



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: March 23, 2007
Comment Deadline: April 23, 2007
Corps Action ID #: 200200768

The Wilmington District, Corps of Engineers (Corps) has received an application from The Reserve Development Company, LLC seeking Department of the Army authorization to impact 1.99 acres of wetlands associated with the construction of the proposed planned-unit development known as The Reserve at St. James Plantation located at the intersection of Highway 211 and Midway Road in St. James, Brunswick 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: Mr. John Atkinson, Jr.
The Reserve Development Company, LLC
Post Office Box 10879
Southport, North Carolina

AGENT (if applicable): Ms. Kim Williams
Land Management Group, Inc.
Post Office Box 2522
Wilmington, North Carolina

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 (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

Location

The proposed project known as The Reserve at St. James Plantation is located southwest of the intersection of Highway 211 and Midway Road in St. James, Brunswick County, North Carolina (768452E, 3761080N). The project site contains streams and wetlands which drain to unnamed tributaries to Polly Gully Creek and Beaverdam Creek in the Lockwood Folly River Basin which drains to the Atlantic Ocean.

Existing Site Conditions

The project site is 2372 acres in size. It is bordered by previous phases of St. James Plantation to the east and southeast, Highway 211 to the north, and a proposed Department of Transportation (DOT) road connecting Highway 211 to the west end of Oak Island.

The site contains 1290 acres of jurisdictional streams and wetlands. A U.S. Army Corps of Engineers (Corps) jurisdictional determination has been completed for the impact area which verifies these aquatic features. The wetlands are described as Carolina Bays. There is also one unnamed tributary to Polly Gully Creek and two unnamed tributaries to Beaverdam Creek on the project area. All of the tributaries are listed as SC (all tidal salt waters protected for secondary recreation), Swamp Waters and High Quality Waters by the N.C. Division of Water Quality.

Uplands in the project area support loblolly pine (*Pinus taeda*), live oak (*Quercus virginiana*), longleaf pine (*Pinus palustris*), wax myrtle (*Myrica cerifera*) and turkey oak (*Quercus laevis*). Wetlands on the project area are dominated by pond pine (*Pinus serotina*), loblolly bay (*Gordonia lasianthus*), black gum (*Nyssa sylvatica*), red bay (*Persea borbonia*) and titi (*Cyrilla racemiflora*).

Applicant's Stated Purpose

The purpose of the project, as stated by the applicant, is to develop the final phase of St. James Plantation and provide access to uplands within the site.

Project Description

The activity involves the construction of a residential subdivision and retail space. This includes all roadways, utility lines, stormwater features and amenities. The applicant proposes to construct 1213 single-family residential lots, 1912 multi-family buildings, 842 assisted-living units and commercial/retail space with attendant features.

The applicant proposes 1.99 acres of wetland impacts for approximately 28 wetland crossings. To mitigate for impacts to jurisdictional features, the applicant is proposing to create two acres of non-riparian wetlands adjacent to the proposed DOT roadway and place remaining wetlands onsite not already preserved through a conservation easement.

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 combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute

initial receipt of an application for a 401 Water Quality 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), 2321 Crabtree Boulevard, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by April 16, 2007.

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 (ESA), that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

The project area is located within a Natural Heritage Priority Site, the Boiling Spring Lakes Wetlands Complex, due to the number of rare species, community types and Carolina Bays in the area. Two Federally listed Endangered species were noted in or adjacent to the project area; rough-leaf loosestrife (*Lysimachia asperulifolia*) and red-cockaded woodpecker (*Picoides borealis*).

Evaluation

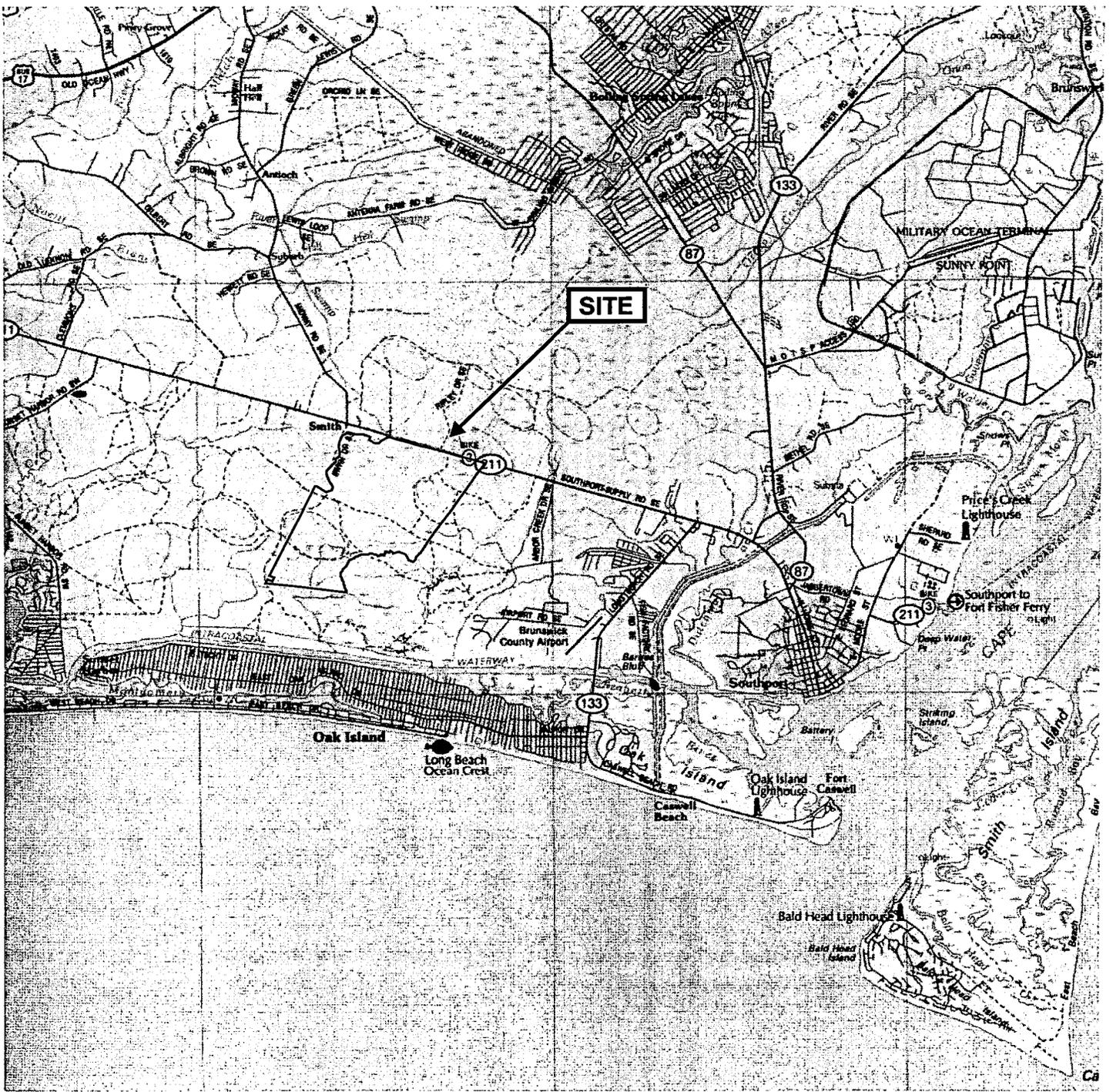
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, March 23, 2007. Comments should be submitted to Kim Garvey, P.O. Box 1890, Wilmington, N.C. 28402-1890 or by calling (910) 251-4482.



*Boundaries are approximate and are not meant to be absolute.

Map Source: North Carolina Atlas & Gazetteer. Pg 87.2003

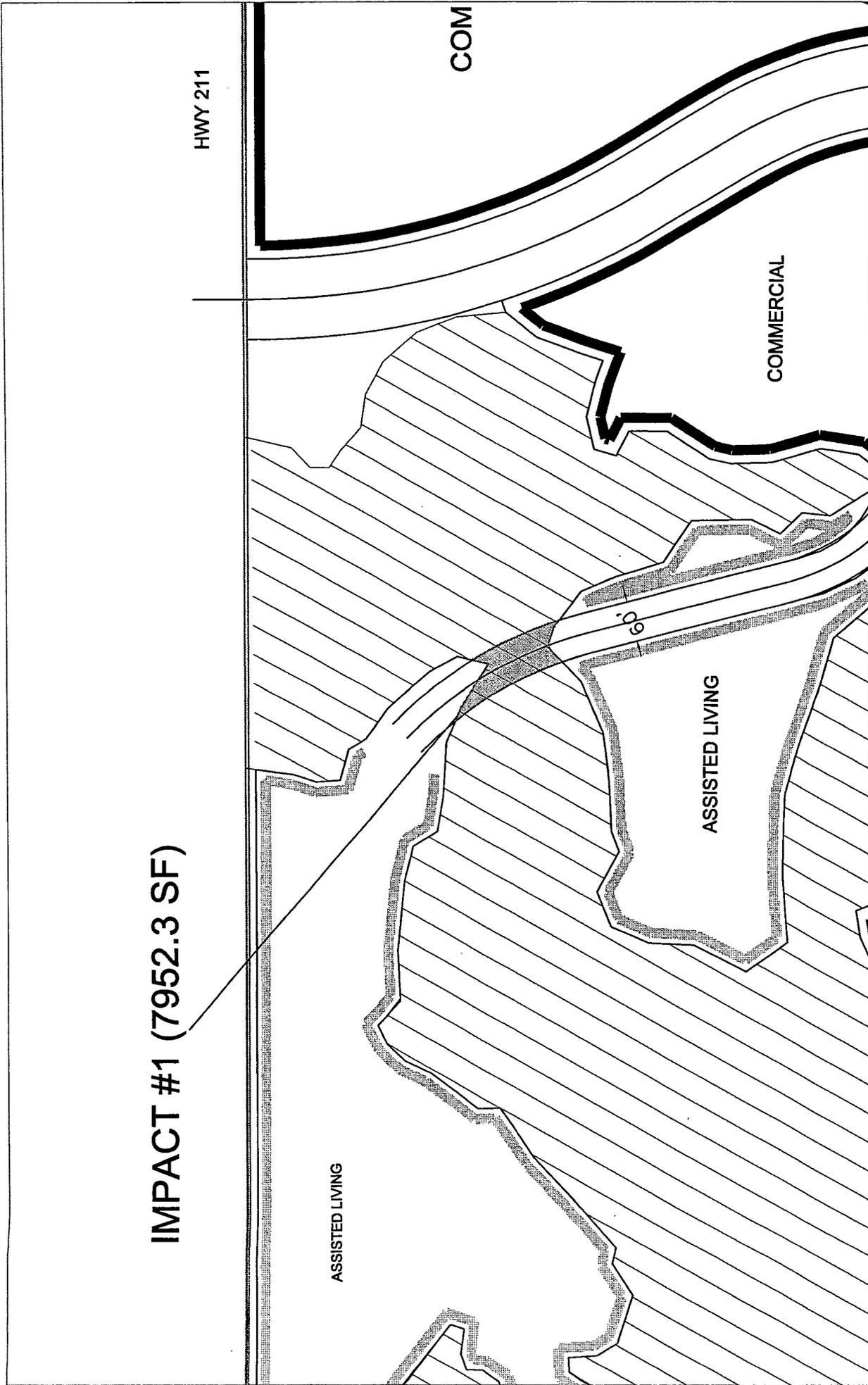


SCALE 1" = 1 Mile

The Reserve at St. James
Brunswick County, NC
02-06-223

February 2007

Figure 1
Vicinity Map



PRELIMINARY— FOR REVIEW PURPOSES ONLY

-  404 Wetlands
-  Proposed Impacts to 404 Wetlands

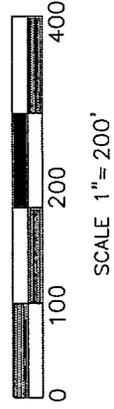


Figure 7. Wetland Impact #1
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PRELIMINARY - FOR REVIEW PURPOSES ONLY

-  404 Wetlands
-  Proposed Impacts to 404 Wetlands



SCALE: 1" = 300'

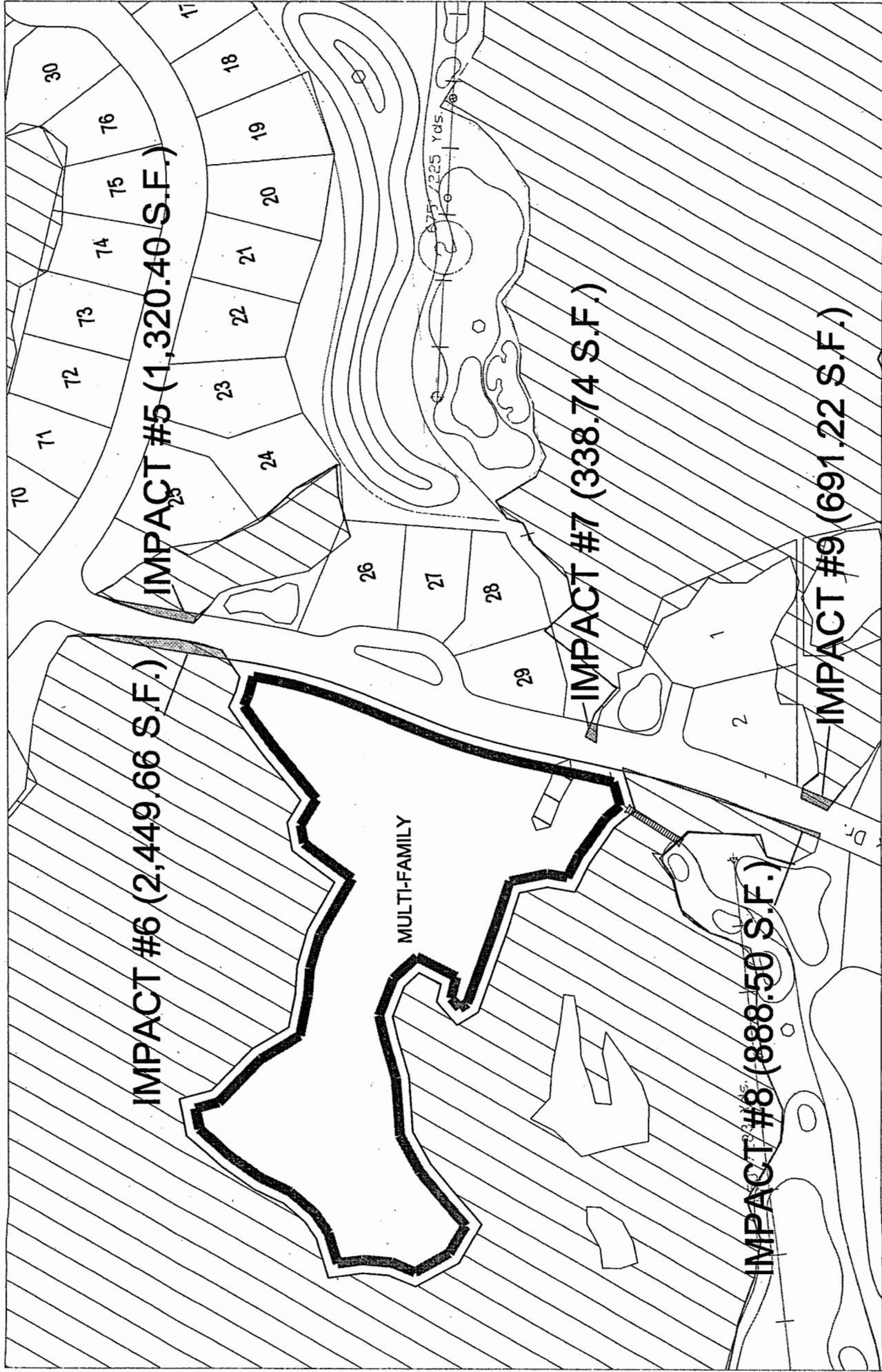


Figure 8. Wetland Impacts #2 - #4

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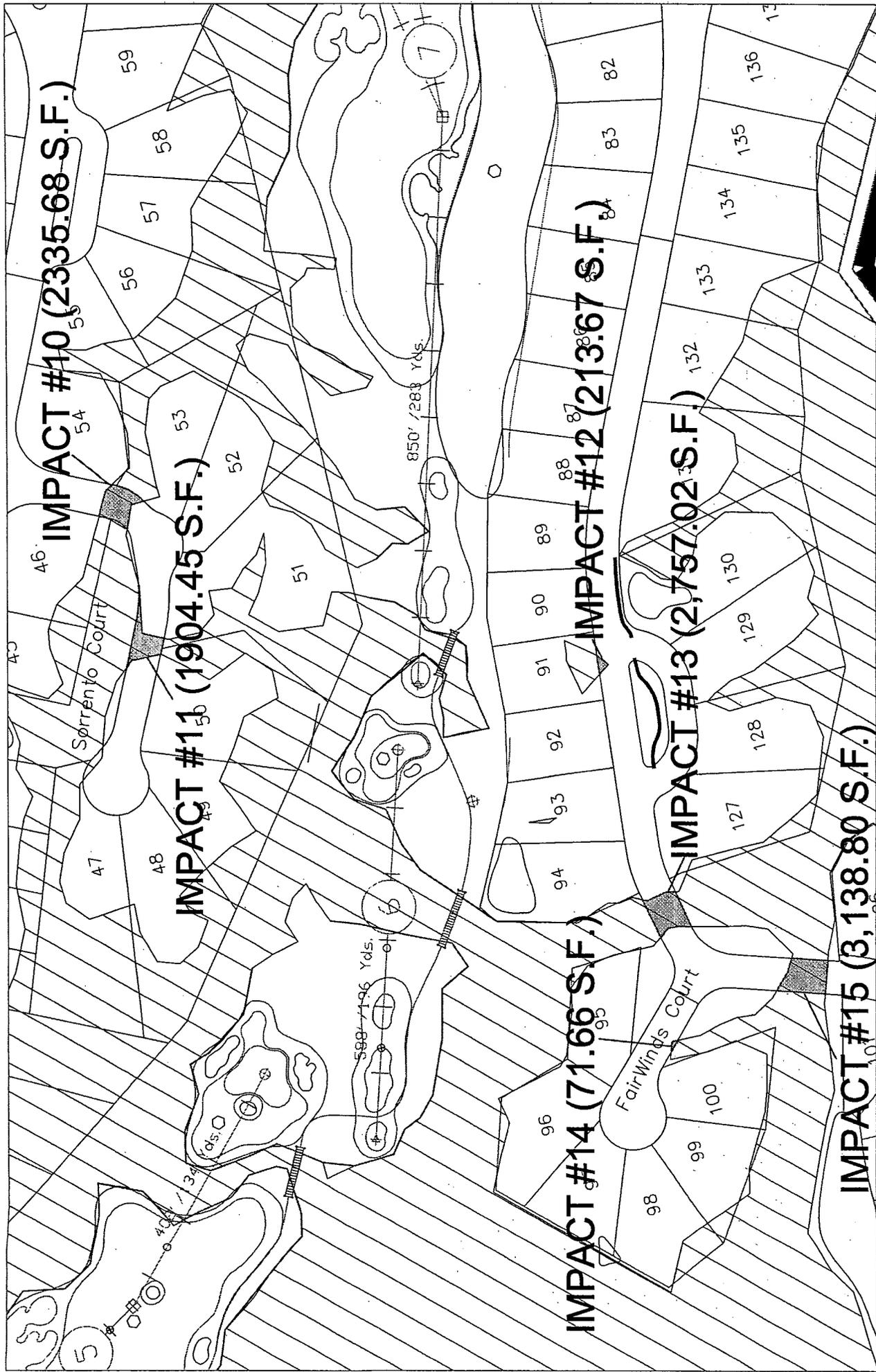
PRELIMINARY - FOR REVIEW PURPOSES ONLY

Figure 9. Wetland Impacts #5 - #9

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404 Wetlands
 Proposed Impacts to 404 Wetlands

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 SCALE 1" = 200'



PRELIMINARY- FOR REVIEW PURPOSES ONLY

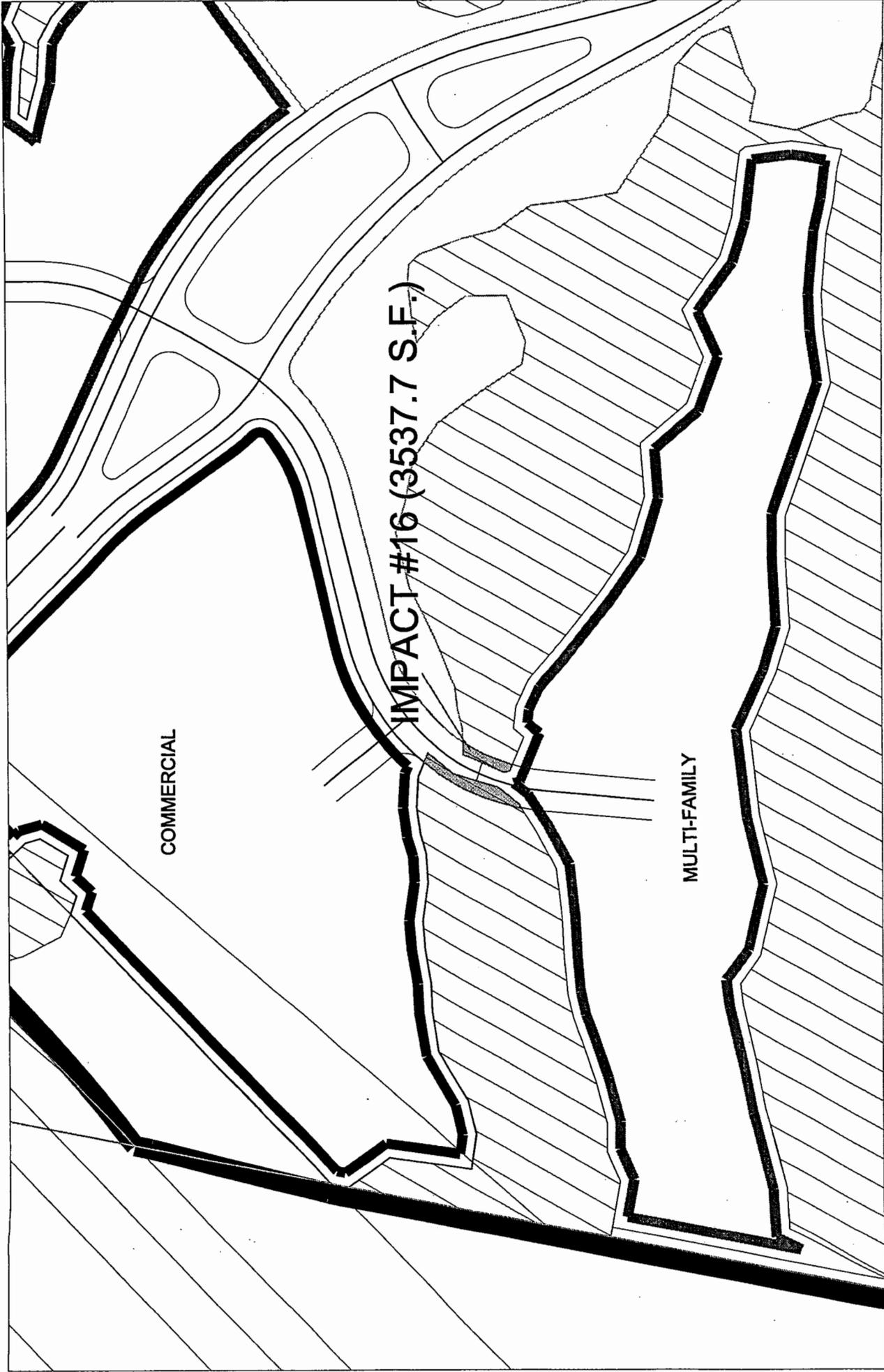
-  404 Wetlands
-  Proposed Impacts to 404 Wetlands



SCALE 1" = 200'

Figure 10. Wetland Impacts #10 - #15

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-  404 Wetlands
-  Proposed Impacts to 404 Wetlands



Figure 11. Wetland Impact #16

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planning
landscape architecture
2001 Westport Ave. Suite 100
Westport, NY 10988-1000
Tel: 845.366.1100 Fax: 845.366.1101
www.haderstanziale.com



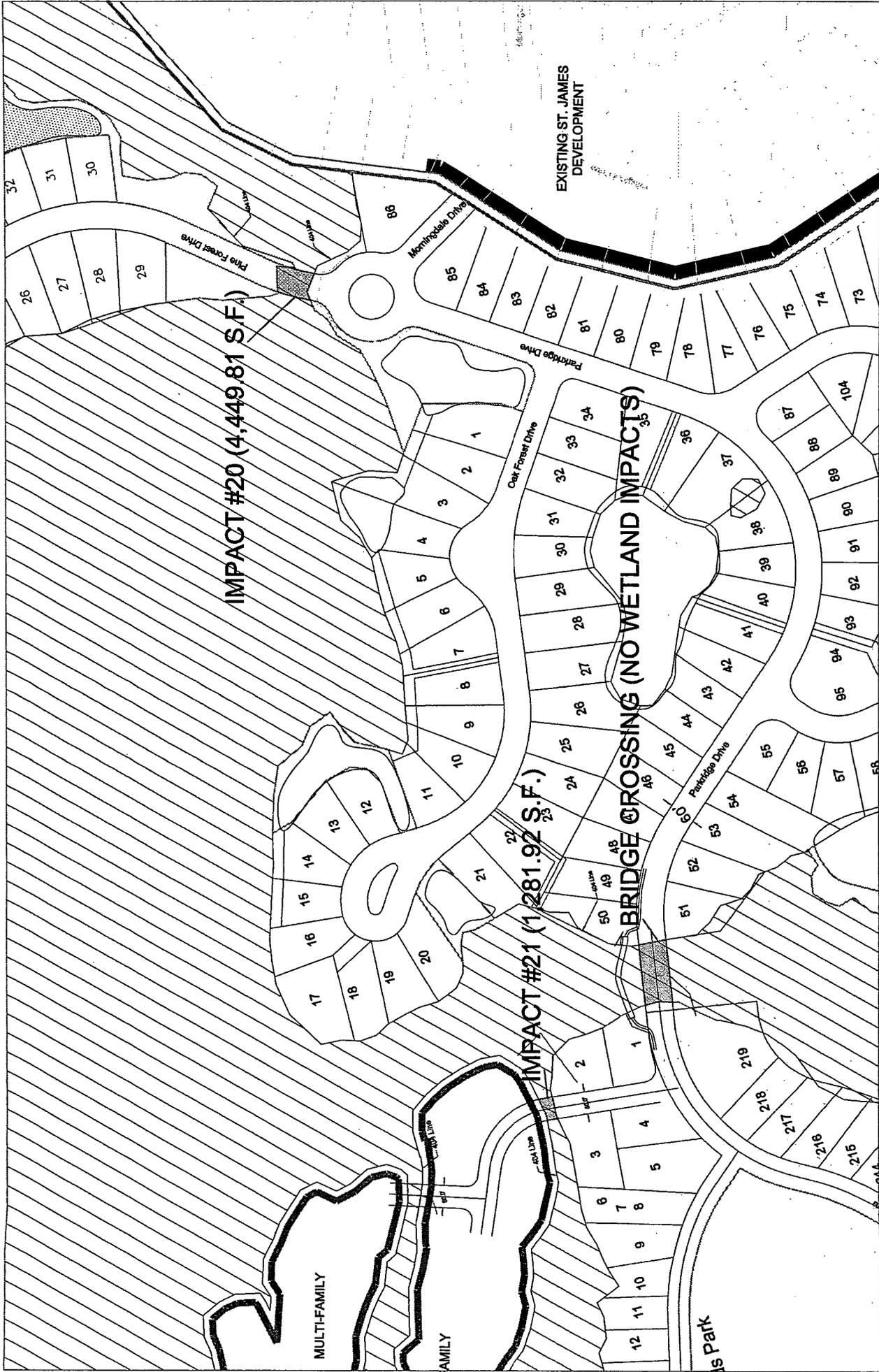


PRELIMINARY- FOR REVIEW PURPOSES ONLY



Figure 12. Wetland Impacts #17 - #19

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Figure 13. Wetland Impacts #20, #21, and Bridge Location

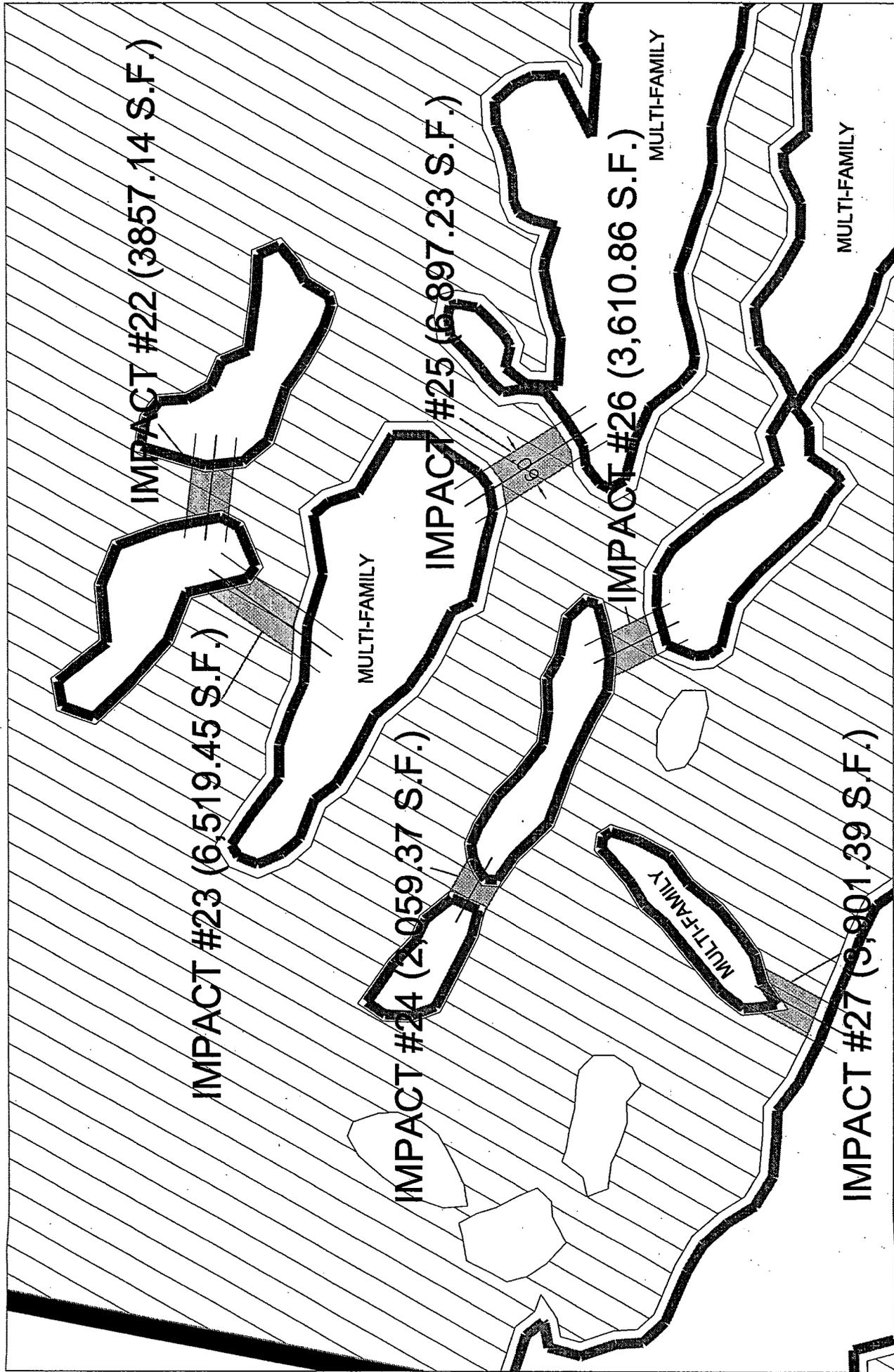
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-  404 Wetlands
-  Proposed Impacts to 404 Wetlands

SCALE 1" = 300'



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404 Wetlands

Proposed Impacts to 404 Wetlands



Figure 14. Wetland Impacts #22 - #27

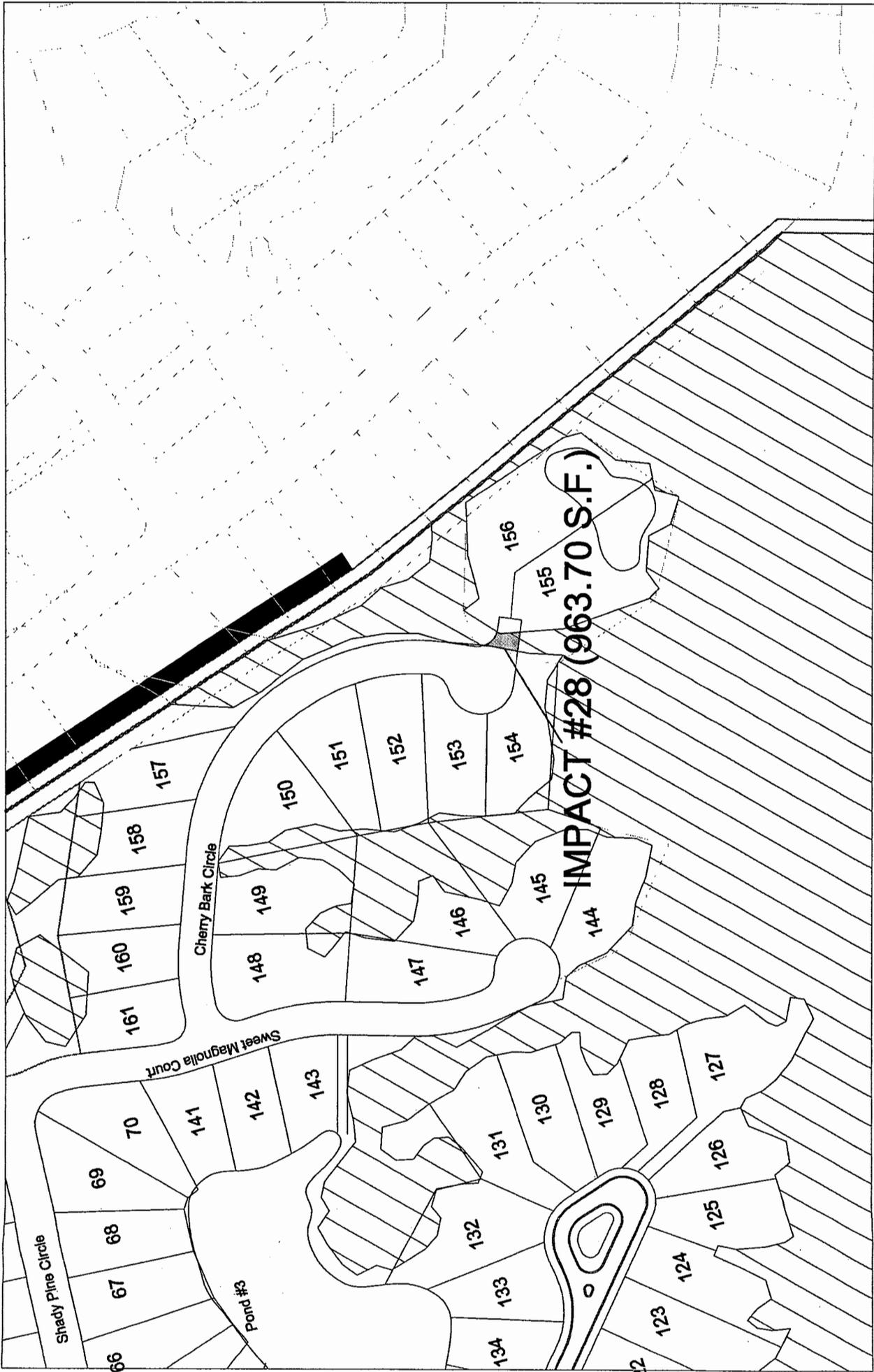
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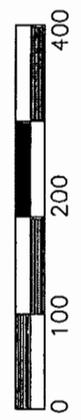
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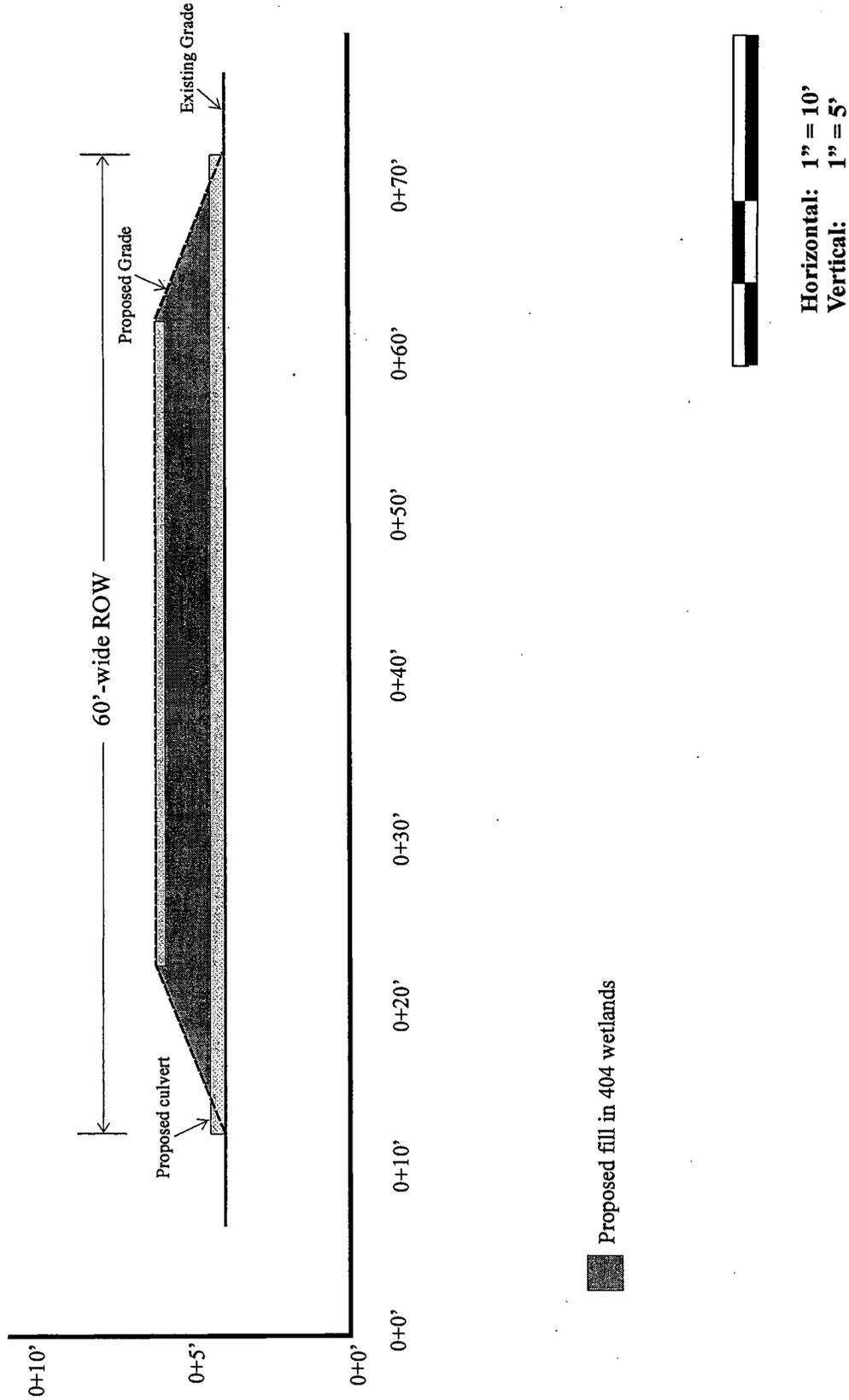
SCALE 1" = 200'

-  404 Wetlands
-  Proposed Impacts to 404 Wetlands

Figure 15. Wetland Impact #28

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Typical Cross Section with Culvert



NOTE: Final road specifications to be determined by project engineer. Elevations shown are estimates and are given to demonstrate relative positions.

St. James Plantation; The Reserve
Brunswick County, NC

Land Management Group, Inc.
Environmental Consultants
Wilmington, N.C.
February 2007

Figure 17. Typical Road Cross-Section with Culvert

