



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 16, 2008  
Comment Deadline: June 16, 2008  
Corps Action ID #: SAW-2008-01516

The Wilmington District, Corps of Engineers (Corps) has received an application from Bill Dreitzler of MS Consultants, Inc., seeking Department of the Army authorization for permanent impacts to 5.00 acres of jurisdictional emergent wetlands, and 832.6 linear feet of intermittent stream channel. The impacts listed above are associated with the reconstruction of a preexisting dam and pond in the existing subdivision of The Villages at Cross Creek, Halifax 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:** MS Consultants, Inc.  
Attn: Mr. Bill Dreitzler  
336-B Carthage Street.  
Sanford, North Carolina 27330

**Agent:** ECS Carolinas, LLP  
Attn: Ms. Christina Breen  
9001 Glenwood Avenue  
Raleigh, North Carolina 27617

## 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 location is a pond located in an existing 194 acre subdivision, located between NC HWY 125 to the east, SR 1683 to the west, and SR 1686 (Smith Church Rd.) to the north, near Roanoke Rapids, Halifax County, North Carolina. Coordinates, in decimal degrees, for the project site are 36.4256° N, -77.6507° W. The project site contains several wetlands and unnamed stream channels which drain to Chockoyotte Creek in the Roanoke River Basin (8-Digit Cataloging Unit of 03010107).

## **Existing Site Conditions**

The proposed project would result in the reconstruction of a previously existing dam that was breached during hurricane Isabel and restore a previously existing pond within the subdivision. Overall, the project study area is bordered to the east by NC HWY 125, to the west by SR 1683, and to the north by SR 1686 (Smith Church Rd.). The existing conditions within this project segment include uplands, several wetlands, and several unnamed streams draining to Chockoyotte Creek in the Roanoke River Basin. A Corps jurisdictional delineation field review has verified the limits of waters of the U.S. on the property subject to our regulatory authority.

## **Applicant's Stated Purpose**

The project purpose for the proposed activity is to reconstruct the pre-existing dam on an unnamed tributary (UT) to Chockoyotte Creek and restore the pond within 5.00 acres of emergent wetlands.

## **Project Description**

This proposal is to reconstruct the previously existing dam on a UT to Chockoyotte Creek. The design would call for some excavation within the old pond bed to reform the banks of the pond and confine it within the proposed impact area. Total permanent impacts from this proposal are 5.00 acres of jurisdictional emergent wetlands, and 832.6 linear feet of intermittent stream channel.

To mitigate for permanent impacts to jurisdictional wetlands and streams, the applicant has proposed payment into the North Carolina Ecosystem Enhancement Program (NCEEP). This payment would be prior to the time of impact for each respective stage.

## **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 June 9, 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 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, June 16, 2008. Comments should be submitted to Mr. Thomas Brown, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587.

**RECEIVED**

**SITE DATA**

NOV 14 2007

OWNER/DEVELOPER:  
ROANOKE LAND DEVELOPMENT  
POST OFFICE BOX 1196  
ROANOKE RAPIDS, NORTH CAROLINA 27870  
252-536-0829

DESIGNATED DEVELOPMENT AREAS = 8

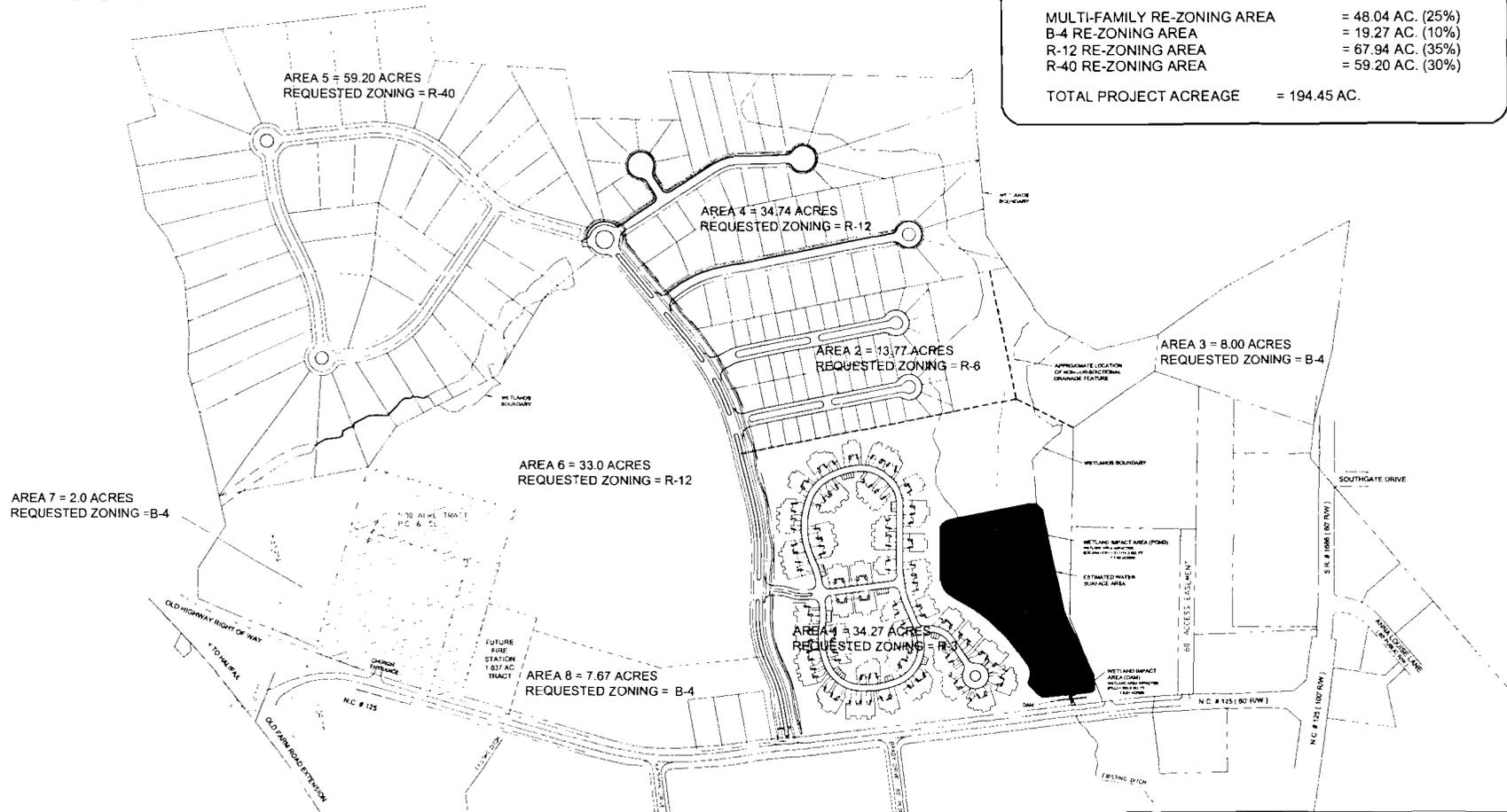
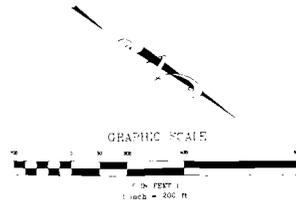
MULTI-FAMILY RE-ZONING AREA = 48.04 AC. (25%)  
B-4 RE-ZONING AREA = 19.27 AC. (10%)  
R-12 RE-ZONING AREA = 67.94 AC. (35%)  
R-40 RE-ZONING AREA = 59.20 AC. (30%)

TOTAL PROJECT ACREAGE = 194.45 AC.

**IMPERVIOUS CALCULATIONS:**

AREA 1 - TOWNHOMES (34.27 AC) = 7.93 AC.  
AREA 2 - PATIO HOMES (13.77 AC) = 3.16 AC.  
AREA 4 - VILLAGE SQUARE (34.74 AC) = 4.43 AC.  
AREA 5 - ESTATE LOTS (59.20 AC) = 4.01 AC.  
AREA 6 - FUTURE (33.0 AC) = 4.21 AC.  
AREA TOTALS (174.98 AC) = 23.74 AC.  
IMPERVIOUS PERCENTAGE = 0.136 %

NOTE: IMPERVIOUS CALCULATIONS INCLUDE  
ROADWAY AND DRIVEWAYS



PREPARED AND SUBMITTED BY:  
IMS CONSULTANTS, LLC  
CONSULTING ENGINEERS AND ARCHITECTS  
308 B. CANTRELL STREET  
P.O. BOX 1201 - SARASOTA, N.C. 27580  
Phone: 919.274.7451 Fax: 919.274.7452



CITY OF ROANOKE RAPIDS  
HALIFAX COUNTY  
NORTH CAROLINA

VILLAGES @ CROSS CREEK  
PUD ZONING MAP

Drawn by: FJM  
Designed by: WWD  
Checked by: DM  
Date: 9 FEB 05  
Scale: 1"=200'  
Sheet: C-1 of 1  
Project Number: 05331204

NO	REV	DATE	DESCRIPTION

REVISIONS

