



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 11, 2005
Comment Deadline: June 10, 2005
Corps Action ID #: 200520456

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. 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: Heritage Pines, LLC
Attn: Mr. Mark Miller
3500 Regency Parkway
Cary, NC 27511

AGENT (if applicable): Soil & Environmental Consultants, Inc.
Attn: Mr. Bob Zarzecki
11010 Raven Ridge Road
Raleigh, North Carolina 27614

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

Location

The project, Heritage Pines Residential Subdivision, is approximately 100 acres in size and is located to the east of Carpenter Upchurch Road (SR 1617), approximately 0.75 mile south of Morrisville-Carpenter Road (SR 3014), in Cary, Wake County, North Carolina. Coordinates (in decimal degrees) for the site are 35.8092 ° North, 78.8668 ° West. The site contains several unnamed tributaries of Crabtree Creek, and adjacent wetlands, in the Neuse River Basin (8-Digit Cataloging Unit 03020201).

Existing Site Conditions

The project site, which is located in a suburban area west of Raleigh, has been under development for several years. Currently, all portions of the property have either been developed as single-family residential units, or they are under development. Phases 1

through 3 have already been constructed, phase 4 is nearing completion, and phase 5 is partially complete. The site contains several tributaries to Crabtree Creek, along with adjacent wetlands and two amenity ponds that were formerly farm ponds. Prior to development, the site was abandoned agricultural fields and forestland.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to provide an active adult country club residential community, marketed to adults 55 years of age and older. The community provides a clubhouse, swimming pool, tennis courts, and paved walking trails and sidewalks. Additional housing for the growing Cary area. The development contains single-family residences with lots ranging from 0.15 to 0.2 acres.

Project Description

The permit request for this project is an after-the-fact application. The majority of impacts associated with this permit application have already been completed. This public notice does not imply, on the part of the Corps of Engineers or other agencies, either a favorable or unfavorable opinion of the work performed. This notice is issued to solicit comments regarding the factors on which a final decision will be based. The applicant has agreed to place the project on hold, pending the resolution of the permit application. Further enforcement action, including possible legal action, has been suspended pending the outcome of this consideration.

The project is a residential development that will include construction of single-family units, a clubhouse, swimming pool, tennis courts, and walking trails. In all, there are 5 phases of the subdivision. Continued development of the site will require extensive clearing, grading, excavation, and fill necessary for the construction of homes, lots, roads, stormwater facilities, and infrastructure. Heavy equipment, including graders, pan scrapers, excavators, bull dozers, etc. will be used for the construction of the project. Proposed impacts to stream channels resulting from the placement of fill material, culverts, and/or riprap totals 337 linear feet (0.072 acre) of perennial stream channel, including 40 linear feet of temporary impact. Proposed impacts to wetlands resulting from the placement of fill material for roads, building pads, pond dams, and utility lines totals 2.407 acres of wetland, including 0.192 acre of temporary impact. Proposed impacts to open waters resulting from modification of the existing farms ponds totals 1.858 acres. The total impact to all waters of the U.S. is 4.337 acres. Plans included with this notice that show the overall proposed site layout as well as the details for impacted waters.

The applicant proposes mitigation for impacts to stream channels and wetlands associated with the project at a 1:1 ratio by providing payment into the North Carolina Ecosystem Enhancement Program for the restoration of 297 linear feet of stream channel, 1.705 acre of riparian wetlands, and 0.702 acre of non-riparian wetlands. No mitigation for impacts to open waters has been proposed.

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 in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for 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 3, 2005.

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

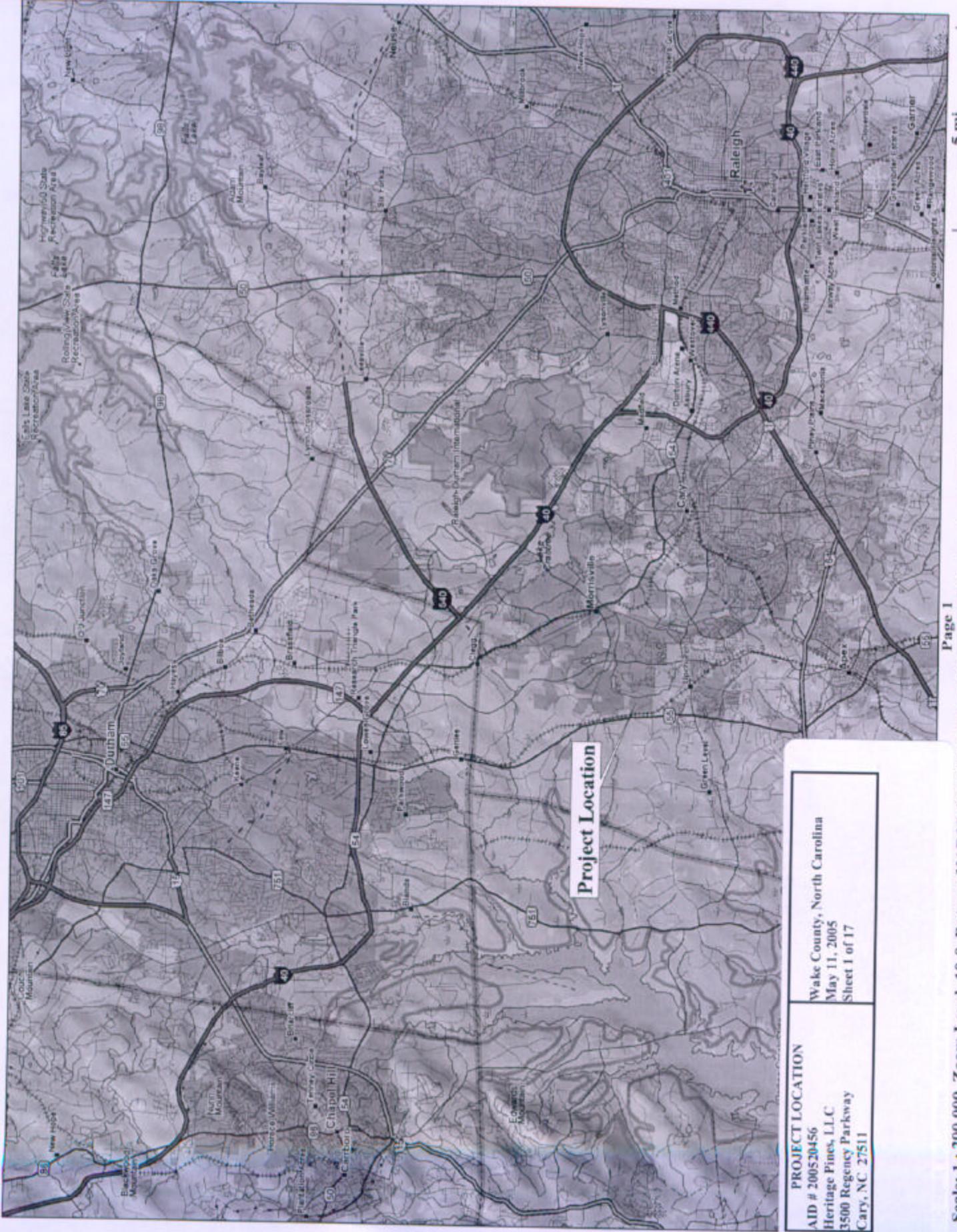
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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

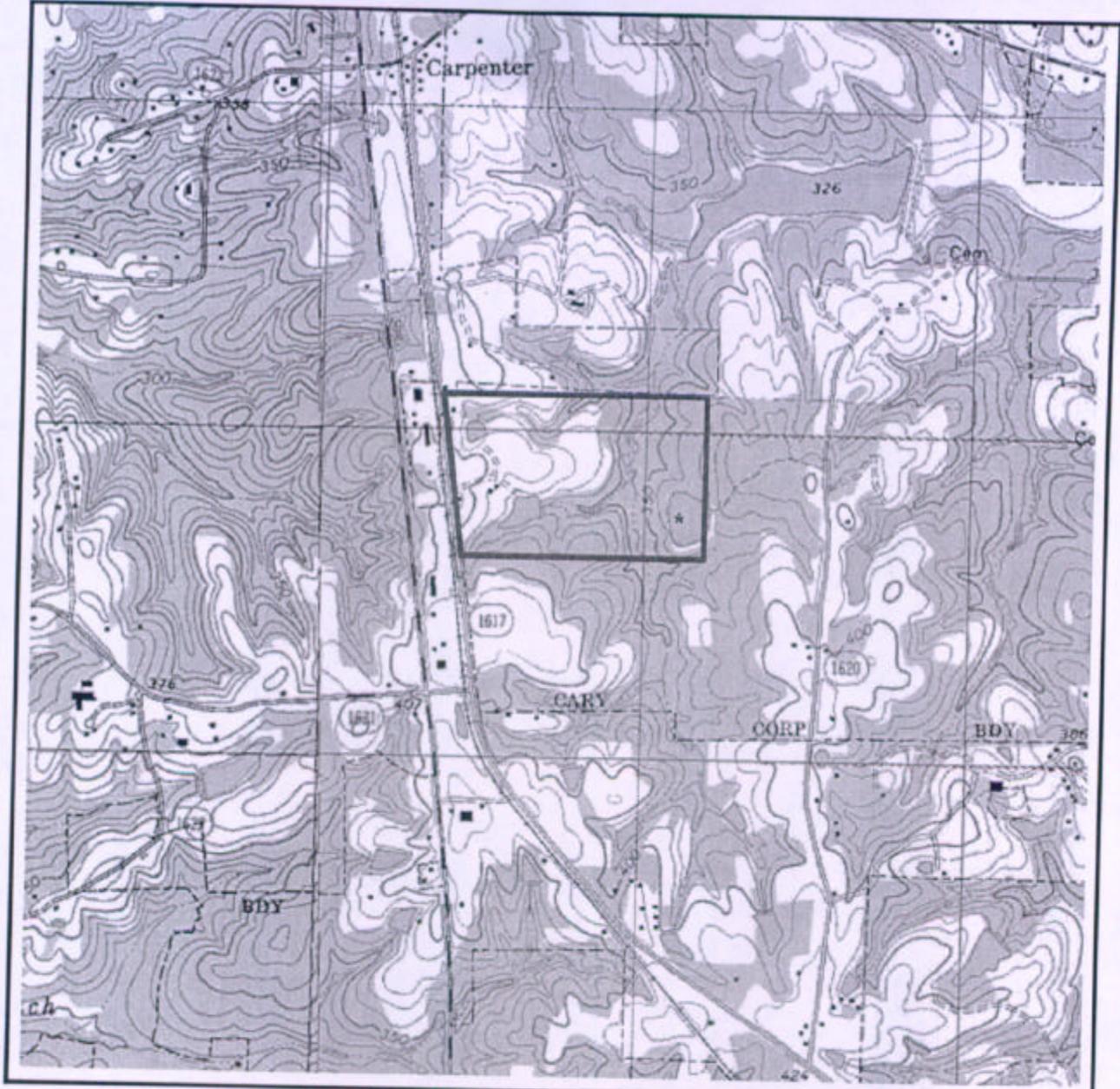
The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps 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.

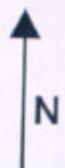
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, June 10, 2005. Comments should be submitted to Todd Tugwell, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.



PROJECT LOCATION AID # 200520456 Heritage Pines, LLC 3500 Regency Parkway Cary, NC 27511	Wake County, North Carolina May 11, 2005 Sheet 1 of 17
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* Please note that this pond along the western property line was a mapping error. No pond existed previously. If you look at the soil survey photo you can see that it was an open field.



Project #: 2939.w1	Scale: NTS
Project Mgr.: BZ	Date: 04-27-05

Cary, NC
USGS Quad
Heritage South S/D, Cary
Wake County, NC

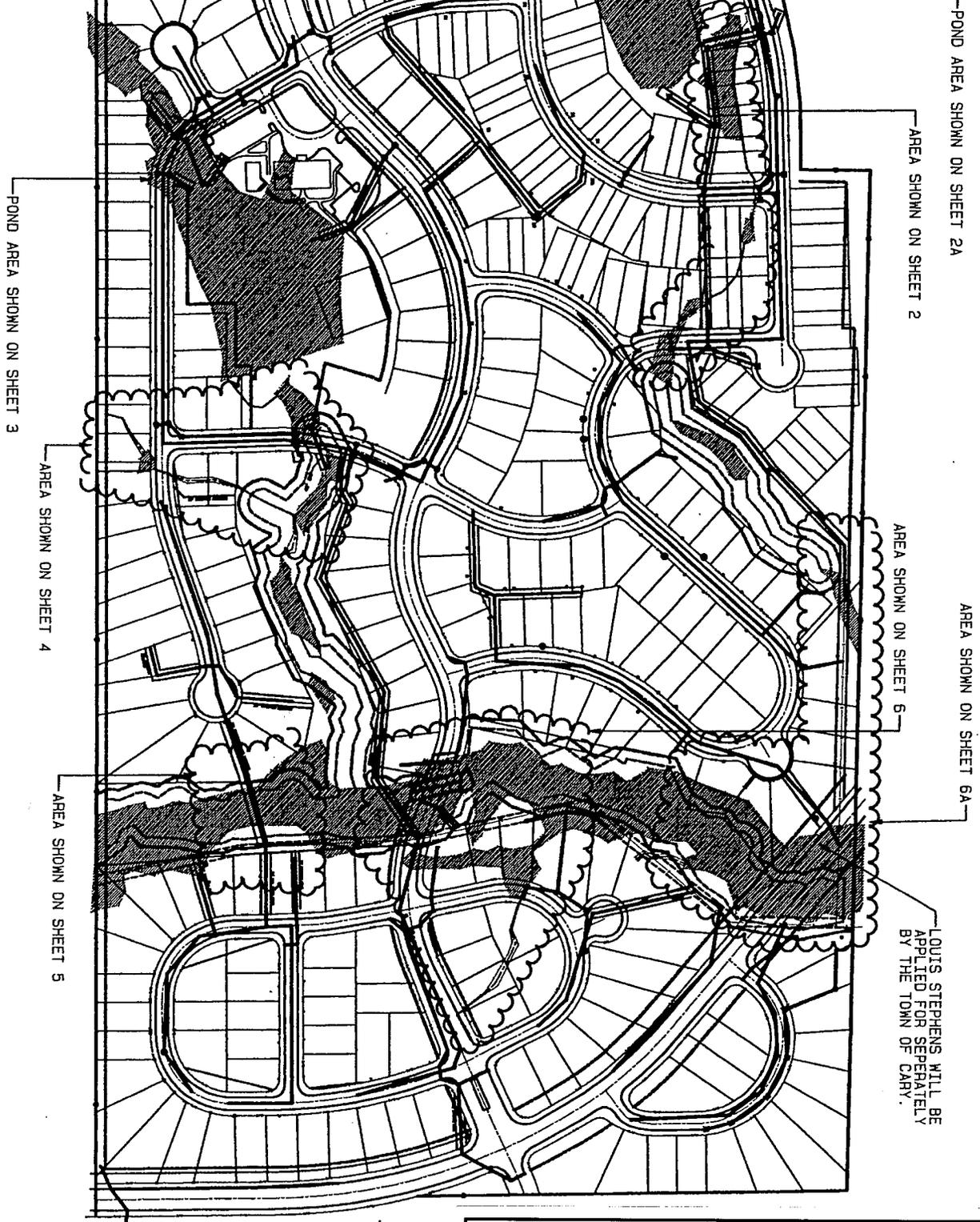
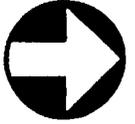


Soil & Environmental Consultants, PA
11010 Raven Ridge Rd. • Raleigh, NC 27614
(919) 846-5900 • (919) 846-9467
Web Page: www.SandEC.com

USGS TOPOGRAPHIC MAP
AID # 200520456
Heritage Pines, LLC
3500 Regency Parkway
Cary, NC 27511

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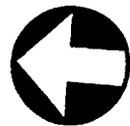
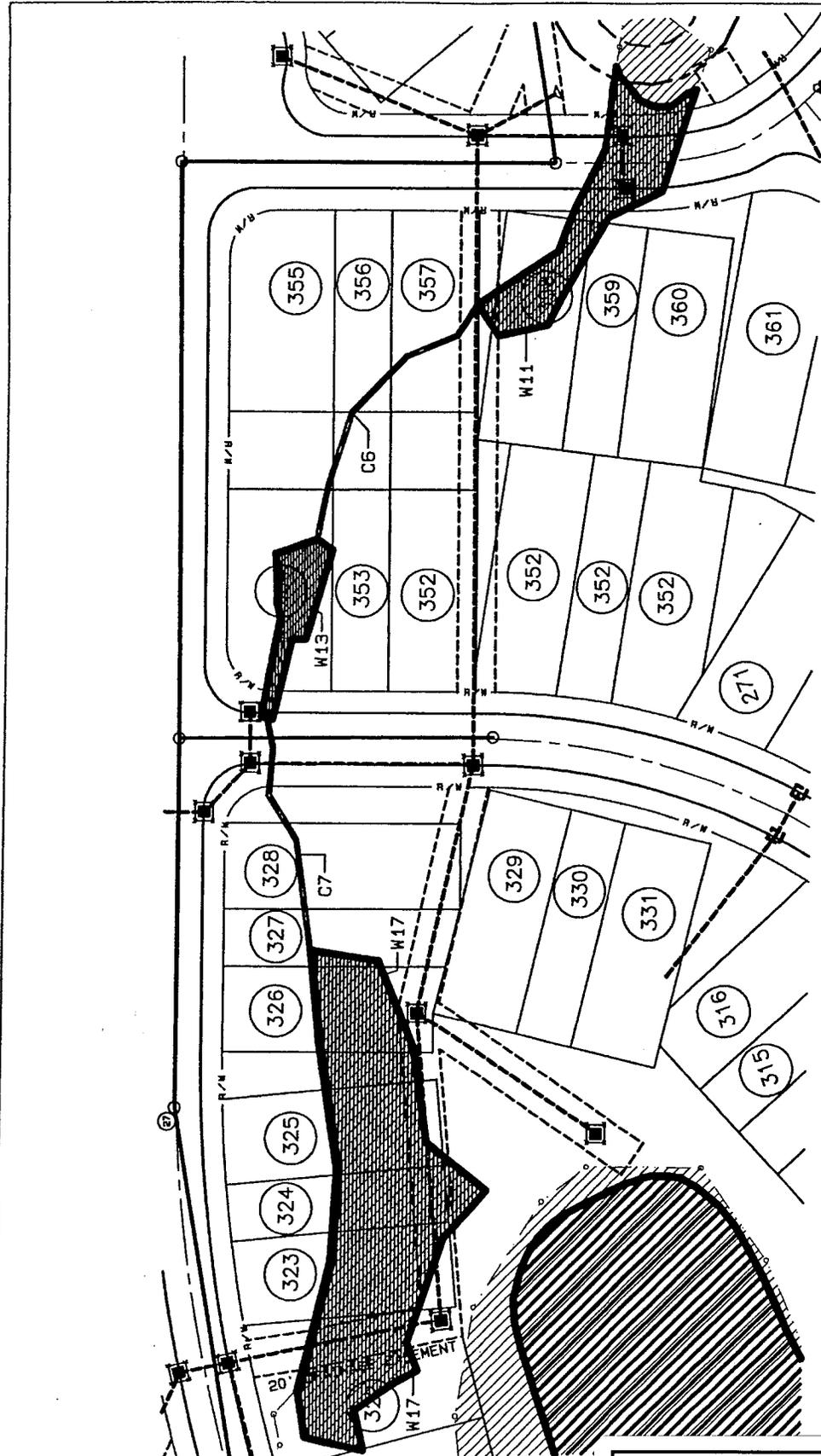
SEE SHEETS 1-6A FOR WETLAND IMPACTS
SEE SHEETS 7-13 FOR BUFFER IMPACTS



Hugh J. Gilleece and As
875 Walnut Street Suite 360 Cary, NC Phone: (919)469-1101

PLAN VIEW
AID # 200520456
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3500 Regency Parkway
Cary, NC 27511

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WETLAND IMPACTS

W11- 4,012.41 sf
 W13- 1,397.60 sf
 W17- 12,748.47 sf

TOTAL THIS SHEET: 18,158.48 sf

CHANNEL IMPACTS

C6- 314.82 sf
 C7- 831.45 sf

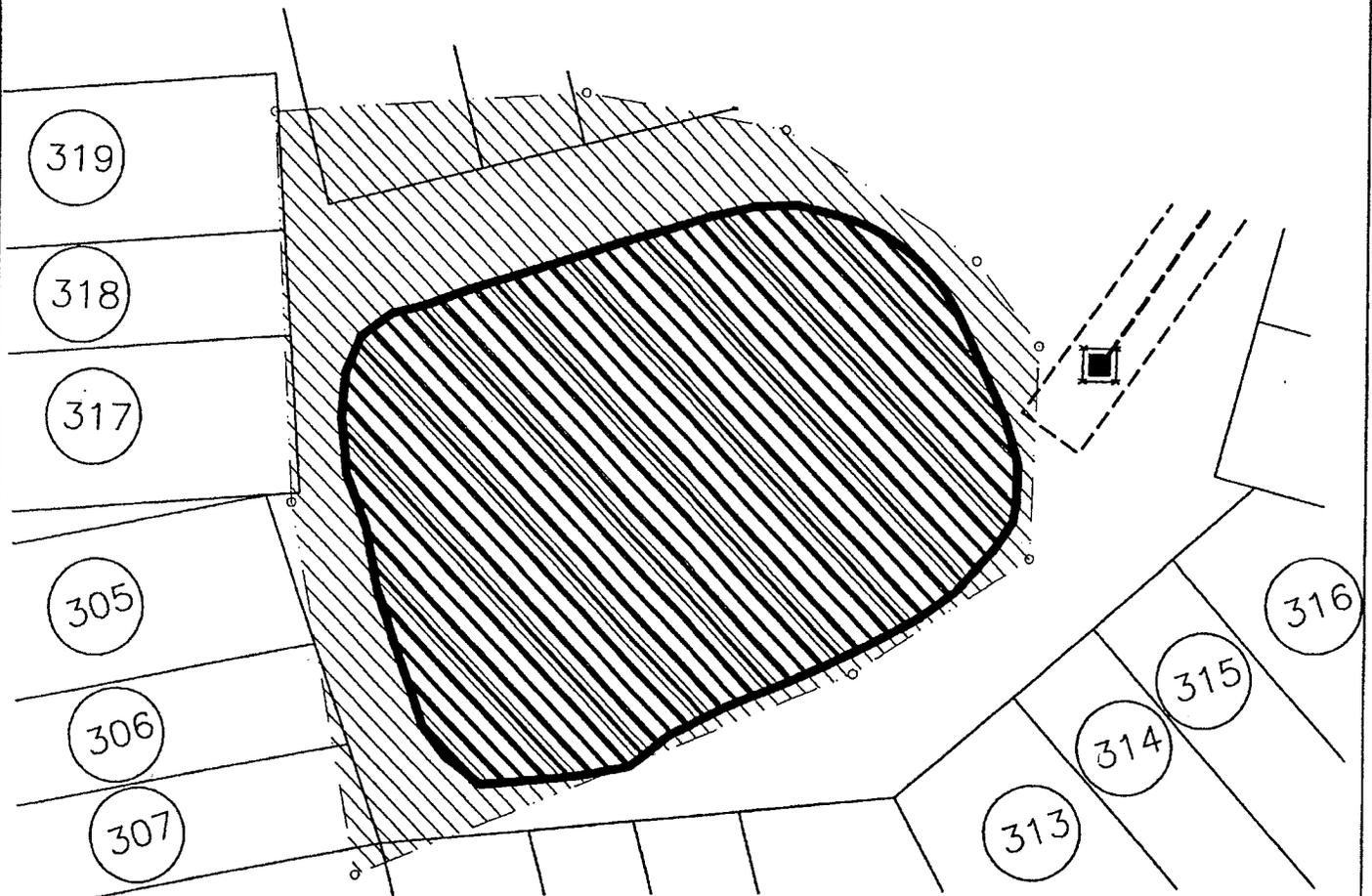
TOTAL THIS SHEET: 1,146.27 sf

Hugh J. Gilleece and Ass
 875 Walnut Street Suite 360 Cary, NC Phone: (919)469-1101 F

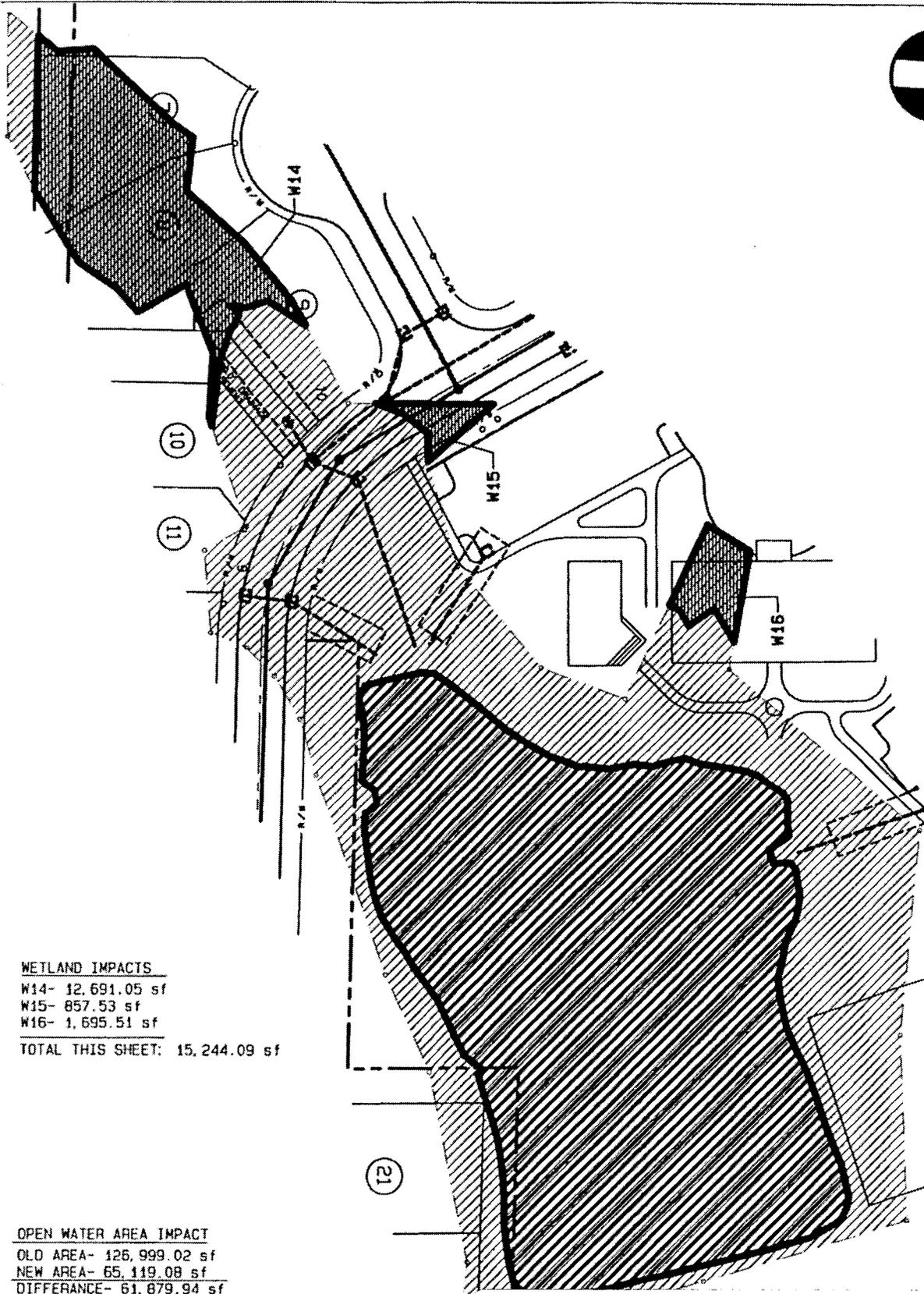
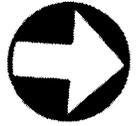
IMPACT DETAIL

AID # 200520456
 Heritage Pines, LLC
 3500 Regency Parkway
 Cary, NC 27511

Wake County, North Carolina
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OPEN WATER AREA IMPACT
OLD AREA- 35,720.66 sf
NEW AREA- 23,089.01 sf
DIFFERENCE- 12,631.65 sf



WETLAND IMPACTS

W14- 12,691.05 sf

W15- 857.53 sf

W16- 1,695.51 sf

TOTAL THIS SHEET: 15,244.09 sf

OPEN WATER AREA IMPACT

OLD AREA- 126,999.02 sf

NEW AREA- 65,119.08 sf

DIFFERENCE- 61,879.94 sf

Hugh J. Gilleece and Associates
875 Walnut Street Suite 360 Cary, NC Phone (919)460-1101

IMPACT DETAIL

AID # 200520456

Heritage Pines, LLC

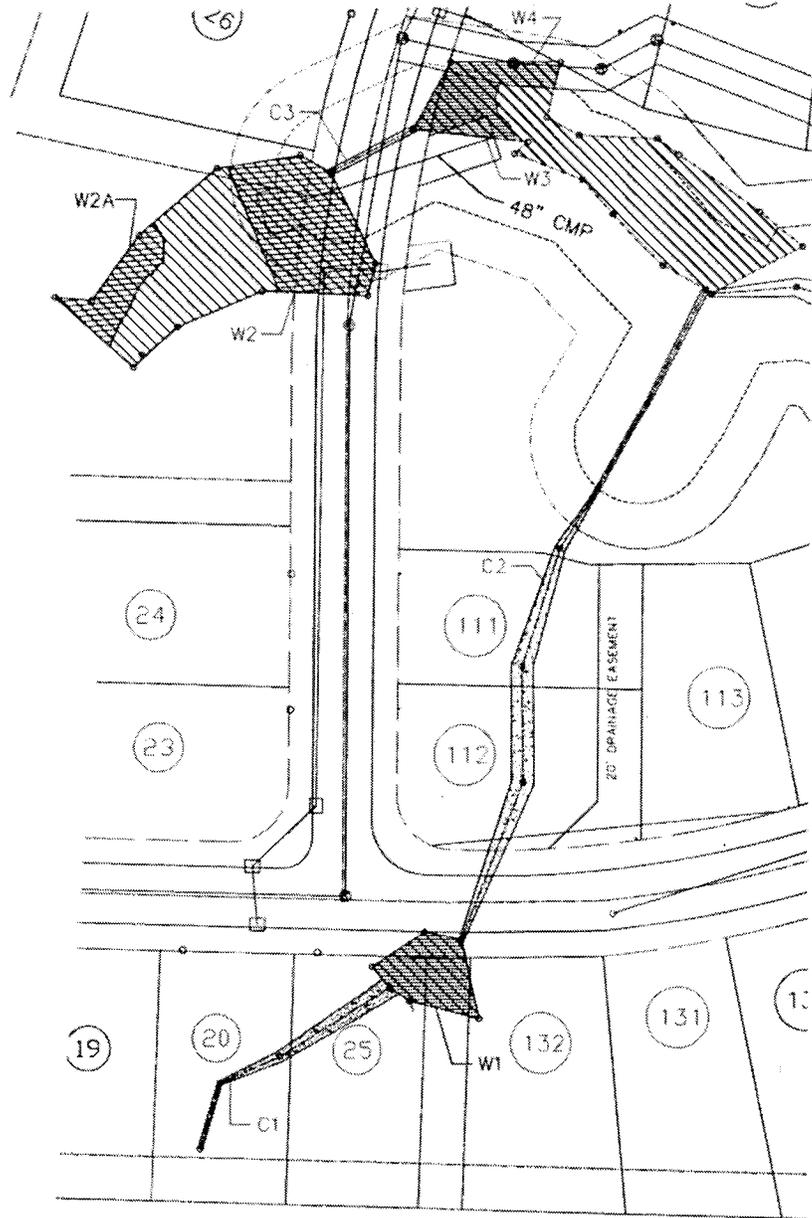
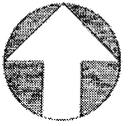
3500 Regency Parkway

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Wake County, North Carolina

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CHANNEL IMPACTS

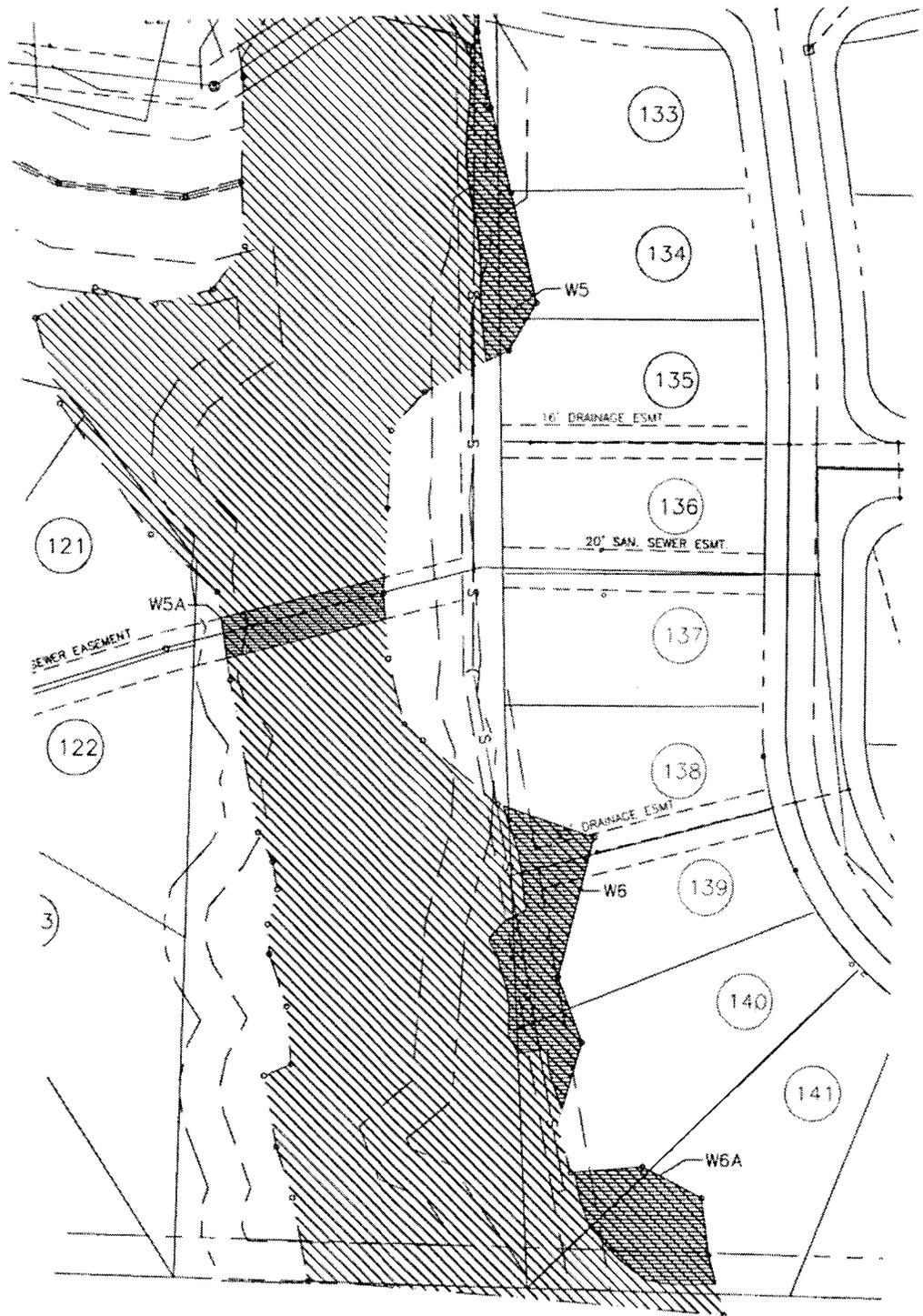
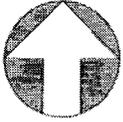
- C1- 597.95 sf
- C2- 1,480.51 sf
- C3- 129.22 sf (41.69 ft)

TOTAL THIS SHEET: 2,207.68 sf

WETLAND IMPACTS

- W1- 1,124.04 sf
- W2- 2,714.71 sf
- W2A- 868.86 sf
- W3- 869.76 sf
- W4- 447.84 sf

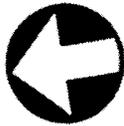
TOTAL THIS SHEET: 6,025.21 sf



WETLAND IMPACTS
W5- 2621.56 sf
W5A- 1,624.25 sf
W6- 3,912.96 sf
W6A- 2,819.88 sf
TOTAL THIS SHEET: 10,978.65 sf

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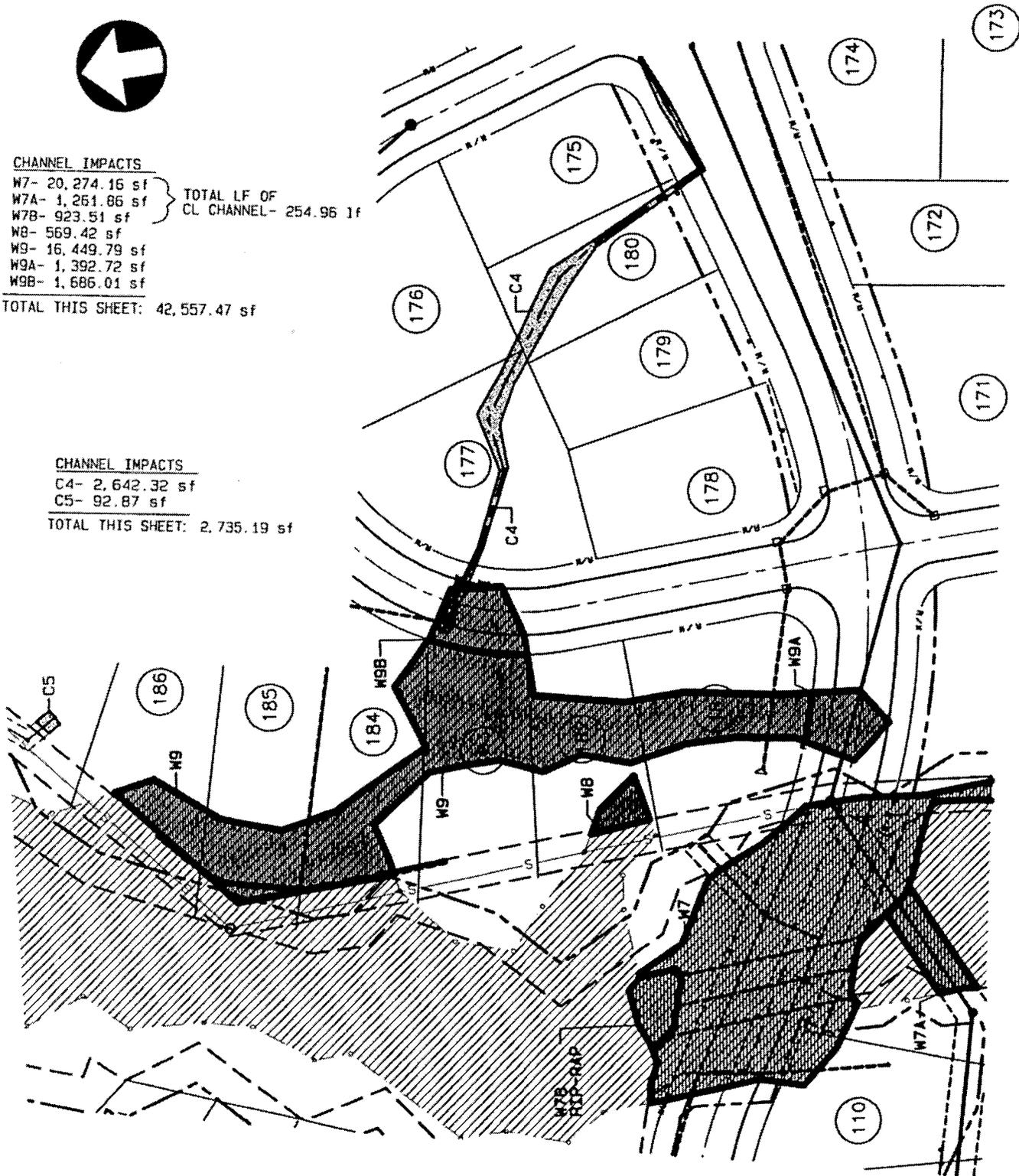


CHANNEL IMPACTS

W7- 20,274.16 sf
 W7A- 1,261.86 sf
 W7B- 923.51 sf
 W8- 569.42 sf
 W9- 16,449.79 sf
 W9A- 1,392.72 sf
 W9B- 1,686.01 sf
 TOTAL LF OF CL CHANNEL- 254.96 lf
 TOTAL THIS SHEET: 42,557.47 sf

CHANNEL IMPACTS

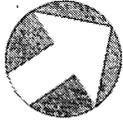
C4- 2,642.32 sf
 C5- 92.87 sf
 TOTAL THIS SHEET: 2,735.19 sf



Hugh J. Gilleece and As
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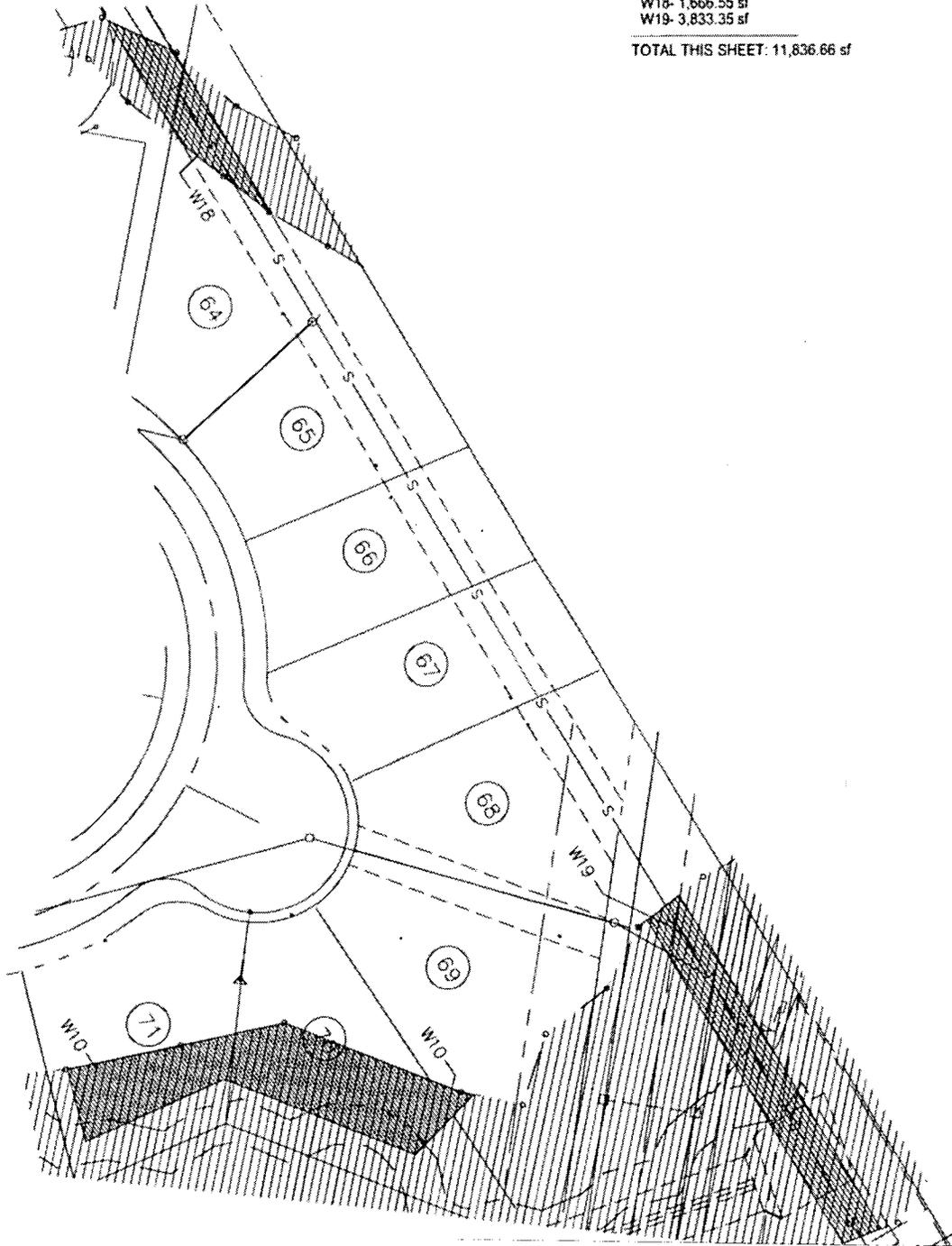
Wake County, North Carolina
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WETLAND IMPACTS

W10- 6,336.76 sf
W18- 1,666.55 sf
W19- 3,833.35 sf

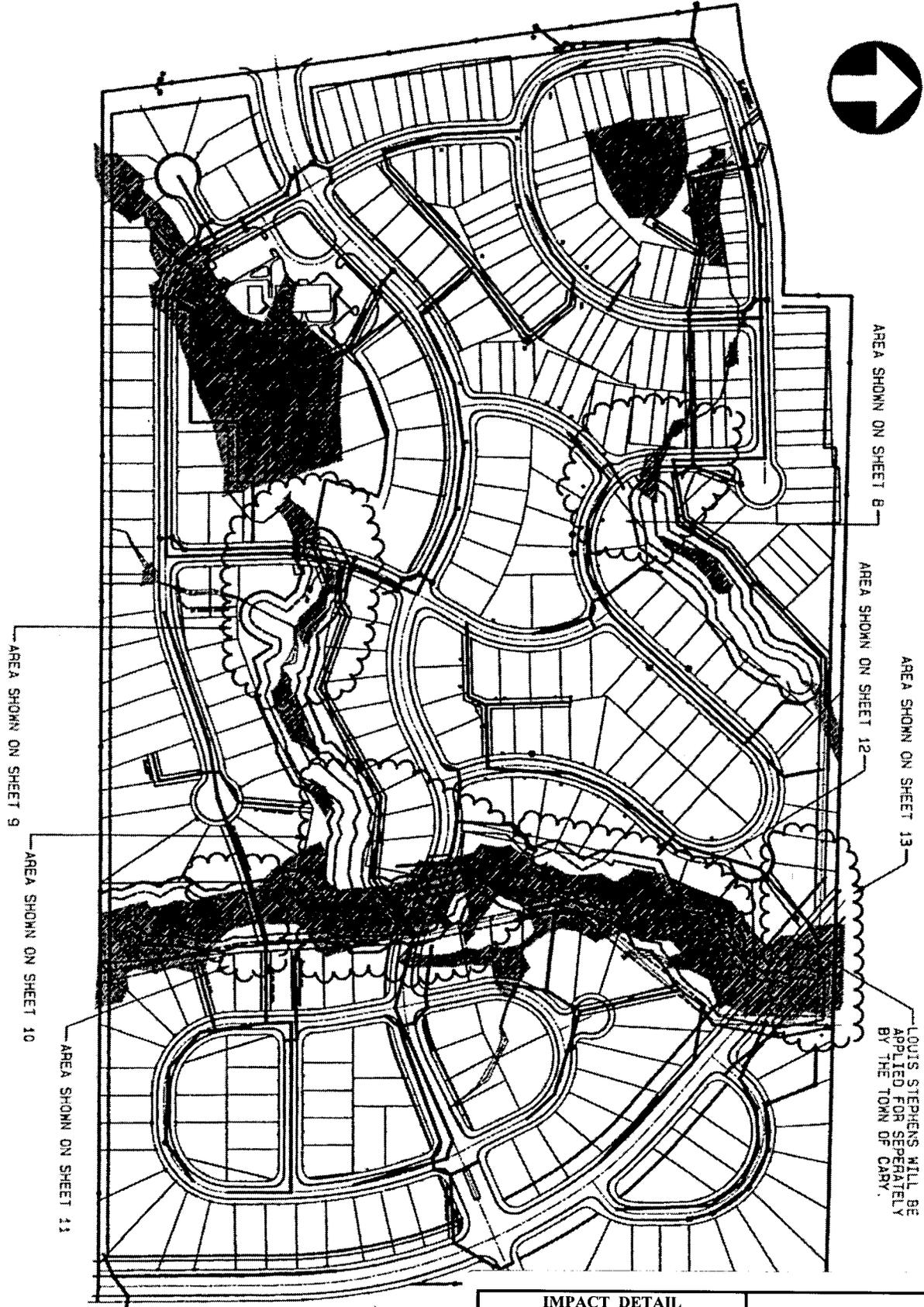
TOTAL THIS SHEET: 11,836.66 sf



Hugh J. Gilleece and Asso
875 Walnut Street Suite 360 Cary, NC Phone (919)469-1101 Fax

IMPACT DETAIL
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Cary, NC 27511

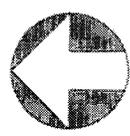
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BUFFER ZONE 2 AREA IMPACT

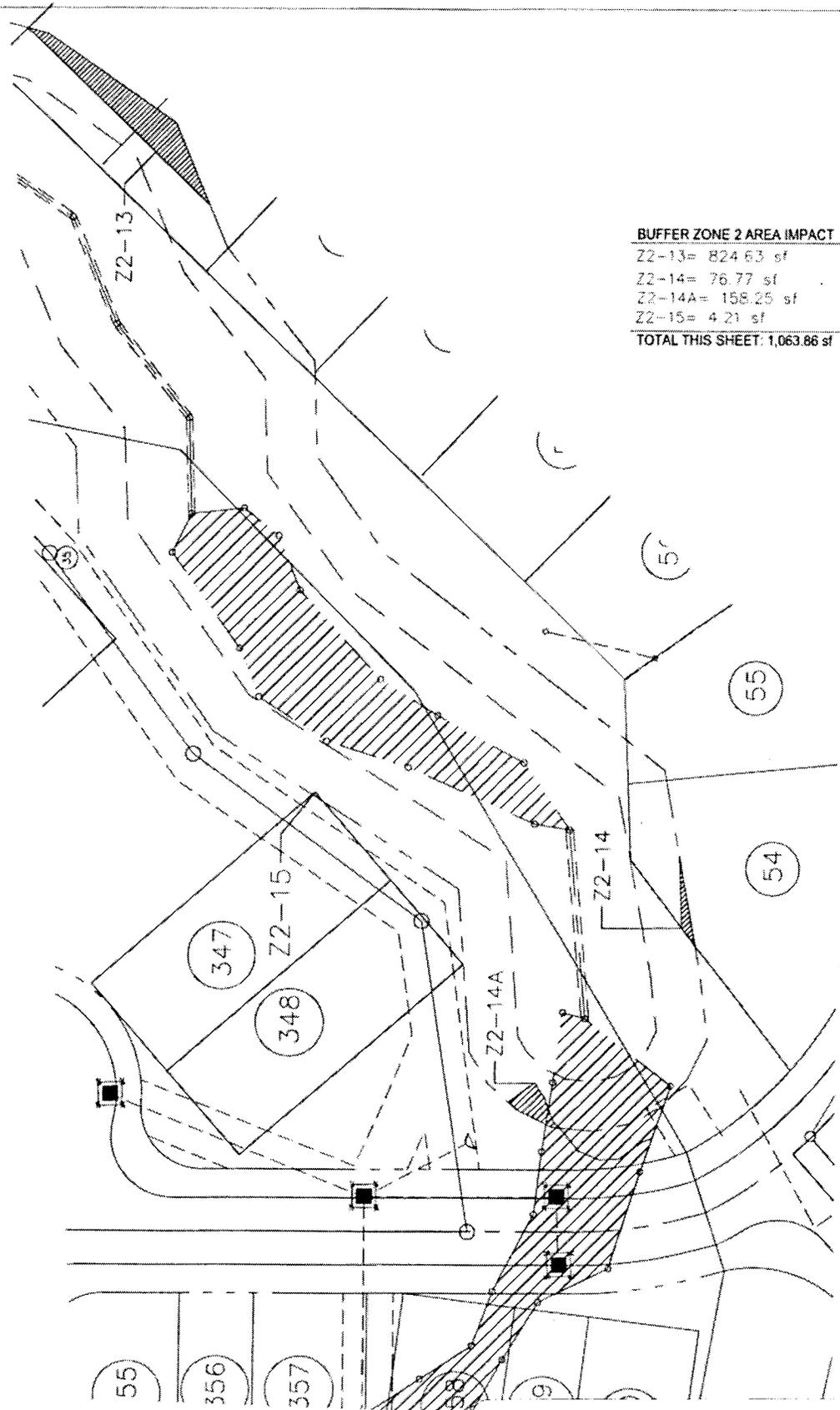
Z2-13= 824.63 sf

Z2-14= 76.77 sf

Z2-14A= 158.25 sf

Z2-15= 4.21 sf

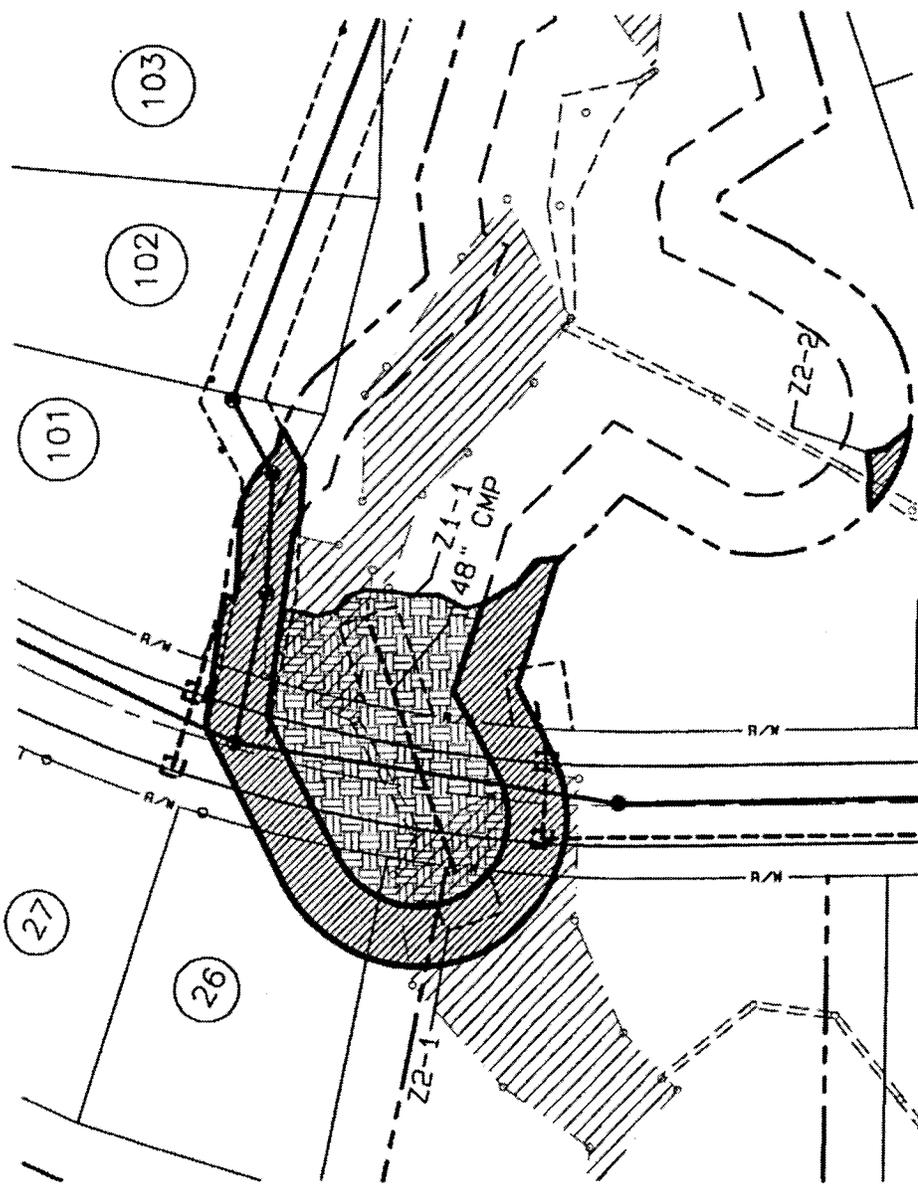
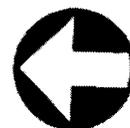
TOTAL THIS SHEET: 1,063.86 sf



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875 Walnut Street Suite 360 Cary, NC Phone (919)489-1101 Fax:

IMPACT DETAIL
AID # 200520456
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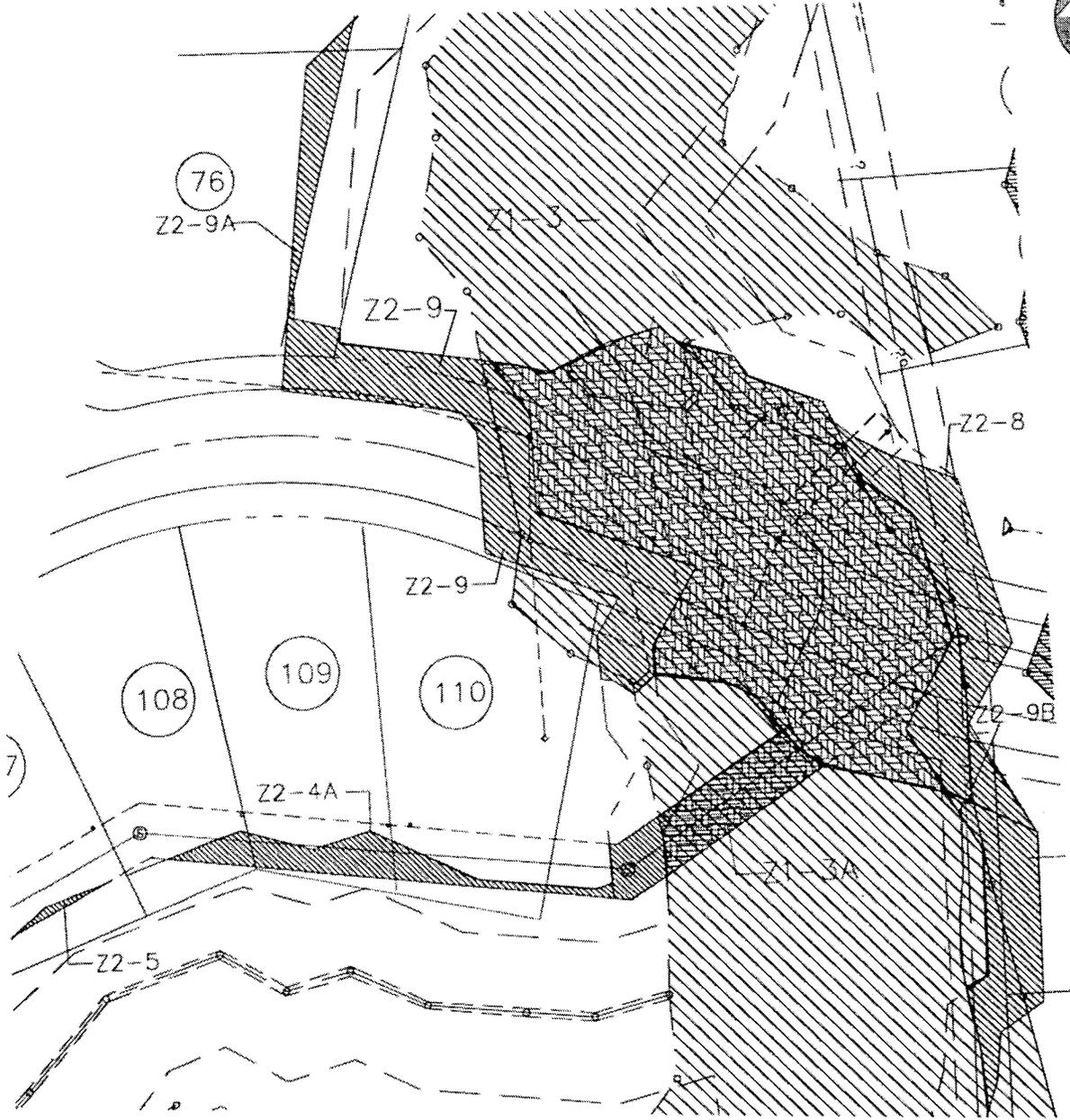
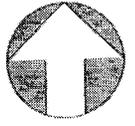
BUFFER ZONE 2 AREA IMPACT
 Z2-1= 6,668.77 sf
 Z2-2= 163.13 sf
TOTAL THIS SHEET: 6,831.90 sf

BUFFER ZONE 1 AREA IMPACT
 Z1-1= 6,135.97 sf

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BUFFER ZONE 2 AREA IMPACT

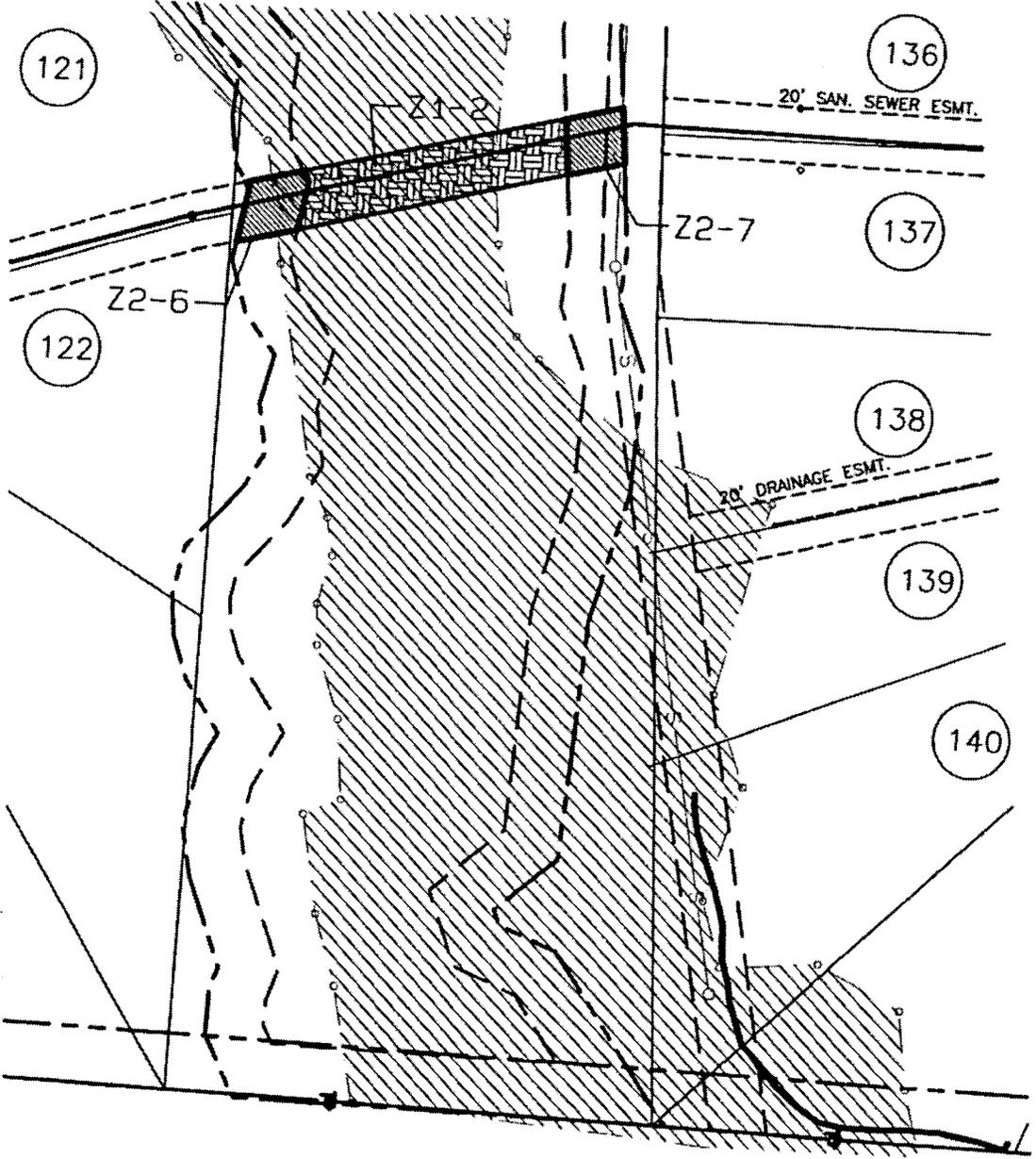
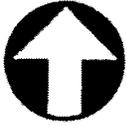
- Z2-4= 430.45 sf
- Z2-4A= 1,310.18 sf
- Z2-5= 69.70 sf
- Z2-8= 3191.42 sf
- Z2-9= 4,735.13 sf
- Z2-9A= 784.88 sf
- Z2-9B= 1917.61 sf

TOTAL THIS SHEET: 12,439.19 sf

BUFFER ZONE 1 AREA IMPACT

- Z1-3= 15,390.92 sf
- Z1-3A= 12,611.10 sf

TOTAL THIS SHEET: 16,652.02 sf

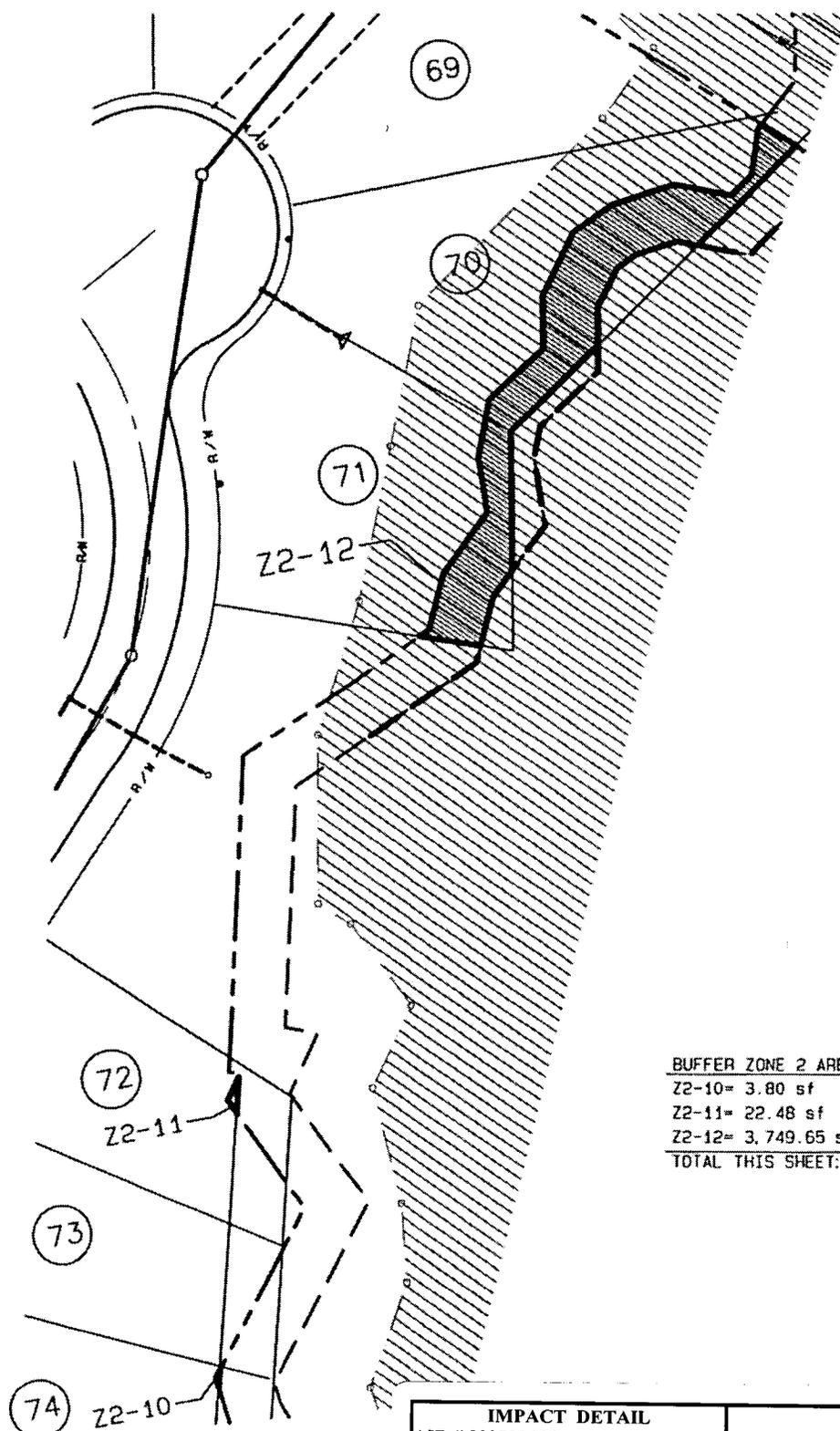


BUFFER ZONE 2 AREA IMPACT
Z2-6= 435.35 sf
Z2-7= 405.31 sf
TOTAL THIS SHEET: 840.66 sf

BUFFER ZONE 1 AREA IMPACT
Z1-2= 1,914.97 sf

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Cary, NC 27511	



BUFFER ZONE 2 AREA IMPACT

Z2-10= 3.80 sf

Z2-11= 22.48 sf

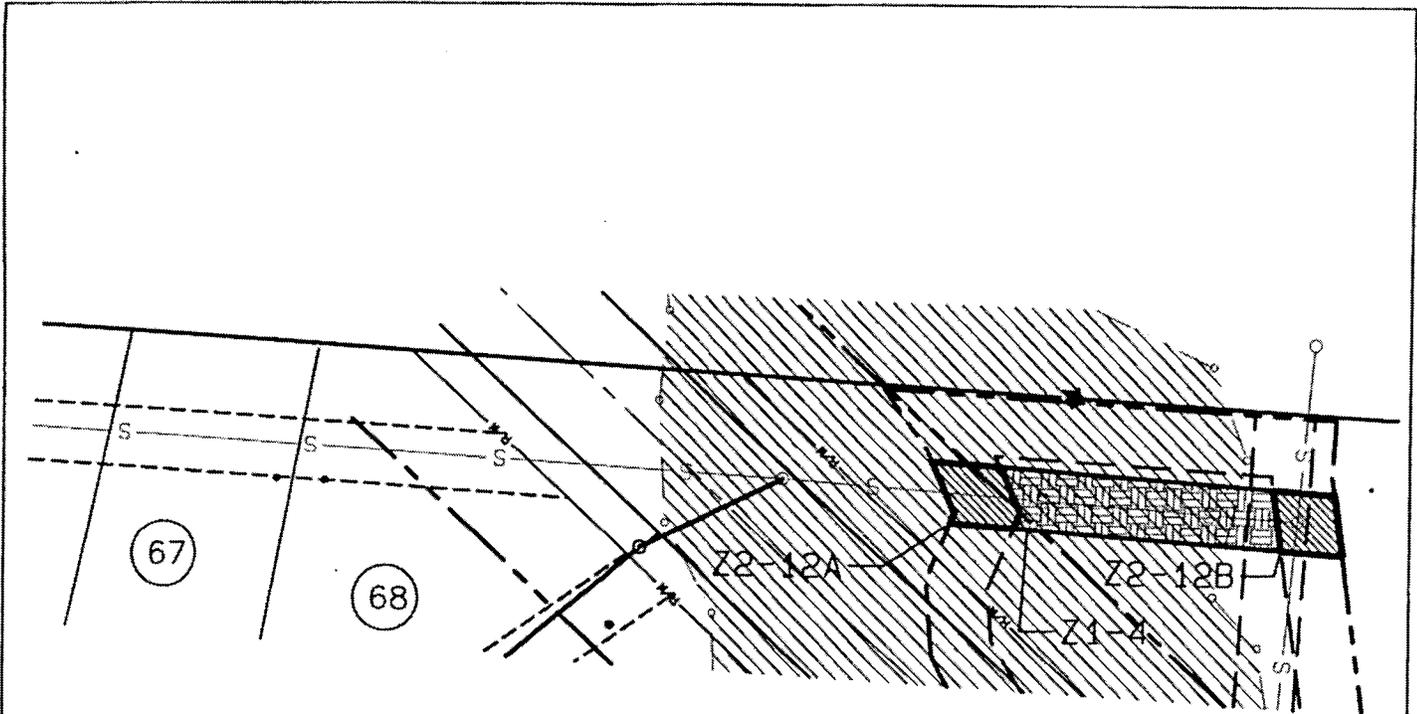
Z2-12= 3,749.65 sf

TOTAL THIS SHEET: 3,775.93 sf

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BUFFER ZONE 2 AREA IMPACT
 Z2-12A= 447.38 sf
 Z2-12B= 409.57 sf
TOTAL THIS SHEET: 856.95 sf

BUFFER ZONE 1 AREA IMPACT
 Z1-4= 1,790.67 sf