



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 3 April 2006  
Comment Deadline: 3 May 2006  
Corps Action ID #: 200620566

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:** David Rose  
2687 Old Bailey Highway  
Nashville, NC 27856

**AGENT (if applicable):** Soil & Environmental Consultants  
Attn: Mr. Sean Clark  
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 of Section 404 of the Clean Water Act.

## Location

The project consists of 79 +/- acres located at 1652 Oak Level Road, in Nashville, Nash County, North Carolina (35.9689 N, 77.9354 W). The property contains the headwater wetlands that drain into an unnamed tributary of Stony Creek, which drains into the Tar River.

## Existing Site Conditions

The property consists of a combination of existing agricultural fields and mature woodland. The agricultural fields comprise approximately half of the acreage and are underlain by Bonneau soils, which are well-drained soils. The wooded upland areas are vegetated by white ash (*Fraxinus Americana*), tulip poplar (*Liriodendron tulipifera*), white oak (*Quercus alba*), sourwood (*Oxydendron arboreum*), American holly (*Ilex opaca*), sweetgum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), and Hercules

club (*Aralia spinosa*). The uplands are primarily underlain by Bonneau (non-hydric) soils.

Wetlands on the property may have historically been impacted by logging activities; however, the wooded areas are vegetated with species that are about 30-50 years or older. The wetlands can be characterized as a headwater bottomland hardwood forest that drains into an intermittent tributary to Stony Creek. The wetlands are vegetated by American ash, tulip poplar, American holly, sweetgum, pepperbush (*Clethra alnifolia*), giant cane (*Arundinaria gigantea*), cinnamon fern (*Osmunda cinnamomea*), netted chain fern (*Woodwardia aereolata*), and honeysuckle (*Lonicera japonica*). These wetland areas are underlain by Rains soils and have evidence of wetland hydrology from drainage patterns in wetlands, oxidized root channels within the upper 12 inches and the vegetation meets the FAC-Neutral test.

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

The project purpose is to provide a large-scale shopping center to meet the retail needs of the public while providing job opportunities and economic growth within this portion of Nash County.

### **Project Description**

Overall, the project would involve the discharge of 61,300 cubic yards of fill material into 1.834 acres and 820 linear feet of intermittent stream (0.066 acre), which lacks sufficient evidence of aquatic function to require mitigation. Specifically, the project would involve the construction of a 156,622 square foot anchor store (Wal-Mart Supercenter) with 750 +/- parking spaces on approximately 20 acres of the property identified as Lot 5. This portion of the project would impact 1.834 acres of wetlands and 114 linear feet of stream channel impacts. Lots 2-4 are outparcel lots located to the north of Lot 5, bordering SR 1770, averaging in size from 2-2.46 acres, impacting 706 linear feet of the 820 linear feet of stream channel impacts. Lot 7 (10 acres-91,000 square foot building space), Lot 8 (10 acres) and Lot 9 (12.5 acres-109,000 square foot of building space) are also targeted as commercial outparcels, which are located entirely in uplands. Finally, Lot 6 (8.5 acres) is proposed as high-density multi-family development and consists primarily of uplands.

Finally, the applicant proposes to mitigate unavoidable wetland impacts through payment to the North Carolina Ecosystem Enhancement Program.

### **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 April 24, 2006.

### **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

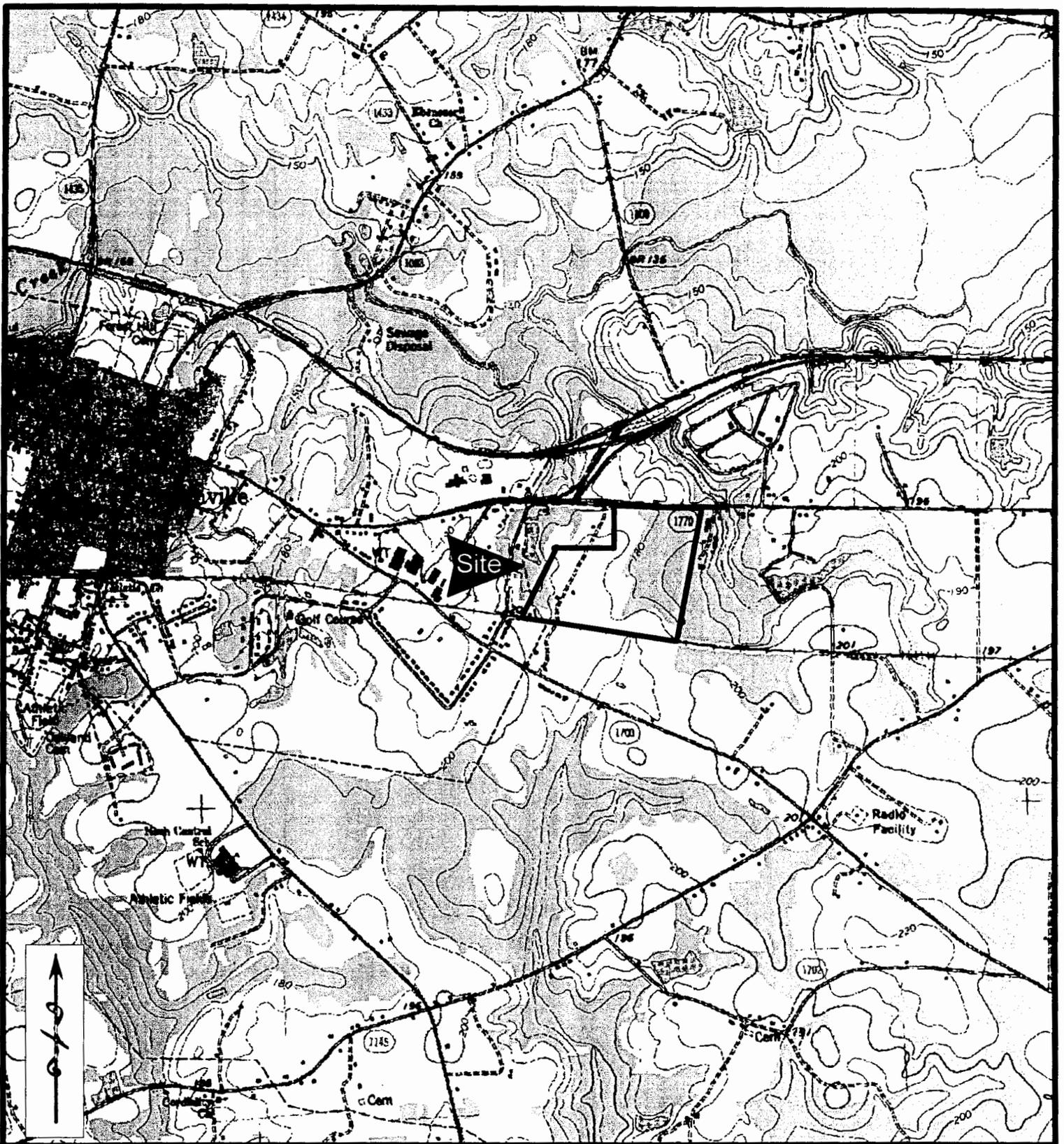
concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, 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, 3 May 2006. Comments should be submitted to Mr. Jamie Shern at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.



Project No. 9701.W1	Figure 1 - USGS Topographic Quadrangle EAST NASH DEVELOPMENT SITE Nash County, NC
Project Mgr.: SC	
Scale: 1" = 2,000'	Nashville Quadrangle Dated 1974
07/19/05	



**Soil & Environmental Consultants, PA**  
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 (919) 846-5900 • (919) 846-9467  
 Web Page: [www.SandEC.com](http://www.SandEC.com)



Project No.  
9701.W1

Project Mgr.:  
Jason Payne

Scale:  
1" = 2,000'

07/19/05

## Figure 2 - Soil Survey Map

Nashville Site  
Stock Engineering  
Nash County, NC

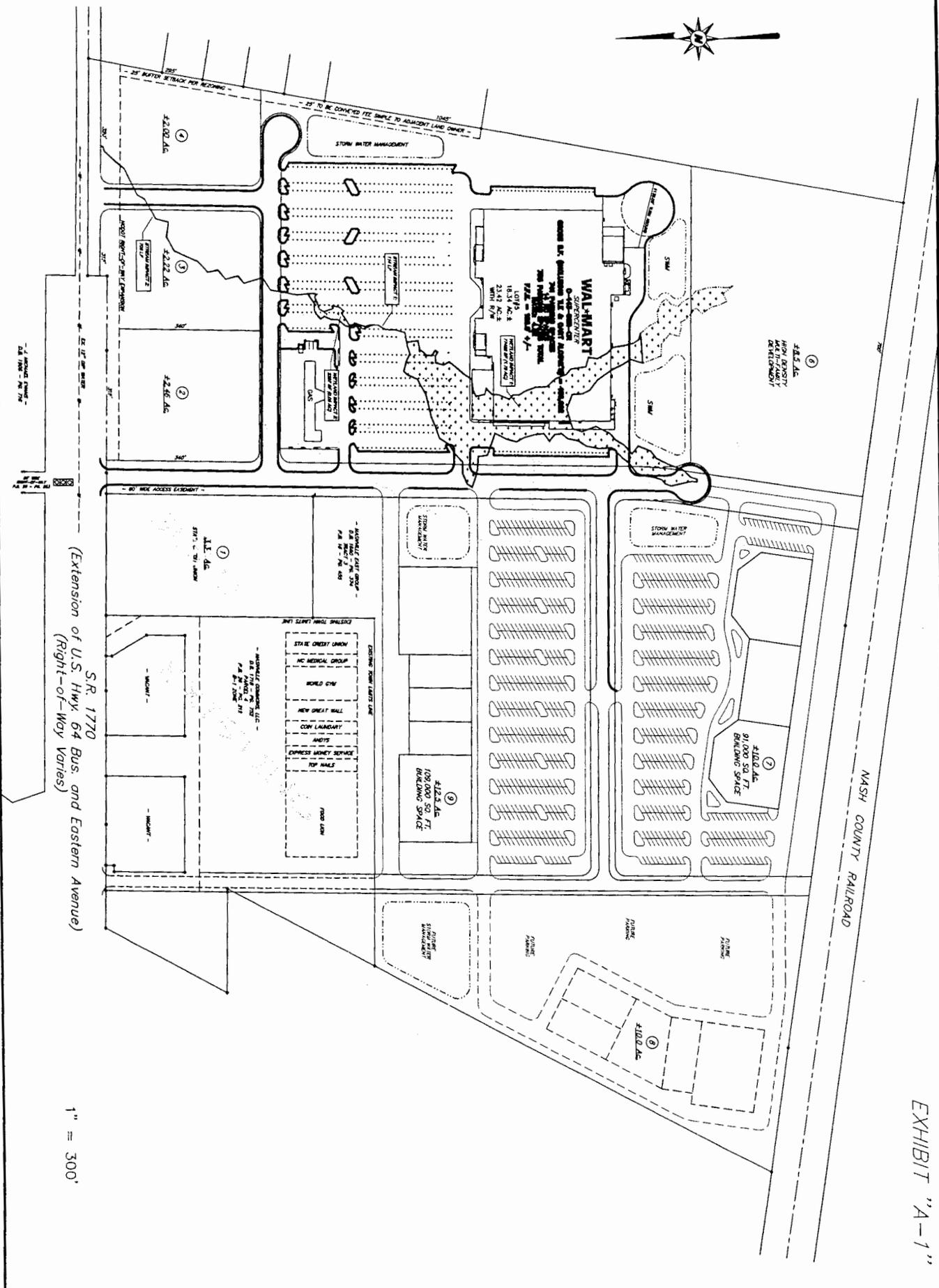


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Nash County Soil Survey  
Issued 1989

2

FIGURE 3



SR. 1770  
 (Extension of U.S. HWY. 64 Bus. and Eastern Avenue)  
 (Right-of-Way Varies)

1" = 300'

EXHIBIT "A-1"

DATE:	NOVEMBER 24, 2005	HORIZ. SCALE:	1" = 300'
FILE NO.:	2005-013	VERT. SCALE:	NONE