



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: September 26, 2007
Comment Deadline: October 26, 2007
Corps Action ID #: 2006-40709-303

The Wilmington District, U.S. Army Corps of Engineers has received an application from Claudius Rex, LLC seeking Department of the Army authorization to impact approximately 0.92 acre of wetlands associated with the construction of a dam for a recreational/aesthetic pond to service a single-family residence in Laurel Springs, Alleghany 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. Claudius Rex
c/o Clifton Hicks Enterprises, Inc.
Post Office Box 17044
Raleigh, North Carolina 27619

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 U.S.C. 1344).

Location

The proposed project is located on the east side of Elk Knob Road, on the south side of NC Hwy 18, in Laurel Springs, Alleghany County, North Carolina (36.4118°N, 81.2629°W). The site contains wetlands with indicators of ordinary high water marks that are tributaries to Piney Fork Creek in the New River Basin. The New River ultimately flows to the Atlantic Ocean through the Gulf of Mexico.

Existing Site Conditions

The site is approximately 175 acres in size in which a majority is open pasture. A perennial stream channel, known as Piney Fork Creek is located in the northern portion of the property adjacent to NC Hwy 18. Approximately 1,000 linear feet of Piney Fork Creek is located on the property. A tributary to Piney Fork Creek is located in the center of the property and begins at springheads in an open pasture. The area in/near the springheads has been impacted by cattle

which has disturbed the bed/banks of the channel. The cattle has also compacted the soil in this area and the flow from the springheads has spread out to create wetland areas. Once the springheads drain into the wooded areas near the northern portion of the site, the flow becomes confined again before it enters into Piney Fork Creek. Approximately 0.92 acre of wetlands is located at the proposed location of the lake. These wetlands are herbaceous and are spring fed with some groundwater input. Cattle access to the area has disturbed the soil and hydrology in the wetland area. Currently the cattle no longer have access to this area.

Applicant's Stated Purpose

The purpose of the proposed work as described by the applicant is to construct a lake for recreational purposes.

Project Description

The applicant is proposing to impact approximately 0.92 acre of wetlands associated with the construction of this lake. Impacts include placement of fill for the dam and subsequent flooding of remaining wetland areas.

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 27604-2260 Attention: Ms Cyndi Karoly by October 26, 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 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

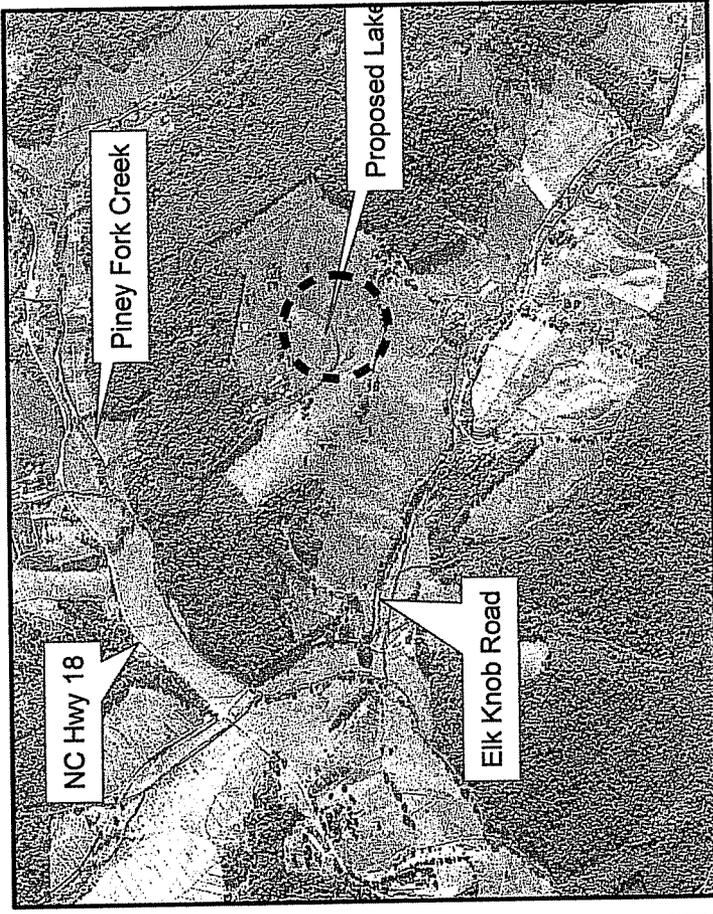
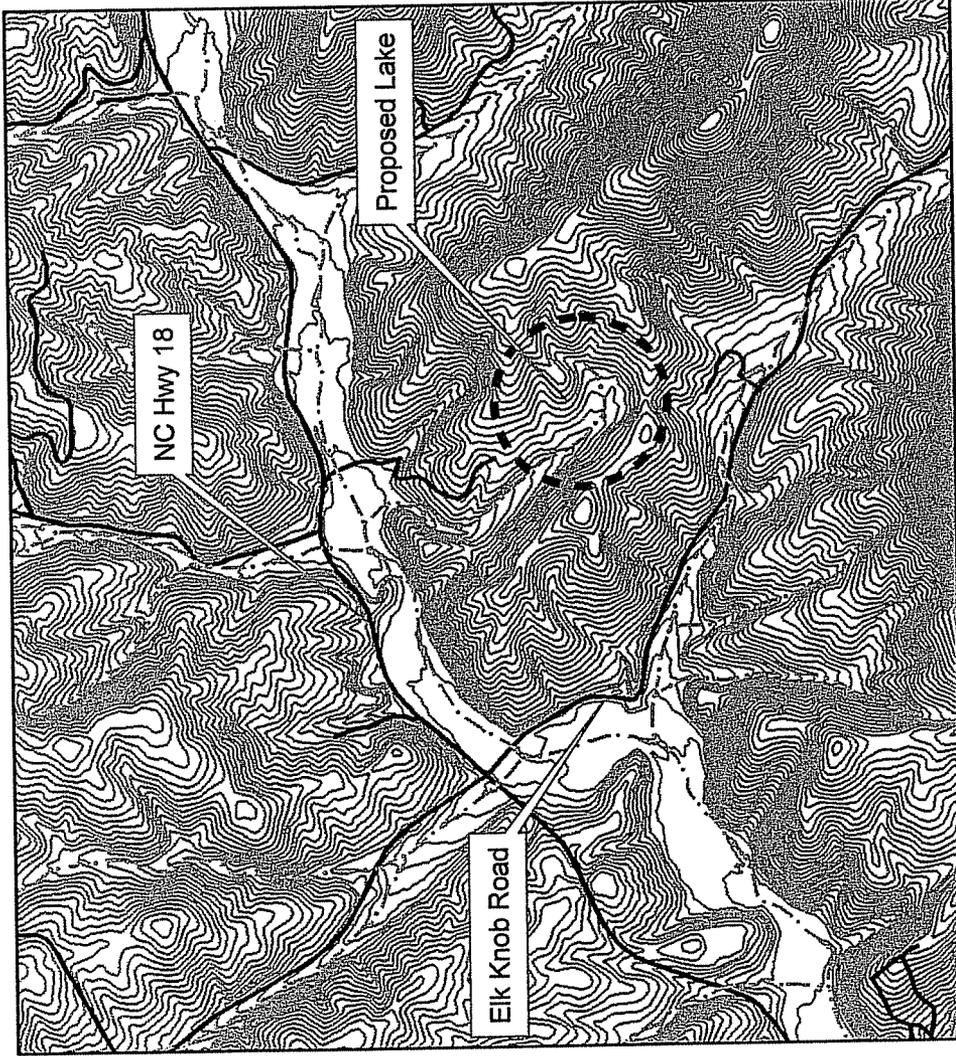
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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, October 26, 2007. Comments should be submitted to Amanda Jones, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801.



AID: 2006-40709-303



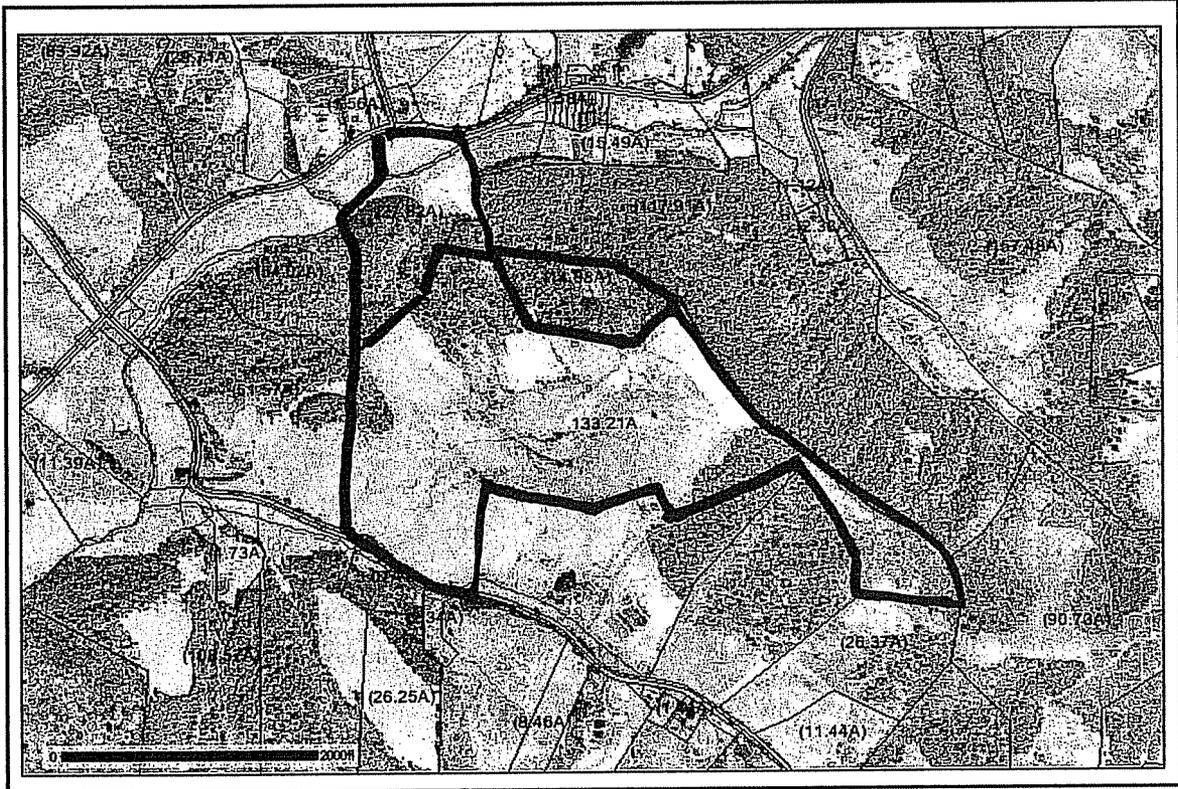
Legend

-  Rivers and Streams
-  Roads
-  Alleghany_5ft_topo
-  Proposed Lake

Aerial Photos from 2005 NAIP

0 1,500 3,000 6,000 Feet

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Property Boundaries provided by Allegheny County WebGIS:
<http://www.webgis.net/allegheny/>

DISCLAIMER: The information contained on this page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed.

PIN #'s:

3947191018 (133 acres)

3938906863 (28 acres)

3948008156 (14 acres)

Total acreage: 175 acres

CLAUDIUS REX DAM LAUREL SPRINGS, NORTH CAROLINA ALLEGHANY COUNTY

-- PREPARED FOR --

CLIFTON HICKS ENTERPRISES, INC.

P.O. BOX 17044

RALEIGH, N.C. 27619

(919) 368-0063

-- BY --

FROEHLING & ROBERTSON, INC.

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DAM AND POND DATA

DAM HAZARD CLASSIFICATION = INTERMEDIATE (CLASS B)

DAM SIZE CLASSIFICATION = MEDIUM SIZE

SPILLWAY DESIGN STORM EVENT = 100-YEAR

IMPOUNDED WATER COURSE = UNNAMED TRIBUTARY TO PINEY CREEK

PURPOSE OF IMPOUNDMENT = RECREATION

DAM STRUCTURAL HEIGHT = 70.3 FEET

HYDRAULIC HEIGHT = 70.3 FEET

DAM CREST LENGTH = 750 FEET

DAM CREST WIDTH (PROPOSED) = 15 FT.

DRAINAGE AREA = +/- 45 AC.

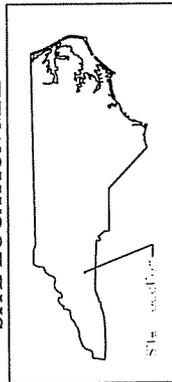
NORMAL POOL SURFACE = 2982.0

NORMAL POOL SURFACE AREA = 5.50 AC.

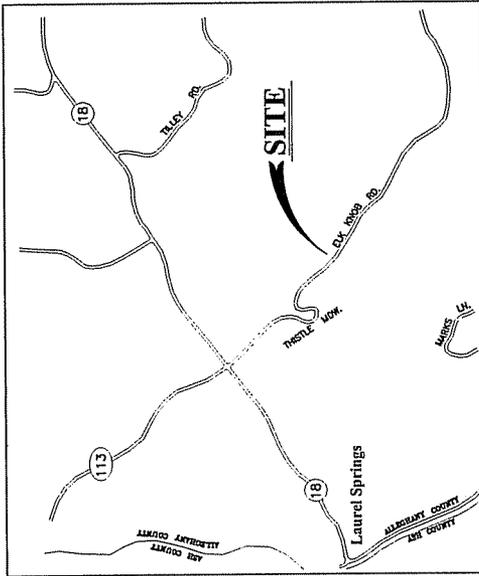
NORMAL POOL RESERVOIR CAPACITY = 182 AC.-FT.

MAX. IMPOUND CAPACITY = 193 AC.-FT.

SITE LOCATION MAP

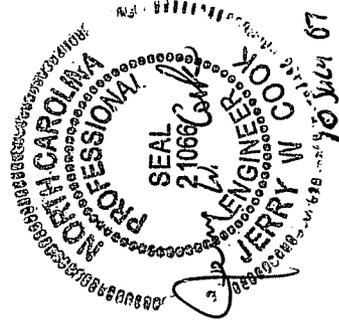


PROJECT LOCATION MAP



PROJECT DESCRIPTION

THESE DRAWINGS, SPECIFICATIONS AND DESIGN INFORMATION ARE FOR THE CONSTRUCTION OF CLAUDIUS REX DAM IN ALLEGHANY COUNTY ON AN UNNAMED TRIBUTARY TO PINEY CREEK. THE SPILLWAY SYSTEM WILL BE A 36" DIAMETER CONCRETE RISER WITH A 24-INCH DIAMETER RCP SPILLWAY BARREL. A VEGETATED EMERGENCY SPILLWAY WILL BE CONSTRUCTED AT THE RIGHT ABUTMENT. THE DAM IS DESIGNED TO CONVEY RUNOFF FROM THE 100-YEAR STORM EVENT WITHOUT ACTIVATION OF THE EMERGENCY SPILLWAY. THE DAM IS 70.3 FEET TALL AND INTERMEDIATE HAZARD. THEREFORE A PERMIT FROM THE N.C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WILL BE REQUIRED FOR THIS WORK.



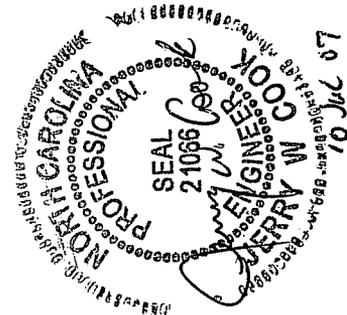
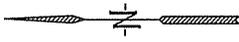
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CLAUDIUS REX DAM
ALLEGHANY COUNTY
NORTH CAROLINA

COVER SHEET

Scale: NTS	MGB	JWC	MGB
Prepared For:	CLIFTON HICKS ENTERPRISES, INC.		
SINCE	Froehling & Robertson, Inc.		
1981	2505 Hutchison-McDonald Road		
	Charlotte, North Carolina		
Proj: H03-241G-1	Date: JUNE 26, 2007	COVER SHEET	

NO.	DATE	REVISION	BY	CK	APPROVED



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CLAUDIUS REX DAM
ALLEGHANY COUNTY
NORTH CAROLINA

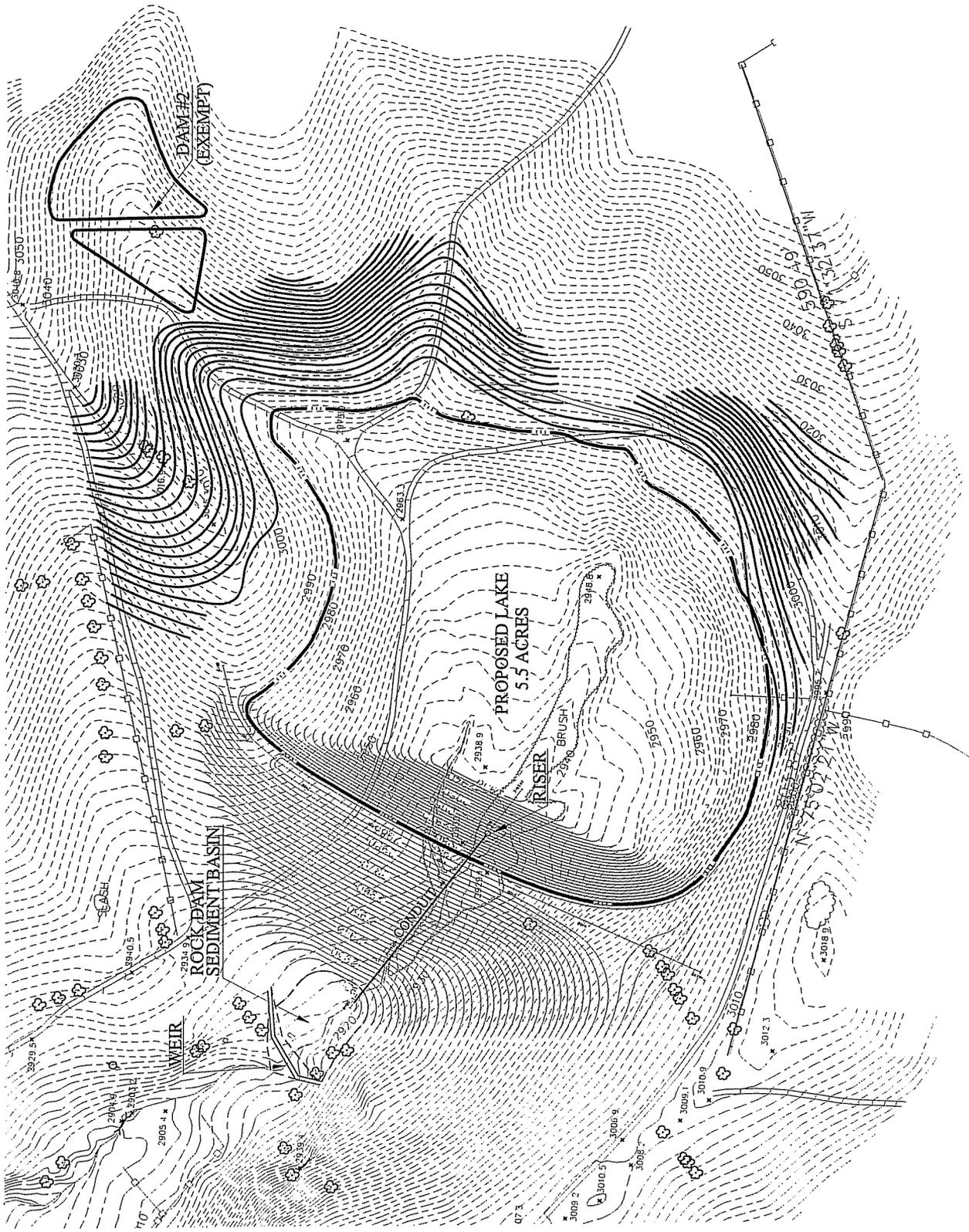
PLAN VIEW - DAM & LAKE

Scale: 1" = 60'
Prepared For: MGB J.C. MGB

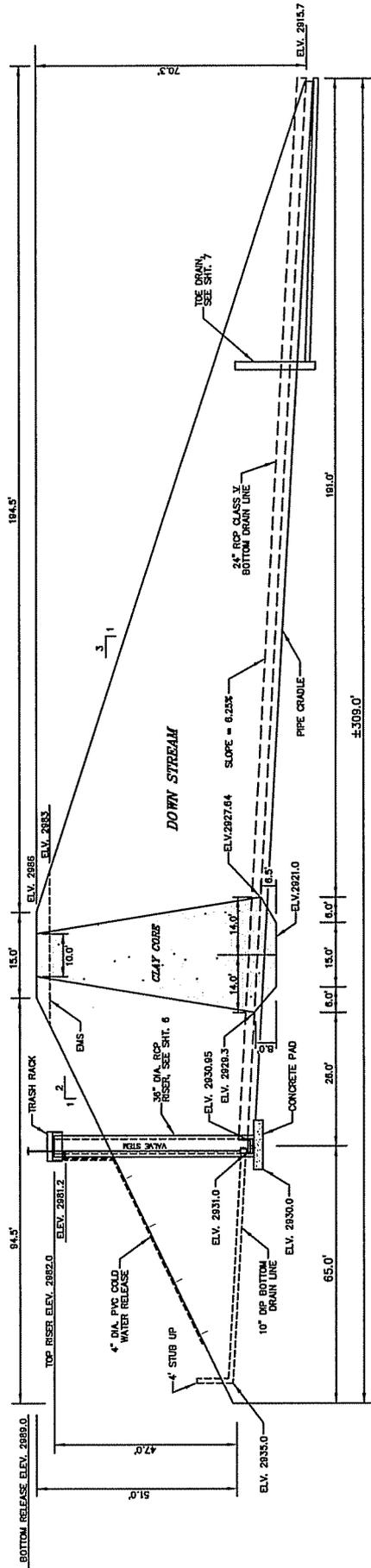
CLIFTON HICKS ENTERPRISES, INC.

SINCE
1881
Froehling & Robertson, Inc.
2505 Hutchison-McDonald Road
Charlotte, North Carolina

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NO.	DATE	REVISION	BY	CK	APPROVED



NORTH CAROLINA
 PROFESSIONAL ENGINEER
 SEAL 21066
 W. COOK
 ENGINEER
 W. COOK
 10/24/07

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CLAUDIUS REX DAM
 ALLEGHANY COUNTY
 NORTH CAROLINA

DAM - CROSS SECTION

Scale: Not To Scale
 Prepared For:

MGB JWC MGB
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 Froehling & Robertson, Inc.
 2505 Hutchison-McDonald Road
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