



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: July 25, 2006
Comment Deadline: August 25, 2006
Corps Action ID #:SAW 2006-32770-010

The Wilmington District, Corps of Engineers (Corps) has received an application from **Portrait Homes** seeking Department of the Army authorization to discharge fill material into **1.92 acres of Section 404 jurisdictional impoundments of Waters of the U.S. and 0.36 acre of linear wetland adjacent to an unnamed tributary to Shingletree Swamp, a tributary to the Waccamaw River**, associated with the **proposed Calabash Lakes residential community**. The project area is located along the westside of Thomasboro Road (NCSR 1165), approximately 2.3 miles south of U.S. Highway 17, north of the Town of Calabash, Brunswick County, North Carolina.

This Public Notice includes specific plans and location description. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Portrait Homes
Post Office Box 1532
Conway, South Carolina 29528

AGENT: The Brigman Company
Post Office Box 1532
Conway, South Carolina 29528

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 161.75 acre project site is located west and adjacent to Thomasboro Road (SR 1165), approximately 2.3 miles south of US highway 17, near the town of Calabash in the southwestern portion of Brunswick County, North Carolina. Latitude 33.933 North and Longitude 78.5584 West.

Existing Site Conditions

The project site has been utilized as a golf course since 1987. The soils at the project site are classified as Goldsboro fine sandy loam (moderately well drained); Lynchburg fine sandy loam (somewhat poorly drained) and Rains fine sandy loam (poorly drained). The adjoining properties consist of a mix of single family residential development and agricultural fields. The project site contains two separate jurisdictional features (ponds and ditches), totaling 3.97 acres. The dominate community can be classified as Palustrine, unconsolidated bottom, excavated ponds. Dominate plants occurring along the margins of the ponds include broad leaf cattail (*Typha latifolia*), soft rush (*Juncus effuses*) and wool grass (*Scirpus cyperinus*).

Applicant's Stated Purpose

The purpose of the proposed project is to construct a multi/single family residential community.

Project Description

Portrait Homes proposes to develop a 161.75 acre multi/single family unit residential community (Calabash Lakes Subdivision) at an existing golf course. They propose to fill 1.92 acres of open water (two ponds, 0.57 acres and 1.35 acres respectively) and 0.36 acres of linear wetland for road access, building pads and attendant features. Portrait Homes intends to create 13 acres of open water habitat (6 ponds) to mitigate for the proposed jurisdictional impacts. Project plans are included with this Notice.

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 August 11, 2006.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with

the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

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; 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, August 25, 2006. Comments should be submitted to Jennifer S. Frye, Post Office Box 1890, Wilmington, North Carolina, 28402-1890, telephone (910) 251-4923.

**U.S. ARMY CORPS OF ENGINEERS
404 Application**

**Portrait Homes
Calabash Lakes S/D
Brunswick County, North Carolina**

Submitted To:

US Army Corps of Engineers
Wilmington District
P.O. Box 1890
Wilmington, NC 28412

Prepared For:

Portrait Homes
1200 48th Avenue North, Suite 2120
Myrtle Beach, SC 29577

Date Prepared:

April 2006

Prepared By:

The Brigman Company
P.O. Box 1532
Conway, SC 29528
(843) 248-9388

Appendix "A"

Portrait Homes

Calabash Lakes

Brunswick County, North Carolina

Environmental Documentation in Support of 404 Application

Submitted To:

US Army Corps of Engineers
Wilmington District
P.O. Box 1890
Wilmington, NC 28412

Prepared For:

Portrait Homes
11947-N Grand Haven Drive
Murrells Inlet, SC 29576

Date:

April 2006

Prepared By:

The Brigman Company
P.O. Box 1532
Conway, SC 29528

Portrait Homes
Calabash Lakes S/D
Brunswick County, North Carolina

1.0 CONCEPT:

To meet the growing demand for vacation homes and primary residences in Brunswick County Portrait Homes, the applicant, is planning to develop a multi family unit residential community within a [161.75-acre] parcel situated west of and adjacent to Thomasboro Road (SR 1165), approximately 2.3 miles south of US highway 17 near the town of Calabash in the southwestern portion of Brunswick County, North Carolina. (See Vicinity/Project Location Map).

The subject parcel contains a total of [3.97-acres] of jurisdictional features (ponds/ditches) distributed throughout the northern and central portion. While care was taken to preserve the majority of the wetland resources occurring on-site, complete avoidance was not practicable due to the location and distribution of the "above the headwater" wetlands within the subject site. The proposed wetland impacts total [2.28-acres] and are limited to providing critical access and the construction of building pads and attendant features within the site.

The Brigman Company has been employed by the applicant to specifically review the proposed project objectives, assess the impacts of these activities on freshwater wetland functions and to recommend design revisions so that potential impacts are minimized and natural resource values are enhanced to ensure the project is consistent with both 404/401 and Coastal Zone Management regulations and guidelines.

2.0 EXISTING CONDITIONS

The following section provides an overview of the existing physiology, soils, land use, and wetland resources.

2.1 Physiography and Soils

The property is in the Coastal Plain physiographic province of South Carolina. The Coastal Plain is a wedge shaped deposit of Cretaceous and younger sediments that range in thickness from near 0 at the contact point with Piedmont physiographic province (the Fall Line) along the northwest edge to thousands of feet at the coast.

The Coastal Plain soils are marine deposits that range in age from recent near the contact with ancient continental rock at the fall line to Cretaceous near the coast. They contain various minerals including interbedded soft and hard limestone soils, gravel, sands, silts, and clays as well as organics.

The Soil Conservation Service (SCS) Soil Survey for Brunswick County identifies six different soil series occurring within the subject site. A brief summary of the characteristics of the soil types is provided below.

Table 1. Soil Conservation Service soil types identified on the site (SCS, 1986).

Soil Type	Drainage	Available Water Capacity In/in	Organic Matter	Depth of SHWT	Listed as Hydric*
Goldsboro fine sandy loam, 0-2% slopes (GoA)	Moderately well drained	0.08-0.12	0.5-2%	2.0-3.0 ft	No
Lynchburg fine sandy loam (Ly)	Somewhat poorly drained	0.09-0.13 0	0.5-5%	0.5-1.5ft	No
Rains fine sandy loam (Ra)	Poorly drained	0.10-0.14	1-6%	0-1.0 ft	Yes

*From Hydric Soils List of Brunswick County (SCS, 1986)

2.2 Land Use

The subject site has been utilized as a golf course since 1987. The adjoining properties consist of a mix of single family residential development and agricultural fields.

2.3 Wetlands

The project area was evaluated for a potential wetland impact subject to Section 404 of the Clean Water Act originally in November 2005 by The Brigman Company, Inc.

2.3.1 Methodology

Preliminary identification and delineation of jurisdictional waters/wetlands on the site were determined according to the U.S. Army Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, 1987 (Appendices). Preliminary data gathering included review and interpretation of topography; U.S.D.A. soil conservation survey; aerial photography and preliminary site visits to selected areas. The routine on-site determination methods were utilized to determine the upper boundary of wetlands. In order to make a positive determination, indicators of hydrophytic vegetation, hydric soils and wetland hydrology must be identified as described in the manual. Typical observation plots were located along transects perpendicular to drainage ways directions to observe and record potential indicators.

This information was then recorded on data form 1, which indicates specific information about the typical plot. The upper boundary was assumed to occur between the non-wetland and wetland plots. Due to the complexity of this site numerous additional test plots and borings were conducted when necessary to increase the accuracy of the delineation.

Once the wetland/non-wetland determination was made the characteristics at that point were utilized to determine the wetland boundary between transects. Additional test plots were conducted as necessary based upon visual observation.

The U.S. Army Corps of Engineers approved wetland/waters boundary is demarked in the field by pink pin flags. These wetland boundary lines were surveyed to determine the wetland extent and submitted to the U.S. Army Corps of Engineers for confirmation. The resulting delineation maps were reviewed and approved by the U.S. Army Corps of Engineers wetland verification letter issued (see Attachment A).

2.3.2 Wetlands Characteristics

Two separate 404 features, totaling [3.97-acres] were found to occur on-site. The dominant wetland community can be classified as: Palustrine, unconsolidated bottom, excavated ponds (PUBh).

Dominant plants occurring along margins of ponds include: broad – leaf cattail (*Typha latifolia*), soft rush (*Juncus effuses*) and wool grass (*Scirpusa cyperinus*). Representative photographs of existing condition of wetland are provided in Attachment C.

3.0 AVOIDANCE/MINIZATION EFFORTS:

Complete avoidance of impacts to freshwater wetland resources was not practicable due to the location and distribution of the wetlands within the project area and the inherent physical characteristics of a well-designed single/multi family unit residential community.

The site plan has been revised from its original configuration based on accepted wetland master planning guidelines to insure that impacts to wetland resources are limited to only those required to satisfy the projects critical needs.

The following basic design criteria and construction technology was employed to keep unavoidable impacts to a minimum.

1. All valuable 404 resources are to be avoided, when practicable.
2. All road and utility crossing shall be aligned perpendicular to wetlands At the narrowest point to the extent practicable.
3. To offset the loss of wetland functions, which includes water quality, a storm water management plan has been prepared to fulfill State and County water retention and sediment removal requirements and to provide water quality and habitat values.
4. Project construction shall strictly adhere to an approved Sediment and Erosion Control Plan. Best Management Practices shall be employed during construction to minimize erosion and the migration of sediment off-site. These practices may include but not be limited to the use of mulches, geotextile fabric, hay bales, silt fence and other devices capable of preventing erosion and the migration of sediments off-site.

Because of the geographical distribution of 404 features within the project area and the inherent physical characteristics of a well designed single/multi family residential community, complete avoidance of wetland impacts was not practicable.

Although it was not possible to simultaneously achieve optimum condition for each of these design criteria the construction plan was developed so that a reasonable balance could be achieved between avoidance of wetland resources and the various logistical, economic, and safety parameters that must be met in a project of this type.

4.0 PROPOSED 404 IMPACTS

Preliminary planning for the development of a site plan involved analysis and consideration of property geometry, topographic features, natural features, zoning requirements and potential wetland impacts. The proposed 404 impacts presented in this application reflect a positive response to the preliminary discussions, determinations, and concerns of regulatory agencies.

The 404 impacts presented below are limited to those critical in order to provide access into/within the project site to fulfill the development objectives.

Table 2	
Proposed 404 Impacts	
Designation	Acres
A	0.57
B	1.35
C	0.36
Total Affected Area	2.28

5.0 MITIGATION OF IMPACTS

A mitigation plan has been developed for a **(no net loss)** of wetland habitat, value and function to the extent feasible on this site.

To fulfill the no net loss objective the applicant proposes to create ponds of equal or greater size. See figure 7/7.

6.0 CONCLUSION

Portrait Homes intends to develop a multi/single family unit residential community on a [161.75-acre] tract near the town of Calabash in Brunswick County, North Carolina. Throughout the planning stages efforts were made to avoid wetland to the maximum extent possible. Unavoidable impacts to wetlands have been minimized to the maximum extent possible.

Best management practices have been identified and will be employed throughout construction and operation of the project to minimize / avoid impacts to wetlands and water quality.

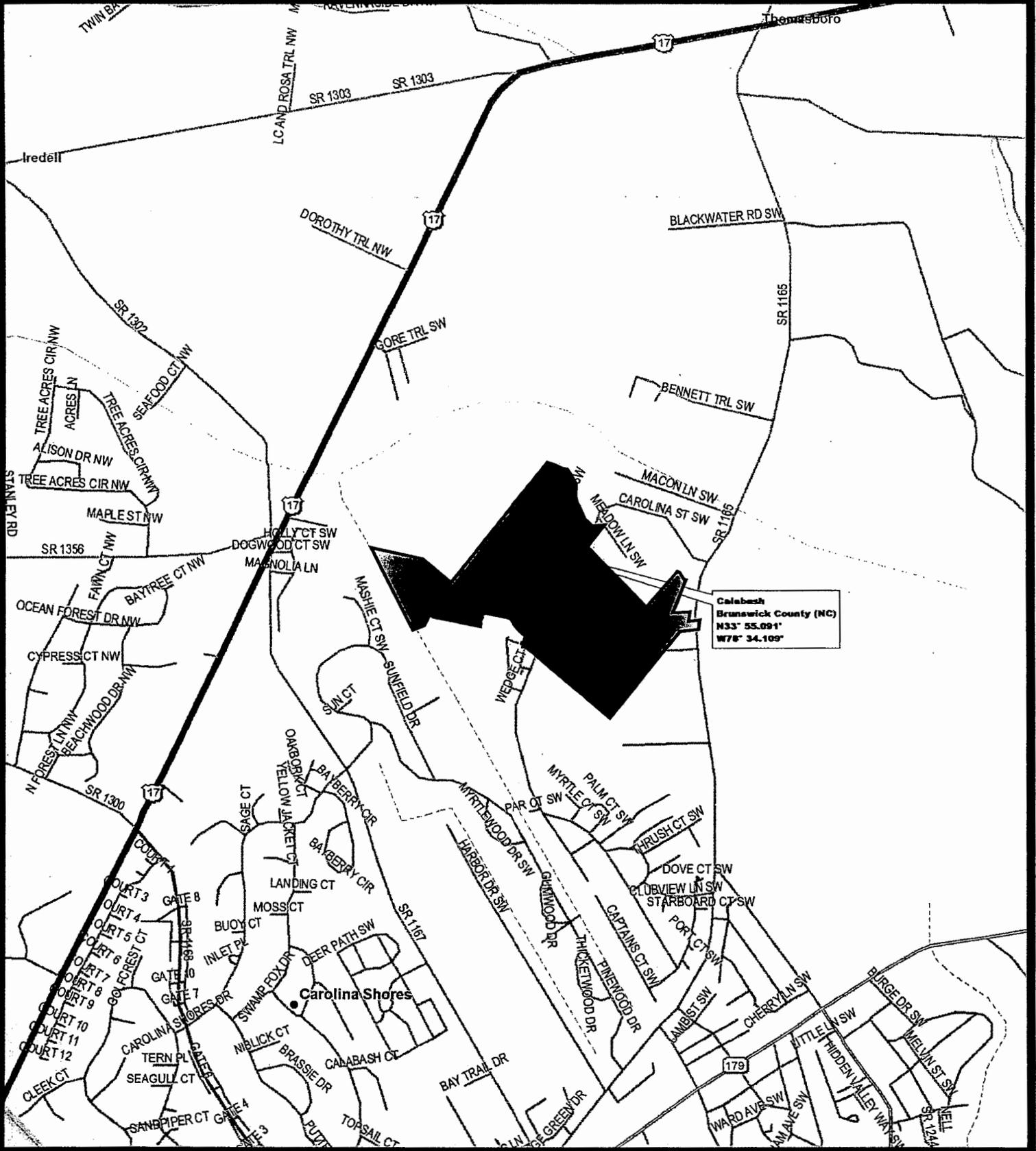
Based on the value of the jurisdictional waters and wetlands on this site, Portrait Homes, through sensitive site planning has chosen to balance the site's economic viability with its environmental value and permitability by limiting wetland impacts to those entirely unavoidable.

A reasonable and fair evaluation of this 404 Clean Water Act Permit Application should conclude that adequate measures have been taken to avoid and minimize project impacts, and that the mitigation proposed to compensate for residual wetland impacts represents a desirable benefit to loss ratio.

FIGURES

Vicinity Map	(Figure 1/7)
Project Location Map	(Figure 2/7)
Overall Plan	(Figure 3/7)
Inset Plan 1	(Figure 4/7)
Inset Plan 2	(Figure 5/7)
Section View	(Figure 6/7)
Pond Exhibit	(Figure 7/7)

VICINITY MAP



THE BRIGMAN COMPANY INCORPORATED

CALABASH LAKES (Prop. Single Family Unit Development)

Prepared for:
PORTRAIT HOMES-SOUTH CAROLINA, LLC.

Source:
DELORME 2004 STREET ATLAS

Scale:
N.T.S.

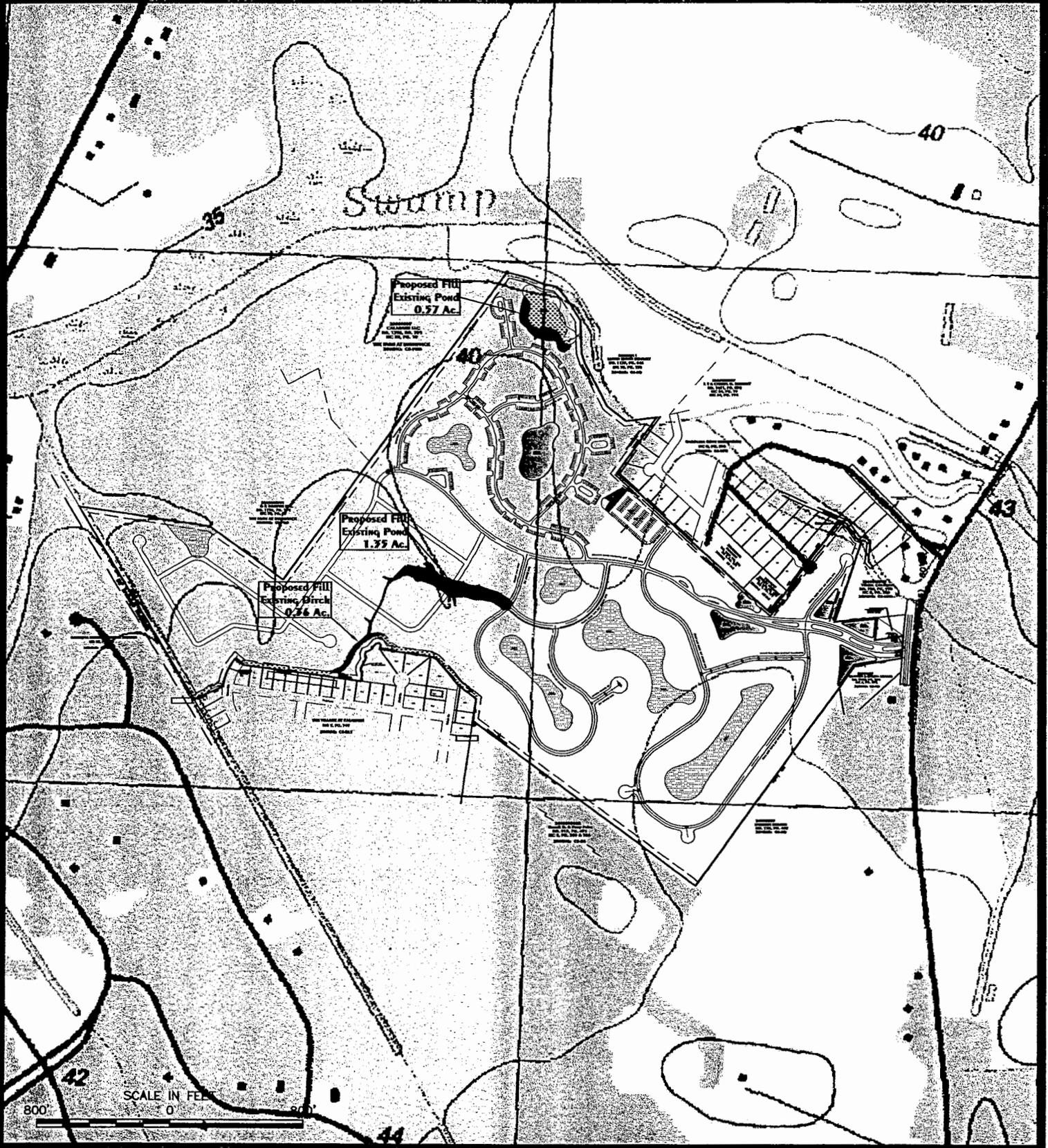
Job No:
06069

Drawn By:
BAF

DATE:
5-22-06

FIGURE 1

7.5 MINUTE TOPOGRAPHIC QUADRANGLE



THE BRIGMAN COMPANY INCORPORATED

CALABASH LAKES (Prop. Single Family Unit Development)

Scale:
1" = 800'

FIGURE

Prepared for:
PORTRAIT HOMES-SOUTH CAROLINA, LLC.

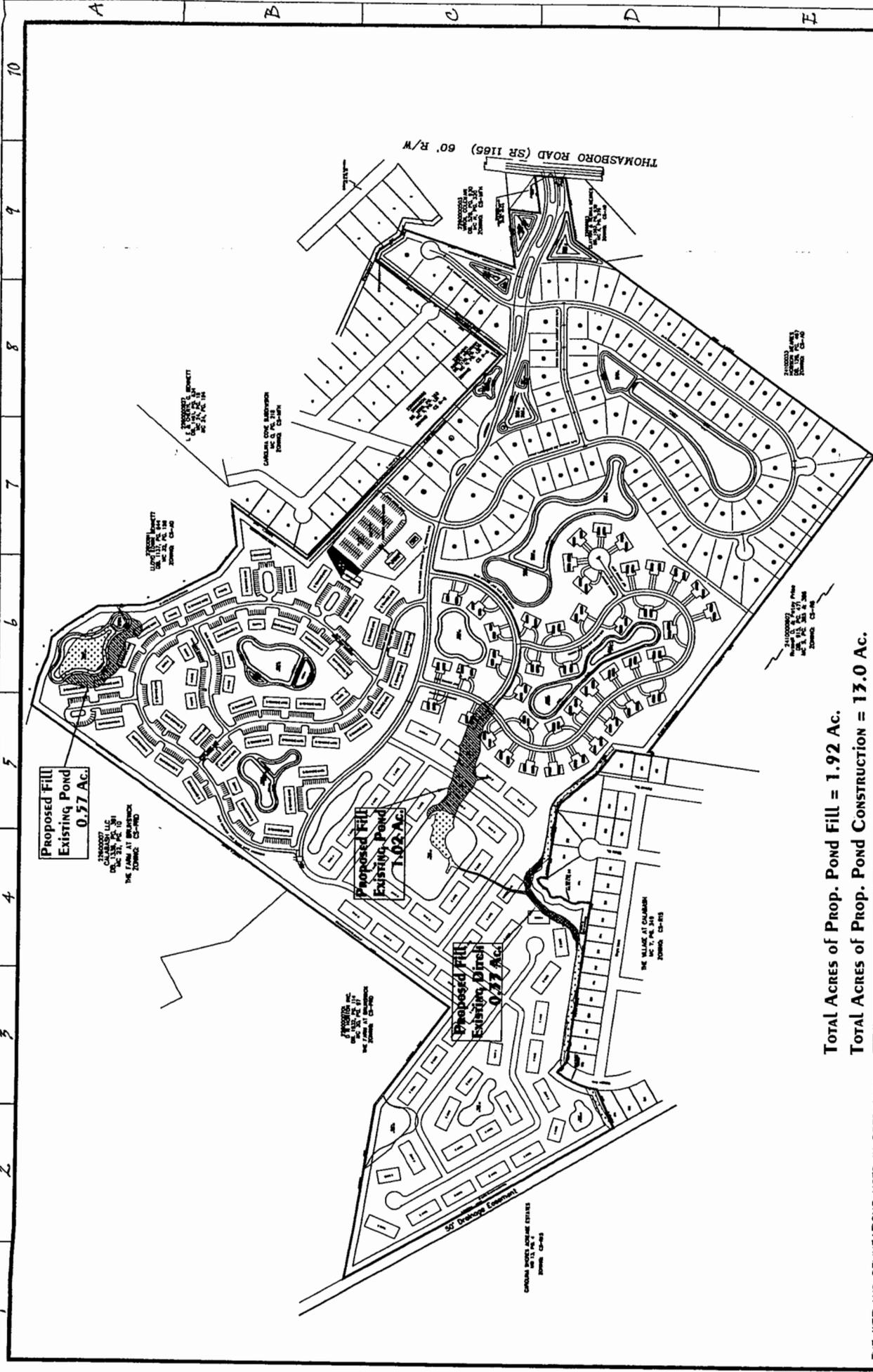
Job No:
06069

Drawn By:
BAF

2

Source:
U.S. DEPARTMENT OF THE INTERIOR

Date:
5-22-06



TOTAL ACRES OF Prop. Pond Fill = 1.92 Ac.
TOTAL ACRES OF Prop. Pond Construction = 13.0 Ac.

OVERALL PLAN VIEW

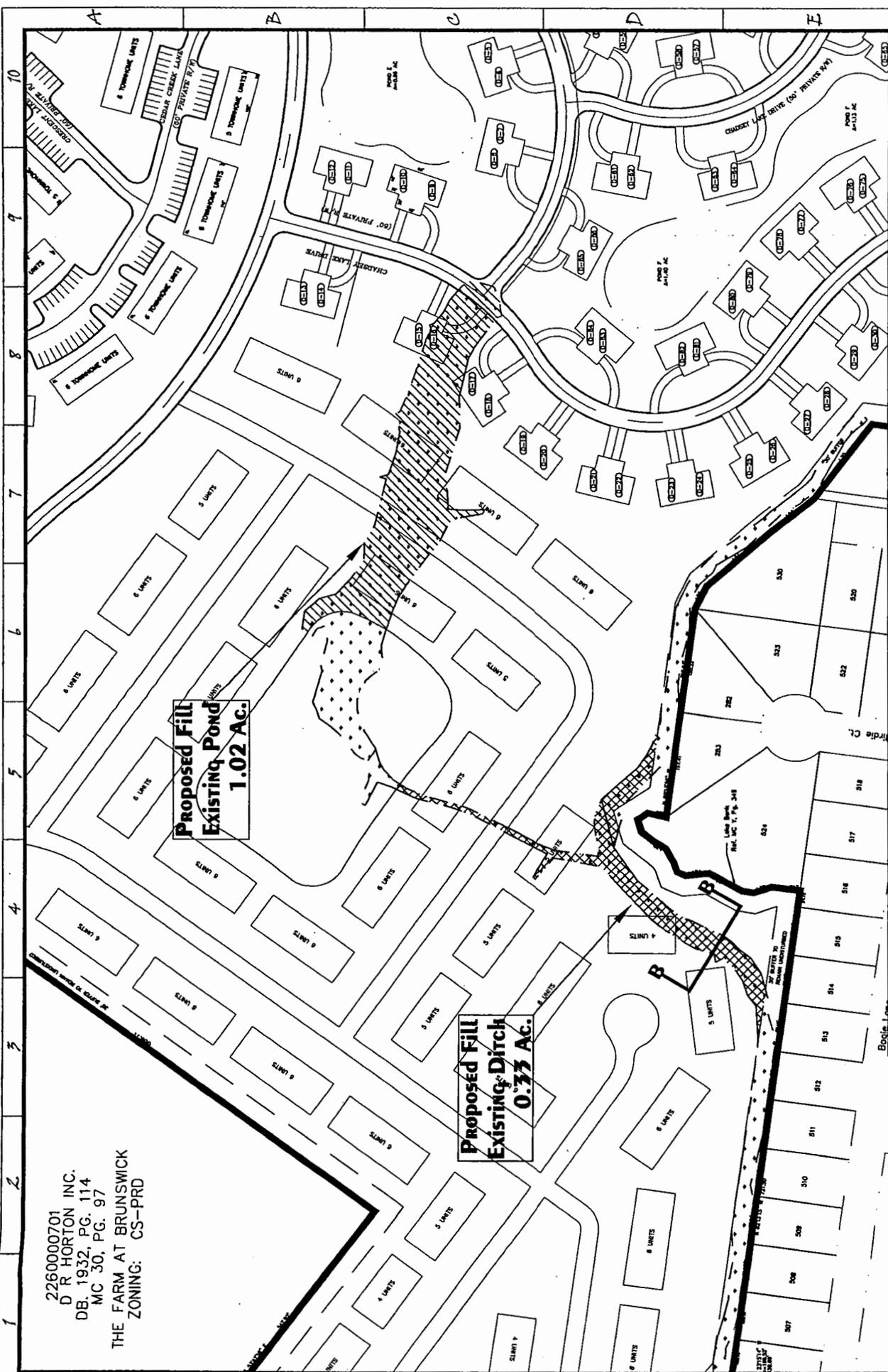
CALABASH LAKES (Prop.)
 BRUNSWICK COUNTY, NORTH CAROLINA
 404 PERMIT APPLICATION

DATE: APRIL 2006
 APPLICATION NO. _____
 PAGE 37

TOTAL PROP. AREA	161.75 ACRES
ORIG. WETLANDS	3.97 ACRES
WATERS FILL (POND)	1.59 ACRES
WATERS FILL (DITCH)	0.33 ACRES
UPLAND BUFFER	N/A
WETLAND PRESERVATION	N/A
CREATION (POND)	13.00 ACRES

THE WETLAND DELINEATIONS USED IN PREPARING THIS WETLAND MASTER PLAN HAVE BEEN DONE IN ACCORDANCE WITH CORPS. OF ENGINEERS METHODS AND TECHNIQUES AND ARE AN ACCURATE REPRESENTATION OF ALL JURISDICTIONAL WETLANDS WITHIN THE PROJECT. THE DELINEATION HAS BEEN REVIEWED AND APPROVED BY THE CORPS. AND ASSIGNED THE FOLLOWING DELINEATION NUMBER: ACTION ID 200600169





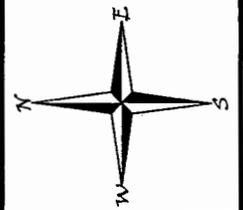
2260000701
 D R HORTON INC.
 DB, 1932, PG. 114
 MC 30, PG. 97
 THE FARM AT BRUNSWICK
 ZONING: CS-PRD

**Proposed Fill
 Existing Pond
 1.02 AC.**

**Proposed Fill
 Existing Ditch
 0.33 AC.**

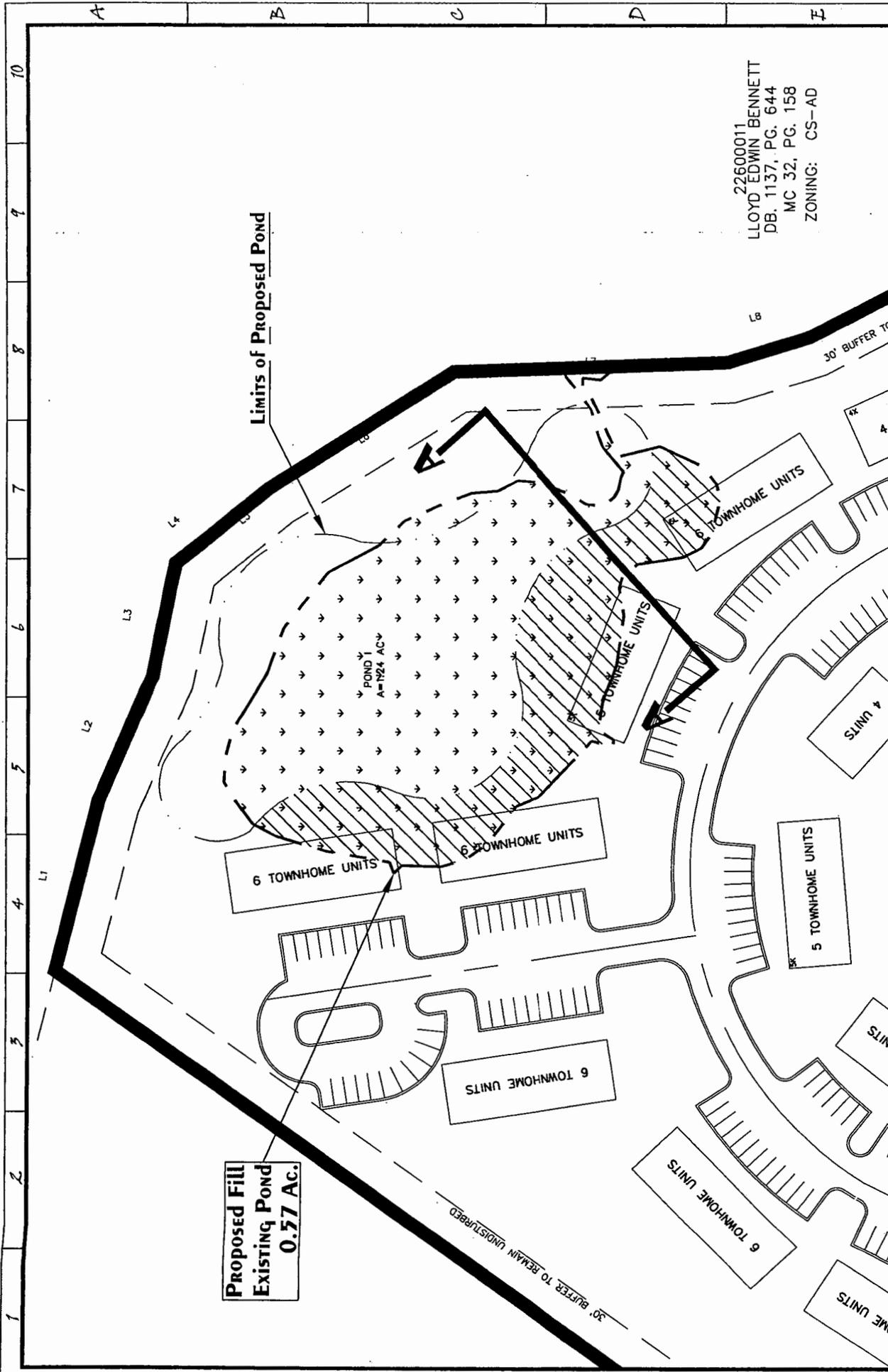
THE WETLAND DELINEATIONS USED IN PREPARING THIS WETLAND MASTER PLAN HAVE BEEN DONE IN ACCORDANCE WITH CORPS. OF ENGINEERS METHODS AND TECHNIQUES AND ARE AN ACCURATE REPRESENTATION OF ALL JURISDICTIONAL WETLANDS WITHIN THE PROJECT. THE DELINEATION HAS BEEN REVIEWED AND APPROVED BY THE CORPS. AND ASSIGNED THE FOLLOWING DELINEATION NUMBER: ACTION ID 200600169

SCALE IN FEET
 0 200'



PLAN VIEW
 CALABASH LAKES (Prop.)
 BRUNSWICK COUNTY, NORTH CAROLINA
 404 PERMIT APPLICATION
 DATE: APRIL 2006
 APPLICATION NO. _____
 PAGE 4/7

TOTAL PROP. AREA	161.75 ACRES
ORIG. WETLANDS	3.97 ACRES
WATERS FILL (POND)	1.59 ACRES
WATERS FILL (DITCH)	0.33 ACRES
UPLAND BUFFER	N/A
WETLAND PRESERVATION	N/A
CREATION (POND)	13.00 ACRES



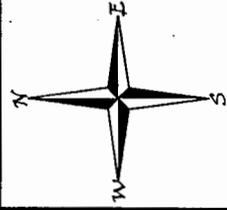
22600011
 LLOYD EDWIN BENNETT
 DB, 1137, PG. 644
 MC 32, PG. 158
 ZONING: CS-AD

PLAN VIEW

CALABASH LAKES (Prop.)
 BRUNSWICK COUNTY, NORTH CAROLINA

404 PERMIT APPLICATION

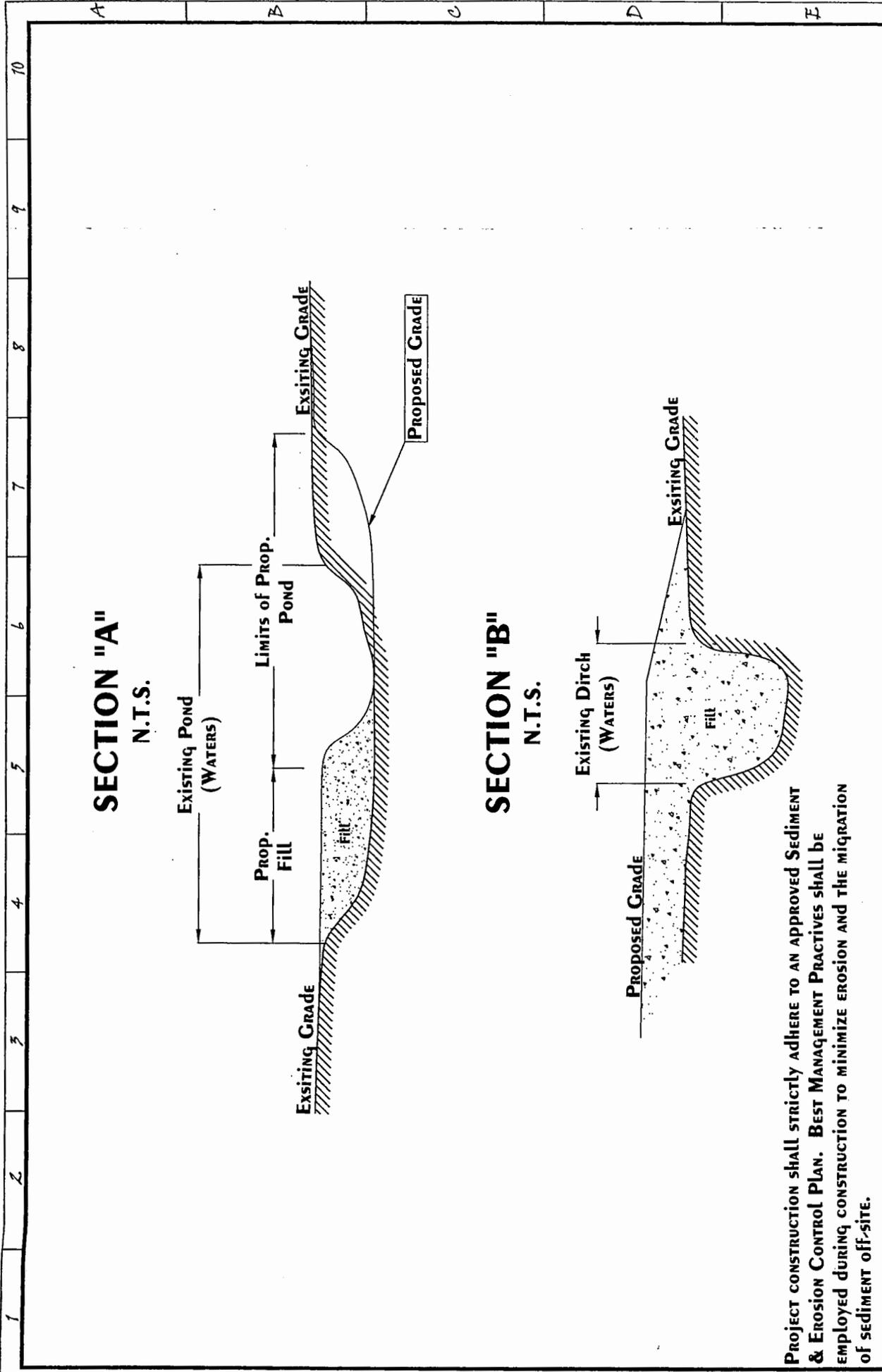
DATE: APRIL 2006 PAGE 517
 APPLICATION NO. _____



THE WETLAND DELINEATIONS USED IN PREPARING THIS WETLAND MASTER PLAN HAVE BEEN DONE IN ACCORDANCE WITH CORPS. OF ENGINEERS METHODS AND TECHNIQUES AND ARE AN ACCURATE REPRESENTATION OF ALL JURISDICTIONAL WETLANDS WITHIN THE PROJECT. THE DELINEATION HAS BEEN REVIEWED AND APPROVED BY THE CORPS. AND ASSIGNED THE FOLLOWING DELINEATION NUMBER: ACTION ID 200600169

SCALE IN FEET
 0 100'

	TOTAL PROP. AREA	161.75 ACRES
ORIG. WETLANDS	3.97 ACRES	
WATERS FILL (POND)	1.59 ACRES	
WATERS FILL (DITCH)	0.33 ACRES	
UPLAND BUFFER	N/A	
WETLAND PRESERVATION	N/A	
CREATION (POND)	13.00 ACRES	



SECTION "A"
N.T.S.

SECTION "B"
N.T.S.

Project construction shall strictly adhere to an approved Sediment & Erosion Control Plan. Best Management Practices shall be employed during construction to minimize erosion and the migration of sediment off-site.

THE WETLAND DELINEATIONS USED IN PREPARING THIS WETLAND MASTER PLAN HAVE BEEN DONE IN ACCORDANCE WITH CORPS. OF ENGINEERS METHODS AND TECHNIQUES AND ARE AN ACCURATE REPRESENTATION OF ALL JURISDICTIONAL WETLANDS WITHIN THE PROJECT. THE DELINEATION HAS BEEN REVIEWED AND APPROVED BY THE CORPS. AND ASSIGNED THE FOLLOWING DELINEATION NUMBER: ACTION ID 200600169

SECTION VIEW
CALABASH LAKES (Prop. Single Family Unit Development)
BRUNSWICK COUNTY, NORTH CAROLINA
NATIONWIDE PERMIT #39 APPLICATION
DATE: 5/22/06
APPLICATION NO. _____
PAGE 6/7

TOTAL PROP. AREA	161.75 ACRES
ORIG. WETLANDS	3.97 ACRES
WATERS FILL (POND)	1.59 ACRES
WATERS FILL (DITCH)	0.33 ACRES
UPLAND BUFFER	N/A
WETLAND PRESERVATION	N/A
CREATION (POND)	13.00 ACRES