CPFF

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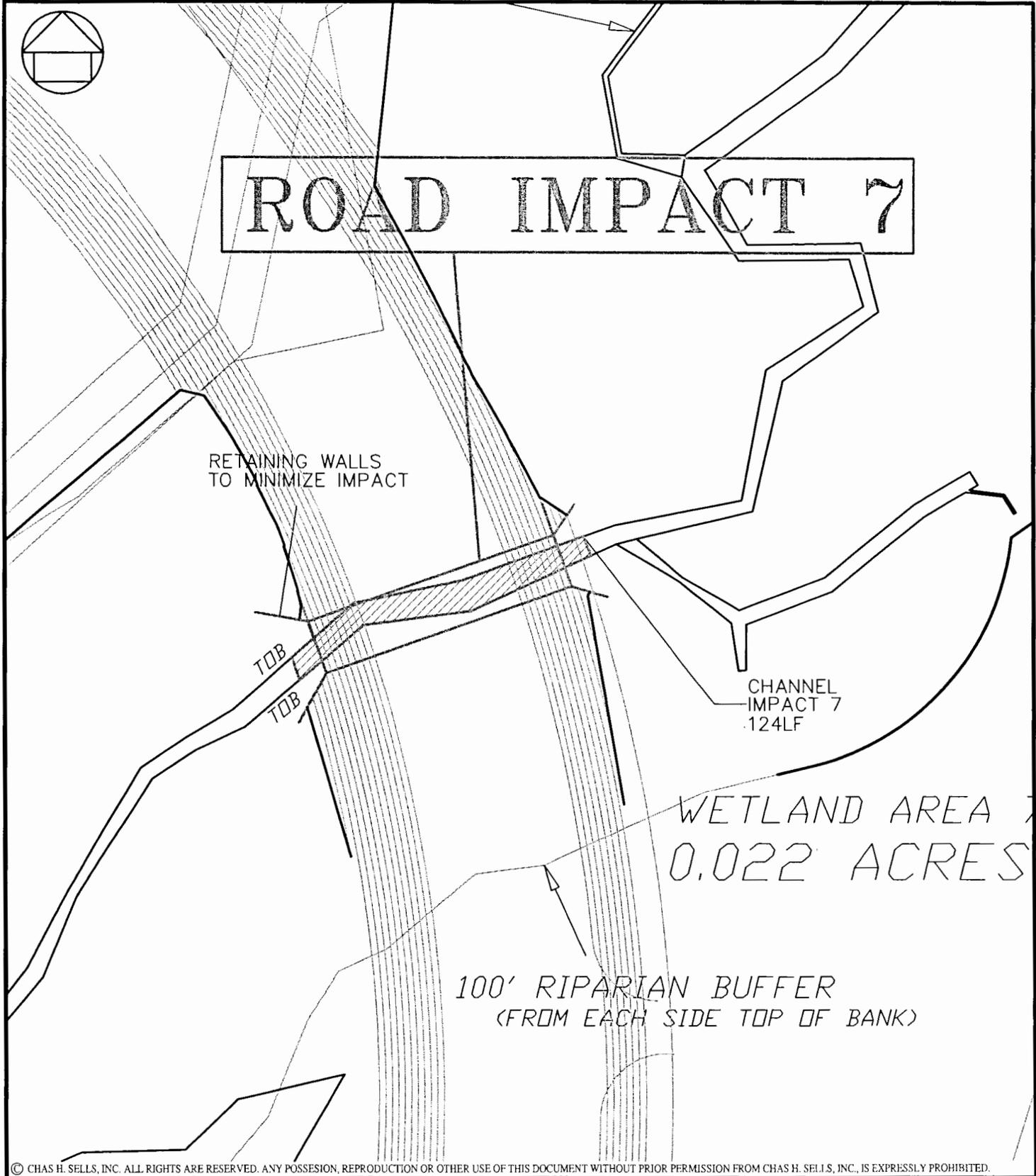
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Amberly A/R

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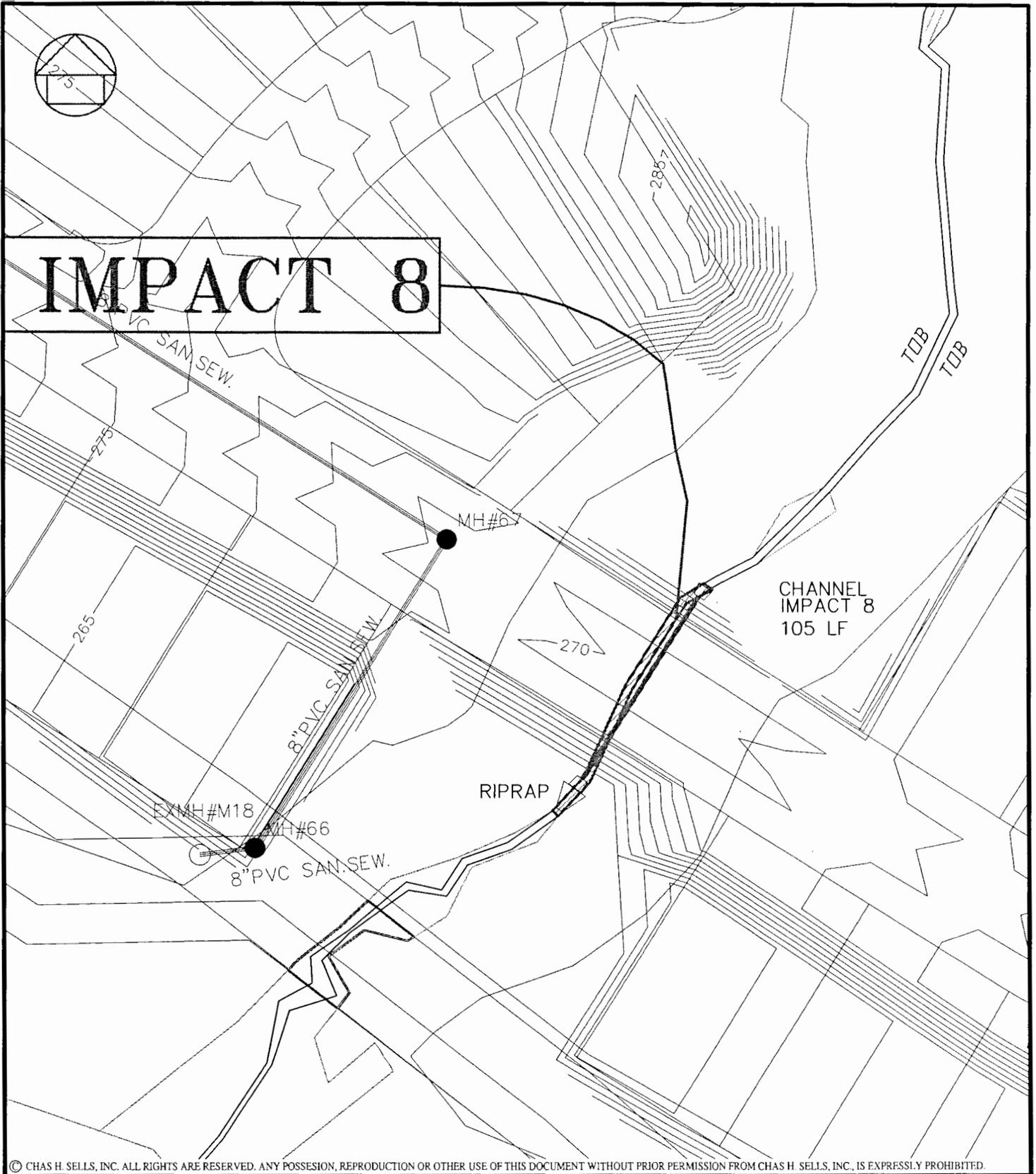
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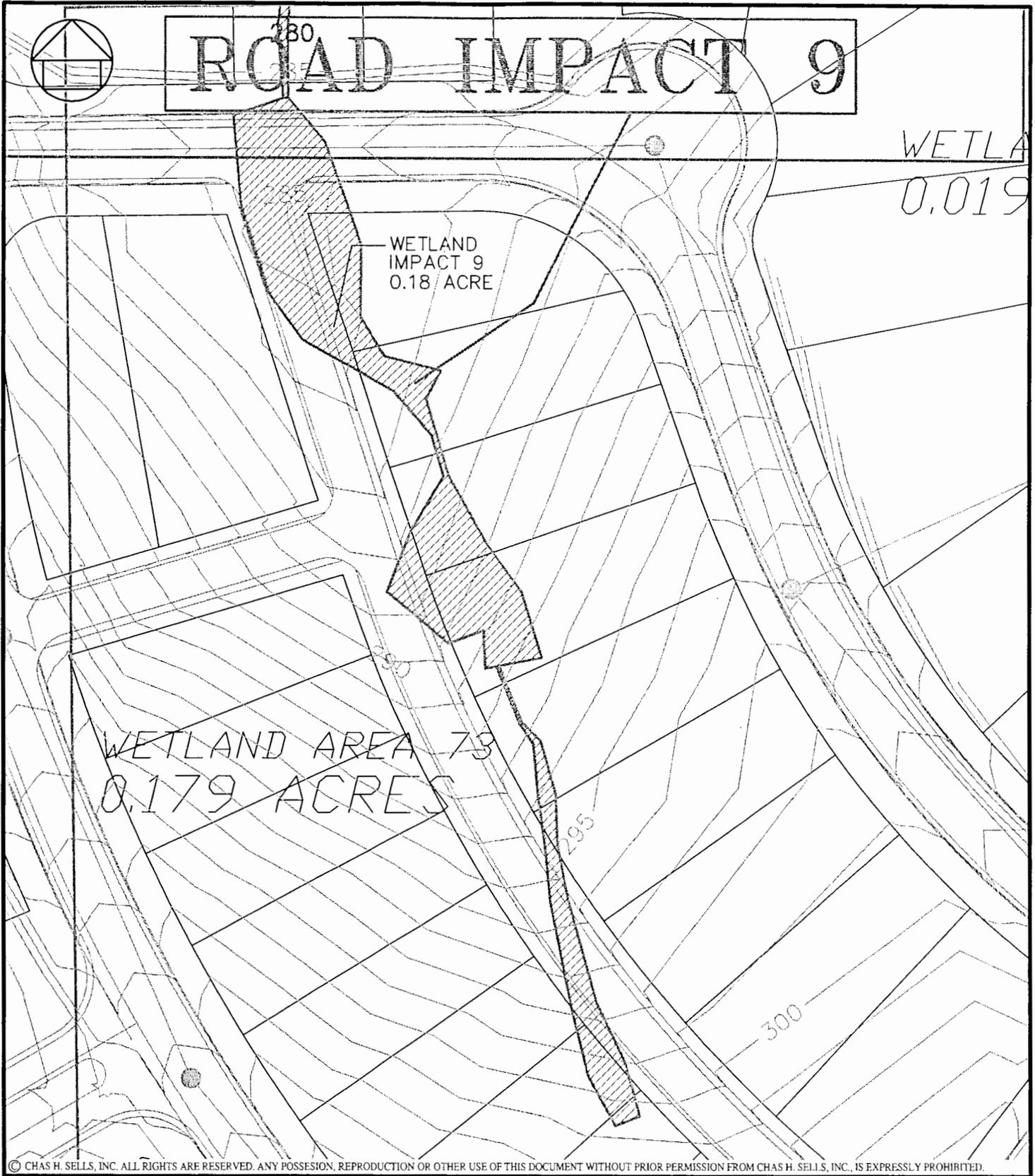
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**Amberly A/R**

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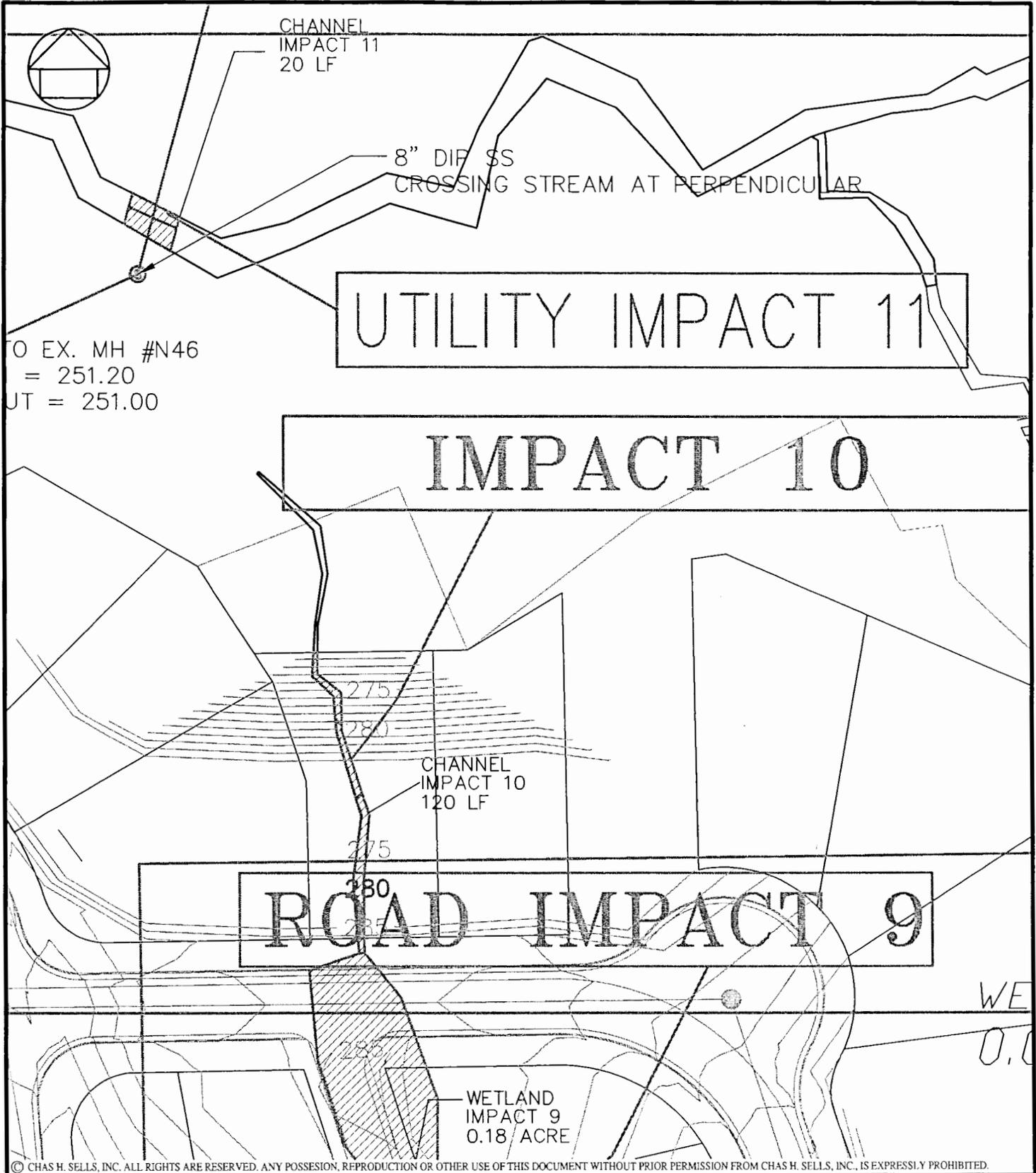
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## Amberly Village Square

PROJECT #: 04-4300	DATE: 3-25-05
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<b>IMPACT DETAIL.</b> AID # 200520319 Sandler At Amberly, LLC 3412 1/2 Hillsborough Street Raleigh, NC 27607	Wake & Chatham County, NC May 24, 2005 Sheet 14 of 17
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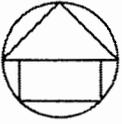
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**Amberly Village Square**

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Wake & Chatham County, NC  
May 24, 2005  
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50' RIPARIAN BUFFER  
(FROM EACH SIDE TOP OF BANK)

CHANNEL  
IMPACT 12  
155 LF

WETLAND AREA 12  
0.149 ACRES

RIPARIAN  
TOB  
TOB

# ROAD IMPACT 12

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## Amberly Town Center

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### IMPACT DETAIL

AID # 200520319  
Sandler At Amberly, LLC  
3412 1/2 Hillsborough Street  
Raleigh, NC 27607

Wake & Chatham County, NC  
May 24, 2005  
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## WETLAND IMPACT SUMMARY

IMPACT AREA	WETLAND TYPE	IMPACT TYPE	AREA (SF) OR LENGTH (LF)	AREA (AC)
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### AMBERLY A/R

IMPACT AREA #1	CHANNEL (INT.)	GENERAL FILL / BMP	320 LF	N/A
IMPACT AREA #2	CHANNEL (INT.)	ROAD	200 LF	N/A
IMPACT AREA #3	CHANNEL (INT.)	DELETED	DELETED	N/A
IMPACT AREA #4	CHANNEL (INT.)	GENERAL FILL	65 LF	N/A
IMPACT AREA #5	CHANNEL (PER)	ROAD	40 LF	N/A
IMPACT AREA #6	CHANNEL (PER)	ROAD	140 LF	N/A
IMPACT AREA #7	CHANNEL (PER)	ROAD	124 LF	N/A
IMPACT AREA #8	CHANNEL (INT.)	ROAD	105 LF	N/A

### AMBERLY VILLAGE SQUARE

IMPACT AREA #9	WETLAND	ROAD / GENERAL FILL	7840 SF	0.18 AC
IMPACT AREA #10	CHANNEL (INT.)	ROAD / GENERAL FILL	120 LF	N/A
IMPACT AREA #11 (TEMPORARY)	CHANNEL (PER)	SEWERLINE	20 LF	N/A

### AMBERLY TOWN CENTER

IMPACT AREA #12	CHANNEL (INT.)	ROAD	155 LF	N/A
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**TOTALS:**                      7,840 SF  
    304 LF (PERENNIAL)  
    965 LF (INTERMITTENT)                      0.18 AC

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## Amberly PDD

PROJECT #: 04-4300	DATE: 05-9-05
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TITLE	SCALE 1"=50'

**IMPACT TABLE**  
 AID # 200520319  
 Sandler At Amberly, LLC  
 3412 1/2 Hillsborough Street  
 Raleigh, NC 27607

Wake & Chatham County, NC  
 May 24, 2005  
 Sheet 17 of 17