

# PUBLIC NOTICE

US Army Corps  
Of Engineers  
Wilmington District

**Issue Date:** July 5, 2006  
**Comment Deadline:** August 4, 2006  
**Corps Action ID #:** SAW-2006-32342-311

The Wilmington District, Corps of Engineers (Corps) has received an application from **Wal-Mart Real Estate Business Trust** seeking Department of the Army authorization to impact **1.61 acres of wetland** associated with the construction of a retail shopping center in Buncombe County, 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:** Wal-Mart Real Estate Business Trust  
2001 SE Tenth Street  
Bentonville, Arkansas 72712

**Agent (if applicable):** Environmental Permitting Consultants  
Post Office Box 3744  
Greenville, South Carolina 29608

## 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 (CWA).

## Location

Project is proposed to be located adjacent to an unnamed tributary of Lake Julian, on the west side of Airport Road, between Bradley Branch Road and Wellington Drive, south of Asheville, Buncombe County, North Carolina (latitude 35.4561 and longitude -82.5234).

## **Existing Site Conditions**

Property is approximately 38 acres in size with approximately 2.27 acres of Waters of the US including two streams (approximately 450 linear feet) and wetlands. There is also approximately .32 acre of isolated wetland that has been determined to be non-jurisdictional under the Clean Water Act. The two streams are located in the northwestern portion of the property and the wetlands are located throughout the property. The property has been disturbed in the past by timber harvesting and the vegetation consists primarily of smilax species, Virginia pine, sweet gum, tulip poplar, and rhododendron. The surrounding properties are a mix of residential, commercial and undeveloped land.

## **Applicant's Stated Purpose**

The applicants stated purpose is to construct a retail shopping center.

## **Project Description**

The project will consist of extensive site grading to facilitate the new construction of a Wal-Mart store and two other commercial out lots. Site development will also consist of approximately 6 acres of parking lot and approximately .65 acres of storm water management facilities. The project will involve the placement of fill dirt impacting 1.61 acres of wetland.

## **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: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly by August 4, 2006

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to Mr. Harold Draper, NEPA Team Leader, 400 West Summit Hill Drive, Knoxville, TN 37902-1401. Questions or comments regarding Section 26a permit requirements should be directed to Mr. Draper at the above address.

## **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.

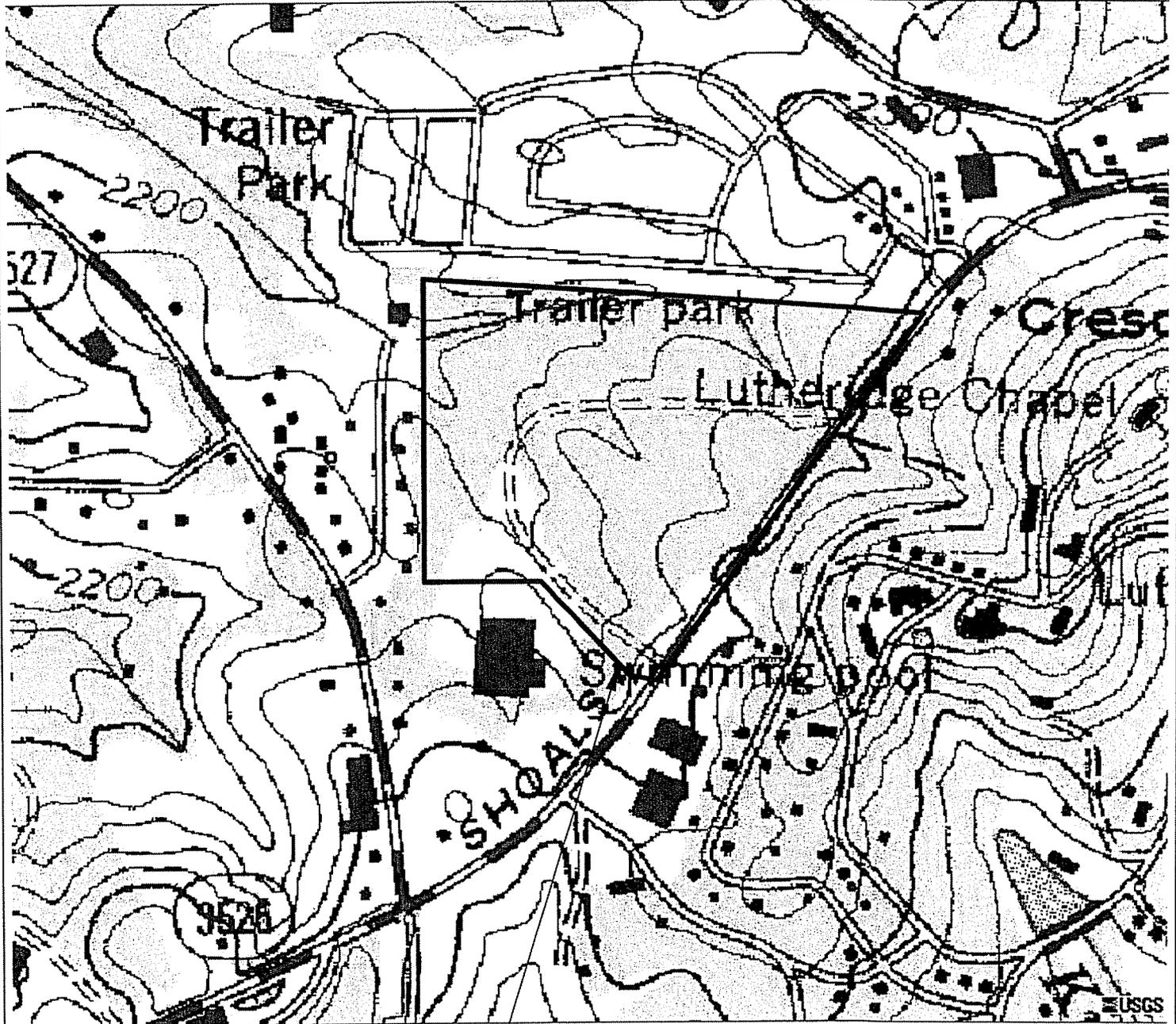
## **Commenting Information**

The Corps 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, August 4, 2006. Comments should be submitted to Ronnie Smith at 151 Patton Avenue, Room 208, Asheville, NC 28801.



Property Boundary

REVISIONS		
NO	DATE	COMMENTS

**ENVIRONMENTAL  
PERMITTING  
CONSULTANTS, INC.**

**GRAPHIC SCALE**  
 250 0 250 500  
 1 inch = 500 feet

Post Office Box 3744  
 Greenville SC 29608  
 Phone: (864) 271-3046  
 Fax: (864) 235-9299

DRAWN BY: flb  
 DATE: 27 April 2006  
 EPC PROJECT NO: MR05pcn008

**AIRPORT ROAD**  
 Topographic Map  
 Wal-Mart  
 Buncombe County  
 USACE P/N:

SHEET NO.  
**1**  
 OF **12**



Property boundary

REVISIONS		
NO.	DATE	DESCRIPTION

**ENVIRONMENTAL  
PERMITTING  
CONSULTANTS, INC.**

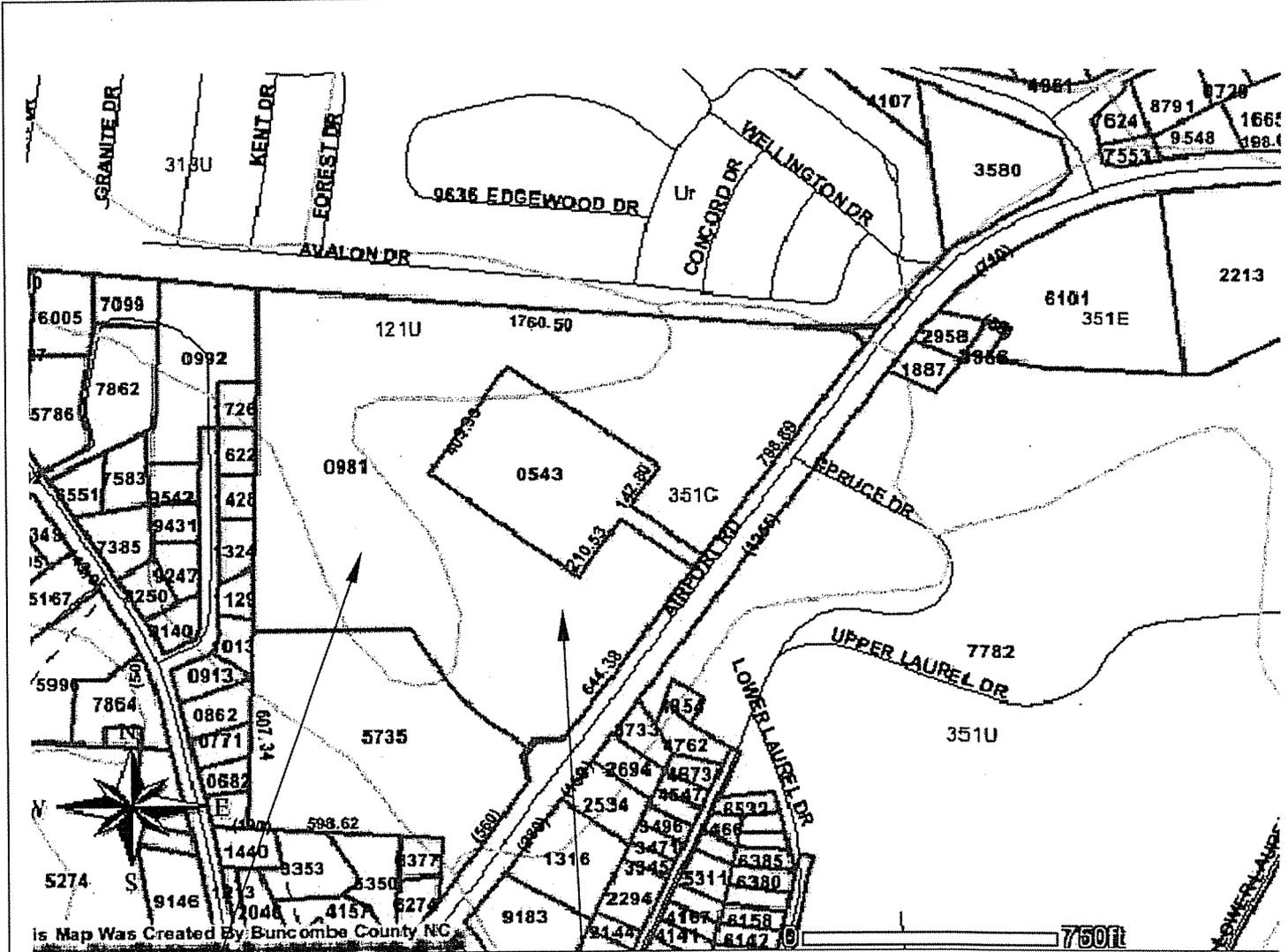
**GRAPHIC SCALE**

1 inch = 500 feet

Post Office Box 3744 Greenville, SC 29606 Phone (864) 271-3640 Fax (864) 235-9299	DRAWN BY: PJD DATE: 27 April 2006 EPC PROJECT NO: MR06pnc008
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**AIRPORT ROAD**  
Aerial Photo  
Wal-Mart  
Buncombe County  
USACE P/N:

SHEET NO.  
**2**  
OF **12**



Tate-Urban Land  
Complex 2-15%  
slopes

Fannin Loam 8-15% slopes

Source: Buncombe County GIS

REVISIONS		
NO.	DATE	COMMENTS

**ENVIRONMENTAL  
PERMITTING  
CONSULTANTS, INC.**

**GRAPHIC SCALE**

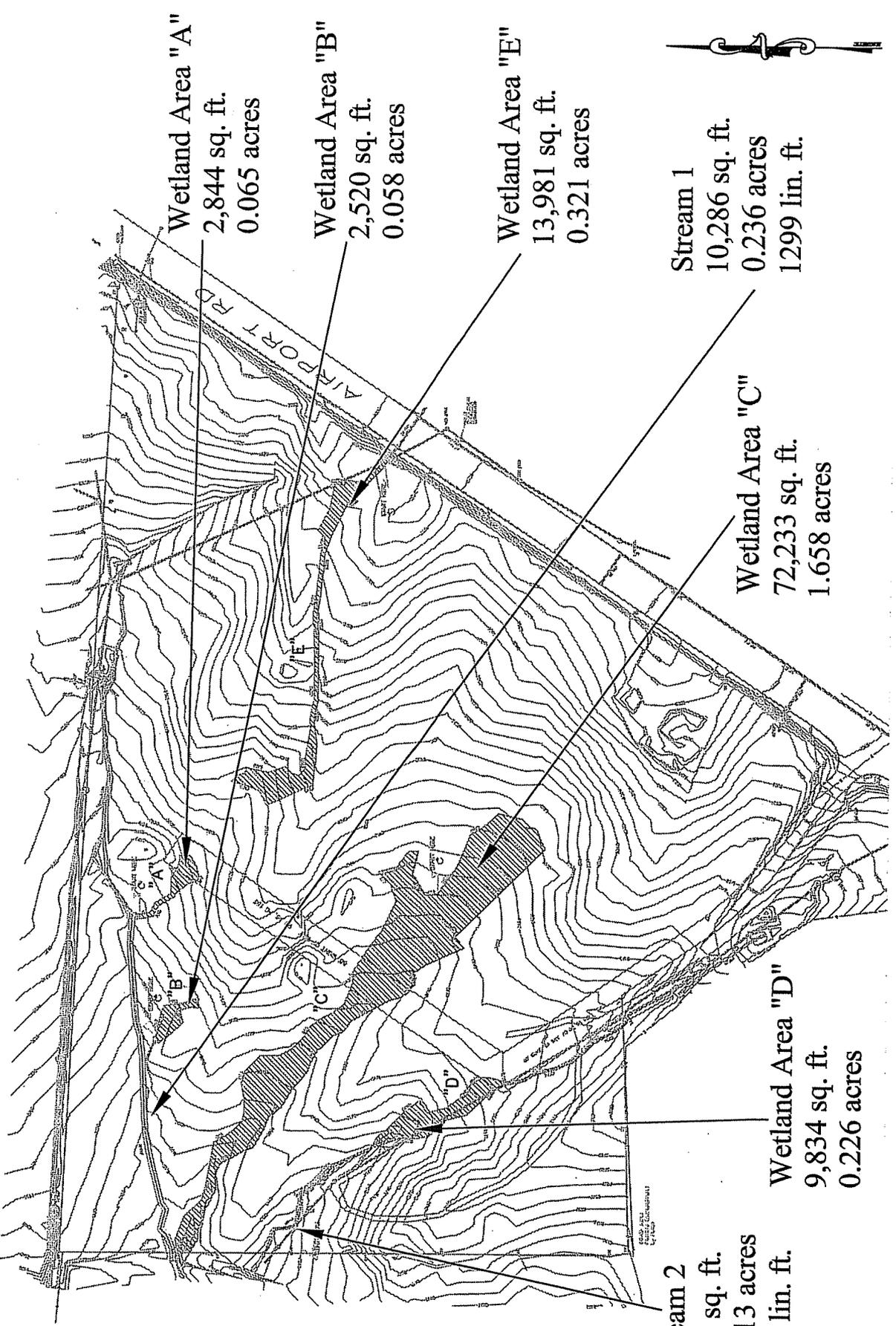
1 inch = 500 feet

Post Office Box 3744 Greenville, SC 29609 Phone: (864) 271-3040 Fax: (864) 235-9299	DRAWN BY: Ptb DATE: 27apr2006 EPC PROJECT NO. MR05pen008
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**AIRPORT ROAD**  
Soil Map  
Wal-Mart  
Buncombe County  
USACE P/N:

SHEET NO.  
**3**  
OF **12**





Wetland Area "A"  
2,844 sq. ft.  
0.065 acres

Wetland Area "B"  
2,520 sq. ft.  
0.058 acres

Wetland Area "E"  
13,981 sq. ft.  
0.321 acres

Stream 1  
10,286 sq. ft.  
0.236 acres  
1299 lin. ft.

Wetland Area "C"  
72,233 sq. ft.  
1.658 acres

Wetland Area "D"  
9,834 sq. ft.  
0.226 acres

Stream 2  
581 sq. ft.  
0.013 acres  
150 lin. ft.



SHEET NO.  
**5**  
OF  
**12**

**AIRPORT ROAD**  
Waters of the US  
Wal Mart  
Buncombe County

USACE P/N: \_\_\_\_\_

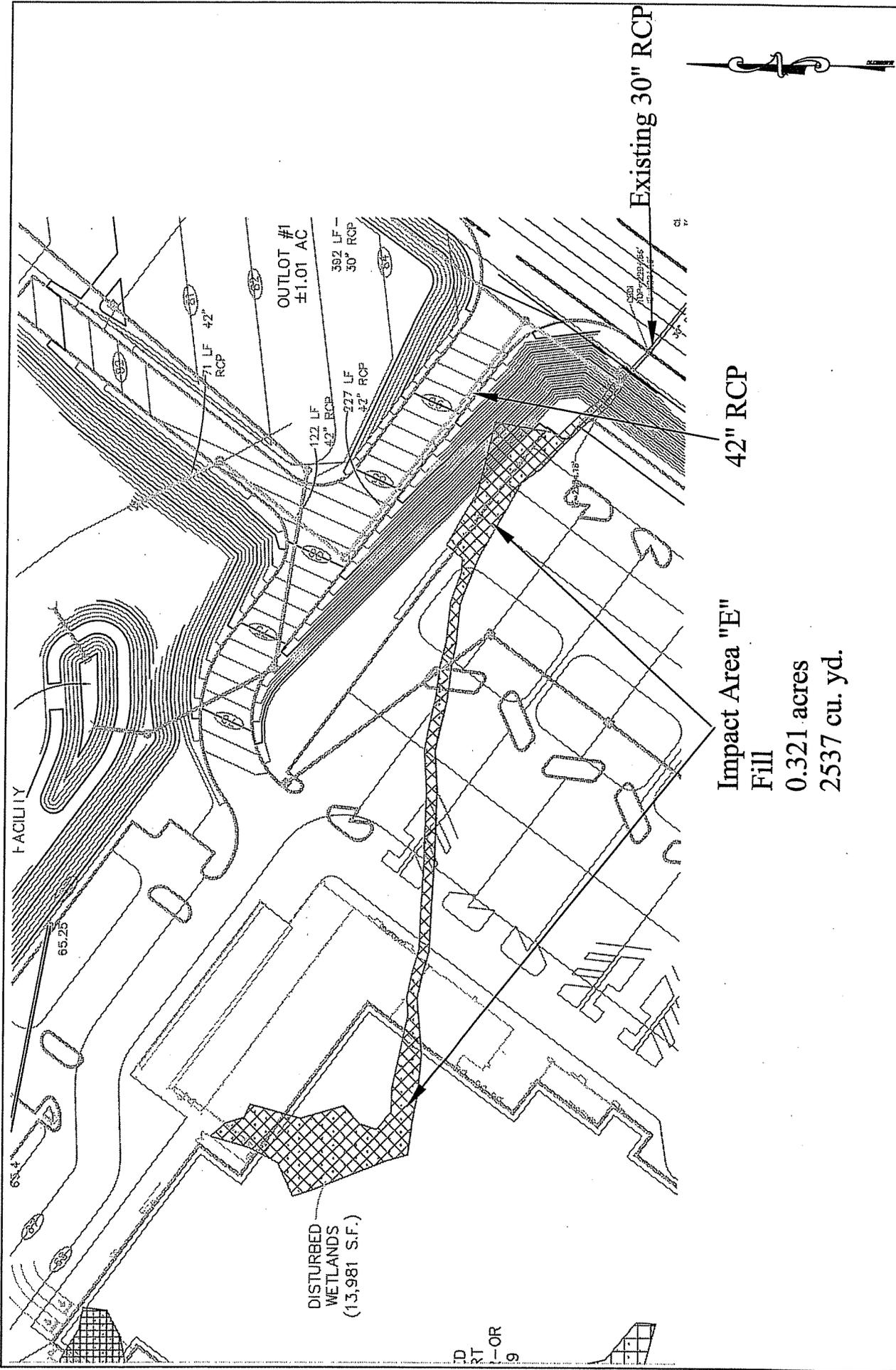
REVISIONS	
NO.	DATE / COMMENT

**GRAPHIC SCALE**  
1 inch = 250 feet

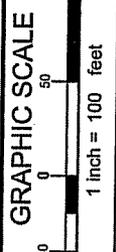
Post Office Box 3744  
Greenville, SC 29608  
Phone: (864) 271-5040  
Fax: (864) 235-9239

DRAWN BY: ihb  
DATE: 27 April 2006  
EPC PROJECT NUMBER: 008

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Impact Area "E"  
 Fill  
 0.321 acres  
 2537 cu. yd.



Post Office Box 3744  
 Greenville, SC 29608  
 Phone: (864) 271-3040  
 Fax: (864) 235-9299

DRAWN BY: ihb  
 DATE: 27sept2006  
 EPC PROJECT No: EPC060008

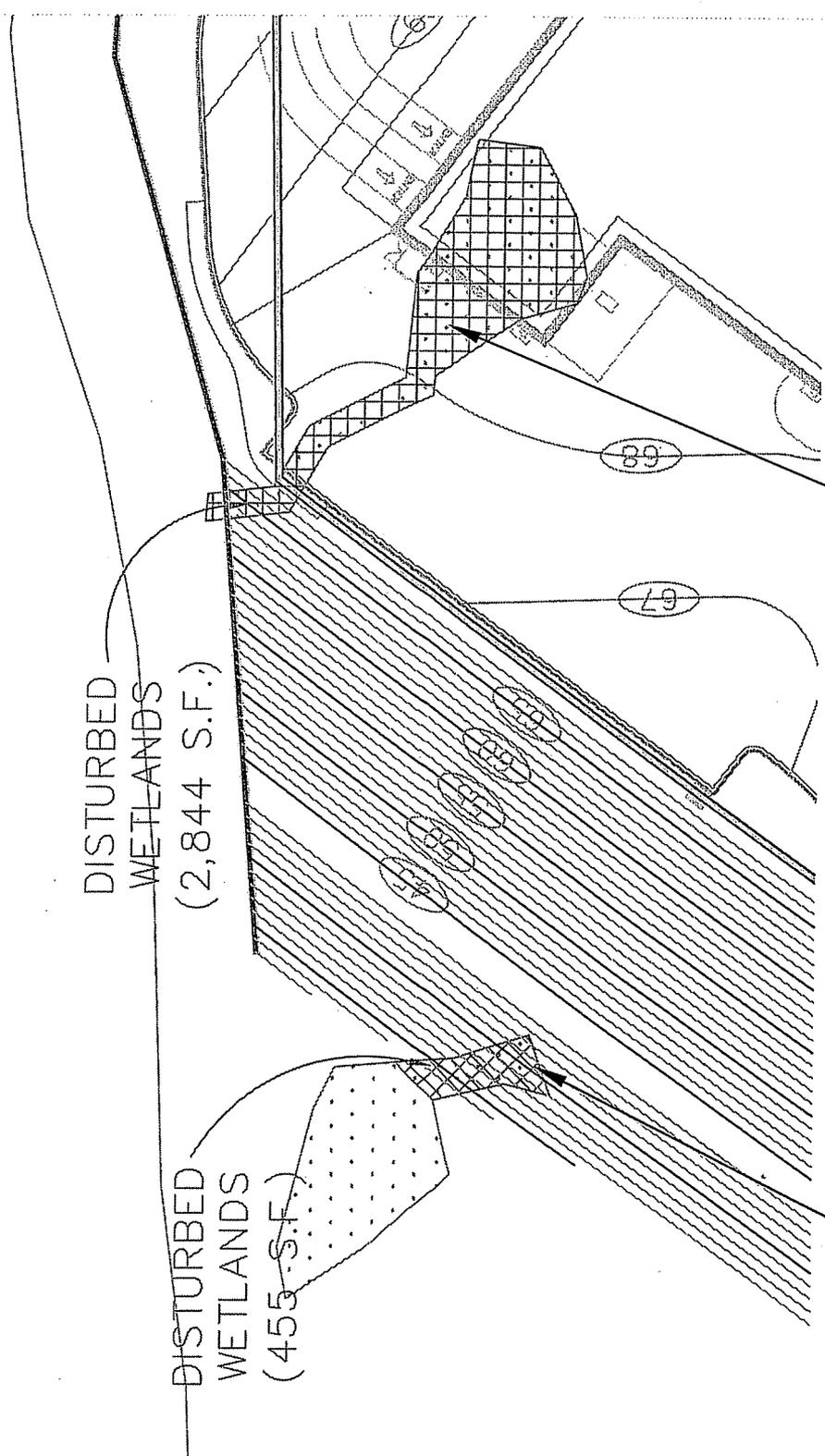
REVISIONS	
NO.	DESCRIPTION

**ENVIRONMENTAL PERMITTING CONSULTANTS, INC.**

**AIRPORT ROAD**  
 Impact Detail  
 Wal Mart  
 Buncombe County

SHEET NO. **6**  
 OF **12**

USACE P.I.N.:



DISTURBED WETLANDS  
(2,844 S.F.)

DISTURBED WETLANDS  
(455 S.F.)

Impact Area "A"  
Fill  
0.065 acres  
13,148 cu. yd.

Impact Area "B"  
Fill  
0.01 acres  
556 cu. yd.

AIRPORT ROAD  
Impact Detail  
Wal Mart  
Buncombe County  
USACE P/I/N:

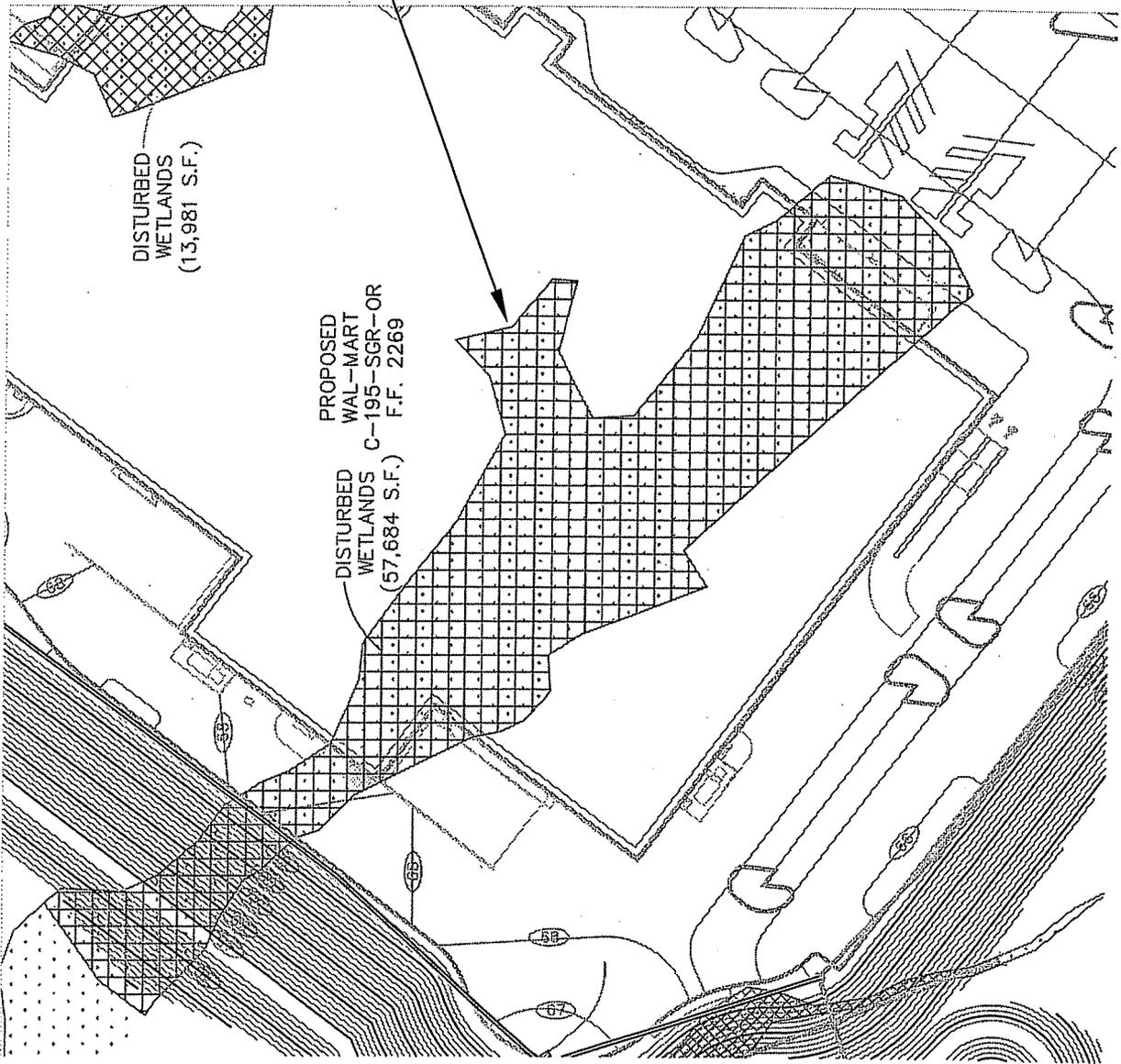
REVISIONS	
NO.	DESCRIPTION

**GRAPHIC SCALE**  
 0 25 50  
 1 inch = 50 feet

Post Office Box 3744  
 Greenville, SC 29608  
 Phone: (864) 271-3040  
 Fax: (864) 235-9299

DRAWN BY: ihb  
 DATE: 27sept2006  
 EPC PROJECT NUMBER: 008

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SHEET NO. **8**  
OF **12**

**AIRPORT ROAD**  
Impact Detail  
Wal Mart  
Buncombe County

USACE P/N:

REVISIONS	
NO.	DATE

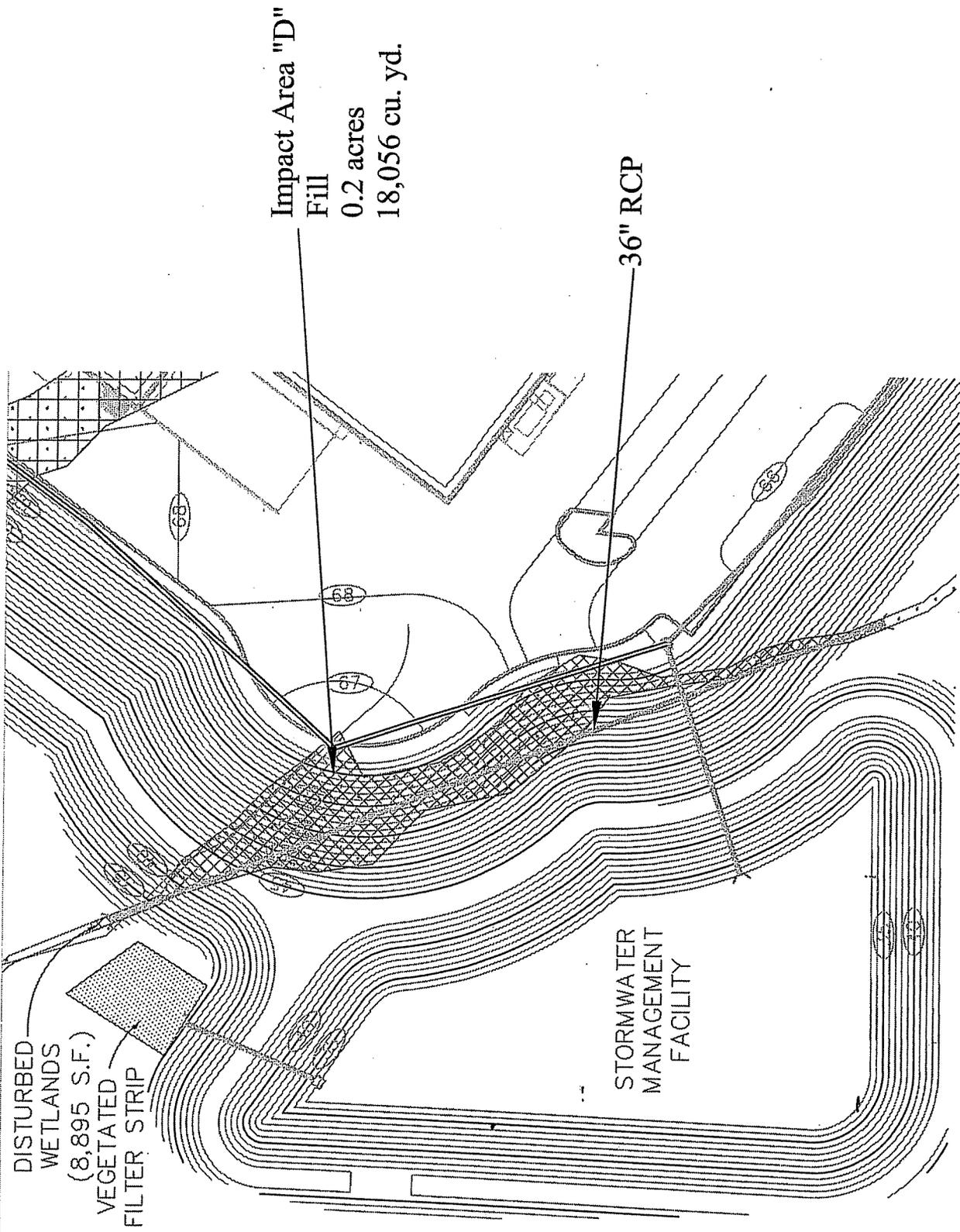
**GRAPHIC SCALE**  
1 inch = 100 feet

0 50 100

Post Office Box 3744  
Greenville, SC 29608  
Phone: (864) 271-3040  
Fax: (864) 235-9289

DRAWN BY: **lhb**  
DATE: **27April2006**  
EPC PROJECT NUMBER: **05pen008**

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SHEET NO. 9 OF 12

AIRPORT ROAD  
Impact Detail  
Wal Mart  
Buncombe County

USACE P/N: .....

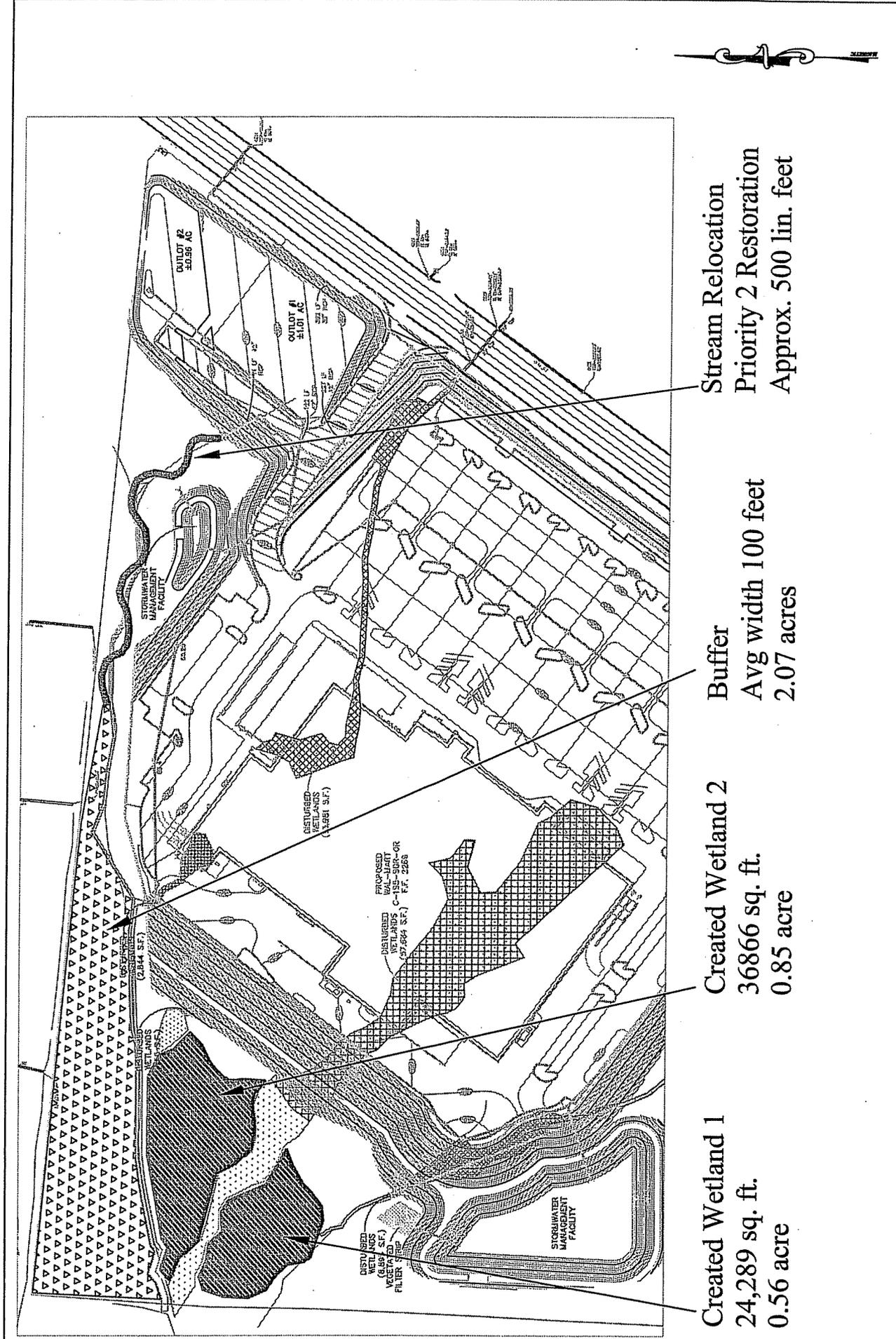
REVISIONS	
NO.	DESCRIPTION

**GRAPHIC SCALE**  
 0 35 70  
 1 inch = 70 feet

Post Office Box 3744  
 Greenville, SC 29608  
 Phone: (864) 271-3040  
 Fax: (864) 235-9299

DRAWN BY: hhb  
 DATE: 27 April 2006  
 EPC PROJECT NO: R05pen008

**ENVIRONMENTAL PERMITTING CONSULTANTS, INC.**



Stream Relocation  
 Priority 2 Restoration  
 Approx. 500 lin. feet

Buffer  
 Avg width 100 feet  
 2.07 acres

Created Wetland 2  
 36866 sq. ft.  
 0.85 acre

Created Wetland 1  
 24,289 sq. ft.  
 0.56 acre

**ENVIRONMENTAL PERMITTING CONSULTANTS, INC.**

**GRAPHIC SCALE**  
 0 100 200  
 1 inch = 200 feet

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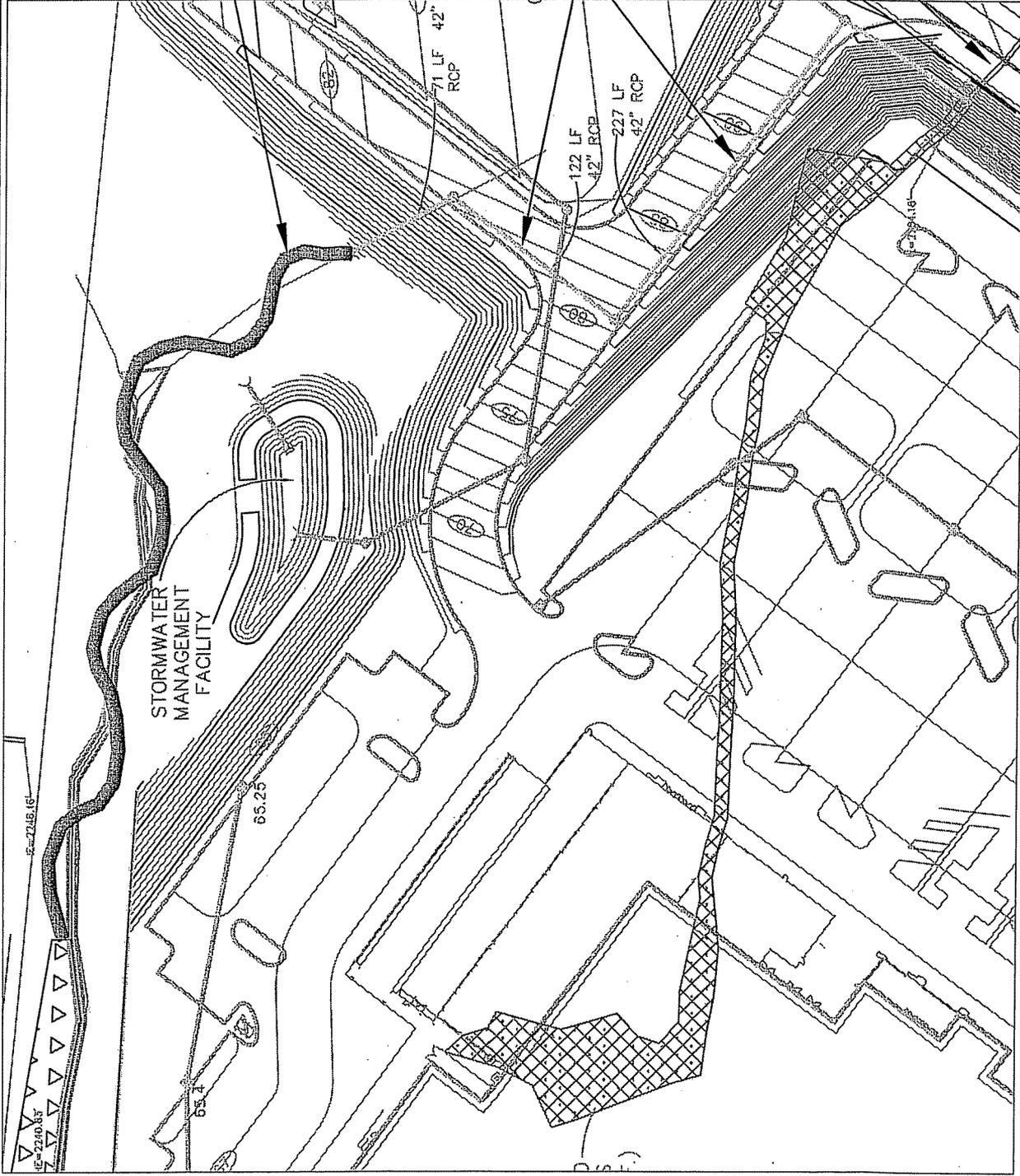
DRAWN BY: ihb  
 DATE: 27Apr2006  
 EPC PROJECT NO: R05pen008

REVISIONS	
NO.	DESCRIPTION

**AIRPORT ROAD**  
 Conceptual Mitigation Overview  
 Wal Mart  
 Buncombe County

USACE P/N: \_\_\_\_\_





Stream Relocation  
Priority 2 Restoration  
Approx. 500 lin. ft.

Pipe  
Diversion of flow from  
existing 30" RCP

Existing 30"  
RCP



SHEET NO.  
**12**  
OF **12**

**AIRPORT ROAD**  
Conceptual Stream Relocation  
Wal Mart  
Buncombe County  
USACE P/I.N.:

REVISIONS	
NO.	DESCRIPTION

**GRAPHIC SCALE**  
0 40 80 feet  
1 inch = 80 feet

DRAWN BY: lhb  
DATE: 27April2006  
EPC PROJECT NUMBER: 008  
Post Office Box 3744  
Greenville, SC 29609  
Phone: (864) 271-3040  
Fax: (864) 235-9299

**ENVIRONMENTAL  
PERMITTING  
CONSULTANTS, INC.**