



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 08/28/2006

Comment Deadline: 09/27/2006

Corps Action ID #: SAW-2006-40089-154

The Wilmington District, Corps of Engineers (Corps) has received an application from **North Carolina Department of Health and Human Services** seeking Department of the Army authorization to impact **720 linear feet of stream** associated with **installing a culvert to alleviate safety concerns and erosion problems at the Caswell Center** in Kinston, **Lenoir 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

Applicant: North Carolina Department of Health and Human Services
Attention: Peter Veit
2001 Mail Service Center
Raleigh, North Carolina 27699-2001

AGENT (if applicable): Michelle Clemments, P.E.
Post Office Box 7305
Greenville, North Carolina 27834

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 (33 U.S.C. 1344).

Location

The project is located at the Caswell Center, a 750 acre property on the north side of US 70 Business at the corner of US 70 Business and North Carolina State Road 1557, in and adjacent to an unnamed stream, tributary to the Neuse River, in Kinston, Lenoir County, North Carolina (35.2735 -77.6124).

Existing Site Conditions

The project is located in an existing eroded stream bed on the east side of the Caswell Center campus. The Caswell Center is a facility which provides services to individuals with mental retardation and their families. Staff at the center provides services to 450 residents and additional individuals who reside in the community. The campus contains schools, medical services, residence halls and administrative buildings. The site is located in a developed section of Kinston, adjacent to the Vernon Park Mall. Adjacent land use includes residential, commercial and agricultural. A majority of the existing stream has been culverted in the past, and portions of the Vernon Park Mall and Caswell Center were constructed over the culverts.

Applicant's Stated Purpose

The stated purpose of the project is to remove a safety hazard on the Caswell Center campus and to stop erosion and incision of the existing channel.

Project Description

The applicant proposes to install culverts in the project area located on the east side of the property, adjacent to the Vernon Park Mall. Work includes installation of 720 feet of culvert within a channelized and incised stream. The proposed work will result in placement of 580 cubic yards of fill material below the Ordinary High Water mark and filling of 0.17 acres of jurisdictional waters.

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 09/13/2006.

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 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, 09/27/2006. Comments should be submitted to Ms. Tracey L. Wheeler, US Army Corps of Engineers, Post Office Box 1000, Washington, North Carolina 27889 .

Block 18

The project includes the piping of a section of open channel on the campus of the Caswell Center in Kinston, NC. A vicinity map is included as Attachment 1. This permit application is for a section of channel designated as a stream by NC DENR DWQ. The stream determination is included as Attachment 2. The Caswell Center had previously purchased a portion of the needed piping for the channel, however until this time, funding had not been available for its installation and for the purchase of all of the additional necessary materials to close a portion of the ditch.

The Caswell Center is a facility in Kinston, NC which provides services to individuals with mental retardation. It was established in 1911 and opened in 1914 to serve individuals and families in eastern North Carolina. Information about the Caswell Center, its residents and its services are included as Attachment 3.

The project is shown on drawings C2 and C3 which is included as Attachment 4 along with construction details for the project. This section of channel includes the installation of 336 LF of 60" RCP, 384 LF of 66" RCP, 3 drop inlets and one junction box. The channel has been evaluated by NCDENR DWQ and this section (Drawing C2 and C3) was identified as a stream. Pictures of this section are included as Attachment 5.

The construction sequence for piping the channels is as follows:

1. The channels will be cleaned out, removing all vegetation and the top 6-8 inches of sediment using an excavator and truck to remove the soil and dispose of the excavated material.
2. Select fill will be placed in the channel to establish the slope and foundation for the pipe using a front end loader.
3. The new piping and inlets will be installed using a backhoe, front end loader and compaction equipment.
4. The remaining fill will be installed to bring the area to grade using front end loader and trucks to haul the soil.
5. The area disturbed will be graded and seeded.

Block 19 -

The project was originally identified by the Owner as a need to remove a safety hazard on the Caswell Center campus. Several years ago a resident fell into the ditch and drowned and since that time the Center has been attempting to get the project of piping the channels funded. Also identified during this time was the degradation of the channel as it has continued to erode and widen, causing the headwall at the west end of the channel to begin to collapse. The piping of the ditch will stop the erosion and widening of the channel and takes away the safety hazard on the campus.

The project site was evaluated for impacts to federally listed species or historical sites. A listing of all species for Lenoir County is included for reference as Attachment 6. There are no historical sites within the project area. A listing of all historical properties in the area is included for reference as Attachment 7. There is an existing graveyard on the Caswell Center property but there will be no impact from this project.

Maps indicating the zoning and the type of soils are included as Attachment 8.

The project site is located in Zone X according to the Flood Insurance Rate Map. Zone X are areas determined to be outside of the 0.2% annual chance floodplain. This map is included as Attachment 9.

Portions of the USGS topographic maps are included and show that this channel is an unnamed tributary to the Neuse River.

For this project the following permits will be required:
NC DENR Land Quality – Erosion and Sedimentation Control Permit
NC DENR Division of Water Quality - Riparian Buffer Impact Permit
US Army Corps of Engineers – Individual Permit

Block 20

As noted above, the reasons for the discharge include resolution of a safety issue, channel degradation and continued erosion of the banks of the channel. Alternatives to filling the channel were also evaluated. Alternatives for the proposed project include doing nothing, stabilization of the channel and piping the channel. The option of doing nothing will allow the channel to continue to erode and deepen and it will continue to be a safety hazard for the residents of the campus.

Stabilization of the channel would require removal of the existing vegetation and failing headwall and rebuilding the slopes, installing riprap or slope stabilization fabric and constructing a new headwall at the west end of the channel. The channel would also need to be filled to the existing elevations of the pipes. The cost of stabilization of the channel would be approximately \$85,000 and would require regular maintenance to maintain the channel. Stabilizing the channel would provide a temporary solution to the erosion and widening of the channel but the channel would continue to deepen and the safety hazard would remain.

Piping the channel would remove the safety hazard, stop the erosion, deepening and widening of the channel and would maintain the hydraulic flow of the channel. The cost of piping the channel is estimated to be \$180,000. While the initial cost of the project is more for piping, the cost

of continued maintenance and the removal of a safety issue for the residents of the Caswell Center, make piping the channel the better alternative.

Block 24 Adjacent Land Owners

1. Robert L. James Jr., ET ALS
834 Hardee Road, Suite 814, Kinston, NC 28504
2. Poole Enterprises Inc.
4206 W. Vernon Avenue, Kinston, NC 28504

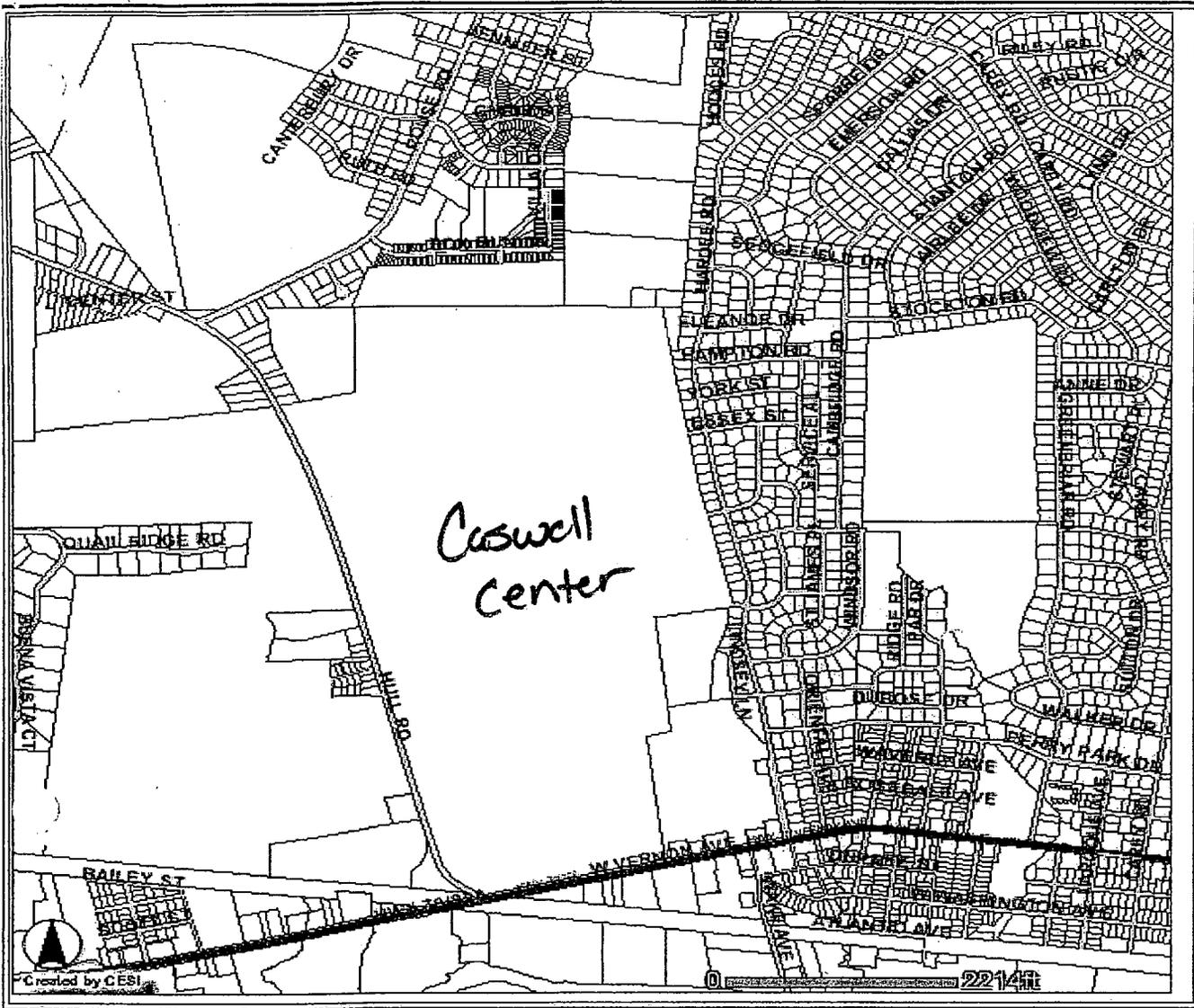
Property information for the Caswell Center and adjacent land owners is included as Attachment 10.



Lenoir County and its
assume no legal re:
information containe:
map is not to be
conveyance. Map is b.
Coordinate Syst

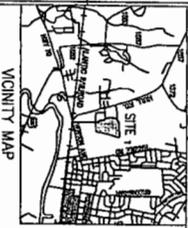


Caswell Center



- Legende
- Major Road
 - Streets
 - Parcels
 - County Lin

Rec	PARCEL ACREAGE	OWNER ZIPCODE	OWNER (NAME1)	OWNER ADDRESS	OWNER CITY	PARCEL MAP NO.	LAND VALUE	BUILDING VALUE	PROPERTY DESCRIPTION	TOTAL VALUE	RECORD NO
0	750.8	28504	CASWELL CENTER	PECAN LANE	KINSTON NC	451506387608	7500800	0	W VERNON AVE	7500800	35748



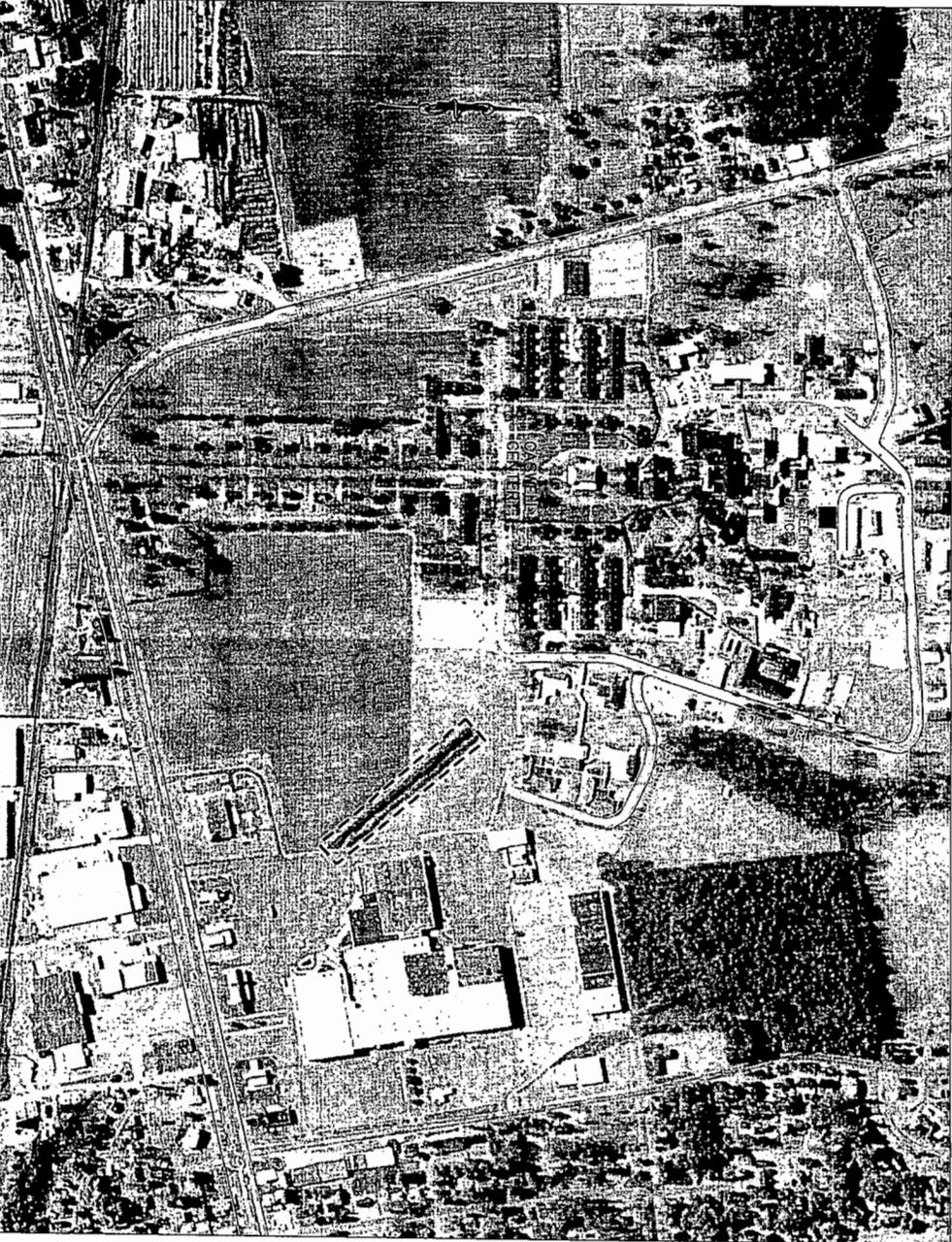
CASWELL CENTER, KINSTON, NC

TILE CAMPUS DITCHES

CODE: #40451

ITEM: #4E01

SCO: #040634001



AS NOTED	DATE	BY
12/17/20	12/17/20	...

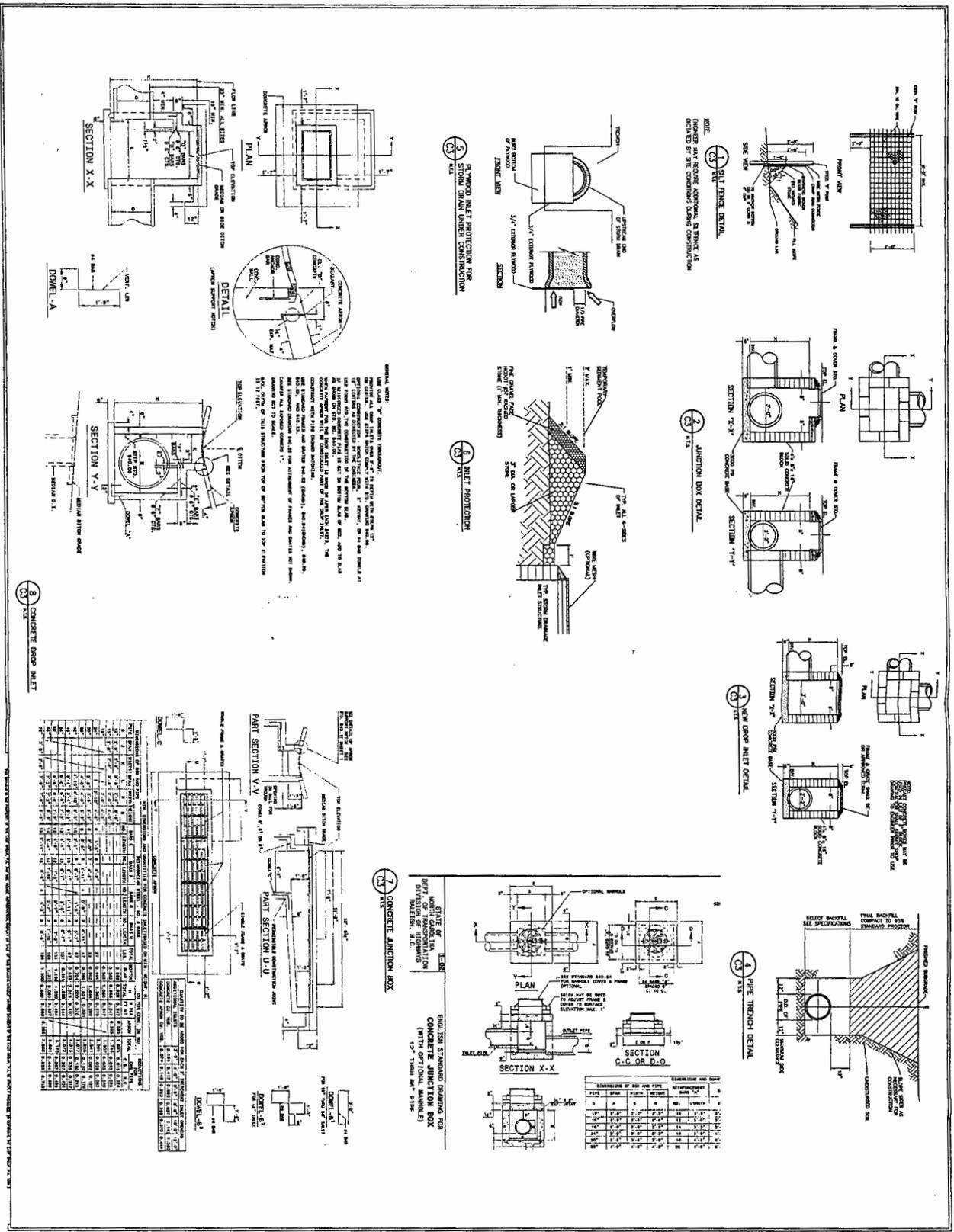
THE EAST GROUP, P.A.

Caswell Center
The Campus Ditches

Kinston Township Lenoir Co., N.C.

Composite Plan

20050186	C0
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THE EAST GROUP P.A.
 Caswell Center
 The Campus Ditches
 Kinston Township, Lenoir Co., NC

Grading, Drainage, Erosion & Sedimentation Control Details

DATE: 7/25/05
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: 20050186

C4



The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

RECEIVED

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED AUG 18 2006	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

REGULATORY BRANCH

5. APPLICANT'S NAME NC Dept. of Health and Human Serv.	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) Michelle Clements, PE, Project Man.
6. APPLICANT'S ADDRESS 2001 Mail Service Center Raleigh, NC 27699,2001	9. AGENT'S ADDRESS P.O. Box 7305 Greenville, NC 27834
7. APPLICANT'S PHONE NOS. W/AREA CODE Residence b. Business 919-733-6829	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business 252-758-3746

11. STATEMENT OF AUTHORIZATION

I hereby authorize, Michelle Clements to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Caswell Center - Tile Campus Ditches Local Contact - Jenning Outlaw, PE - Facility Maintenance Manager	
13. NAME OF WATERBODY, IF KNOWN (if applicable) UT to Neuse River	14. PROJECT STREET ADDRESS (if applicable) Caswell Center 2415 W. Vernon Avenue Kinston, NC 28504 (252) 208-3309
15. LOCATION OF PROJECT Lenoir COUNTY NC STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions)
35 Deg 16.19'N, 77 Deg 37.84'W, Kinston Township

DIRECTIONS TO THE SITE

Project is located on the eastern portion of the Caswell Center campus in Kinston, NC. The campus is on the north side of Vernon Avenue (Bus. Hwy 70), west of Vernon Park Mall at the corner of Vernon Avenue and Hull Road (SR 1557). See Attached vicinity map.

18. Nature of Activity (Description of project, include all features)

See Attached Sheet

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

See Attached Sheet

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

See Attached Sheet

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

580 CY of sandy fill material

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Approximately 0.17 acres of stream will be filled.

23. Is Any Portion of the Work Already Complete? Yes No IF YES. DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

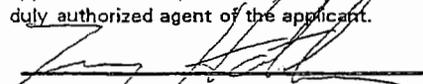
1. Robert L. James Jr. ET ALS - 843 Hardee Road, Suite 814 Kinston, NC 28504
2. Poole Enterprises Inc., - 4206 W. Vernon Avenue, Kinston, NC 28504
(See attached for parcel information)

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
NC DENR DWQ	Stream Determination	KB -05-0062	10/21/06		
NC DENR DWQ 401 Wetlands	PCN Application		6/26/06		

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.




SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.