

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 29 May 2008  
Comment Deadline: 30 June 2008  
Corps Action ID #: 200801630

The Wilmington District, Corps of Engineers (Corps) has received an application from Mr. Robert Bailey, with Walthom Group, seeking Department of the Army authorization to remove accumulated sediment from 53.44 acres of a lake bottom associated with the construction of a subdivision, east of Clayton, in 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:** Mr. Robert Bailey  
Walthom Group  
442-1/2 East Main Street  
Clayton, North Carolina 27520

**Agent:** Mr. Kevin Yates  
John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, North Carolina 27713

## 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 project site is located on the west side of NC Hwy 96, approximately one mile north of its intersection with NC Hwy 42, east of Clayton, in Johnston County, North Carolina. The center coordinates of the site are (latitude/longitude) 35.679/ -78.278.

### **Existing Site Conditions**

The site indicated for the proposed Cattail Lake subdivision is considered undeveloped land adjacent to an existing lake that is currently drained. The lake is an impoundment of Cattail Creek, a perennial stream that flows into the Atkinson's Mill Pond and the Little River, just down stream of the dam. The upper end of the Lake is bordered by headwater wetlands and beaver ponds on Cattail Creek. The areas around the lake are currently wooded, and a buffer on the lake will be maintained.

### **Applicant's Stated Purpose**

The purpose of the project is to remove sediment that has accumulated in the lake bottom to allow for safe recreational passage for boaters.

### **Project Description**

The project would involve removing approximately 871,200 cubic yards of accumulated sediment, of which some or all of the material may be temporarily side cast before disposal. Of the 65.5 acre lake, 53.44 acres will be dredged, 9.92 acres will be left natural with existing stumps for fish habitat, and 2.31 acres will only have the stumps removed.

### **Mitigation Discussion**

The applicant has not proposed any mitigation.

### **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 12, 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

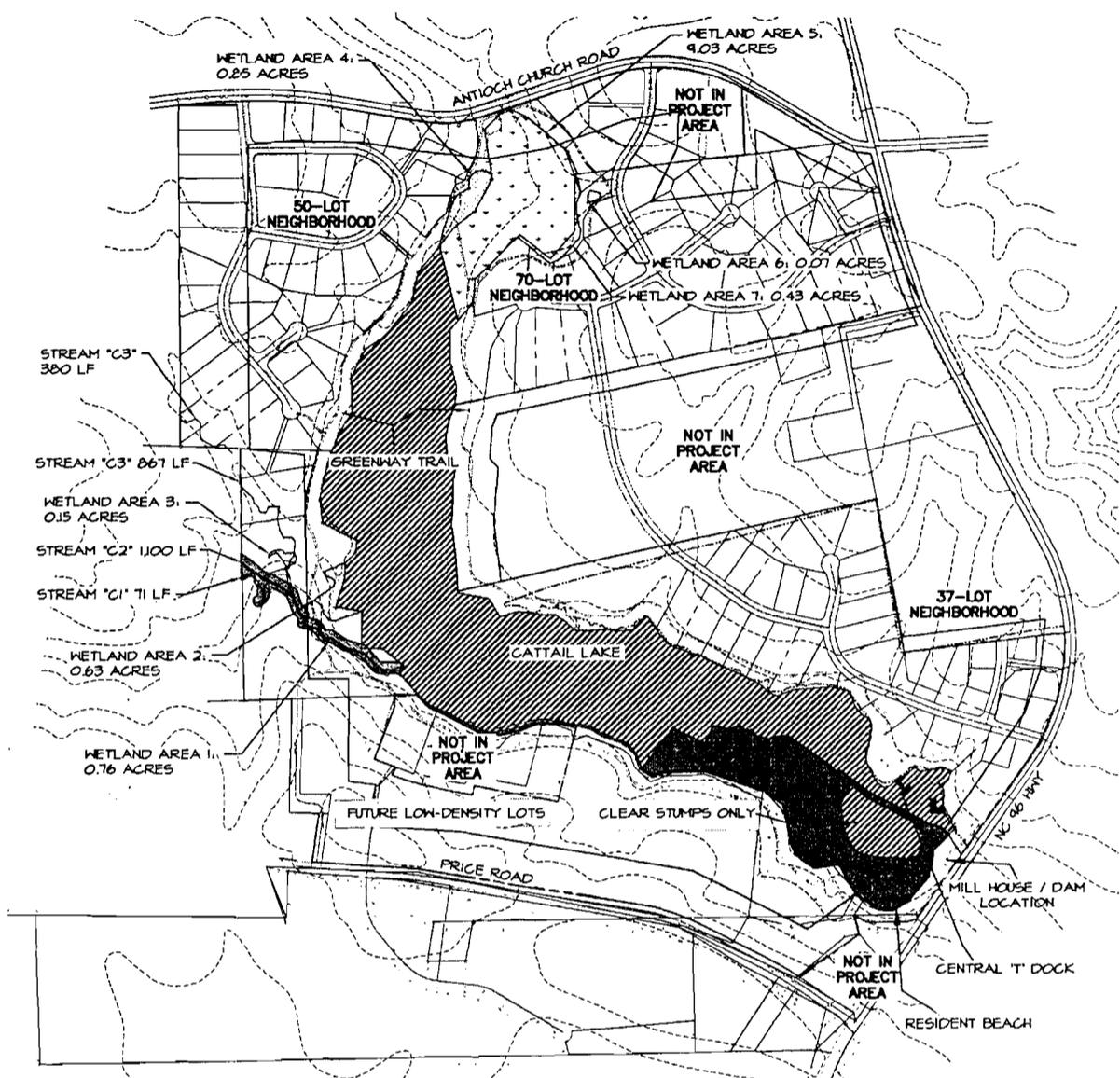
values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare 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 30, 2008. Comments should be submitted to Mr. Thomas Brown, (919) 554-4884, Ext. 22.



**SITE DATA:**  
 TOTAL AREA: 263 ACRES  
 TOTAL LENGTH OF STREAM: 2,418 LF  
 TOTAL AREA IN WETLANDS: 11.92 ACRES  
 TOTAL AREA IN STREAM BUFFER: 1.74 ACRES  
 TOTAL LAKE AREA: 65.5 ACRES

**LEGEND:**  
 - - - - - STREAM FEATURE  
 [Hatched Box] STREAM BUFFER  
 [Dotted Box] WETLAND  
 [Diagonal Lines Box] CATTAIL LAKE: AREA TO BE DREDGED = 53.44 AC  
 [Dark Hatched Box] NATURAL AREA FOR FISH HABITAT / TO BE LEFT IN NATURAL STATE = 12.23 AC  
 - - - - - GREENWAY TRAIL (60' FROM NORMAL POOL)

**NOTES:**  
 1) NEUSE RIVER STREAM BUFFERS FIELD VERIFIED BY MS. AMY CHAPMAN OF THE DWG RALEIGH CENTRAL OFFICE ON JANUARY 20, 2007.  
 2) STREAMS AND WETLANDS FIELD VERIFIED BY MR. THOMAS BROWN OF THE USACE ON OCTOBER 6, 2006.  
 3) CATTAIL LAKE IS CURRENTLY DRAINED AND WILL REMAIN DRAINED THROUGHOUT THE DURATION OF THE PROPOSED DREDGING. THERE IS A 50' NEUSE RIVER BUFFER FROM THE NORMAL POOL OF CATTAIL LAKE, THAT WILL BE RE-ESTABLISHED ONCE DREDGING IS COMPLETE.

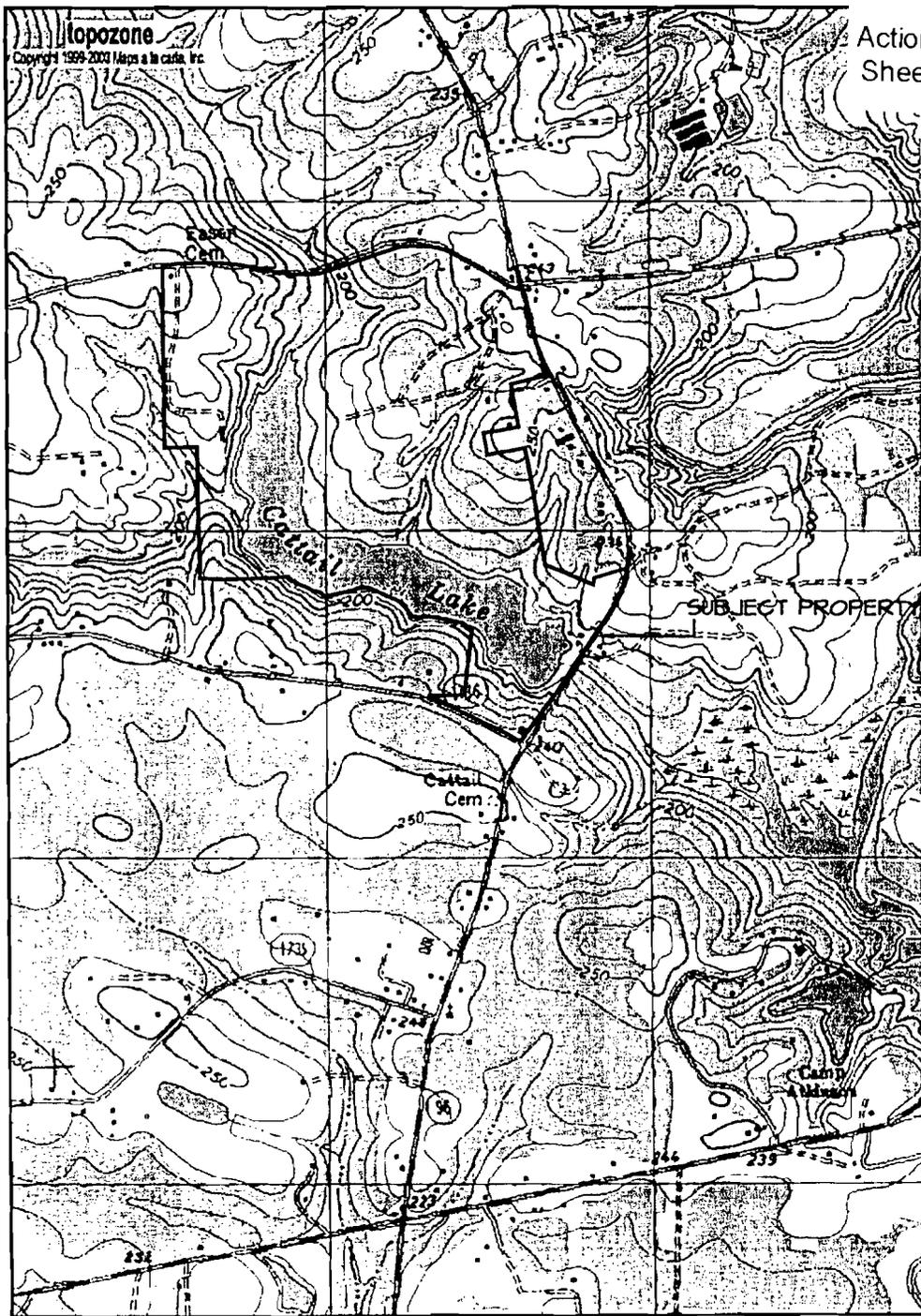
**FIGURE 5**



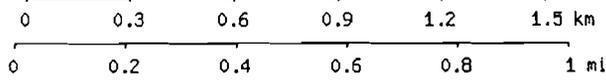
DRAWN BY	PROJECT NO.	WL-T-06030
	FILENAME	WL_T06030X
	SCALE	1" = 600'
	DATE	11-16-07

**CATTAIL LAKE  
 PROPOSED PROJECT  
 CLAYTON, NORTH CAROLINA**

**THE JOHN R. McADAMS  
 COMPANY, INC.**  
 ENGINEERS/PLANNERS/SURVEYORS  
 RESEARCH TRIANGLE PARK, NC  
 P.O. BOX 14005 ZIP 27709-4005  
 (919) 361-9000



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35.6774°N, 78.2740°W (NAD83/WGS84)  
Cattail Lake, USGS Flowers (NC) Quadrangle  
Projection is UTM Zone 17 NAD83 Datum

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<b>McADAMS</b>	PROJECT NO.	WLT-06030
	FILENAME:	WLT06030X
	SCALE:	AS SHOWN
	DATE:	9-28-06

# CATTAIL LAKE

## CATTAIL LAKE, FLOWERS QUAD

### CLAYTON, NORTH CAROLINA

**THE JOHN R. McADAMS COMPANY, INC.**  
ENGINEERS/PLANNERS/SURVEYORS  
RESEARCH TRIANGLE PARK, NC  
P.O. BOX 14005 ZIP 27709-4005  
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