



PUBLIC NOTICE

US Army Corps
Of Engineers
Wilmington District

Issue Date: **December 7, 2007**
Comment Deadline: **January 7, 2008**
Corps Action ID #: **SAW-2007-3481**

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Environment and Natural Resources (Parks and Recreation) seeking Department of the Army authorization to impact 1.47 acres of open water (lake) from mean high pool water ward in association with the construction of a 1.47 acre swim beach at West End Park on Lake James at Lake James State Park, near Nebo, McDowell 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: NC DENR – Parks & Recreation
512 N. Salisbury Street
Raleigh, North Carolina 27604

AGENT (if applicable): WNR
POB 882
Canton, North Carolina 28716

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 at West End Park at the end of Rock Hill Street within Lake James State Park, near Nebo, in McDowell County, North Carolina (35.7538 degrees north, -81.8899 degrees west), Ashford USGS Quadrangle.

Existing Site Conditions

The proposed beach site is located on Lake James at West End Park within Lake James State Park in an open water area of the lake where Paddy Creek enters the lake. The beach project area is composed of open water and a bare area land ward (below the mean high pool elevation of 1,200 feet above sea level) with substrate composed of rock and clayey material. Due to a very accommodating existing slope in the beach area, minimal to no grading will be needed to prepare the area for the beach creation.

Applicant's Stated Purpose

The stated purpose of this proposed work is to construct a swim beach for use by patrons of Lake James State Park. According to the applicant, construction of the beach at West End Park is needed to provide a safe environment for patrons of the State Park to swim and recreate. Currently, the other existing beach at Lake James State Park is overcrowded due to the large number of visitors utilizing the park.

Project Description

Plans submitted with the application show the construction of a 1.47 acre swim beach on Lake James (Catawba River) adjacent to where Paddy Creek enters the lake. Construction of the beach would require 1,040 cubic yards of clean sand fill material and the beach would be 1,066 feet in length and an average of 60 feet wide. Some of the sand will be where the water level normally exists and requiring approximately one foot of sand over clayey material. The rest of the sand would be applied water ward of the mean high pool of the lake down to water's edge. Approximately 1.47 acres of open water (lake) would be impacted directly by sand placement.

Part of the funding for this project would come from the Clean Water Management Trust Fund. North Carolina Parks & Recreation would be working with them to preserve stream and shoreline buffer (1,300 acres) throughout the park. 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 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), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by January 7, 2008.

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, January 7, 2008. Comments should be submitted to Mr. Steve Chapin, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

81.9333333° W

81.9000000° W

81.8666666° W

35.8000000° N

35.8000000° N

35.7666666° N

35.7666666° N

35.7333333° N

35.7333333° N

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35.7000000° N

81.9333333° W

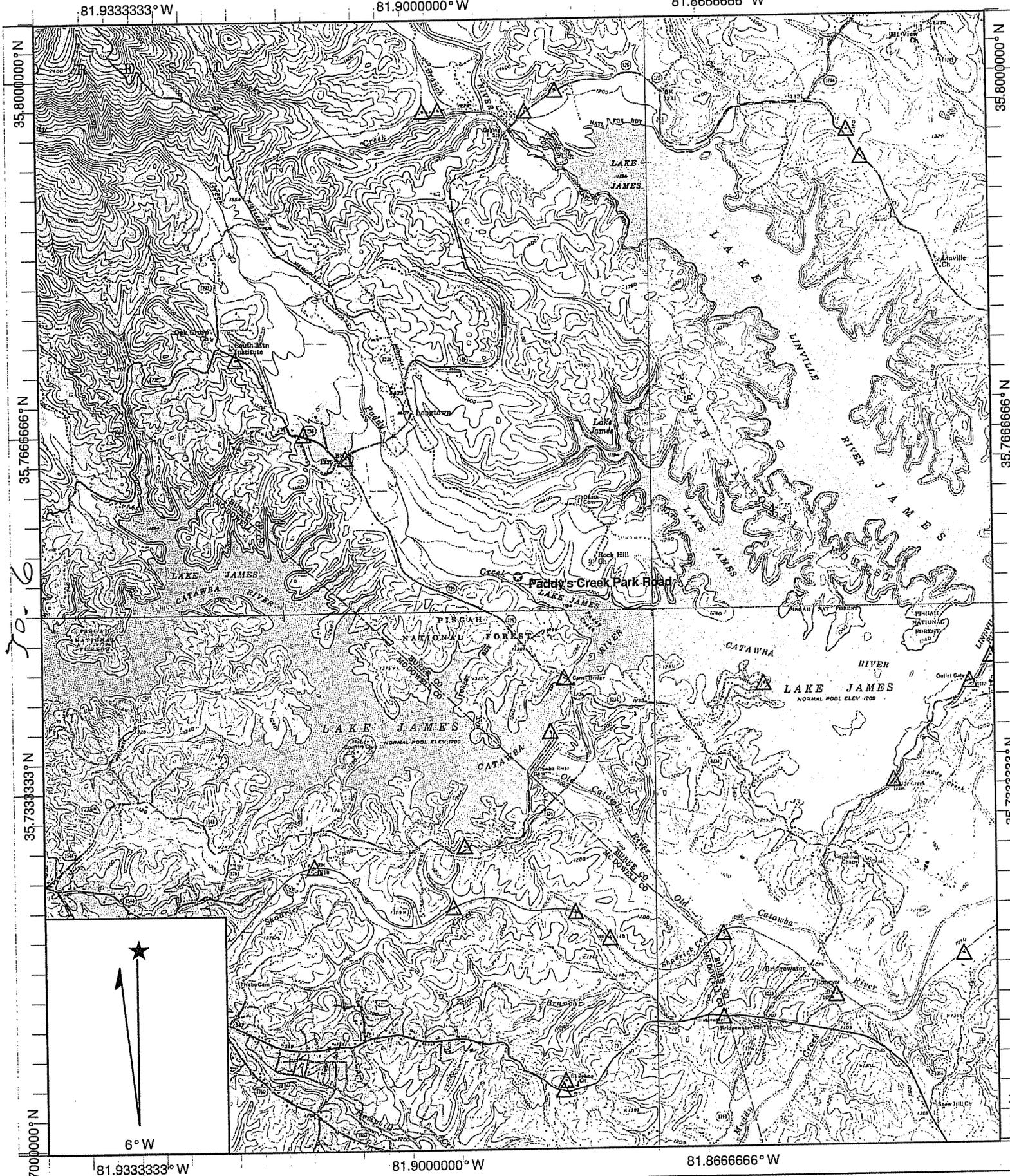
81.9000000° W

81.8666666° W

Name: ASHFORD
Date: 11/20/2006
Scale: 1 inch equals 4000 feet

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SHEET 1 OF 2

Location: 035.7525845° N 081.8903035° W
Caption: Paddy's Creek Park Road
Burke County, NC



81.900000° W

81.891666° W

81.883333° W

35.758333° N

35.758333° N

35.750000° N

35.750000° N

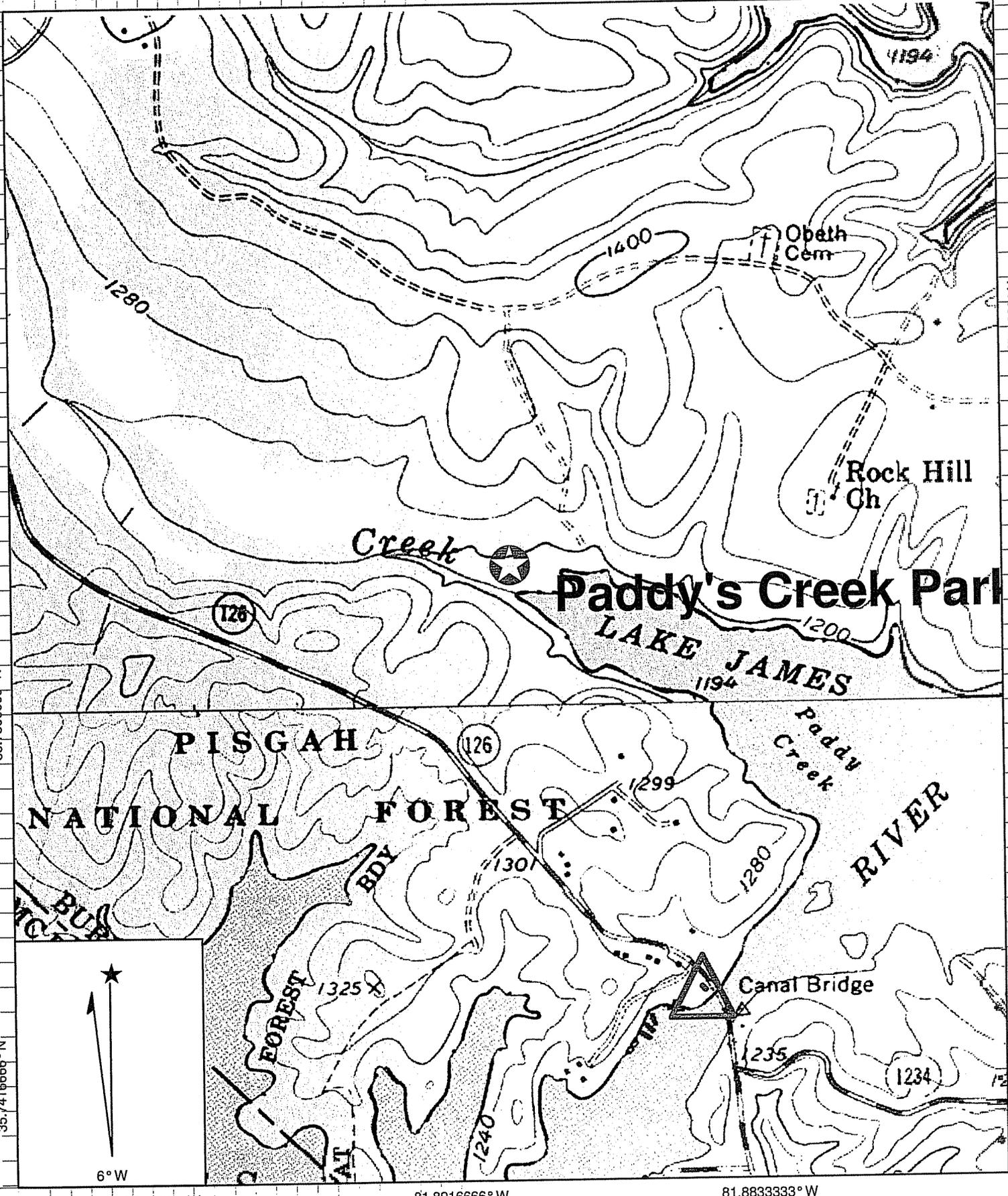
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35.741666° N

81.900000° W

81.891666° W

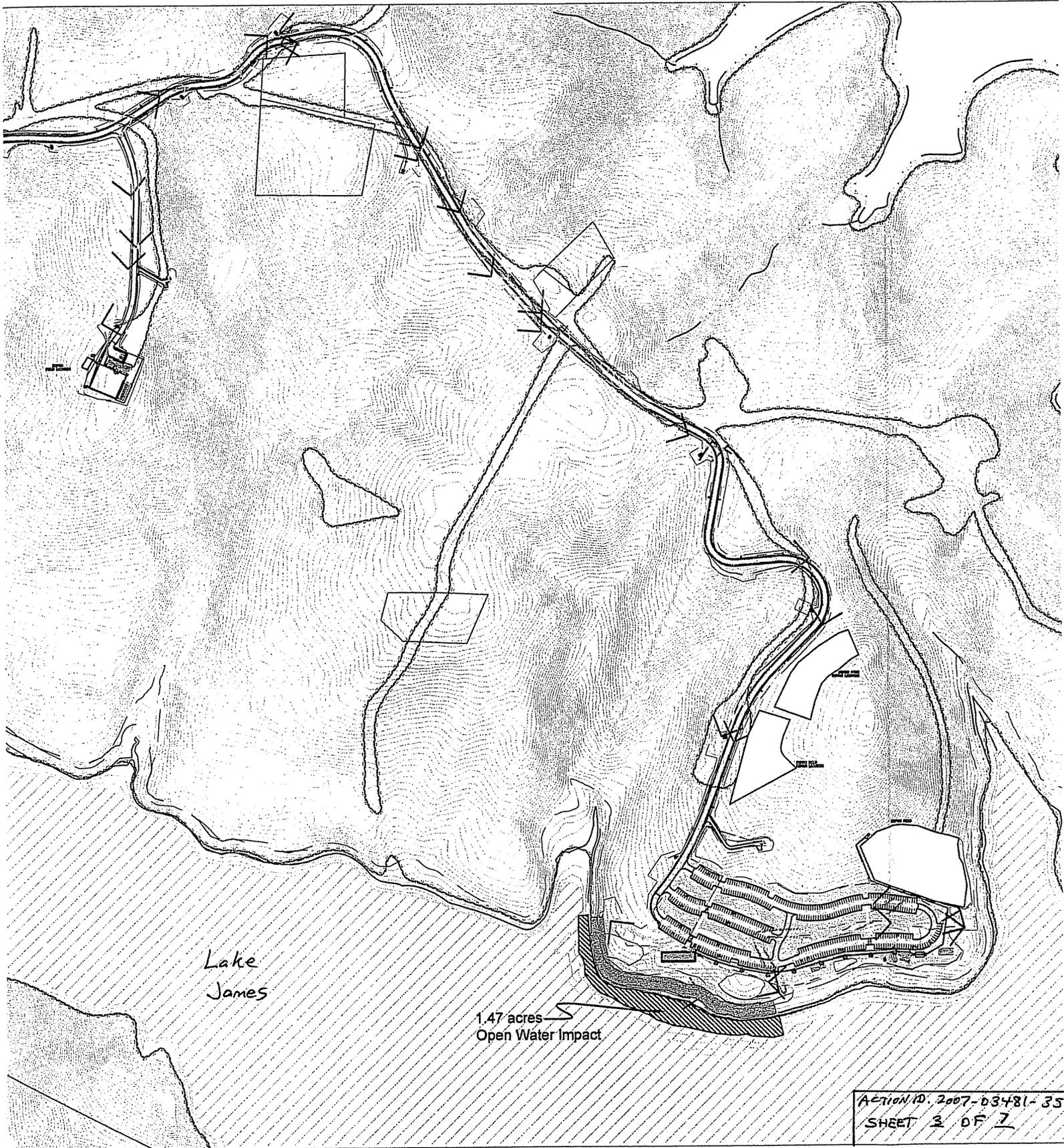
81.883333° W



Name: ASHFORD
 Date: 11/20/2006
 Scale: 1 inch equals 1000 feet

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 SHEET 2 OF 7

Location: 035.7525845° N 081.8903035° W
 Caption: Paddy's Creek Park Road
 Burke County, NC



Action ID: 2007-03481-359
 SHEET 3 OF 7

(Wetlands, open waters, and streams) delineated (flagged) using the
 1983 National Wetlands Inventory (NWI) and revision.
 Wetland determinations are based on field observations, soil, and hydrology.
 Intermittent and Perennial Streams V.3.1 (NC Division of Water Quality). Origin
 points are typically not regulated but may be captured as jurisdictional.
 © US Army Corps of Engineers in accordance with Wilmington District

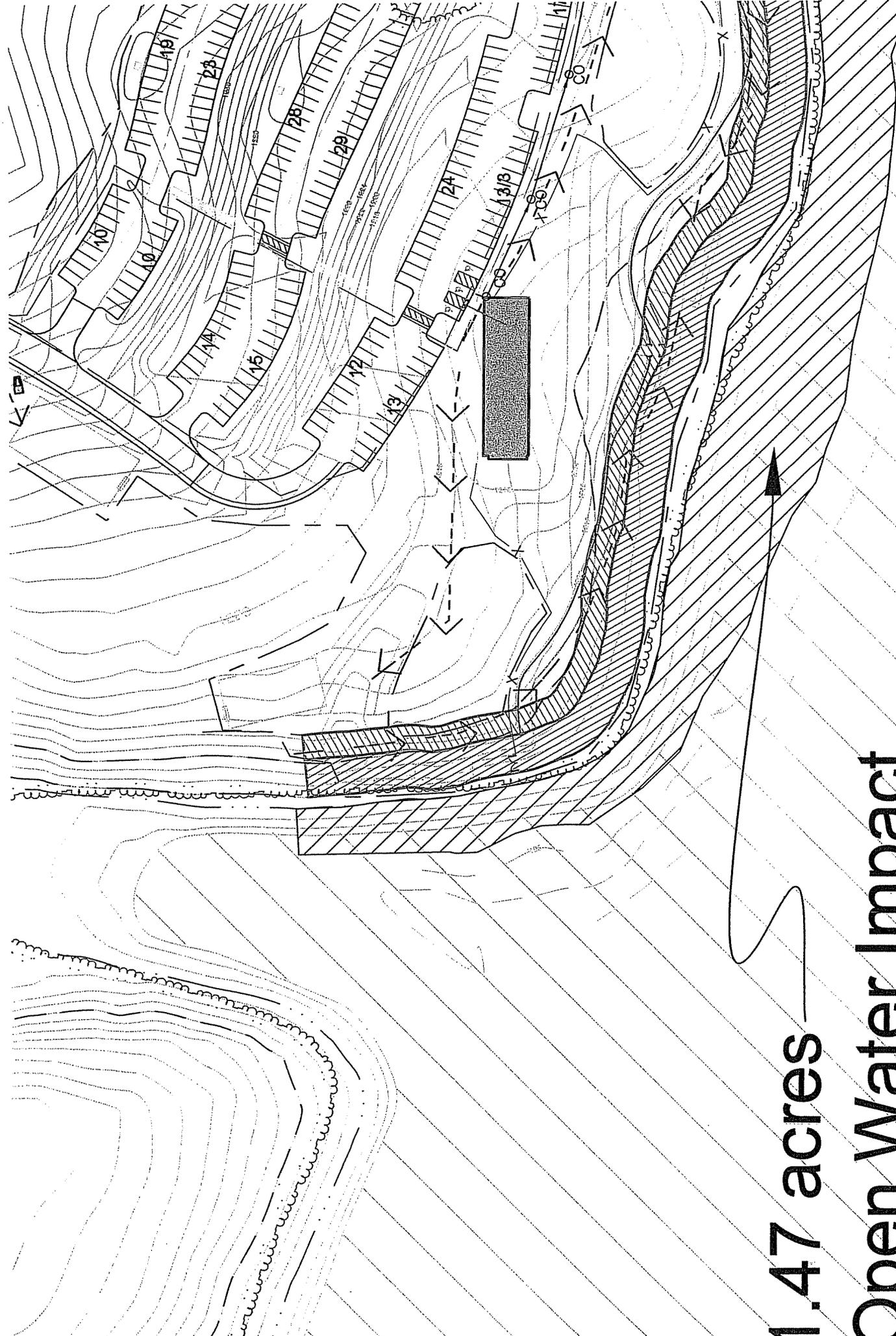
Map prepared by a land surveyor in accordance with Wilmington District policy of July 2005.
 Elevation positions are approximate and are not suitable for recordation.
 The proponent is liable for land disturbing activities on the site undertaken prior



WNR

Wetland and Natural Resource Consultants
 P.O. Box 882 Canton, N.C. 28716
 828-648-8801

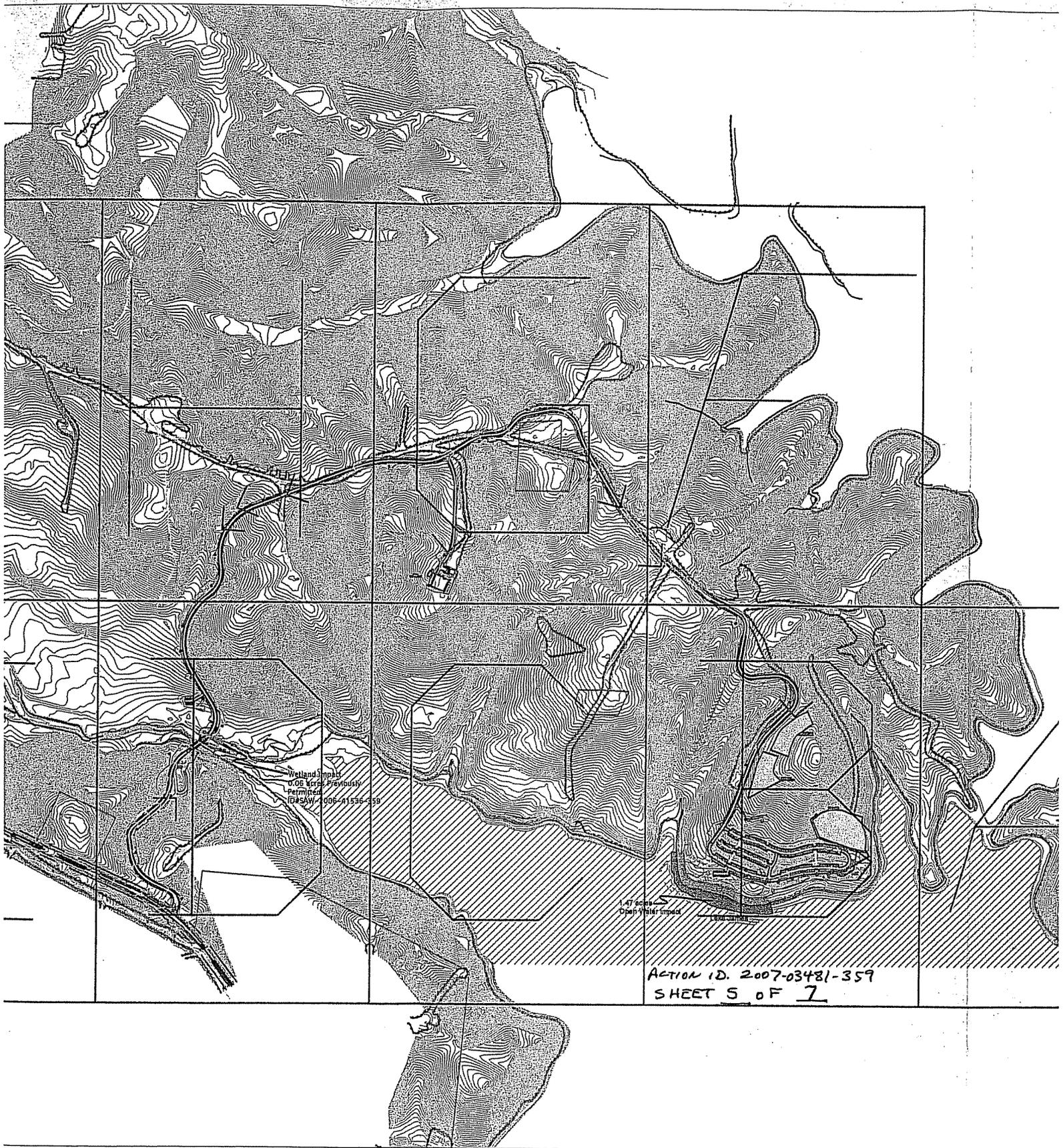
Sheet #:	Scale:
Map:	1
Project Name:	Over
Location:	Lak
Client:	Burke C
	NC State



1.47 acres
Open Water Impact

Lake James

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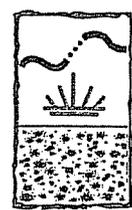
Wetlands map
 06 Years Previously
 permitted
 ID#SAW-006-01536-359

BY PERMISSION
 OF THE STATE OF NORTH CAROLINA

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 SHEET 5 OF 7

s of the U.S. (wetlands, open waters, and streams) delineated (flagged) using the
 future change and revision.
 required parameters (vegetation, soils, and hydrology).
 rights of Intermittent and Perennial Streams V.31. (NC Division of Water Quality). Origin
 general drainages are typically not regulated but may be captured as Jurisdictional.
 gained from the US Army Corps of Engineers in accordance with Wilmington District

d by a licensed land surveyor in accordance with Wilmington District policy of July 2005.
 l and stream positions, are approximate and are not suitable for recordation.
 the US. Project proponent is liable for land disturbing activities on the site undertaken prior

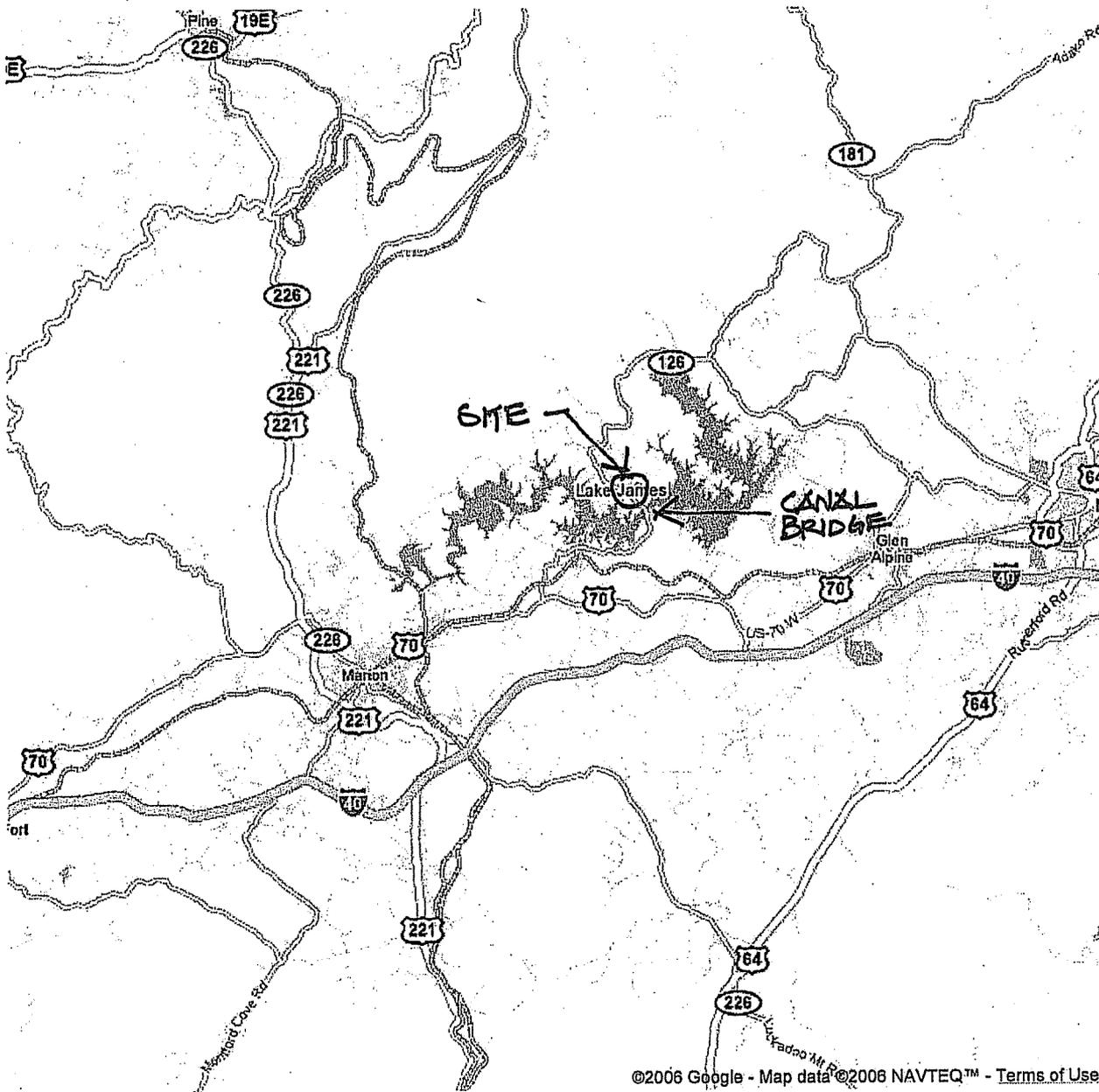


WNR

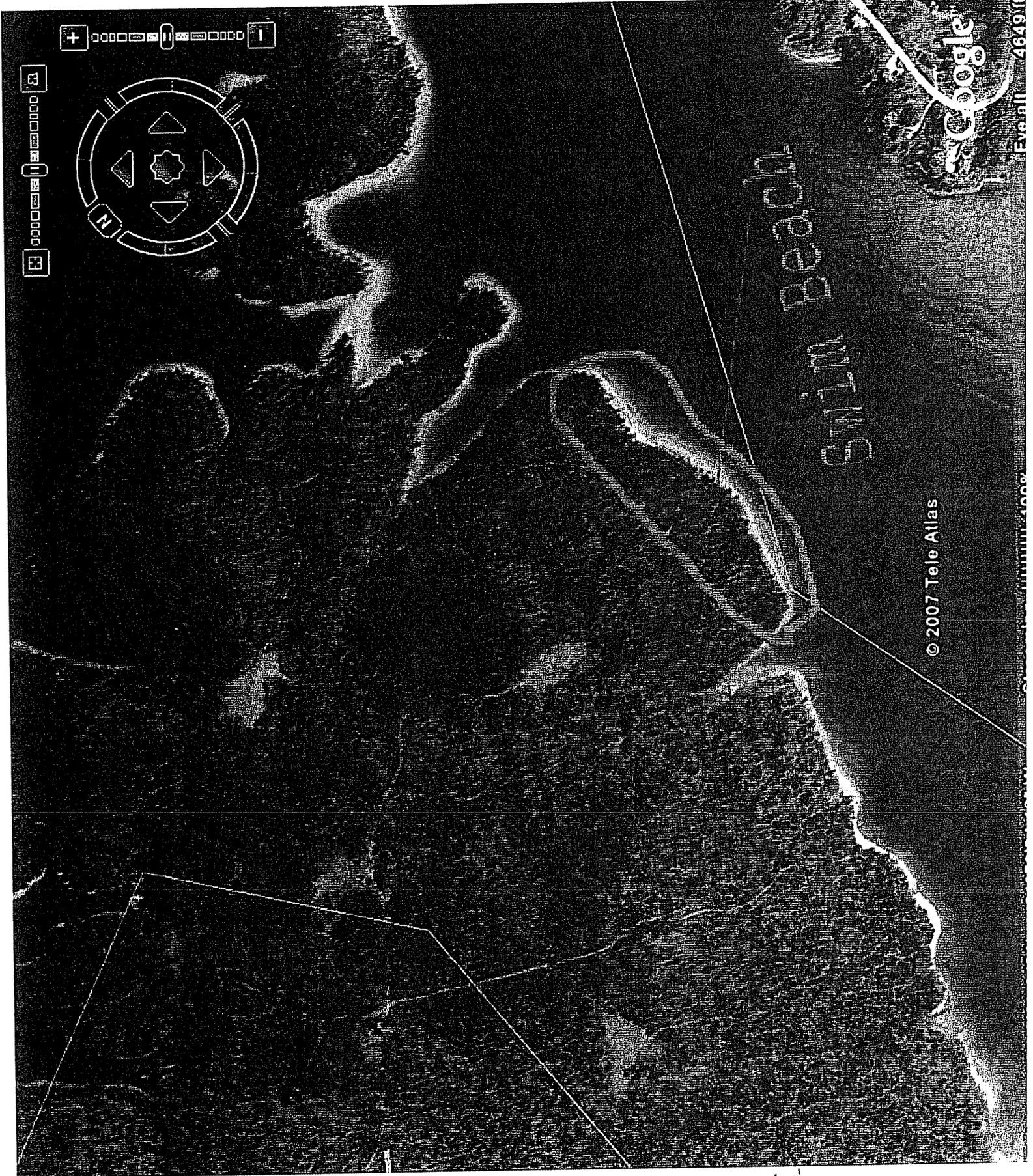
Wetland and Natural Resource Consultants
 P.O. Box 882 Canton, N.C. 28716
 828-648-8801

Sheet #:
 Map:
 Project Name:
 Location:
 Client:

Google
Maps



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SHEET 6 OF 7



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