

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200331122

August 22, 2003

PUBLIC NOTICE

DISCOVERY LANDS COMPANY, L.P., REPRESENTED BY MR. STEVE ADELSON, 4110 NORTH SCOTTSDALE ROAD, SUITE 280, SCOTTSDALE, ARIZONA 85251 has applied for a Department of the Army (DA) permit TO DISCHARGE FILL MATERIAL INTO UNNAMED TRIBUTARIES TO HURRICANE AND GRASSY CAMP CREEKS, LAUREL BRANCH, AND ADJACENT WETLANDS IN CONJUNCTION WITH THE DEVELOPMENT OF A MASTER PLANNED RESIDENTIAL COMMUNITY OFF OF LAUREL KNOB ROAD NEAR CASHIERS, JACKSON COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the discharge of approximately 1,325 cubic yards of fill material into 2,402 linear feet of perennial and intermittent stream channels and 0.04 acre of adjacent wetlands. The piping of 2,220 linear feet of the unnamed tributaries is primarily associated with fairway crossings during the construction of the proposed 18-hole championship golf course and driving range. The remaining 182 linear feet of impact is associated with a culverted road crossing for vehicular access within the subdivision. Eleven additional road crossings are proposed utilizing a combination of bridges and/or bottomless culverts. The applicant has developed a conceptual mitigation plan to offset the proposed stream impacts associated with the project. The plan consists of five elements: 1. The preservation of 26,187 linear feet of on-site streams with 29.8 acres of riparian buffers; 2. The preservation of 12.8 acres of on-site wetlands; 3. An existing roadbase through wetlands located off of Laurel Knob Road is to be removed and the 0.15 acre area restored. A new bridged main entranceway will be constructed across the wetlands. 4. The enhancement of 5,000 linear feet of degraded channel along Cullowhee Creek utilizing natural channel design techniques; and 5. The installation of stormwater treatment facilities and outfall improvements on the Western Carolina University Campus (biofilters, grass swales, etc.). The purpose of the work is to build a low density (330 homes) residential community complimented with a championship golf course and passive recreational opportunities in the western North Carolina mountains. Plans showing the work are included with this public notice.

The Divide tract consists of approximately 685-acres of primarily mid-successional mixed evergreen-hardwood forested land. Approximately 15 acres of the tract adjacent to Hurricane Lake consist of scrub-shrub and mountain bog wetlands. The perennial and intermittent streams, which originate on or traverse the tract, are all tributary to Lake Glenville and the Tuckasegee River. Hurricane Creek and Laurel Branch have a water classification of Water Supply Watershed III, trout waters, and High Quality Waters by the North Carolina Division of Water Quality.

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). 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 worksite 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, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, 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.

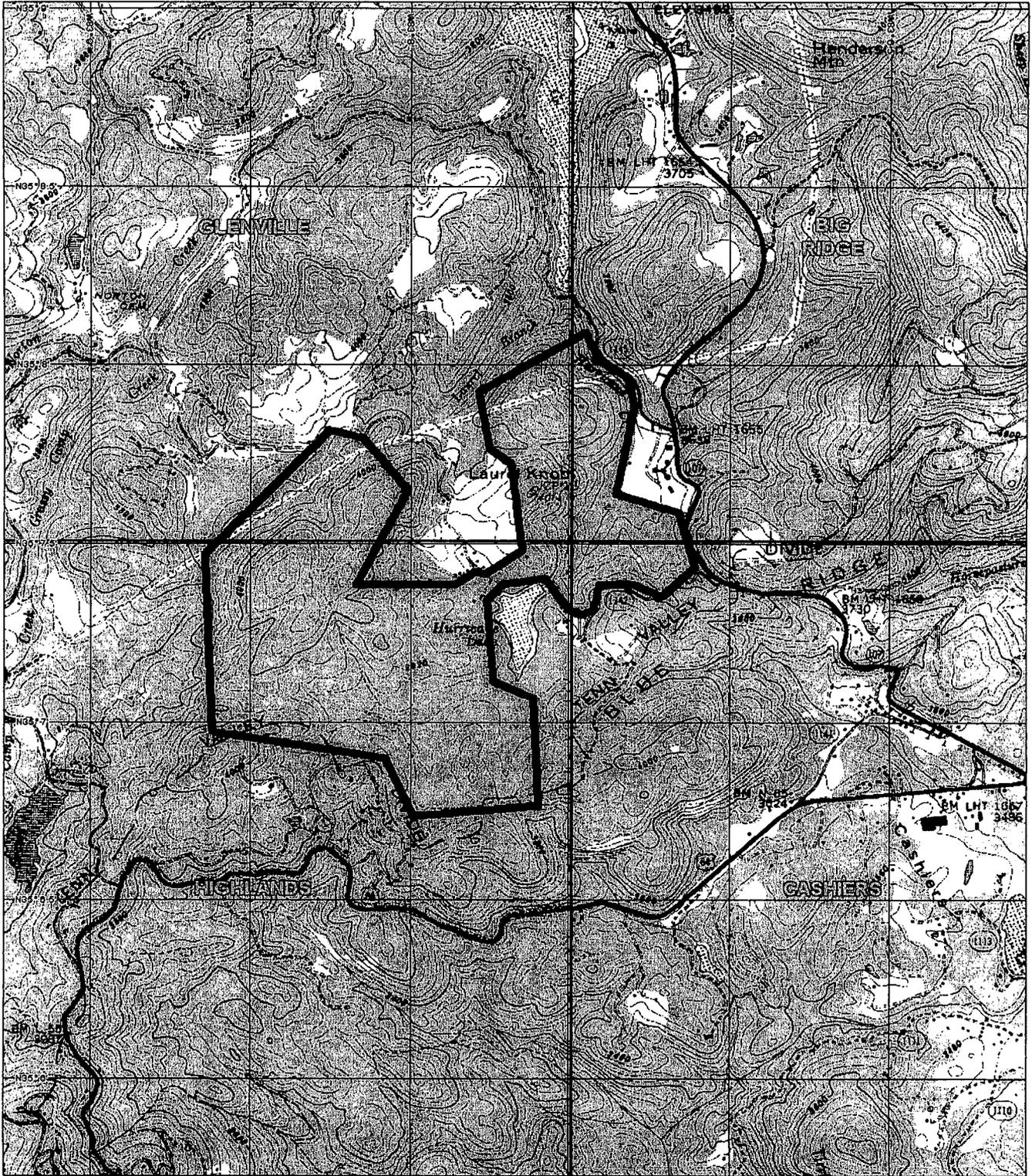
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity 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 Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

The North Carolina Division of Water Quality (NCDWQ) plans to take final action in the issuance of the Clean Water Act certification on or after September 12, 2003.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before September 12, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: David Baker, until 4:15 p.m., September 19, 2003, or telephone (828) 271-7980, extension 6.



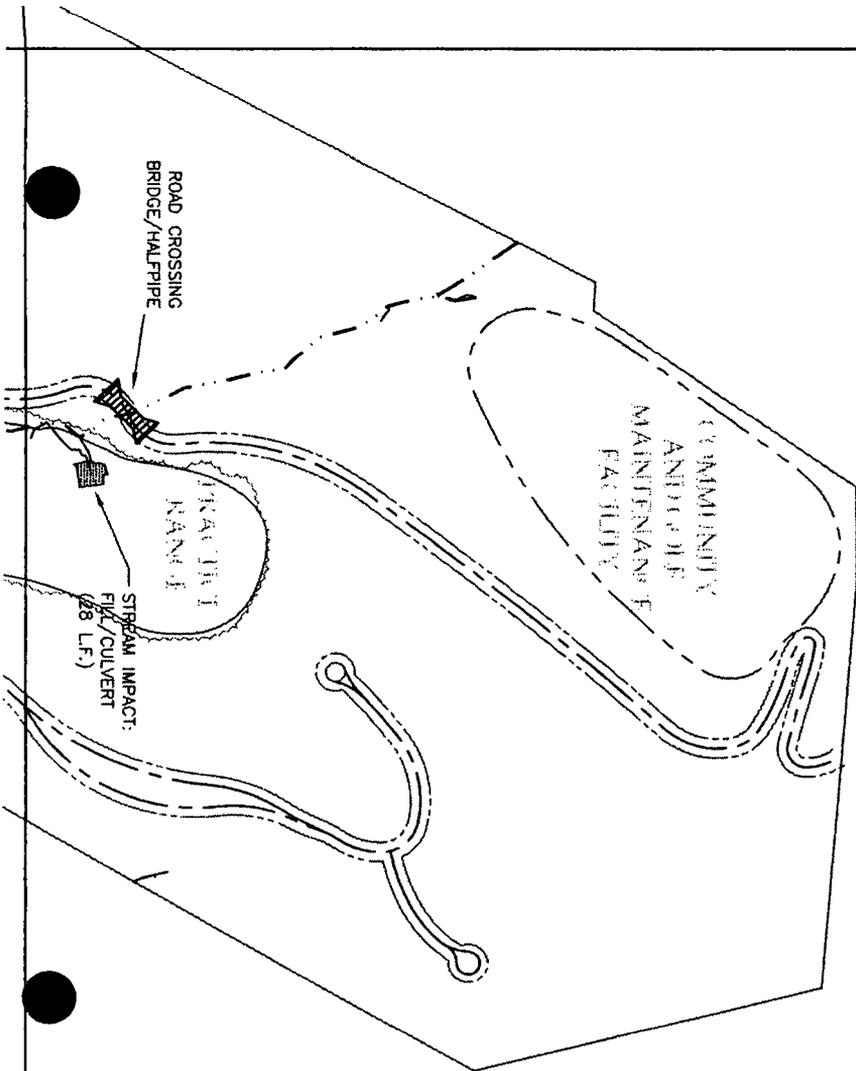
3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 750 ft Scale: 1 : 25,000 Detail: 13-0 Datum: WGS84

Jackson County
North Carolina

CLEARWATER
Environmental Consultants, Inc.
300 N. Main Street, Ste 202
Hendersonville, NC 28792
828-698-9800

Site Location Map

Figure 2

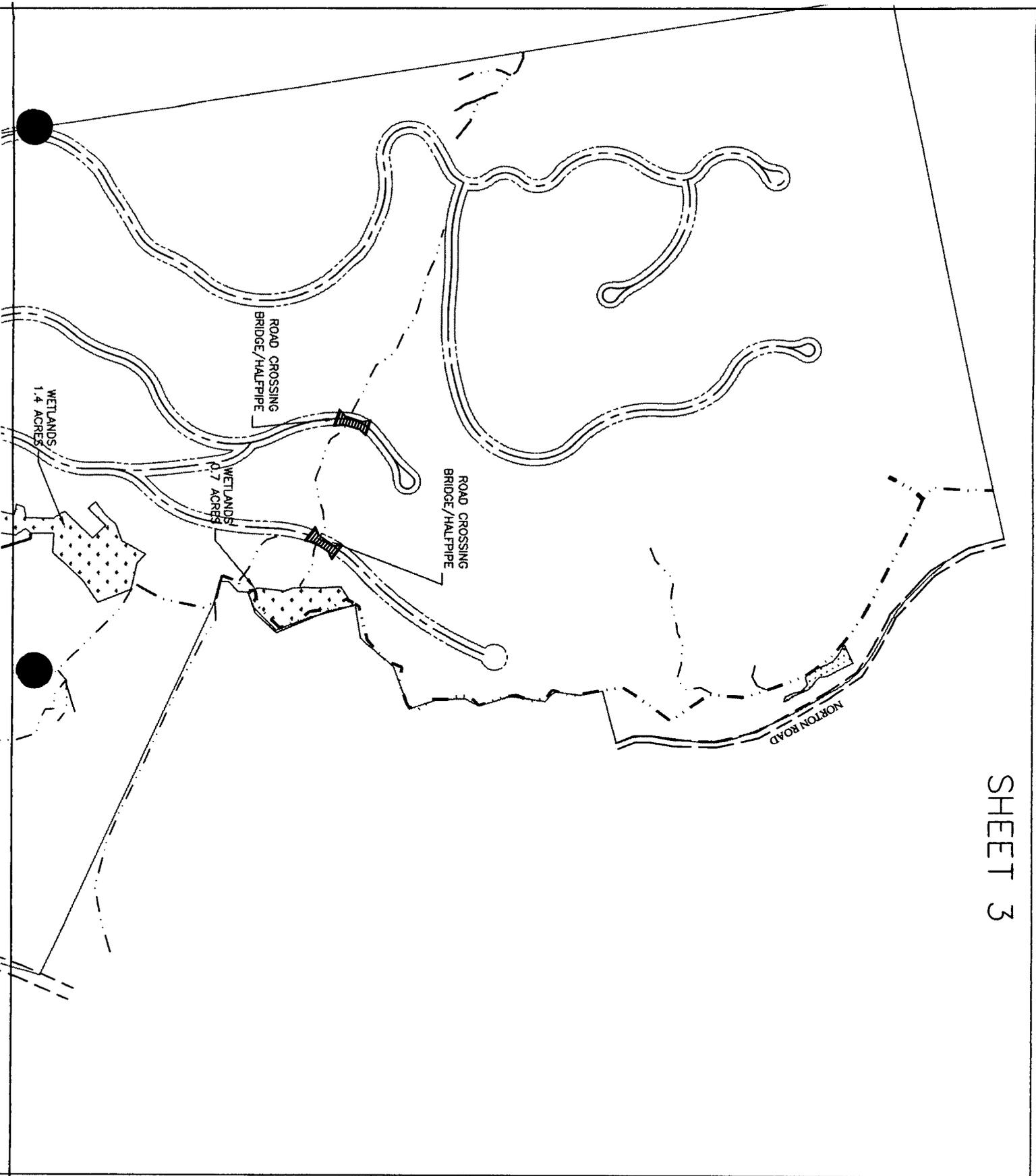


CLEARWATER ENVIRONMENTAL CONSULTANTS

FIGURE 3:
SHEET 2 OF 9
SCALE: 1" = 400'

THE DIVIDE
SECTION 404 MASTER PLAN
JACKSON COUNTY, NORTH CAROLINA

BASE INFORMATION PROVIDED BY:
WILLIAM G. LAPSLEY & ASSOCIATES, INC.
VITA PLANNING
HUTCHISON & BIGGS, INC.

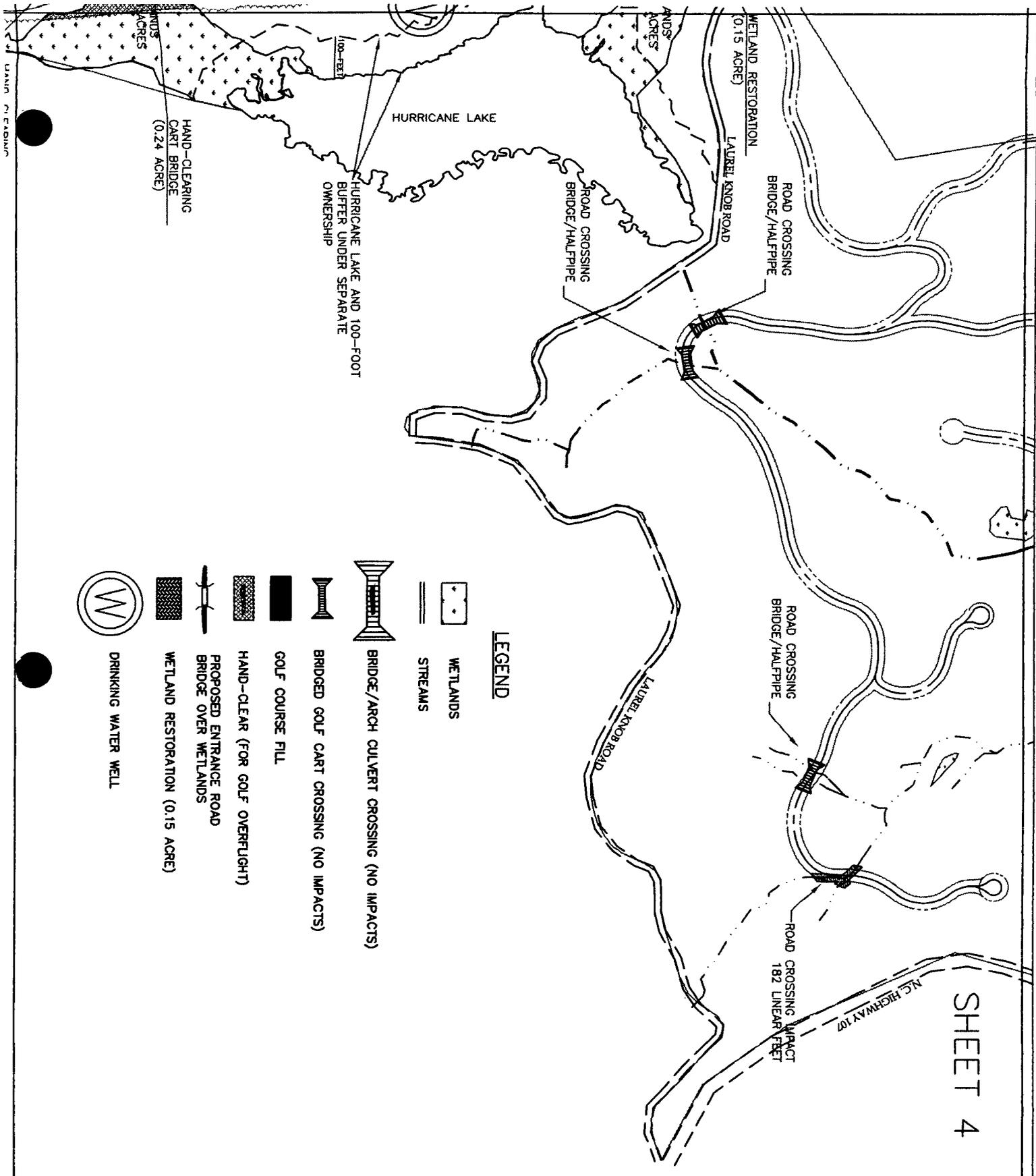



CLEARWATER
ENVIRONMENTAL
CONSULTANTS

FIGURE 3:
SHEET 3 OF 9
SCALE: 1" = 400'

THE DIVIDE
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JACKSON COUNTY, NORTH CAROLINA

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SHEET 4

LEGEND

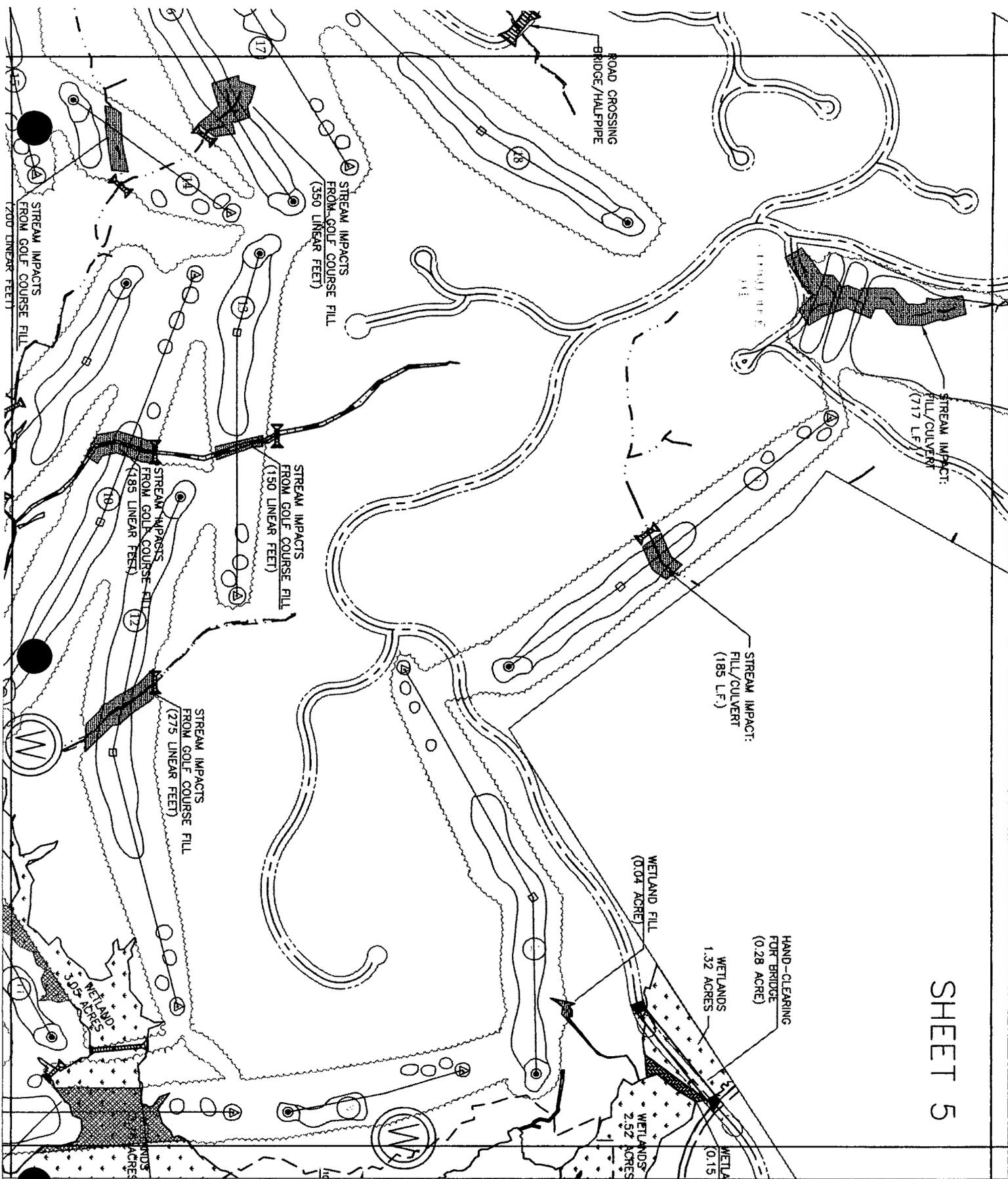
-  WETLANDS
-  STREAMS
-  BRIDGE/ARCH CULVERT CROSSING (NO IMPACTS)
-  BRIDGED GOLF CART CROSSING (NO IMPACTS)
-  GOLF COURSE FILL
-  HAND-CLEAR (FOR GOLF OVERFLIGHT)
-  PROPOSED ENTRANCE ROAD BRIDGE OVER WETLANDS
-  WETLAND RESTORATION (0.15 ACRE)
-  DRINKING WATER WELL

CLEARWATER ENVIRONMENTAL CONSULTANTS

FIGURE 3:
SHEET 4 OF 9
SCALE: 1" = 400'

THE DIVIDE
SECTION 404 MASTER PLAN
JACKSON COUNTY, NORTH CAROLINA

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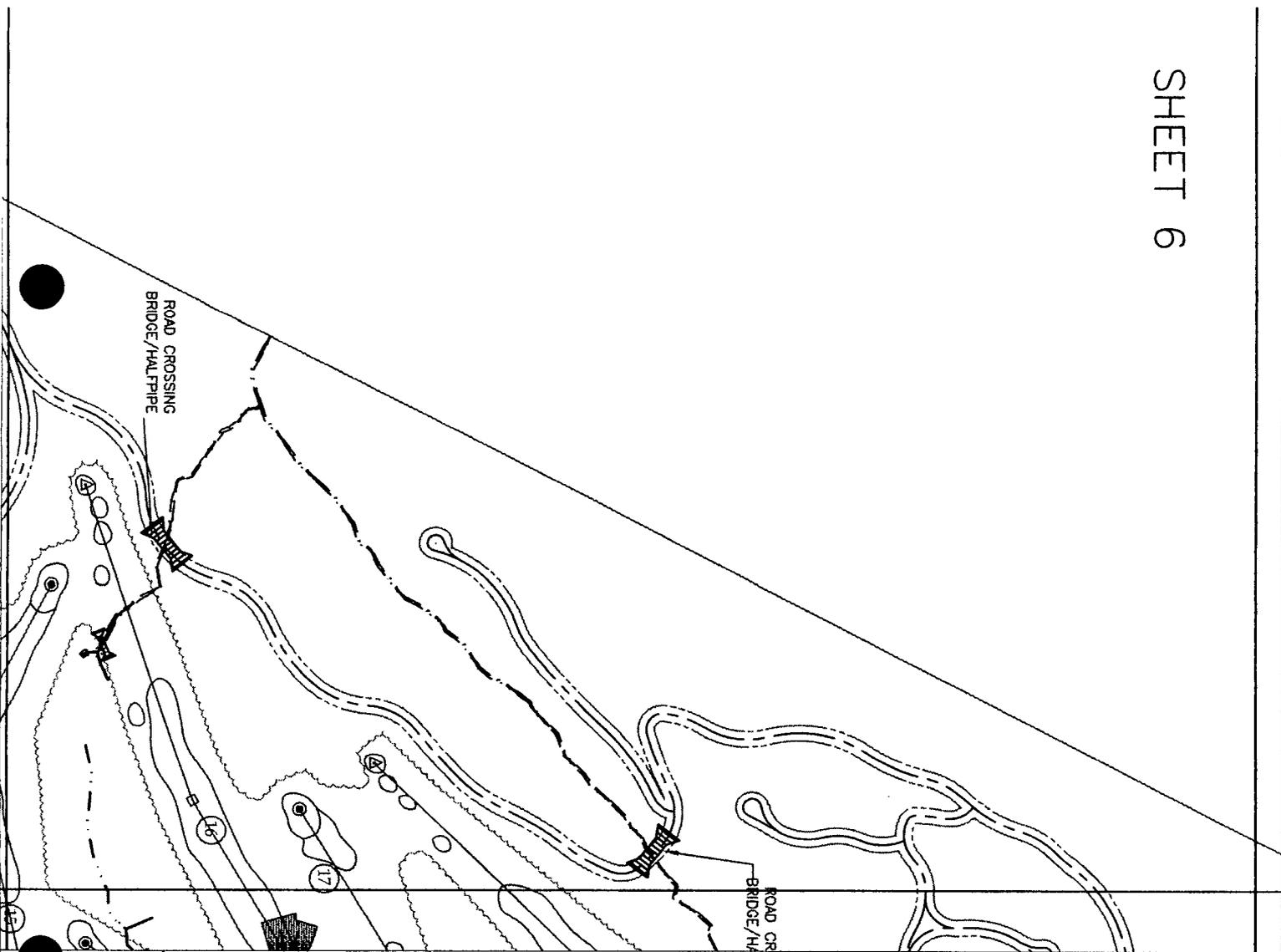
SHEET 5

CLEARWATER ENVIRONMENTAL CONSULTANTS

FIGURE 3:
SHEET 5 OF 9
SCALE: 1" = 400'

THE DIVIDE
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JACKSON COUNTY, NORTH CAROLINA

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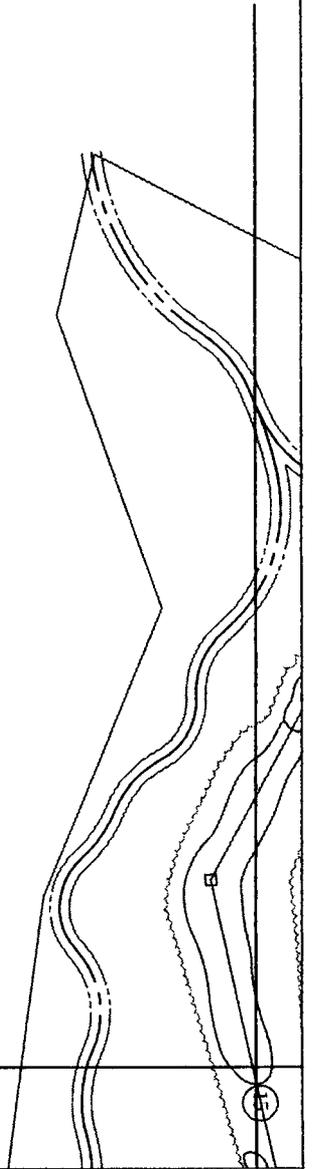
CLEARWATER ENVIRONMENTAL CONSULTANTS

FIGURE 3:
SHEET 6 OF 9
SCALE: 1" = 400'

THE DIVIDE
SECTION 404 MASTER PLAN
JACKSON COUNTY, NORTH CAROLINA

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SHEET 7



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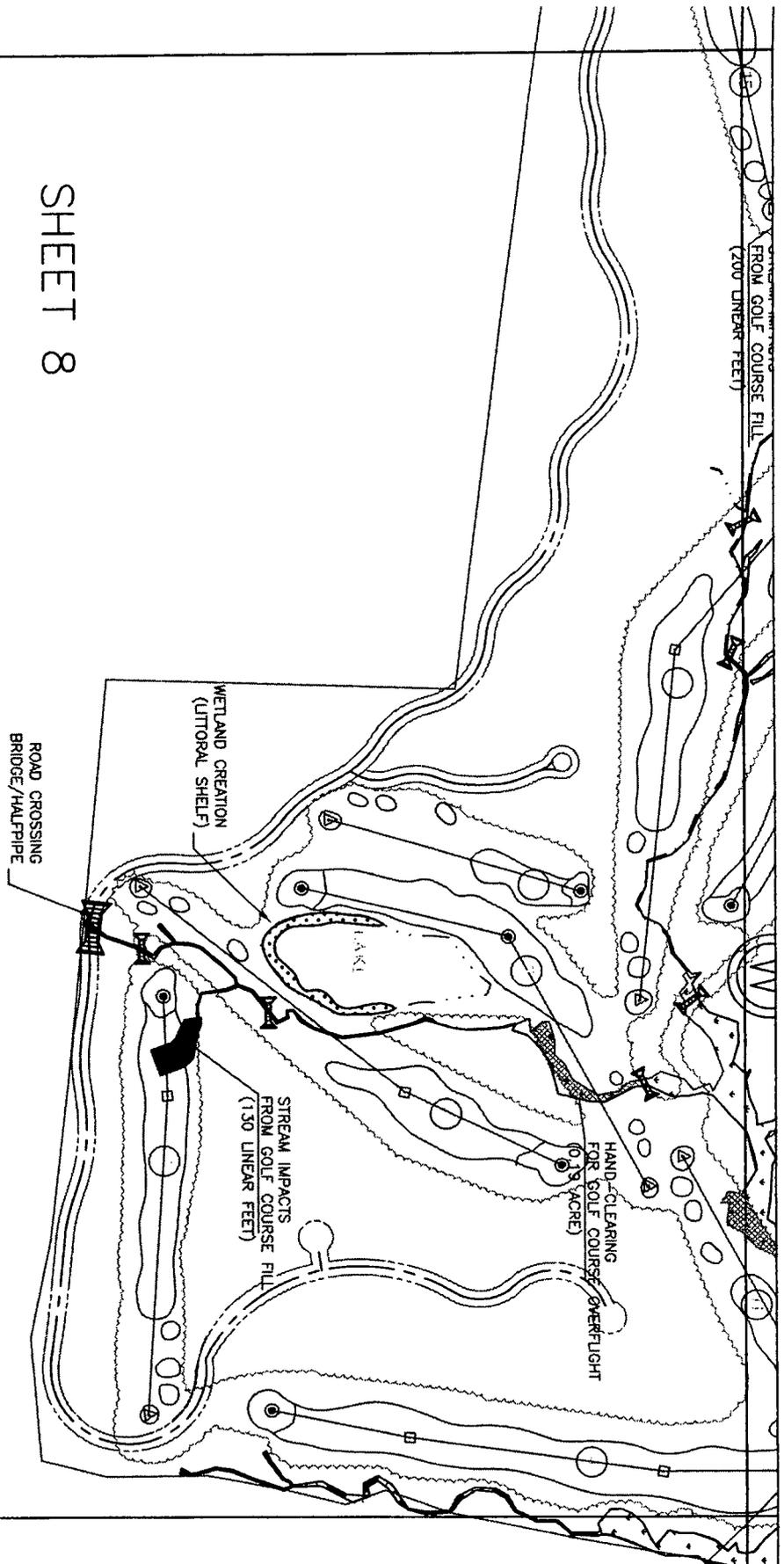
FIGURE 3:
SHEET 7 OF 9
SCALE: 1" = 400'

THE DIVIDE
SECTION 404 MASTER PLAN
JACKSON COUNTY, NORTH CAROLINA

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9 OF 14

SHEET 8



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FIGURE 3:
SHEET 8 OF 9
SCALE: 1" = 400'

THE DIVIDE
SECTION 404 MASTER PLAN
JACKSON COUNTY, NORTH CAROLINA

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HAND-CLEARING
FOR GOLF COURSE
OVERFLIGHT
(1.58 ACRES)

SHEET 9

PROJECT DATA

TOTAL PROJECT AREA

686.5 ACRES

JURISDICTIONAL WATERS OF THE US/WETLANDS

PERENNIAL & INTERMITTENT STREAMS
WETLANDS

28,607 LF
14.92 ACRES

JURISDICTIONAL IMPACTS

ROAD IMPACTS/CULVERTS

182 LF

GOLF COURSE IMPACTS

PERMANENT FILL IMPACTS
PERENNIAL STREAM
WETLANDS

2,220 LF
0.04

UTILITY LINE IMPACTS
IRRIGATION POND IMPACTS
HAND-CLEARING
TEMPORARY FILL IMPACTS

-0-
-0-
-0-
2.36 ACRES
-0-

TOTAL PERMANENT STREAM IMPACTS:
TOTAL PERMANENT WETLAND IMPACTS:
TOTAL HAND-CLEARING:
TOTAL TEMPORARY FILL IMPACTS:

2,402 LF
0.04 ACRE
2.36 ACRES
-0-

COMPENSATORY MITIGATION

AVOIDANCE

TOTAL STREAMS AVOIDED
TOTAL WETLANDS AVOIDED
NEW BRIDGES/ARCH CULVERTS
GOLF CART BRIDGES

26,187 LF
12.52 ACRES
11
13

RESTORATION/CREATION

STREAM RESTORATION/ENHANCEMENT I
(OFF-SITE: CULLOWHEE CREEK)
LITTORAL SHELF/WETLAND CREATION
WETLAND RESTORATION

5,000 LF
.35 ACRE
.15 ACRE

ON-SITE PRESERVATION

JURISDICTIONAL STREAMS
JURISDICTIONAL WETLANDS
STREAM/WETLAND BUFFER:

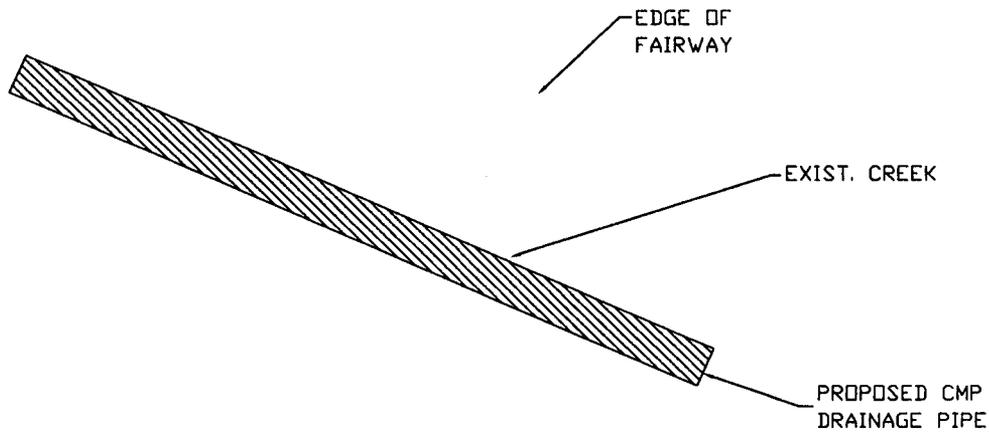
26,187 LF
12.67 ACRES
29.81 ACRES

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FIGURE 3:
SHEET 9 OF 9
SCALE: 1" = 400'

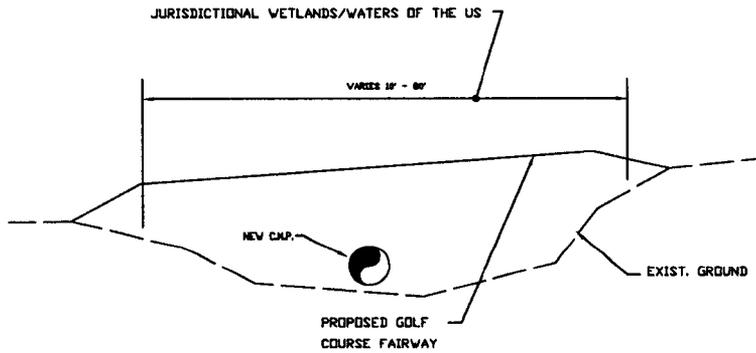
THE DIVIDE
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JACKSON COUNTY, NORTH CAROLINA

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TYPICAL PLAN VIEW

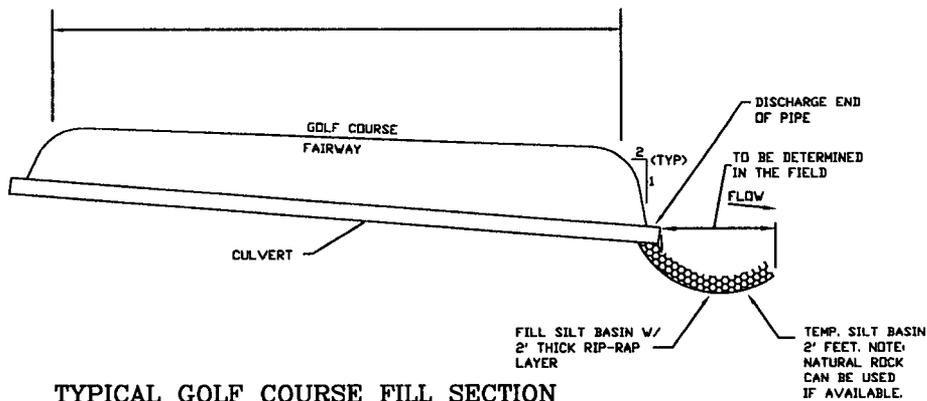
N.T.S.



TYPICAL SECTION

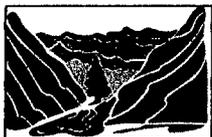
N.T.S.

Culvert buried below streambed to appropriate depth (6-12 inches)



TYPICAL GOLF COURSE FILL SECTION

N.T.S.

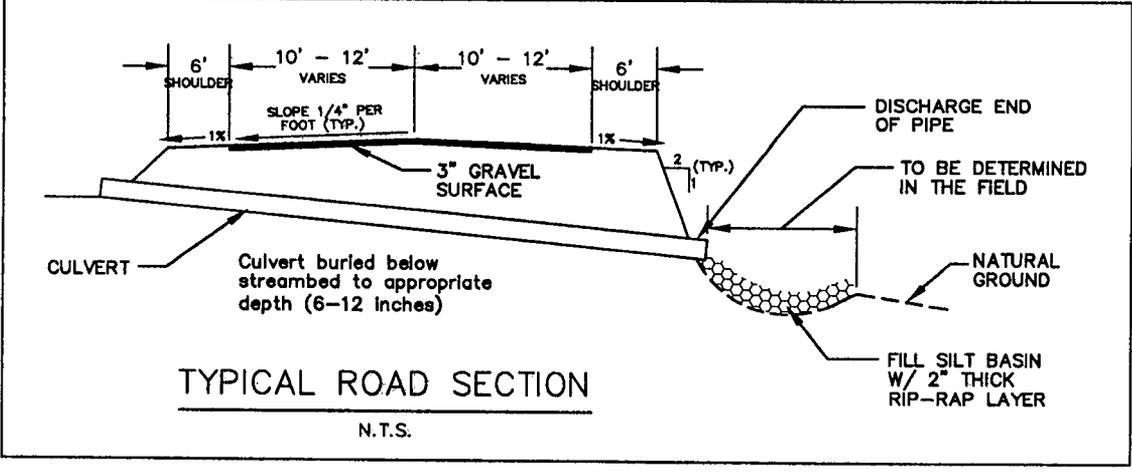
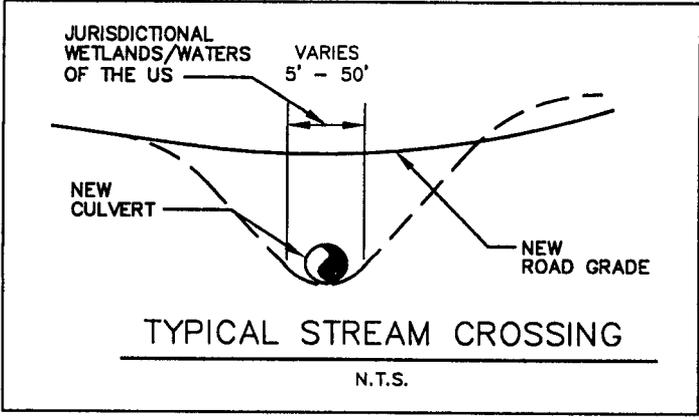
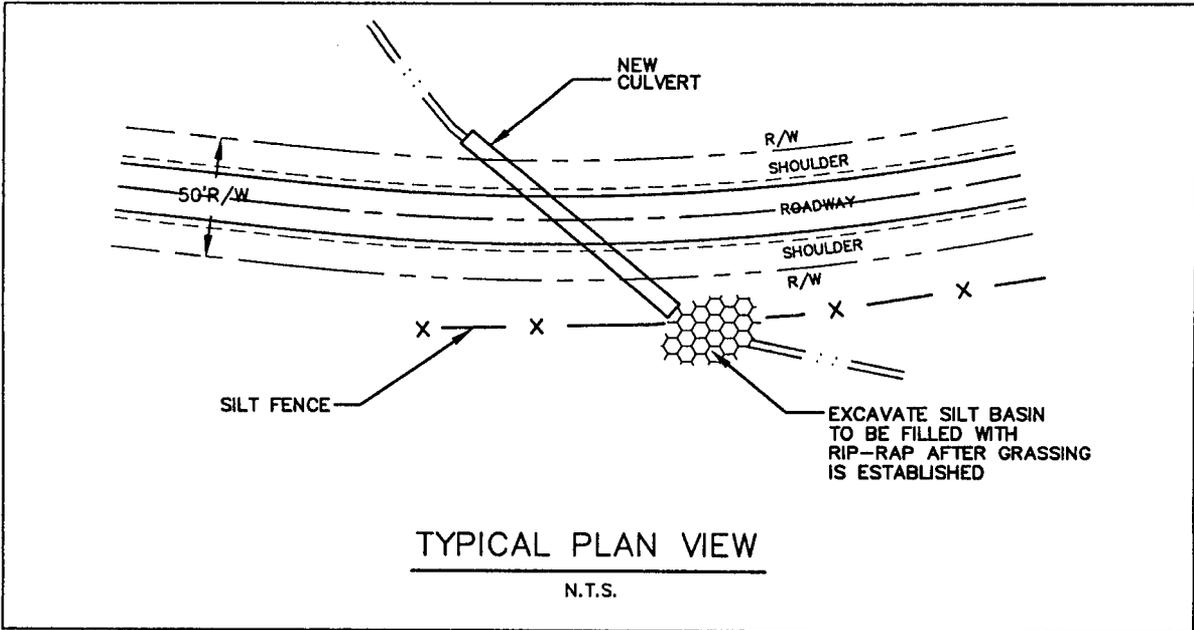


WILLIAM G. LAPSLEY & ASSOCIATES P.A.
 Consulting Engineers & Land Planners
 1635 Asheville Highway
 Post Office Box 546
 Hendersonville North Carolina 28793
 Phone 828-697-7334
 Fax 828-697-7333
 WWW.WGLA.COM

CASHIERS SITE
JACKSON COUNTY, NORTH CAROLINA

Figure 4

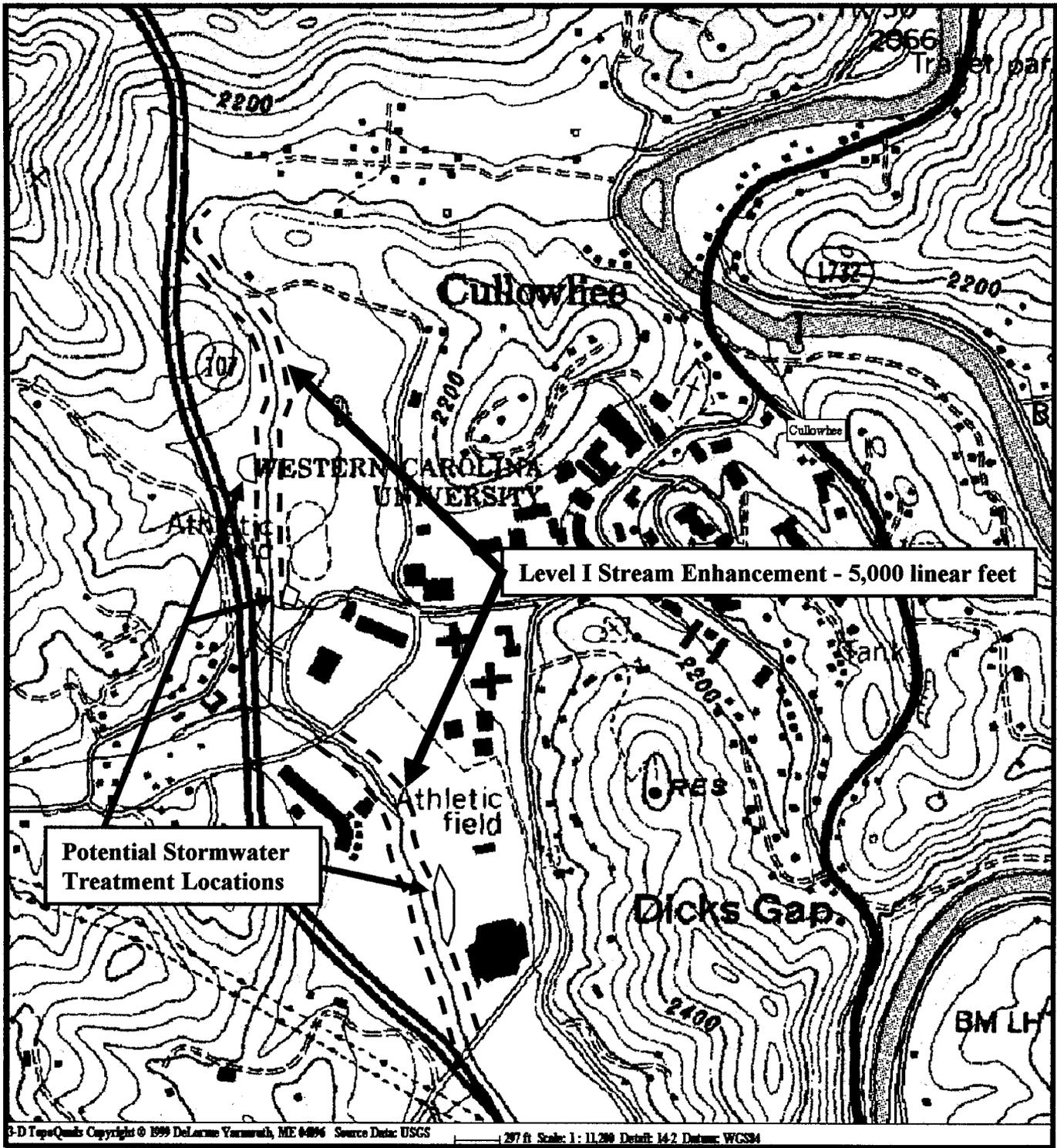
Scale N.T.S.



WILLIAM G. LAPSLEY & ASSOCIATES P.A.
 CONSULTING ENGINEERS & LAND PLANNERS

CASHIERS SITE
 Jackson County, North Carolina

Figure 5
 SCALE: N.T.S.



325westcaroline-mt_fig1.ppt

<p>ClearWater Environmental Consultants, Inc.</p>	<p>PROPOSED MITIGATION SITE Stream Enhancement and Stormwater Measures</p> <p>Cullowhee Creek Jackson County, North Carolina</p>	<p>Scale: NTS Figure 6 July 2003</p> 
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