



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 17, 2006
Comment Deadline: May 17, 2006
Corps Action ID #: 200630809

The Wilmington District, Corps of Engineers (Corps) has received an application from Itera Timberland and Development Strategies, LLC, represented by Mr. Timothy Rich, seeking Department of the Army authorization to discharge fill material into Celia Creek in conjunction with the construction of an earthen dam to create an approximate 160 acre seaplane lake within a 3,100 acre residential community near Gamewell in Caldwell 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

Applicant: Itera Timberland and Development Strategies, LLC
Attn: Mr. Timothy Rich
9995 Gate Parkway N., Suite 400
Jacksonville, Florida 32246

AGENT: Wetland and Natural Resource Consultants, Inc.
Attn: Mr. Chris Huysman
Post Office Box 224
Newton, North Carolina 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 project area consists of a 3,100 acre tract located off of Rocky Road and Lackey Grading Lane 1.5 miles northwest of Gamewell, Caldwell County, North Carolina (35.8899 N, 81.6626 W). Celia Creek, several unnamed tributaries, and approximately 10 acres of adjacent wetlands occur on the property. Celia Creek is tributary to Lower Creek which is tributary to the Catawba River, a Section 10 navigable-in-fact waterway. The tract falls within the Catawba River Basin 8-Digit Cataloging Unit 03050101.

Existing Site Conditions

The 3,100 acre tract is approximately 90% mixed hardwood forests. The proposed lake site is approximately 1,280 feet above sea level. Land use in the areas surrounding the project consist of single family housing, forested tracts, and agricultural tracts. The project site consists of hunting fields that have been cleared, and timber management tracts. Hunting fields and agricultural areas total about 60% of the lake area, while the remaining 40% of the lakebed area is forested.

The site contains Celia Creek and several unnamed tributaries which are classified by the NC Division of Water Quality as Class "C" waters. Class "C" waters are defined as those waters protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, agriculture and other uses suitable for Class C. Secondary recreation includes wading, boating, and other uses involving human body contact with water where such activities take place in an infrequent, unorganized, or incidental manner. There are no restrictions on watershed development or types of discharges.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to provide an approximately 160-acre lake for seaplane enthusiasts within a private residential golf course development.

Project Description

The project involves the discharge of approximately 500 cubic yards of clean earthen material and riprap below the plane of ordinary high water within Celia Creek 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 537 linear feet of stream channel. Impacted streams will be diverted while the dam is being constructed. The 160 acre lake impoundment will result in the additional loss (flooding) of 20,682 linear feet of channel within Celia Creek and unnamed tributaries, as well as 1.4 acre of adjacent wetlands. 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. All new road crossings (7) of streams within the subdivision are to be bridged to avoid additional impacts to waters of the United States. Fifty feet of pipe in eight existing stream crossings will be replaced as a part of the project.

A seaplane base with minimum length landing lanes (two landing/takeoff runs of 3,000 feet in length by 100 feet in width), waterfront and lake-view lots, a golf course and club house, community trail systems, and open space area are included in the conceptual plan for the development. Approximately 695 residential lots are proposed within the development.

The applicant proposes to mitigate for all unavoidable impacts to jurisdictional waters of the United States. Their conceptual on-site mitigation plan includes 11,707 linear feet of stream restoration along unnamed tributaries utilizing current natural channel design guidelines. Wetland losses are to be compensated for through the creation of 20-foot wide constructed

littoral shelves within the cove areas of the lake. Thirty foot buffers are to be provided around 50% of the lake perimeter. Primary stream impacts (fill for dam) are proposed at a 2:1 ratio. Secondary stream impacts (flooding) are proposed at a 0.5:1 ratio. Streams that are restored are to be permanently protected under a conservation easement that includes 50-foot riparian buffers.

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 May 17, 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 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 and/or National Marine Fisheries 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.

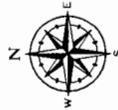
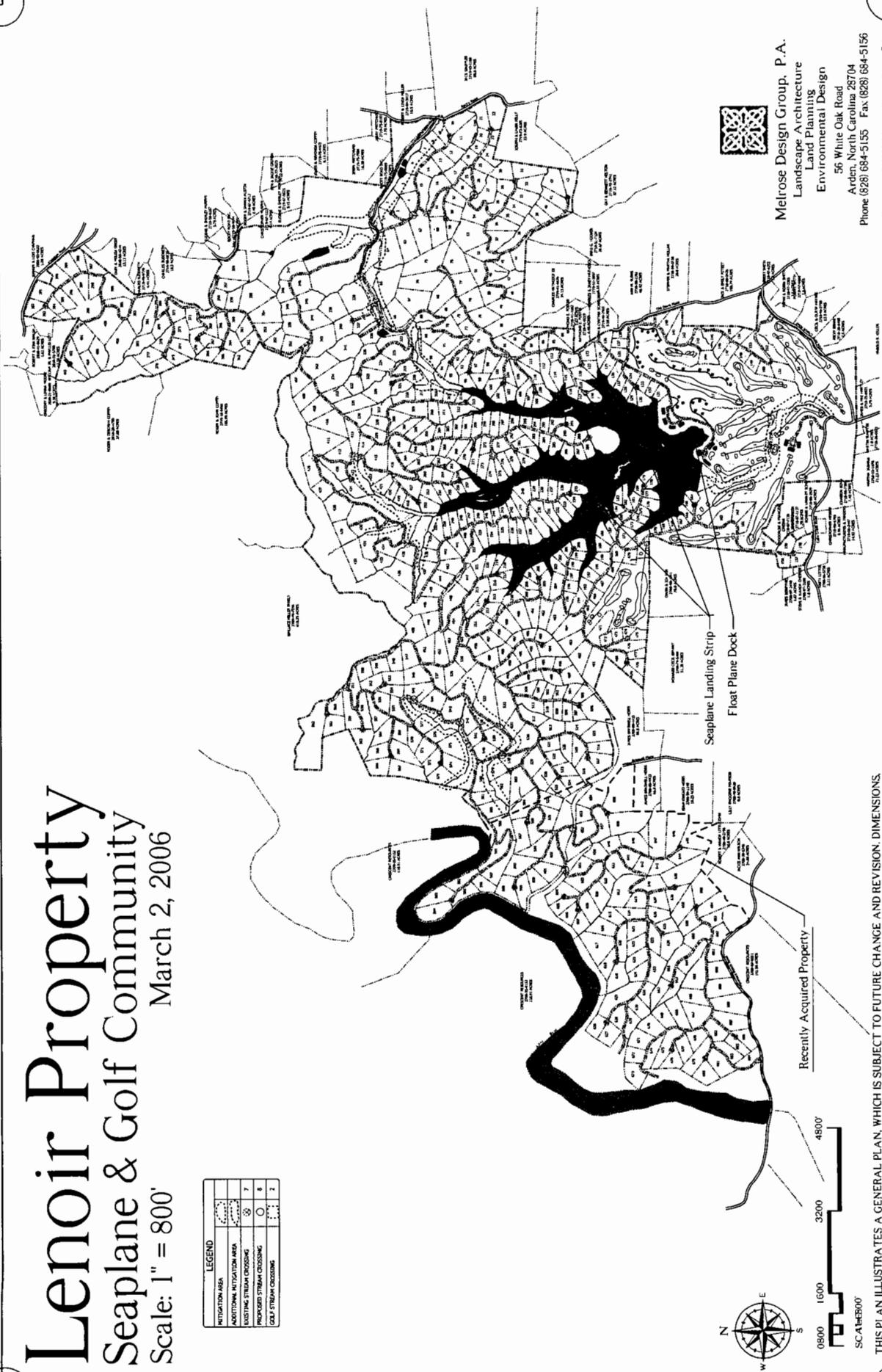
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, May 17, 2006. Comments should be submitted to Mr. David Baker at 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

Lenoir Property Seaplane & Golf Community

March 2, 2006

Scale: 1" = 800'

LEGEND	
INITIATION AREA	(Symbol: Dotted line)
ADDITIONAL INITIATION AREA	(Symbol: Dashed line)
EXISTING STREAM CROSSING	(Symbol: Circle with cross)
PROPOSED STREAM CROSSING	(Symbol: Circle with dot)
OLD STREAM CROSSING	(Symbol: Circle with horizontal lines)



SC A14800'

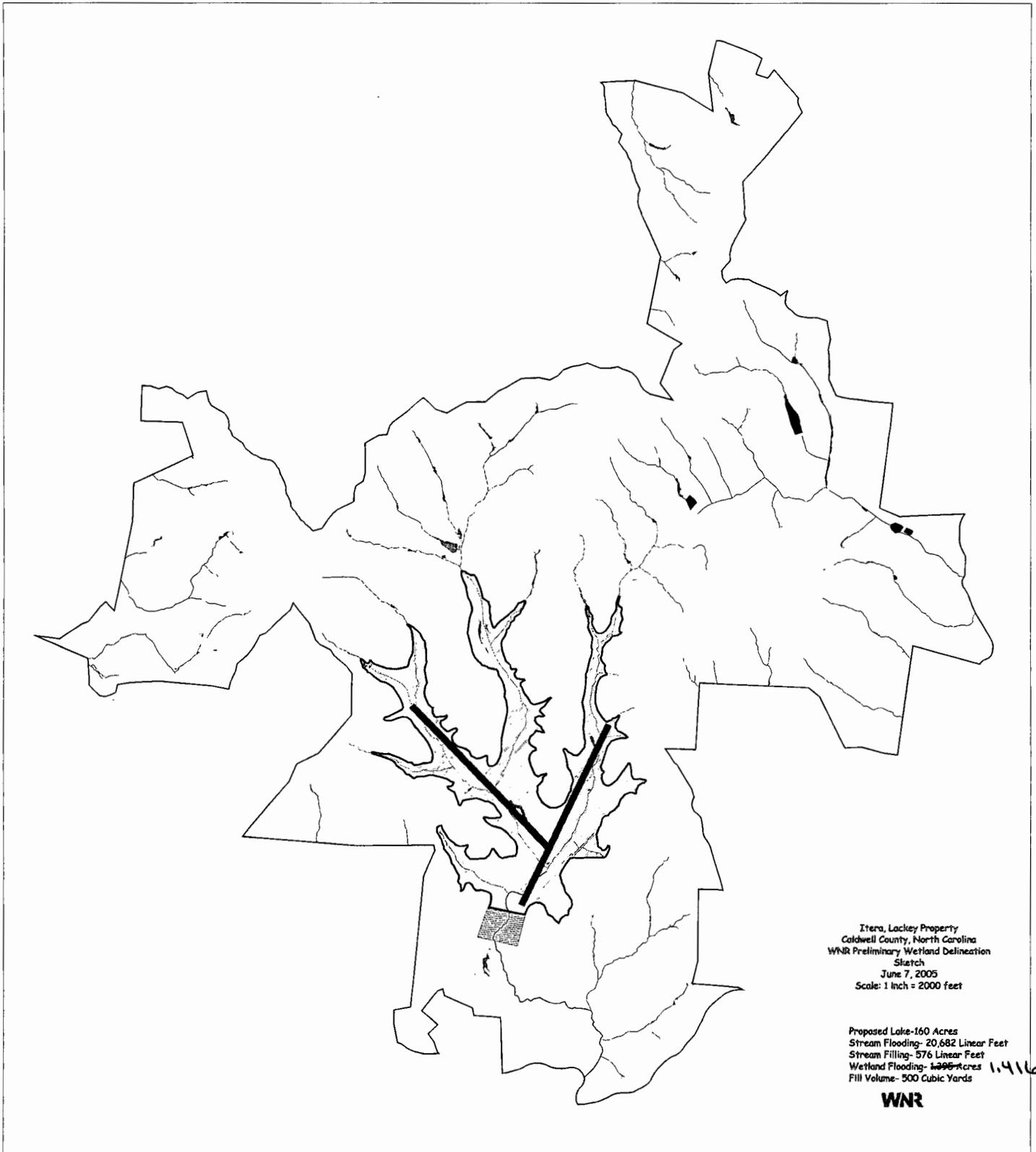
Melrose Design Group, P.A.
Landscape Architecture
Land Planning
Environmental Design

56 White Oak Road
Arden, North Carolina 28704
Phone (828) 684-5135 Fax (828) 684-5156

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THIS PLAN ILLUSTRATES A GENERAL PLAN, WHICH IS SUBJECT TO FUTURE CHANGE AND REVISION. DIMENSIONS, BOUNDARIES, AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO BE EXACT.

Itera Timberland and Development Strategies, LLC
Gamewell Seaplane Lake, Caldwell County, North Carolina
Wetland Delineation --- Scale 1:2000 --- North is UP



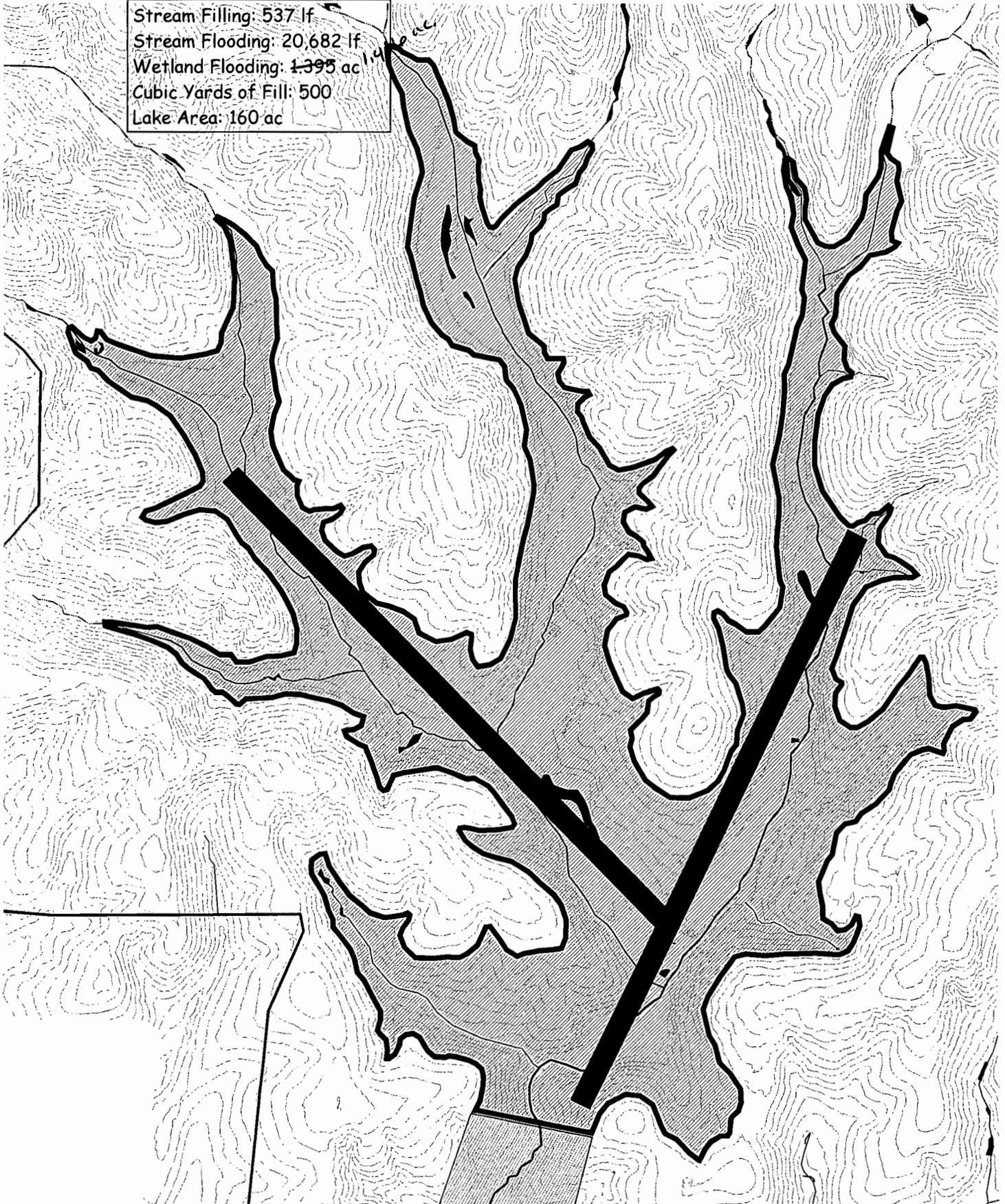
Itera, Lackey Property
Caldwell County, North Carolina
WNR Preliminary Wetland Delineation
Sketch
June 7, 2005
Scale: 1 inch = 2000 feet

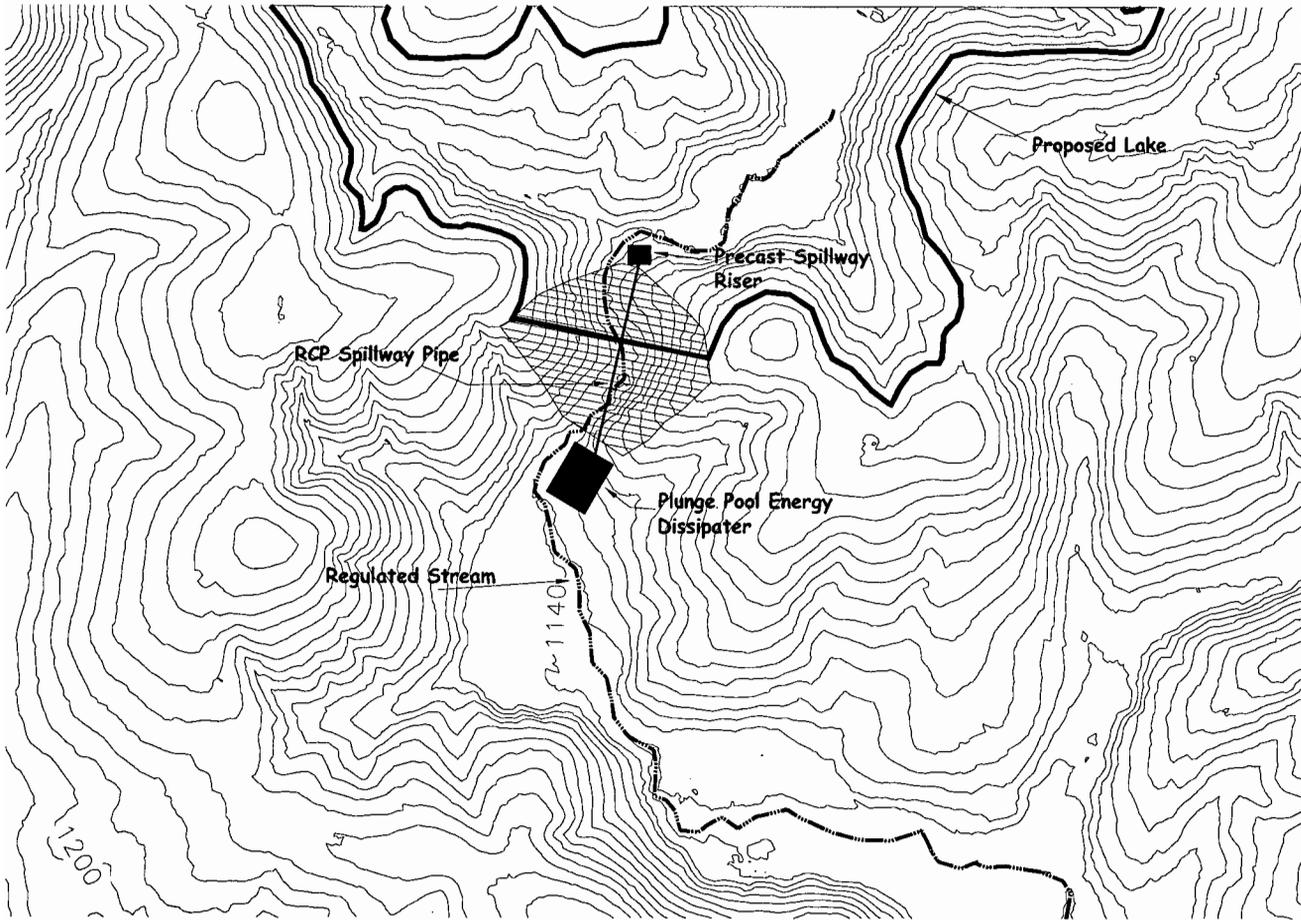
Proposed Lake-160 Acres
Stream Flooding- 20,682 Linear Feet
Stream Filling- 576 Linear Feet
Wetland Flooding- ~~1,295~~ Acres 1,416 ac.
Fill Volume- 500 Cubic Yards

WNR

Itera Timberland and Development Strategies, LLC
Gamewell Seaplane Lake, Caldwell County, North Carolina
Scale 1:600 --- North is UP

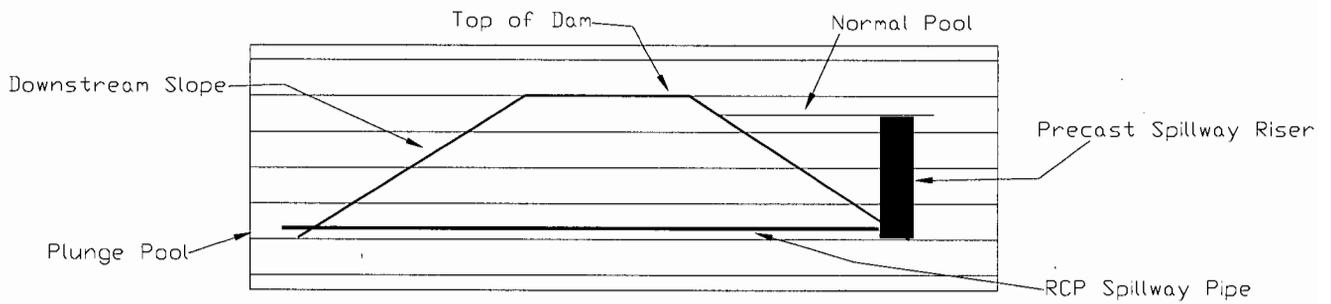
Stream Filling: 537 lf
Stream Flooding: 20,682 lf
Wetland Flooding: 1,395 ac
Cubic Yards of Fill: 500
Lake Area: 160 ac



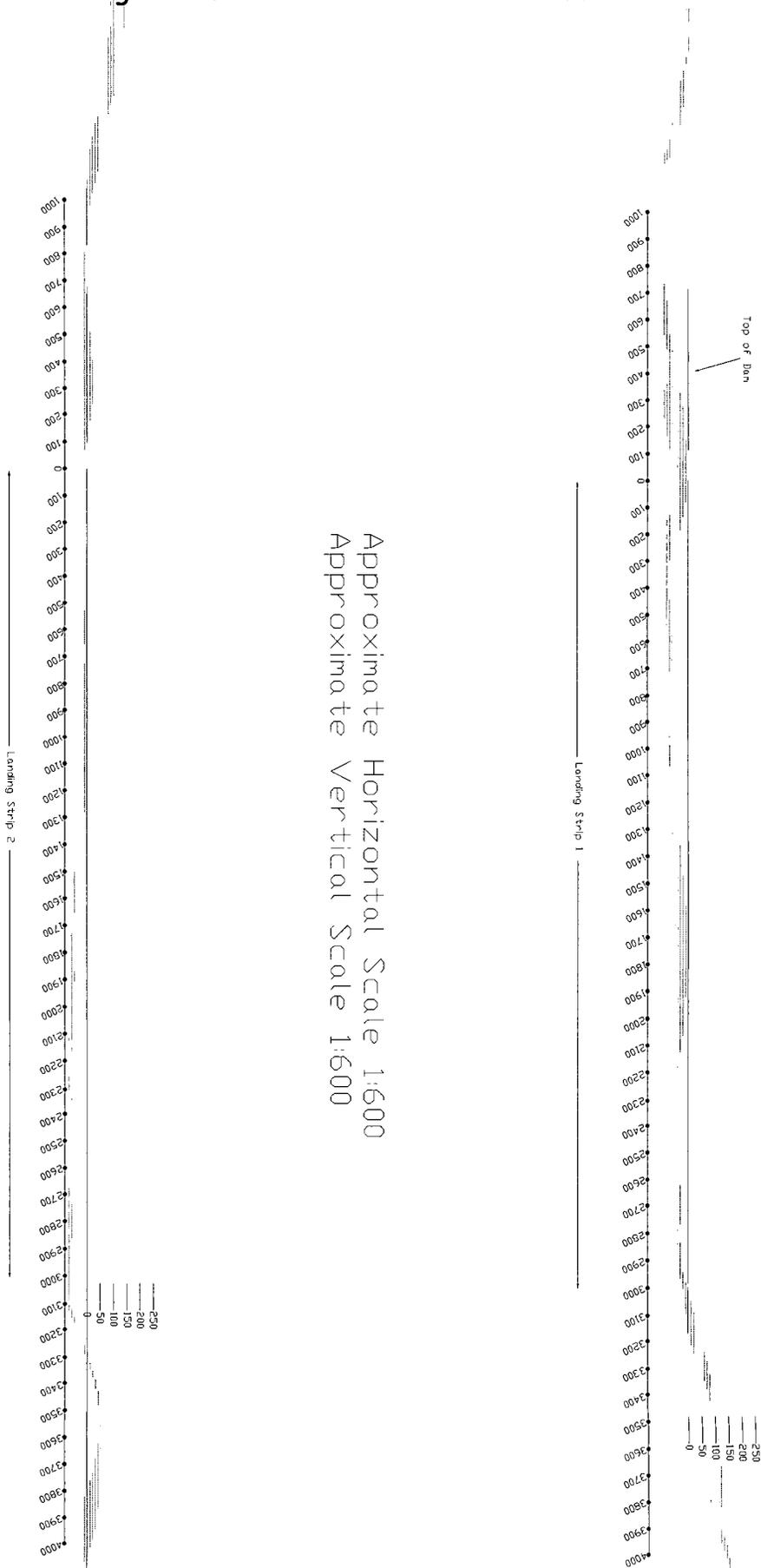


Preliminary Dam Design Concept
 Lenior Seaplane and Golf Community

Scale 1:500 N



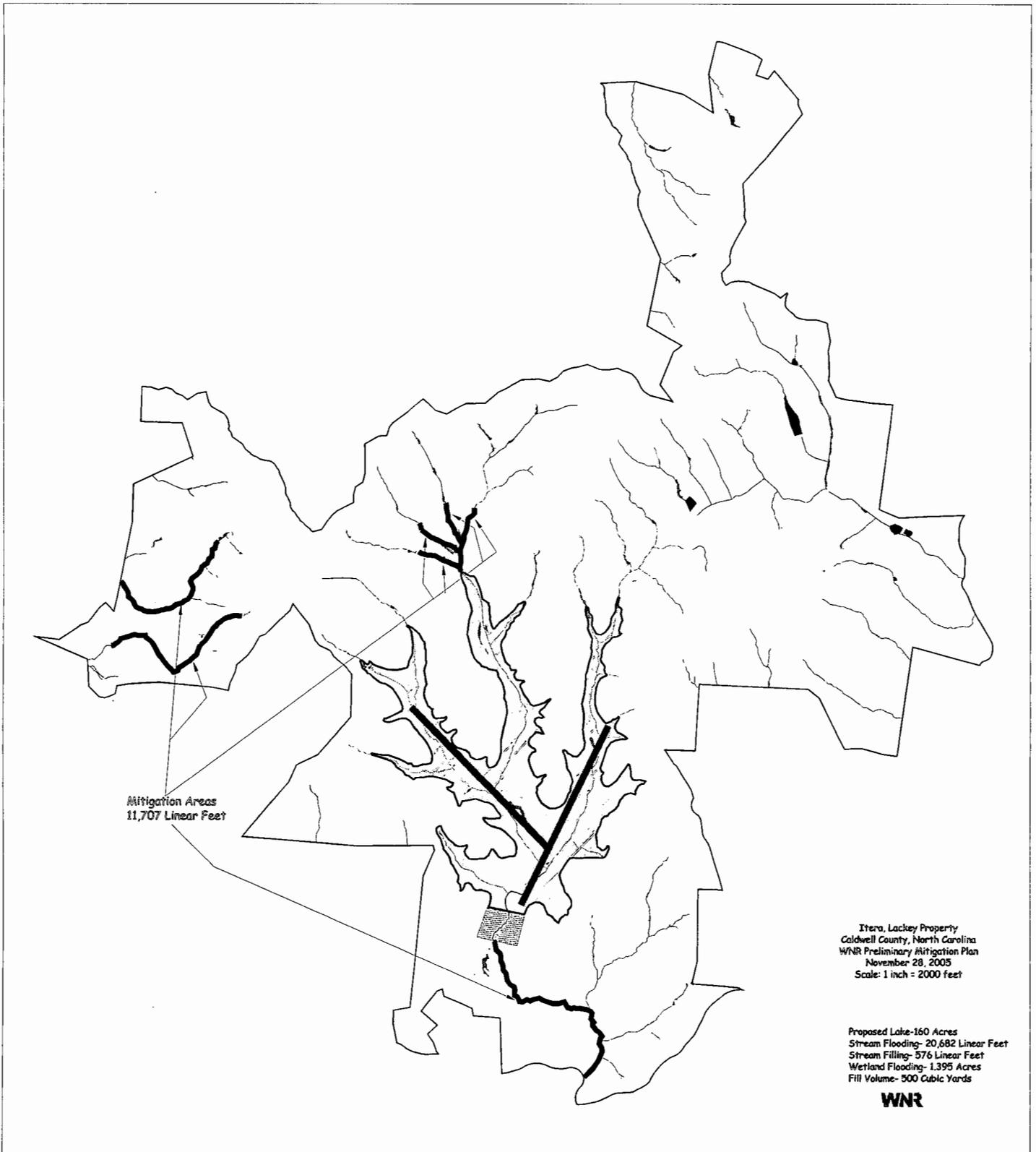
Itera Timberland and Development Strategies, LLC
Gamewell Seaplane Lake, Caldwell County, North Carolina
Horizontal Flight Profile --- Scale 1:600 --- North is UP



Approximate Horizontal Scale 1:600
Approximate Vertical Scale 1:600

Itera Timberland and Development Strategies LLC
Cross Section of Float Plane Landing Areas
Celia Creek, Burke County, NC

Itera Timberland and Development Strategies, LLC
Gamewell Seaplane Lake, Caldwell County, North Carolina
Mitigation Proposal --- Scale 1:2000 --- North is UP



81.700000° W

81.666666° W

81.633333° W

35.933333° N

35.933333° N

35.900000° N

35.900000° N

35.866666° N

35.866666° N

81.700000° W

81.666666° W

81.633333° W

7° W

Name: COLLETTSVILLE
Date: 3/3/2006
Scale: 1 inch equals 4000 feet

Location: 035.8995333° N 081.6701998° W
Caption: Itera - Lenoir Property
Seaplane Golf Community
Additional Area Included

