



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 28, 2006  
Comment Deadline: April 27, 2006  
Corps Action ID #: 200630708

The Wilmington District, Corps of Engineers (Corps) has received an application from Forge Cove, LLC, represented by Mr. Robert Johnson, seeking Department of the Army authorization to fill and inundate segments of Osborne Branch and unnamed tributaries in conjunction with the construction of Forge Cove Lake within the Forge Cove Subdivision off of Sutton Creek Road near Pisgah Forest, Transylvania County, North Carolina.

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](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Forge Cove, LLC  
Attn: Mr. Robert Johnson  
1548 The Green Way, Suite 4  
Jacksonville, Florida 32250

**AGENT:** Ms. Jennifer Robertson  
Wetland and Natural Resource Consultants, Inc.  
Post Office Box 882  
Canton, North Carolina 28716

## 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 project area consists of a 424-acre tract located on Sutton Creek Road off NC Highway 280 in Pisgah Forest east of Brevard, Transylvania County, North Carolina (35.31896 N, 82.67129 W). Osborne Branch, Long Branch, and unnamed tributaries transect the property. Osborne Branch is tributary to Boylston Creek, which is tributary to the French Broad River, a Section 10 navigable-in-fact waterway. The tract is bordered by the Pisgah National Forest to the north and east.

## **Existing Site Conditions**

The 424-acre subdivision is located in Transylvania County, North Carolina and consists primarily of mountainous wooded land. Elevations range from approximately 2,400-feet MSL to 3,200-feet MSL. Adjacent land use includes the Pisgah National Forest, and forested private holdings. The downstream Boylston Creek watershed is predominantly agricultural.

The site contains Osborne Branch, Long Branch and unnamed tributaries which are classified by the NC Division of Water Quality as Class "C" fresh waters with a primary function of aquatic life and a secondary function of recreation. Osborne Branch supports a reproducing population of brook trout. The streams to be impacted are generally classified as having good to excellent stream quality supporting varied benthic communities.

## **Applicant's Stated Purpose**

The purpose of the project is to provide an approximate 27-acre lake as a recreational amenity to the subdivision. Waterfront and lake-view residential lots, a community lodge facility, a lake pavilion, a lakefront park, community trail systems, and a wilderness area are included in the conceptual plan of the development.

## **Project Description**

The project involves the discharge of approximately 590 cubic yards of clean earthen material and riprap below the plane of ordinary high water within Osborne Branch for the construction of a dam and outlet protection area. The 80-foot tall dam and downstream outlet protection area fills will result in the loss of 500 linear feet of stream channel. The 27-acre lake impoundment will result in the additional loss of 6,555 linear feet of channel within Osborne Branch and unnamed tributaries. A cold water release structure is to be incorporated into the dam design to offset the thermal impacts associated with the impoundment. No other impacts to waters of the United States are to occur as a result of the development. Road crossings (10) of streams within the subdivision are to be constructed using bottomless arch pipes or bridges.

The applicant has established goals for the implementation of extensive stormwater management techniques which are to be utilized during the construction of the lake and residential development. Techniques to be utilized include bioswales, bioretention, and infiltration basins.

The applicant proposes to mitigate for all unavoidable impacts to jurisdictional waters of the United States. Their conceptual mitigation plan includes the avoidance and preservation of 13,680 linear feet of on-site stream channel including a minimum 25-foot vegetated buffer along both sides of all stream segments, the on-site restoration of 985 linear feet of Long Branch, the establishment of a 25-foot upland buffer along the 6,245 linear feet of shoreline around the lake, and either 929 linear feet of off-site stream restoration or payment into the NC Ecosystem Enhancement Program for 929 linear feet of impacts. In addition, 0.082 acre of wetland is to be preserved on-site. No wetland impacts are associated with the Forge Cove development. Stream and wetlands mitigation (preservation) will be protected in perpetuity under a legally binding agreement (i.e. Restrictive Covenants or other approved mechanism).

## **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 April 27, 2006.

## **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 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, April 27, 2006. Comments should be submitted to Mr. David Baker at 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

82.700000° W

82.666666° W

82.633333° W

35.333333° N

35.333333° N

35.300000° N

35.300000° N

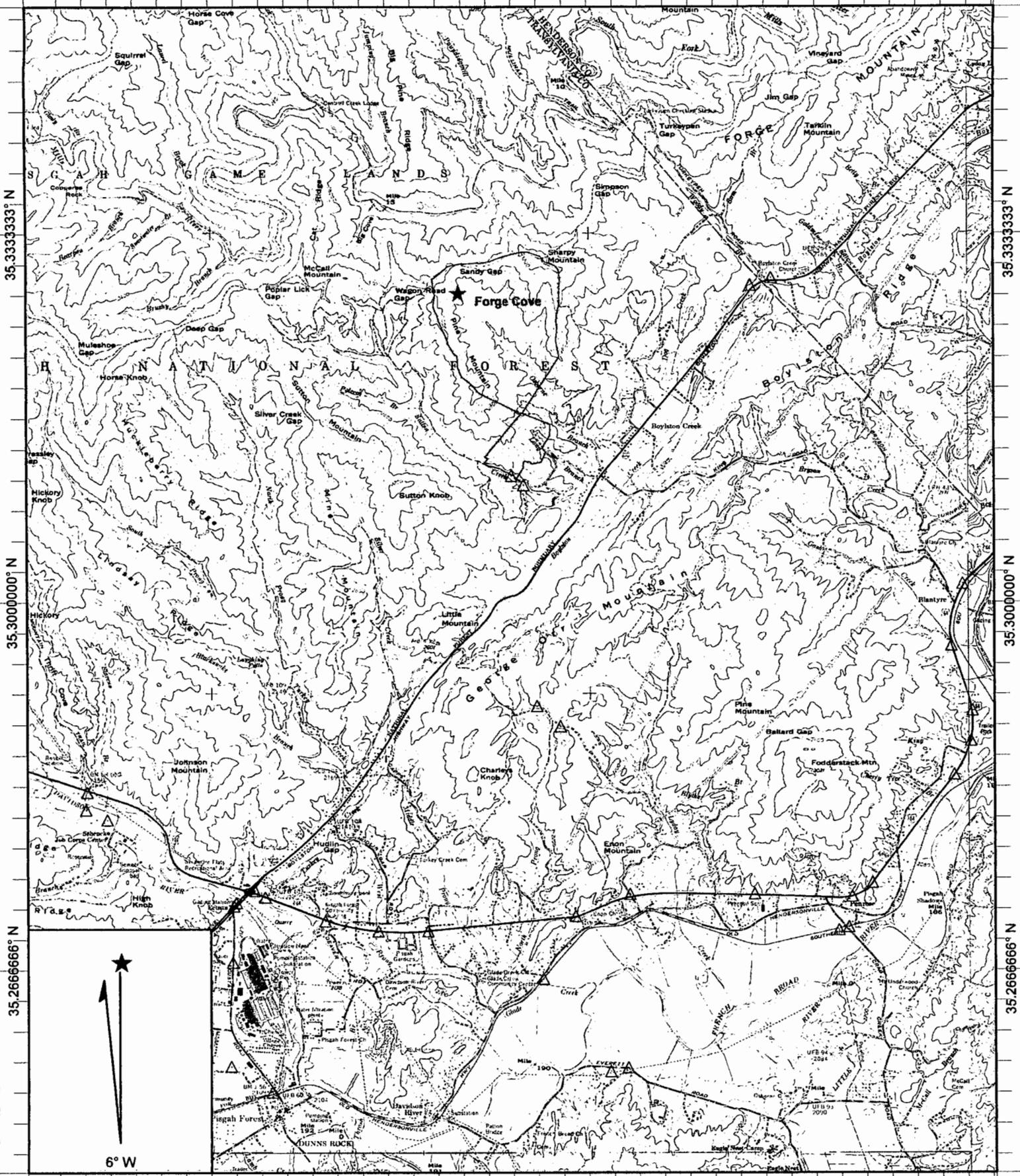
35.266666° N

35.266666° N

82.700000° W

82.666666° W

82.633333° W



Name: PISGAH FOREST  
 Date: 12/15/2005  
 Scale: 1 inch equals 4000 feet

Location: 035.3011179° N 082.6752691° W  
 Caption: Forge Cove  
 Transylvania County, NC

82.6833333° W

82.6750000° W

82.6666666° W

35.3250000° N

35.3250000° N

35.3166666° N

35.3166666° N

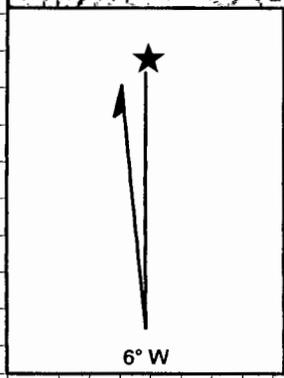
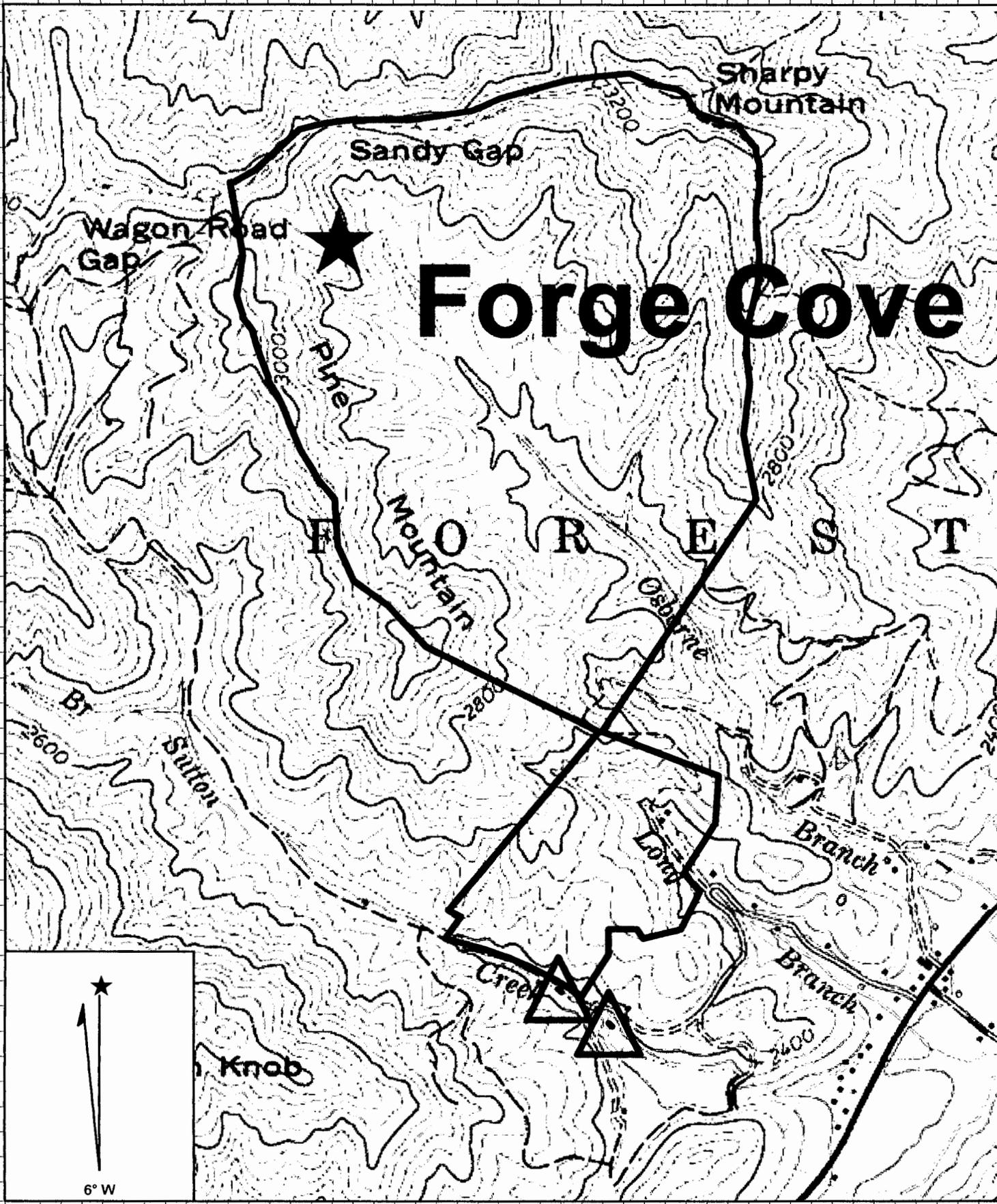
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35.3083333° N

82.6833333° W

82.6750000° W

82.6666666° W

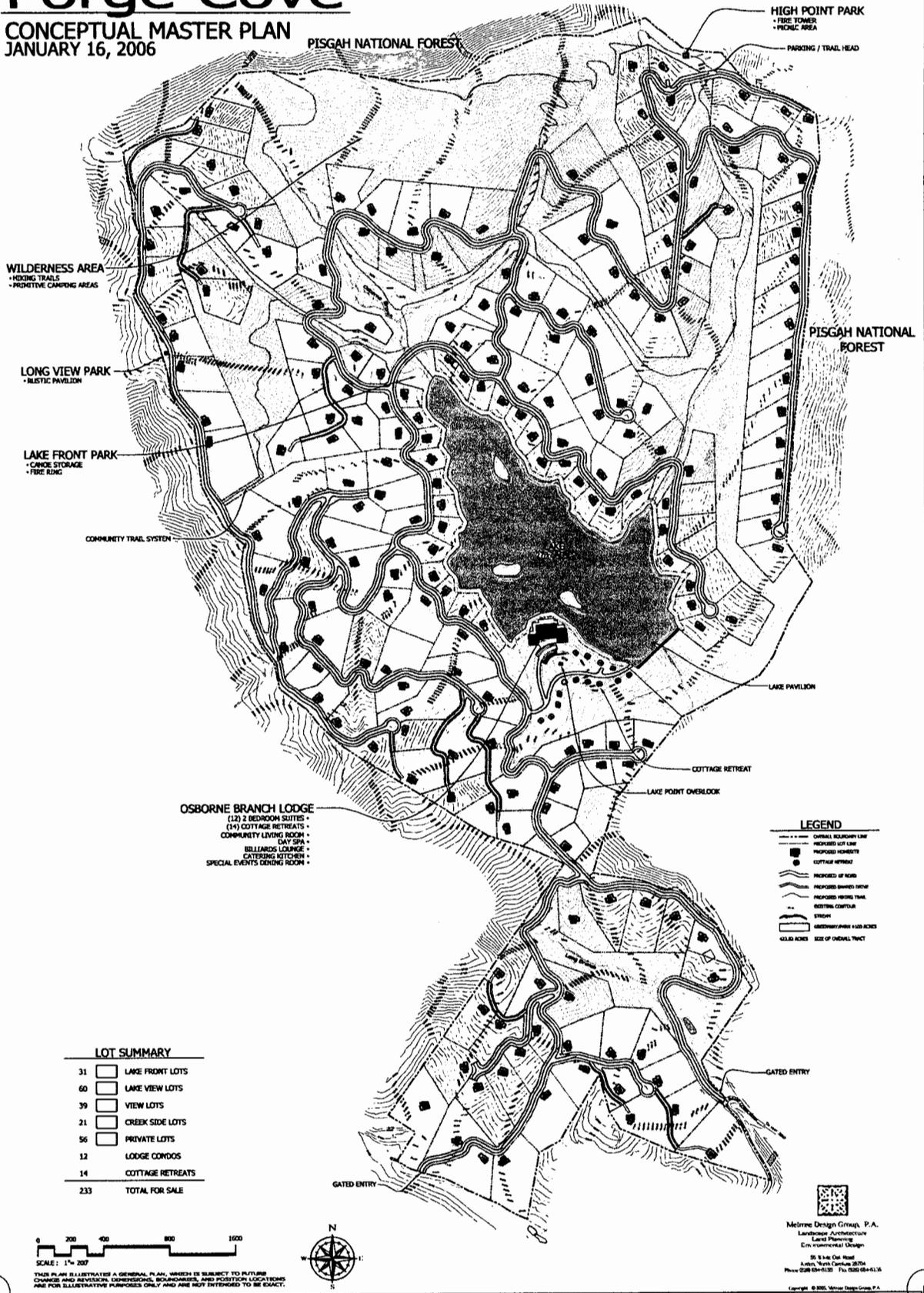


Name: PISGAH FOREST  
 Date: 12/15/2005  
 Scale: 1 inch equals 1000 feet

Location: 035.3199741° N 082.6765631° W  
 Caption: Forge Cove  
 Transylvania County, NC

# Forge Cove

CONCEPTUAL MASTER PLAN  
JANUARY 16, 2006



WILDERNESS AREA  
• HIKING TRAILS  
• PRIMITIVE CAMPING AREAS

LONG VIEW PARK  
• RUSTIC PAVILION

LAKE FRONT PARK  
• CANOE STORAGE  
• FIRE RING

COMMUNITY TRAIL SYSTEM

OSBORNE BRANCH LODGE  
(12) 2 BEDROOM SUITES •  
(14) COTTAGE RETREATS •  
COMMUNITY LIVING ROOM •  
DAY SPA •  
BILLIARDS LOUNGE •  
CATERING KITCHEN •  
SPECIAL EVENTS DINING ROOM •

HIGH POINT PARK  
• FIRE TOWER  
• PICNIC AREA  
PARKING / TRAIL HEAD

PISGAH NATIONAL FOREST

LAKE PAVILION

COTTAGE RETREAT  
LAKE POINT OVERLOOK

**LEGEND**  
--- DASHED LINE --- GENERAL BOUNDARY LINE  
--- DOTTED LINE --- PROPOSED LOT LINE  
--- SOLID LINE --- PROPOSED HIGHWAY  
--- Wavy Line --- PROPOSED DRIVEWAY  
--- Dotted Line --- PROPOSED TRAIL  
--- Dotted Line --- EXISTING CONTOUR  
--- Wavy Line --- STREAM  
--- Dotted Line --- GATED ENTRY  
--- Dotted Line --- GATED ENTRY

**LOT SUMMARY**

|     |                  |
|-----|------------------|
| 31  | LAKE FRONT LOTS  |
| 60  | LAKE VIEW LOTS   |
| 39  | VIEW LOTS        |
| 21  | CREEK SIDE LOTS  |
| 56  | PRIVATE LOTS     |
| 12  | LODGE CONDOS     |
| 14  | COTTAGE RETREATS |
| 233 | TOTAL FOR SALE   |

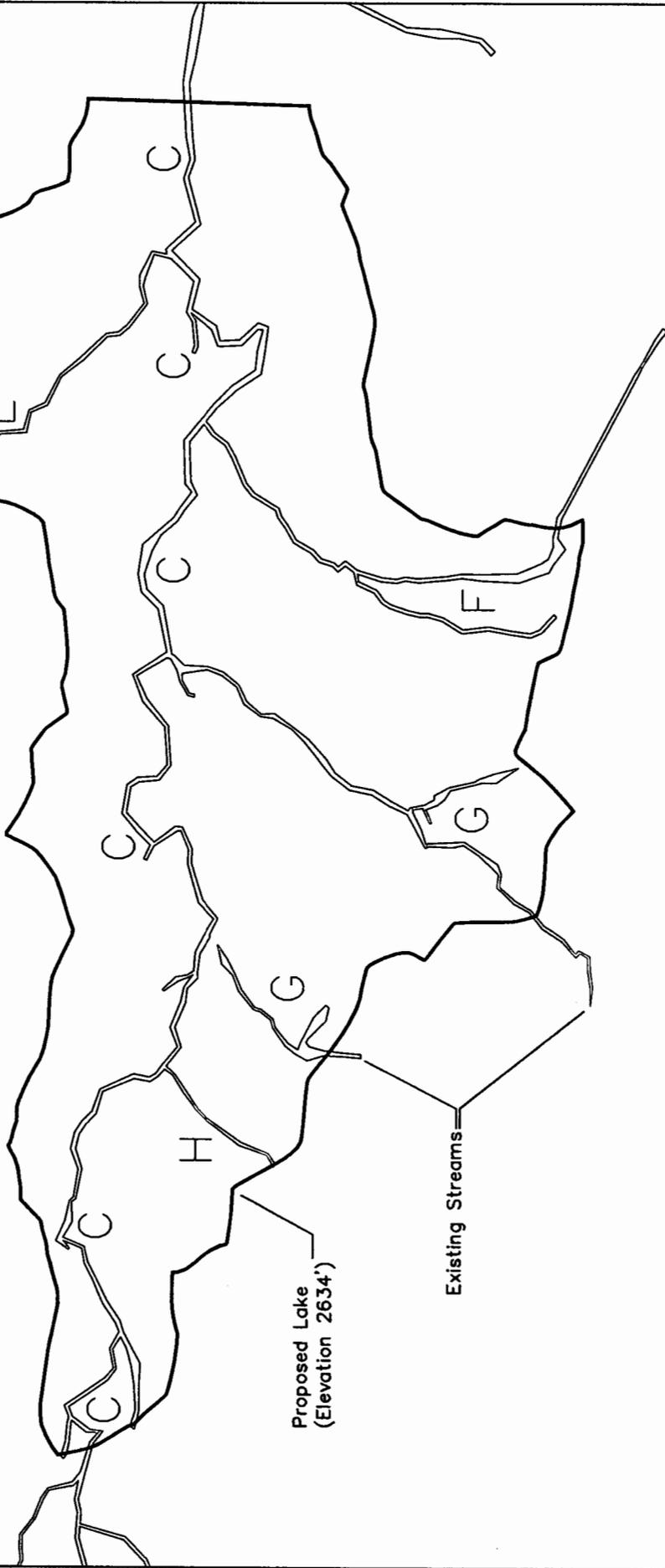


THIS PLAN IS ILLUSTRATIVE ONLY AND IS NOT INTENDED TO BE EXACT.  
CHANGES AND REVISIONS, DIMENSIONS, AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO BE EXACT.

**Melroe Design Group, P.A.**  
Landscape Architecture  
Land Planning  
Environmental Design  
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Asheville, North Carolina 28704  
Phone: 828.684.4133 Fax: 828.684.4134  
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Forge Cove  
Stream Flooding Map  
Transylvania Co, NC

1" = 250'



**Forge Cove Impact Summary Table**

| <b>Proposed Lake Impacts</b>   |                     |                       |                       |  |
|--|---------------------|-----------------------|-----------------------|--|
| <b>Map Location</b>  | <b>Feature</b>      | <b>Stream Quality</b> | <b>Type of Impact</b> | <b>Proposed Impact<br/>(linear feet)</b> |
| C  | channel (perennial) | excellent / good-fair | Dam Construction      | 430                                      |
| C  | channel (perennial) | excellent / good-fair | Dam Outlet            | 70                                       |
| C  | channel (perennial) | excellent / good-fair | Flooding              | 3040                                     |
| E  | channel (perennial) | good / good-fair      | Flooding              | 794                                      |
| F  | channel (perennial) | good / good-fair      | Flooding              | 1102                                     |
| G  | channel (perennial) | good/poor / poor      | Flooding              | 1380                                     |
| H  | channel (perennial) | good / good-fair      | Flooding              | 239                                      |
| <b>Total Linear Feet of Lake Impact</b>  |                     |                       |                       | <b>7055</b>                              |
| <b>Proposed Road Crossing and Lot Impacts</b>  |                     |                       |                       |  |
| 10 new road crossings are proposed above the high water mark of the lake. All will be arched or bridged resulting in no new linear feet of impact. No impacts will occur due to lot development. |                     |                       |                       |  |
| <b>Total Linear Feet of New Lot and Road Impact</b>  |                     |                       |                       | <b>0</b>                                 |
| <b>Total Linear Feet of Hard Impact</b>  |                     |                       |                       | <b>500</b>                               |
| <b>Total Linear Feet of Flooding Impact</b>  |                     |                       |                       | <b>6555</b>                              |
| <b>Total Linear Feet of New Impact</b>   |                     |                       |                       | <b>7055</b>                              |

Lake Impact/Mitigation Summary Table

Streams

| <u>Stream Segment</u> | <u>Impact Type</u> | <u>Length (lf)</u> | <u>Amt Below Ordinary High Water (yd<sup>3</sup>)*</u> | <u>Amt Above Ordinary High Water (yd<sup>3</sup>)</u> |
|-----------------------|--------------------|--------------------|--|---|
| C                     | Dam Fill           | 430                | 127/382  | 394,453   |
| C                     | Dam Outlet         | 70                 | 21/62  | 64,213  |
| C                     | Flooded            | 3,040              | 338/1,351  | 1,357,867   |
| E                     | Flooded            | 794                | 59/235   | 150,066   |
| F                     | Flooded            | 1,102              | 21/61  | 308,560   |
| G                     | Flooded            | 1,380              | 51/137   | 377,813   |
| H                     | Flooded            | 239                | 5/13   | 8,985   |
| <b>Totals</b>         |                    | <b>7,055</b>       | <b>622/2,241</b>                                       | <b>2,661,957</b>                                      |

\* "The Amount Below Ordinary High Water" is recorded for ripple and then pool.

| <u>Stream Segment</u> | <u>Quality (Stream Forms)</u> | <u>Quality (Bioclassification)*</u> | <u>Mitigation Ratio</u> | <u>Mitigation Required</u> |
|-----------------------|-------------------------------|-------------------------------------|-------------------------|----------------------------|
| C                     | Excellent                     | Good / Fair                         | 2.5:1                   | 1,075 lf                   |
| C                     | Excellent                     | Good / Fair                         | 2.5:1                   | 175 lf                     |
| C                     | Excellent                     | Good / Fair                         | 1.5:1                   | 4,560 lf                   |
| E                     | Good                          | Good / Fair                         | 1:1                     | 794 lf                     |
| F                     | Good                          | Good / Fair                         | 1:1                     | 1,102 lf                   |
| G                     | Good / Poor                   | Poor                                | 5:1                     | 690 lf                     |
| H                     | Good                          | Good / Fair                         | 1:1                     | 239 lf                     |
| <b>Totals</b>         |                               |                                     |                         | <b>8,635 lf</b>            |

\* The Aquatic Insect survey is included within the application.



ENGINEERING CONSULTING  
SERVICES, LTD.  
CALCULATION SHEET

PROJECT:

FORGE COVE DAM

FIGURE NO.

TITLE:

JOB NO.

G-11418

SCALE:

BY:

DATE:

APPROVED BY:

DATE:

10/13/05

