

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: January 5, 2006
Comment Deadline: February 6, 2006
Corps Action ID #: 200620190

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: Sandler at Wakefield, LLC
3209 Gresham Lake Road, Suite 160
Raleigh, NC 27615

AGENT: Soil and Environmental Consultants, PA
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 Section 404 of the Clean Water Act.

Location

The site is located within the existing Cedar Grove at Wakefield Plantation subdivision, west of Wakefield Plantation Drive, near Raleigh, Wake County, North Carolina. The project site is located adjacent to an unnamed tributary to Richland Creek, which drains into the Neuse River Basin (Latitude and Longitude in Deci-degrees: 35.9660 N; - 78.5552 W).

Existing Site Conditions

The site indicated for the proposed Cedar Grove at Wakefield Plantation subdivision expansion is owned by Sandler of Wakefield, LLC and is considered undeveloped land within an existing subdivision/golf community. An unnamed, perennial tributary to Richland Creek flows through the site, with 188 linear feet proposed for culverting to accommodate the expansion. Vegetation near this stream is identified as a sparse, immature hardwood forest and pasture grass.

The stream has been evaluated as having an average width of 2 feet, and an average bank height of less than 1 foot. Estimated watershed land use for this stream is: 70% residential, 10% forested, 10% cleared/logged, and 10% golf course.

Applicant's Stated Purpose

The project is to expand the existing subdivision while complying with the City of Raleigh's requirements regarding internal subdivision roads.

Project Description

The project would involve the perpendicular crossing of one perennial stream by an internal subdivision road. This crossing would require the use of a single, 60-inch culvert for a total length of 188 feet. The applicants state this crossing is necessary for upland development and that they have considered several alternatives, one of which avoided all aquatic impacts. However, the City of Raleigh denied the use of these alternatives due to the requirements found within their Subdivision Code of Ordinances.

Mitigation Discussion

The applicant has proposed to utilize the North Carolina Ecosystem Enhancement Program (NCEEP) to mitigate for unavoidable impacts to aquatic resources associated with the culverting of 188 linear feet of warm stream impacts within the Neuse basin. Accordingly, the applicant has provided a letter, which indicates that the NCEEP will accept responsibility to provide 188 linear feet of stream mitigation, reflecting a 1:1 ratio.

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 (for NCDOT projects, the Transportation Permitting 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: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by November 4, 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 is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service."

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.

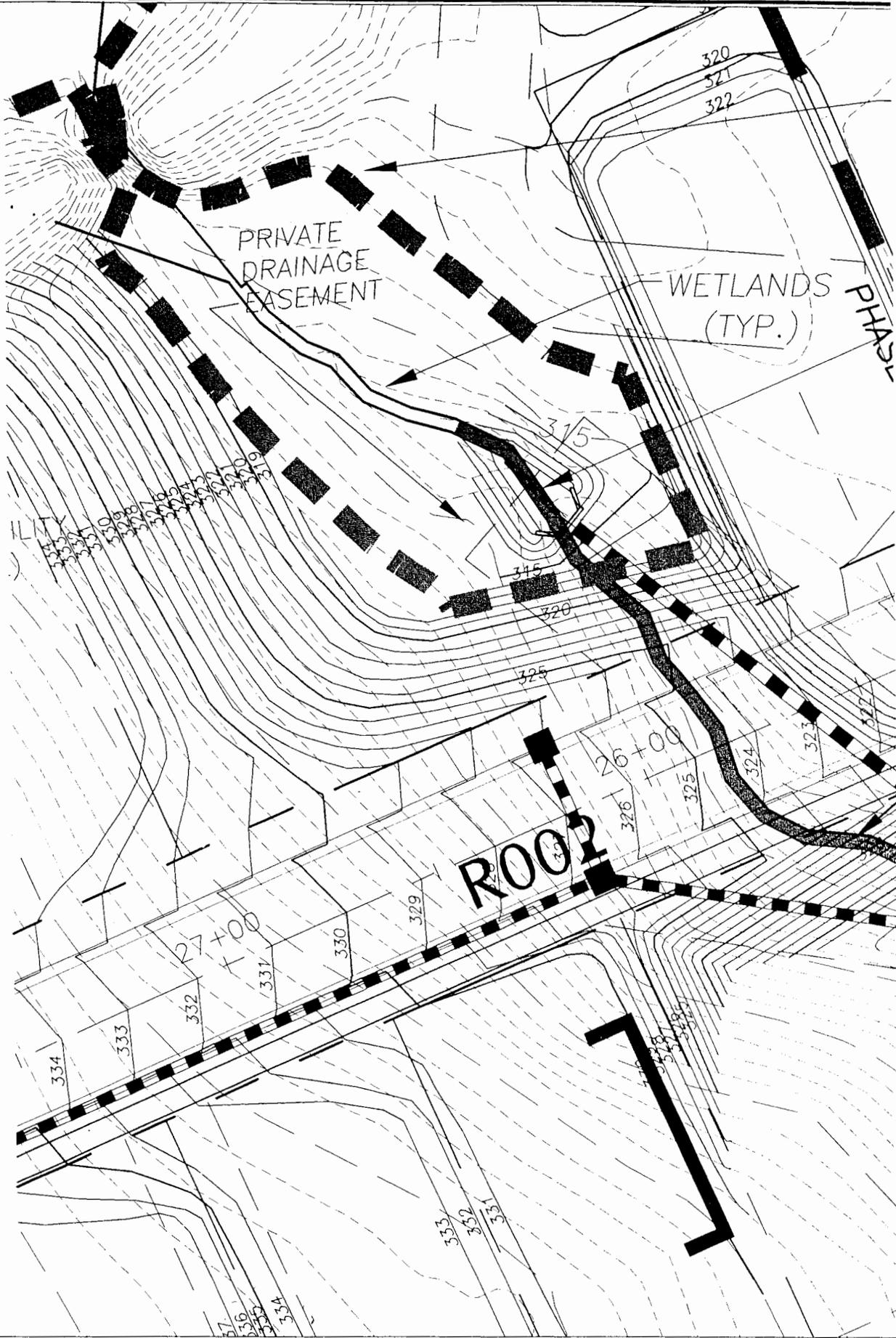
Commenting Information

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, February 6, 2006. Comments should be submitted to Mr. Monte Matthews at 6508 Falls of Neuse Road, Suite 120, Raleigh, NC 27615.



No.	Revision	Date	By

Designer	W&R	1"=30'
Drawn By	W&R	Date 6-14-05
Checked By	W&R	Job No. 203218.00

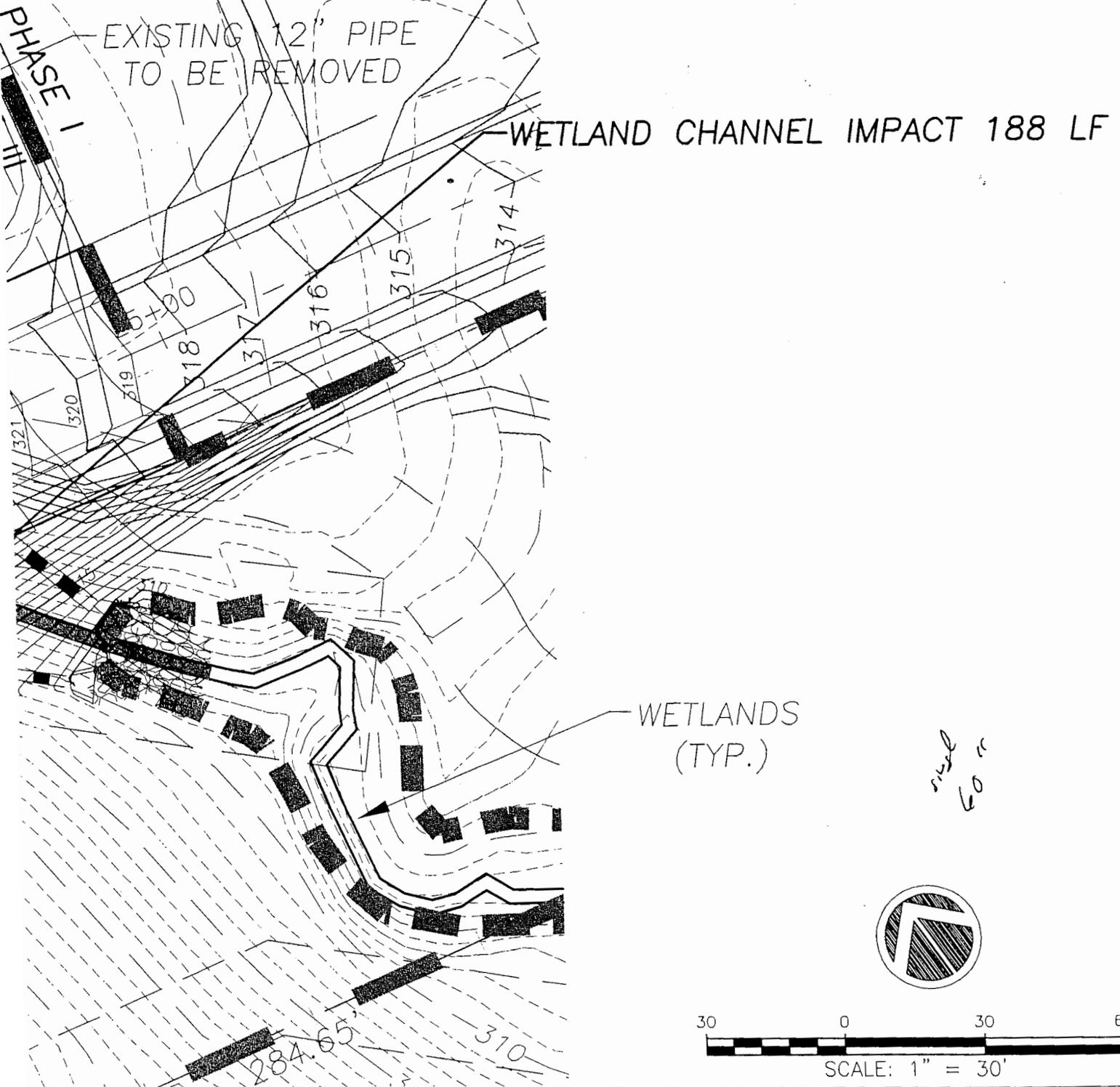
CEDAR GROVE, PHASE 3
AT WAKEFIELD PLANTATION
Sheet 1 of 2

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DEC 21 2005

RALEIGH REGULATORY FIELD OFFICE

100-YEAR FLOOD LINE ESTABLISHED BY WITHERS & RAVENEL. SEE WAKEFIELD FLOOD STUDY, "NORTHERN SEWER INTERCEPTOR", FILE #489. REVISED: JUNE 2005



WETLAND IMPACT MAP

WITHERS & RAVENEL
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