



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: June 12, 2008
Comment Deadline: July 11, 2008
Corps Action ID #: 2008-1482

The Wilmington District, Corps of Engineers (Corps) has received an application from Pearson Properties, Incorporated seeking Department of the Army authorization to impact 2,235 linear feet of DuHarts Creek and an unnamed tributary to DuHarts Creek and 0.95 acre of wetlands in association with the Gaston Mall redevelopment. The project is located at 401 Cox Road, in Gastonia, Gaston 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: Pearson Properties, Incorporated
Attention: Mr. Joe Pearson
1422 Burtonwood Drive
Gastonia, North Carolina 28054

AGENT: Mr. Craig R. Wyant
Carolina Wetland Services
550 East Westinghouse Boulevard
Charlotte, North Carolina 28273

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 the Gaston Mall Redevelopment located at 401 Cox Road in Gastonia, Gaston County, North Carolina (35.2494 degrees north, -81.1372 degrees west), Gastonia North USGS Quadrangle.

Existing Site Conditions

The project area is zoned commercial and includes an existing shopping mall (Gaston Mall), large expanses of paved parking, an adjacent wooded area, and a fallow field. Dominant vegetation along the woodland edges consists of common blackberry (*Rubus argutus*), Chinese

privet (*Ligustrum sinense*), Japanese honeysuckle (*Lonicera japonica*), winged elm (*Ulmus alata*), meadow garlic (*Allium sinense*), soft rush (*Juncus effusus*), red cedar (*Juniperus virginiana*), and goldenrod (*Solidago spp.*). Dominant vegetation within the field consists of broom sedge (*Andropogon virginicus*), common blackberry, Japanese honeysuckle, goldenrod, dog fennel (*Eupatorium capillifolium*), and eastern baccharis (*Baccharis halimifolia*). Dominant vegetation in the wetland area consists of green ash (*Fraxinus pennsylvanica*), black willow (*Salix nigra*), red maple (*Acer rubrum*), jewelweed (*Impatiens capensis*), privet (*Ligustrum sinense*), tag alder (*Alnus serrulata*), arrowwood (*Viburnum dentatum*), sedges (*Carex spp.*), box elder (*Acer negundo*), sweet gum (*Liquidambar styraciflua*), ironwood (*Carpinus caroliniana*), river cane (*Arundinaria spp.*), and common elderberry (*Sambucus canadensis*). According to the soil survey of Gaston County, on-site soils consist of approximately: 60% Urban land (Ur), 25% Chewacla loam (Ch), 10% Pacolet sandy loam, 15-25% slopes (PaE), and 5% Cecil-Urban land complex, 2-8% slopes. Urban land soils include areas where more than 85% of the surface is covered with asphalt, concrete, buildings, or other non-impervious surfaces. Stream channels on the property are perennial (unnamed tributary to DuHarts Creek and DuHarts Creek). On the state NCDENR and Corps of Engineers "Stream Identification Form" submitted with the application, stream values were documented by a qualified environmental consultant. DuHarts Creek exhibits strong continuous bed and bank, flow, and riffle-pool sequences with a moderate presence of fish amphibians, crayfish, snails, and macroinvertebrates. This stream scored a 45.5 out of a possible 71 points on the NCDWQ form and a 62 out a possible 100 points on the Corps of Engineers form. This stream in the project area is 1,575 feet in length. The unnamed tributary on the site has been channelized and is approximately 660 feet in length. This stream exhibits a moderate riffle-pool sequence and flow. Biological sampling within this stream indicates a weak presence of macroinvertebrates and crayfish. This stream scored a 28.5 of a possible 71 points on the NCDWQ form and 46 out of a possible 100 points on the Corps of Engineers form.

Applicant's Stated Purpose

The stated purpose of the Gaston Mall Redevelopment is to renovate the existing shopping mall. The renovation will include the refurbishment or replacement of older buildings and the addition of new retail space as specified by a lease agreement with a new retail tenant for the property.

Project Description

Plans and a narrative submitted with the application show aquatic impacts resulting from 1,575 linear feet of excavation and filling of DuHarts Creek and an unnamed tributary in association with the redevelopment of the Gaston Mall. According to the applicant, as a result of the development, it will be necessary to relocate DuHarts Creek and fill over the unnamed tributary. The length of DuHarts Creek to be relocated will be 1,575 linear feet which will ultimately result in 1,953 linear feet of new channel. The 660 linear feet of unnamed tributary will be piped and filled over. In addition, 0.95 acre of wetlands will be impacted by the project. Mitigation to offset stream and wetland impacts is being proposed through a combination of onsite, in-kind stream and wetland restoration and appropriate payment into the North Carolina Ecosystem Enhancement Program (EEP). 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 July 11, 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

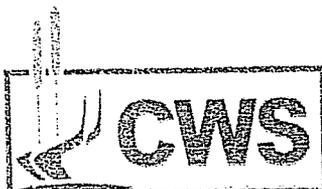
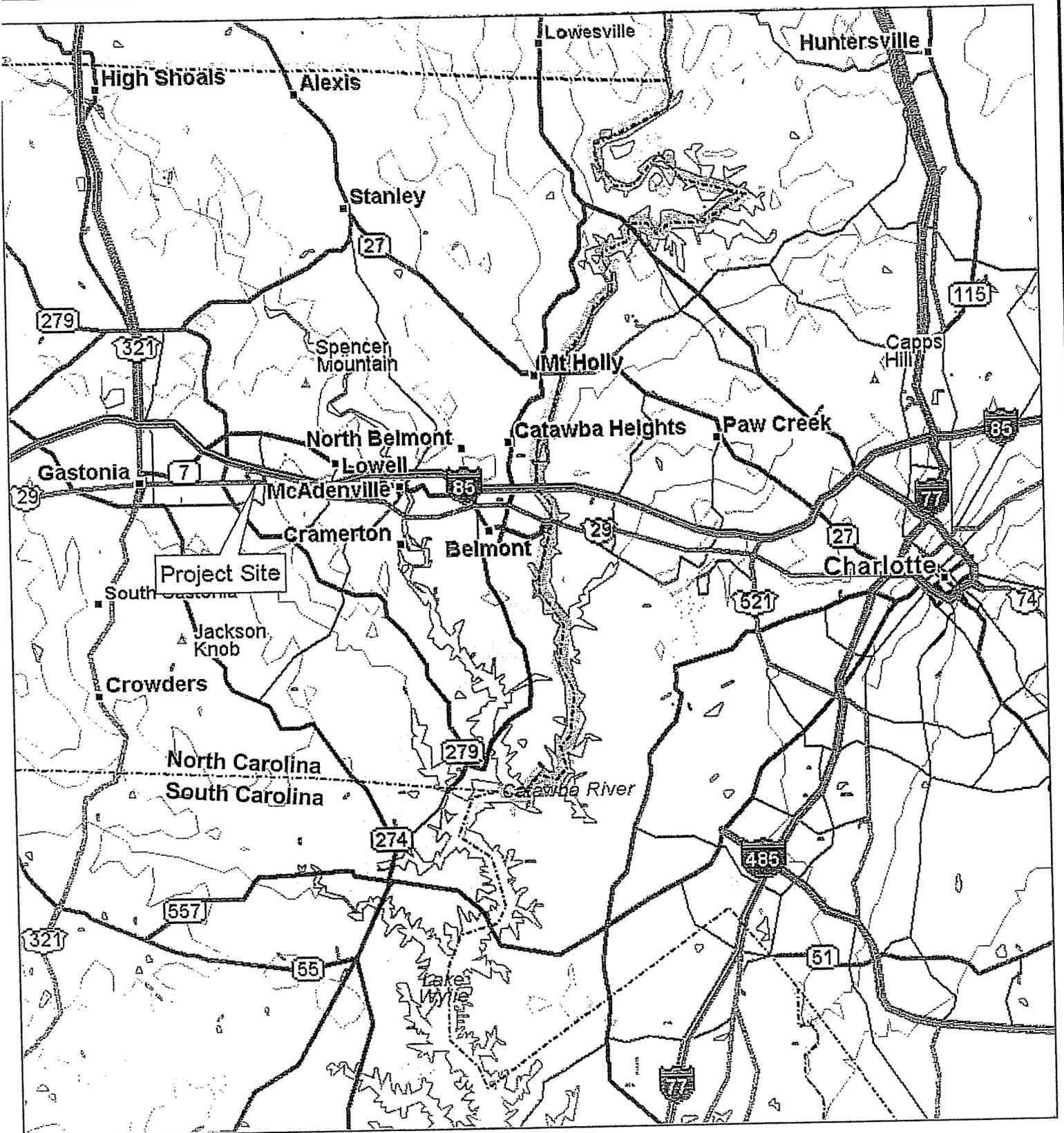
values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, 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, July 11, 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.



CWS, INC.
 550 E. Westinghouse Blvd.
 Charlotte, NC 28273

Vicinity Map

Gaston Mall Redevelopment
 Gaston County, North Carolina
 CWS Project Number: 2007-1860

Applicant No: Action #D. 2008-01482
 SHEET 1 OF 9

Date: 5-24-07

Sheet 1 OF 26

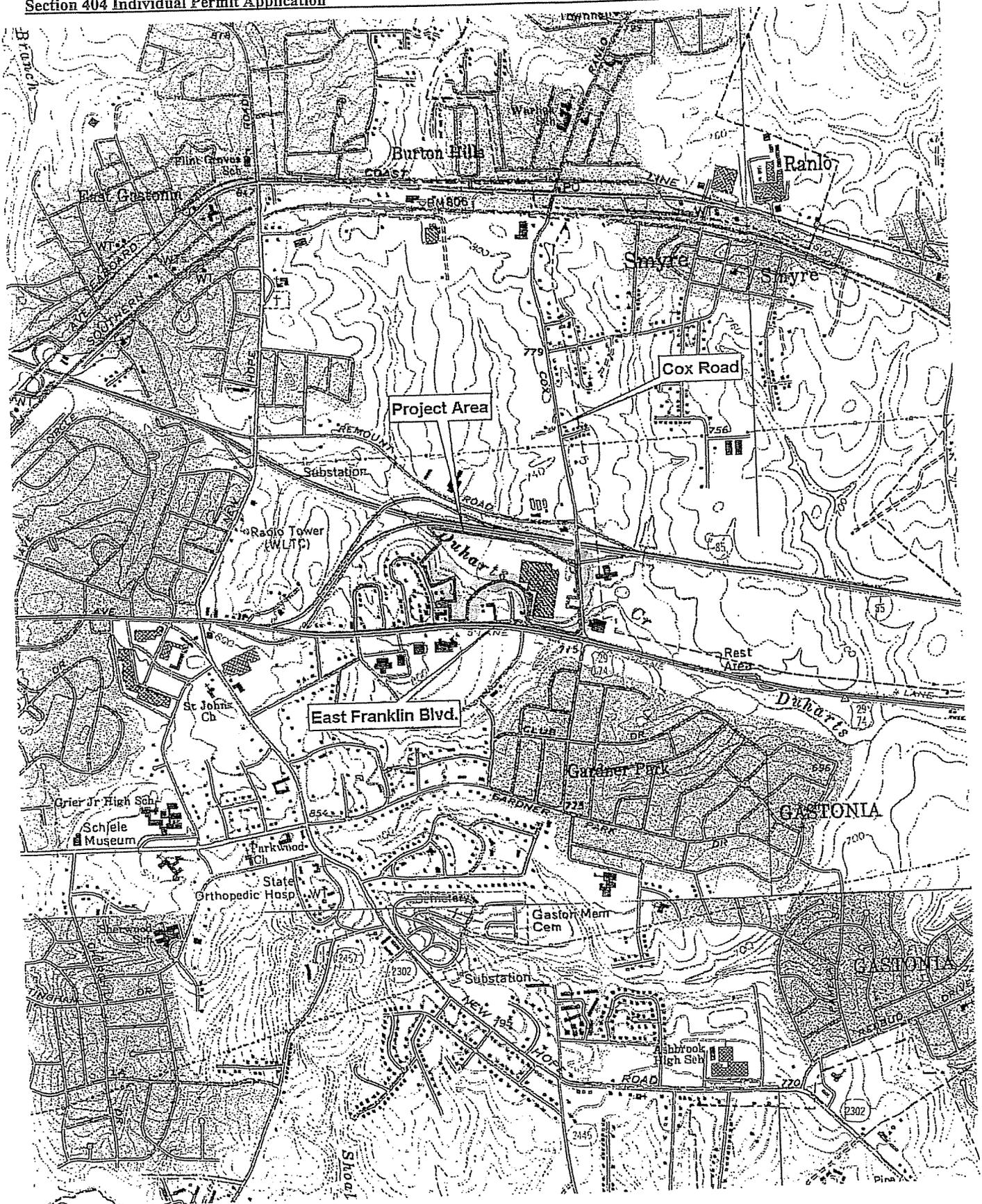
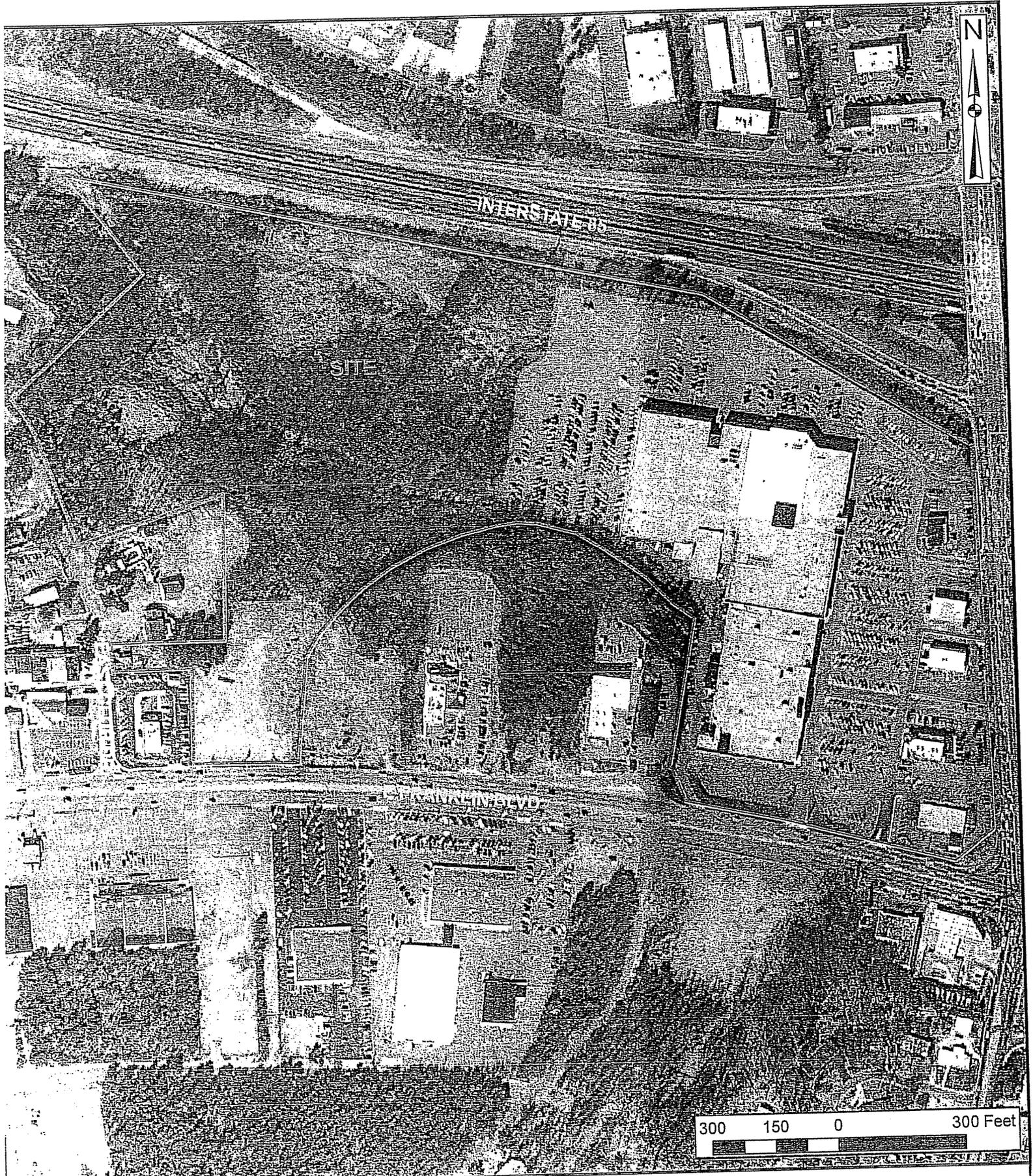


Image Courtesy of the U.S. Geological Survey

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7.5 Minute Topographic Map Series, Gastonia North, North Carolina, dated 1993.
Approximate Scale 1" = 2000'

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CWS, INC.
550 E. Westinghouse Blvd.
Charlotte, NC 28273

Aerial Photograph
Gaston Mall Redevelopment
Gaston County, North Carolina
CWS Project Number: 2007-1860

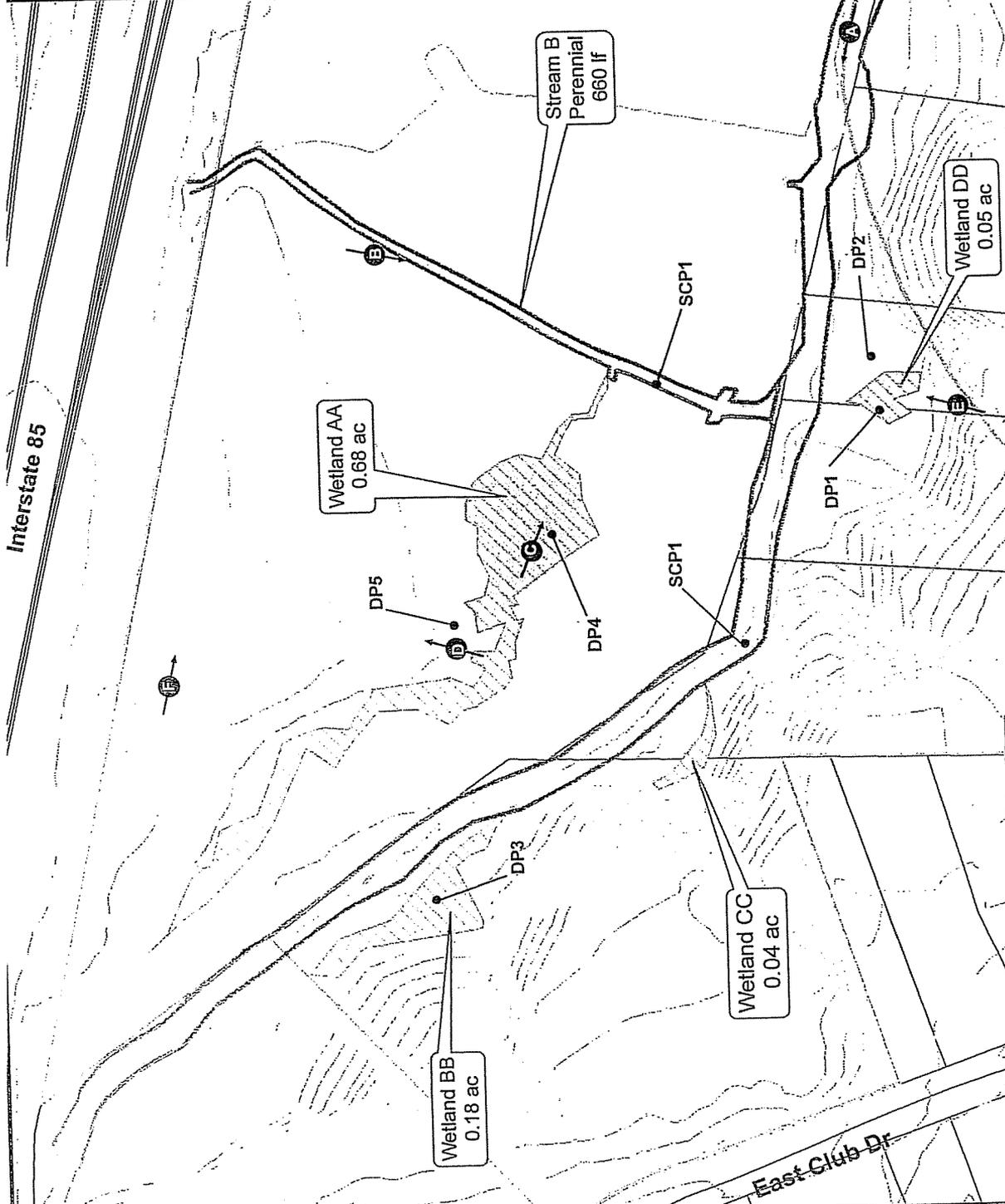
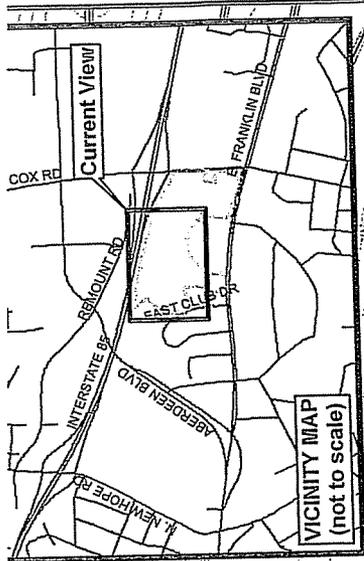
Applicant No:

Date: 6-19-07

ACT 103 ID 2008-0492
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Wetland AA
0.68 ac

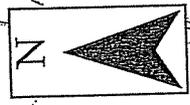
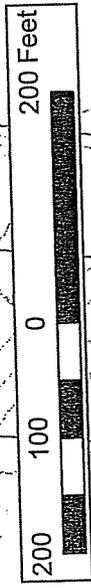
Wetland BB
0.18 ac

Wetland CC
0.04 ac

Wetland DD
0.05 ac

Stream B
Perennial
660 lf

Stream A
Perennial
1,610 lf



Legend

- Project Limits
- Wetlands
- Streams
- Topographic Lines
- DP1 Data Point 1
- SCP1 Stream Classification Point 1
- Photograph Location & Direction

Road Type

- Residential
- Interstate
- State Highways
- Federal Highway

CWS, INC.
Carolina Wetland Services

550 E. Westinghouse Blvd.
Charlotte, NC 28273

Approximate Jurisdictional Boundaries Map
Gaston Mall Redevelopment
Gaston County, North Carolina
CWS Project No. 2007-1860

APPLICANT NUMBER:
DATE: 6-19-07
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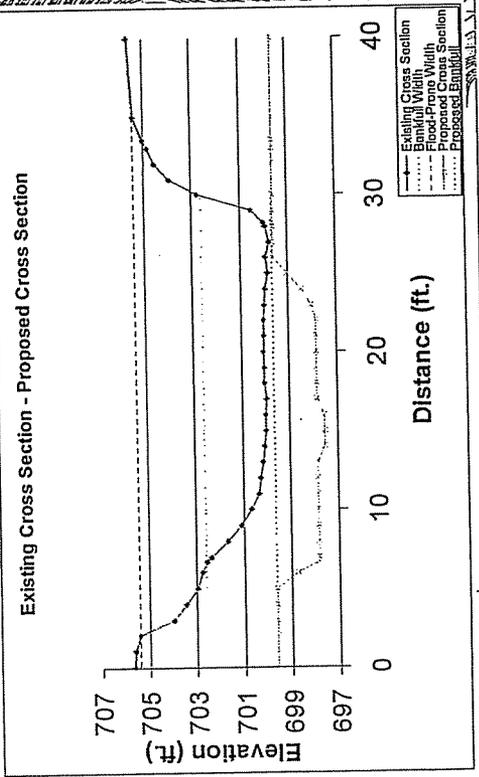
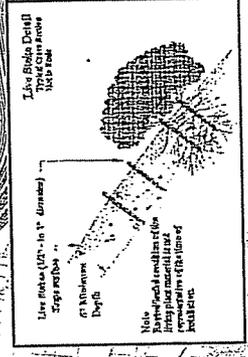
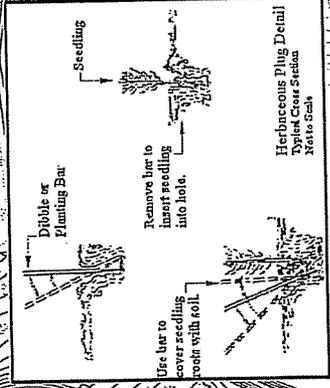
Entire area to be seeded with 77.5 lb. of temporary seed and 77.5 lb. of permanent seed mix. (15 lb per acre)
 Live Staked area to be matted with 8,667 sq. yards of coconut fiber matting.

CWS
 Carolina Wetland Services
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 Charlotte, North Carolina 28273

Relocation Detail
 Gaston Mall Redevelopment
 Gastonia, North Carolina
 CWS Project No. 2007-1860

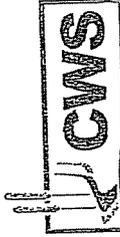
APP. # DATE
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Symbol	Scientific Name	Common Name	Quantity	Spacing	Form
[Dotted pattern]	<i>Salix sericea</i>	silky willow	15,000	1.5' OC	Live stake
[Dotted pattern]	<i>Cornus amomum</i>	silky dogwood	15,000	1.5' OC	Live stake
[Dotted pattern]	<i>Cephalanthus occidentalis</i>	buttonbush	15,000	1.5' OC	Live stake
[Diagonal hatching]	<i>Populus deltoides</i>	cottonwood	3,050	3' OC	Bare Root
[Diagonal hatching]	<i>Betula nigra</i>	river birch	3,050	3' OC	Bare Root
[Diagonal hatching]	<i>Acer negundo</i>	box elder	3,050	3' OC	Bare Root
[Diagonal hatching]	<i>Platanus occidentalis</i>	sycamore	3,050	3' OC	Bare Root
[Diagonal hatching]	<i>Ilex decidua</i>	possum haw	3,050	3' OC	Bare Root



Scale: 1" = 150'

ASTON ID: 2008-01482
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CWS, Inc.
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Alternative D - Preferred Alternative
 Gaston Mall Redevelopment
 Gastonia, North Carolina
 CWS Project No. 2007-1860

Appr. #

DATE

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ACTION NO. 2008-01432
 SHEET 9 OF 9

Scale: 1" = 250'