



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: December 21, 2007  
Comment Deadline: January 22, 2008  
Corps Action ID #: SAW-2007-04137

The Wilmington District, Corps of Engineers (Corps) has received an application from Partner's Equity Group seeking Department of the Army authorization for permanent impacts to 1.53 acres of jurisdictional non-riparian wetlands. The impacts are associated with the construction of a proposed retail or commercial facility, within an existing commercial subdivision, in Smithfield, Johnston 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:** Partner's Equity Group  
Attn: Mr. John Shallcross, Jr.  
Post Office Box 1524  
Smithfield, NC 27577

**AGENT:** Soil, Water, & Environment Group, PLLC  
Attn: Mr. Scott Frederick, NCLSS  
1001 Capability Drive, Suite 312  
Raleigh, NC 27606

## 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

## Location

The proposed project, consisting of Lots 18 and 19 of Partners Equity Group Subdivision, is located on the north side of Industrial Park Drive, east of South Equity Drive, in Smithfield, Johnston County, North Carolina. Coordinates (in decimal degrees) for the site are 35.506216 North, 78.321547 West. The project site contains wetlands located adjacent to an unnamed tributary of Polecat Branch, in the Neuse River Basin (8-Digit Cataloging Unit 03020201).

## **Existing Site Conditions**

The project is comprised of two lots, totaling 2.65 acres in size, located within an existing 44.5 acre industrial and commercial subdivision. The subdivision is located on the west side of Industrial Drive (SR 2398), adjacent to the access ramp off Interstate 95 southbound, and is in an urbanized area generally comprised of residential and commercial development. The project has been under development since the early 1990s; however, several additional lots within the subdivision remain undeveloped. Impacts previously authorized by nationwide permit on the project site include 0.58 acre of wetland in 1994 (authorized after-the-fact), and 0.66 acre of wetland in 1997. A total of 2.79 acres of non-riverine, herbaceous wetland currently exists on the property, including the 1.53 acres proposed to be impacted. The Corps of Engineers (Corps) jurisdictional delineation completed on November 19, 2007, verified the extent of aquatic features on the property and it was noted that the majority of the site has been mowed.

## **Applicant's Stated Purpose**

The project purpose for the proposed activity is to fill and grade the remaining lots, which are located in close proximity to the highway exit and have road frontage that is highly visible from the interstate, in order to develop the properties for retail or commercial development.

## **Project Description**

The proposed project involves the placement of fill material into 1.53 acres of the remaining 2.64 acres of wetlands located on Lots 18 and 19. The proposed plan proposes the discharge of 44,443 cubic yards of fill material associated with the filling and grading of the subject lots for the proposed construction of retail or commercial development and their associated parking.

To mitigate for permanent impacts to wetlands, the applicant has proposed payment into the North Carolina Ecosystem Enhancement Program (NCEEP). Furthermore, the applicant proposes to leave a 50-foot wide wetland buffer on the site's northern boundary, contiguous with wetlands onsite and leading off site through an extensive water treatment system, which is proposed. This wetland preservation would also be contiguous with adjacent wetlands on neighboring properties (Lots 10 & 11). Stormwater improvements are proposed in the existing swales and through the addition of littoral shelf. This littoral shelf would provide water quality improvements similar to natural wetland systems, such as sediment and nitrogen removal within the existing detention pond.

## **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 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 January 14, 2008.

## **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**

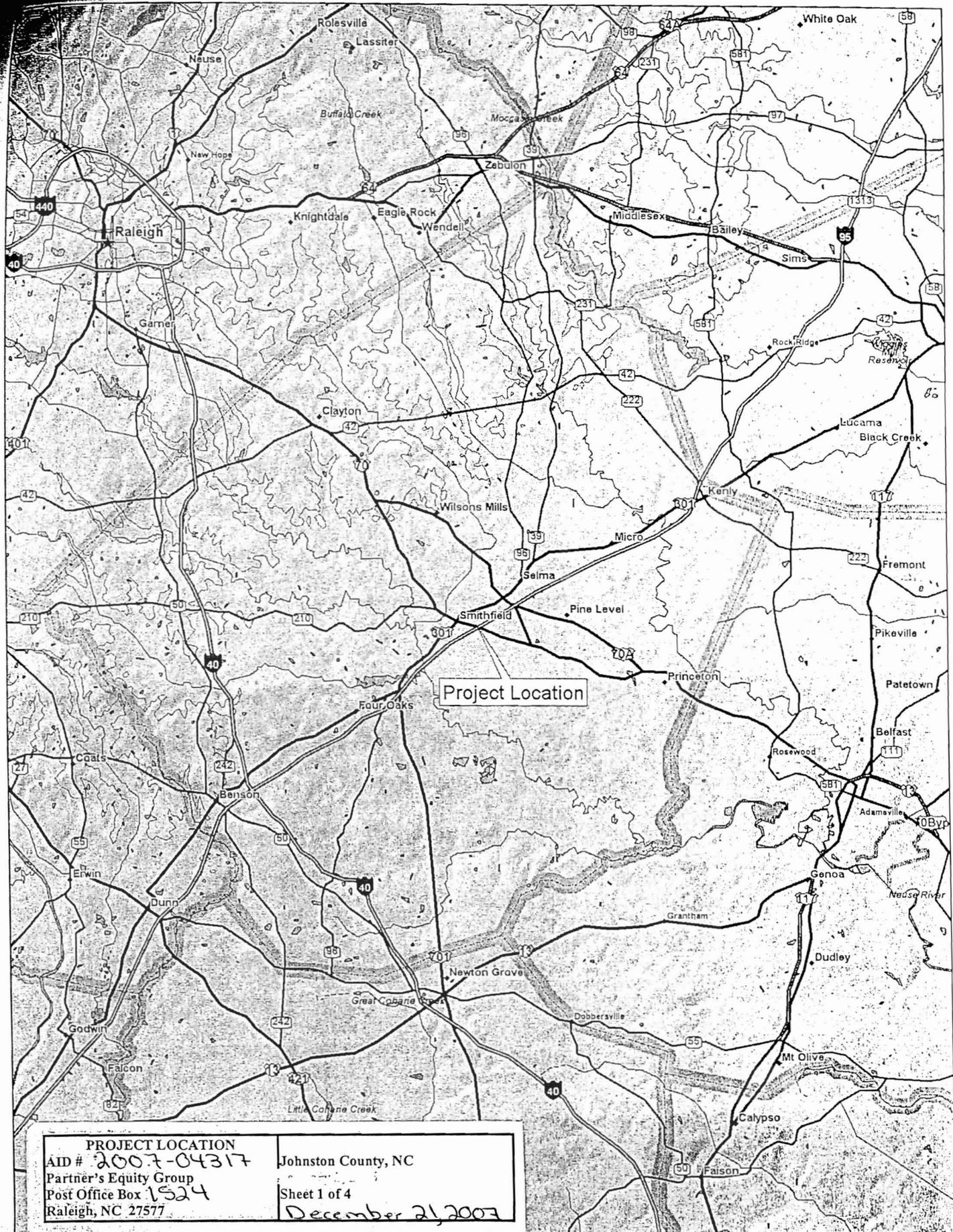
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 consolidated 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.

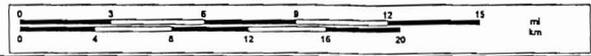
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

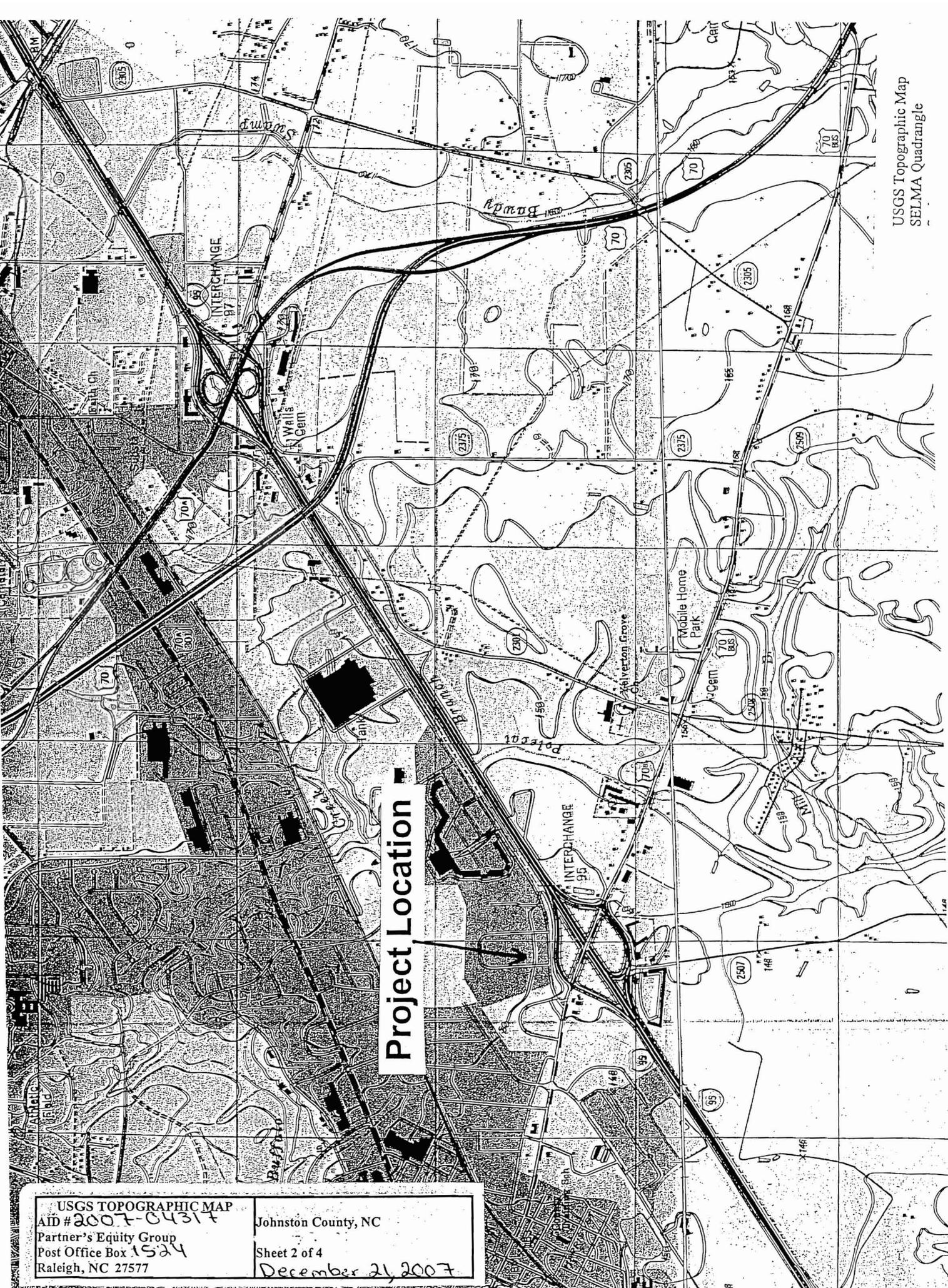
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 22, 2007. Comments should be submitted to Mr. Thomas Brown, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.



<p><b>PROJECT LOCATION</b>          AID # 2007-04317          Partner's Equity Group          Post Office Box 1524          Raleigh, NC 27577</p>	<p>Johnston County, NC          Sheet 1 of 4          December 21, 2007</p>
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Scale 1 : 400,000  
 1" = 6 mi





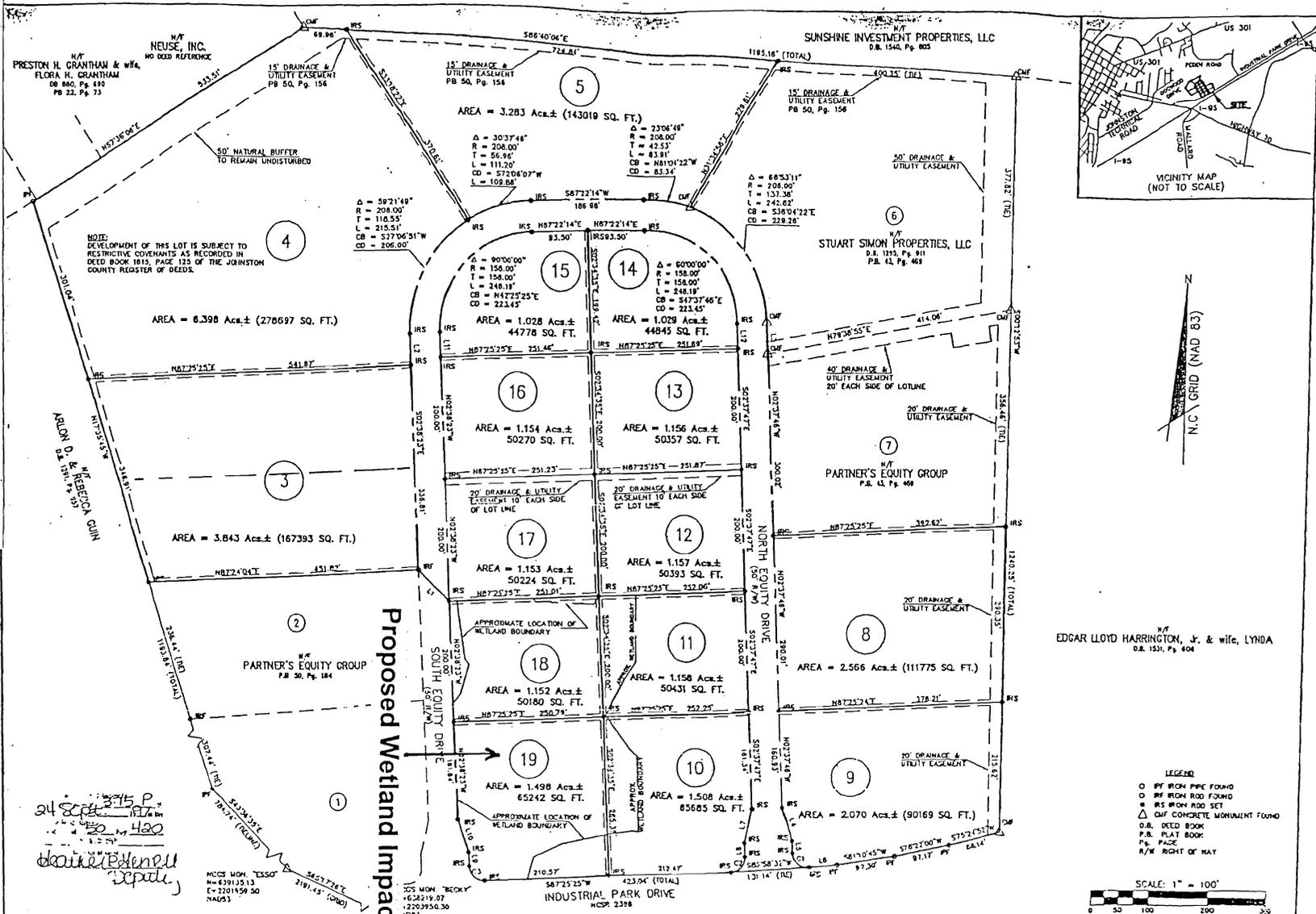
USGS Topographic Map  
SELMA Quadrangle

**Project Location**

USGS TOPOGRAPHIC MAP AID # 2007-04314 Partner's Equity Group Post Office Box 1524 Raleigh, NC 27577	Johnston County, NC Sheet 2 of 4 December 21, 2007
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PLAN VIEW  
 AID # 2007-04317  
 Partner's Equity Group  
 Post Office Box 1524  
 Raleigh, NC 27577

Johnston County, NC  
 Sheet 3 of 4  
 December 21, 2007



DATE	REVISION	INITIAL

**KIM & CREED**  
 SURVEYORS AND PLANNERS  
 10 EAST JOHNSTON STREET  
 SMITHFIELD, N.C. 27577  
 TEL: 919-934-7154

SUBDIVISION FOR  
**THE PARTNER'S EQUITY GROUP**

SCALE: 1" = 100'      DATE: SEPTEMBER 8, 1997  
 SMITHFIELD TWP.      JOHNSTON COUNTY      NORTH CAROLINA

PROJECT #: 1319-0001 OR  
 PROJ. SVTR: SPW  
 DRAWN BY: RLJ  
 FIELD BY: SO220  
 COMP. FILE: PLATDWC  
 SHEET #: 2 OF 2

DWG. 2.15.2.050

