



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: **May 9, 2005**
Comment Deadline: **June 8, 2005**
Corps Action ID #: **200520665**

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: Sunset Forest, LLC
P.O. Box
Holly Springs, NC 27540

AGENT (if applicable): Soil & Environmental Consultants, PA
Attn: Todd Preuninger
11010 Raven Ridge Road
Raleigh, NC 27614

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures under Section 404 of the Clean Water Act (33USC 1344).

Location

The site for the proposed residential development is located approximately 3000 feet northeast of the intersection of Holly Springs Road (SR 1152) and U.S. Highway 55, northeast of Holly Springs, Wake County, North Carolina (Lat. 35.6662030N, Long. - 78.8263359W). The site contains wetlands and unnamed tributaries to Middle Creek in the Neuse River Basin (Hydrologic Unit Code 03020201).

Existing Site Conditions

The site for the proposed Sunset Ridge North Phase 7 is approximately 53.74 acres and is located within the existing development known as Sunset Ridge subdivision. The

property is relatively undisturbed and consists entirely of forested land. Representative tree species include: Sweetgum (*Liquidambar styraciflua*), White Oak (*Quercus alba*), Sourwood (*Oxydendron arboretum*), and American Elm (*Ulmus americana*). Total acreage of wetlands located on the site is approximately 0.305 acre.

As proposed, the project impacts 0.234-acre of wetland habitats consisting of bottomland hardwood forests adjacent to two tributaries to Middle Creek. Tributary A borders the northern portion of the western property boundary and approximately two hundred and fifty feet of the stream channel is within the property boundary. Tributary B is approximately 150 feet in length and crosses the northern property boundary. The project will not impact these tributaries.

The surrounding area adjacent to the project includes six previous phases of residential development associated with the proposed project. Previous permits for permanent impacts to waters of the U.S. associated with Sunset Ridge North, Phases 1 through 5, total 0.369-acre of streams and wetlands.

Applicant's Stated Purpose

The purpose of the proposed project is to develop a new phase of an existing residential subdivision known as Sunset Ridge North, Phase 7. The development will provide approximately 121 single-family residences for the Town of Holly Springs and adjacent communities.

Project Description

The applicant has requested DA authorization for impacts to 0.234-acre of wetlands for construction of a residential development, Sunset Ridge North, Phase 7. The applicant is proposing the installation of culverts associated with two road crossings. The road crossings are necessary to provide access to and development of the property. Impact 1 to wetland B will involve the placement of fill in 0.052 acre of forested wetland adjacent to Tributary B to allow development of lots along the northern property boundary. Impact 2 to wetland A will involve the placement of fill in 0.182 acre of forested wetland adjacent to Tributary A to provide an entrance road to the subdivision. The Town of Holly Springs requires connection of the entrance road to an adjacent subdivision road on the western boundary of the property.

The applicants proposed mitigation plan includes payment into the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to restore 0.468-acre of riparian wetlands.

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: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by June 3, 2007.

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

By letter dated March 9, 2005, the North Carolina Department of Cultural Resources, State Historic Preservation Office stated that they conducted a review of the proposed project and were not aware of any historic resources which would be affected by the project.

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

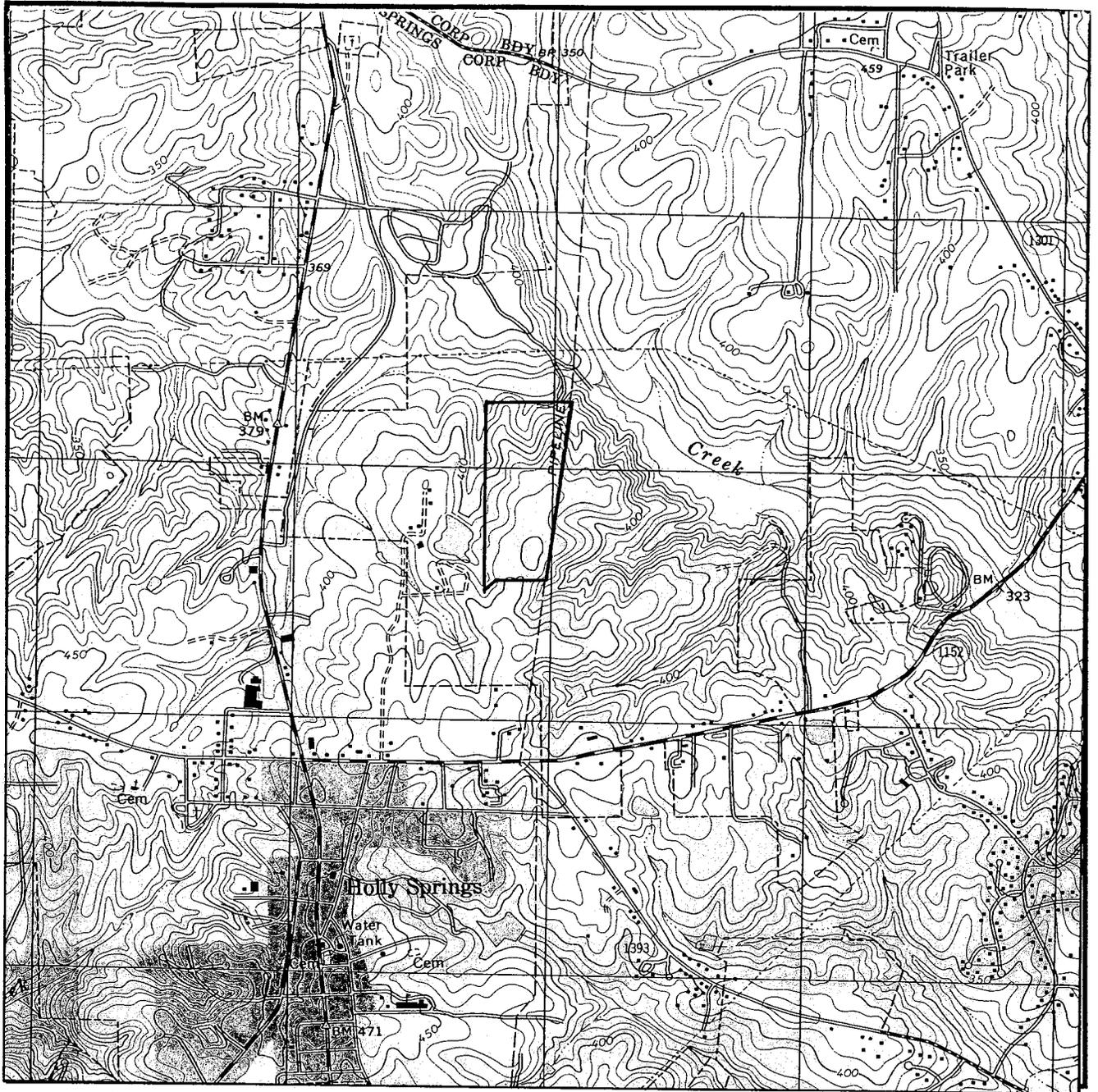
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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; 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 8, 2005. Comments should be submitted to Andrea Wade, 6508 Falls of the Neuse Road, Suite 120, Raleigh, North Carolina 27615.



APEX, N. C.
 35078-F7-TF-024
 PHOTOINSPECTED 1988
 1974
 PHOTOREVISED 1987
 DMA 5255 III NE-SERIES V842

Project #: 574	Scale: 1" = 2000'
Project Mgr.: JB	Date: 9/7/00

Figure 1 – Location Map
 Sunset Ridge North (McCloud Property)
 Blackmon Engineering
 Holly Springs, Wake County, NC

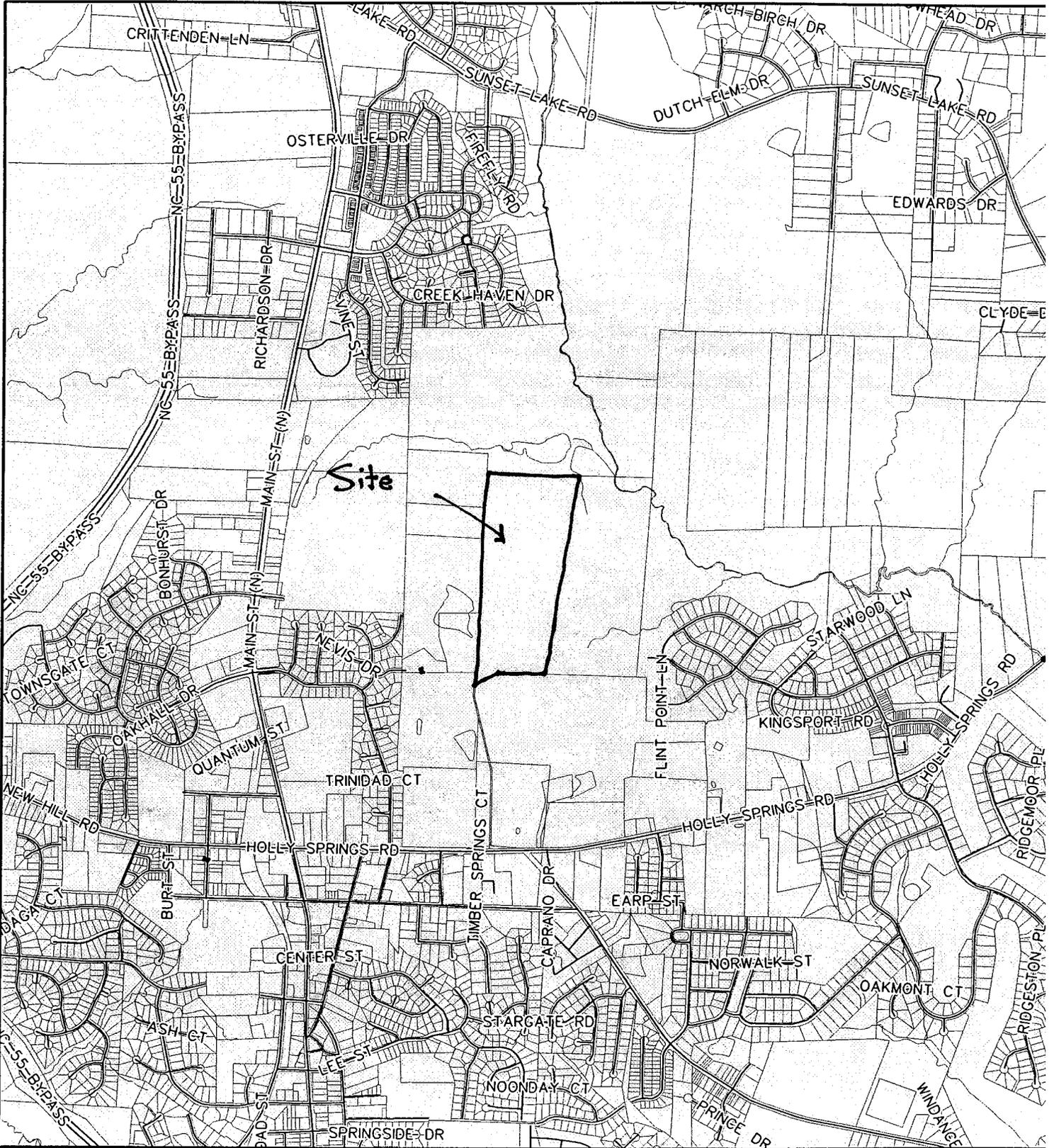


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USACE AID#: 200520665

Sunset Ridge
Holly Springs, Wake County

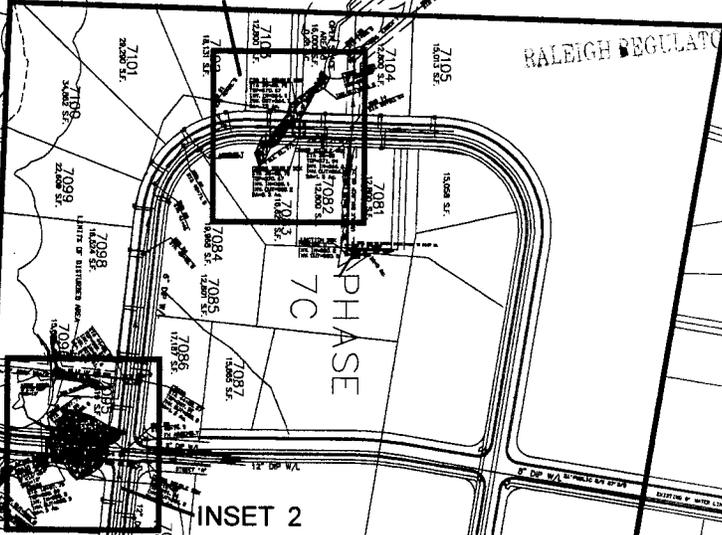


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INSET 1



INSET 2



GRAPHIC SCALE
1" = 300'



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