



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 7, 2006
Comment Deadline: December 7, 2006
Corps Action ID #: 20006-41171-360

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

Applicant: Urban Design Partners
Attn: Brian Smith
1318-E6 Central Avenue
Charlotte, NC 28204

AGENT (if applicable): Carolina Wetland Services
Attn: Gregg Antemann
550 E. Westinghouse Blvd.
Charlotte, NC 28273

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 (33 U.S.C. 1344).

Location

The proposed project known as Eastfield Station is located on the north side of Hucks Road, adjacent to NC Hwy 115, in Charlotte, North Carolina (35.3578°N, 80.8185°W). The site contains wetlands and stream channels with indicators of ordinary high water marks that are unnamed tributaries to Clarke Creek in the Yadkin River Basin. The Yadkin River ultimately flows to the Atlantic Ocean through Winyah Bay in South Carolina.

Existing Site Conditions

The current land use for the project area is agricultural with adjacent wooded and residential areas and is approximately 145 acres in size. In addition, there are fallow pastures in various stages of early succession and a power-line right-of-way through the central portion of the property. Dominant vegetation within the project area consists of Chinese privet (*Ligustrum*

sinense), red maple (*Acer rubrum*), Winged Elm (*Ulmus alata*), common blackberry (*Rubus argutus*), Japanese honeysuckle (*Lonicera japonica*), multiflora rose (*Rosa multiflora*), various grasses (*Festuca* spp.), and sedges (*Carex* spp.). According to the Soil Survey of Mecklenburg County, the following soil types are located on the site: Cecil sandy clay loam (CeB2 and CeD2), Mecklenburg fine sandy loam (MeB and MeD), Enon sandy loam (EnB), and Monacan soils (MO). Cecil, Mecklenburg, and Enon soils types are considered well-drained while Monacan soils are considered poorly-drained.

The results of the on-site field investigation indicate that there are six jurisdictional stream channels (Streams A – D, F, and I), thirteen jurisdictional wetland areas (Wetlands AA – JJ, and WW – YY), and two jurisdictional open water areas (Ponds A and B) located within the project area. The jurisdictional boundaries have not yet been verified by a Corps representative. The following table provides a summary of jurisdictional areas located on the site.

Feature	Classification	Approximate Length (lf)	Approximate Acreage
Stream A	Important Intermittent	955	0.07
Stream B	Perennial	2,300	0.29
Stream C	Important Intermittent	83	0.01
	Perennial	855	0.06
Stream D	Important Intermittent	337	0.02
Stream F	Unimportant Intermittent	178	0.01
Stream I	Unimportant Intermittent	93	0.01
Channel Subtotal:		4,801	0.47
Wetland AA	Herbaceous		0.01
Wetland BB	Herbaceous		0.01
Wetland CC	Herbaceous		0.01
Wetland DD	Herbaceous		0.01
Wetland EE	Herbaceous		0.03
Wetland FF	Herbaceous		0.01
Wetland GG	Herbaceous		0.01
Wetland HH	Herbaceous		0.03
Wetland II	Herbaceous		0.45
Wetland JJ	Herbaceous		0.01
Wetland WW	Herbaceous		0.01
Wetland XX	Forested		0.01
Wetland YY	Forested		0.11
Wetland Subtotal:			0.71
Pond A	Open Water		2.76
Pond B	Open Water		1.36
Open Water Subtotal:			4.12

Stream A begins in the western portion of the project area and flows northeast across the property and was classified as an intermittent stream channel with important aquatic functions. This reach exhibited a strong continuous bed and bank, moderate sinuosity, and a weak presence of macrobenthic invertebrates and filamentous algae. Stream A scored 23.5 out of a possible 71 points on the NCDWQ Stream Classification Form and 32 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet.

Stream B was classified as perennial and begins in the western portion of the property and flows directly east until its off-site confluence with Clarke Creek. Stream B is approximately 2,300 linear feet in length and exhibited a moderate riffle-pool sequence and alluvial deposits, and a strong continuous bed and bank. Biological sampling within Stream B indicated a moderate presence of macrobenthic invertebrates and a weak presence of fish and crayfish. Perennial Stream B scored 27.5 out of a possible 71 points on the NCDWQ Stream Classification Form and 58 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet.

Stream C flows from the northern boundary of the project area, southeast through Pond B until its convergence with Stream B. Stream C is approximately 938 linear feet with the upper 83 linear feet exhibiting intermittent flow with important aquatic functions. This reach displayed a moderate continuous bed and bank, a weak riffle-pool sequence, and weak groundwater flow. A moderate amount of iron oxidizing bacteria was present along with a weak presence of macrobenthic invertebrates. This section of Stream C scored 20 out of a possible 71 points on the NCDWQ Stream Classification Form and 50 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet. The remainder of Stream C (approximately 855 linear feet) exhibited indicators of perennial flow. This reach displayed a strong continuous bed and bank, moderate alluvial deposits, moderate flow and a weak bankfull bench. A moderate presence of iron oxidizing bacteria and a weak presence of crayfish was exhibited. This section of Stream C scored 33 out of a possible 71 points on the NCDWQ Stream Classification Form and 56 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet.

Stream D (approximately 337 linear feet in length) flows into Stream C and exhibits indicators of intermittent flow with important aquatic functions. Stream D included standing pools with a weak presence of macrobenthic invertebrates on the day of the field review. This channel displayed weak riffle-pool sequences, a weak bankfull bench, and had few rooted plants in the channel bed. Stream D scored 25 out of a possible 71 points on the NCDWQ Stream Classification Form and 47 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet.

Stream F is located on the eastern side of the project boundary and flows south for approximately 178 linear feet until its off-site confluence with Stream B. Stream F was exhibited intermittent flow with a strong continuous bed and bank, moderate groundwater discharge, and a weak riffle-pool sequence. A moderate amount of fibrous roots and rooted plants were in the streambed and on the day of field review a moderate amount of leaf litter was present. Based upon the field review, Stream F was determined to exhibit unimportant aquatic functions. Stream F scored 19.5 out of a possible 71 points on the NCDWQ Stream Classification Form and 32 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet.

Stream I is located at the confluence of Streams A and B and is approximately 93 linear feet in length. Stream I was also exhibited intermittent flow with indicators of unimportant aquatic functions. Stream I exhibited a continuous bed and bank, weak groundwater flow, and a moderate amount of fibrous roots in the channel bed. Stream I scored 19.5 out of a possible 71 points on the NCDWQ Stream Classification Form and 32 out of a possible 100 points on the USACE Stream Quality Assessment Worksheet.

There are 13 wetland areas located on the site which are all relative small (less than 0.10 acre) with Wetland II being the largest at 0.45 acres. All wetlands exhibited hydrophytic vegetation with saturated and low-chroma soils.

Pond A is located within the southern portion of the project boundary, adjacent to Stream A, and is approximately 2.76 acres in size. Pond B is located in the eastern portion of the site adjacent to Stream C and is approximately 1.36 acres in size. Ponds A and B appear to be jurisdictional due to surface water connections to adjacent waters of the U.S.

Applicant's Stated Purpose

The purpose of the project is to construct a residential and commercial development within an approximate 145-acre lot. This development will provide single-family housing and adjacent retail space to an area of Charlotte that is experiencing significant population growth. The Eastfield Station and associated subdivisions are being designed as a Transit-Supportive Development as part of the Charlotte City Council's Transit Station Area Principles. The intent of this plan is to encourage community development around transit locations as part of the North Corridor Commuter Rail Project and reduce the need for automotive transportation.

Project Description

Proposed impacts associated with this project total 310 linear feet of stream channel impacts for road construction, 20 linear feet of temporary impacts to stream channels for sewer line construction, 0.048 acre of wetland impacts, and 2.76 acre of open water impacts. Impacts to Pond A include 2.76 acres of fill as a result of grading activities. Six sediment basins will be constructed adjacent to the future residential and commercial development and will be converted to storm water ponds. Construction of these ponds totals approximately 6.34 acres and will result in a net gain of approximately 3.58 acres of open water area. Impacts to on-site jurisdictional features are summarized in Table 2.

Table 2. Proposed Impacts to Jurisdictional Waters

Jurisdictional Feature	Activity	Proposed Impacts
Perennial Stream B	Culvert placement and grading activities	90 lf
Perennial Stream C	Culvert placement and headwall construction	220 lf
Unimportant Intermittent Stream F	Sewer line construction	20 lf (0.001 acre)
Wetland EE	Fill and grading activities	0.03 acre
Wetland JJ	Fill and grading activities	0.01 acre
Wetland HH	Fill and grading activities	0.008 acre
Pond A	Fill and grading activities	2.76 acres
Pond A	Pond creation	+6.34 acres
Impact Totals		310 lf Perennial Stream Impacts 0.001 Acre U.I. Stream Impacts 0.048 Acre Wetland Impacts 3.58 Acres Pond Creation

The applicant is proposing mitigation for impacts to on-site perennial channels by making payment to the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to restore 310 linear feet of stream channel in the Yadkin River basin. Construction of this project will create 6.34 acres of ponds on-site to mitigate for the 2.76 acres of pond impacts. An In-Lieu Fee Request form has been sent to the NCEEP for approval.

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 the 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 December 7, 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

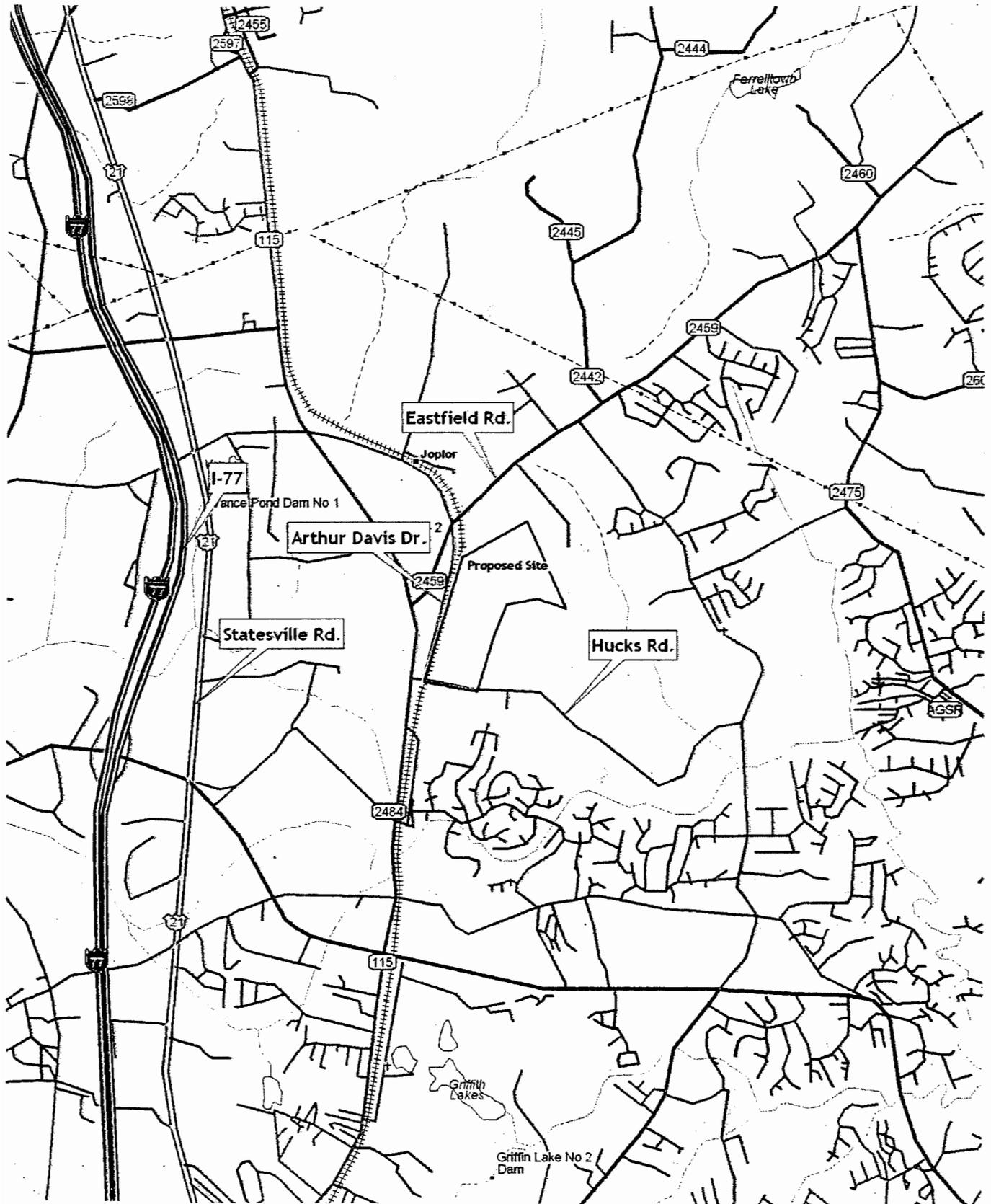
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, December 7, 2006. Comments should be submitted to Mr. Steve Chapin, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.



Vicinity Map Courtesy of the U.S. Geological Survey

7.5 Minute Topographic Map Series, Derita, North Carolina quadrangle, dated 1991.
Approximate Scale 1" = 4,000'

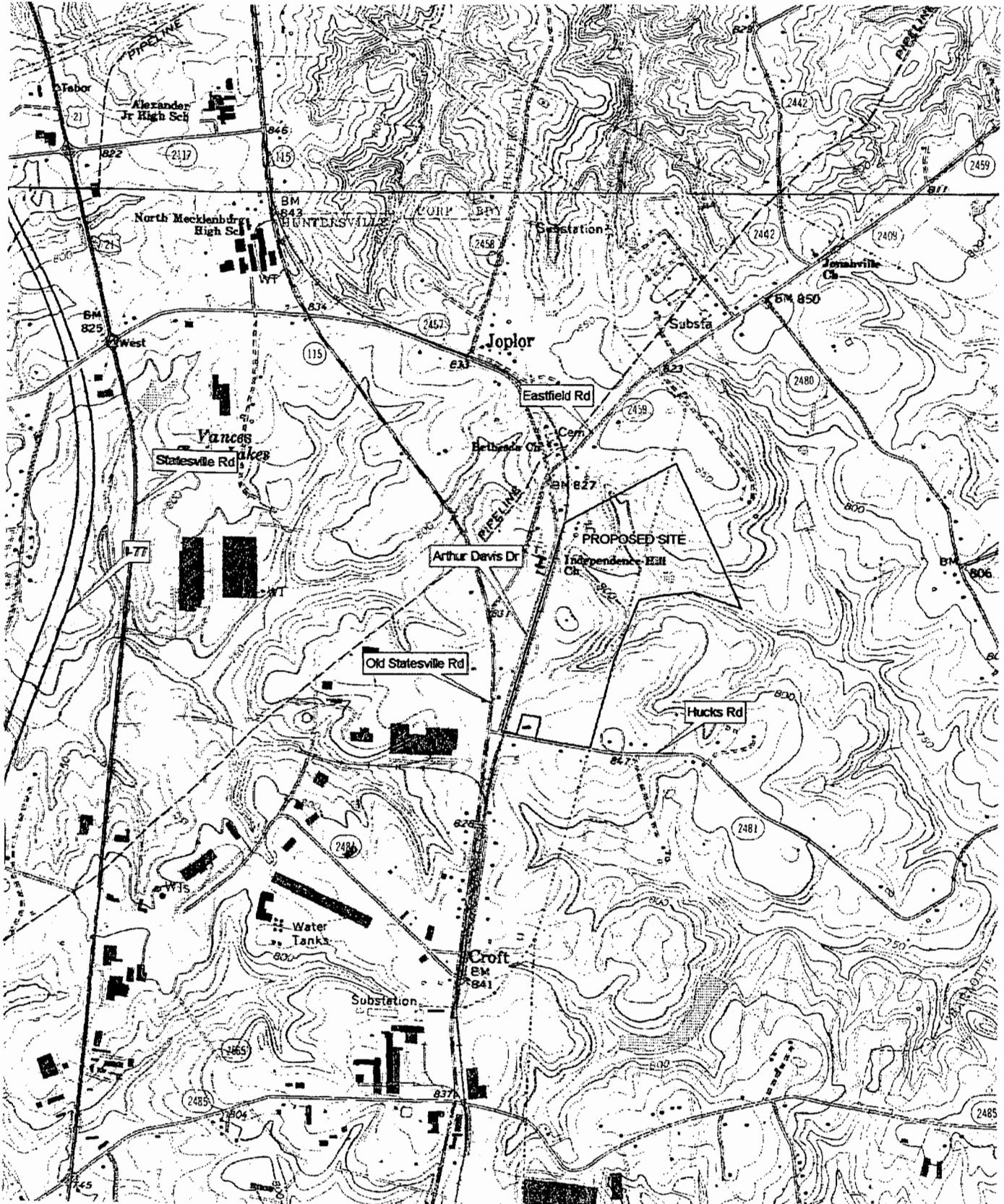
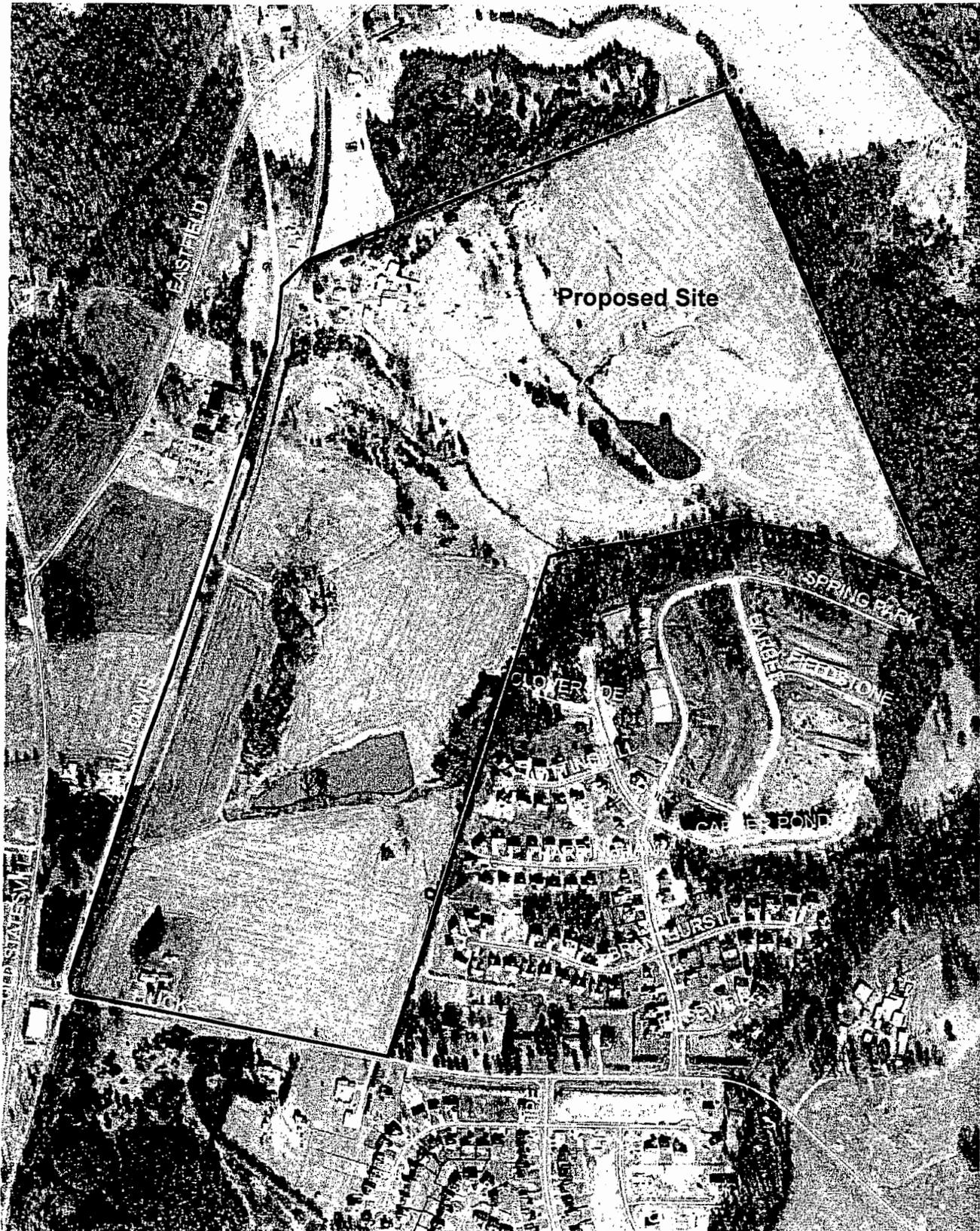


Image Courtesy of the U.S. Geological Survey

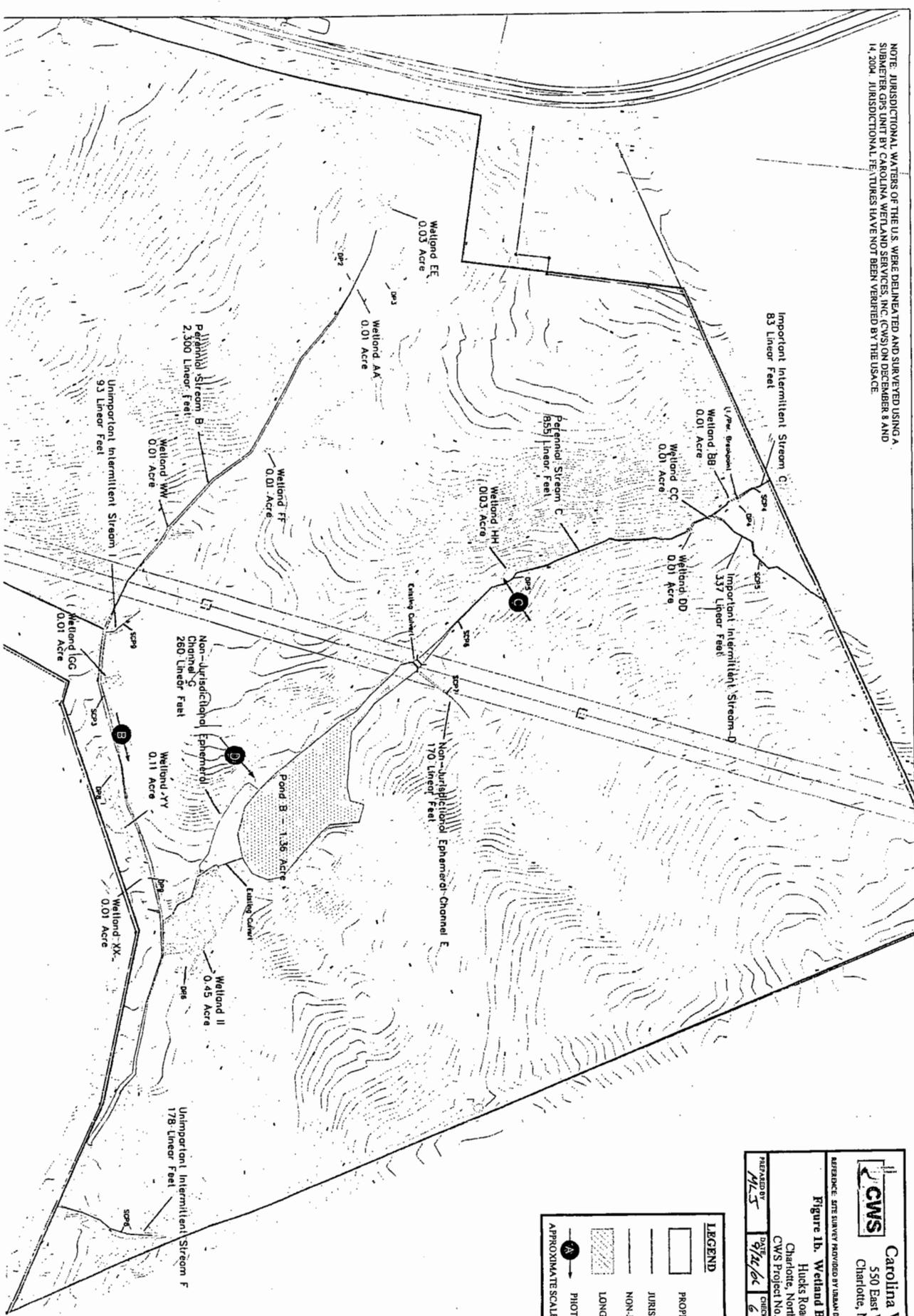
7.5 Minute Topographic Map Series, Derita, North Carolina quadrangle, dated 1996.
Approximate Scale 1" = 2000'



Mecklenburg County Aerial Photograph Courtesy of Mecklenburg County Land Use and Environmental Services

Mecklenburg County GIS layers, dated 2002.
Approximate Scale 1" = 600'

NOTE: JURISDICTIONAL WATERS OF THE U.S. WERE DELINEATED AND SURVEYED USING A SUBMERGED CHANNEL BY CAROLINA WETLAND SERVICES, INC. (CWS) ON DECEMBER 8 AND 14, 2004. JURISDICTIONAL FEETURES HAVE NOT BEEN VERIFIED BY THE USACE.



CWS Carolina Wetland Services
 550 East Westinghouse Blvd.
 Charlotte, North Carolina 28273.

REFERENCE: SITE SURVEY PROVIDED BY VIKRAM VESION PARTNERS, L.P. (VPLP)

Figure 1b. Wetland Boundary Survey
 Hucks Road Site
 Charlotte, North Carolina
 CWS Project No. 2005-1029

PREPARED BY	DATE	CHECKED	DATE
HL/S	9/24/06	ELP	10.9.06

LEGEND

- PROPERTY BOUNDARY
- JURISDICTIONAL STREAM CHANNEL
- NON-JURISDICTIONAL CHANNEL
- LONGITUDINAL PROFILE
- PHOTO LOCATION AND DIRECTION

APPROXIMATE SCALE: 1" = 200'



NOTE: JURISDICTIONAL WATERS OF THE U.S. WERE DELINEATED AND SURVEYED USING A SUBMETER GPS UNIT BY CAROLINA WETLAND SERVICES, INC. (CWS) ON DECEMBER 8 AND 14, 2004. JURISDICTIONAL FEATURES HAVE NOT BEEN VERIFIED BY THE USACE.



LEGEND

- PROPERTY BOUNDARY
- JURISDICTIONAL STREAM CHANNEL
- NON-JURISDICTIONAL CHANNEL
- LONGITUDINAL PROFILE
- PHOTO LOCATION AND DIRECTION

APPROXIMATE SCALE: 1" = 200'

	Carolina Wetland Services		
	550 East Westinghouse Blvd. Charlotte, North Carolina 28273		
REFERENCE: SITE SURVEY PROVIDED BY URBAN DESIGN PARTNERS, DATED 2004			
Figure 1c. Wetland Boundary Survey			
Hucks Road Site Charlotte, North Carolina CWS Project No. 2005-1029			
PREPARED BY MLC	DATE 9/22/06	CHECKED GCG	DATE 10.9.06

NOTE: JURISDICTIONAL WATERS OF THE U.S. WERE DELINEATED AND SURVEYED WITH GPS BY CAROLINA WETLAND SERVICES, INC. (CWS) ON DECEMBER 8 AND 14, 2004. JURISDICTIONAL FEATURES HAVE NOT BEEN VERIFIED BY THE USACE.



LEGEND

- PROPERTY BOUNDARY
- AVOIDED STREAM CHANNEL
- AVOIDED STREAM CHANNEL
- IMPACTED STREAM CHANNEL
- IMPACTED WETLAND AND POND

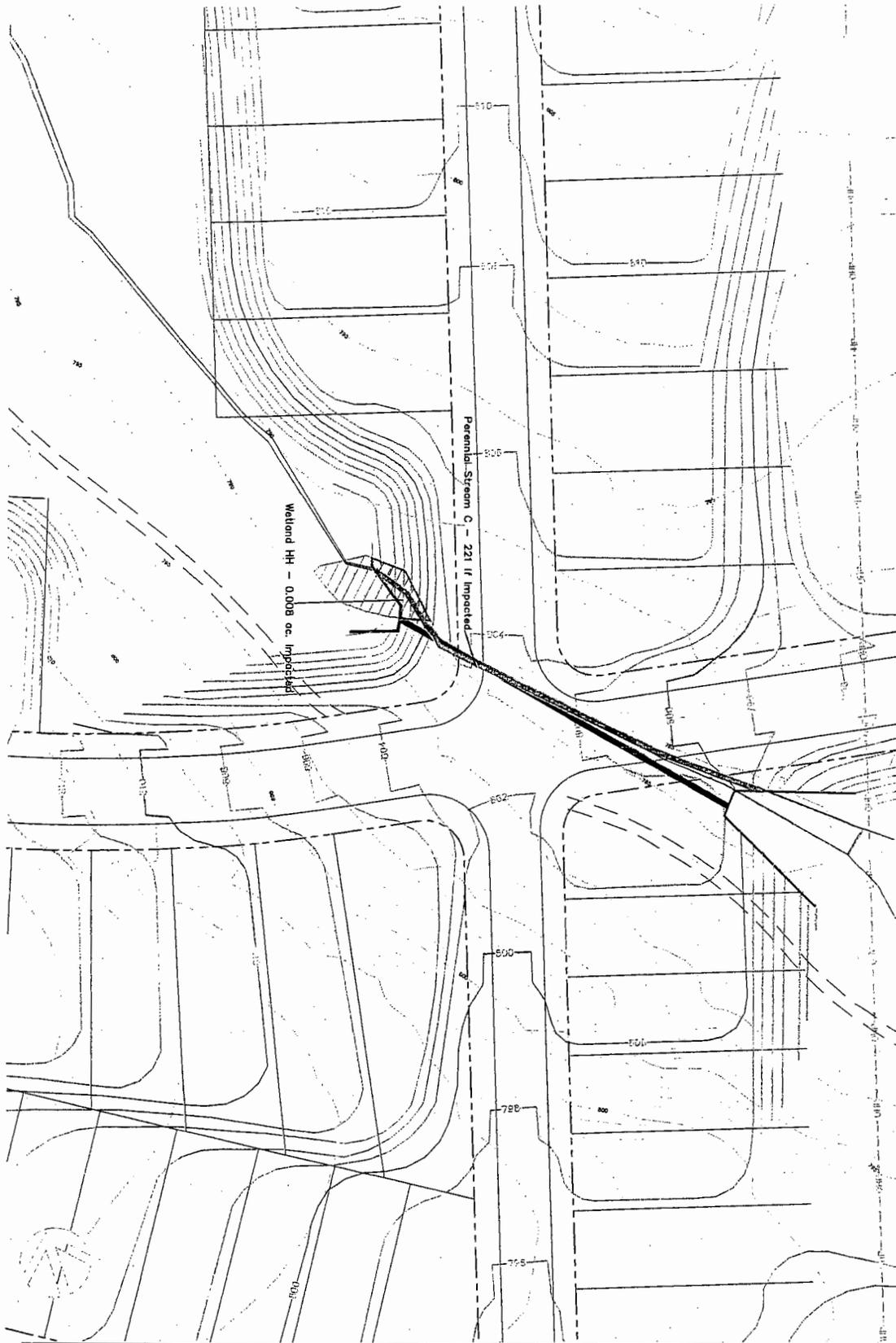
APPROXIMATE SCALE: 1" = 400'

Carolina Wetland Services
 550 East Westinghouse Blvd.
 Charlotte, North Carolina 28273

REFERENCE: SITE SURVEY PROVIDED BY URBAN DESIGN PARTNERS, DATED 2006.

Figure 4. Alternative C - Overview
 Hucks Road Site
 Charlotte, North Carolina
 CWS Project No. 2005-1029

PREPARED BY MLJ	DATE 7-26-06	CHECKED BCC	DATE 10-9-06
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LEGEND

-  PROPERTY BOUNDARY
-  AVOIDED STREAM CHANNEL
-  AVOIDED STREAM CHANNEL
-  IMPACTED STREAM CHANNEL
-  IMPACTED WETLAND AND POND

APPROXIMATE SCALE: 1" = 50'

Carolina Wetland Services
 550 East Westinghouse Blvd.
 Charlotte, North Carolina 28273

REFERENCE: SITE SURVEY PROVIDED BY URBAN DESIGN PARTNERS, DATED 2006

Figure 5. Alternative C
 Hucks Road Site
 Charlotte, North Carolina
 CWS Project No. 2005-1029

PREPARED BY <i>ML</i>	DATE <i>9.16.06</i>	CHECKED <i>CS</i>	DATE <i>10.9.05</i>
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URBAN
 DESIGN
 PARTNERS
 1319 - 17th Central Ave.
 Charlotte, NC 28205

DEVELOPMENT SUMMARY:

TAX PARCEL NUMBERS: 027-181-03
 027-181-05
 TOTAL SITE AREA: 140.80-AC
 ZONING: M-3 (INNOVATIVE DEVELOPMENT)
 PROPOSED USES: 975 UNITS MAXIMUM
 RESIDENTIAL: 35,000 SF
 RETAIL:
 OPEN SPACE:
 REQUIRED: 10% (± 14-AC)
 PROPOSED: 12.5% (± 17.5-AC)
 ADDITIONAL: 22.5% (± 32-AC)
 TOTAL:
 TREE SAVE:
 EXISTING: LESS THAN 5%
 REQUIRED: 2% (± 7-AC)
 PROPOSED: 2% (± 7-AC), 127 TREES EXISTING/PROPOSED

CWS
Carolina Wetland Services
 550 East Westinghouse Blvd.
 Charlotte, North Carolina 28273

REFERENCE: STORM WATER MANAGEMENT PLAN PROVIDED BY URBAN DESIGN PARTNERS, DATED 2005.
Figure 6. Storm Water Management Plan
 Hucks Road Site
 Charlotte, North Carolina
 CWS Project No. 2005-1029

PREPARED BY	DATE	CHECKED	DATE
M-S	9.26.06	GCN	10.9.06

STORMWATER MANAGEMENT PLAN

Basin Number	Orifice Area (sq ft)	Total Orifice	Basin Number	Total Orifice	Percentage	Surface Area (sq ft)
A	34,026	9,433	62	70	50%	2,972
B	11,134	1,561	63	68	45%	1,228
C	2,911	2,911	64	65	50%	2,572
D	27,589	27,589	65	69	50%	2,392
E	8,841	7,112	76	78	53%	1,381

ALL BASINS SHALL BE W/ DETENTION BASINS AND DESIGNED PER NORTH CAROLINA DEPT. OF ENVIRONMENT AND NATURAL RESOURCES (NCRDEN) STORMWATER BEST MANAGEMENT PRACTICES DESIGN MANUAL.

