

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: December 15, 2006  
Comment Deadline: January 16, 2007  
Corps Action ID #: SAW-2006-20747-241

The Wilmington District, Corps of Engineers (Corps) has received an application from Archdale Partners, LLC seeking Department of the Army authorization for permanent impacts to 1.58 acres of jurisdictional non-riparian wetland, 0.54-acre of open water pond, 125 linear feet of perennial stream channel, and 180 linear feet of intermittent stream channel lacking important aquatic functions. Also included within the application are temporary impacts to 0.01-acre jurisdictional non riparian wetland, 21 linear feet of perennial stream channel, and 1.93 acres of open water pond. The impacts listed above are associated with the construction of the proposed Shoppes at Bush Hill, a mixed use development in Archdale, Guilford and Randolph Counties, North Carolina.

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:** Archdale Partners, LLC  
Attn: Mr. Todd Schneider  
530 Huber Park Court  
Weldon Springs, MO 63304

**Agent:** Kimley-Horn and Associates, Inc.  
Attn: Ms. Beth Reed  
Post Office Box 33068  
Raleigh, NC 27636-3068

## 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 proposed project site is located within the southeast quadrant of the U.S. Interstate 85/ N.C. State Highway 62 interchange in Archdale, Guilford and Randolph Counties, North Carolina. Coordinates (in decimal degrees) for the center of the site are 35.9185°

N, 79.9383° W. The project site contains stream channels and adjacent wetlands that form the headwaters of first order tributaries that flow into Muddy Creek downstream of the property. Muddy Creek is a tributary to the Cape Fear River and the Atlantic Ocean, with an 8-Digit Cataloging Unit of 03030003.

### **Existing Site Conditions**

The proposed project site is approximately 156 acres in size and is comprised of agricultural fields separated by several mixed-hardwood forested areas, which are generally located along the streams and in low areas. U.S. Interstate 85 runs along the northwest boundary of the tract, and land located to the south and east is primarily comprised of moderate to low density residential subdivisions.

The property contains three tributaries totaling 3,826 linear feet of perennial channel and 574 linear feet of intermittent channel, as well as eleven wetland areas totaling 3.06 acres in size. The site has three separate watersheds that all drain to unnamed tributaries to Muddy Creek. One of the perennial stream channels flows through a 2.47-acre jurisdictional pond that is located near the center of the site. A U.S. Army Corps of Engineers (Corps) jurisdictional determination has been completed for the site which verifies these aquatic features.

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

The project purpose for the proposed activity is to provide a mixed-use development, meeting the local demands for commercial, retail, residential, and light industrial in the Archdale area, in Guilford and Randolph Counties, North Carolina.

### **Project Description**

The proposed project is a 156-acre mixed-use development, which would include the construction of a retail center with two anchor stores, several retail shops, out-parcels, an office development, two multi-family residential sections, and a light industrial development area, along with transportation, parking, and stormwater facilities. The potential development of the site proposes the placement of fill material into wetlands and intermittent streams for the construction of the building and parking pads for the anchor stores (Wal-Mart and Lowe's), retail spaces, light industrial parcel, and two of the outlots. Also proposed is the construction of an east-west access road through the site connecting Weant Road with Aldridge Road which would impact a perennial stream and an open water pond. Total permanent impacts for the proposed development would be 1.58 acres of non-riparian wetland, 0.54-acre of open water, 125 linear feet of perennial stream channel, and 180 linear feet of intermittent unimportant channel. Temporary project impacts associated with utility line excavation and backfill and the dewatering of the open water/pond are 0.01-acre of non-riparian wetland, 21 linear feet of perennial stream channel, and 1.93 acres of open water/pond.

To mitigate for permanent impacts to wetlands, the applicant has proposed payment into the North Carolina Ecosystem Enhancement Program (NCEEP).

### **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 combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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 January 4, 2007.

### **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**

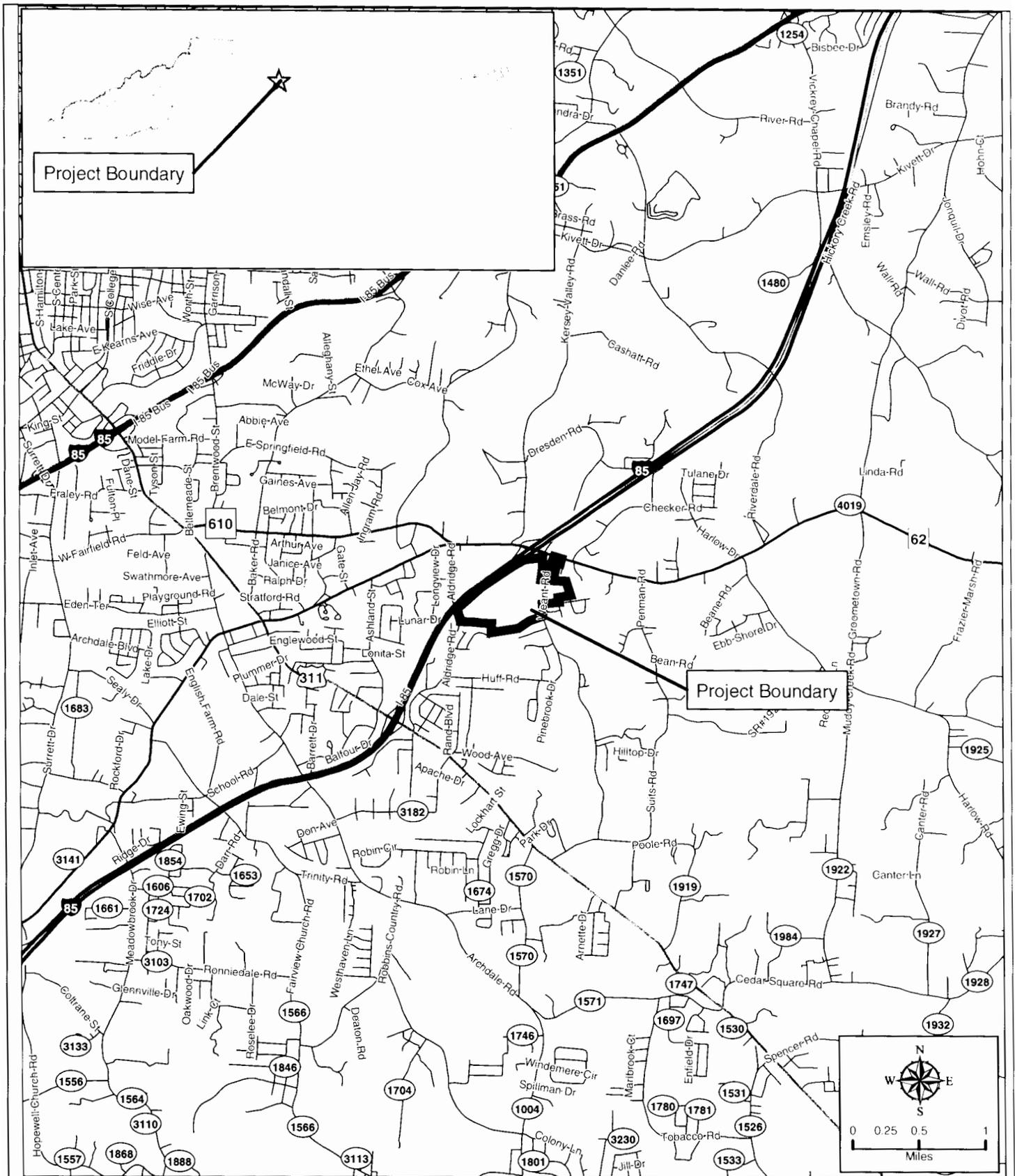
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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**

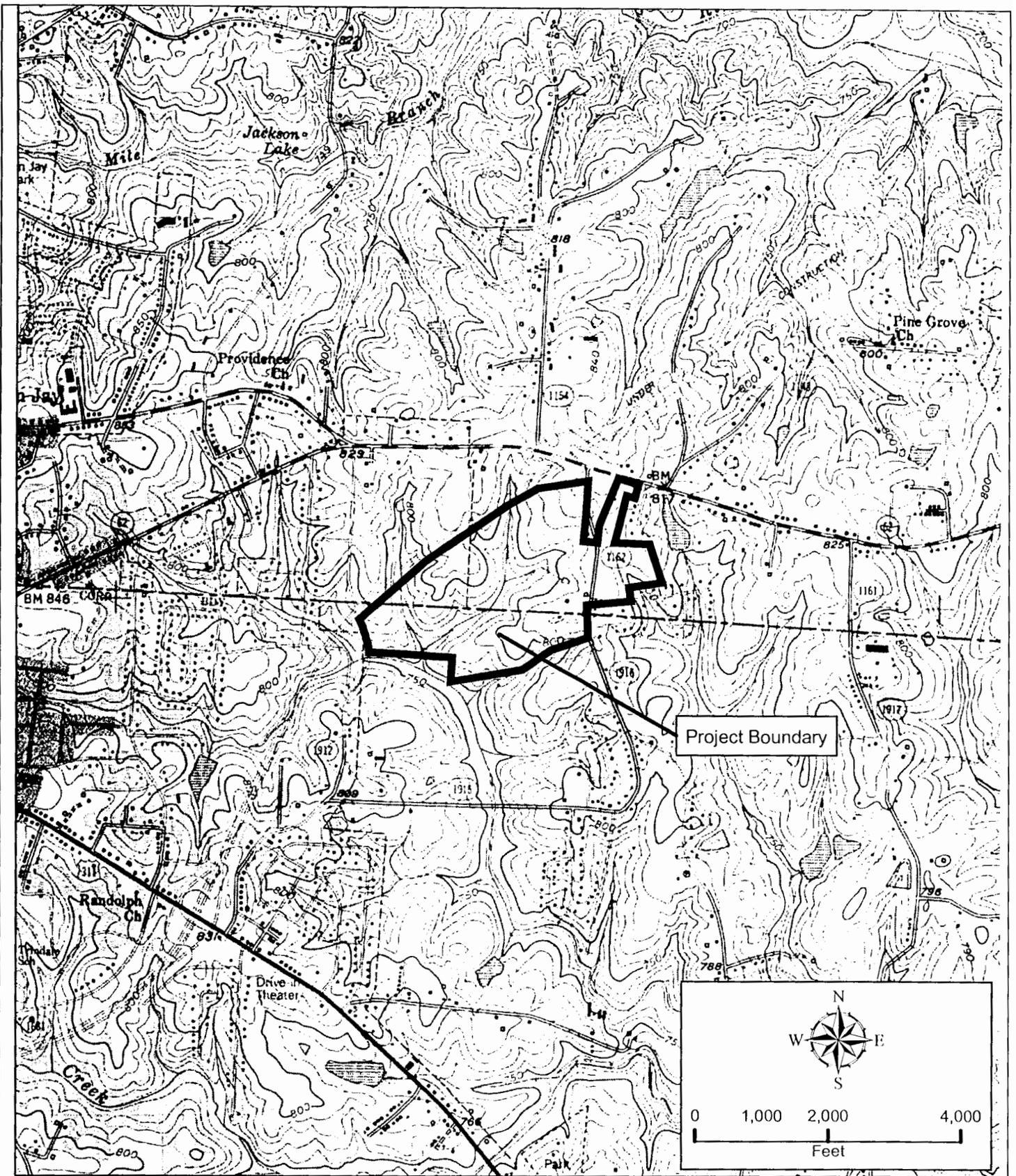
The Corps of Engineers is soliciting comments from the public: Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers 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.

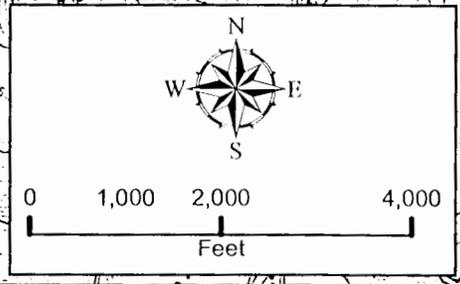
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 16, 2007. Comments should be submitted to Monte Matthews, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.



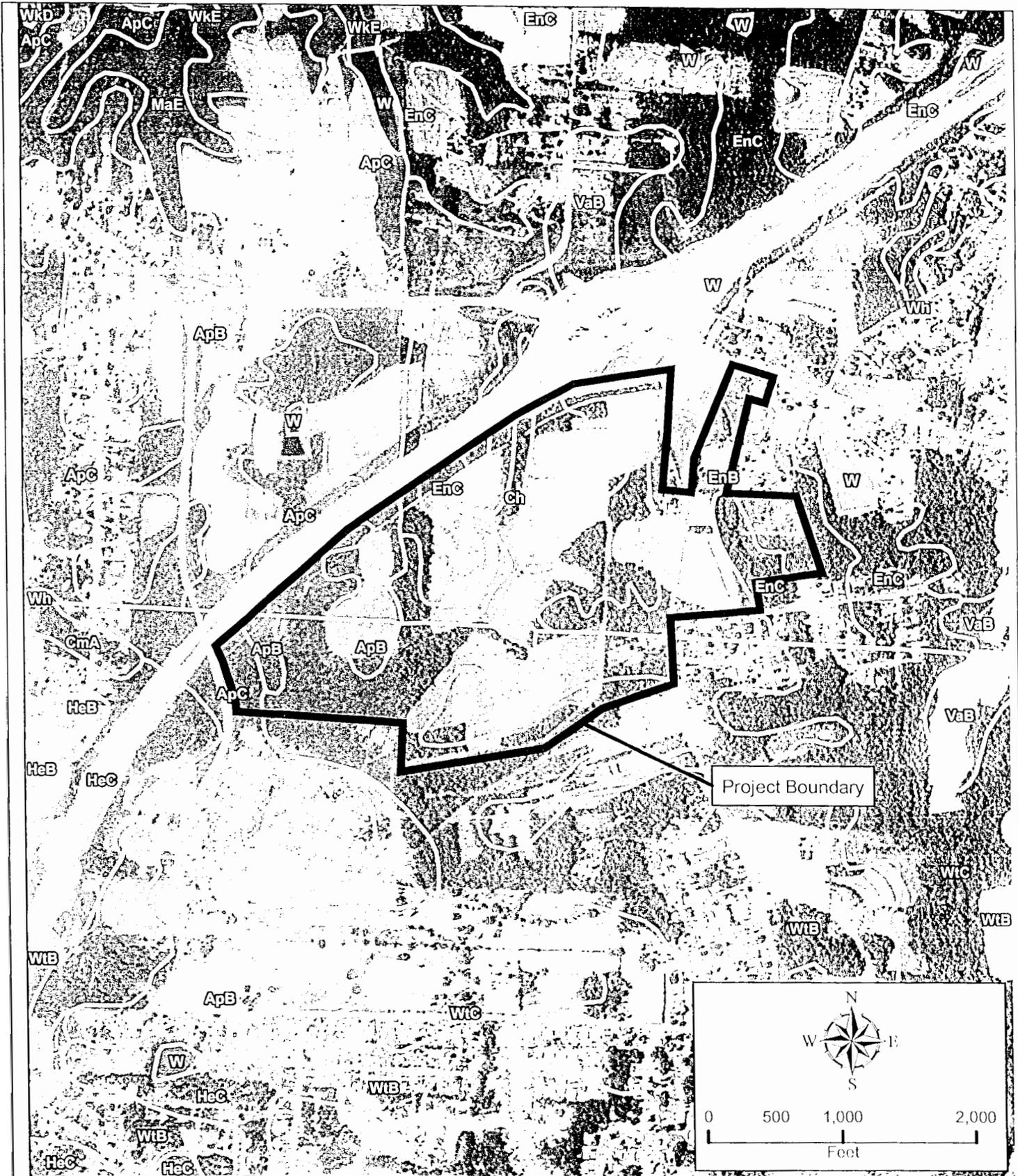
<b>Title</b>	Vicinity Map	<b>Figure</b>	1
<b>Project</b>	Shoppes at Bush Hill	<b>USACE AID #</b>	200620747
<b>Applicant:</b> Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Shoppes At Bush Hill          Vicinity Map          Sheet 1 of 14</b>	
		<b>Date of Public Notice:</b> <b>County:</b> Guilford and Randolph <b>Waterway:</b> Muddy Creek <b>River Basin:</b> Cape Fear	



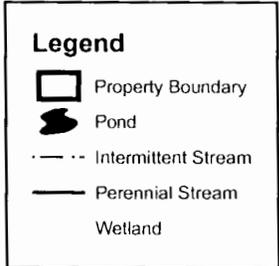
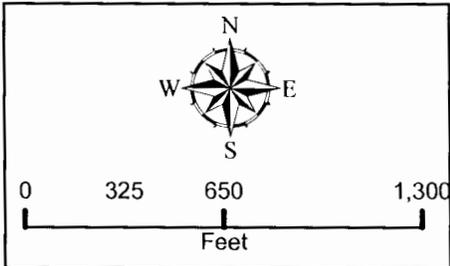
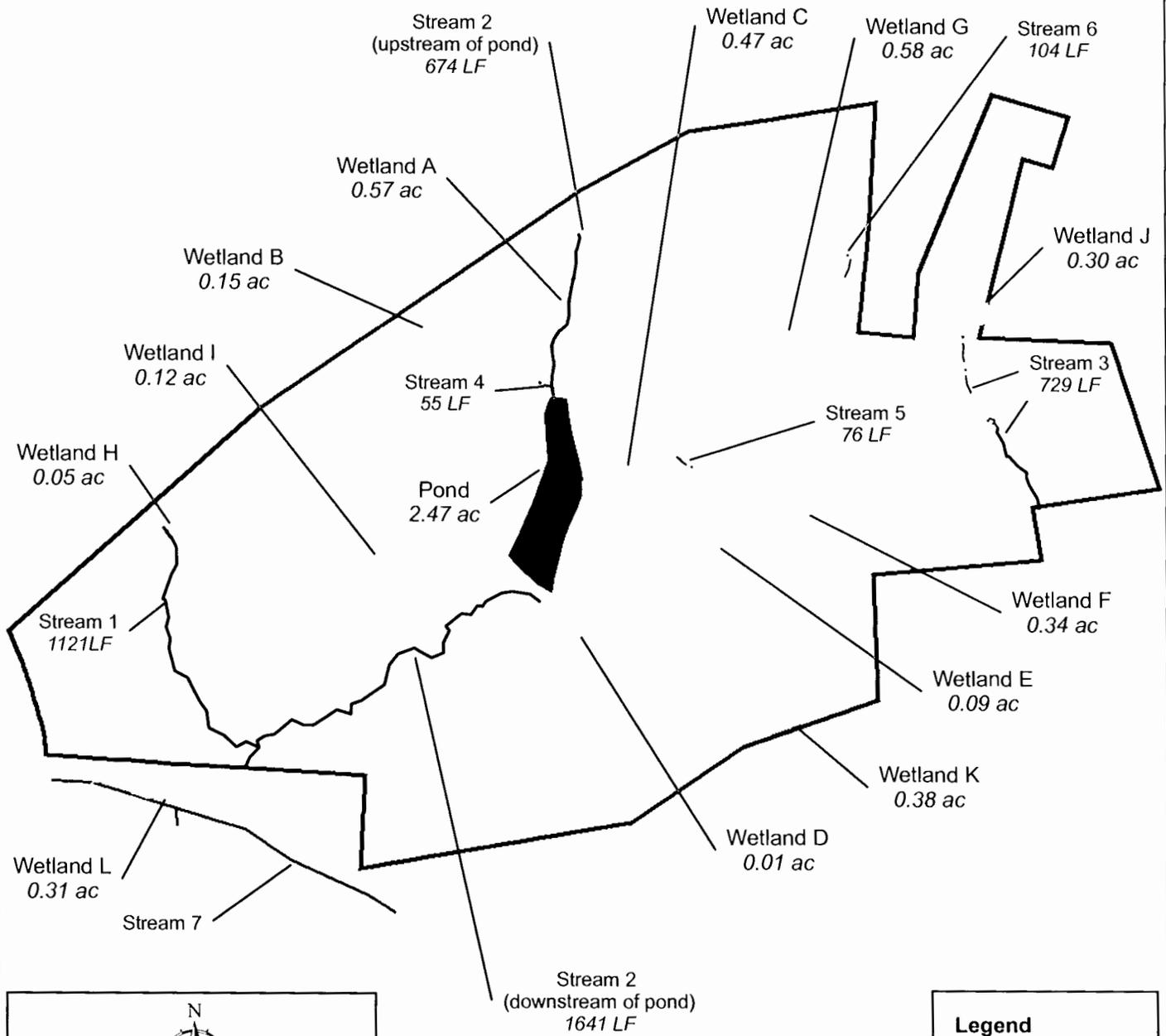
Project Boundary



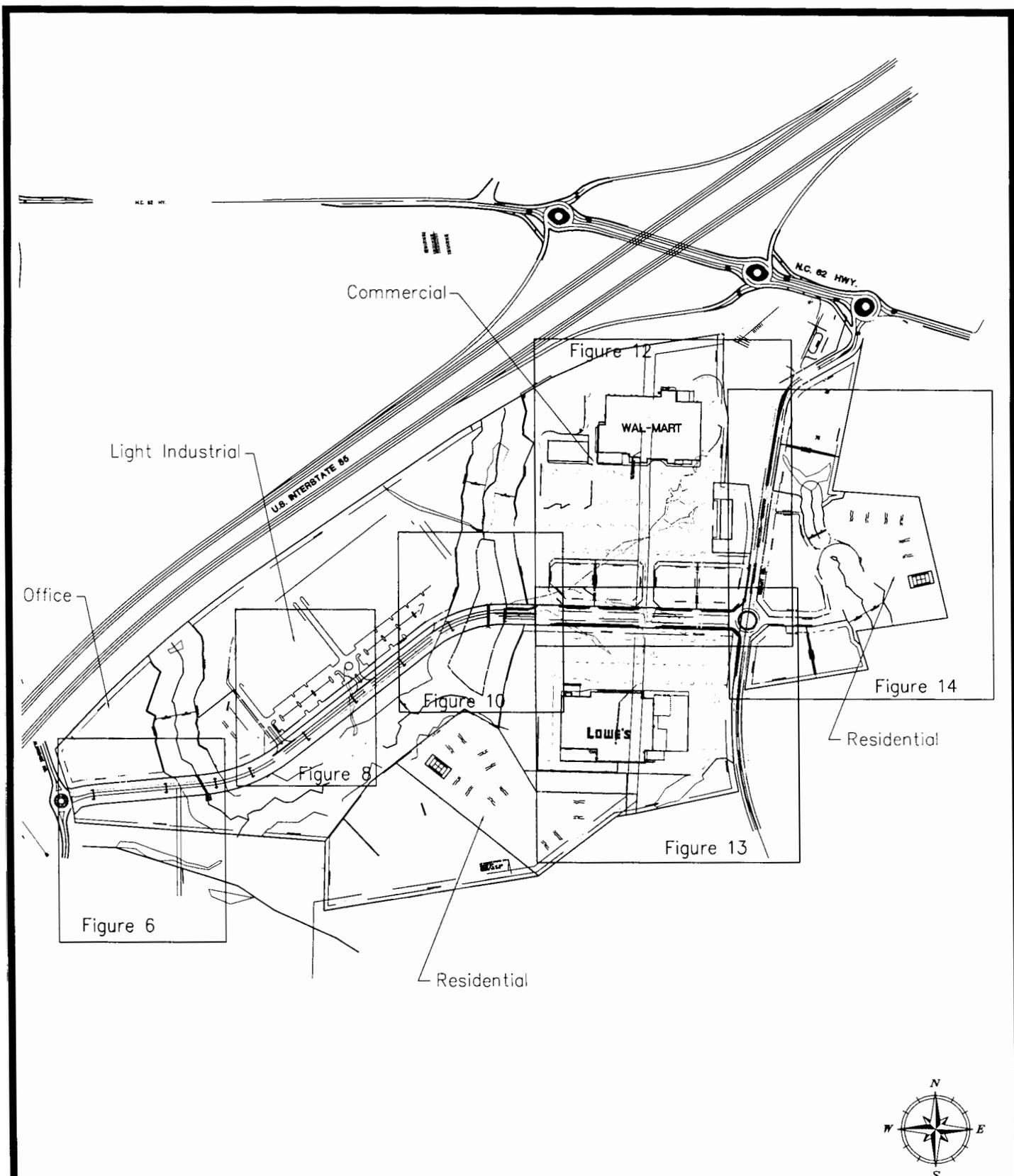
Title	USGS Topographic Map (High Point East, NC, 1950, photorevised 1982)	Figure	2
Project	Shoppes at Bush Hill	USACE AID #	200620747
<b>Applicant:</b> Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Shoppes At Bush Hill</b> <b>USGS Map</b> <b>Sheet 2 of 14</b>	
		<b>Date of Public Notice:</b> <b>County:</b> Guilford and Randolph <b>Waterway:</b> Muddy Creek <b>River Basin:</b> Cape Fear	



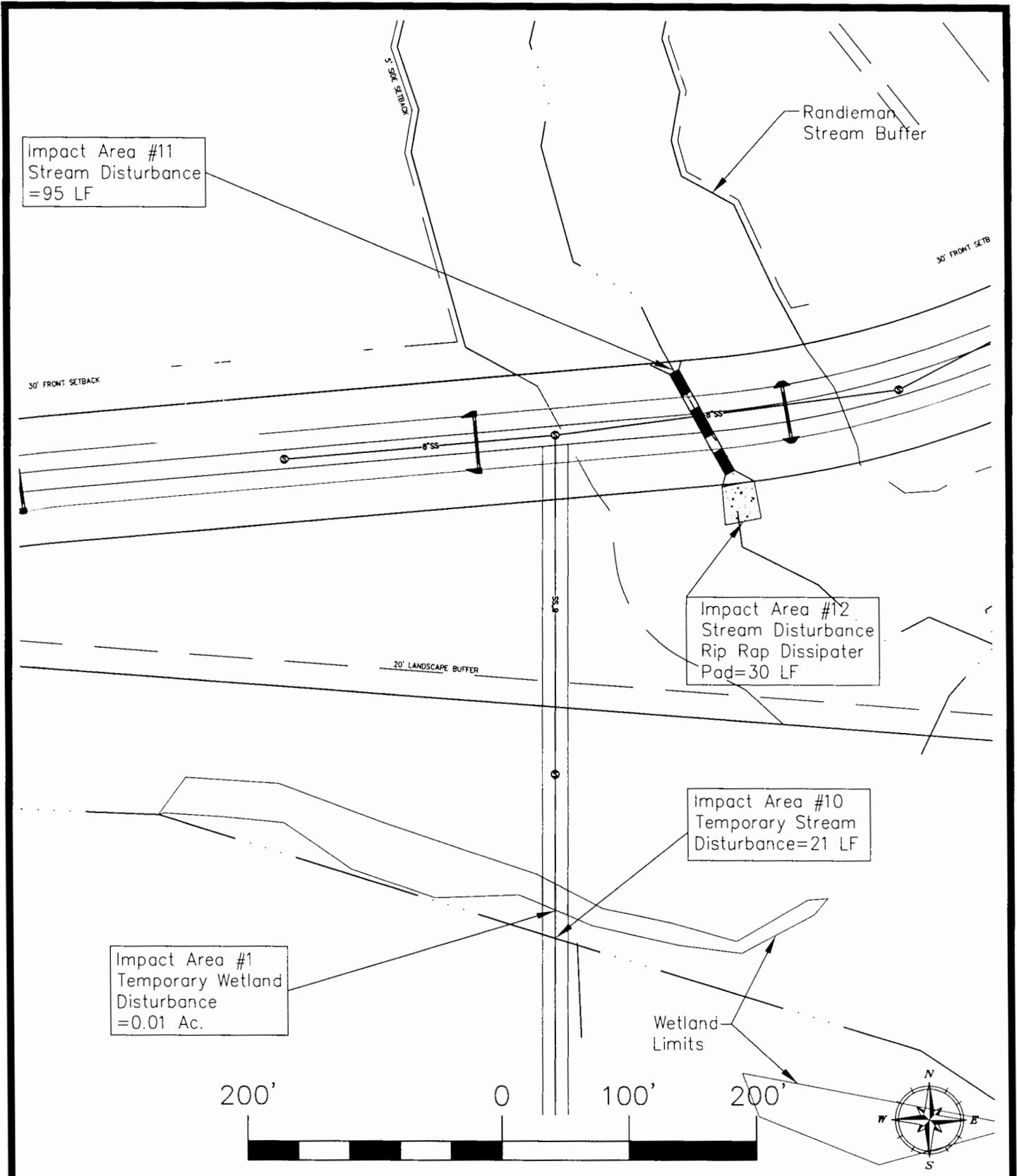
Title	Soil Survey Map (Randolph and Guilford Counties, NC)	Figure	3
Project	Shoppes at Bush Hill	USACE AID #	200620747
<b>Applicant:</b> Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Date of Public Notice:</b> County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	
<b>Shoppes At Bush Hill</b> Soil Map Sheet 3 of 14			



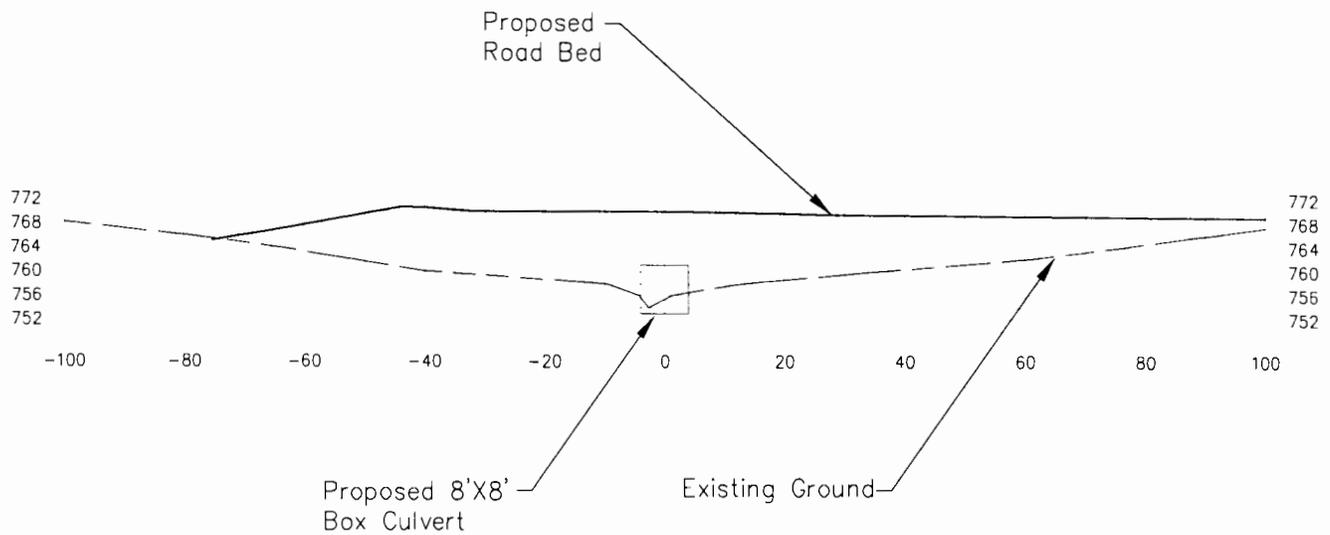
<b>Title</b>	Delineation of Waters of U.S. Map	<b>Figure</b>	4
<b>Project</b>	Shoppes at Bush Hill	<b>USACE AID #</b>	200620747
<b>Applicant:</b> Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Date of Public Notice:</b> County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	
<b>Shoppes At Bush Hill</b> <b>Delineation Map</b> <b>Sheet 4 of 14</b>			



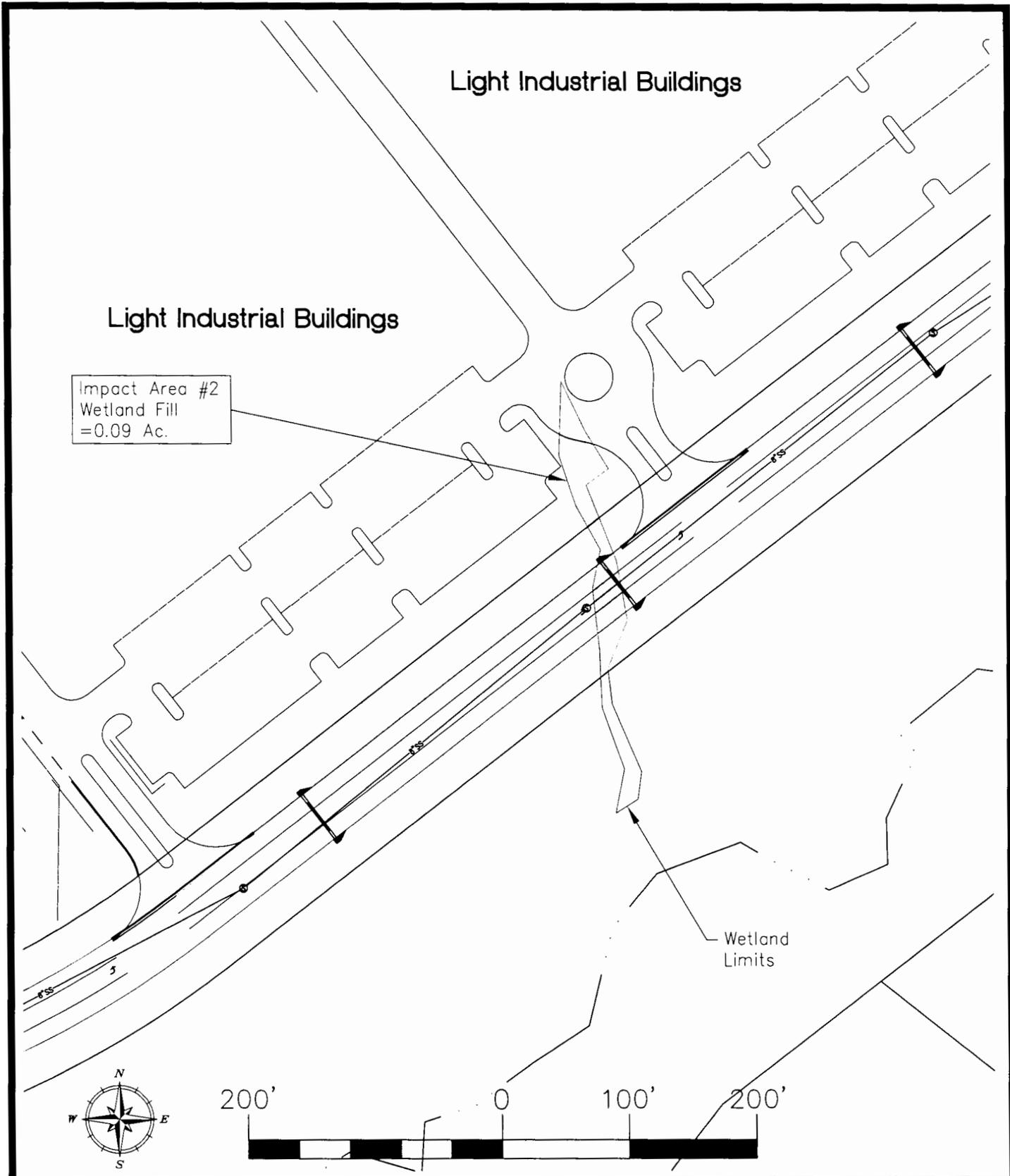
Title	Overall Site Plan	Figure	5 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	
<b>Shoppes At Bush Hill Overall Site Plan</b>			



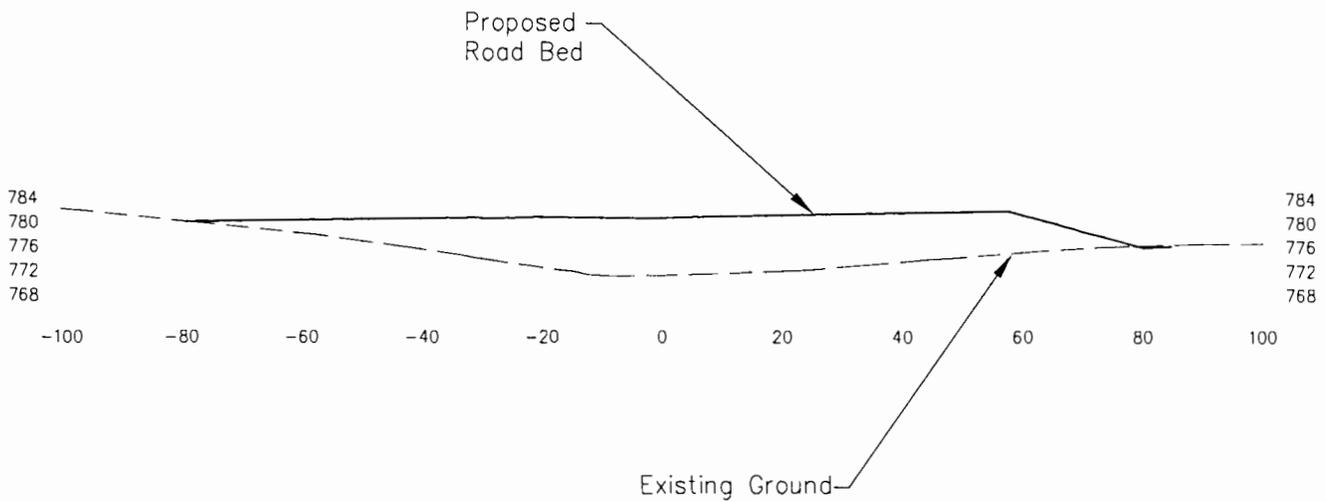
<b>Title</b>	Impact 1, 10, 11 and 12 Detail	<b>Figure</b>	6 of 14
<b>Project</b>	Shoppes at Bush Hill	<b>USACE AID #</b>	200620747
<b>Applicant</b>	Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304	<b>Shoppes At Bush Hill Impact 1, 10, 11 and 12 Detail</b>	<b>Date of Public Notice:</b> <b>County:</b> Guilford and Randolph <b>Waterway:</b> Muddy Creek <b>River Basin:</b> Cape Fear



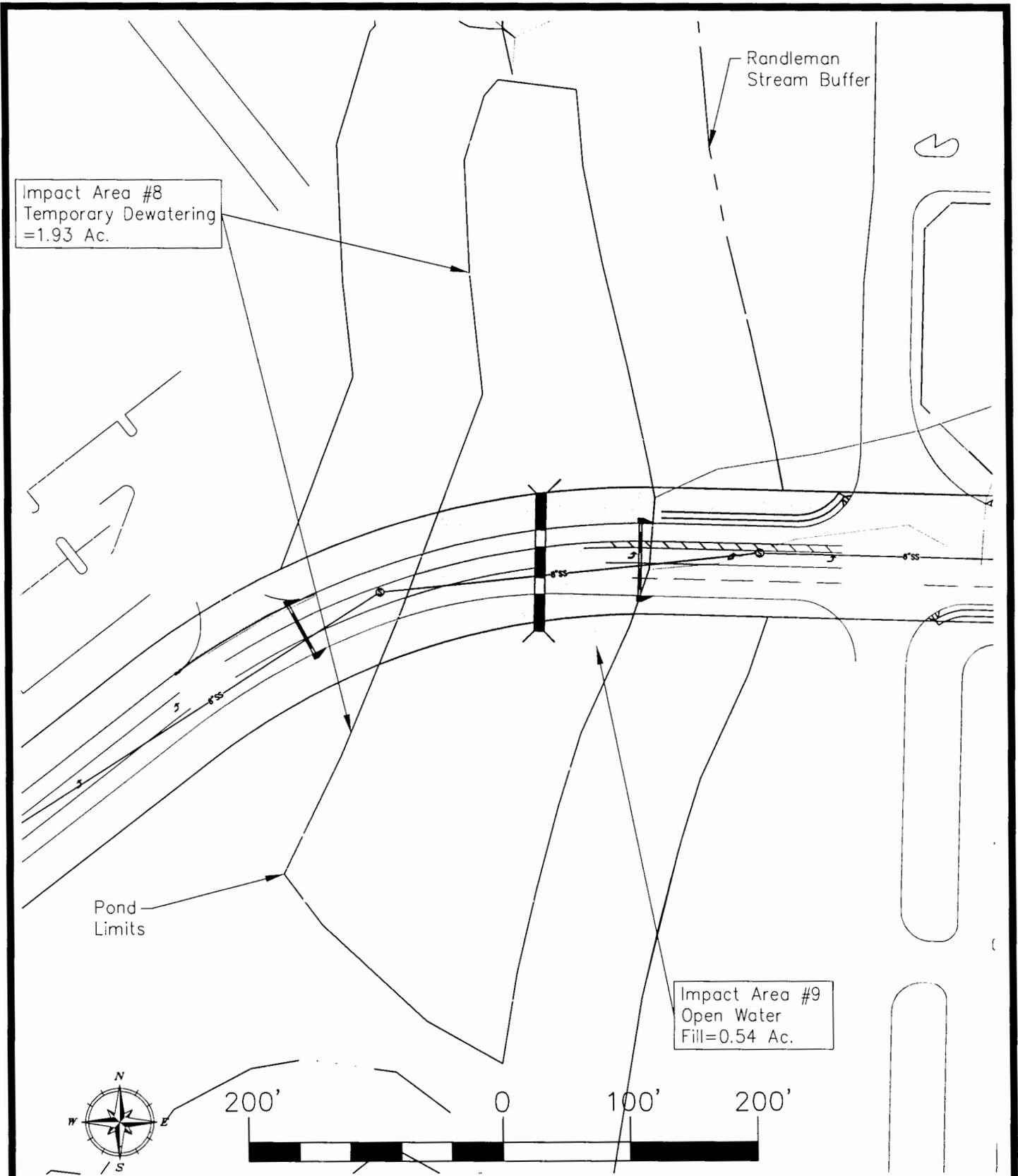
Title	Impact 11 Cross Section	Figure	7 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Shoppes At Bush Hill          Impact 11 Cross Section</b>	Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear



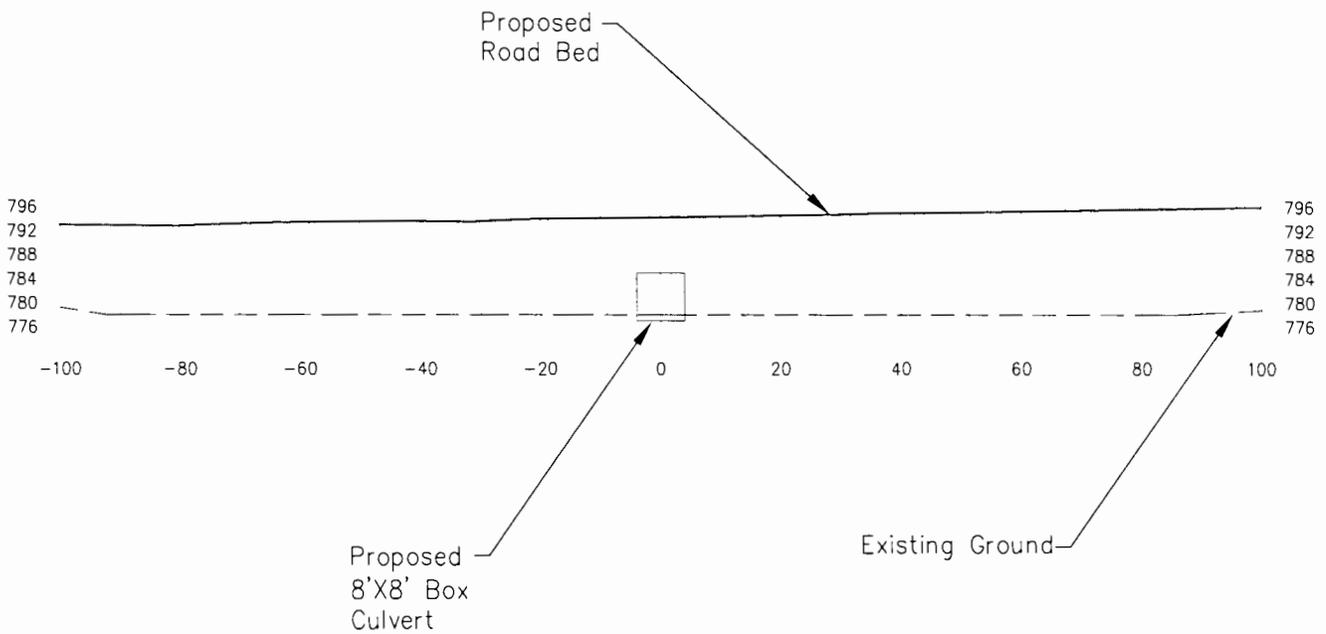
Title	Impact 2 Detail	Figure	8 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		Shoppes At Bush Hill Impact 2 Detail Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	



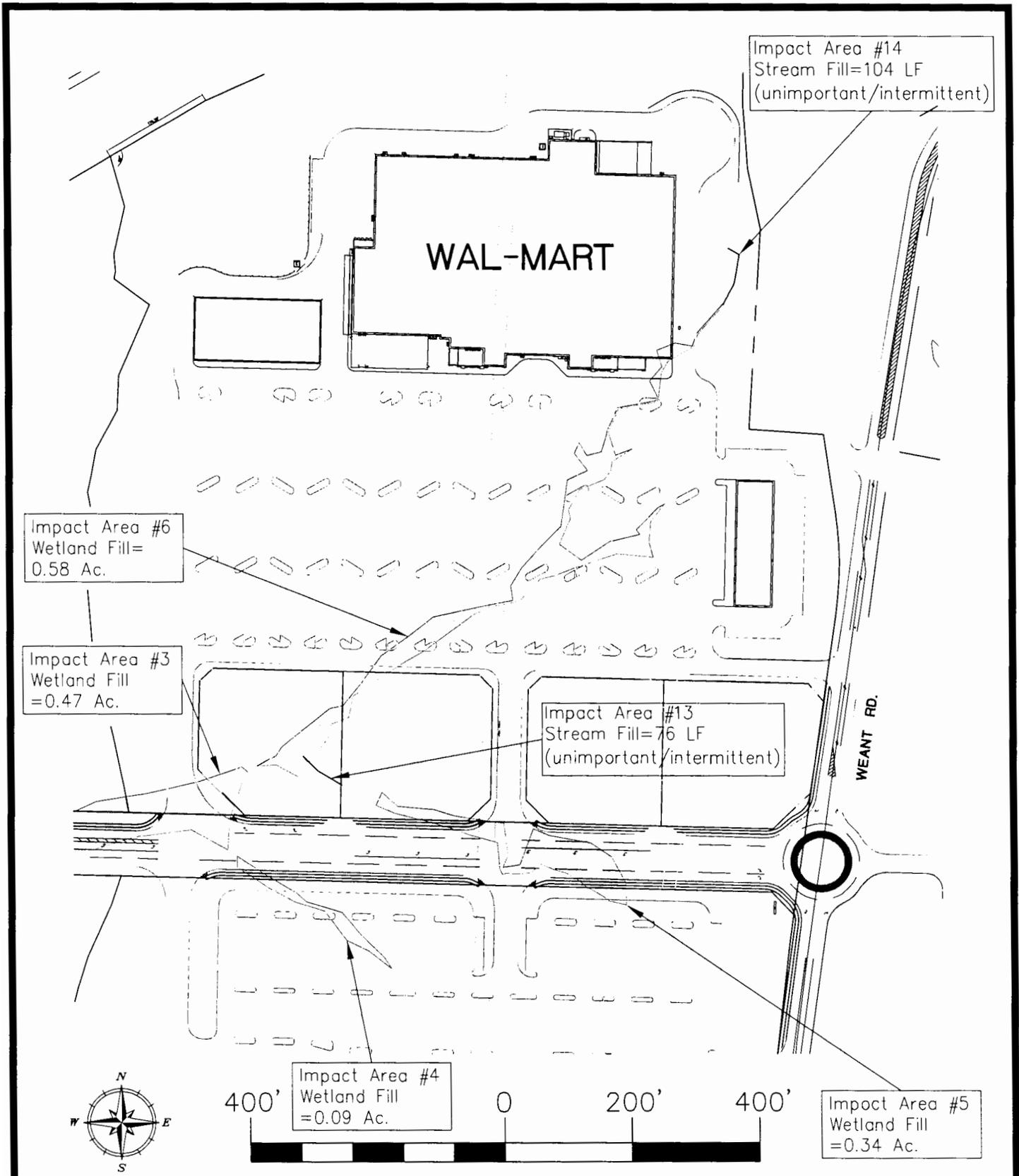
<b>Title</b>	Impact 2 Cross Section	<b>Figure</b>	9 of 14
<b>Project</b>	Shoppes at Bush Hill	<b>USACE AID #</b>	200620747
<b>Applicant:</b> Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Date of Public Notice:</b> County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	
<b>Shoppes At Bush Hill Impact 2 Cross Section</b>			



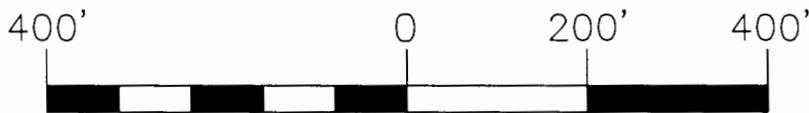
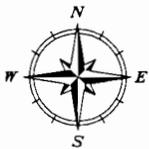
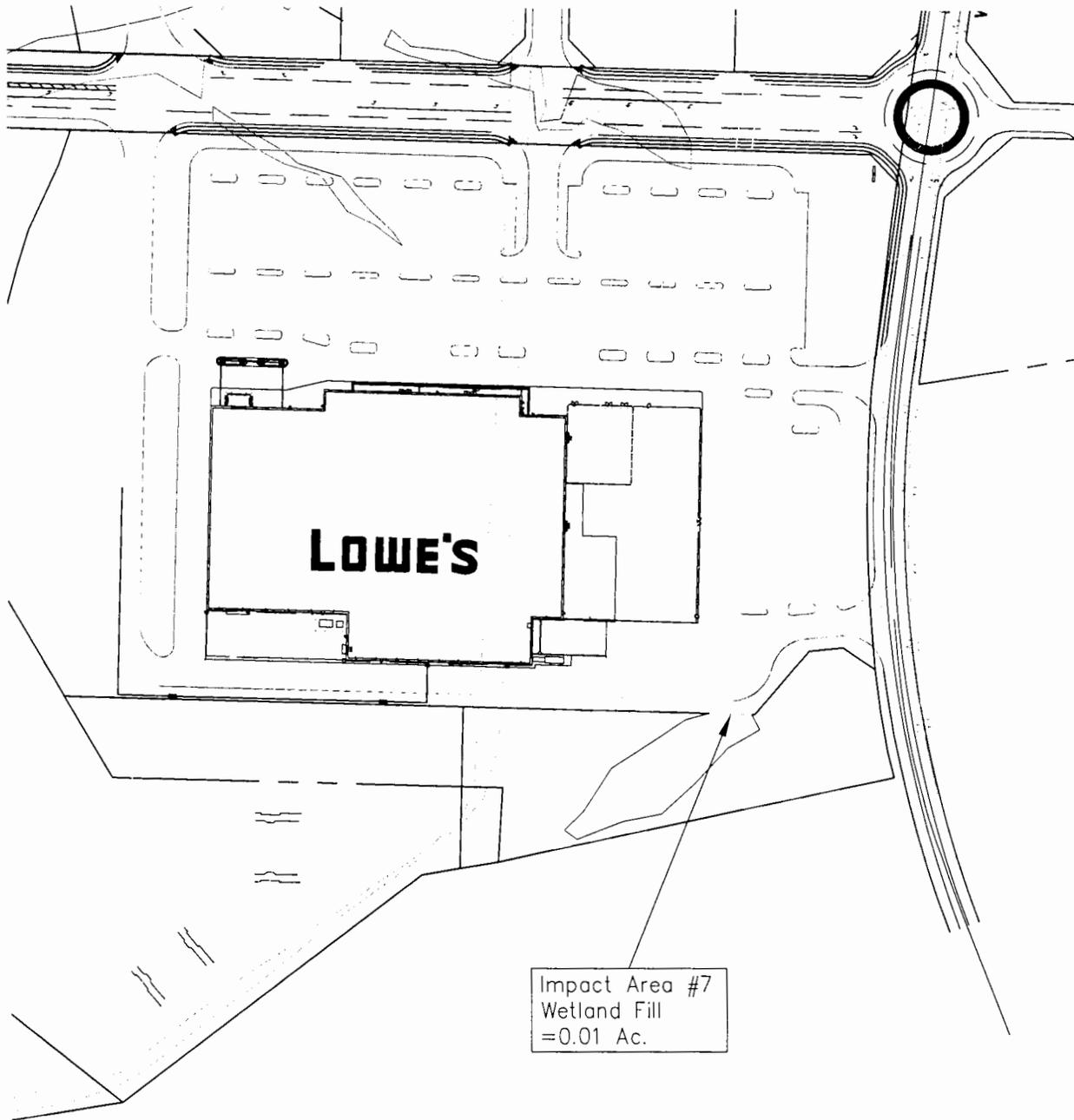
Title	Impact 8 and 9 Detail	Figure	10 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		Shoppes At Bush Hill Impact 8 and 9 Detail Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	



Title	Impact 8 Cross Section	Figure	11 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		<b>Shoppes At Bush Hill</b> <b>Impact 8 Cross Section</b> Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	

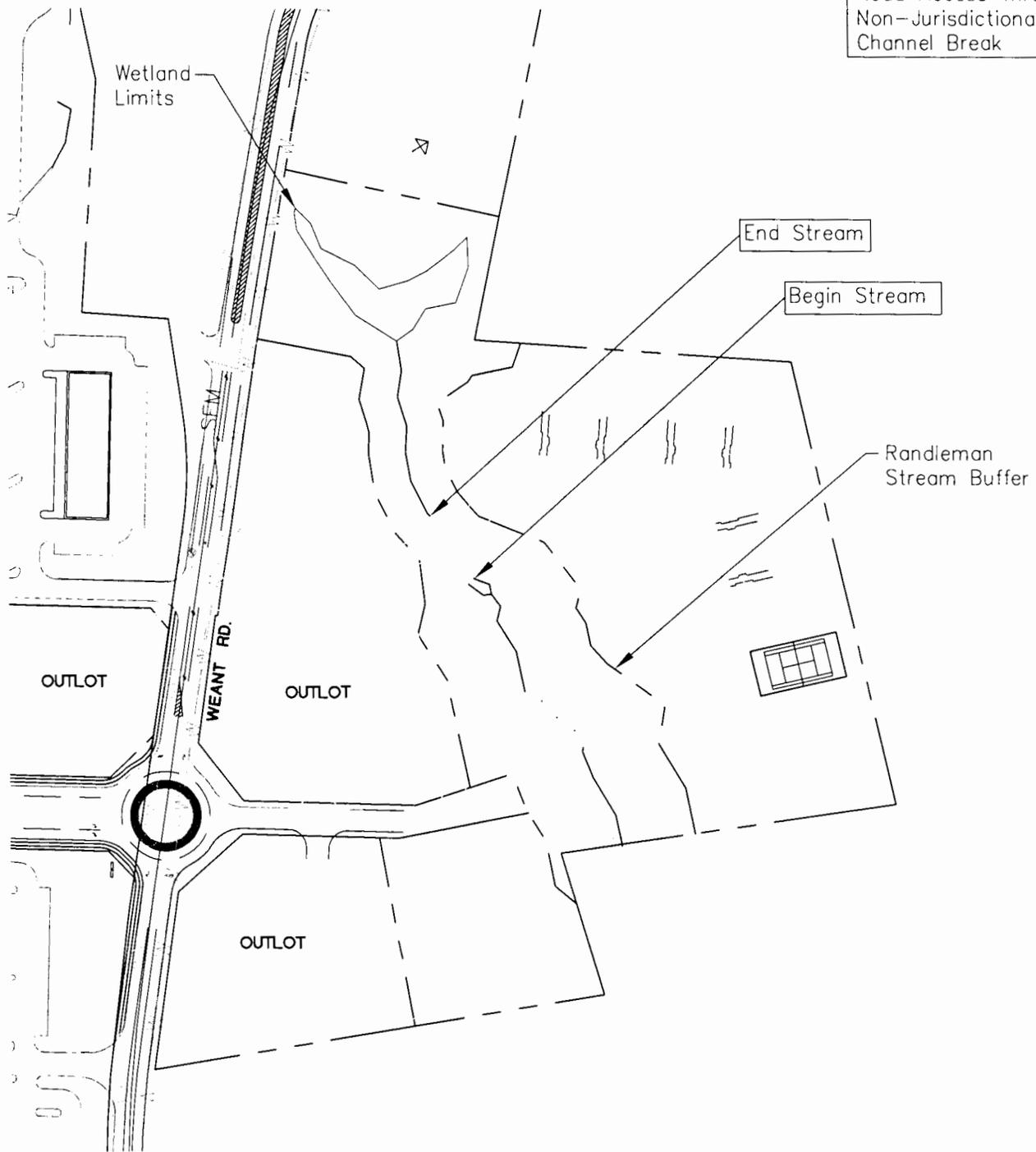


Title	Impact 3, 4, 5, 6, 13 and 14 Detail (Commercial Area)	Figure	12 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304	Shoppes At Bush Hill Impact 3, 4, 5, 6, 13 and 14 Detail	Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	



Title	Impact 7 Detail (Commercial Area)	Figure	13 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		Shoppes At Bush Hill Impact 7 Detail Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	

Road Access Through  
Non-Jurisdictional  
Channel Break



Title	Residential Area Detail	Figure	14 of 14
Project	Shoppes at Bush Hill	USACE AID #	200620747
Applicant: Archdale Partners, LLC 530 Huber Park Court Weldon Springs, MO 63304		Date of Public Notice: County: Guilford and Randolph Waterway: Muddy Creek River Basin: Cape Fear	
<b>Shoppes At Bush Hill Residential Area Detail</b>			