

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 21, 2005
Comment Deadline: January 20, 2006
Corps Action ID #: 200620218

The Wilmington District, Corps of Engineers (Corps) has received an application from Caleb Creek Properties, LLC seeking Department of the Army authorization to impact approximately 6903 linear feet of stream channels, 5.75 acres of wetlands, and 2.165 acres of open waters of the jurisdictional waters of Abbotts Creek associated with the development of a new residential community (Caleb's Creek Subdivision) that includes construction of roads, sewer lines, a school, and maintenance / rehabilitation of an existing dam.

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: Caleb Creek Properties, LLC
342 N. Elm Street Suite 6
Greensboro, NC 27401

AGENT: Wetland and Natural Resource Consultants, Inc.
P.O. Box 224
Newton, NC 28658

Authority

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

Location

The 939-acre proposed project site is located on both sides of Teague Road (SR 2630), approximately five miles south of Kernersville, in Forsyth County, North Carolina. Coordinates (in decimal degrees) for the site are 36.0668 North, 80.0923 West. The site is adjacent to Abbotts Creek including several unnamed tributaries of the Yadkin River and includes approximately 16 acres of jurisdictional wetlands adjacent to these jurisdictional stream channels in the Yadkin River Basin (8-Digit Cataloging Unit 03040103).

Existing Site Conditions

The land use in the area surrounding the project consists of single-family housing, forested tracts, and agricultural tracts. The area is currently subject to increasing residential pressure.

The land use of the project itself consists of an existing golf course, which totals about 30% of the project area, open agricultural fields, which total 40%, and forested areas, which total approximately 30%. The site contains several small perennial streams that flow into Abbotts Creek, which also flows north to south through the western portion of the property. There are approximately 16 acres of wetlands and approximately 22 acres of ponds located throughout the property. Several of these ponds are situated around the existing golf course and provide irrigation water for the golf course.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to develop a residential community, including a school, and the redevelop of the existing golf course.

Project Description

The project consists of the construction of a residential community that impacts regulated Waters of the US for the construction of roads, sewer lines, a school site, and dam maintenance and rehabilitation. Impacts to Waters of the US will result from piped road crossing that access high ground, wetland and stream impacts needed for golf facilities, open trench cuts for installation of sewer facilities, and impacts associated with the development of a school site.

Development of the site will require clearing for the proposed road right of ways, piping for the proposed road crossings, impacts associated with the construction of sewer line crossings, and grading for the proposed golf course. Heavy equipment, including graders, pan scrapers, excavators, bull dozers, etc. will be used for the construction of the project. Completion of the proposed project will require the piping of several streams for the construction of 12 road crossings: 8 crossing result from the construction of thoroughfare roads and 4 are necessary to access high ground within the subdivision. The proposed impacts to streams channels resulting from the placement of fill material associated with road crossings is 1506 linear feet for thoroughfare road and 687 linear feet for internal roads. Impacts to Waters from the construction of roads total 1.14 acres of open water to construct a causeway and 0.76 acres of wetlands. Sewer line crossings impact 344 linear feet of streams and 0.042 acres of wetlands. Golf facilities, as proposed, will impact a total 0.53 acres of wetlands and 1193 linear feet of streams. Grading for recreational fields will impact 0.201 acres of isolated wetlands. Pond construction and dam

rehabilitation will, as proposed, impact 1.047 acres of wetlands and another 0.257 acres of open waters. Grading necessary to configure a safe school site and eliminate an attractive nuisance will impact 0.768 acres of pond surface area and 733 linear feet of streams. The applicant proposes to fill 0.991 acres of wetlands associated with grading for lots. Plans included with this notice show the overall proposed site layout which if permitted would impact 6903 linear feet of streams, 5.75 acres of wetlands, and 2.165 acres of open waters.

The applicant proposes to mitigate for permanent impacts to stream channels at a 1:1 ratio, wetland impacts at a 2:1 ratio, and open water at a 1.1 ratio. Under the proposal 5102 linear feet of stable stream pattern, profile, and dimension will be restored along unnamed tributaries located within the existing golf course area. Streams will be permanently protected under a conservation easement and will be replete with buffers in accordance with local requirements that require 50-foot buffers. Wetland restoration will occur within approximately 7.1 acres of previously drained wetland areas. Existing ditches will be plugged with clay barriers and historic wetland areas are expected to become saturated and inundated. The restoration has the intended consequence of increasing the wetness of existing wetlands that are adjacent to the restored wetlands. Wetland hydrology is expected to be enhanced in 4.2 acres. Approximately 2 acres of open water will be created for an irrigation pond and an additional 0.5 acres of littoral zones are proposed along pond edges.

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 January 13, 2006.

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 is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service."

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 of Engineers 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 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.

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, January 20, 2006. Comments should be submitted to John Thomas, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.

80.1333333° W

80.1000000° W

80.0666666° W

36.1000000° N

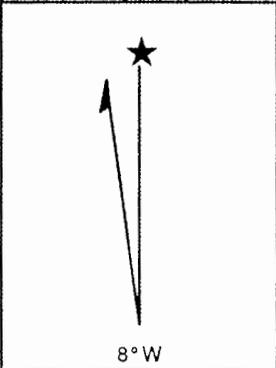
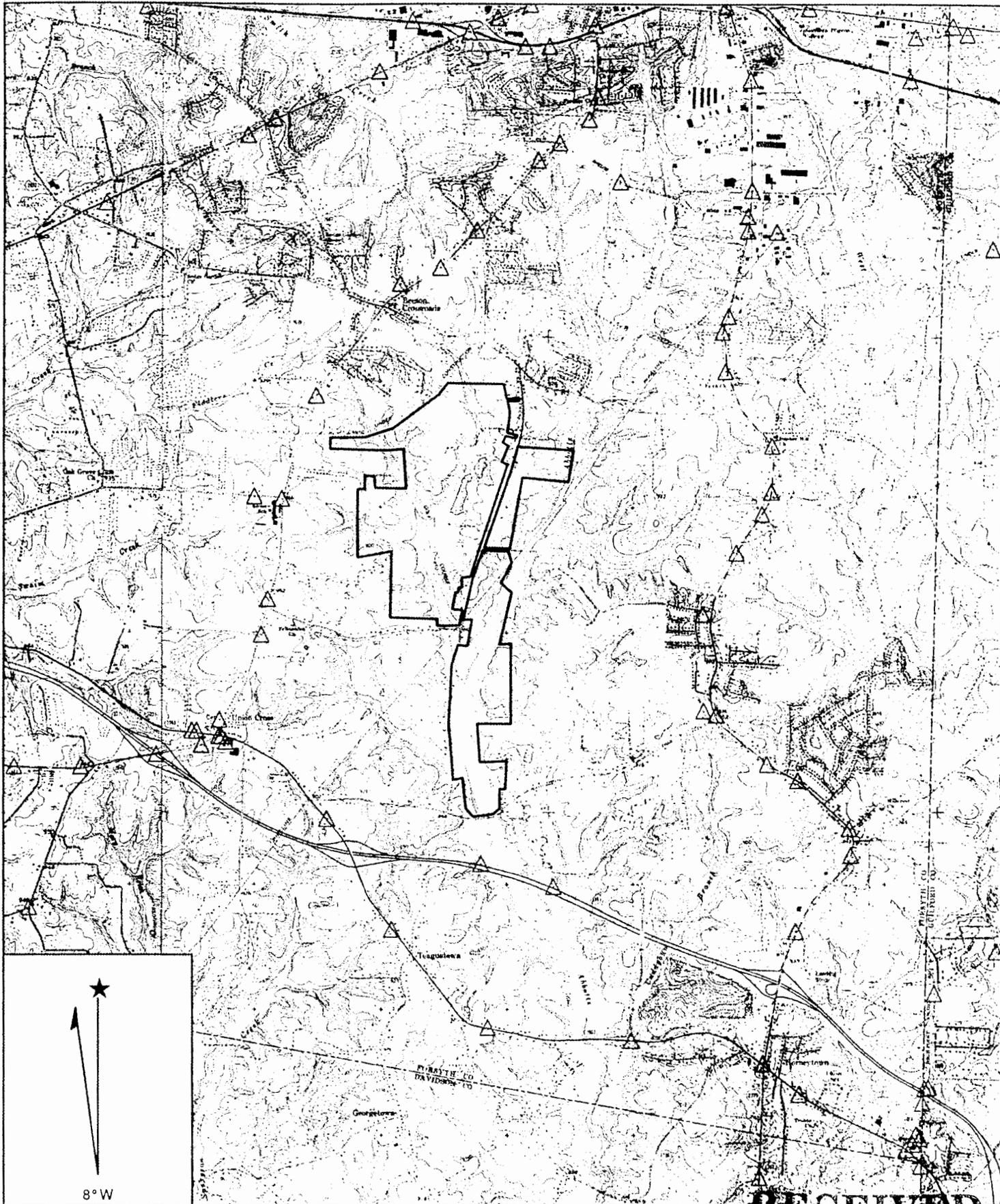
36.1000000° N

36.0666666° N

36.0666666° N

36.0333333° N

36.0333333° N



80.1333333° W

80.1000000° W

80.0666666° W

Name: KERNERSVILLE
 Date: 11/3/2005
 Scale: 1 inch equals 4000 feet

Location: 036.0598927° N 080.0880336° W
 Caption: Landuse Strategies- Caleb's Creek

Sheet 1 of 33

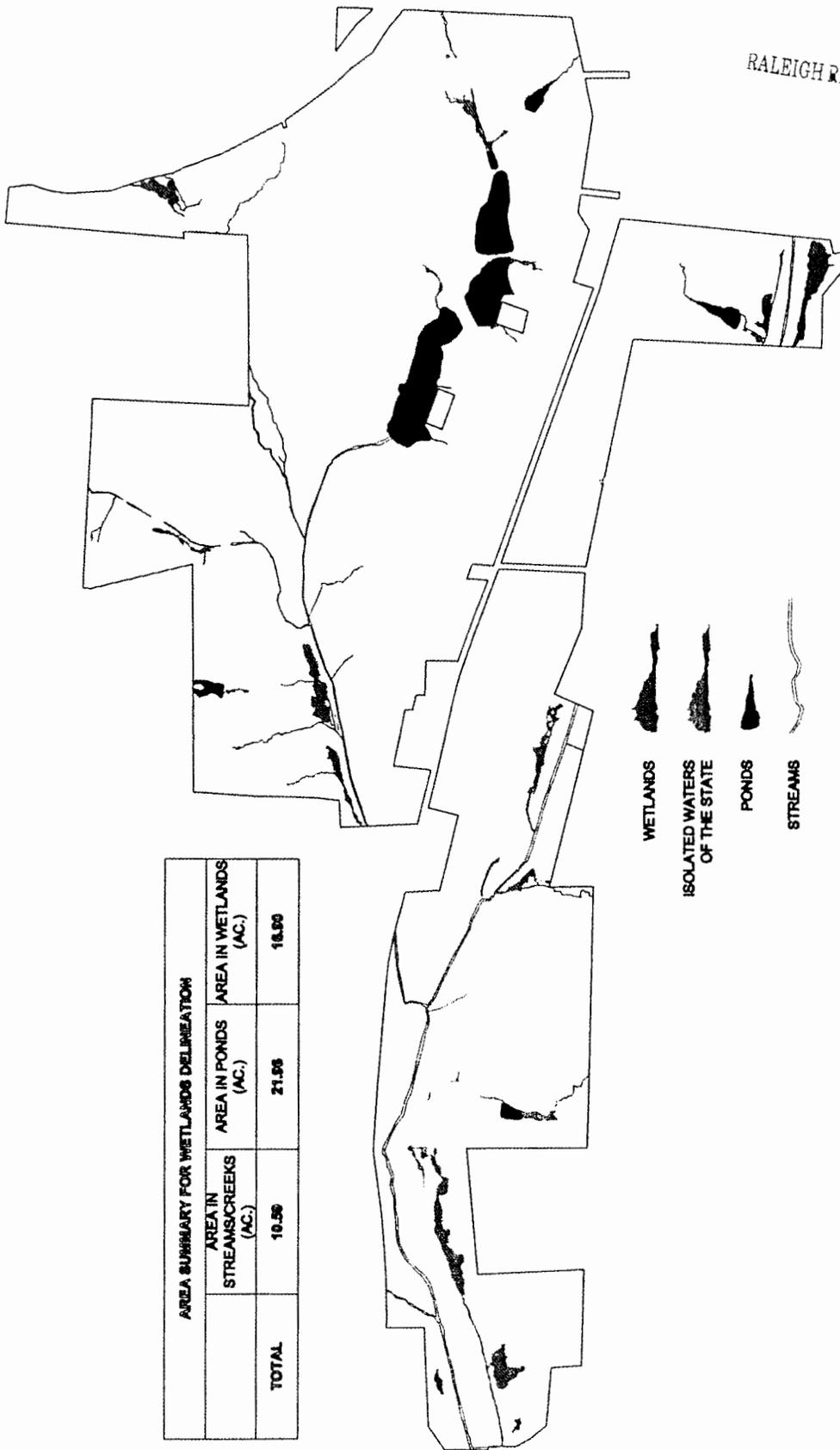
RALEIGH REGULAT



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DEC 09 2005

RALEIGH REGULATORY FIELD OFFICE



| AREA SUMMARY FOR WETLANDS DELINEATION | | | |
|---------------------------------------|------------------------------------|------------------------|---------------------------|
| | AREA IN STREAMS/CREEKS (AC.) | AREA IN PONDS (AC.) | AREA IN WETLANDS (AC.) |
| TOTAL | 10.56 | 21.56 | 18.80 |

Caleb's Creek Impact Table (November 21, 2005)

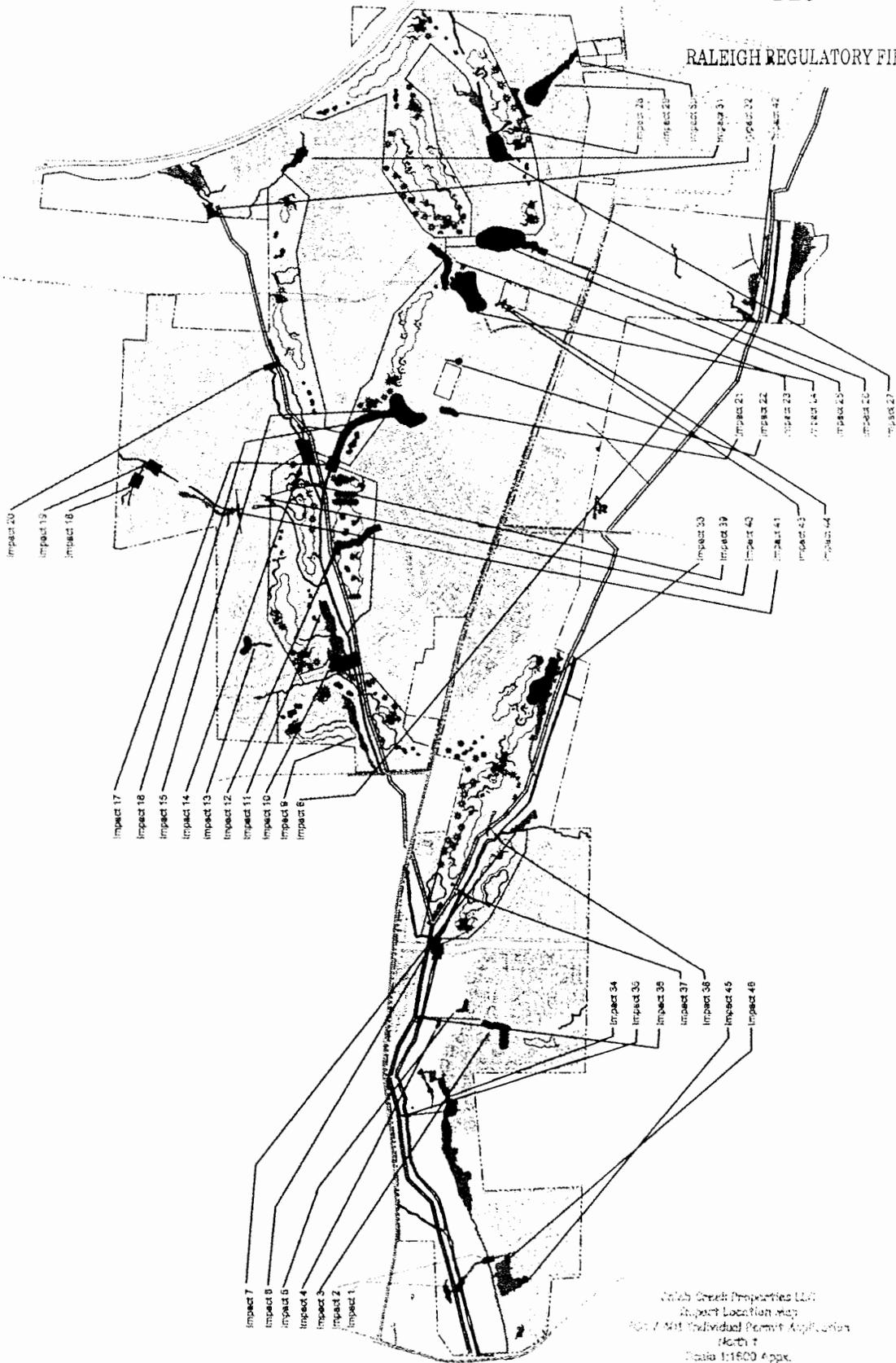
DEC 03 2005

| Map Impact ID | Purpose for Impact | Stream length (ft) | Wetland Area (ac) | Volume Estimate (cu.yd.) | Impact Type | Proposed Stream Mitigation | Proposed Wetland Mitigation | Resource Type |
|----------------|--------------------|--------------------|-------------------|--------------------------|-------------|----------------------------|-----------------------------|-------------------|
| 1 | sewer | 71 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 2 | sewer | 0 | .02 | 0 | cut | 0 | 0 | slough WL |
| 3 | BMP | 515 | 0 | 15 | fill | 515 | 0 | isolated CH |
| 4 | recreation | 0 | 0.068 | 10 | fill | 0 | 0.136 | isolated WL |
| 5 | recreation | 0 | 0.133 | 20 | fill | 0 | 0.266 | isolated WL |
| 6 | road | 242 | 0 | 10 | pipe | 242 | 0 | perennial CH |
| 7 | golf | 0 | 0.077 | 10 | fill | 0 | 0.154 | forested WL |
| 8 | sewer | 46 | 0.015 | 0 | cut | 0 | 0 | int CH & WL |
| 9 | golf | 0 | 0.23 | 35 | fill | 0 | 0.460 | forested WL |
| 10 | road | 286 | 0.45 | 80 | pipe-fill | 286 | 0.900 | per CH & WL |
| 11 | golf | 0 | 0.132 | 20 | fill | 0 | 0.264 | forested WL |
| 12 | golf | 1193 | 0 | 35 | pipe | 1193 | 0 | intermittent CH |
| 13 | dam | 0 | 0.081 | 10 | fill | 0 | 0.162 | forested WL |
| 14 | road | 336 | 0 | 65 | pipe | 336 | 0 | perennial CH |
| 15 | pool | 100 | 0 | 0 | dredge | 0 | 0 | perennial CH |
| 16 | restoration | 593 | 0 | 0 | restore | 0 | 0 | perennial CH |
| 17 | road | 144 | 0 | 40 | pipe | 144 | 0 | perennial CH |
| 18 | drives | 142 | 0 | 20 | pipe | 142 | 0 | perennial CH |
| 19 | road | 152 | 0 | 40 | pipe | 152 | 0 | perennial CH |
| 20 | sewer | 57 | 0 | 0 | cut | 0 | 0 | intermittent CH |
| 21 | road | 360 | 0 | 10 | pipe | 0 | 0 | intermittent CH |
| 22 | road | 33 | 0 | 1 | pipe | 0 | 0 | intermittent CH |
| 23 | road | 440 | 0.133 | 130 | pipe | 440 | 0.266 | per CH & WL |
| 24 | dam | 0 | 0.257 | 400 | fill | 0 | 0 | open water |
| 25 | road | 0 | 1.14 | 1000 | fill | 0 | 0 | open water |
| 26 | road | 771 | 0.177 | 155 | pipe-fill | 771 | 0.354 | forested WL |
| 27 | pond | 0 | 0.33 | 0 | dredge | 0 | 0.66 | marsh |
| 28 | golf | 0 | 0.099 | 15 | fill | 0 | 0.198 | seep |
| 29 | school | 0 | 0.768 | 1000 | pipe-fill | 0 | 0 | open water |
| 30 | school | 733 | 0 | 155 | pipe fill | 733 | 0 | perennial CH |
| 31 | road | 350 | 0 | 15 | pipe | 0 | 0 | intermittent CH |
| 32 | road | 148 | 0 | 40 | pipe | 148 | 0 | perennial CH |
| 33 | pond | 0 | 0.649 | 0 | dredge | 0 | 1.298 | forested WL |
| 34 | lots | 0 | 0.823 | 550 | fill | 0 | 1.646 | forested WL |
| 35 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 36 | sewer | 22 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 37 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 38 | sewer | 22 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 39 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 40 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 41 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 42 | sewer | 0 | 0.007 | 0 | cut | 0 | 0 | perennial CH |
| 43 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 44 | sewer | 21 | 0 | 0 | cut | 0 | 0 | perennial CH |
| 45 | lots | 0 | 0.108 | 20 | fill | 0 | 0.216 | forested WL |
| 46 | lots | 0 | 0.060 | 15 | fill | 0 | 0.12 | forested WL |
| Impacts | | 6903 | 5.757 | 3916 | | 5102 | 7.1 | Mitigation |

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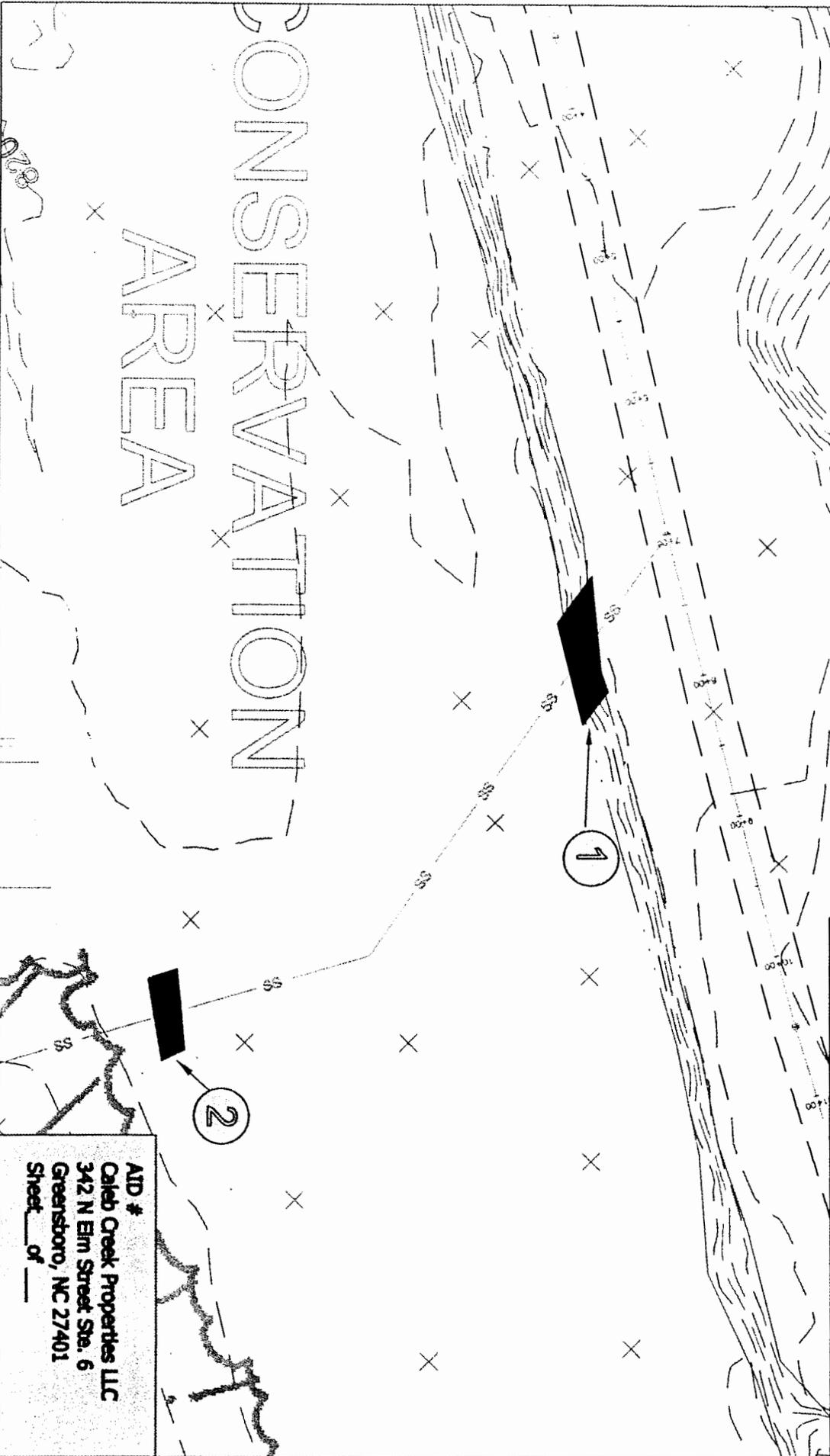
RALEIGH REGULATORY FIELD OFFICE



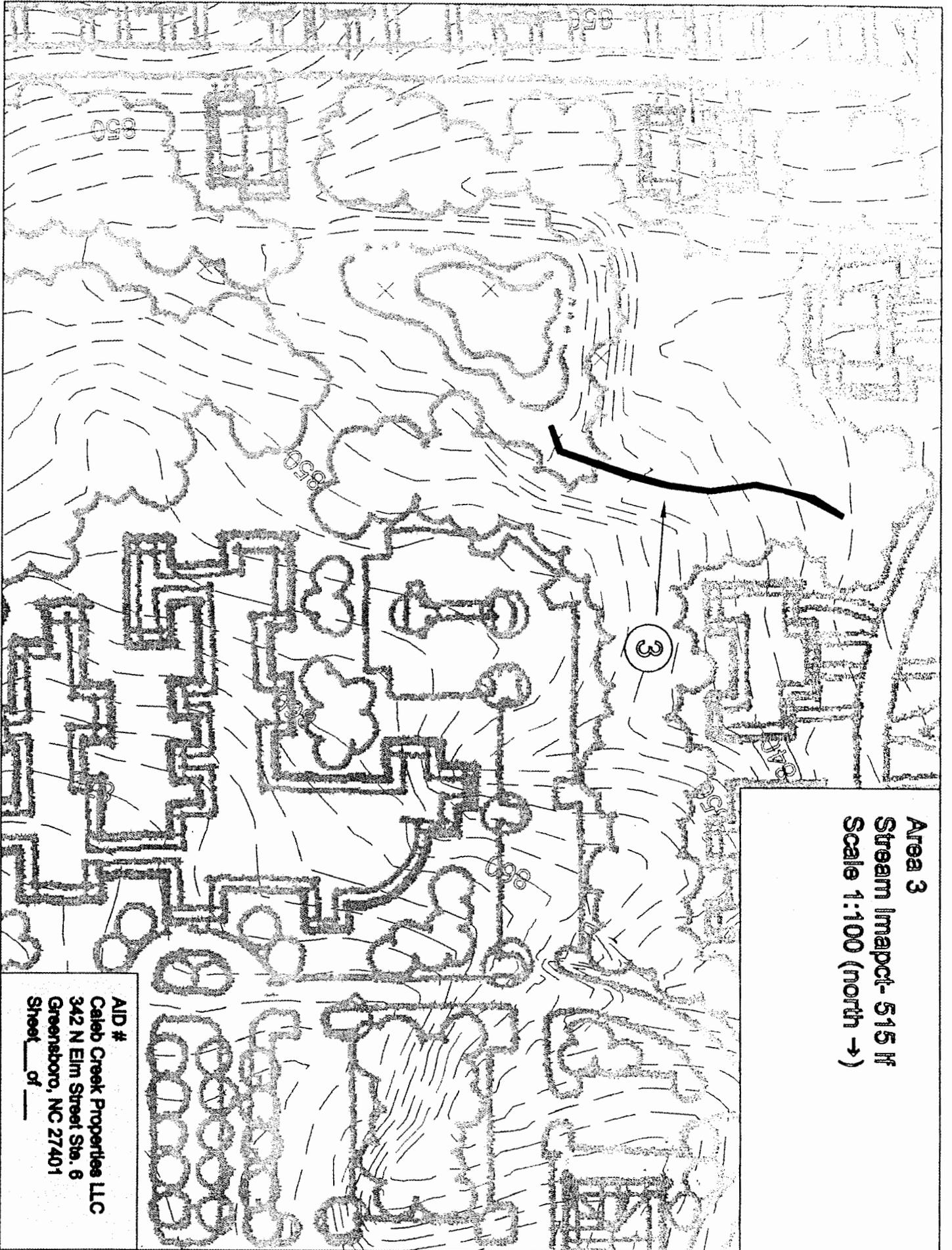
Wolf Creek Properties LLC
Impact Location Map
100 / 501 Individual Permit Application
North 1
Scale 1:1600 Appx.

Area 1
Stream Impact-71 lf
Area 2
Wetland Impact-.02 ac
Scale 1:100 (north →)

CONSERVATION AREA



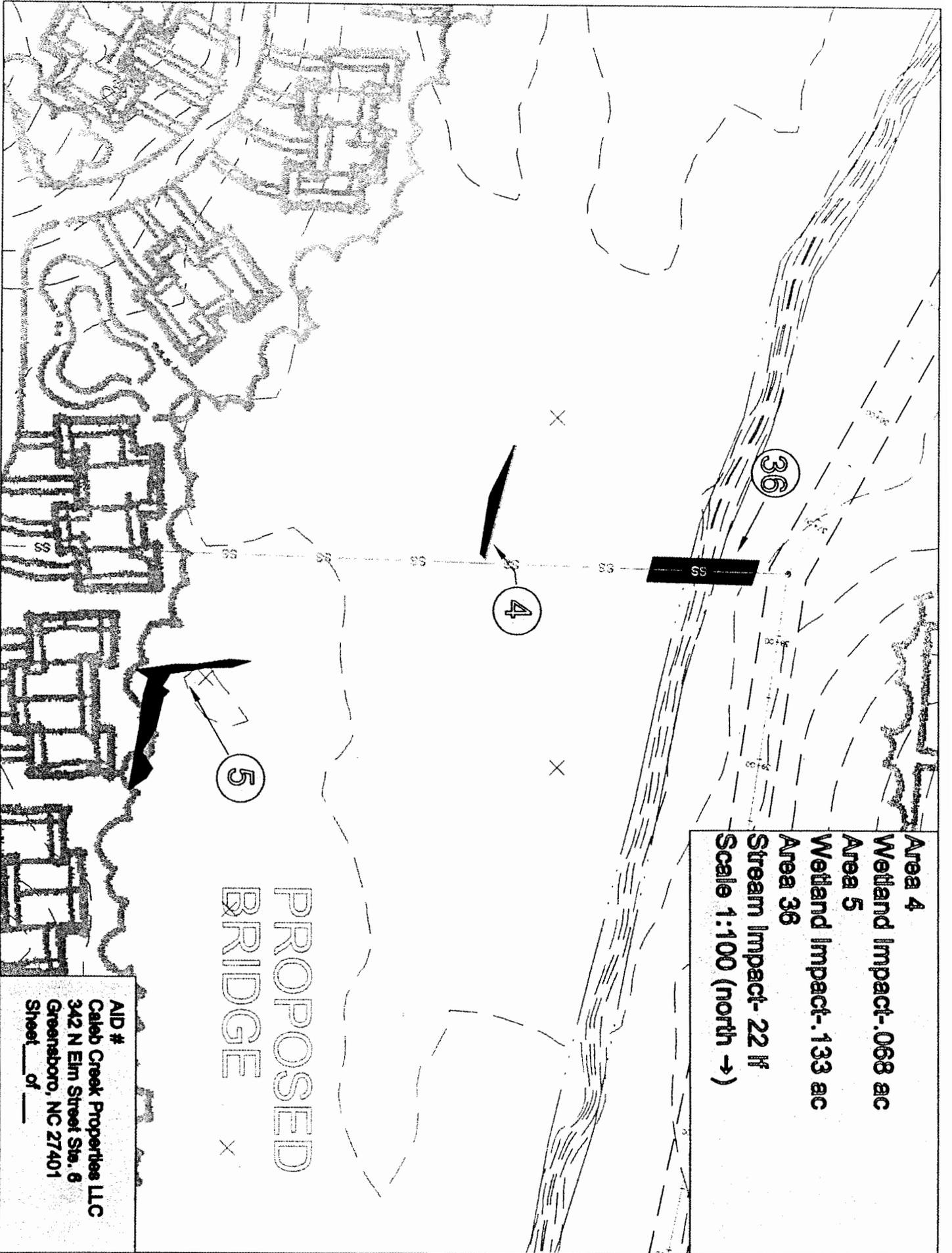
AID #
Caleb Creek Properties LLC
342 N Elm Street Ste. 6
Greensboro, NC 27401
Sheet ___ of ___



Area 3
Stream Impact- 515 ft
Scale 1:100 (north →)

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Greensboro, NC 27401
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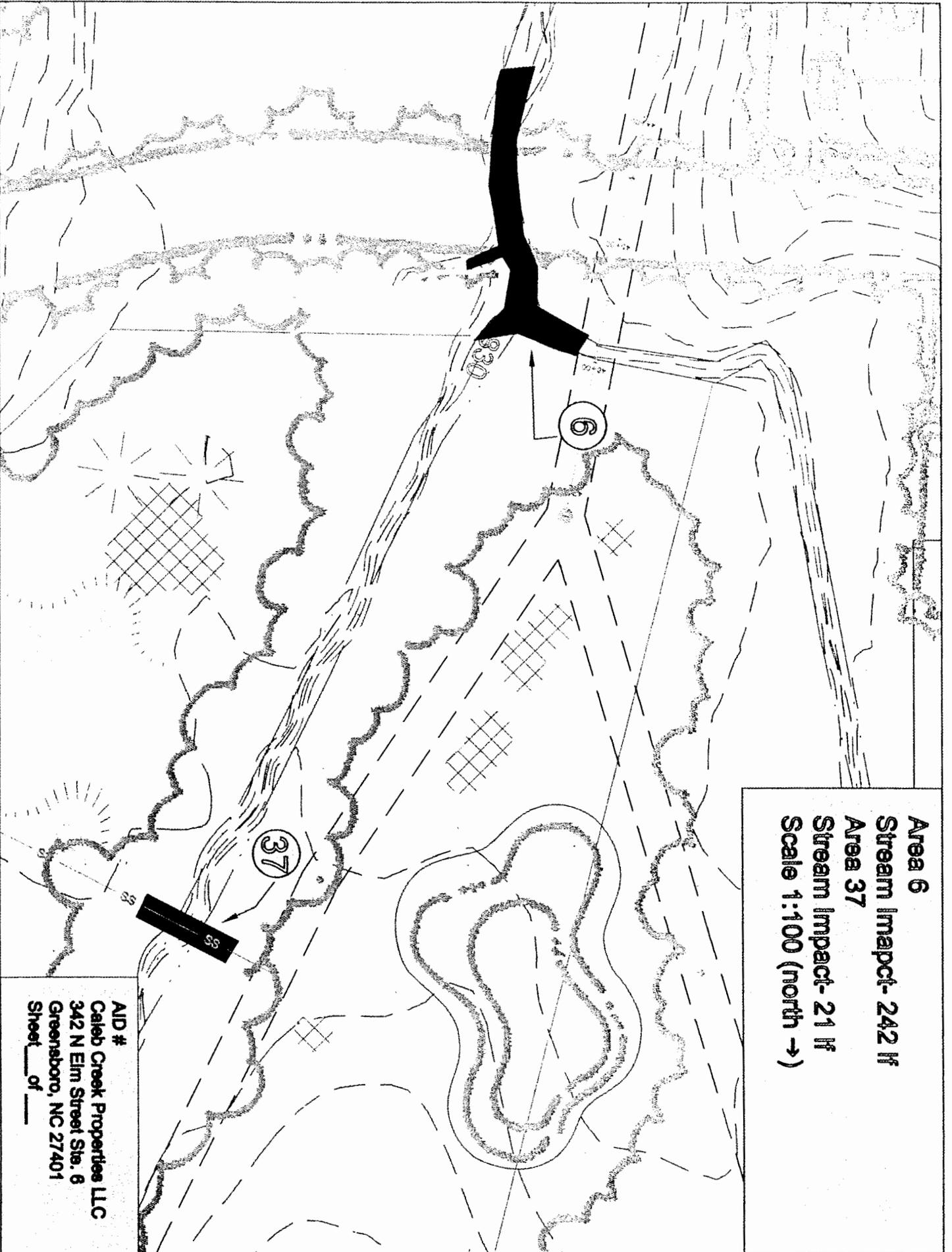
Area 4
 Wetland Impact-.068 ac
 Area 5
 Wetland Impact-.133 ac
 Area 36
 Stream Impact- 22 lf
 Scale 1:100 (north →)

PROPOSED
 BRIDGE X

AID #
 Caleb Creek Properties LLC
 342 N Elm Street Ste. 8
 Greensboro, NC 27401
 Sheet ___ of ___

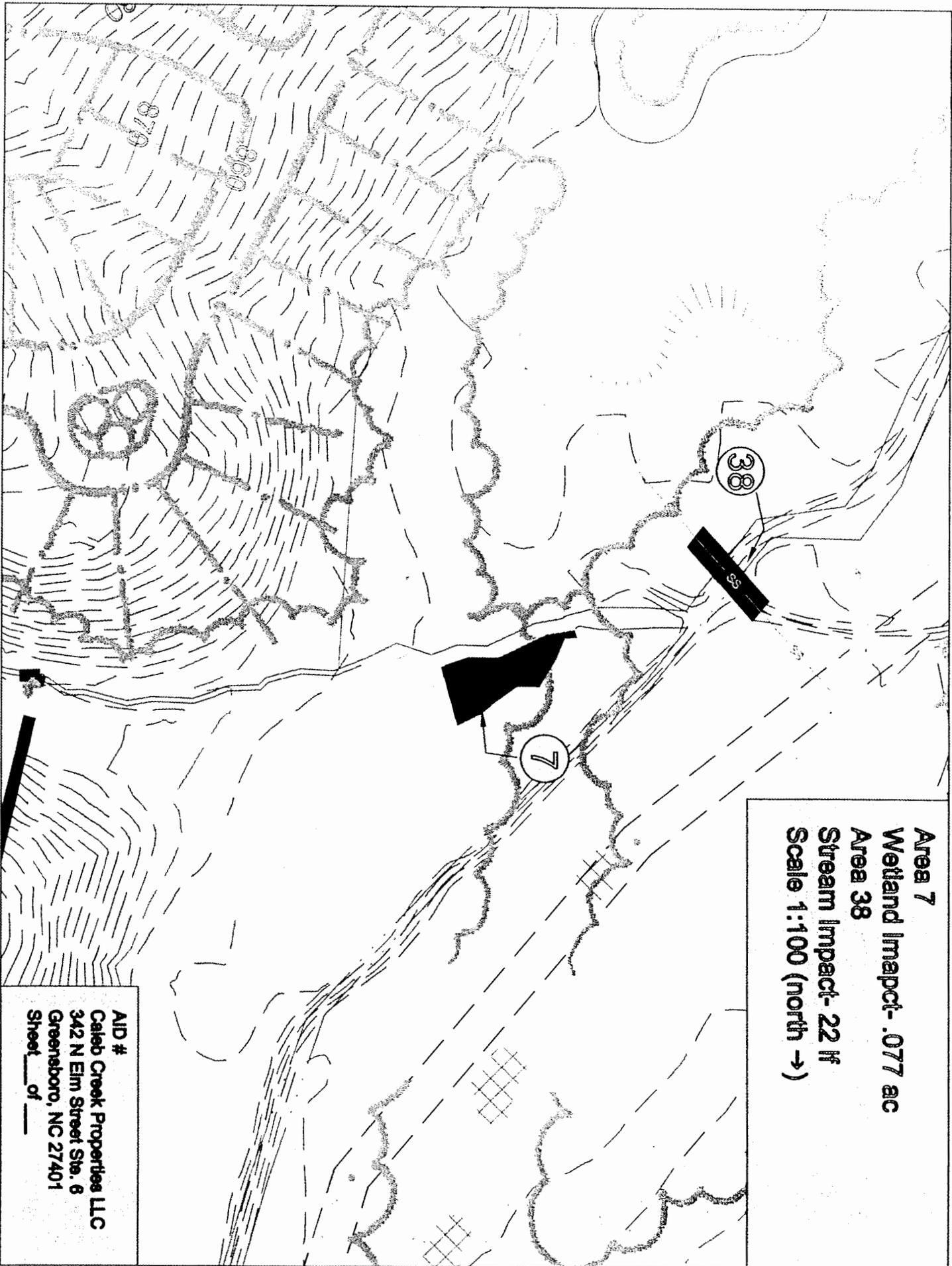
Sheet 7 of 33

Area 6
Stream Impact- 242 lf
Area 37
Stream Impact- 21 lf
Scale 1:100 (north →)



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Caleb Creek Properties LLC
342 N Elm Street Sta. 6
Greensboro, NC 27401
Sheet ___ of ___

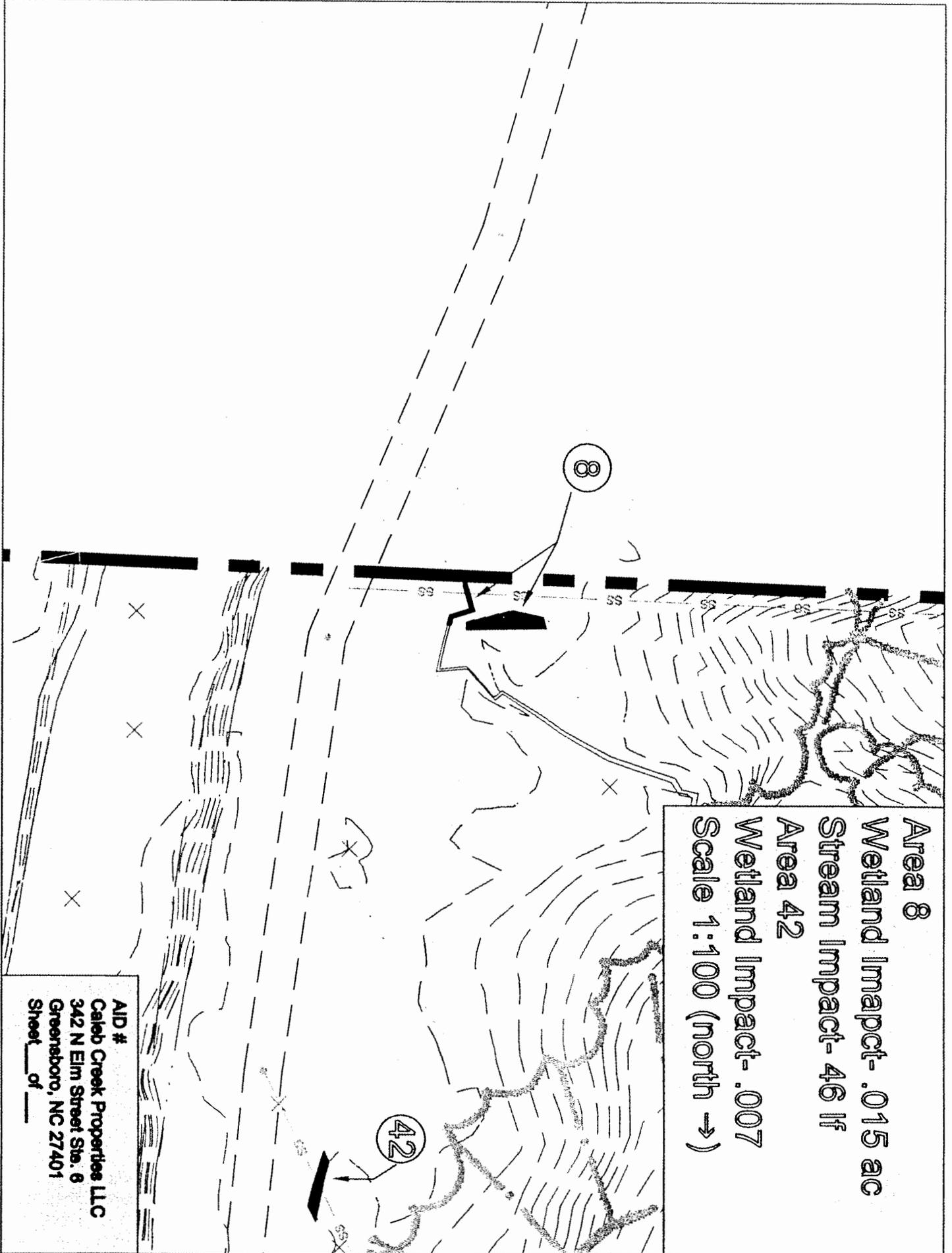
Sheet 8 of 33



Area 7
Wetland Impact- .077 ac
Area 38
Stream Impact- 22 lf
Scale 1:100 (north →)

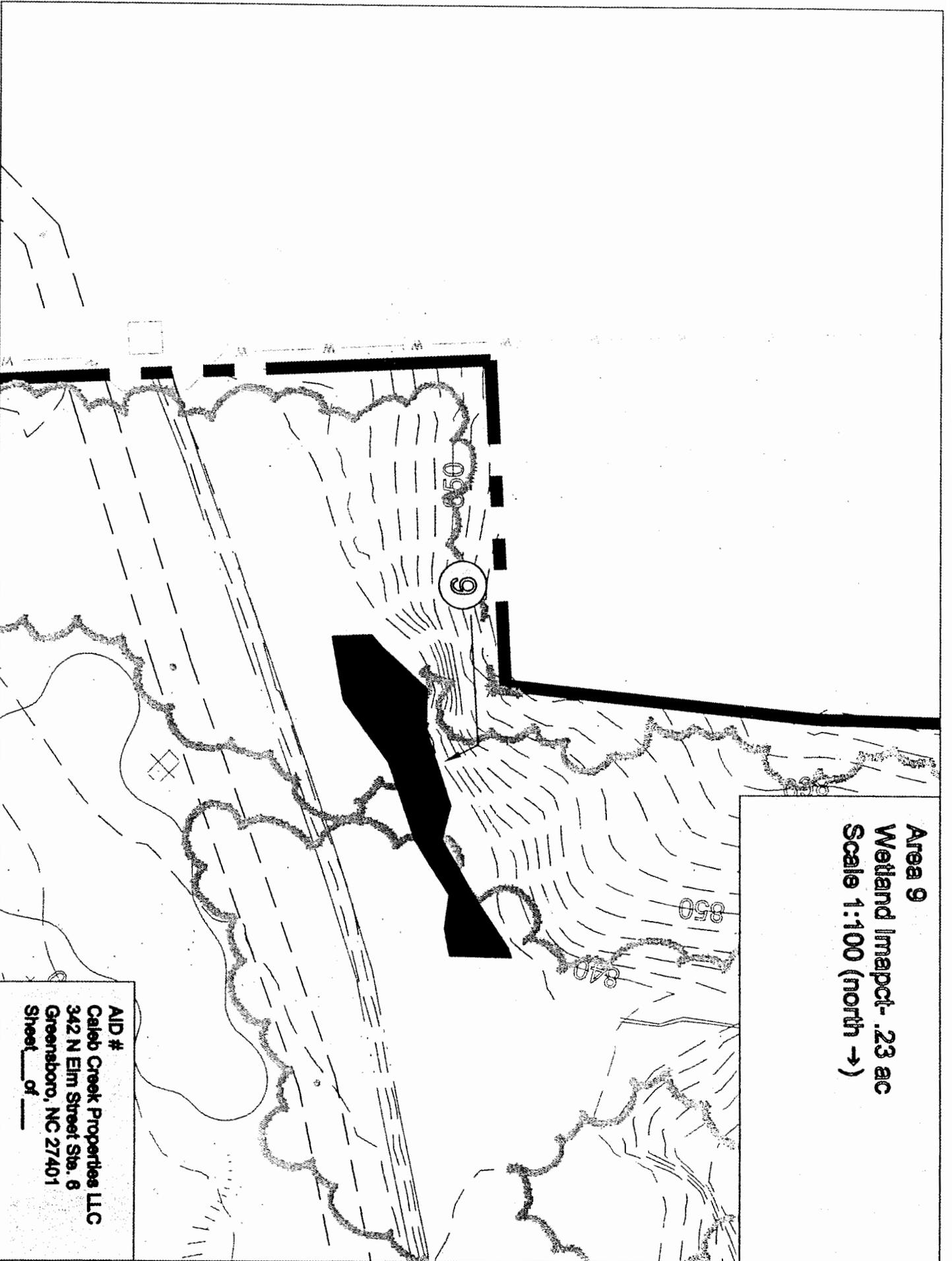
AID #
Caleb Creek Properties LLC
342 N Elm Street Ste. 6
Greensboro, NC 27401
Sheet ___ of ___

Area 8
Wetland Impact- .015 ac
Stream Impact- 46 lf
Area 42
Wetland Impact- .007
Scale 1:100 (north →)



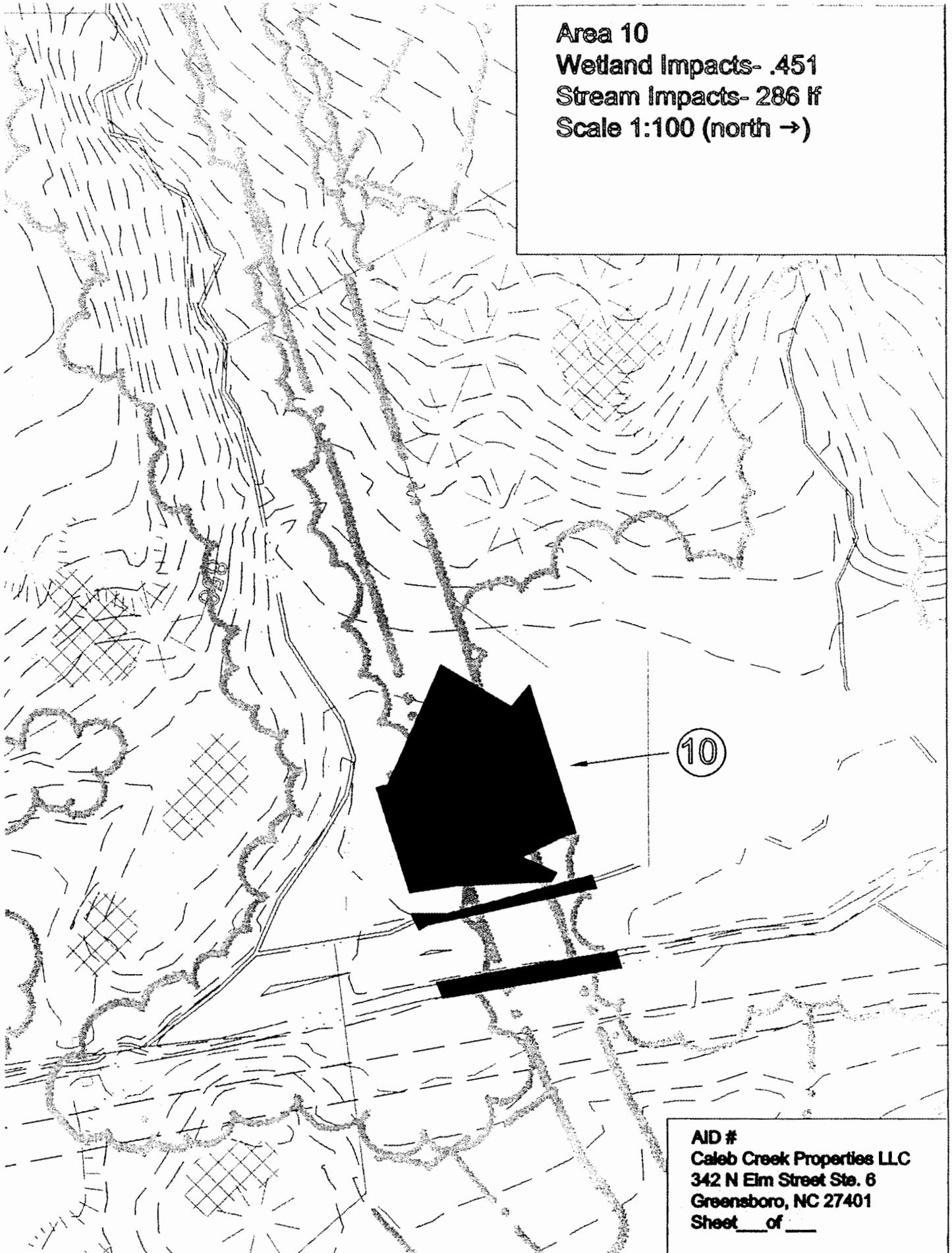
AID #
Caleb Creek Properties LLC
342 N Elm Street Sls. 6
Greensboro, NC 27401
Sheet ___ of ___

Area 9
Wetland Impact - .23 ac
Scale 1:100 (north →)



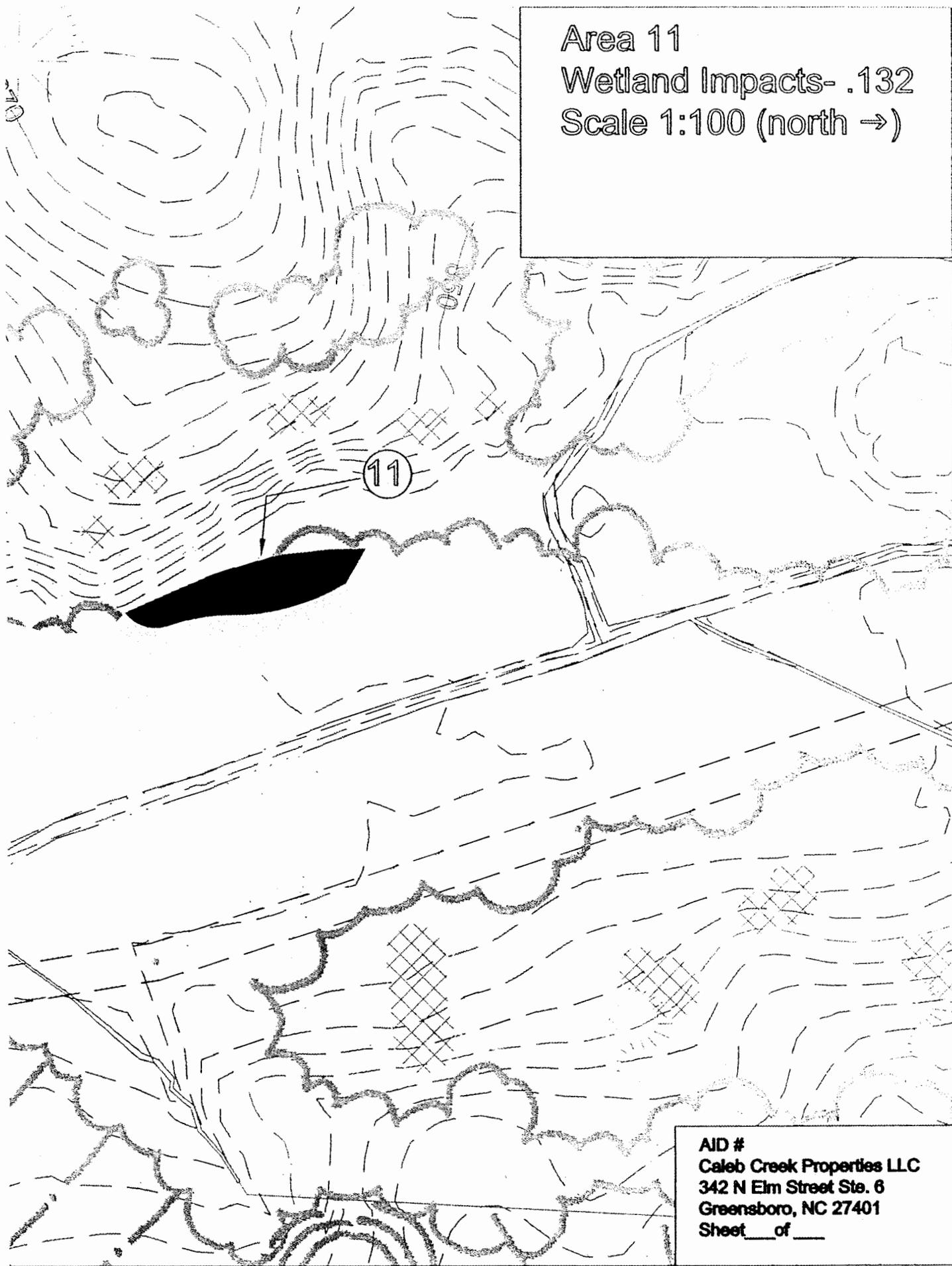
AID #
Caleb Creek Properties LLC
342 N Elm Street Ste. 6
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Area 10
Wetland Impacts- .451
Stream Impacts- 286 lf
Scale 1:100 (north →)



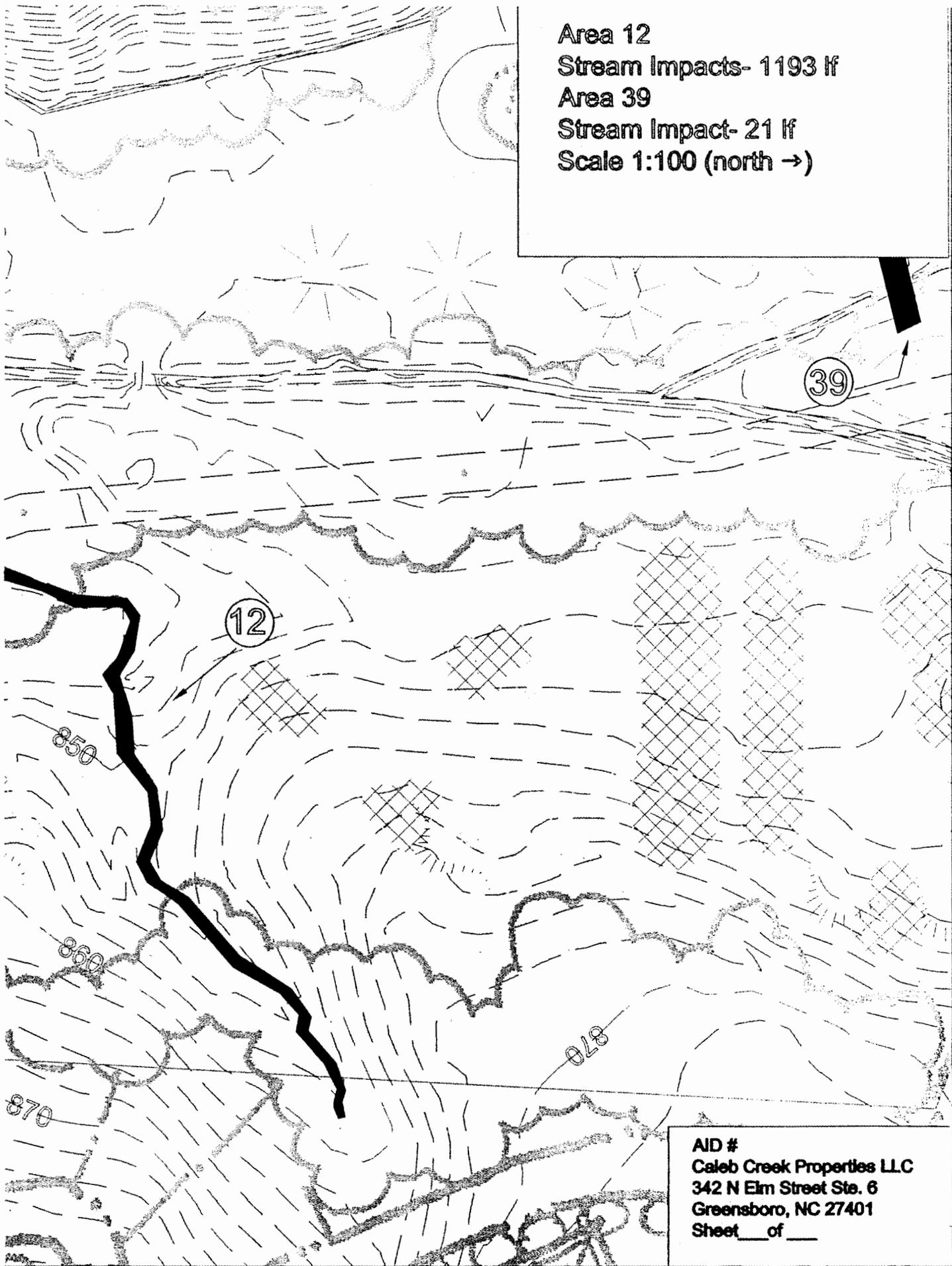
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Caleb Creek Properties LLC
342 N Elm Street Ste. 6
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Area 11
Wetland Impacts- .132
Scale 1:100 (north →)



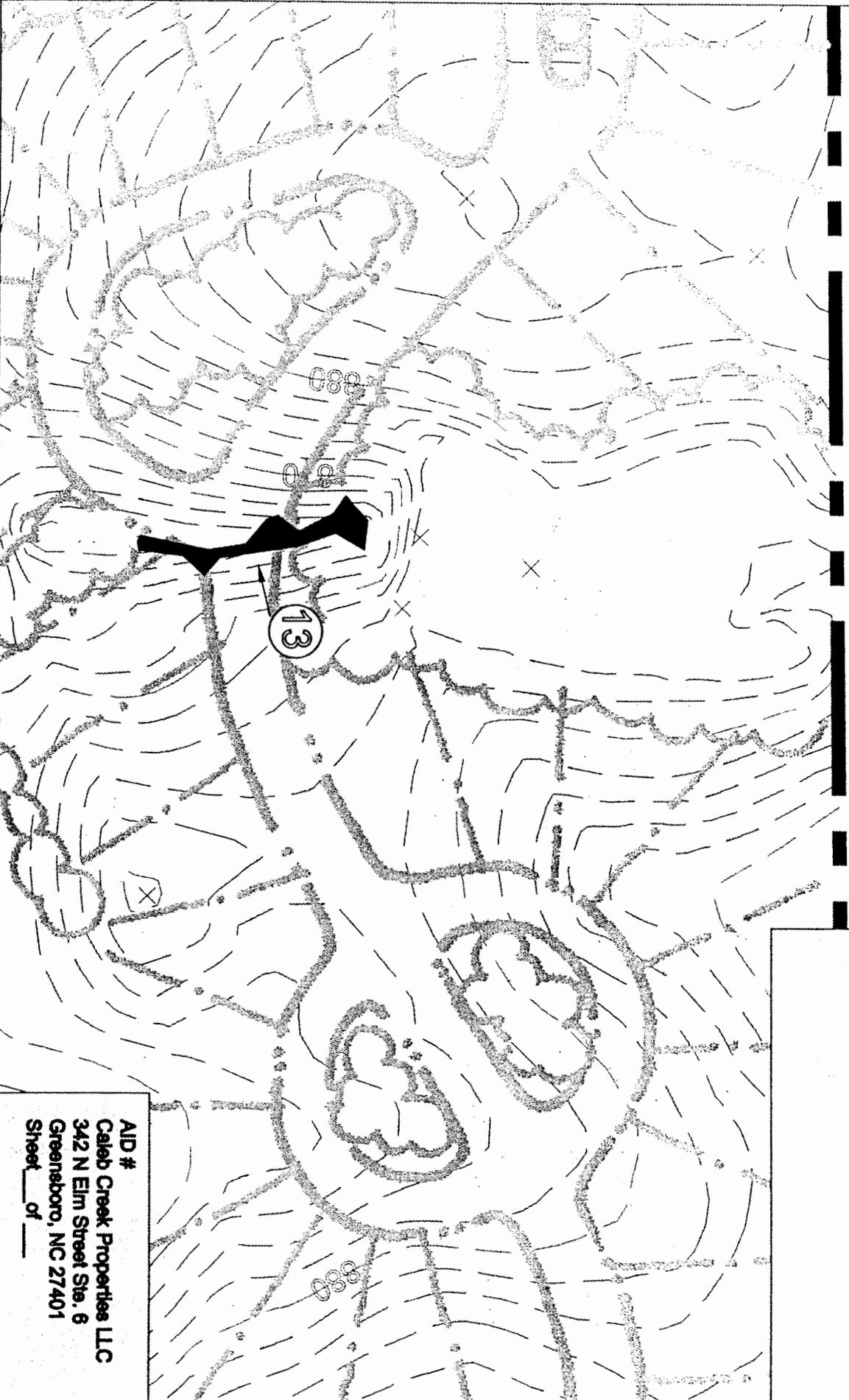
AID #
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Area 12
Stream Impacts- 1193 lf
Area 39
Stream Impact- 21 lf
Scale 1:100 (north →)



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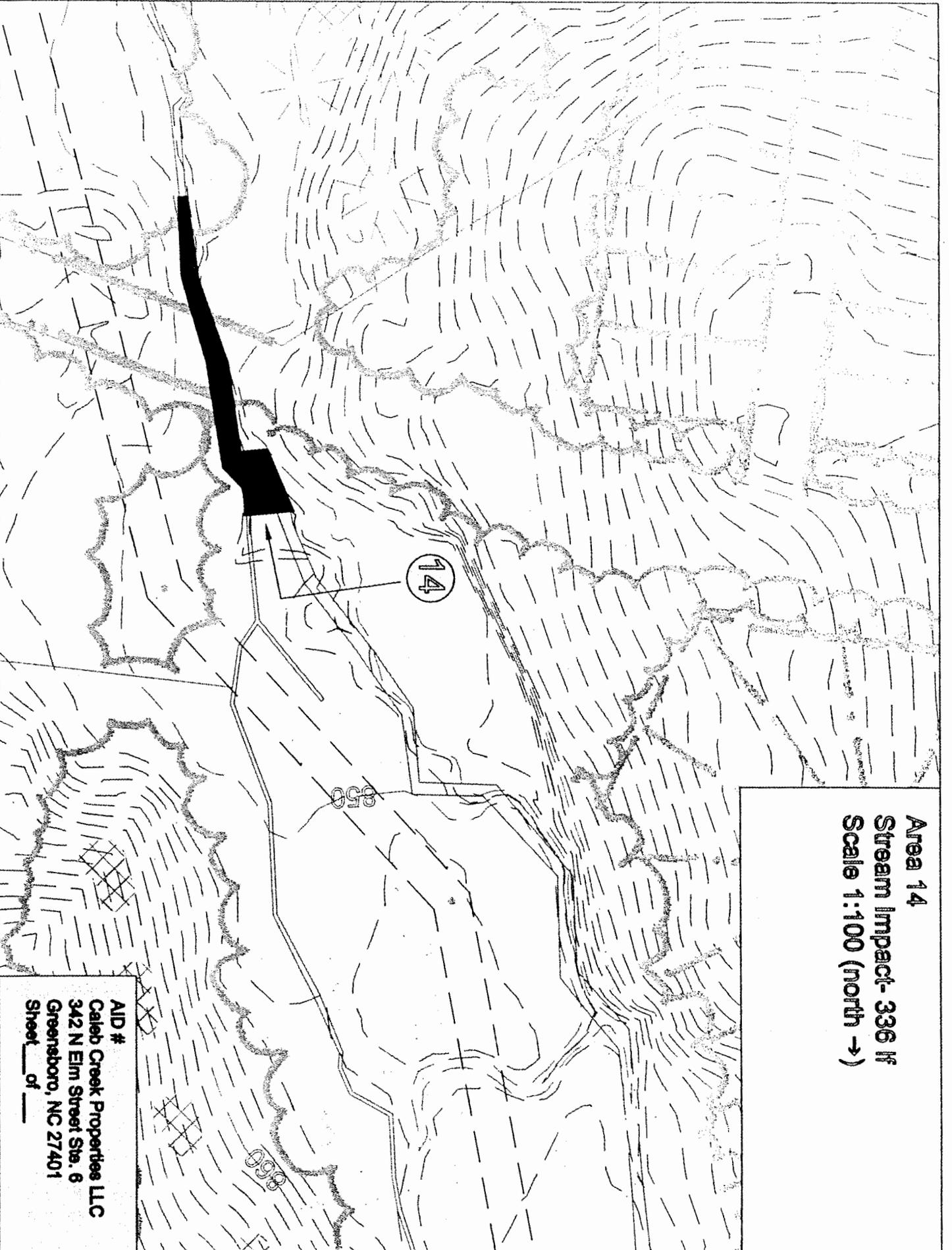
Area 13
Wetland Impacts-
.068 ac
Scale 1:100 (north →)



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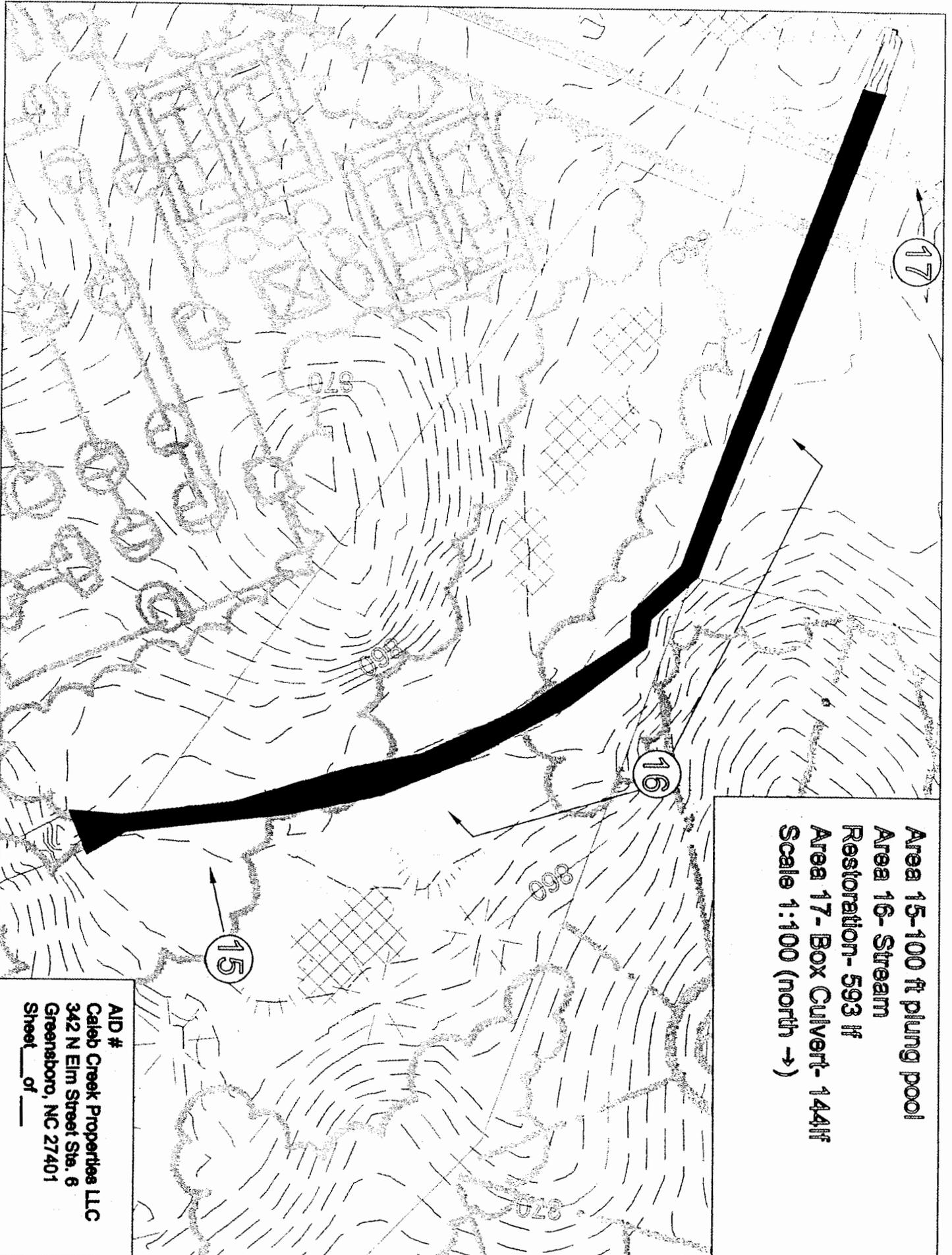
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Area 14
Stream Impact- 336 lf
Scale 1:100 (north →)



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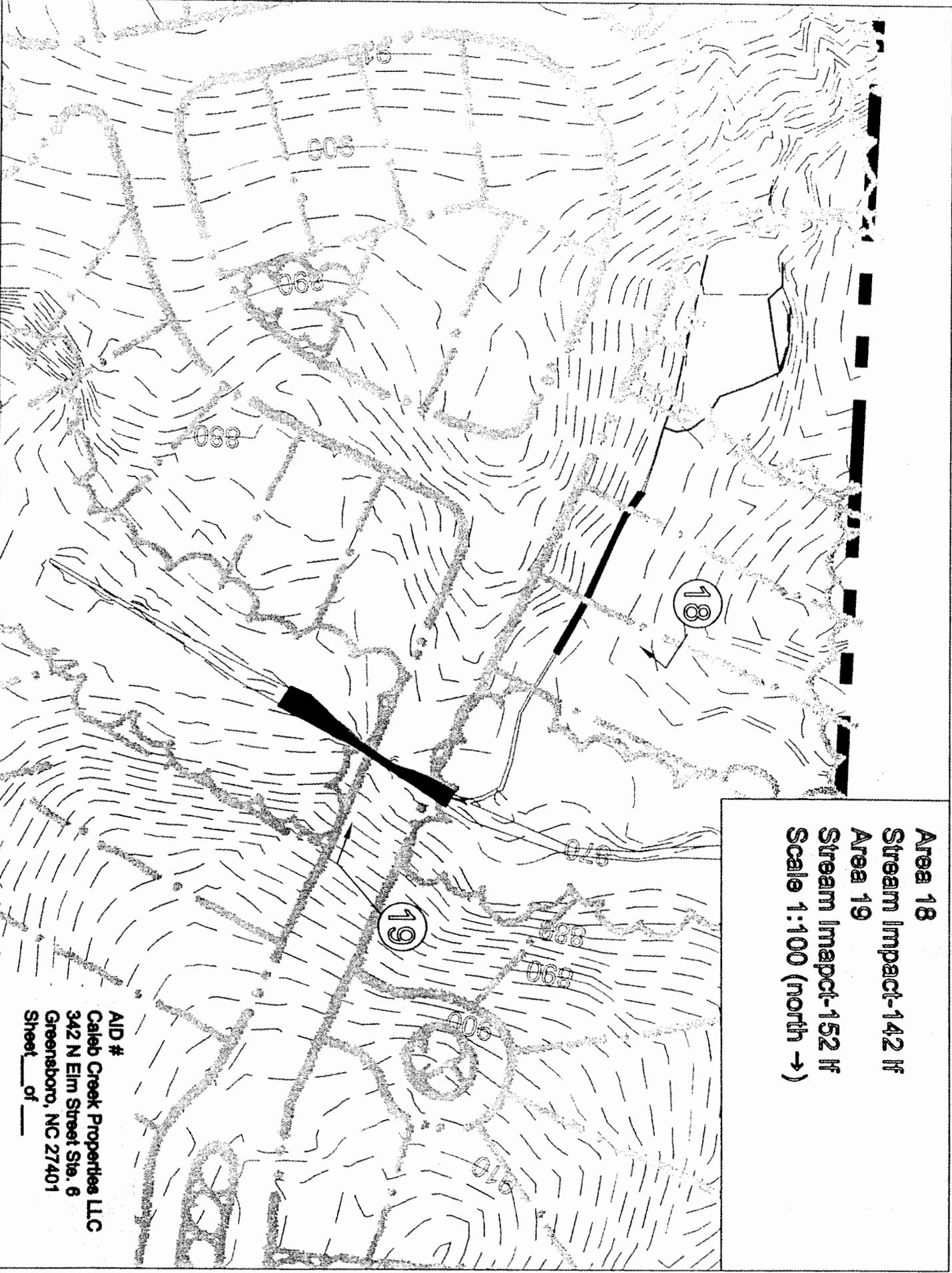
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Area 15-100 ft plunging pool
Area 16- Stream
Restoration- 593 lf
Area 17- Box Culvert- 144lf
Scale 1:100 (north →)

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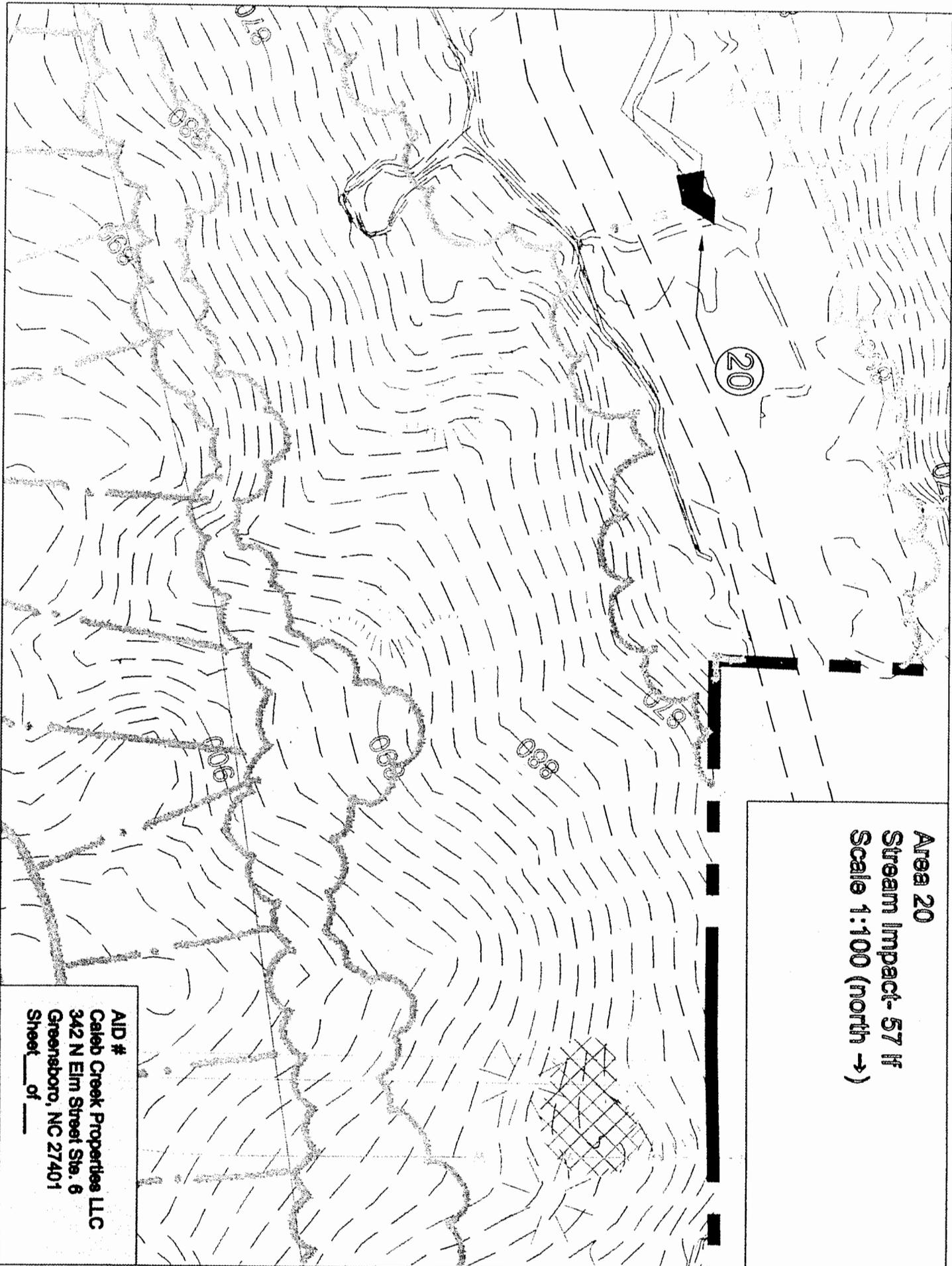
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Area 18
Stream Impact-142 lf
Area 19
Stream Impact-152 lf
Scale 1:100 (north →)

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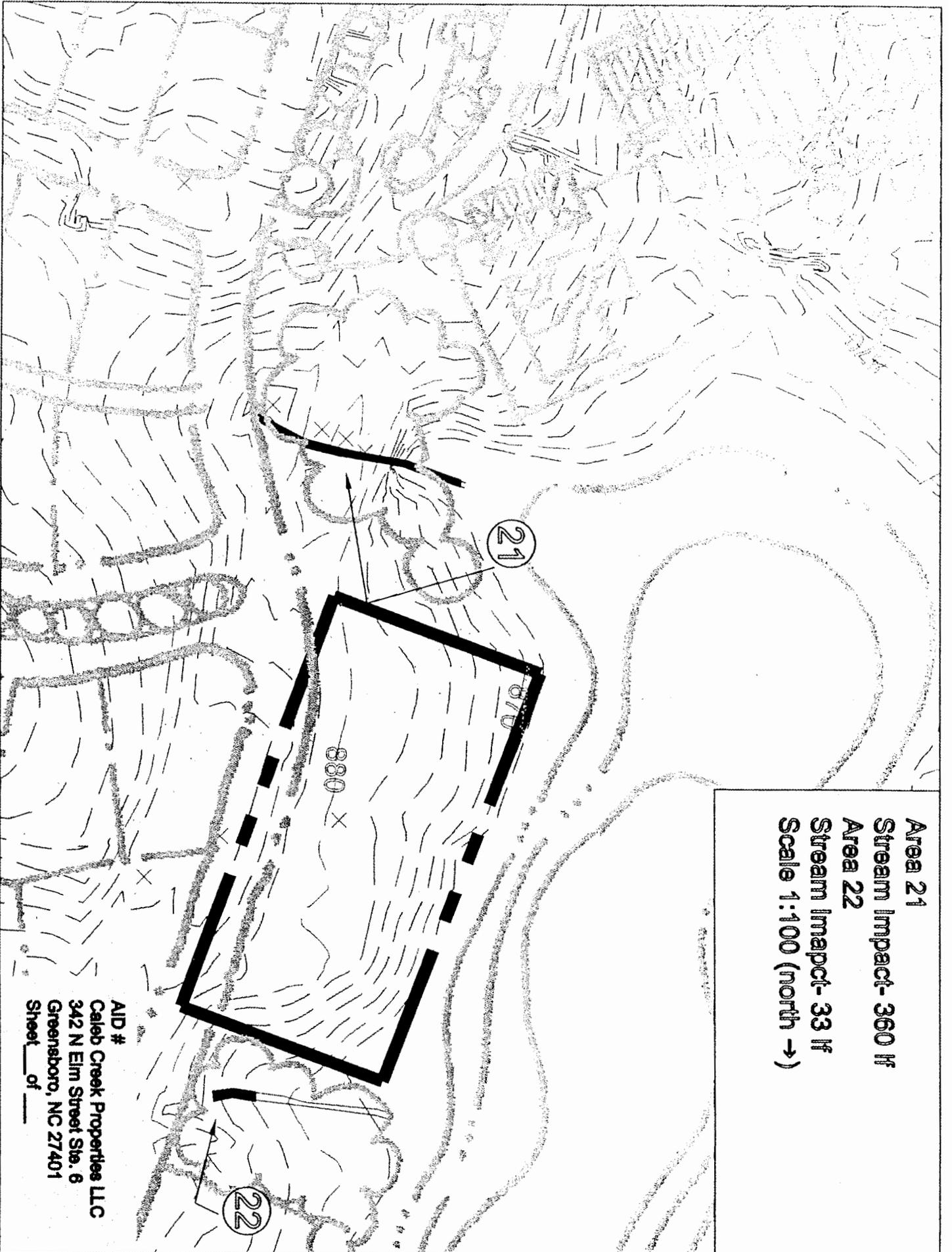
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Area 20
Stream Impact- 57 lf
Scale 1:100 (north →)

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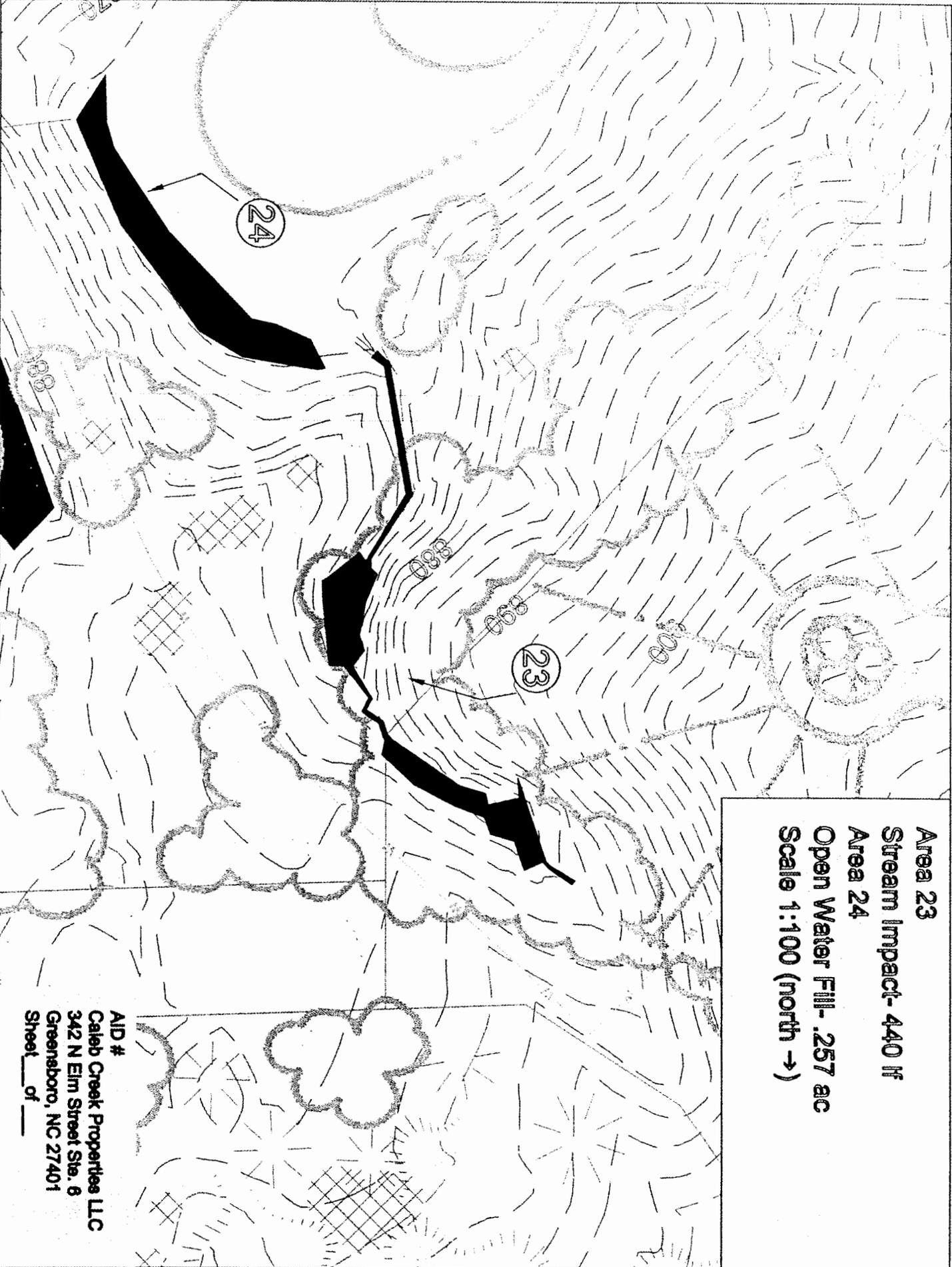
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Area 21
Stream Impact- 360 lf
Area 22
Stream Impact- 33 lf
Scale 1:100 (north →)

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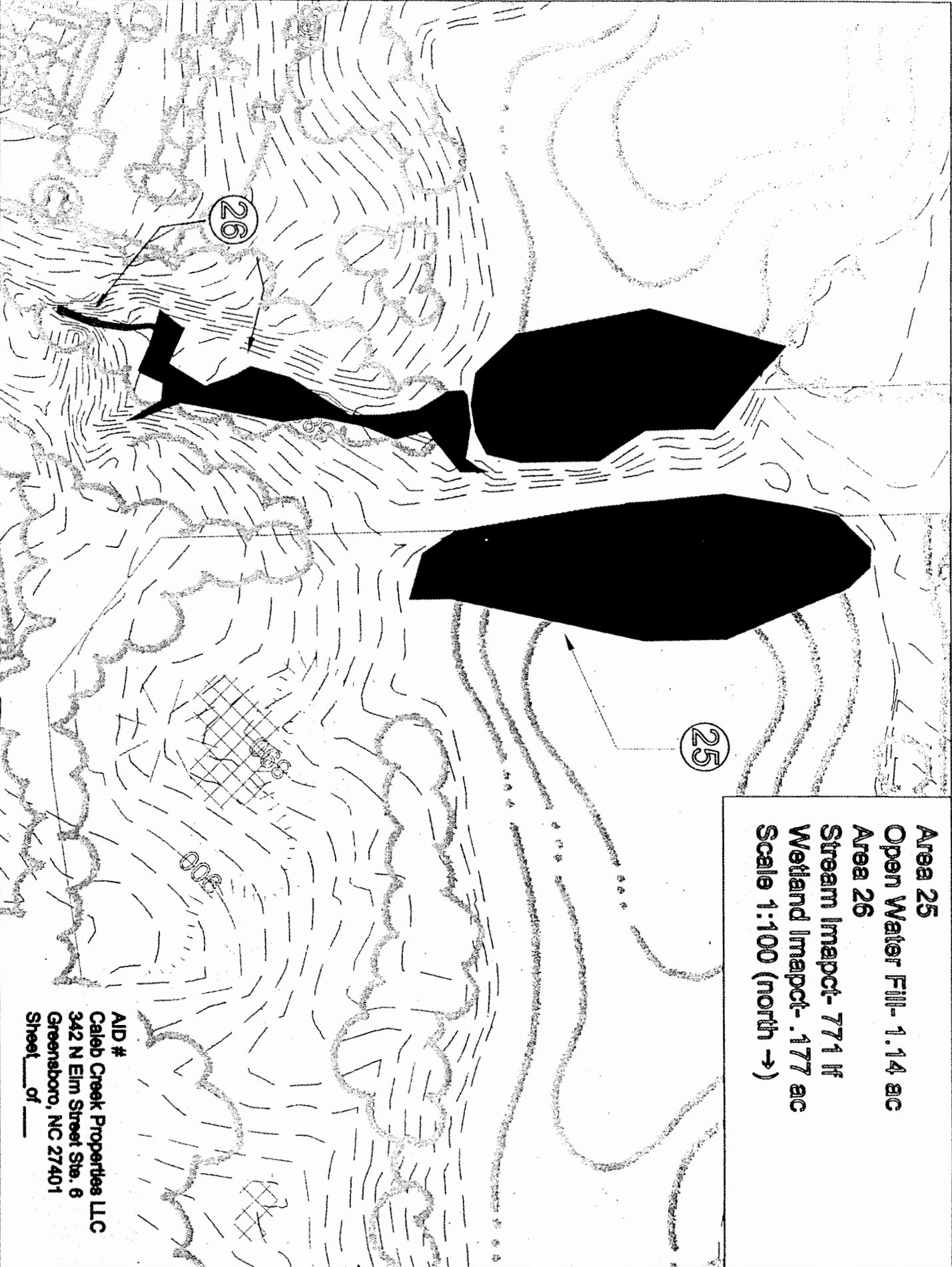
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Area 23
Stream Impact- 440 ft
Area 24
Open Water Fill- .257 ac
Scale 1:100 (north →)

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Area 25
Open Water Fill- 1.14 ac
Area 26
Stream Impact- 774 lf
Wetland Impact- .177 ac
Scale 1:100 (north →)

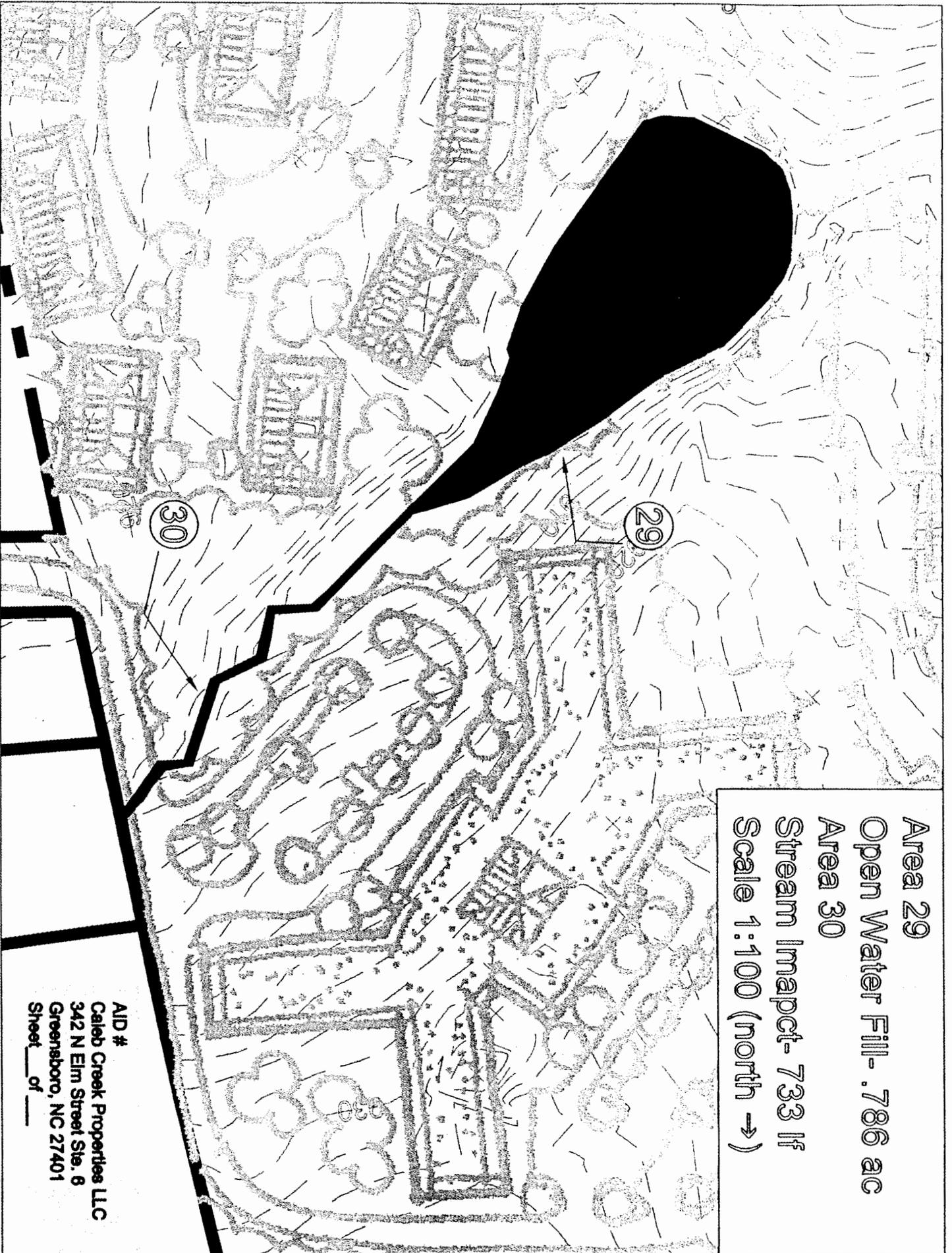
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Area 27
Dredging - .33 ac
Area 28
Wetland Impact- .099 ac
Scale 1:100 (north →)

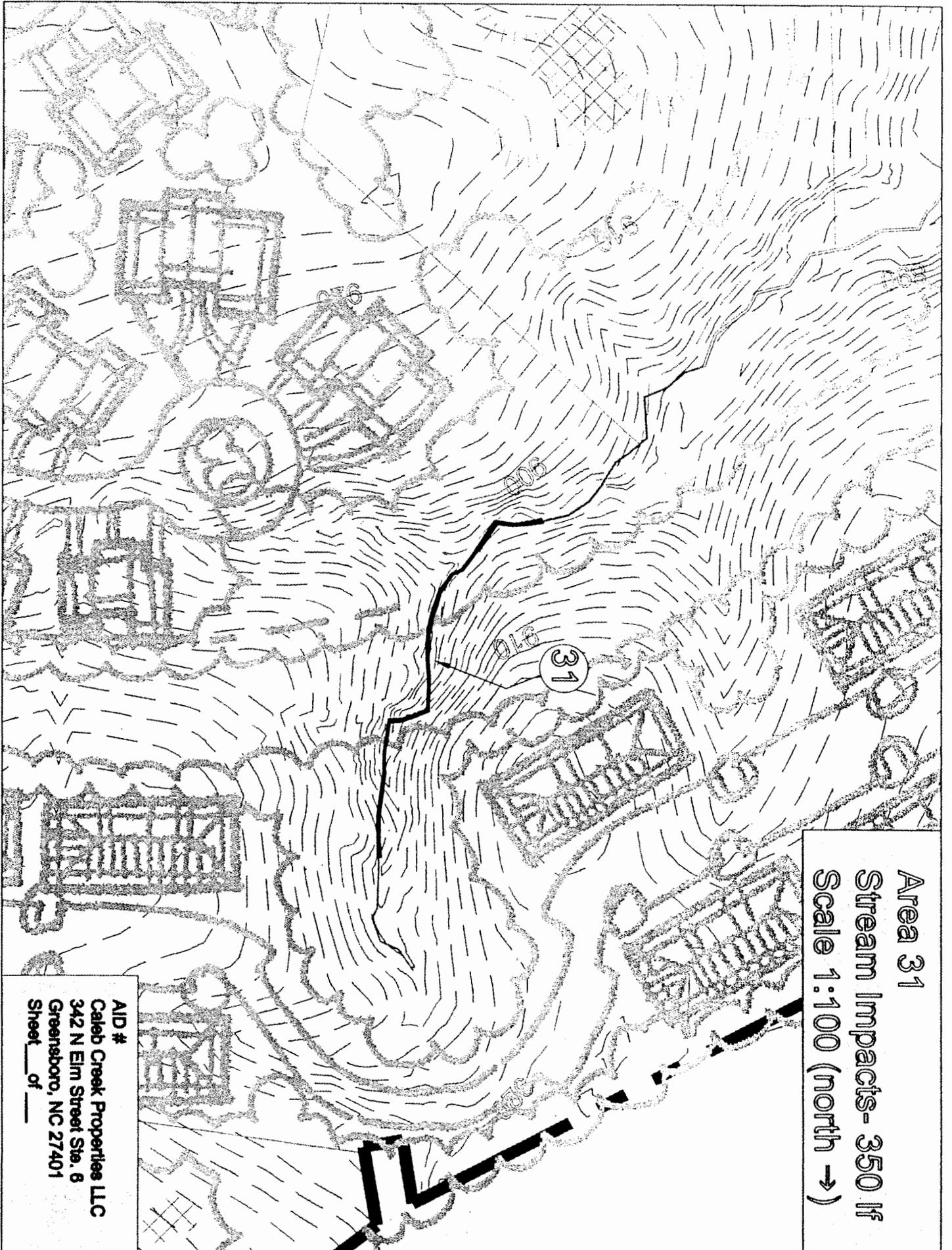
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Area 29
Open Water Fill- .786 ac
Area 30
Stream Impact- 733 lf
Scale 1:100 (north →)

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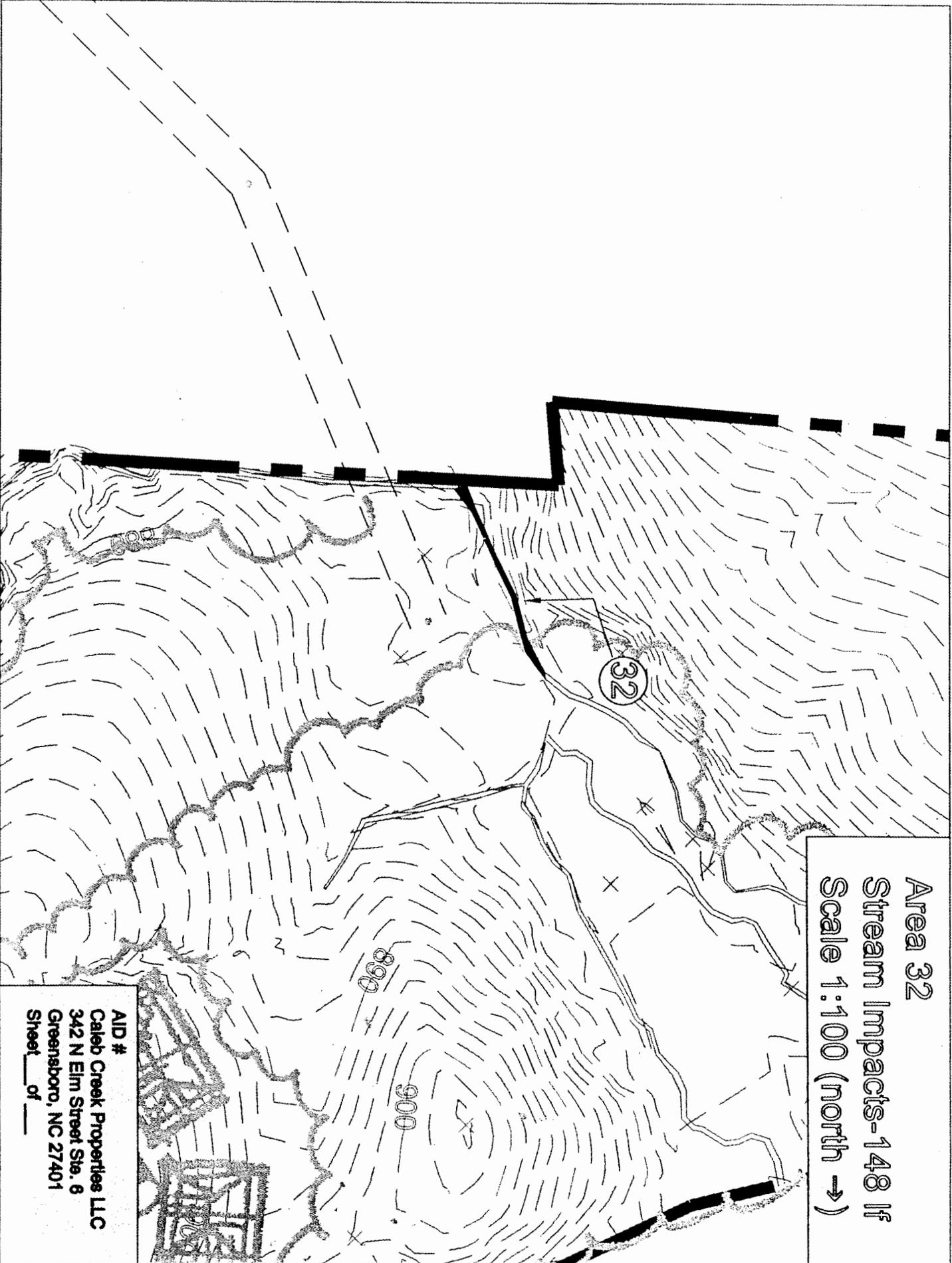
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Area 31
Stream Impacts- 350 If
Scale 1:100 (north →)

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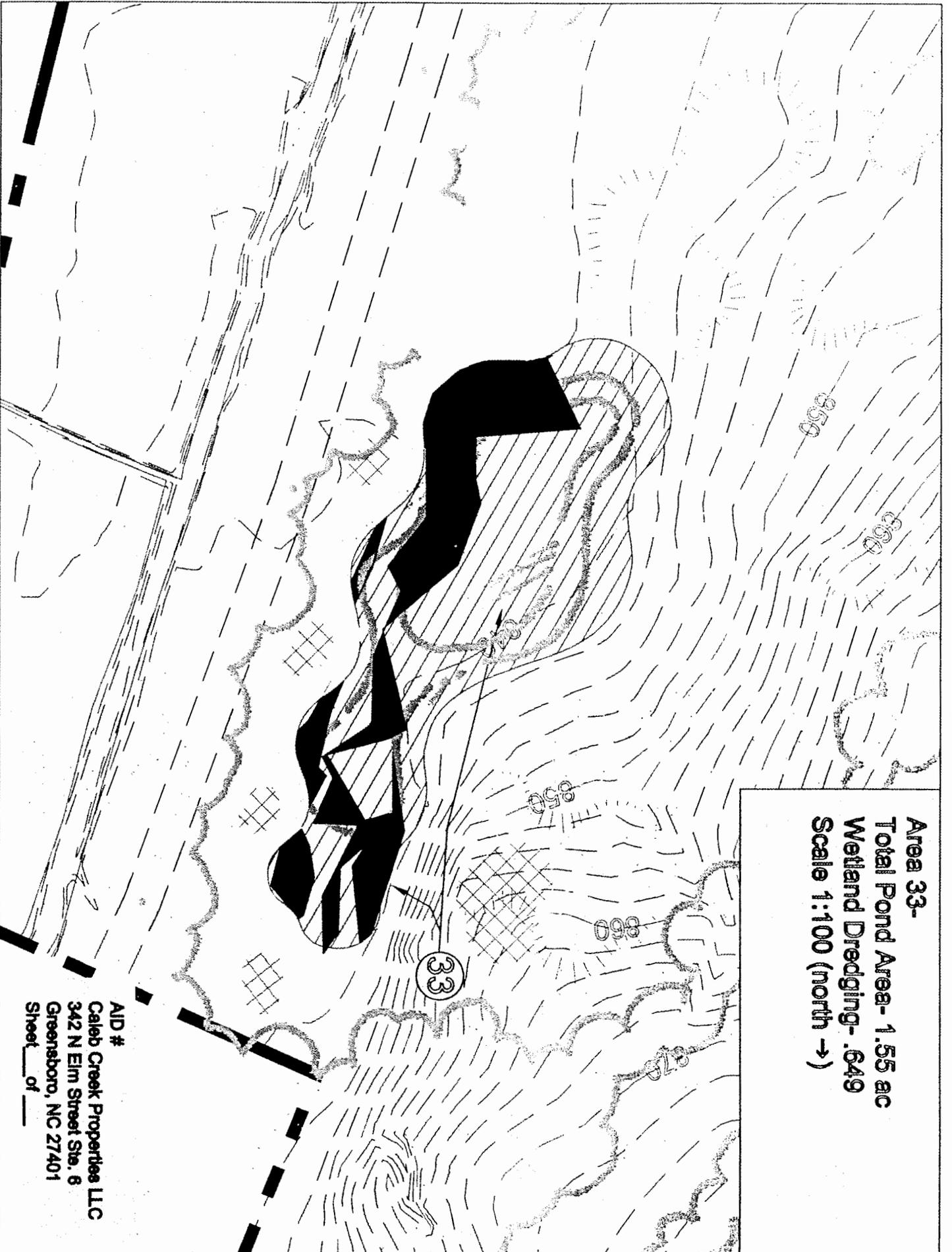
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Area 32
Stream Impacts-148 lf
Scale 1:100 (north →)

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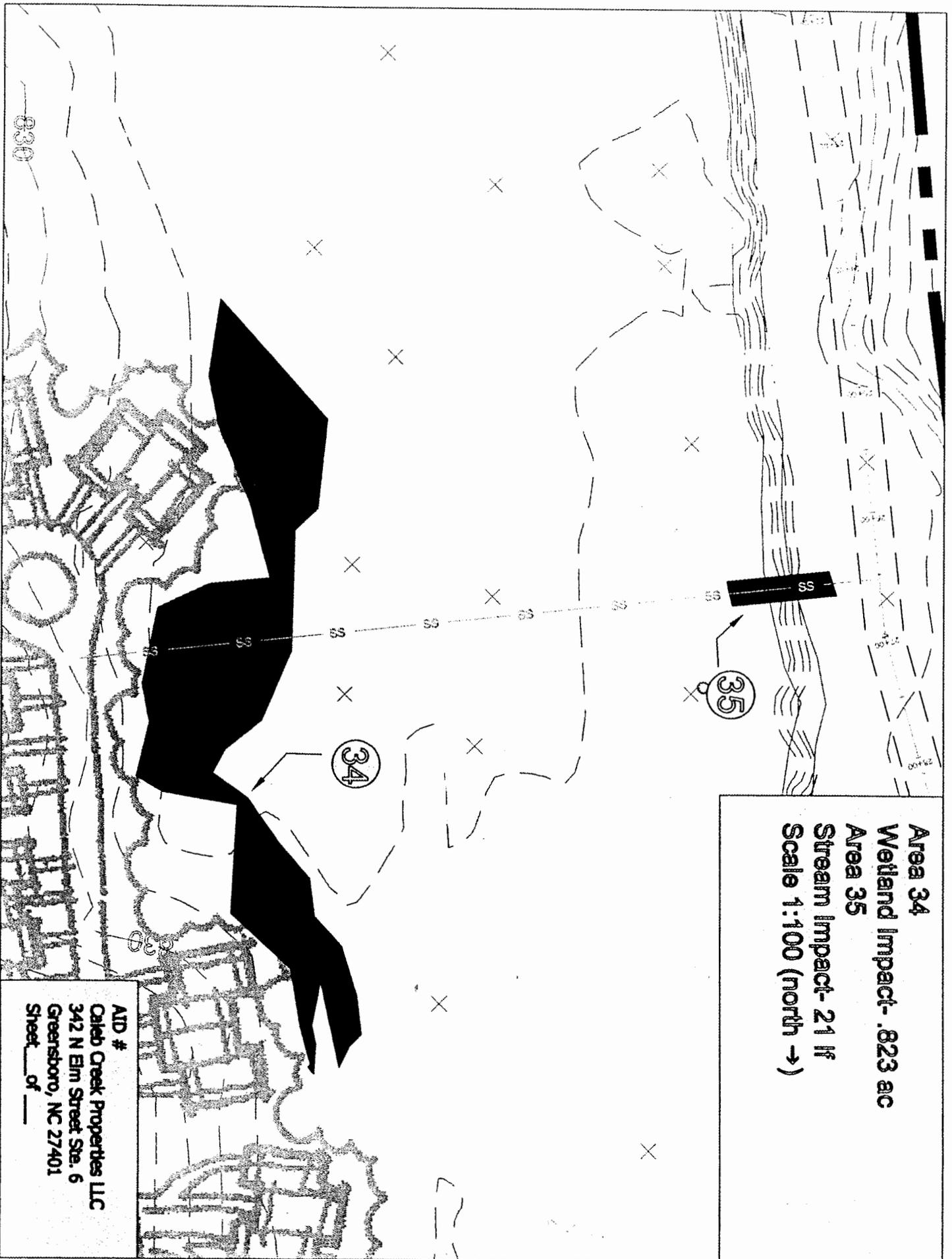


Area 33-
Total Pond Area- 1.55 ac
Wetland Dredging- .649
Scale 1:100 (north →)

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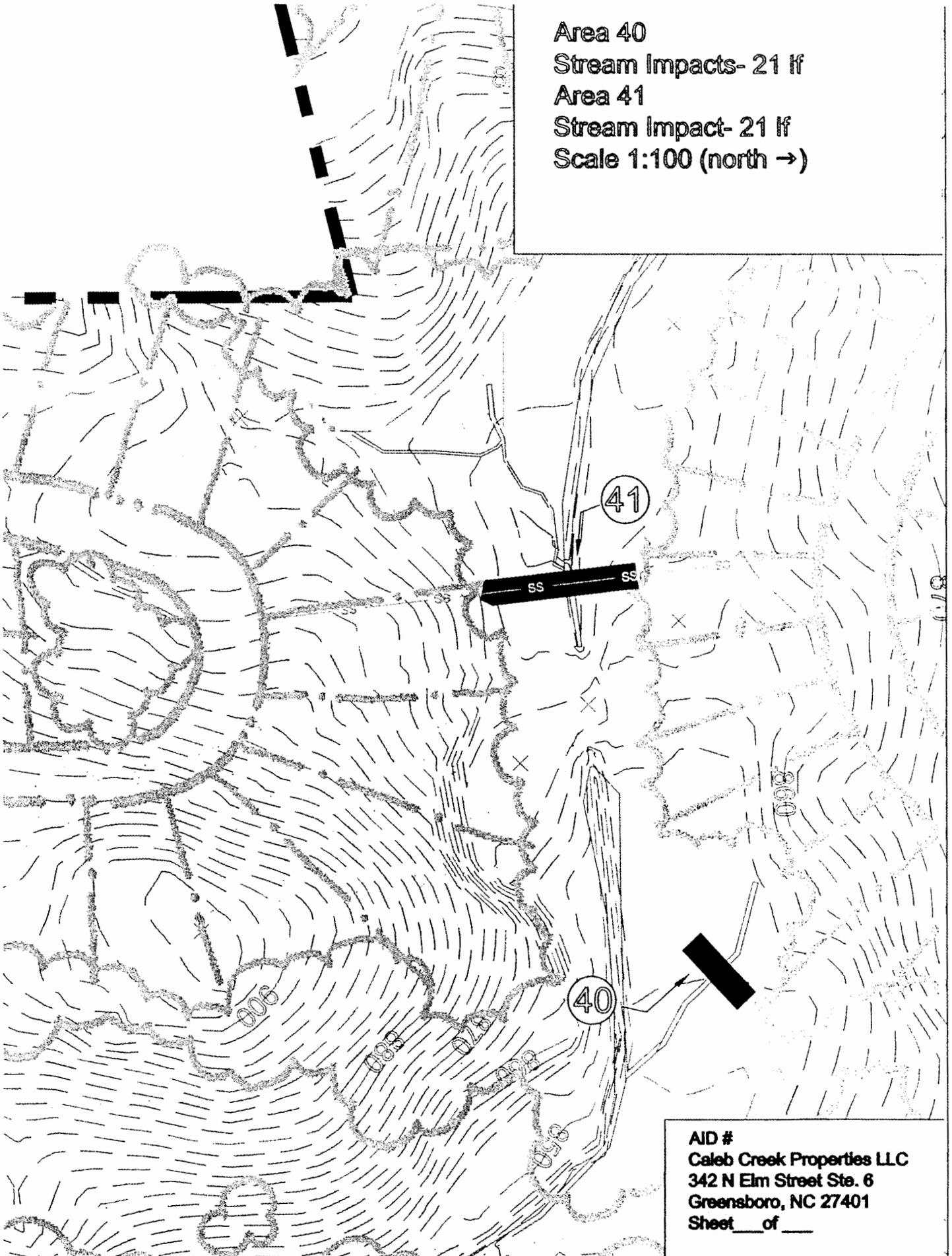
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Area 34
Wetland Impact- .823 ac
Area 35
Stream Impact- 21 lf
Scale 1:100 (north →)



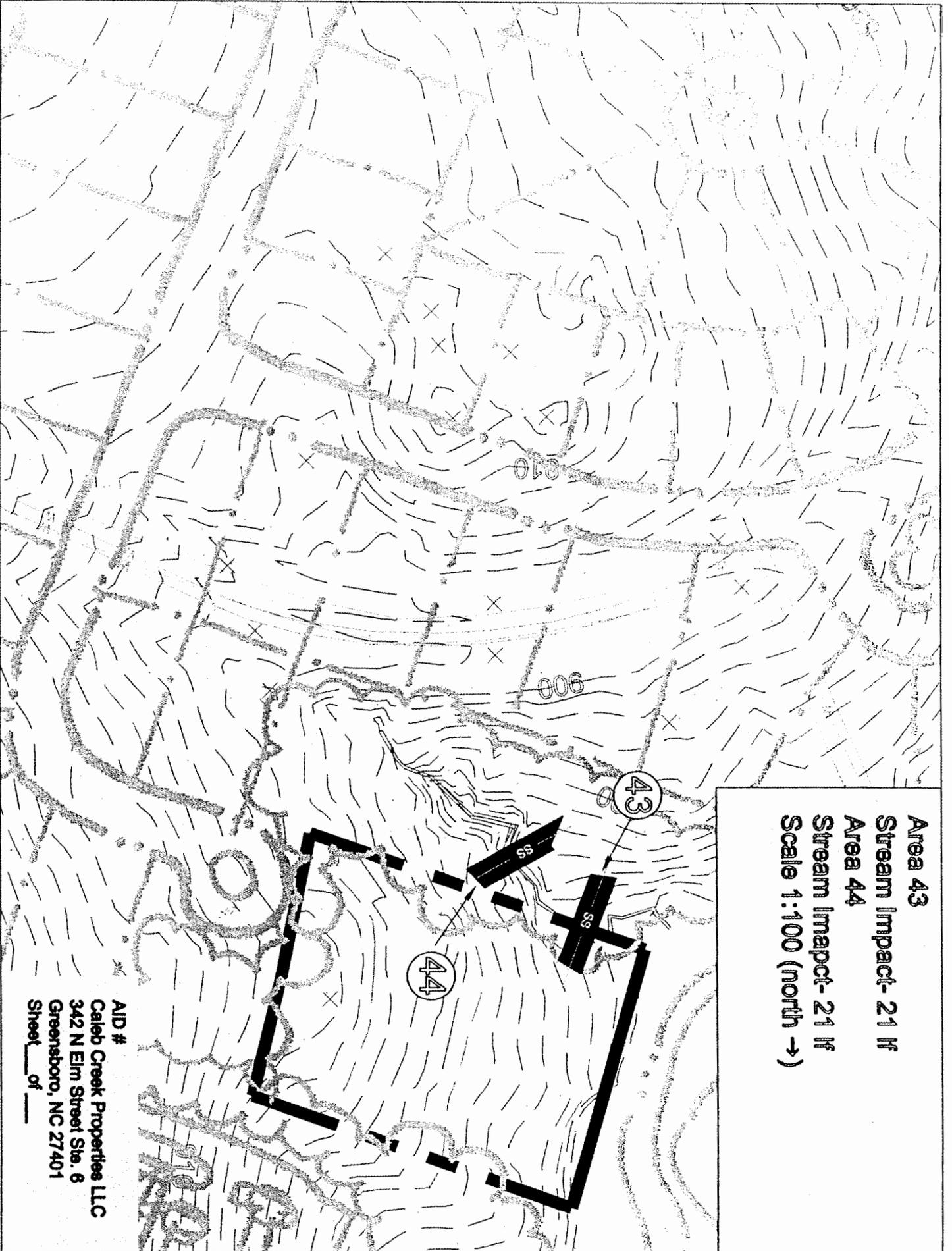
AID #
Caled Creek Properties LLC
342 N Elm Street Ste. 6
Greensboro, NC 27401
Sheet ___ of ___

Area 40
Stream Impacts- 21 lf
Area 41
Stream Impact- 21 lf
Scale 1:100 (north →)

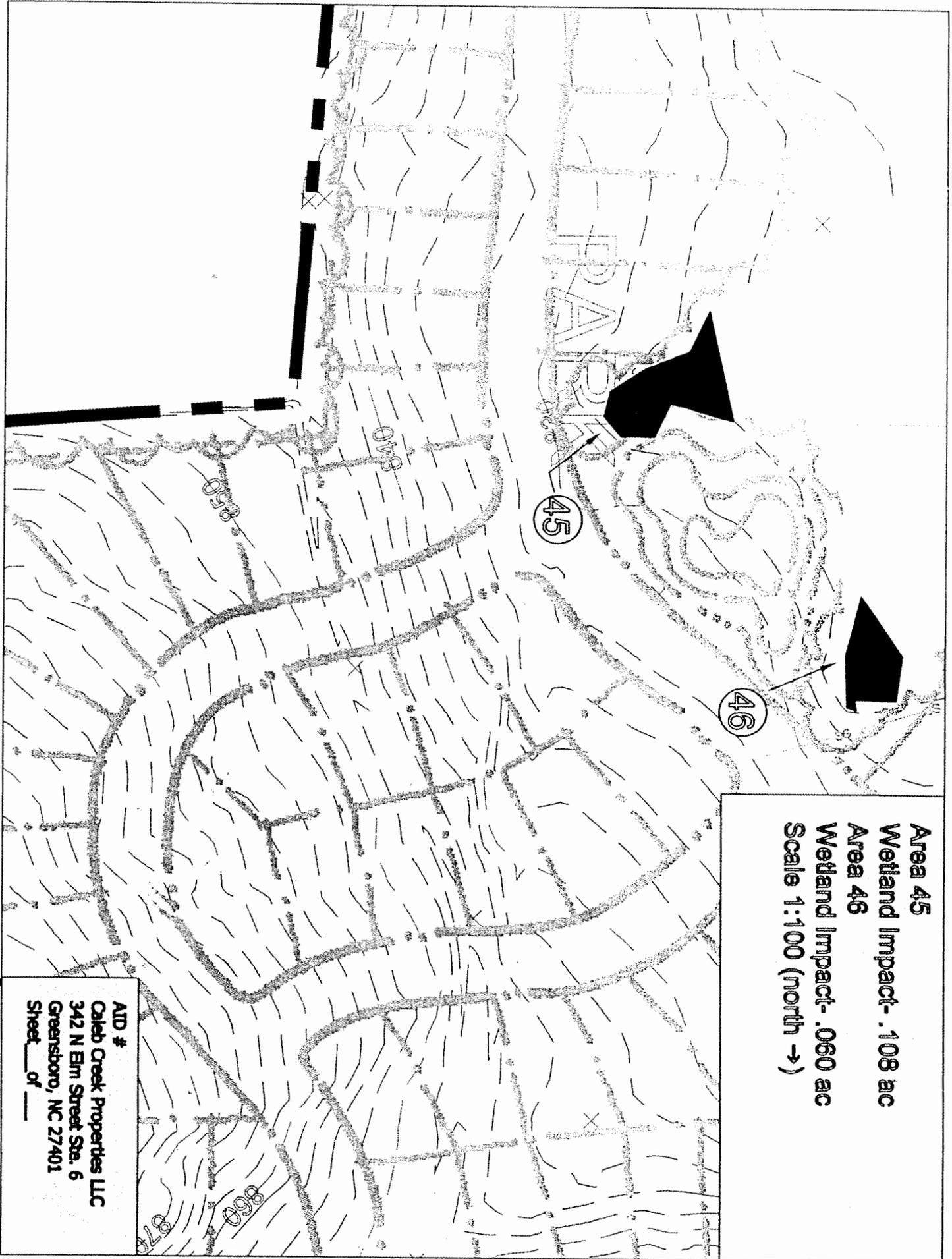


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Area 43
Stream Impact- 21 lf
Area 44
Stream Impact- 21 lf
Scale 1:100 (north →)



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Area 45
Wetland Impact- .108 ac
Area 46
Wetland Impact- .060 ac
Scale 1:100 (north →)

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Sheet 31 of 33

Wetland Mitigation Illustration Approx Scale 1:300

Wetland Mitigation
Approx. 7.1 Ac

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RALEIGH REGULATORY FIELD OFFICE

Edelberg Wetland

Stream Restoration
Illustration
Approx Scale 1:300

Stream Restoration
5102 Linear Feet

Existing Wetland

Existing Stream

