



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 18, 2005
Comment Deadline: March 18, 2005
Corps Action ID #: 200531109

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: *River Bend LLC, Harley Dunn
16 Governor's View Road
Asheville, NC 28802*

AGENT (if applicable): *ClearWater Environmental Services, Inc., Clement Riddle
224 South Grove Street, Suite F
Hendersonville, NC 28792*

Authority

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

Location

The project site, known as the River Bend Business Park, is located east of Interstate 240, approximately one mile east of Tunnel Road in East Asheville, Buncombe County, North Carolina at the old Sayles-Biltmore Bleachery site. The project site contains wetlands and is adjacent to the Swannanoa River. The site is bordered by the Swannanoa River to the north, by the River Ridge Shopping Center to the south, and by Interstate 240 to the west.

Existing Site Conditions

The project site consists of cleared land, nearly all of which was altered in some manner by the ownership of the Sayles-Biltmore Bleachery. The site contains one, 0.27-acre jurisdictional forested wetland. This freshwater wetland is a seepage and stormwater influenced habitat. There is no dominant overstory within the wetland. The dominant mid-story scrub-shrub stratum consists of black willow (*Salix nigra*), and silver maple with an herbaceous layer of soft rush (*Juncus effuses*). This wetland drains towards the Swannanoa River through a culvert, which was previously permitted by the US Army Corps of Engineers during the development of the

River Ridge Shopping Center. The North Carolina Department of Water Quality classifies the Swannanoa River as C Waters. No named or unnamed tributaries are located on the property.

Applicant's Stated Purpose

As stated by the applicant, the purpose of this project is the urban re-development of a former Superfund site that will create a high-density mixed use urban community that includes residential living, retail shopping, and dining.

Project Description

Phase I of this project was recently developed by Horne Properties. During Phase I of the project Horne Properties obtained a Section 404 permit on October 15, 2004 and a Section 401 Water Quality Certification on September 29, 2003 to impact 0.41 acres of jurisdictional area; specifically, 0.25 acres of wetlands and 790 linear feet of intermittent and aquatically unimportant stream.

The applicant is proposing Phase II of this project, which includes 96,000 square feet of commercial development, 176 apartment condominiums, and 84 individual town homes. Approximately 35,000 cubic yards of material will be used to fill the 0.27-acre jurisdictional wetland and bring it up to grade with the adjacent development pad.

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 March 14, 2005.

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, March 14, 2005. Comments should be submitted to Ms. Rebekah L. Newton, US Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801.

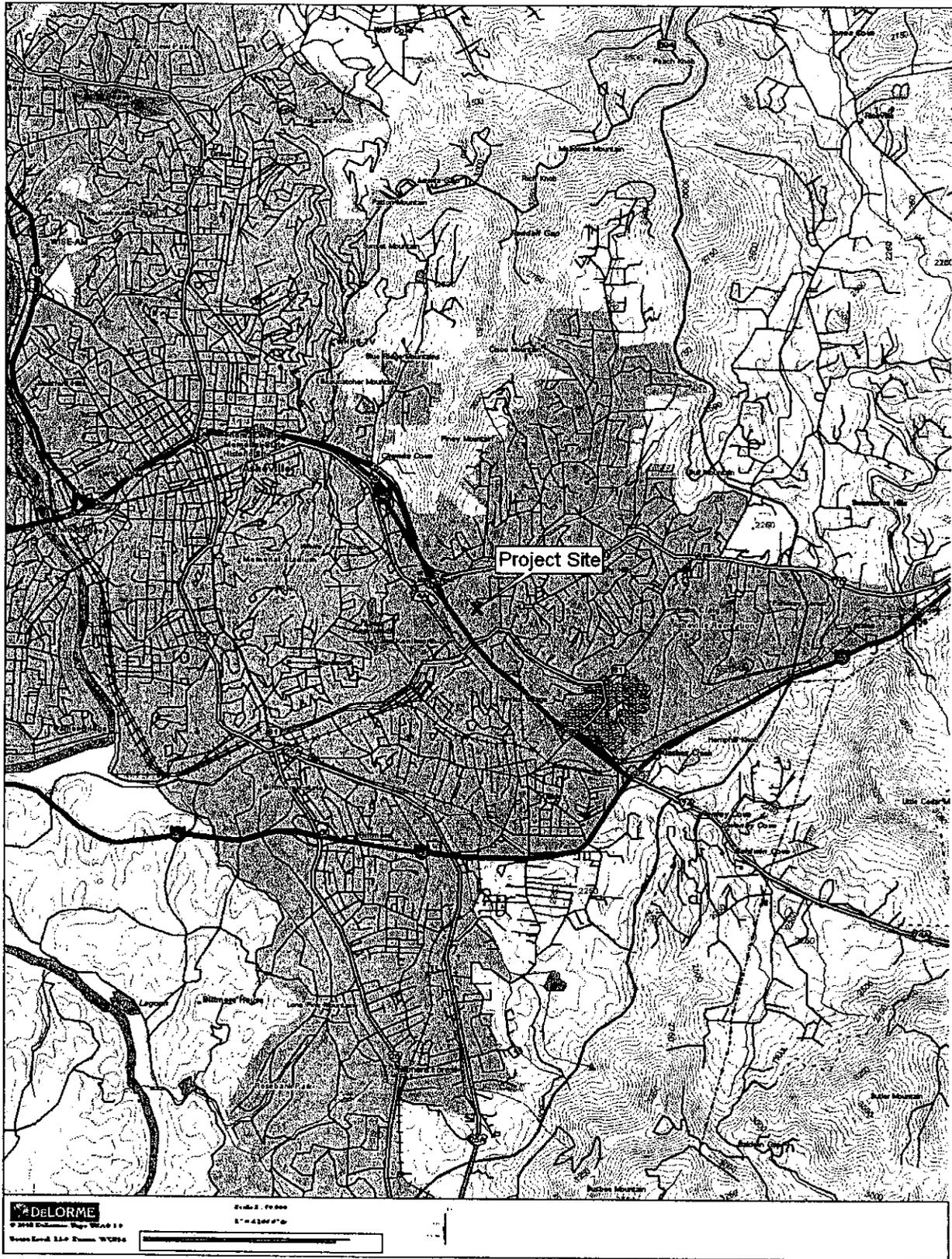
Distribution:

Hard Copy w/ all application materials

- 1 Cyndi Karoly, North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650

Hard Copy w/ any attachments necessary to meet requirements of 325.3 (plans, drawings, wetland/stream information, etc.)

- 2 Doug Huggett, North Carolina Division of Coastal Management, Hestron Plaza II 151B, Highway 24, Morehead City, North Carolina 28557

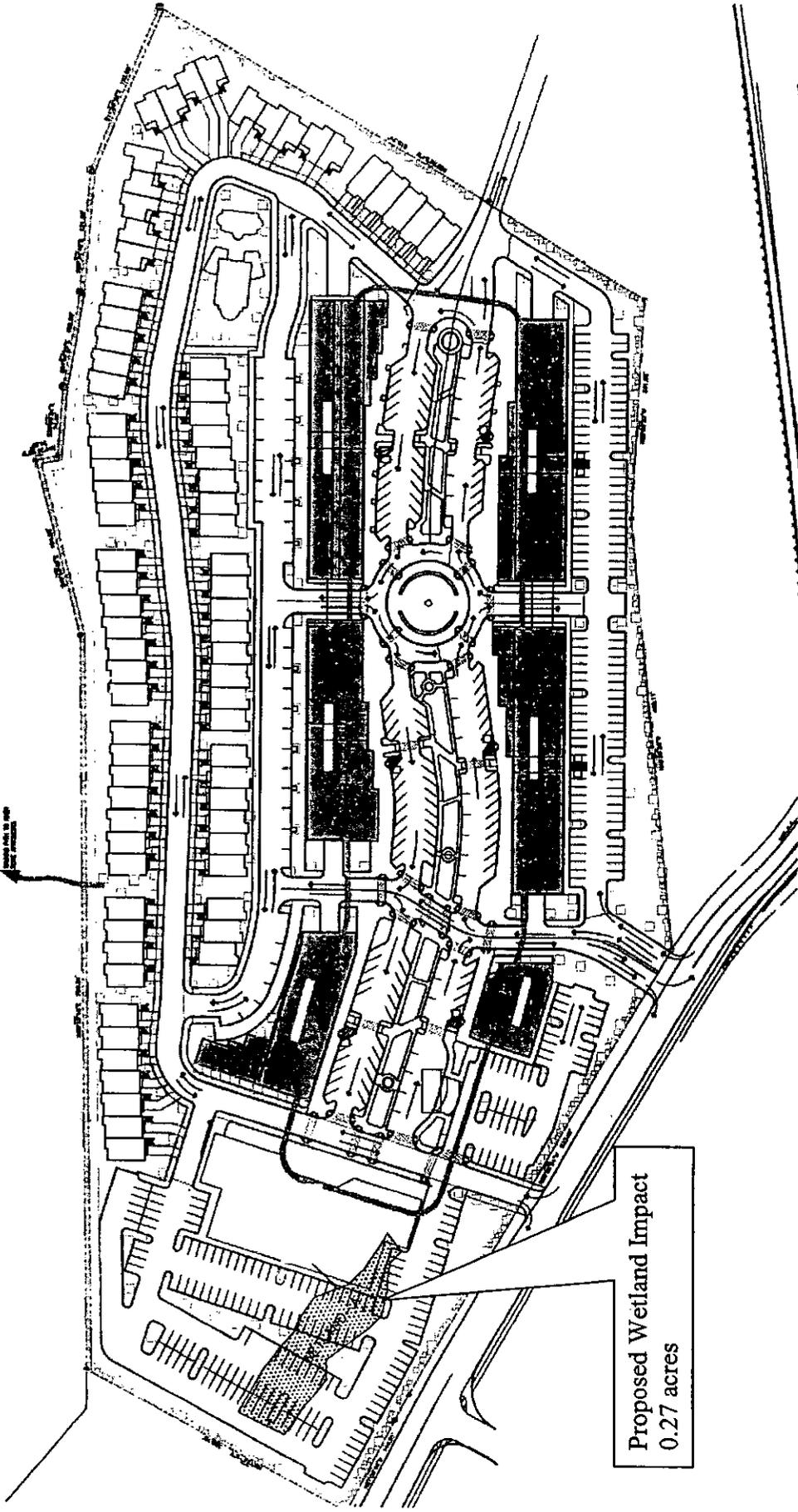


River Bend Business Park
 Buncombe County,
 North Carolina

CLEARWATER

Environmental Consultants, Inc.
 224 South Grove Street, Suite F
 Hendersonville, NC 28792
 828-698-9800

Vicinity Map
 Figure 1



Interstate 240

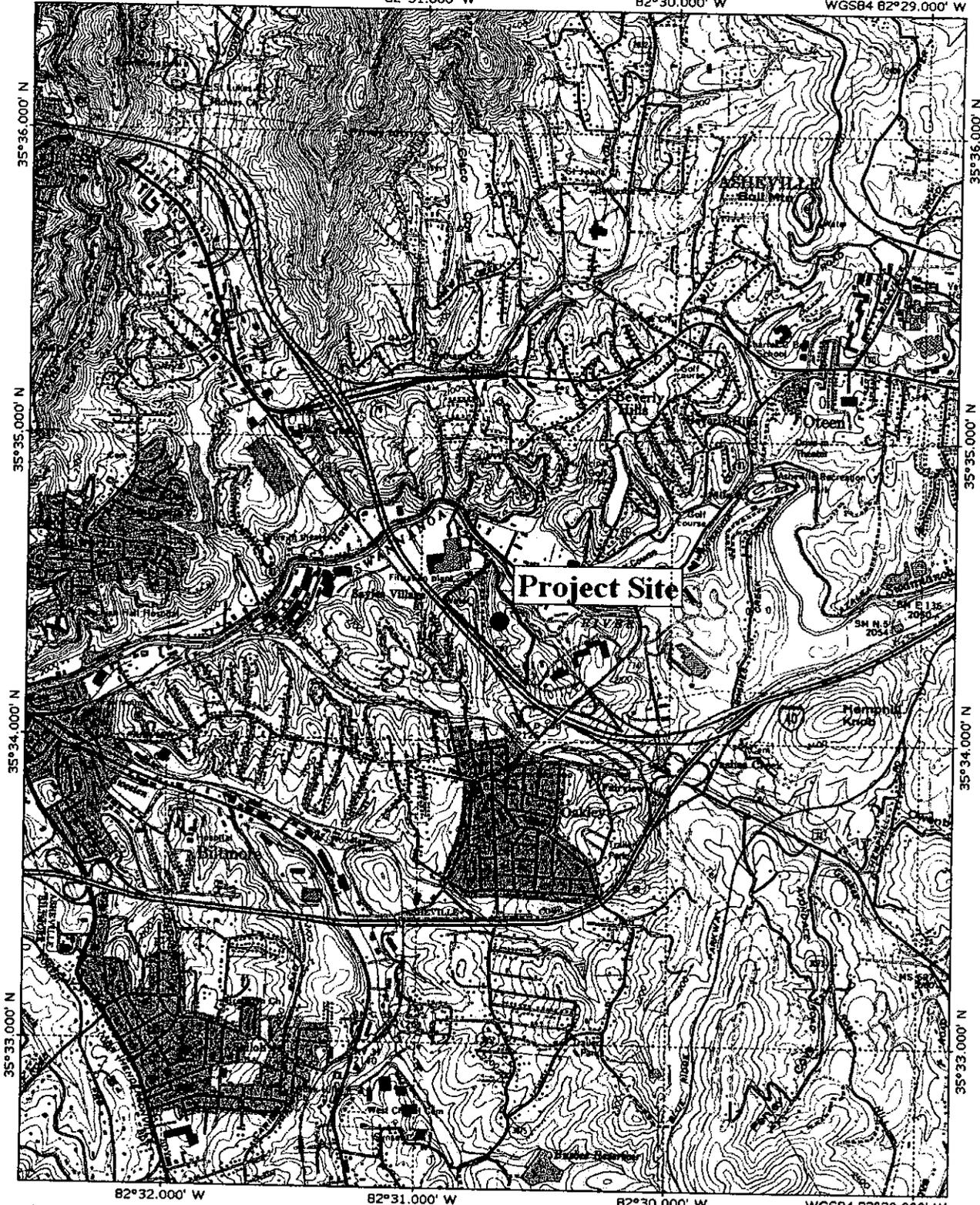
Proposed Wetland Impact
0.27 acres

**WETLAND IMPACT MAP
FIGURE 2**

CLEARWATER

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**RIVER BEND BUSINESS PARK
PHASE II
BUNCOMBE COUNTY, N.C.**



MIN. 6"



River Bend Business Park
Buncombe County
North Carolina

CLEARWATER
Environmental Consultants, Inc.
224 South Grove Street, Suite F
Hendersonville, NC 28792
828-698-9800

USGS Topographic Map
Figure 3

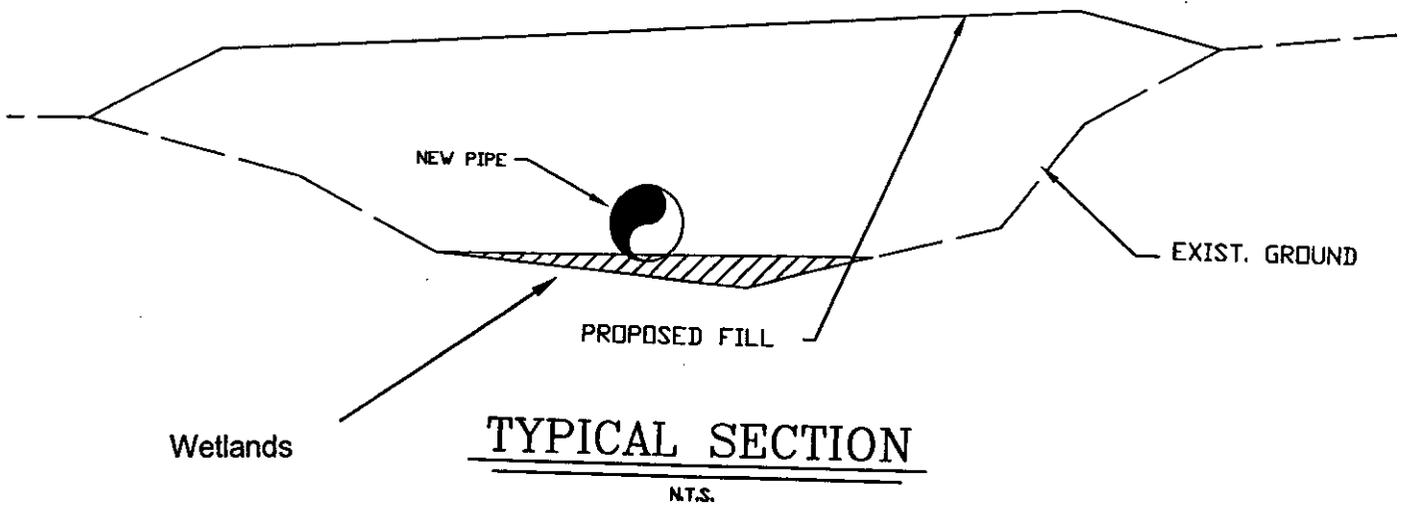
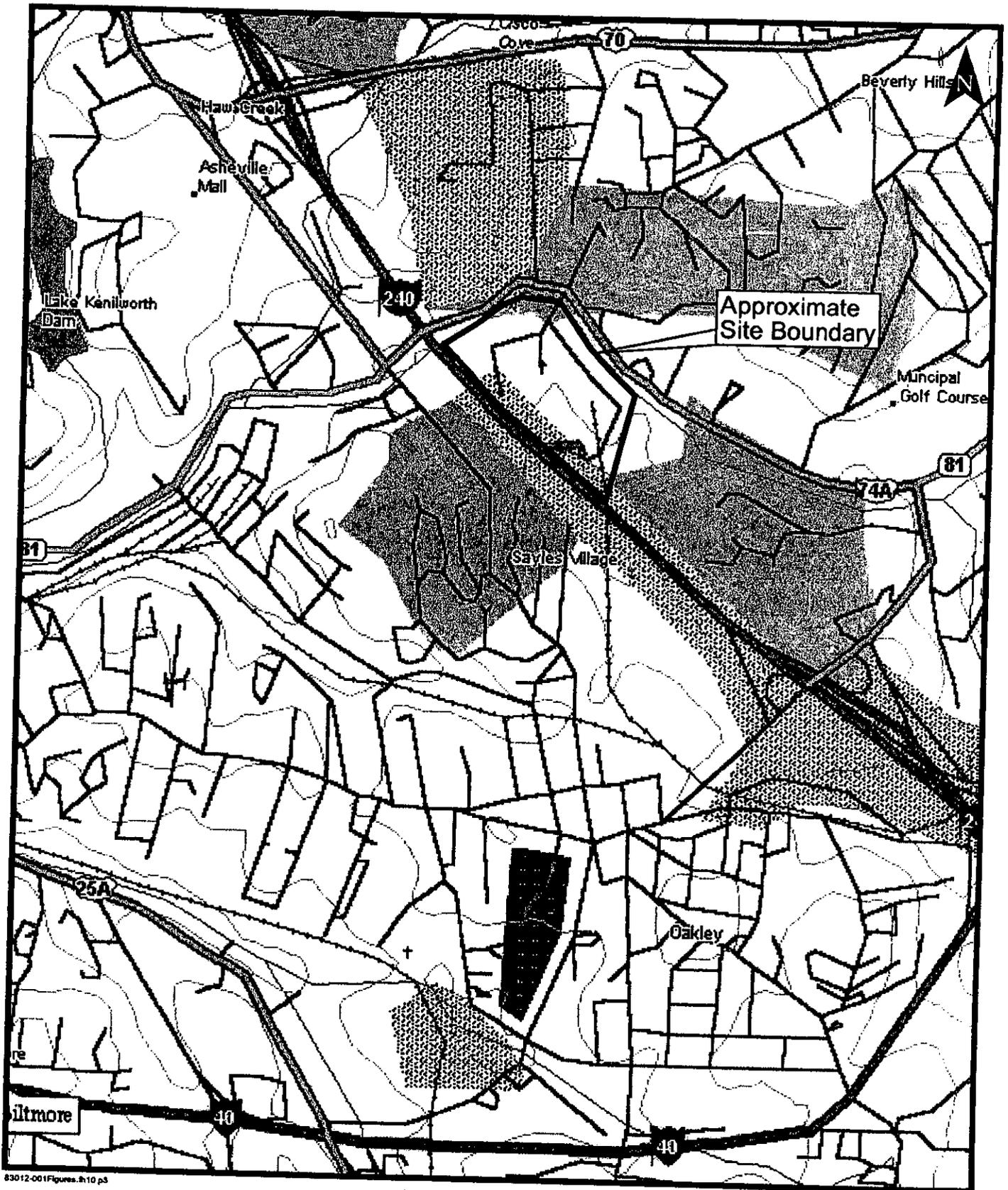


Figure 4



83012-001 Figures.8-10 p3

Clearwater
Environmental
Consultants

Ecological
Solutions

Horne Properties, Inc.
Riverbend Marketplace

Site Location Map

August 2003
N.T.S.

83012-001

Figure 5