

# PUBLIC NOTICE

Issue Date: October 3, 2007  
Comment Deadline: November 2, 2007  
Corps Action ID #: 2007-03073-201

The Wilmington District, Corps of Engineers (Corps) has received an application from Alamance Crossing, LLC, seeking Department of the Army authorization to impact approximately 1.75 acres of wetlands and 2,077 linear feet of stream channel, within jurisdictional waters of the United States. Specifically, the project would impact two unnamed tributaries to Back Creek and their adjacent wetlands. These impacts are associated with the proposed construction of the Alamance West commercial/retail facility located within the northeast quadrant of the intersection of St. Mark's Church Road and Boone Station Road, north of US Interstate 85/40, adjacent to and west of the existing Alamance East, Alamance Crossing Shopping Center, in the City of Burlington, Alamance 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:** Alamance Crossing, LLC  
Attn: Mr. Jon Meshel  
800 South Street, Suite 395  
Waltham, MA 02453

**AGENT:** Soil & Environmental Consultants, PA  
Attn: Mr. Bob Zarzecki & Ms. Debbie Edwards  
11010 Raven Ridge Road  
Raleigh, North Carolina 27614

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

## **Location**

The proposed project (Alamance West) is located within the northeast quadrant of the intersection of St. Mark's Church Road and Boone Station Road, north of US Interstate 85/40, adjacent to and west of the existing Alamance East, Alamance Crossing Shopping Center, located in the City of Burlington, Alamance County, North Carolina. The site contains unnamed tributaries to Back Creek and their adjacent wetlands, in the Cape Fear River Basin (8-Digit Cataloging Unit 03030002). Coordinates (in decimal degrees) for the site are 36.0696° N, 79.5133° W (NAD83/WGS84). See attached project location map and USGS topographic map.

## **Existing Site Conditions**

The commercial property, totaling approximately 35 acres, is located in an urbanizing area of Burlington and has been under development for several years. Currently, western, southern and eastern portions of the adjoining properties contain commercial developments. Grading has occurred within the majority of the upland portions of the property. Two main stream channels flow through the property and one secondary stream channel originates on the property. All stream channels receive considerable runoff from both off site development and graded portions of the property. A small drained pond, which now contains an herbaceous cattail dominated wetland, is located within the stream drainage proposed for impacts. An abandoned pasture, herbaceous wetland exists above this drained pond. Other forested wetlands exist along both stream channels.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the project is to complete a commercial development on properties owned by Alamance Crossing, LLC, as depicted on the attached maps as "Alamance West", and to provide a full range of retail and related businesses such as financial institutions, restaurants, cinemas, hotels and offices located in a campus setting within the Regional Retail Business Center (RRBC).

## **Project Description**

The proposed project, a planned commercial retail development known as "Alamance West", involves the development of property currently owned by the applicant, Alamance Crossing, LLC. The proposed project is depicted on the attached plan view and impact maps. The applicant is applying for authorization for a small (< 0.01 acre) wetland impact that has already occurred on the property and for all remaining unfinished wetland and stream impacts, associated with a proposed road crossing and proposed lot fill necessary for retail buildings and parking.

As stated by the applicant, there are several impacts to waters of the U.S. needed for completion of the project. Construction is planned to allow multiple retail buildings and parking areas. The work as depicted on the attached Impact Map 2 (Drawing 4 of 8) will require the placement of concrete culverts, fill material, and riprap into 75 linear feet of important stream (0.005 acre) and 3,645 ft<sup>2</sup> of riparian wetlands (0.084 acre) for the purpose of a road crossing. This road crossing will serve as a connection to the existing Alamance East project. Also, as shown on the attached Impact Maps 3 and 4 (Drawings 6 of 8 and 7 of 8), the applicant proposes permanent impacts to three (3) streams and riparian wetlands for the purpose of lot fill necessary for retail buildings and parking. Specifically, Channel A, which consists of Channel A-1 & A-2 involves the proposed discharge of fill material into 380 linear feet of unimportant stream (0.035 acre) and 475 linear feet of important stream (0.044 acre), respectively. Channel B, which consists of Channel B-1 & B-2 involves the proposed discharge of fill material into 380 linear feet of unimportant stream (0.035 acre) and the fill of 480 linear feet of important stream (0.044 acre), respectively. Also, Channel C involves the proposed discharge of fill material into 287 linear

feet of unimportant stream (0.020 acre). Additionally, Impact #3 requests approval for the already completed permanent impacts to 429 ft<sup>2</sup> of linear wetlands (0.01 acre).

The materials to be used include earthen fill material to construct the base for the roads, buildings and parking lots. The roads would be paved, with curb and gutter installed to manage storm water runoff. Pavement materials include asphalt, concrete and paver blocks. The proposed road crossing would utilize a 42" RCP pipe and rip-rap dissipater, allowing for hydrologic connectivity between the undisturbed stream and wetland area. The retail buildings will be constructed using concrete, brick, building blocks, paint, plywood, lumber, wiring and steel.

Impacts to wetlands associated with all proposed activities totals 1.75 acres. Impacts to stream channels associated with all proposed activities totals 2.077 linear feet. The total loss of all waters of the U.S. proposed by the subject project is 1.93 acres. The applicant proposes mitigation of impacts to stream channels with important aquatic function and all wetlands associated with the project at a 1:1 ratio by providing payment into the North Carolina Ecosystem Enhancement Program (NCEEP) for the restoration of 1,105 linear feet of stream channel and 1.84 acre of riparian wetlands. In addition to the proposed payment to the NCEEP, the applicant has deleted a previously planned road crossing and is proposing to preserve the remaining jurisdictional wetlands (1.89 acres), streams (2,514 linear feet) and riparian areas (buffers) onsite, which is proposed to be protected via a restrictive covenant.

### **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 October 26, 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 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."

## **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 1 1988), 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.

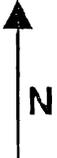
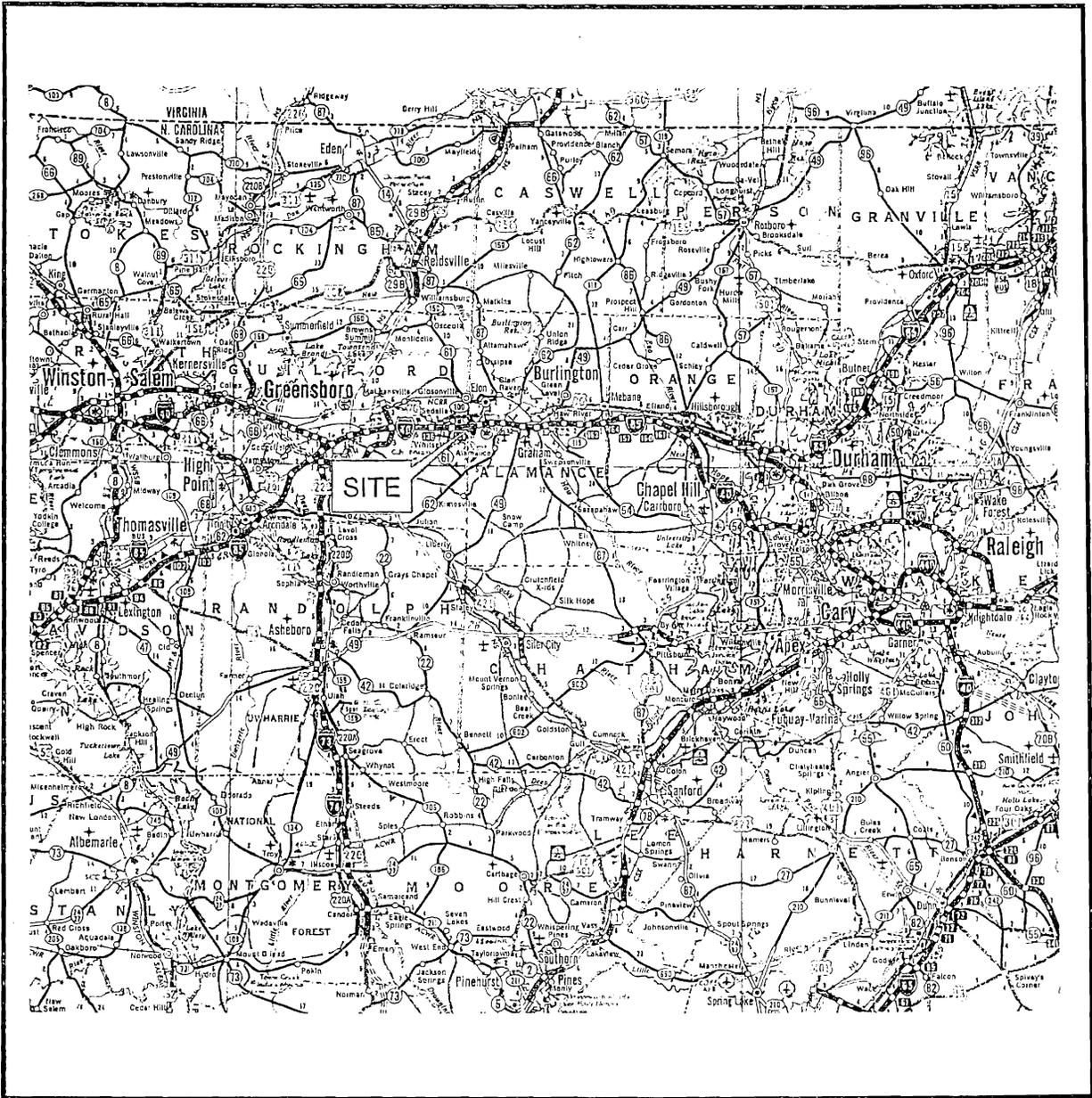
## **Commenting Information**

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, 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 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, within 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, November 2, 2007. Comments should be submitted to Andrew E. Williams, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, NC 27615.



<b>PROJECT LOCATION</b>	
Action Id: 200703073	Alamance County, North Carolina
Alamance Crossing, LLC	September 20, 2007
800 South Street, Suite 395	Sheet 1 of 7
Waltham, MA 02453	

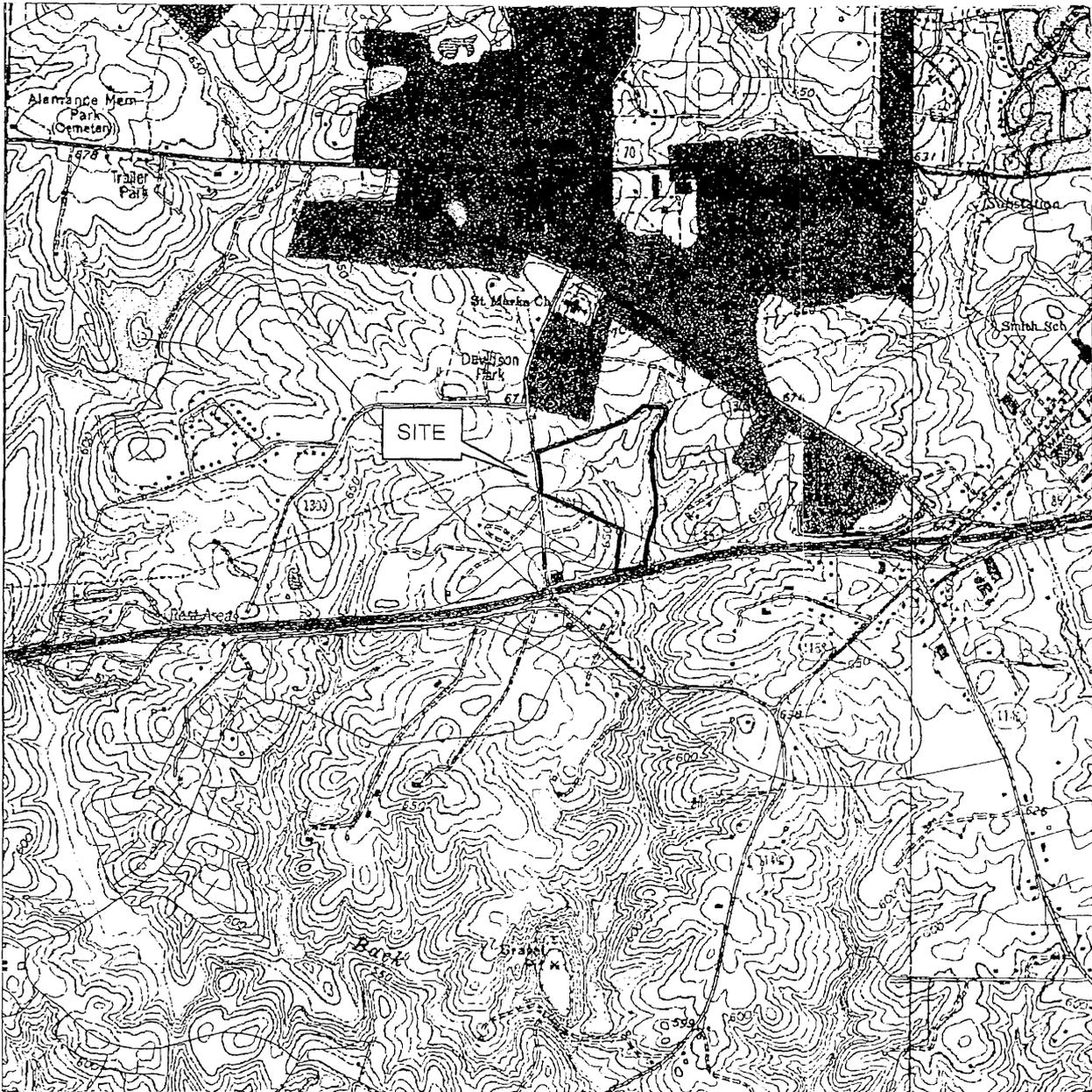
Project #: 7352.W3	Date: Aug 2007
Project Mgr.: BZ	

**Vicinity Map - Regional**

Alamance West  
Burlington,  
Alamance, NC



**Soil & Environmental Consultants, PA**  
11010 Raven Ridge Rd. • Raleigh, NC 27614  
(919) 846-5900 • (919) 846-9467  
Web Page: [www.SandEC.com](http://www.SandEC.com)



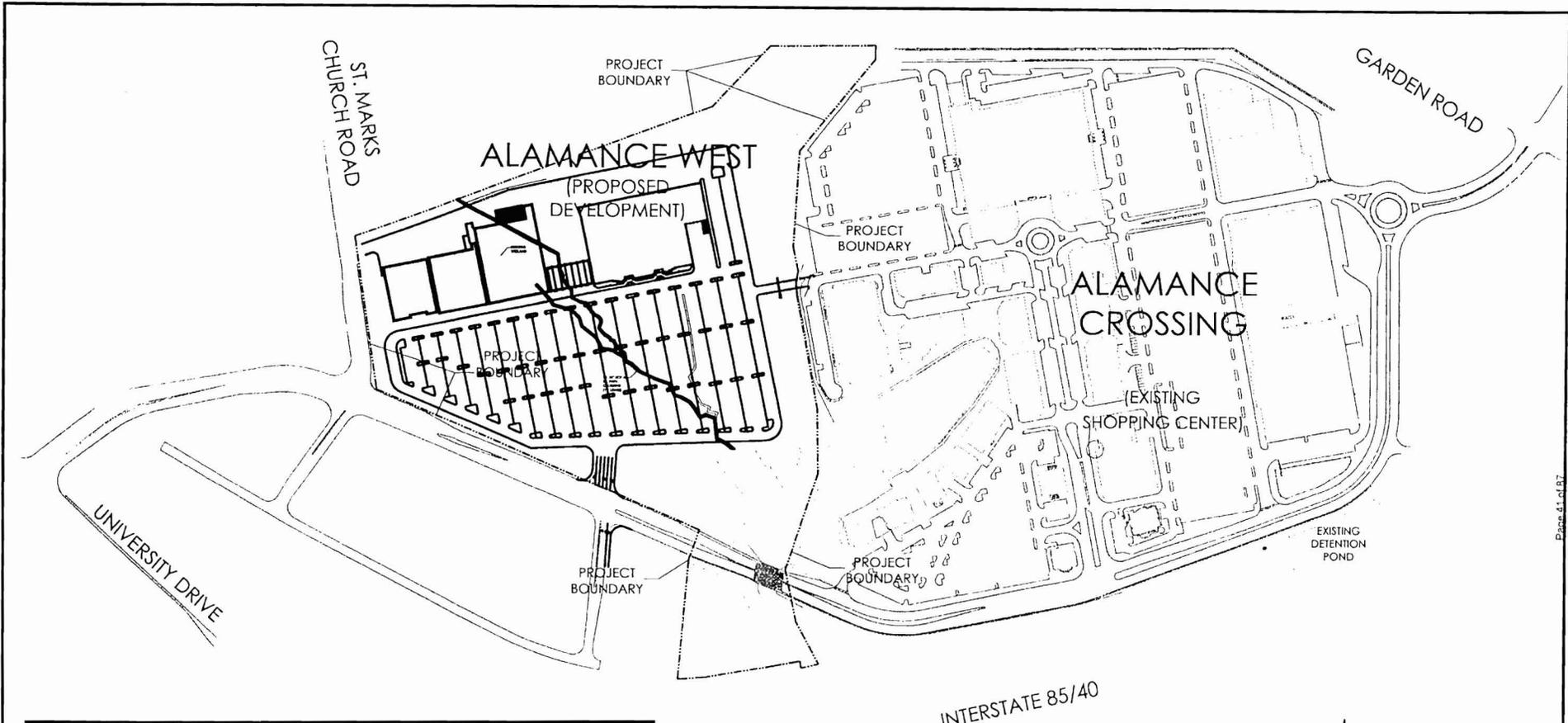
<p>USGS TOPOGRAPHIC MAP          Action Id: 200703073          Alamance Crossing, LLC          800 South Street, Suite 395          Waltham, MA 02453</p>	<p>Alamance County, North Carolina          September 20, 2007          Sheet 2 of 7</p>
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Project #: 7352.W3	Date: Aug 2007
Project Mgr.: BZ	Scale: 1" = 2000'

**USGS Map**  
 Alamance West  
 Burlington,  
 Alamance County, NC



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 11010 Raven Ridge Rd. • Raleigh, NC 27614  
 (919) 846-5900 • (919) 846-9467  
 Web Page: [www.SandEC.com](http://www.SandEC.com)



<p><b>PLAN VIEW</b></p> <p>Action Id: 200703073          Alamance Crossing, LLC          800 South Street, Suite 395          Waltham, MA 02453</p>	<p>Alamance County, North Carolina          September 20, 2007          Sheet 3 of 7</p>
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**HORVATH ASSOCIATES, P.A.**  
 16 CONSULTANT PLACE, SUITE 201  
 DURHAM, NORTH CAROLINA 27707  
 P 919.490.4990 F 919.490.8953  
 www.horvathassociates.com

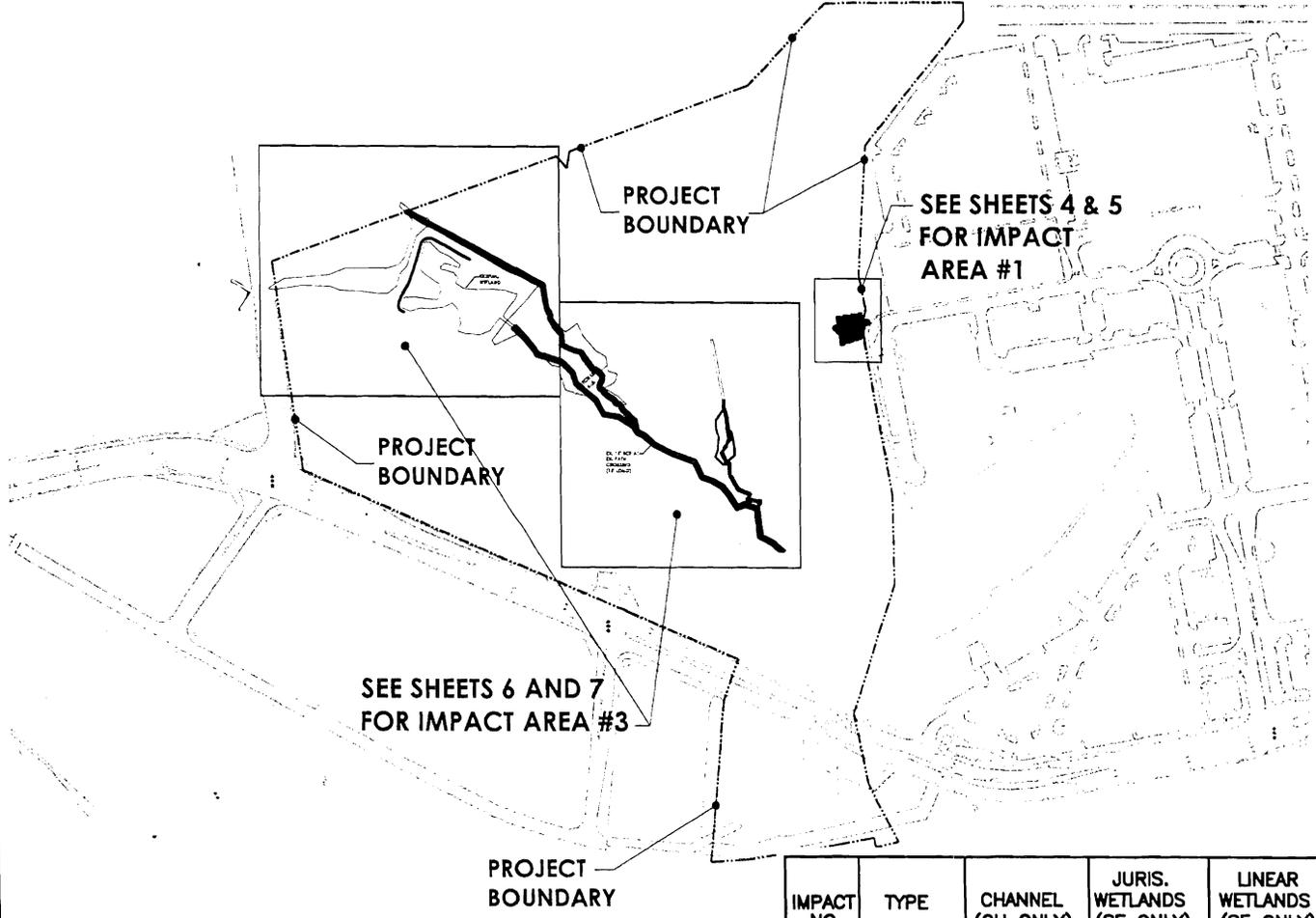
<b>OVERALL SITE MAP</b>		Proj #
Alamance West		0738
I-85 & University Drive		Dwg No
Burlington, North Carolina		2
Drwn By: BP	Date: 08/30/07	2 of 8
Chk By: JR	Scale: 1"= 300'	

WETLAND DELINEATION PREPARED BY S&EC, INC, SURVEYED BY MSS LAND CONSULTANTS AND APPROVED BY THE RALEIGH REGULATORY FIELD OFFICE ON 28 SEPTEMBER 2005.

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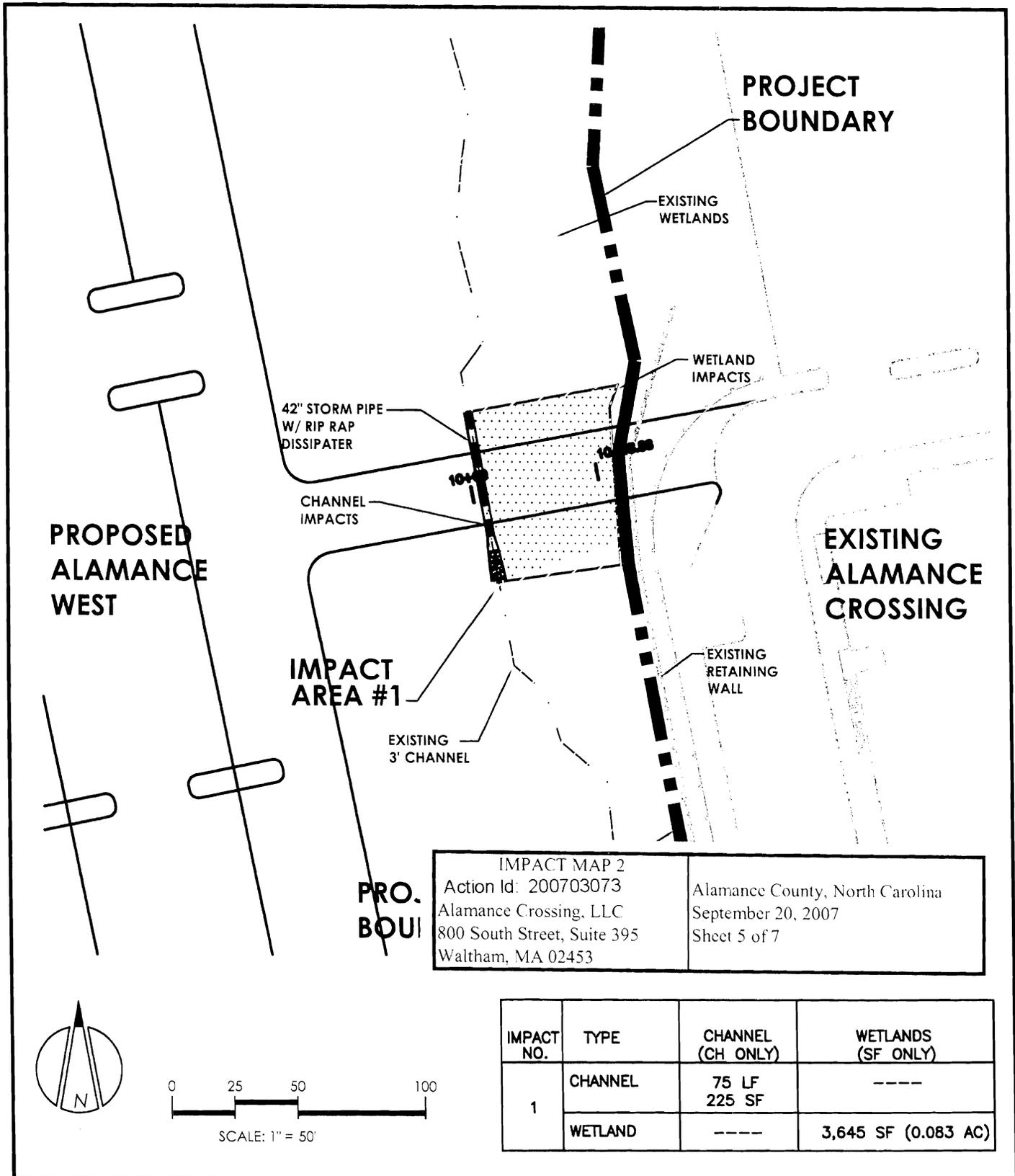
<b>IMPACT MAP 1</b> Action Id: 200703073 Alamance Crossing, LLC 800 South Street, Suite 395 Waltham, MA 02453	Alamance County, North Carolina September 20, 2007 Sheet 4 of 7
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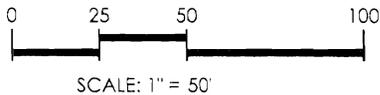
IMPACT NO.	TYPE	CHANNEL (CH ONLY)	JURIS. WETLANDS (SF ONLY)	LINEAR WETLANDS (SF ONLY)
1	CHANNEL	75 LF 225 SF	----	----
	WETLANDS	----	3,645 SF 0.084 AC	----
3	CHANNEL	2,002 LF 7,721 SF	----	----
	WETLANDS	----	72,506 SF 1.66 AC	429 SF
<b>TOTAL IMPACTS</b>		<b>2,077 LF 7,946 SF</b>	<b>76,151 SF 1.744 AC</b>	<b>429 SF 0.009 AC</b>

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<b>OVERALL SITE MAP</b>		Proj # 0738
Alamance West I-85 & University Drive Burlington, North Carolina		Drwn By: BP
		Chk By: JR
		Date: 08/30/07
		Scale: 1"= 400'
		Dwg No 3 3 of 8



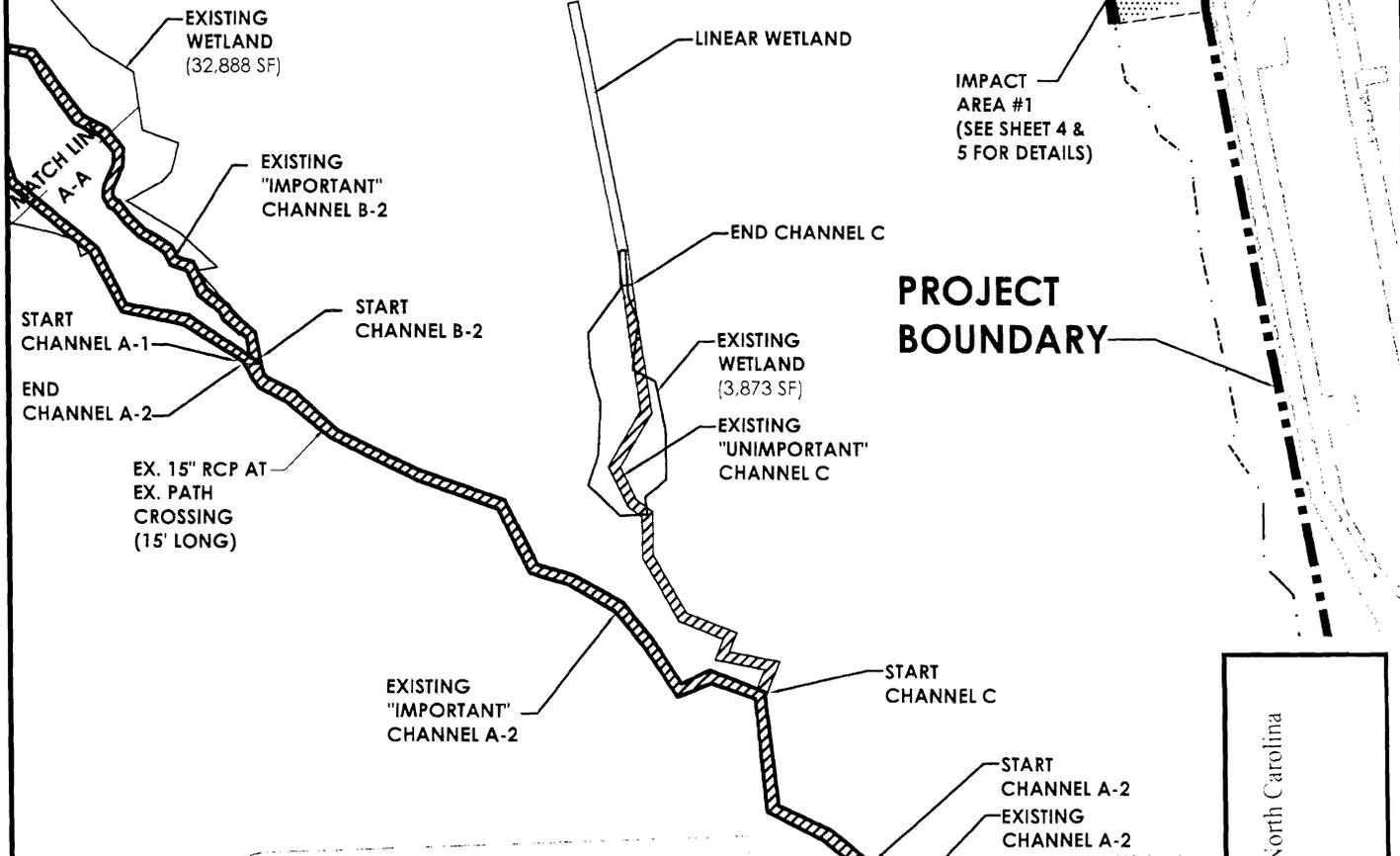
<p>IMPACT MAP 2          Action Id: 200703073          Alamance Crossing, LLC          800 South Street, Suite 395          Waltham, MA 02453</p>	<p>Alamance County, North Carolina          September 20, 2007          Sheet 5 of 7</p>
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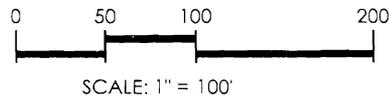
IMPACT NO.	TYPE	CHANNEL (CH ONLY)	WETLANDS (SF ONLY)
1	CHANNEL	75 LF 225 SF	----
	WETLAND	----	3,645 SF (0.083 AC)

 <p><b>HORVATH ASSOCIATES, P.A.</b>          16 CONSULTANT PLACE, SUITE 201          DURHAM, NORTH CAROLINA 27707          P 919.490.4990 F 919.490.8953  <a href="http://www.horvathassociates.com">www.horvathassociates.com</a></p>	<b>IMPACT #1</b>		Proj # 0738
	Alamance West I-85 & University Drive Burlington, North Carolina		Drwn By: BP
			Chk By: JR
			Date: 08/30/07
		Scale: 1"= 50'	4 of 8

# IMPACT AREA #3



IMPACT NO.	TYPE	CHANNEL (LF ONLY)	JURIS. WETLANDS (SF ONLY)	LINEAR WETLANDS (SF ONLY)
3	CHANNEL A-1	380 LF 1,520 SF	----	----
	CHANNEL A-2	475 LF 1,900 SF	----	----
	CHANNEL B-1	380 LF 1,520 SF	----	----
	CHANNEL B-2	480 LF 1,920 SF	----	----
	CHANNEL C	287 LF 861 SF	----	429 SF
	WETLANDS	----	72,506 SF	----
<b>TOTALS</b>		<b>2,002 LF 7,721 SF</b>	<b>72,506 SF</b>	<b>429 SF</b>



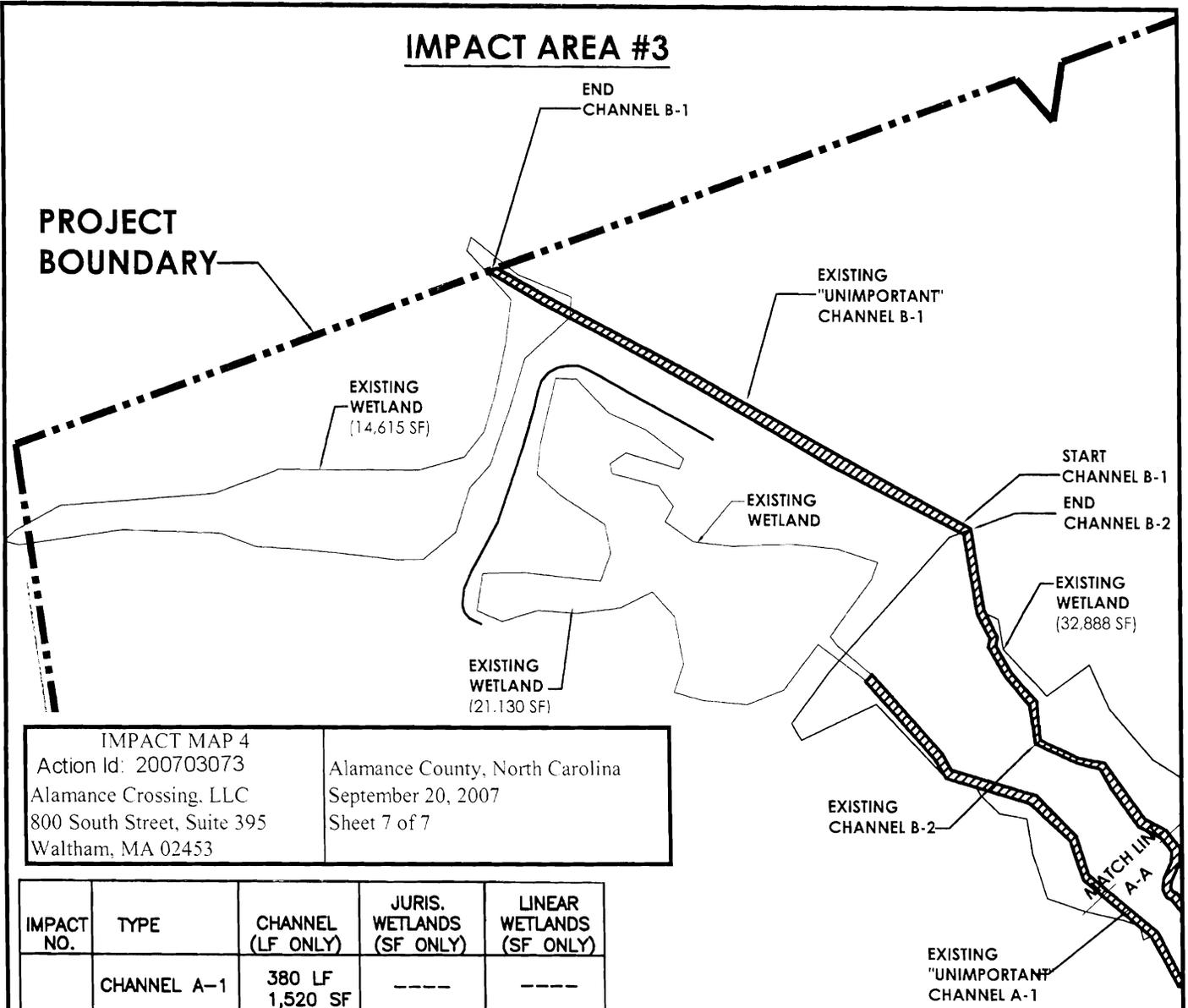
Alamance County, North Carolina  
September 20, 2007  
Sheet 6 of 7

IMPACT MAP 3  
Action Id: 200703073  
Alamance Crossing, LLC  
800 South Street, Suite 395  
Waltham, MA 02453

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<b>IMPACT #3</b>		Proj # 0738
Alamance West I-85 & University Drive Burlington, North Carolina	Drwn By: BP	Dwg No 6
	Chk By: JR	
	Date: 08/30/07	
	Scale: 1" = 100'	6 of 8

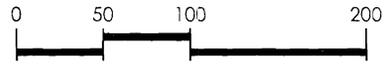
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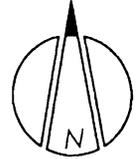
**IMPACT MAP 4**  
 Action Id: 200703073  
 Alamance Crossing, LLC  
 800 South Street, Suite 395  
 Waltham, MA 02453

Alamance County, North Carolina  
 September 20, 2007  
 Sheet 7 of 7

IMPACT NO.	TYPE	CHANNEL (LF ONLY)	JURIS. WETLANDS (SF ONLY)	LINEAR WETLANDS (SF ONLY)
3	CHANNEL A-1	380 LF 1,520 SF	----	----
	CHANNEL A-2	475 LF 1,900 SF	----	----
	CHANNEL B-1	380 LF 1,520 SF	----	----
	CHANNEL B-2	480 LF 1,920 SF	----	----
	CHANNEL C	287 LF 861 SF	----	429 SF
	WETLANDS	----	72,506 SF	----
<b>TOTALS</b>		<b>2,002 LF 7,721 SF</b>	<b>72,506 SF</b>	<b>429 SF</b>



SCALE: 1" = 100'



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<b>IMPACT #3</b> Alamance West I-85 & University Drive Burlington, North Carolina		Proj #	0738
		Dwg No	7
Drwn By: BP Chk By: JR Date: 08/30/07 Scale: 1" = 100'		7 of 8	