



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: **14 April 2005**  
Comment Deadline: **13 May 2005**  
Corps Action ID #: **200531394**

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:** Town of Huntersville  
Attn: Jerry Cox, Town Manager  
101 Huntersville-Concord Road  
Huntersville, NC 28070

**AGENT (if applicable):** Engineering Consulting Services, Ltd.  
Attn: Stephen Brown  
8702 Red Oak Boulevard, Suite A  
Charlotte, NC 28217

## 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 (33 USC 1344).

## Location

The site for the proposed manufacturing facility is located on the east side of Old Statesville Road (NC Hwy 115), approximately 1.25 miles south of its intersection with Gilead Road, in Huntersville, Mecklenburg County, North Carolina (35.388320°N -80.8302469°W). The site contains wetlands and unnamed tributaries to Cane Creek. Cane Creek flows into the Rocky River, which ultimately flows into the Yadkin River. The Yadkin River enters the Atlantic Ocean through the Santee-Cooper River system in South Carolina.

## Existing Site Conditions

The site is approximately 126-acres and is located on the existing development known as Brookwood Assisted Living Facility and Lake Norman Charter School. The site consists of open and forested land. There are several existing buildings located on the property, along with

existing road and rail access. Approximately 70 acres consist of maintained grass and open areas located in the north and western portion of the property. The east portion of the property is relatively undisturbed and is currently forested. Representative tree species include: Sweetgum (*Liquidambar styraciflua*), Southern Red Oak (*Quercus falcate*), Virginia Pine (*Pinus Virginia*), Shortleaf Pine (*Pinus echinata*), Red Oak (*Quercus rubra*), White Oak (*Quercus alba*), Red Maple (*Acer rubrum*), Beech (*Fagus grandifolia*) and Sourwood (*Oxydendrum arboreum*).

Several springs and unnamed tributaries are located in these forested areas. Stream B is the feature that will primarily be disturbed as a result of the proposed project. Stream B is approximately 806 linear feet and begins at a small wetland seep (0.03 acre) known as Wetland BA. This stream is a predominantly sand/gravel bed stream with a vegetated riparian buffer. The stream channel is sinuous with a bank width of approximately 2 feet. Channel banks are stable even though the stream channel becomes more incised further downstream. Aquatic habitat and life is present in the stream channel and includes gilled and pouch snails, salamanders, crayfish, and caddisflies. Stream B was determined to exhibit intermittent to perennial flow and considered to be of Good quality. Stream C, in which minor impacts are proposed, is very similar to Stream B exhibiting moderate sinuosity and presence of aquatic habitat/life. Stream C is approximately 1,735 linear feet in length. Stream C has a much steeper valley slope and is more entrenched than Stream B. Stream C was considered to exhibit intermittent flow and considered good quality. Both Stream B and C flow into Stream A which is located near the southern property boundary. Stream A totals approximately 1,536 linear feet before exiting the property and draining into Cane Creek. Several small wetland pockets were located in the southern portion of the site adjacent to existing stream channels. Total acreage of wetlands located on the site is approximately 0.22 acre.

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

The purpose of this project is to construct a large-scale manufacturing facility known as Prairie Packaging. This facility will provide an economic benefit to the Town of Huntersville and surrounding communities by supplying 400 full time jobs and an \$80 million increase in tax base.

### **Project Description**

The purpose of this project is to construct a large-scale manufacturing facility known as Prairie Packaging. The proposed building is approximately 520,000 square feet in size with a parking/loading area of approximately 254,500 square feet. The applicant is also proposing to construct a new access road and railroad spur to service the facility. The applicant is proposing to place fill in approximately 700 linear feet of Stream B and 100 linear feet of Stream C. The applicant is also proposing to place fill in Wetland BA, which is 0.03 acre in size. The applicants proposed mitigation plan includes payment into the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to restore 800 linear feet of stream channel in the Yadkin River Basin. The applicant is also proposing to preserve the remaining stream channels (3,277 linear feet) and wetlands (0.22 acre) on the property.

## **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 May 13, 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**

By letter dated March 11, 2005, the NC Department of Cultural Resources, State Historic Preservation Office stated that they conducted a review of the proposed project and were not aware of any historic resources which would be affected by the project.

## **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,

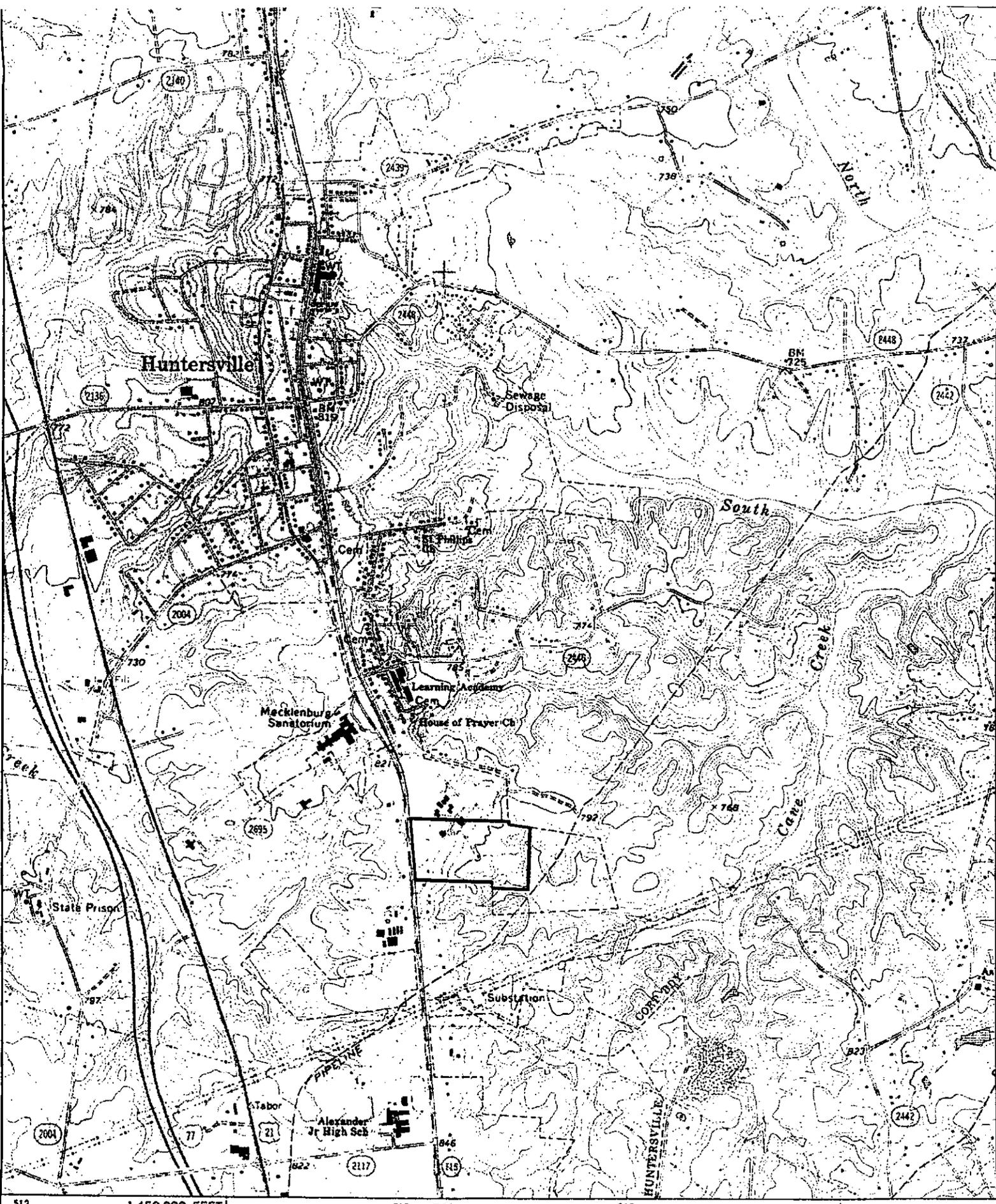
aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, 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, May 13, 2005. Comments should be submitted to Ms. Amanda Jones, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801.

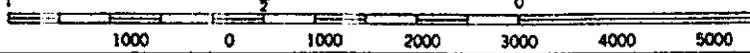


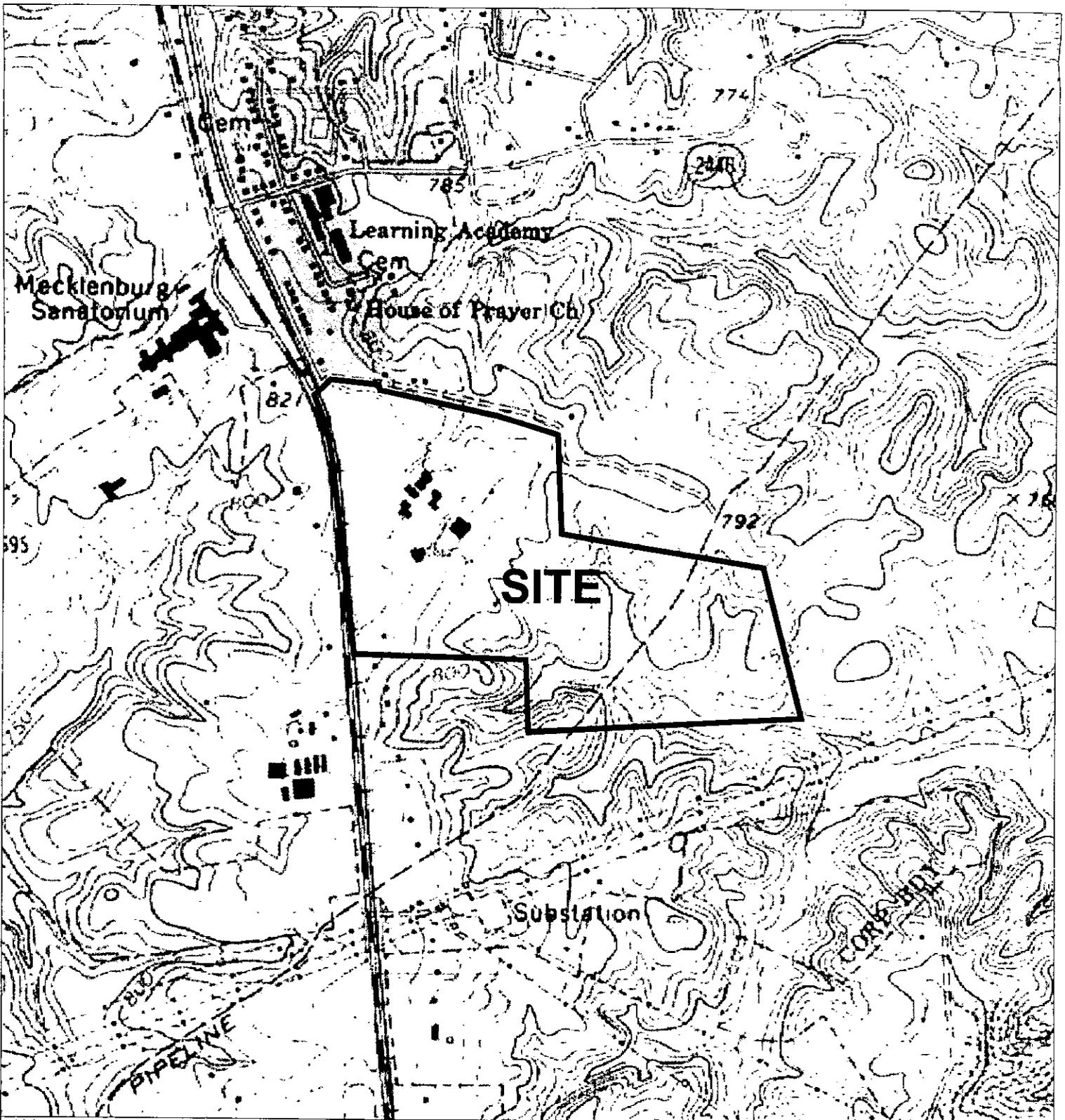
Survey  
dated 1965

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Figure 1

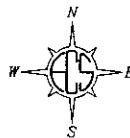
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**NOTES:**

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**SOURCE:**

Adapted from USGS  
7.5-Minute Series  
Cornelius Quadrangle,  
North Carolina,  
dated 1993

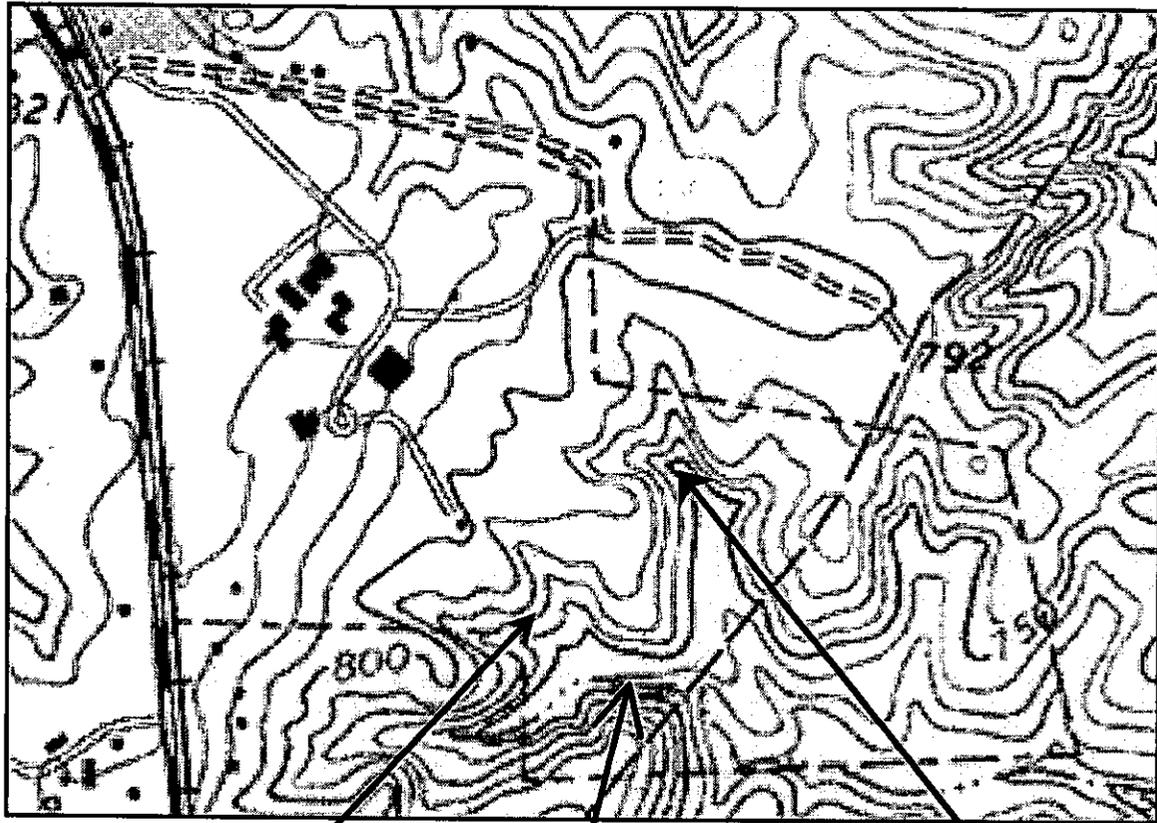
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**SITE AREA TOPOGRAPHY MAP**  
Huntersville 126-Acre Site - PH I-Wetlands-Asb  
Old Staesville Rd  
Charlotte, North Carolina

ECS Project M2983

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**Stream B**                      **Stream A**                      **Stream C**

**Figure 3: Approximate  
Location of Stream Channels**

