



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 16, 2007
Comment Deadline: March 19, 2007
Corps Action ID #: 200500603

The Wilmington District, Corps of Engineers (Corps) has received an application from SRW Builders, Inc. seeking a Department of the Army individual permit to discharge fill in waters of the U.S. The project involves the deposition of fill in 0.71 acres of jurisdictional wetlands for construction of three road crossings and one utility line tie-in associated with the Kings Grant residential subdivision.

Plans and location information are described below and shown on the five attachments. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: SRW Builders, Inc.
Attn: Sharlene Williams (President)
238 N. McPherson Church Road
Fayetteville, North Carolina 28303

Agent: Soil & Environmental Consultants, PA
Attn: Bob Zarzecki
11010 Raven Ridge Road
Raleigh, North Carolina 27604

Authority: The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location: The project site is Kings Grant Subdivision, Hwy 401, Ramsey Street Fayetteville, NC 28311. The site consists of subdivision tracts 1 through 5 and totals approximately 128 acres. *Latitude 35.1429 N, Longitude 78.8914 W.*

Existing Site Conditions: The project is located in an outlying suburban area north of Fayetteville, Cumberland County, NC. The affected water body is McPherson Creek. McPherson Creek and its associated wetlands are designated and regulated as waters of the U.S. Most of the wetlands on the property have been historically impacted by silviculture and other land use practices. The wetlands on site can be characterized as palustrine, non-riparian systems, mainly bottomland hardwood forests vegetated by black gum, bald cypress, red maple, ironwood, greenbrier, and various herbaceous species. The

wetland systems do not contain stream channels and their primary source of hydrology appears to be from groundwater—not over-bank flooding.

Applicant's Stated Purpose: The basic project purpose is to provide housing within the Fayetteville vicinity to meet present market demands. Impacts to waters of the U.S. associated with the development plan include the construction of roads and utilities. This development helps address service and housing needs of the community's growing population.

Project Description: The project includes a request for after-the-fact authorization for crossings that have already been built and a request for approval of new work. *After-the-fact permit work:* Two of the road crossings were constructed after a previously issued federal permit under which they were authorized had expired. Therefore, they were built without valid authorization and now need after-the-fact review and authorization. Total fill for the unauthorized crossings is 0.48 acres. *New work:* The request for new work consists of 0.20 acres of fill for a road crossing and 0.03 acres of temporary fill for a utility line tie-in.

Mitigation. The applicant has proposed to mitigate for the proposed wetland impacts (0.71 acres) at a ratio of 2:1. The applicant believes that on site mitigation is impracticable beyond avoidance to any additional wetlands, streams and buffers. Accordingly, the applicant proposes to purchase mitigation credits from the Barra Farms Cape Fear Regional Mitigation Bank, Phase II (Corps ID No. 199704890 Mitigation Banking Instrument (MBI)), sponsored by the Ecosystems Land Mitigation Bank Corporation. A credit reservation letter will be provided prior to the Corps' final decision. In addition, the applicant has proposed to preserve the remaining wetlands in the project area via a declaration of covenants.

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 60 days of the date of the receipt of this notice in the NCDWQ Central Office.

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 60 days of the date of 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 or anyone desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing and have it delivered to NCDWQ Central Office, Section 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260, Attention: Ms Cyndi Karoly by March 12, 2007.

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 affect 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 or could be affected by the proposed work.

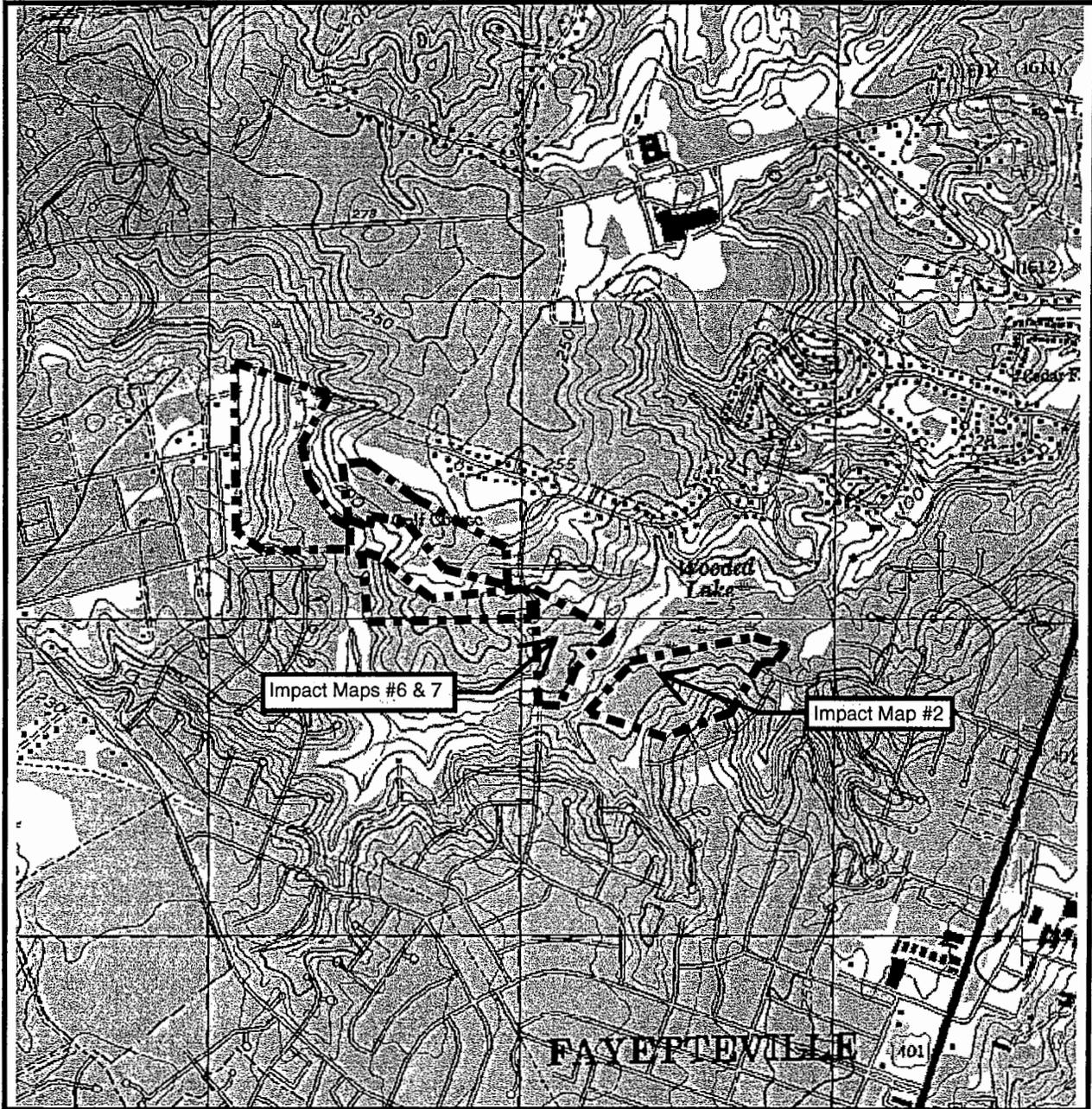
Endangered Species: The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined that pursuant to the Endangered Species Act of 1973, the proposed 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 consolidated 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) 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 5 p.m., March 19, 2007. Comments should be submitted to Thomas Farrell, Post Office Box 1890, Wilmington, North Carolina, at (910) 251-4466.



VICINITY MAP

35.1429°N, 78.8914°W (NAD83/WGS84)

 = Approximate Location of Properties within Kings Grant included within 2006 application.

Project #: 7381.W0	
Project Mgr.: BZ	Date: Oct 2006

Manchester, NC
USGS Topo Quad

Kings Grant 2006
Fayetteville,
Cumberland County, NC



Soil & Environmental Consultants, PA
11010 Raven Ridge Rd. • Raleigh, NC 27614
(919) 846-5900 • (919) 846-9467
Web Page: www.SandEC.com

KINGS GRANT
DRAWING 1 OF 6

USACE 200500603

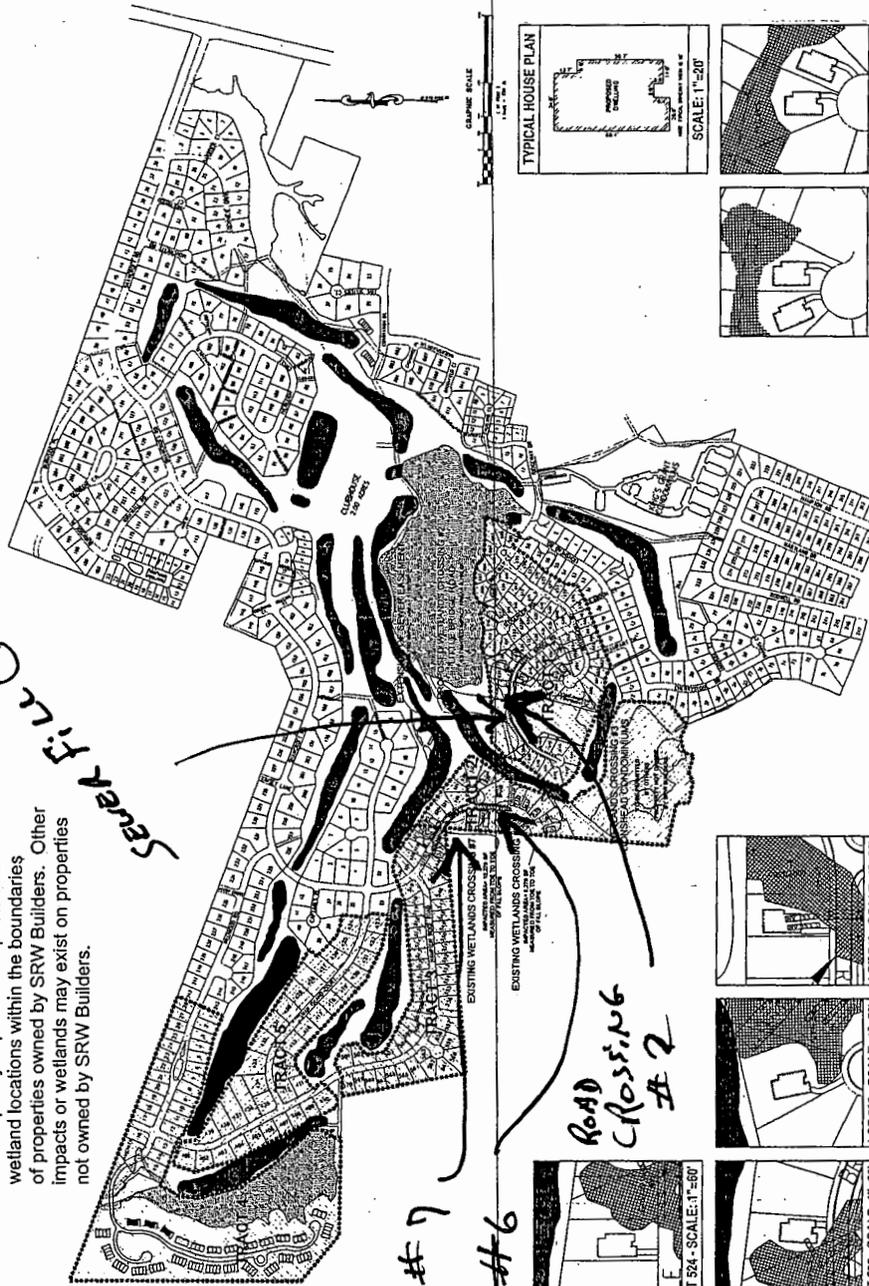
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KINGS GRANT

DRAWING 2 of 6

SEWER FILL TEND

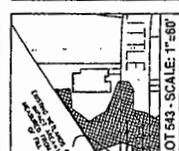
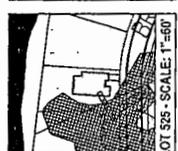
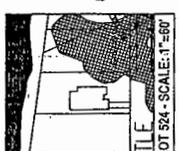
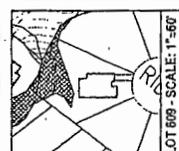
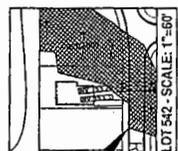
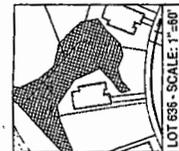
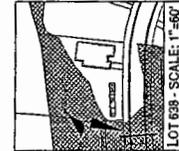
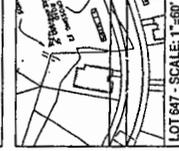
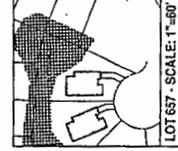
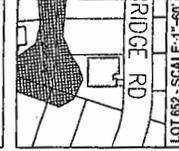
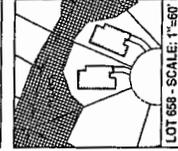
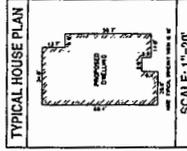
This map only depicts the impacts and wetland locations within the boundaries of properties owned by SRW Builders. Other impacts or wetlands may exist on properties not owned by SRW Builders.



ROAD CROSSING #7

ROAD CROSSING #6

ROAD CROSSING #2



THIS IS NOT A SURVEY

PRINTED TO HALF SCALE BY S&B/C, PA 12-01-06

KINGS GRANT WETLAND IMPACTS MAP

SRW BUILDERS

28 North 1st Street, Cross Creek Township, Cumberland County, North Carolina

Table with 2 columns: Item, Description. Includes entries for 'NO. OF LOTS', 'TOTAL AREA', 'TOTAL PERCENTAGE', 'TOTAL PERCENTAGE OF WETLANDS', 'TOTAL PERCENTAGE OF IMPACTS', 'TOTAL PERCENTAGE OF IMPACTS TO WETLANDS'.



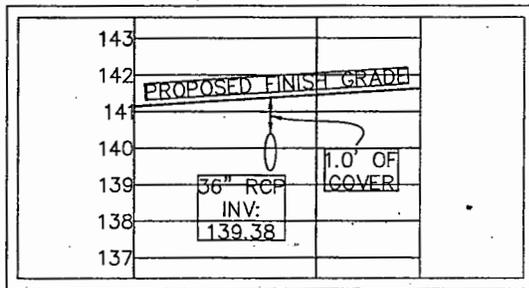
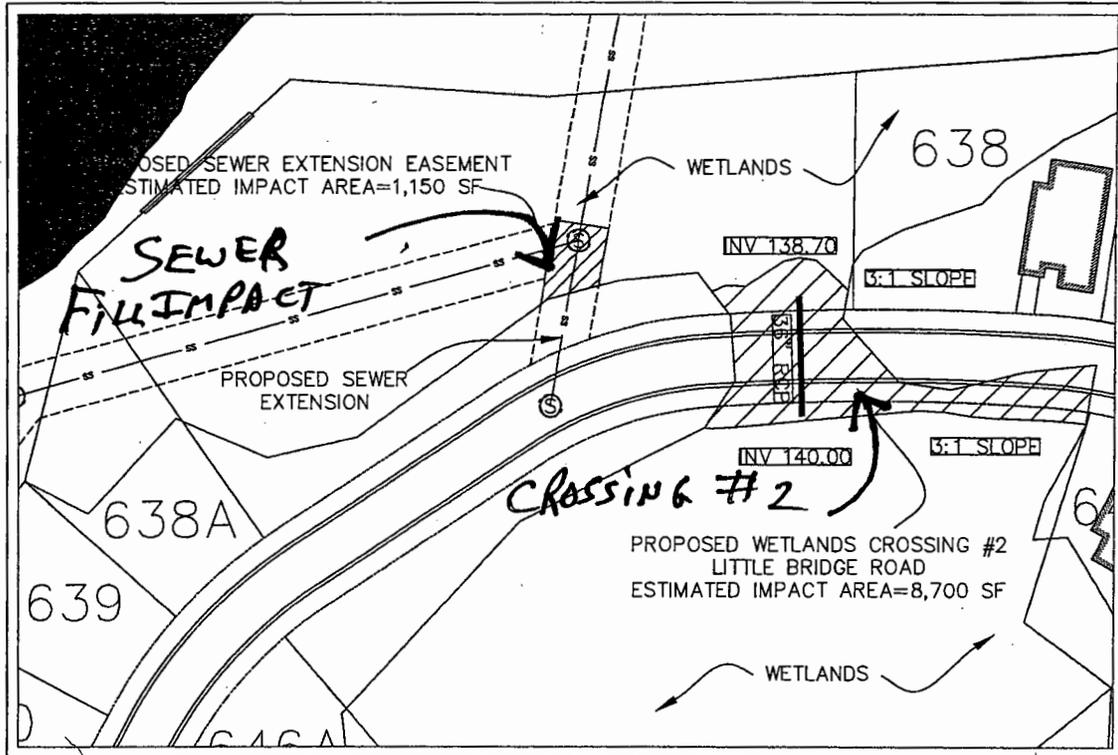
 = Approximate Location of Properties within Kings Grant included within 2006 application.



Project #: 7381.W0	Date: Oct 2006	2001 Aerial Photo Kings Grant 2006 Fayetteville, Cumberland County, NC		Soil & Environmental Consultants, PA 11010 Raven Ridge Rd. • Raleigh, NC 27614 (919) 846-5900 • (919) 846-9467 Web Page: www.SandEC.com
Project Mgr.: BZ				

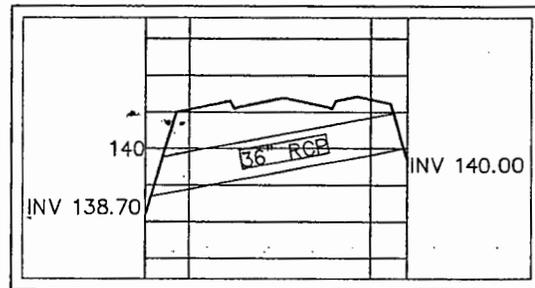
USACE #
 200500603

Drawing # 3 of 6



VERTICAL CROSS SECTION

HOR. SCALE:
1" = 50'
VERT. SCALE:
1" = 5'



HORIZONTAL CROSS SECTION

SEWER EXTENSION & WETLANDS IMPACT MAP #2

CLIENT: SRW BUILDERS
SUBDIVISION: KINGS GRANT GOLF COMMUNITY
CITY OF FAYETTEVILLE
SCALE: 1" = 100'

NORTH CAROLINA
CUMBERLAND COUNTY
CROSS CREEK TOWNSHIP
DATE: SEPTEMBER 13, 2006

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.

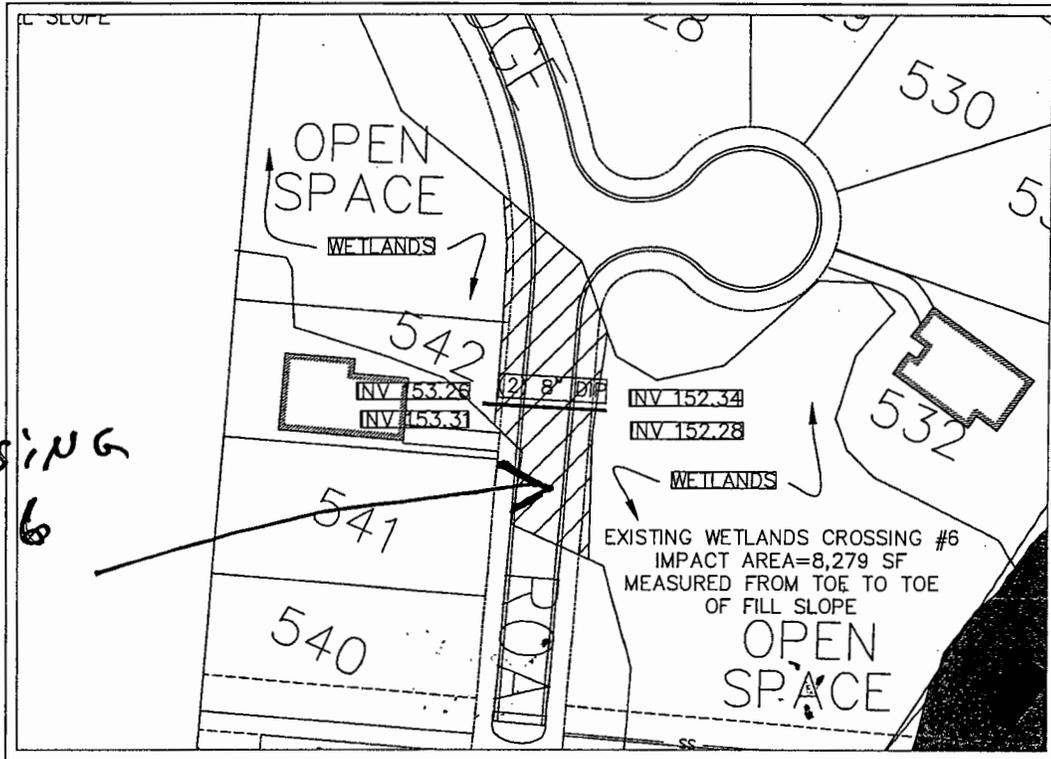
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PROJECT: 122

USACE # 200500603
KINGS GRANT
DRAWING
4 OF 6

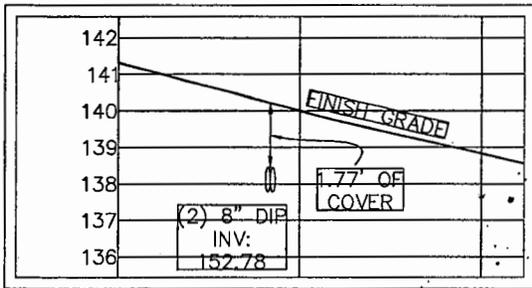
4D SITE SOLUTIONS, INC



PRELIMINARY
FOR CLIENT REVIEW ONLY

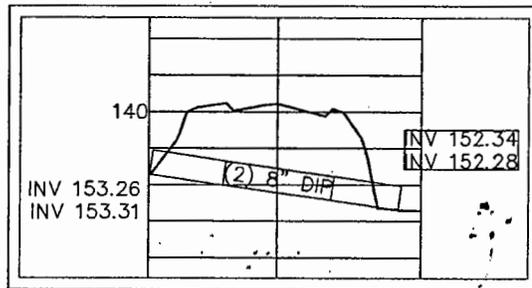


Crossing #6



VERTICAL CROSS SECTION

HOR. SCALE:
1" = 50'
VERT. SCALE:
1" = 5'



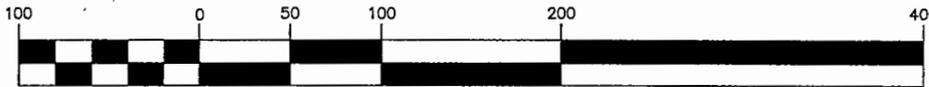
HORIZONTAL CROSS SECTION

WETLANDS IMPACT MAP #6

CLIENT: SRW BUILDERS
SUBDIVISION: KINGS GRANT GOLF COMMUNITY
CITY OF FAYETTEVILLE
SCALE: 1" = 100'

NORTH CAROLINA
CUMBERLAND COUNTY
CROSS CREEK TOWNSHIP
DATE: SEPTEMBER 13, 2006

GRAPHIC SCALE



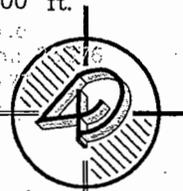
(IN FEET)
1 inch = 100 ft.

DRAWN BY: SEAN
PROJECT: 122

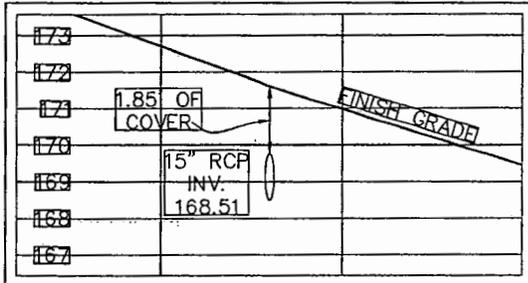
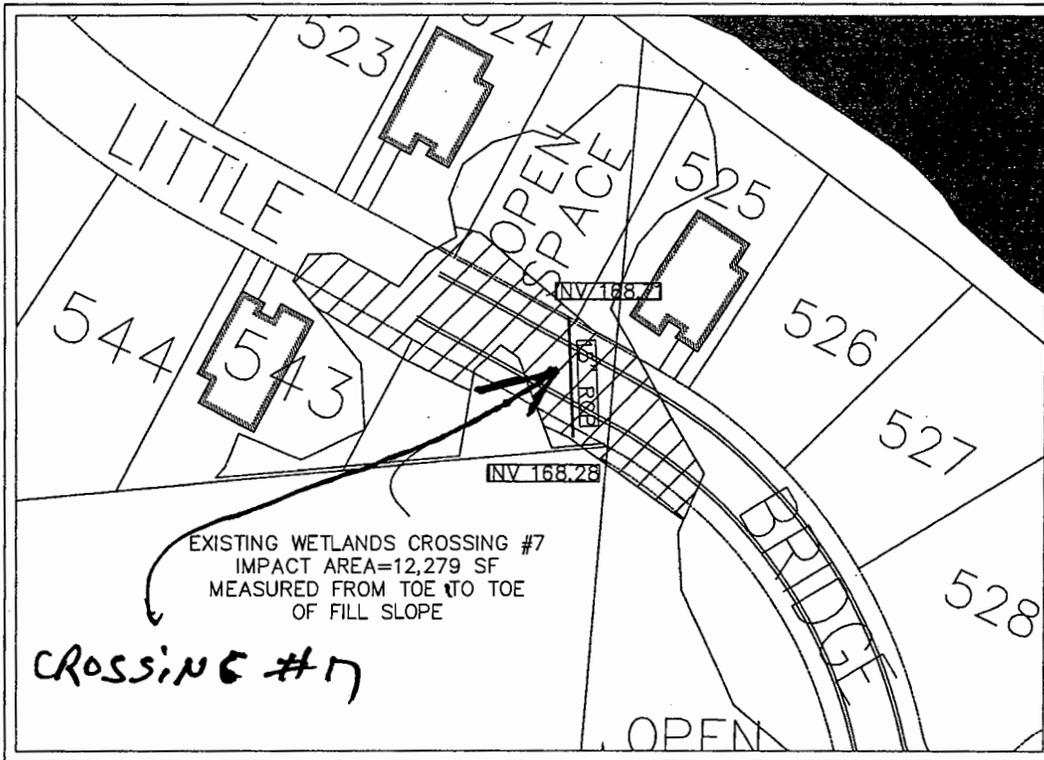
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KINGS GRANT
DRAWING 5 of 6

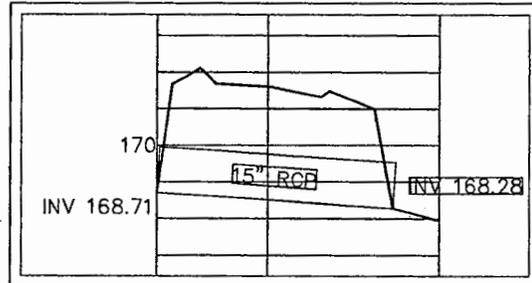
4D SITE SOLUTIONS, INC



PRELIMINARY
FOR CLIENT REVIEW ONLY



VERTICAL CROSS SECTION



HORIZONTAL CROSS SECTION

WETLANDS IMPACT MAP #7

CLIENT: SRW BUILDERS
 SUBDIVISION: KINGS GRANT GOLF COMMUNITY
 CITY OF FAYETTEVILLE
 SCALE: 1" = 100'

NORTH CAROLINA
 CUMBERLAND COUNTY
 CROSS CREEK TOWNSHIP
 DATE: SEPTEMBER 13, 2006

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.

DRAWN BY: SEAN
 PROJECT: 122

USACE # 200500603

DRAWING # 6 of 6

4D SITE SOLUTIONS, INC.
 3098 W. ...
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PRELIMINARY
 FOR CLIENT REVIEW ONLY