

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: August 3, 2006  
Comment Deadline: September 1, 2006  
Corps Action ID #SAW-2006-33098-318

The Wilmington District, Corps of Engineers (Corps) has received an application from Mr. Raymond Von Drehle seeking Department of the Army authorization to impact 471 linear feet of stream and 0.015-acre of wetlands in association with the construction of a 1-acre pond, on the Von Drehle property located on 43<sup>rd</sup> Street, north of Hickory, in Catawba 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:** Raymond Von Drehle  
1010 43<sup>rd</sup> Avenue NE  
Hickory, NC 28601

**AGENT:** E'nV Environmental Consulting, Incorporated  
3764 Rominger Road  
Banner Elk, NC 28604

## 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 is located on an 11.91-acre tract which includes an unnamed tributary to Falling Creek, north of Hickory, approximately 1,000 feet upstream from Lake Hickory, in Catawba County, North Carolina (35.7872601degrees north, -81.2983430degrees west).

## Existing Site Conditions

The proposed Von Drehle pond site is located on an unnamed perennial tributary to Falling Creek which is within a steep section of the Piedmont physiographic region of the state. The tributary flows through a forested corridor down slope from and adjacent to the Von Drehle

residence. The forested corridor through which the tributary flows is composed of mature hardwood trees with a somewhat open canopy which allows for a thick composition of shrub and herbaceous species to exist adjacent to the stream.

The perennial stream channel within the project area is located approximately 1,000 feet upstream of Lake Hickory. The channel is shallow and 3-5 feet wide and has riffle-pool sequences with pools being less than 6-inches in depth. The channel substrate is composed of coarse sand with rock scattered throughout. The channel exhibits good indicators of stream function and quality and supports minnow species. No benthos species have been observed.

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

The applicant's stated purpose for the proposed pond project is to provide supplemental water for a geothermal heating system to be employed at the Von Drehle residence. The system demand currently exceeds current well capacity. According to the applicant, the geothermal system requires water depth of 12 feet. The pond will also provide recreational values to the property including swimming and fishing.

### **Project Description**

Plans submitted with the application show the construction of a 1-acre pond on an unnamed tributary to Falling Creek (Catawba River basin) for the purpose of providing supplemental water for a geothermal heating and cooling system at the Von Drehle residence. The pond will also be used for recreational purposes including swimming and fishing. The UT-Falling Creek flows through a forested corridor adjacent to the manicured lawn of the Von Drehle property. The applicant proposes to leave mature trees surrounding the proposed pond on three sides. The channel within the project site is stable on the upper reaches of the proposed pond but becomes incised with several areas of severe bank erosion along the lower section. The proposed dam will be 14 feet high with an impoundment volume of less than 4-acre feet. The geothermal system requires a depth of 12 feet. The geothermal system currently uses a well but the well has failed to provide needed capacity in recent years.

The applicant is proposing to do offsite compensatory mitigation for stream losses associated with the project by restoring 570 additional linear feet of a degraded, unnamed tributary to Clines Creek (Catawba River basin) adjacent to the Cline Plantation subdivision located off of C.B. Farm Road, north of Conover. Previously, in 2005, 500 LF of the upper section of the unnamed tributary was restored. Plans showing the work are included with this public notice.

### **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 September 1, 2006.

### **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.

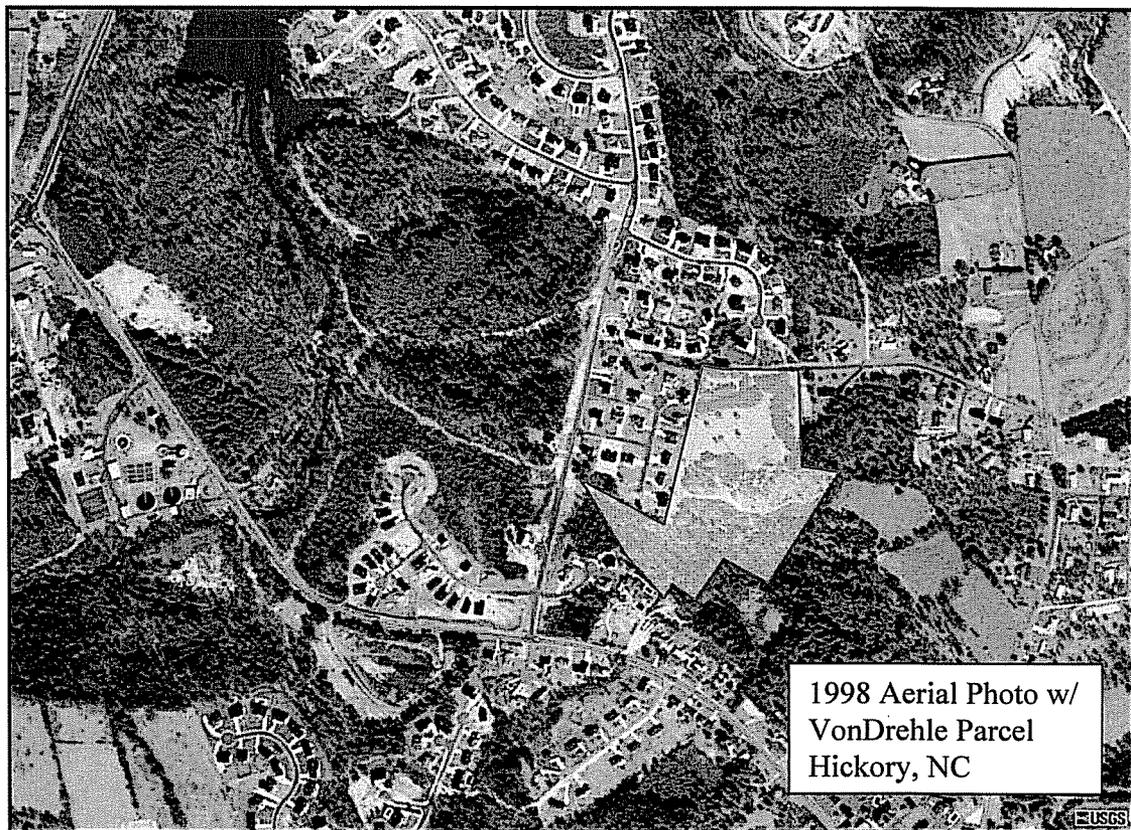
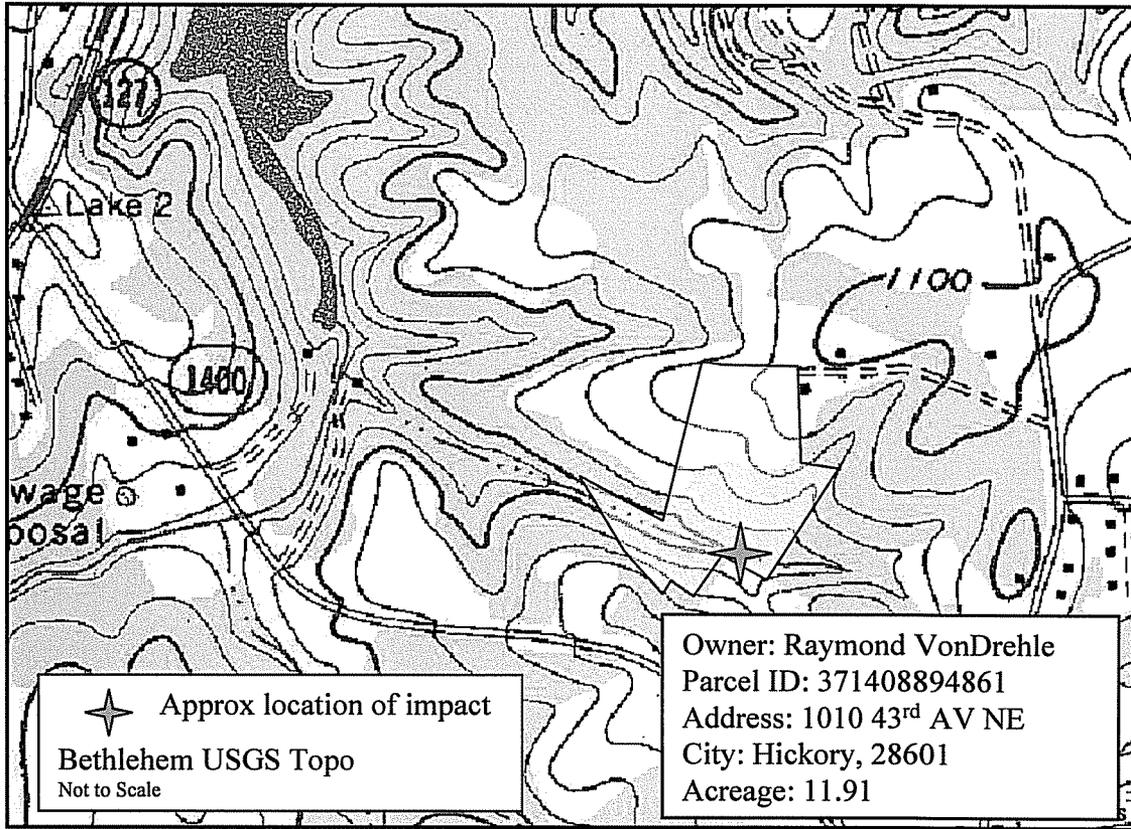
## **Commenting Information**

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 Commander 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, September 1, 2006. Comments should be submitted to Mr. Steve Chapin, U.S. Army Corps of Engineers, 151 Patton Avenue, RM 208, Asheville, NC 28801-5006.

Figure 2. Topo Map & 1998 Aerial



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Figure 3. VonDrehle Site Map

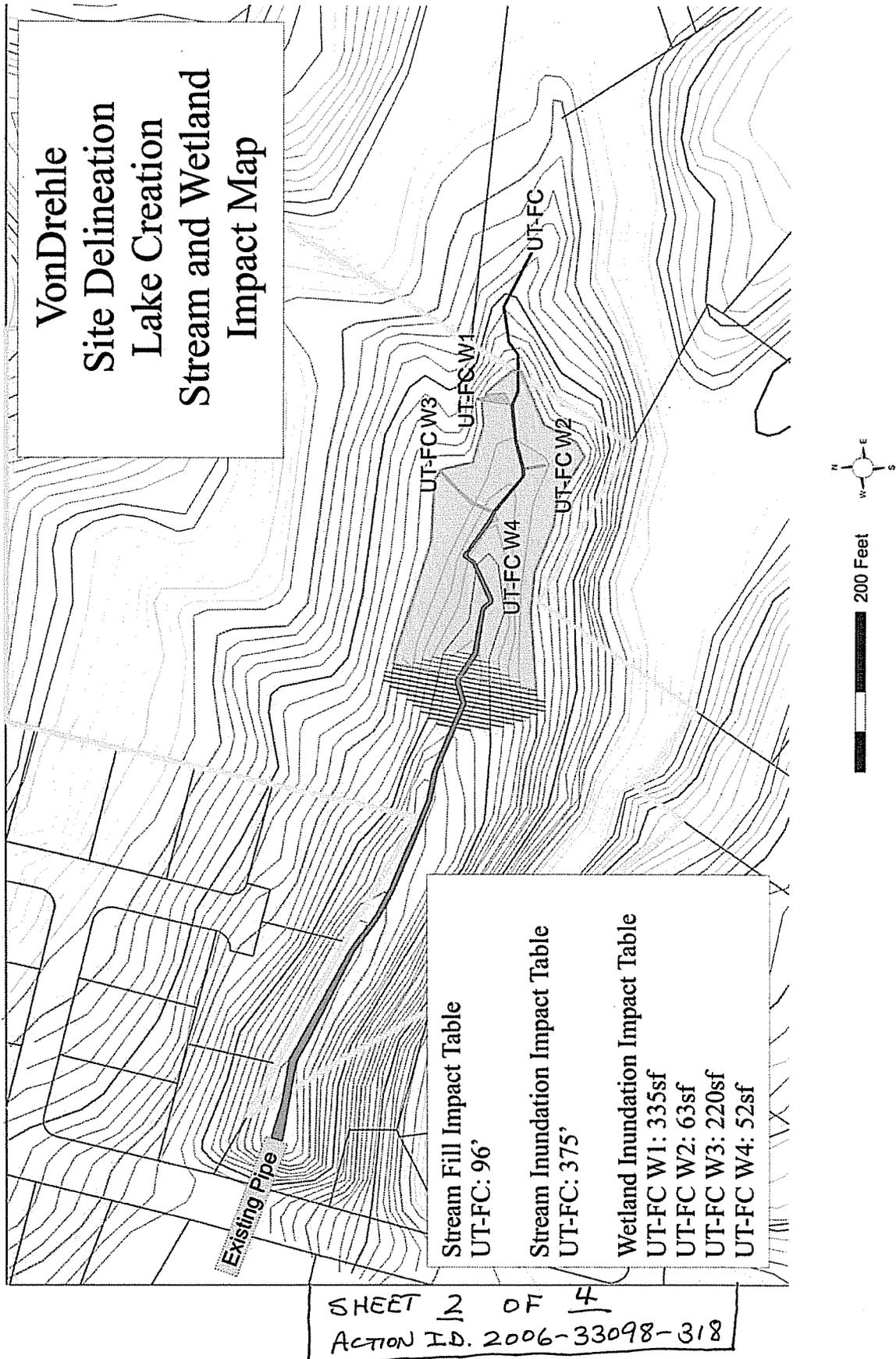


Figure 6.

### Von Drehle Mitigation Location Newton USGS, Catawba County, North Carolina

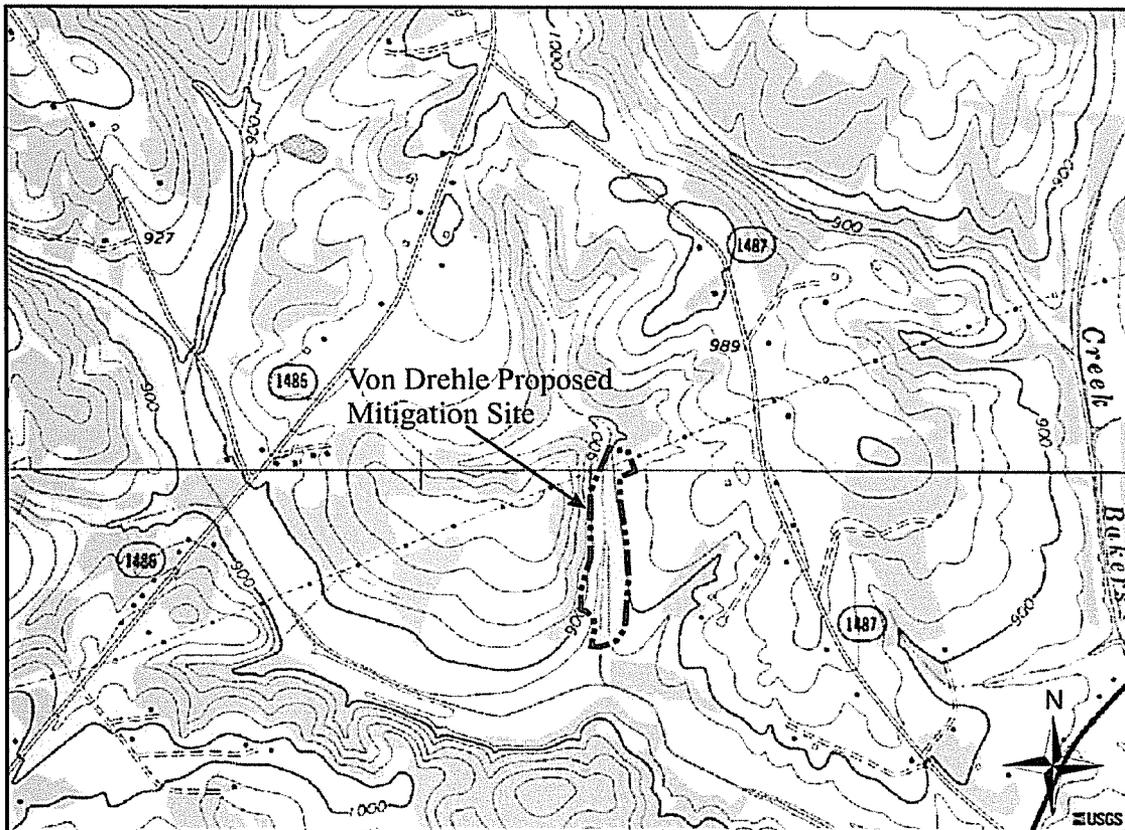
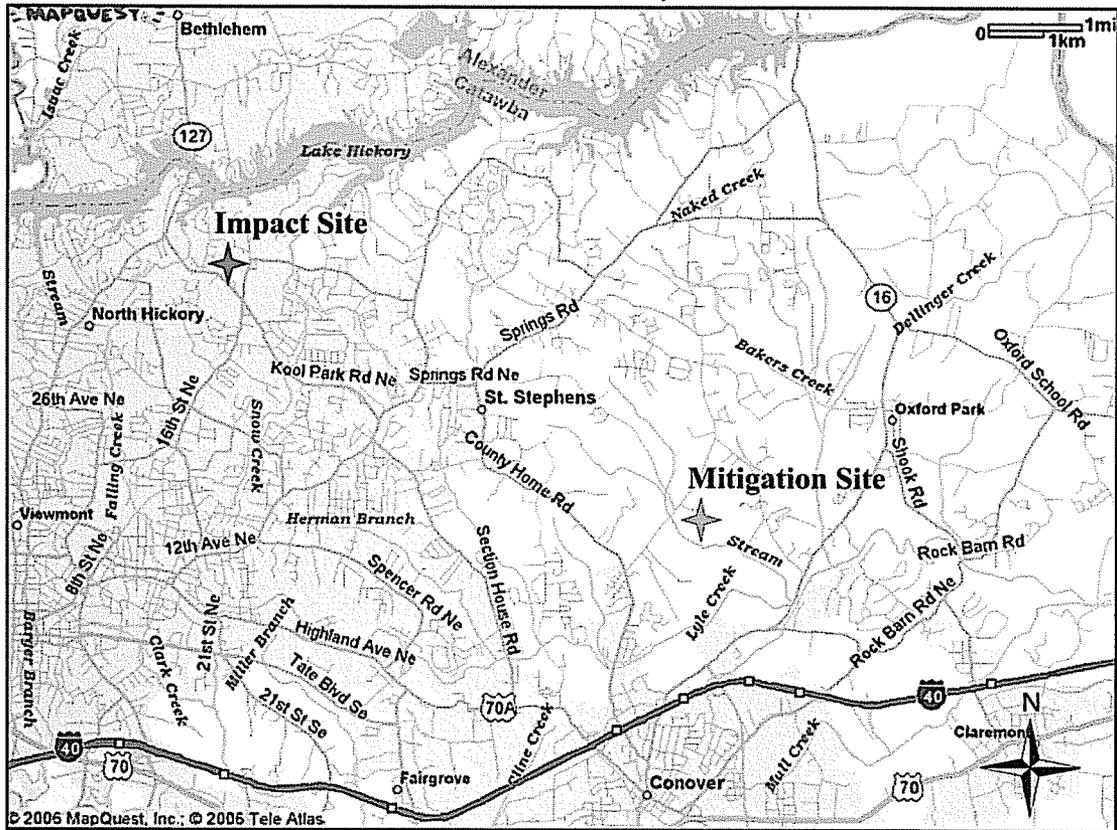


Figure 7.

# Von Drehle Proposed Stream Mitigation/Restoration Plan View

