



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: June 26, 2008
Comment Deadline: July 28, 2008
Corps Action ID #:2008-00967

The Wilmington District, Corps of Engineers (Corps) has received an application from Spring Investors, LLC seeking Department of the Army authorization to impact 1,150 linear feet (lf) of stream channel and .054 acres of wetlands, associated with the construction of a residential and commercial development and a four-lane roadway, which will provide access to the development and serve as an east-west thoroughfare for the Town of Holly Springs in Wake 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: Spring Investors LLC
Attn: Kyle Ward
1000 Darrington Drive, Suite 105
Cary, NC 27513

Agent: ATC Associates, Inc.
Attn: Benjamin V. Wilson
2725 East Millbrook Road, Suite 121
Raleigh, NC 27604

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 site is located west of GB Alford Highway (Hwy 55 bypass), approximately 1,000 feet north of the intersection of GB Alford Highway and New Hill Road, in Holly Springs, Wake County, North Carolina (35.664727 N, -78.848884W). Waters on the property drain into Little Branch.

Existing Site Conditions

The site is 170 acres of wooded land, adjacent to the four-lane NC Hwy 55 with significant commercial and industrial use and rapidly growing residential use in the area. The majority of the site is underlain with Mayodon and Herndon soils, which are well-drained soils and the remainder of the site is underlain with Worsham soils, which are poorly-drained soils. According to the applicant, the wooded upland areas are vegetated by sweet gum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), American holly (*Ilex opaca*), eastern redcedar (*Juniperus virginiana*), red maple (*Acer rubrum*), hickory (*Carya*), flowering dogwood (*Cornus florida*) and *Microstegium*. Additionally, the applicant indicates that wetland areas are vegetated by sweet gum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), American holly (*Ilex opaca*), red maple (*Acer rubrum*), hickory (*Carya*), flowering dogwood (*Cornus florida*), royal fern (*Osmunda regalis*) and *Microstegium*.

Applicant's Stated Purpose

The project purpose is to construct a four-lane roadway which will serve as the main east-west thoroughfare for the Town of Holly Springs and the construction of a shopping center and a residential development.

Project Description

The project involves the impact of 1,150 lf of stream channel and .054 acres of wetlands, due to the construction of residential and commercial buildings, associated roadways, parking, utilities and storm water management features, and the construction of a four-lane roadway. The roadway will provide access to the development and serve as an east-west thoroughfare. Consistent with the 404b(1) Guidelines, impacts have been minimized by shifting the original alignment of the road south. The applicant proposes to mitigate unavoidable stream impacts through payment to the North Carolina Ecosystem Enhancement Program.

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, 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 July 17, 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 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.

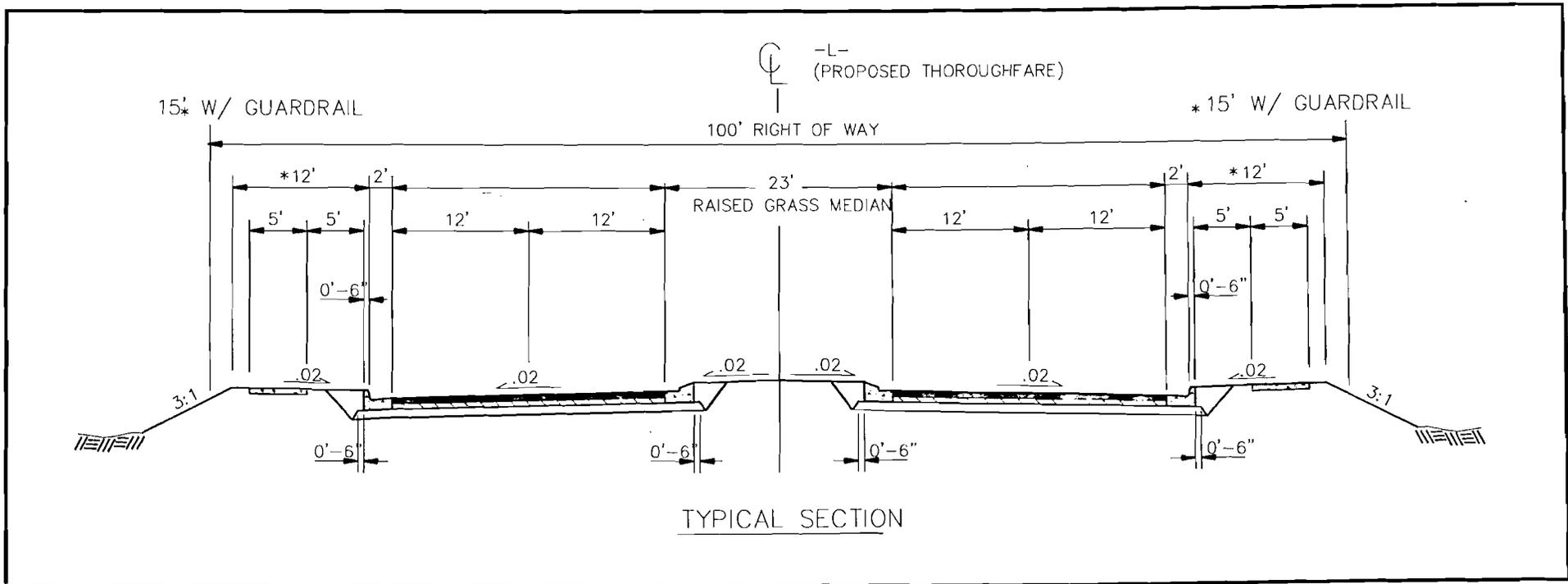
Commenting Information

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

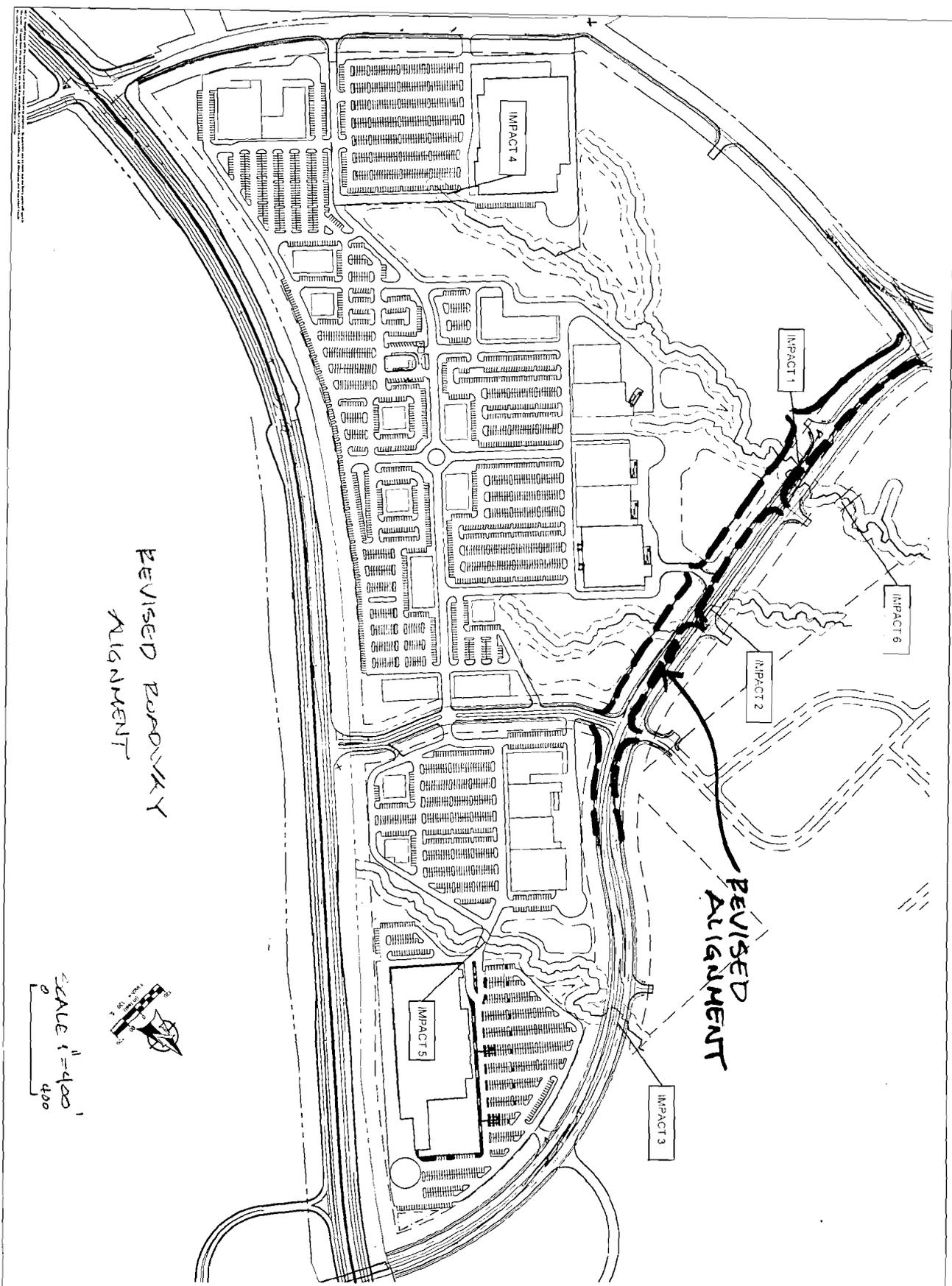
proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental 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, July 28, 2008. Comments should be submitted to Jamie Shern at the Raleigh Regulatory Field Office, 3331 Heritage Trade Dr, Suite 105, Wake Forest, NC 27587.

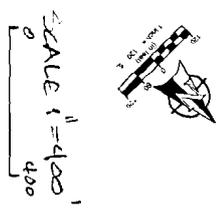


Encl 1



REVISED ROADWAY
ALIGNMENT

REVISED
ALIGNMENT



20F3 - 400 SCALE

DP 33 SITE	NEW HILL PLACE N.C. 55 and NEW HILL ROAD HOLLY SPRINGS, NORTH CAROLINA	30 S. MERIDIAN STREET SUITE 1100 INDIANAPOLIS, IN 46204 317-577-5600 FAX 317-577-5695	Drawn by: J. Lindo Scale: 1"=400' Date: 5/10/05 Project No: K07005 Title: 20F3	Revision No. Date Description
	IMPACT 1 IMPACT 2 IMPACT 3 IMPACT 4 IMPACT 5 IMPACT 6		(Empty table for revisions)	