

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

ACTION ID 200310959

October 2, 2003

PUBLIC NOTICE

TriLand Development LLC, c/o Mr. James Weeks, Post Office Box 11180, Goldsboro, North Carolina 27532, has applied for a Department of the Army (DA) individual permit TO PERMANENTLY IMPACT 4.56 ACRES OF DA JURISDICTIONAL WETLANDS AND 8,755 LINEAR FEET OF STREAM CHANNELS TO FACILITATE THE CONTRUCTION OF FIVE ROAD CROSSINGS AND THREE LAKES TOTALING 26.93 ACRES ASSOCIATED WITH THE DEVELOPMENT OF A 352 LOT SUBDIVISION north of NCSR 1219 (Grantham Road) and adjacent to the Neuse River, southwest of Goldsboro in Wayne County, North Carolina. Mr. Chris Huysman, Wetland and Natural Resources Consultants, Inc., Post Office Box 224, Newton, North Carolina 28658, is acting as agent for TriLand Development LLC in the processing of this application.

The following description of this project is taken from data provided by the applicant and from observations made during onsite inspections by representatives of the Corps of Engineers. There are approximately 14.96 acres of coastal plain small stream swamps, seeps, and headwater wetlands located over the entire 300 acre tract. TriLand Development proposes to construct three lakes totaling 26.93 acres in conjunction with the development of a 352 lot subdivision. Five subdivision road crossings of jurisdictional areas are also proposed. Each will be 40 feet wide and will be accomplished using bottomless culverts and headwalls. The subdivision will be developed with drinking water wells and on-site septic systems thus reducing potential utility impacts to jurisdictional areas. Total site development will result in less than 24% impervious surface areas (assuming 352 lots). Each lot will be approximately 0.5 acres and will support individual residential homes greater than or equal to 1,700 square feet in size.

The subdivision lakes will be established via the construction of three dams within two unnamed tributaries that flow to the Neuse River. The proposed lakes will flood 4.56 acres of wetlands (ranging in size from approximately 0.01 acres to 1.63 acres) and 8,455 linear feet of stream channels. Dam construction will result in the filling of 300 linear feet of stream channel by discharging approximately 200 cubic yards of material into waters of the United States. All flooded channels are currently determined to be perennial and are subject to the Neuse River Riparian Buffer Rules.

The applicant proposes to utilize typical earthen dam and roadway construction techniques. Equipment will include trackhoes, bulldozers, dump trucks, and other typical grading machines. The North Carolina Division of Land Resources has determined that each of the three dams will be jurisdictional based upon their individual size and have a low hazard classification. Their office has requested additional information for further review.

The application package from TriLand Development details its avoidance and minimization efforts as follows:

- i) Removal of a proposed golf course from site development plans.
- ii) Reduction of sediment loads via the construction of lakes, wetland creation areas, and downstream plunge pools and cross vanes.
- iii) Maintenance of buffers along lake perimeters.
- iv) Minimized the number of road crossings.
- v) Provided cool-water discharge with a low flow orifice from the pond outlet.

The applicant proposes the following compensatory mitigation for the proposed impacts.

- i) Maintenance and establishment of 17.29 acres of riparian buffers along all perennial streams except for road crossings and impoundment structures.
- ii) Establishment of 16.54 acres of riparian buffers along lake perimeters.
- iii) Establishment of 5.2 acres of littoral zones along lake perimeters within common open space property.
- iv) Restoration of 300 linear feet of channels downstream of the dams by installation of grade control.
- v) Enhancement of 600 linear feet of channel through grade control.
- vi) Protection and preservation of all remaining and impounded waters of the United States and associated buffers by deed restriction including 10.4 acres of wetlands, 17.29 acres of streamside buffers, 16.54 acres of lakeside buffers, 26.93 acres of impounded waters, 5.2 acres of littoral zones, and 7,532 linear feet of perennial stream channel.

Plans showing the work are included with this public notice. The plans and additional information provided by the applicant detailing avoidance and minimization efforts can also be reviewed at the Washington Regulatory Field Office, U. S. Army Corps of Engineers Wilmington District, 107 Union Drive Suite 200, Washington, North Carolina 27889.

This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDQM) or their delegates.
- c. The issuance of an easement to fill or otherwise occupy State-Owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- d. The approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899. Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

Based upon available information, the District Engineer is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

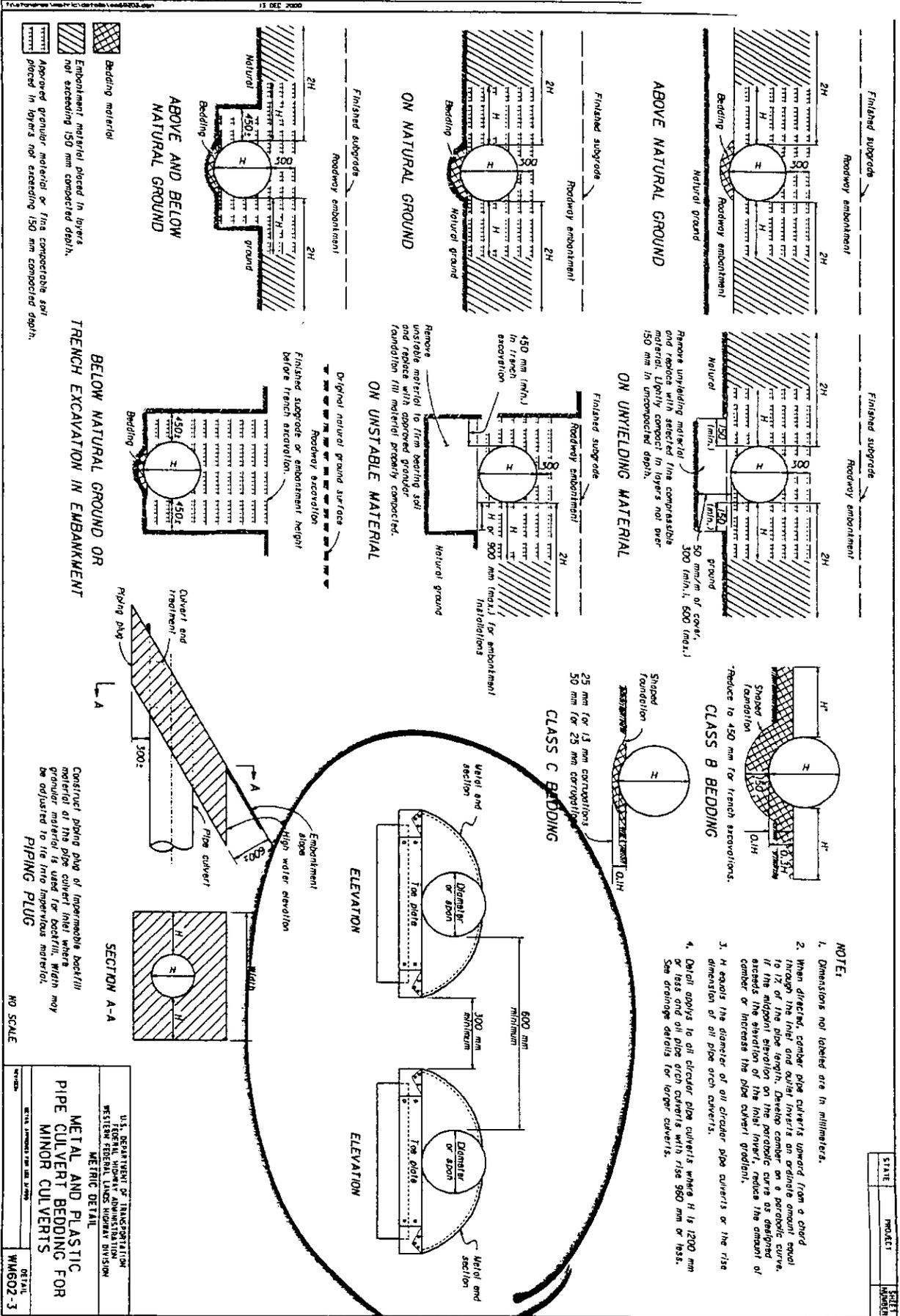
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agencies' 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers 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 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.

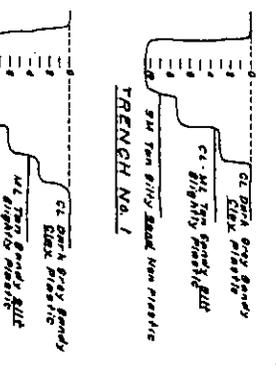
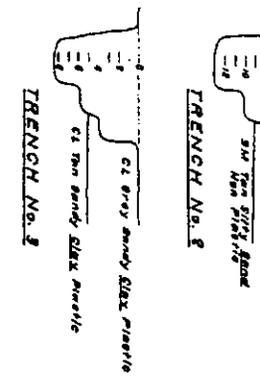
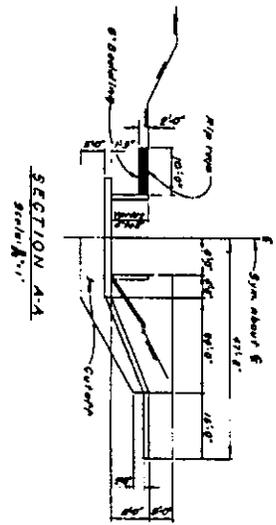
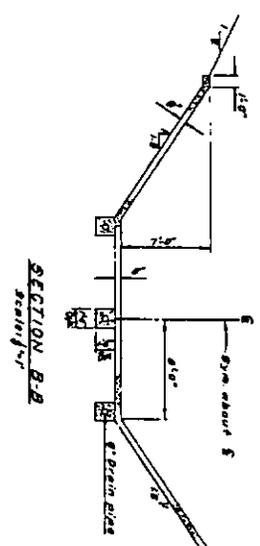
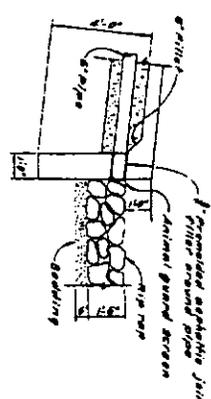
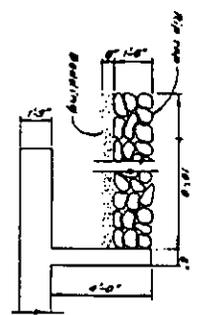
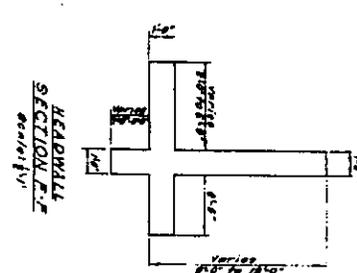
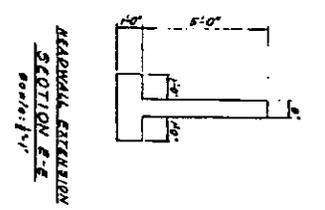
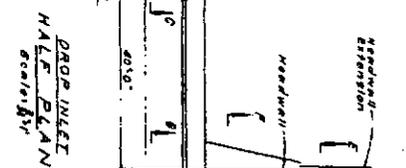
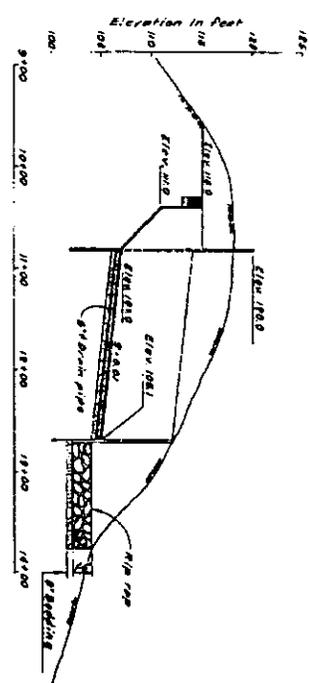
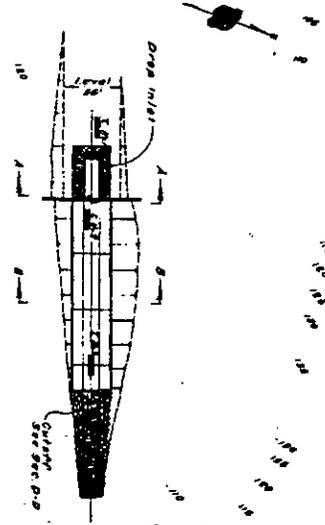
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, NCDWQ, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction cost.

Written comments pertinent to the proposed work, as outlined above, will be received in the Corps of Engineers, Wilmington District, Washington Regulatory Field Office, Attn: Mr. Scott Jones, Post Office Box 1000, Washington, North Carolina, 27889, until 4:15 p.m., November 7, 2003, at telephone (252) 975-1616, extension 27.



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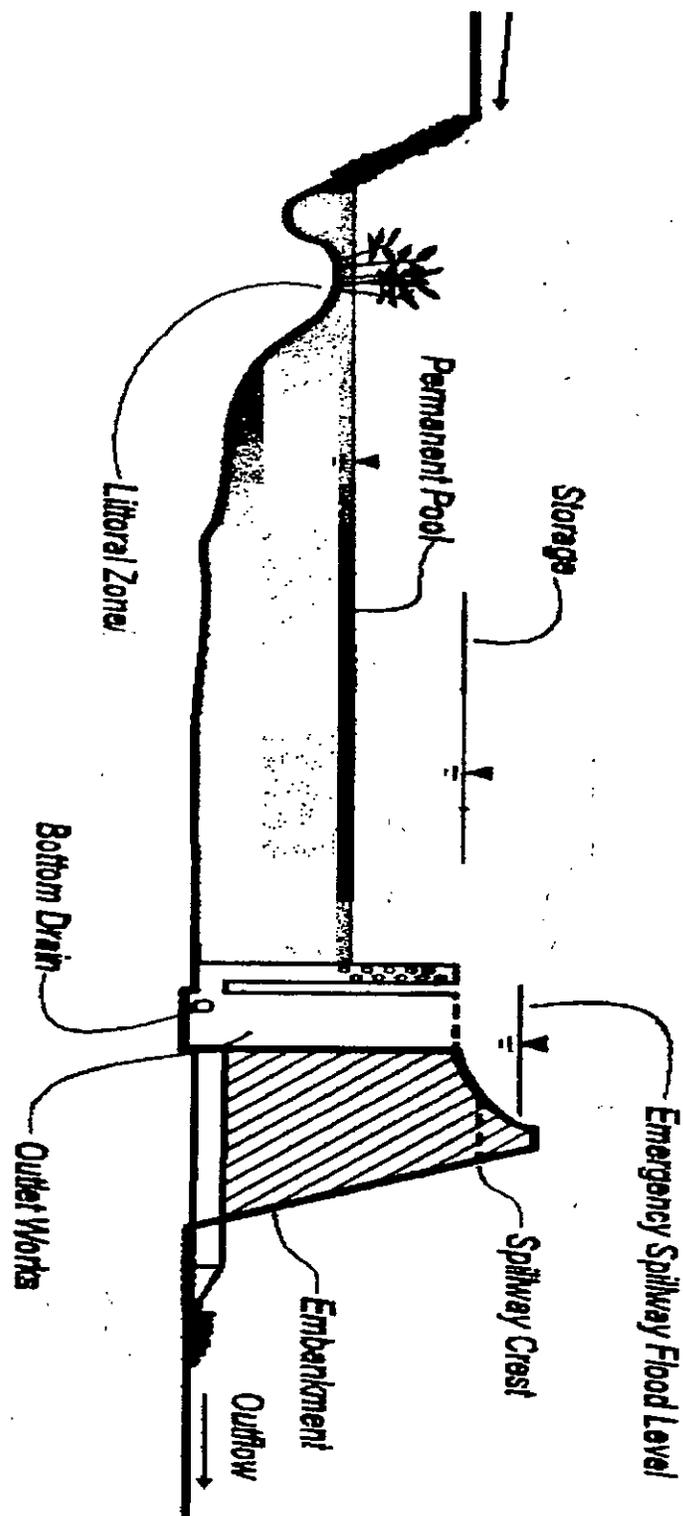


Provide a minimum of 12" of bedding for the rip rap. The bedding shall be a minimum of 12" of bedding. The bedding shall be a minimum of 12" of bedding. The bedding shall be a minimum of 12" of bedding.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT
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3	12" Bedding	100	CY
4	12" Bedding	100	CY
5	12" Bedding	100	CY
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50	12" Bedding	100	CY

THICK SIDE - B6 SIDE

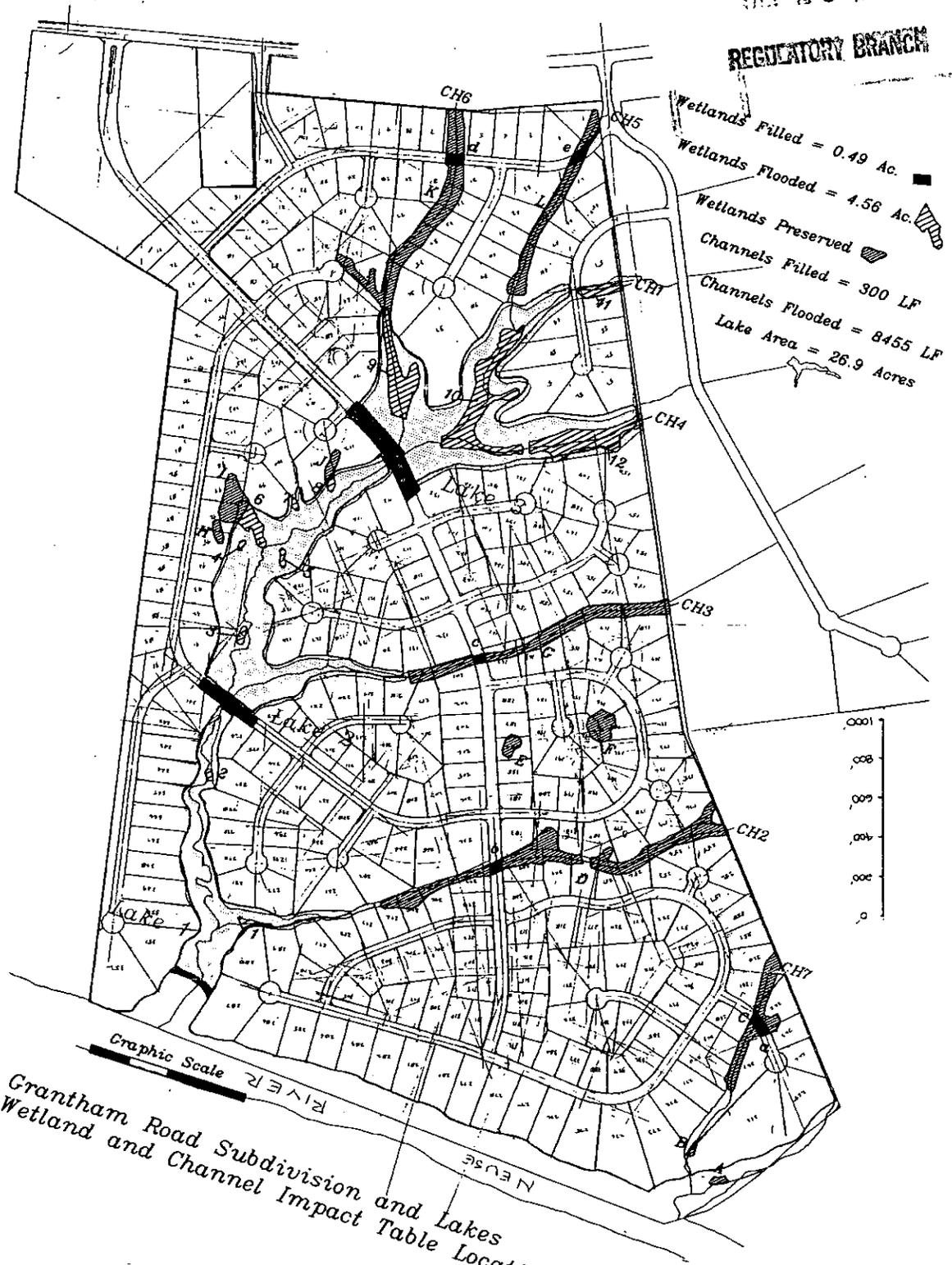
DEPARTMENT OF WATER RESOURCES
 DIVISION OF WATER RESOURCES
 OBSERVATION DAM AND RESERVOIR
 ALTERNATE SPILLWAY
 PLAN, PROFILE AND SECTIONS



RECEIVED

SEP 25 2003

REGULATORY BRANCH



Grantham Road Subdivision and Lakes
 Wetland and Channel Impact Table Location Map

TriLand Development LLC
Wayne County
Action ID 200310959
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RIVER

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Resthaven Memorial Park

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