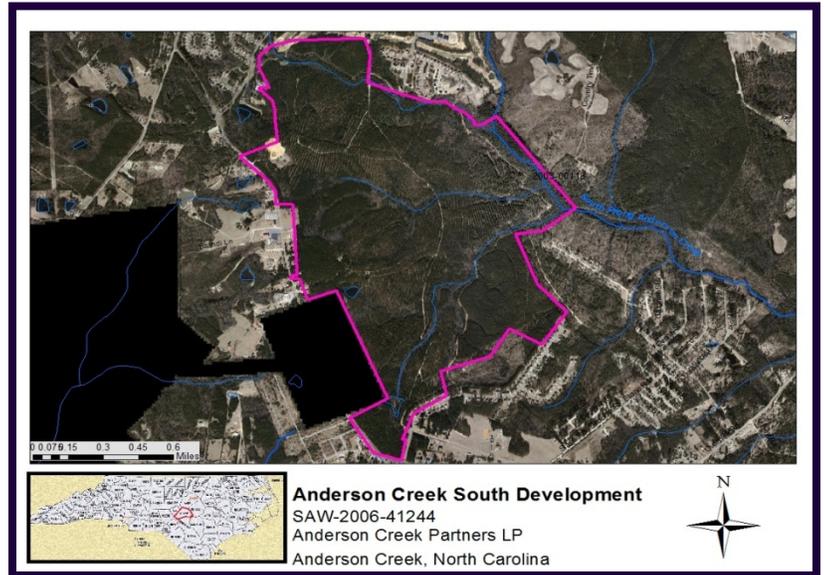




US Army Corps  
of Engineers  
Wilmington District

## Anderson Creek Club Development Anderson Creek, Harnett County, NC (Regulatory)

- A Department of the Army (DA) permit authorized a large-scale residential subdivision with an amenity lake. Recently, the project was modified to authorize phased mitigation payment to NCEEP and for modification to permitted plans for additional road crossings and alterations to previously permitted road crossings.
- The project will need to be inspected for compliance with permit special conditions to allow phased construction and mitigation.



CONGRESSIONAL DISTRICT: NC-02

Date: 5 February 2014

### 1. PURPOSE:

To provide information regarding the status of Anderson Creek Partners, LP's requested modification to the permitted Anderson Creek South development.

### 2. BACKGROUND:

a. The Corps of Engineers (Corps) received a request from Anderson Creek Partners, LP on July 30, 2012, to modify the Department of the Army (DA) permit issued March 7, 2012, that authorized impacts to 2,300 linear feet of stream channel and 9.53 acres of wetlands for the construction of a residential development and associated infrastructure and amenities, including a 31.4 acre recreational lake. Specifically, the applicant proposed to add three road crossings to access high ground and to modify the mitigation to be done in four phases over the next five years. Additionally the proposal will reduce the amount of impact to the previously authorized road crossing via the use of wing walls. The modification would result in an overall decrease of impacts from 2,300 linear feet of stream channel and 9.53 acres of wetlands, to 2,136 linear feet of stream channel and 8.9 acres of wetlands.

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- b. During a teleconference on November 30, 2011 between the Corps and the permittee's agent of Wetland and Natural Resources, additional modification requests may be forthcoming and would include additional changes to the permitted plans and potentially a request for phased preservation.
- c. With receipt of an approved onsite wetland preservation drawing, the permit was modified on December 14, 2012 to allow phased construction and mitigation.
- d. On December 18, 2012, the Corps received a request from Anderson Creek Partners, LP to allow Anderson Creek Property Homeowners' Association to be the conservation easement holder for on-site preservation required by permit conditions. On April 16, 2013 the permit was modified to allow the HOA to create a separate non-profit conservation entity to be the conservation easement holder as long as the newly formed entity adheres to certain included conditions.
- e. On September 24, 2013, the Corps conducted a compliance inspection on completed permitted work at Anderson Creek and discovered unauthorized rip rap and fill outside of the permitted limits of an authorized road crossing. On November 25, 2013, photographic documentation was received that showed that the unauthorized impacts had been removed and the area had been brought back into compliance.
- f. On October 29, 2013, via email correspondence with the consultant, and again on November 21, 2013 via email correspondence with the permittee, the permittee was notified that the Anderson Creek South residential development project is non-compliant with condition number one of the April 16, 2013, permit modification. This permit condition requires that all lands under conservation be transferred to the Property Owners Association within 120 days of the permit modification. On November 21, 2013, Mr. Mangum indicated that he and his partner, Mr. Levinson, would give final approval for the deed to be transferred within the next week.
- g. On December 17, 2013, the Corps received a letter that the condition requiring that the conservation organization monitor all tracts of the conservation property at least once per year was satisfied.
- h. On January 8, 2014, the Corps notified the permittee, that Ms. Valerie Grover was not qualified to fill the position of 'Director of the Conservation Entity' due to lack of experience in land or wetland conservation.

3. **CURRENT STATUS:**

The Corps anticipates receiving correspondence from the permittee as to whether the preservation lands have been transferred to the Home Owners Association as required by condition of the DA permit.