



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 14, 2007  
Comment Deadline: March 16, 2007  
Corps Action ID #: SAW-2007-200-359

The Wilmington District, Corps of Engineers (Corps) has received an application from the Fall Creek Land Company seeking Department of the Army authorization to impact 8,023 linear feet of stream and 0.63-acre of wetlands in association with the construction of 3 lakes at the Grandview Peaks residential development located off of Joe Branch Drive, southeast of Dysartsville, in McDowell 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](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Fall Creek Land Company  
c/o Mr. Todd Black  
Post Office Box 638  
Hickory, NC 28603

**AGENT:** MACTEC Engineering and Consulting, Inc.  
1308-C Patton Avenue  
Asheville, NC 28806

## **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 proposed project is located on a 1,830-acre tract which includes Weaver Branch, Kelly Branch, Hoppers Creek, Shoal Creek, and unnamed tributaries, southeast of Dysartsville, in southeastern McDowell County, North Carolina (35.57107 degrees north, -81.90592 degrees west).

## **Existing Site Conditions**

The proposed Grandview Peaks development is located on steep, forested terrain in the foothill and intermountain area of the Southern Piedmont major land use area. The site encompasses the Lookadoo Mountain topographic feature in the southern portion and the Coal Pit Mountain topographic feature to the northwest and is bisected by the Broad River and Catawba River watersheds. The headwaters to Hoppers Creek, Weaver Branch, Shoal Creek, Kelly Branch, South Muddy Creek, and Big Camp Creek are on the site. Mixed Mesic Hardwood Forest is the largest remaining natural plant community on the site. Canopy composition of this community consists of tulip poplar, eastern hemlock, northern red oak, white oak, sweet gum, American beech, and red maple, with scattered areas of big leaf magnolia, white pine, and shortleaf pine. Hemlock Forest is found in limited areas within the site primarily along Lookadoo Mountain within the ravines. White Pine Forest is found in small, scattered pockets within the site along ridge tops. Bottomland Hardwood Forest on the site is dominated by sweet gum, red maple, and green ash. A total of 2.16 acres of wetlands and 54,392 linear feet of streams exist on the site.

## **Applicant's Stated Purpose**

To construct 3 lakes at the proposed Grandview Peaks residential development for the purpose of providing recreation, irrigation for home owners, and water supply points for fire protection

## **Project Description**

Fall Creek Land Company is proposing to construct 3 earthen dams for the creation of 3 lakes (6.125 acres, 25.191 acres, and 9.661 acres in size) to be located in the Grandview Peaks residential development. The subject site would contain approximately 600 residential lots on approximately 1,830 acres. The applicant is requesting authorization to impact 8,023 linear feet of stream channel and 0.63-acre of wetlands in association with lake construction. The lakes would be constructed in order to provide water supply points for fire suppression, provide open water recreational opportunity, and provide water for an optional irrigation system for homeowners. Approximately 1.53 acres of wetlands and 8.6 linear miles of headwater streams would be avoided by the development.

The proposed impoundments are located within the Catawba River basin. The channels present within the impoundment areas are unnamed tributaries to and the main stem of Hoppers Creek and unnamed tributaries to and the main stem of South Muddy Creek.

The applicant is proposing mitigation to offset impacts to 8,023 linear feet of stream channel and 0.63-acre of wetlands. The stream channels proposed for impact were scored using the Corps of Engineer's Stream Quality Assessment Worksheet. Although there is no specific classification of water quality associated with a particular score on the worksheet, the applicant attempted to do this anyway. Within the proposed impoundment areas approximately 986 linear feet of stream channel rated "poor" by the applicant. Proposed mitigation for this impact is 986 linear feet of onsite stream channel preservation. Within the proposed impoundment areas 2,026 linear feet of stream channel rated "fair". Proposed mitigation for this impact is the preservation of 3,039 linear feet of onsite "good" and "excellent" quality stream channels. Within the proposed

impoundment areas, 4,611 linear feet of stream impact was assessed as “good”. Proposed mitigation for this impact is preservation of 9,222 linear feet of “good” or “excellent” quality stream channels and 1,900 linear feet of onsite stream enhancement with a 60 foot buffer. All streams proposed for preservation would include a 60 buffer on both sides of the stream and would be preserved by the placement of a protective mechanism such as a deed restriction. Finally, 400 linear feet of “excellent” stream exists within the impoundment areas. Proposed mitigation to offset this impact would be done through purchase of approximately 400 credits from the NCEEP program. Proposed wetland mitigation would be undertaken through purchasing 0.75 acre of wetland credits from the NCEEP program for 0.63-acre of wetland impact.

Plans showing the work are included with this public 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 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 March 16, 2007.

### **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**

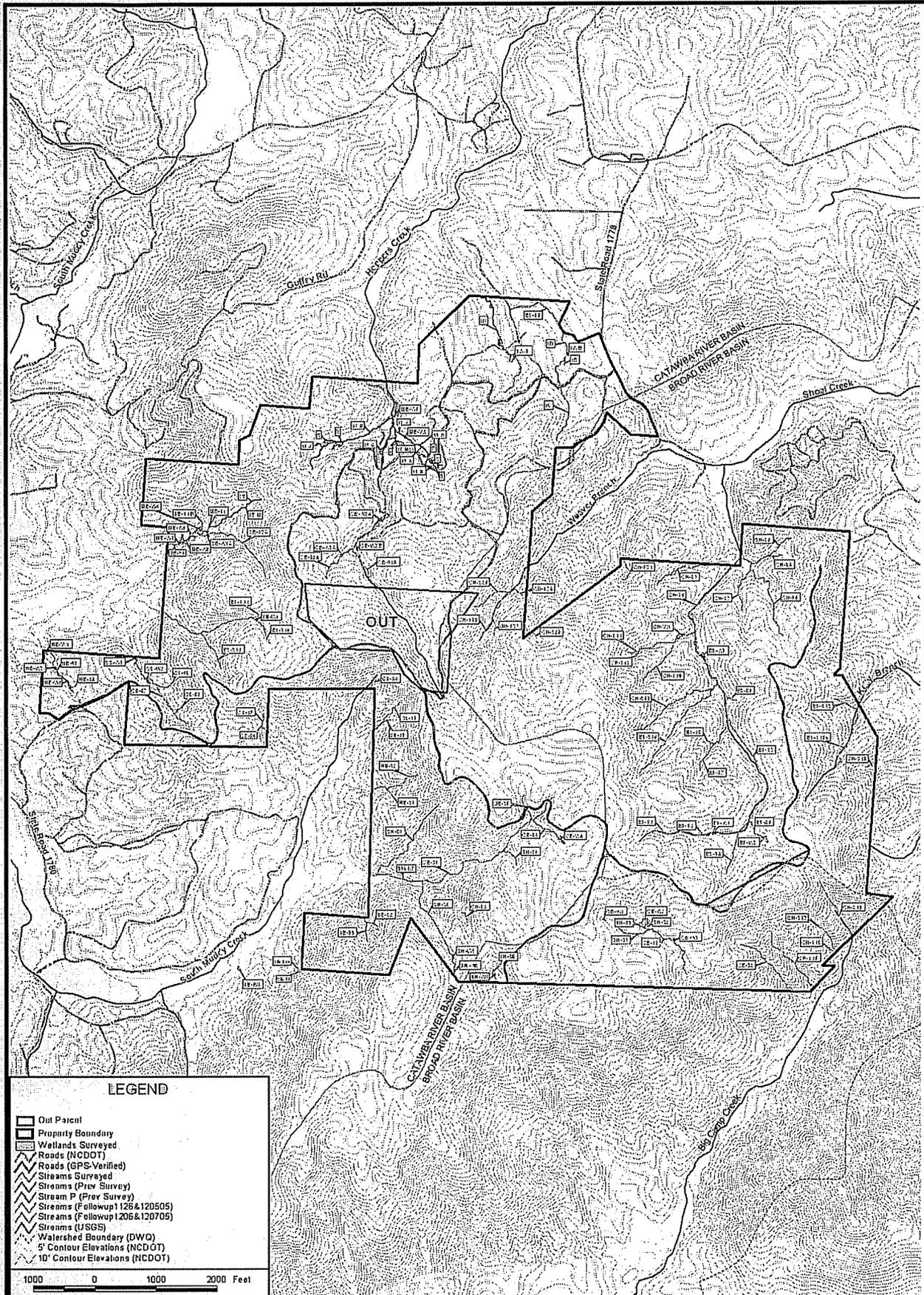
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 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 Commander 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 16, 2007. Comments should be submitted to Mr. Steve Chapin, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006.



**LEGEND**

- Out Parcel
- Property Boundary
- Wellands Surveyed
- Roads (NCDOT)
- Roads (GPS-Verified)
- Streams Surveyed
- Streams (Prev Survey)
- Stream P (Prev Survey)
- Streams (Followup 1206&120505)
- Streams (Followup 1206&120705)
- Streams (USGS)
- Watershed Boundary (DWQ)
- 5' Contour Elevations (NCDOT)
- 10' Contour Elevations (NCDOT)

1000 0 1000 2000 Feet

Scale: 1" = 1,500'  
 Source: NCGLA, NCDOT

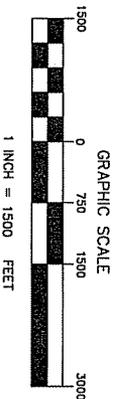
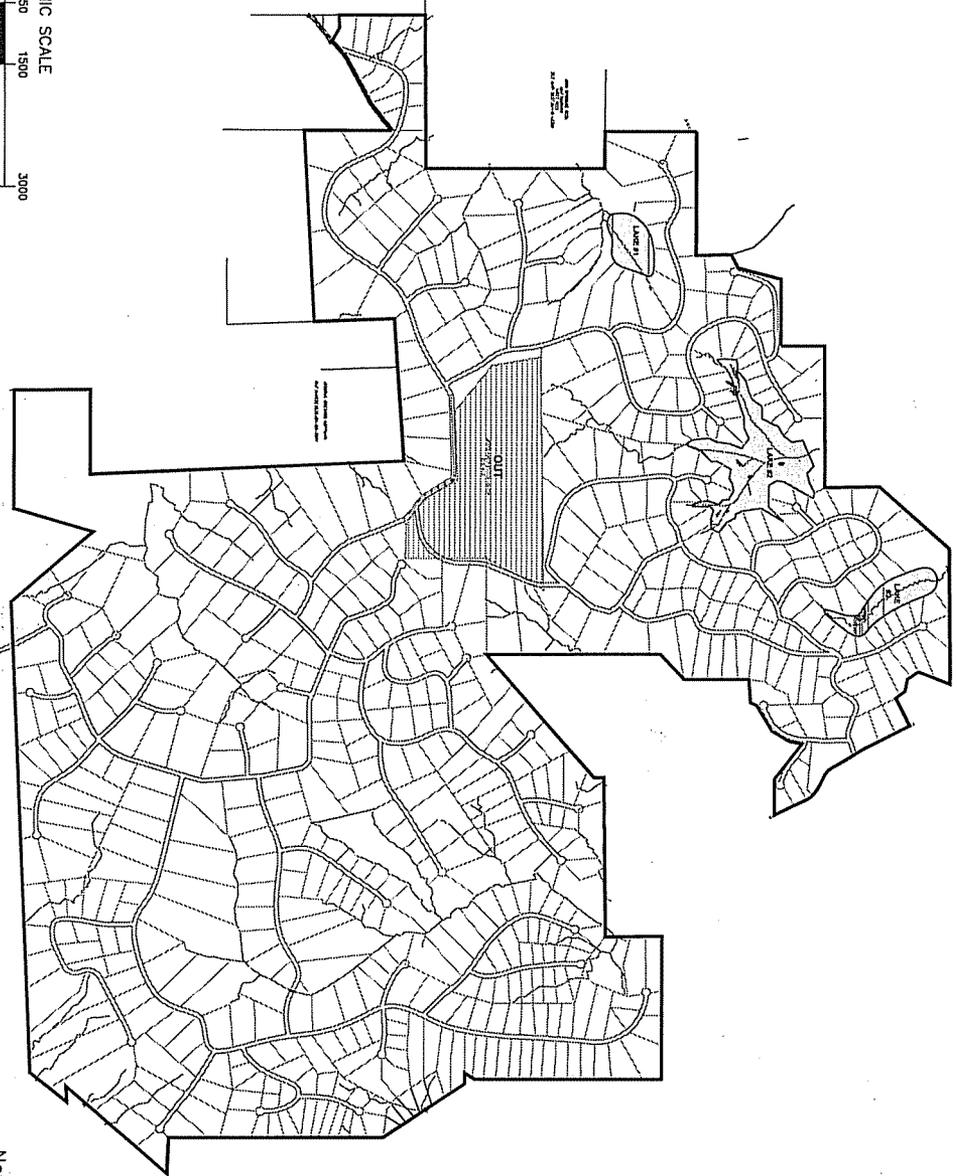
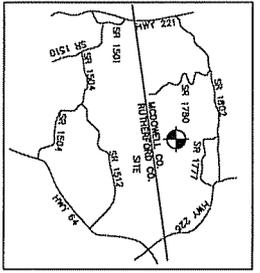
**ACTION ID. SAW-2007-200-359**  
**SHEET 1 OF 8**

Prepared: / Date: AKD/12-5-06  
 Checked: / Date:

McDowell County Site  
 Town of Nebo  
 McDowell County, North Carolina



Jurisdictional Waters Delineation  
 Project: 6229-05-2914  
 Figure 4



**LEGEND**

JURISDICTIONAL STREAMS \_\_\_\_\_

ROADWAY \_\_\_\_\_

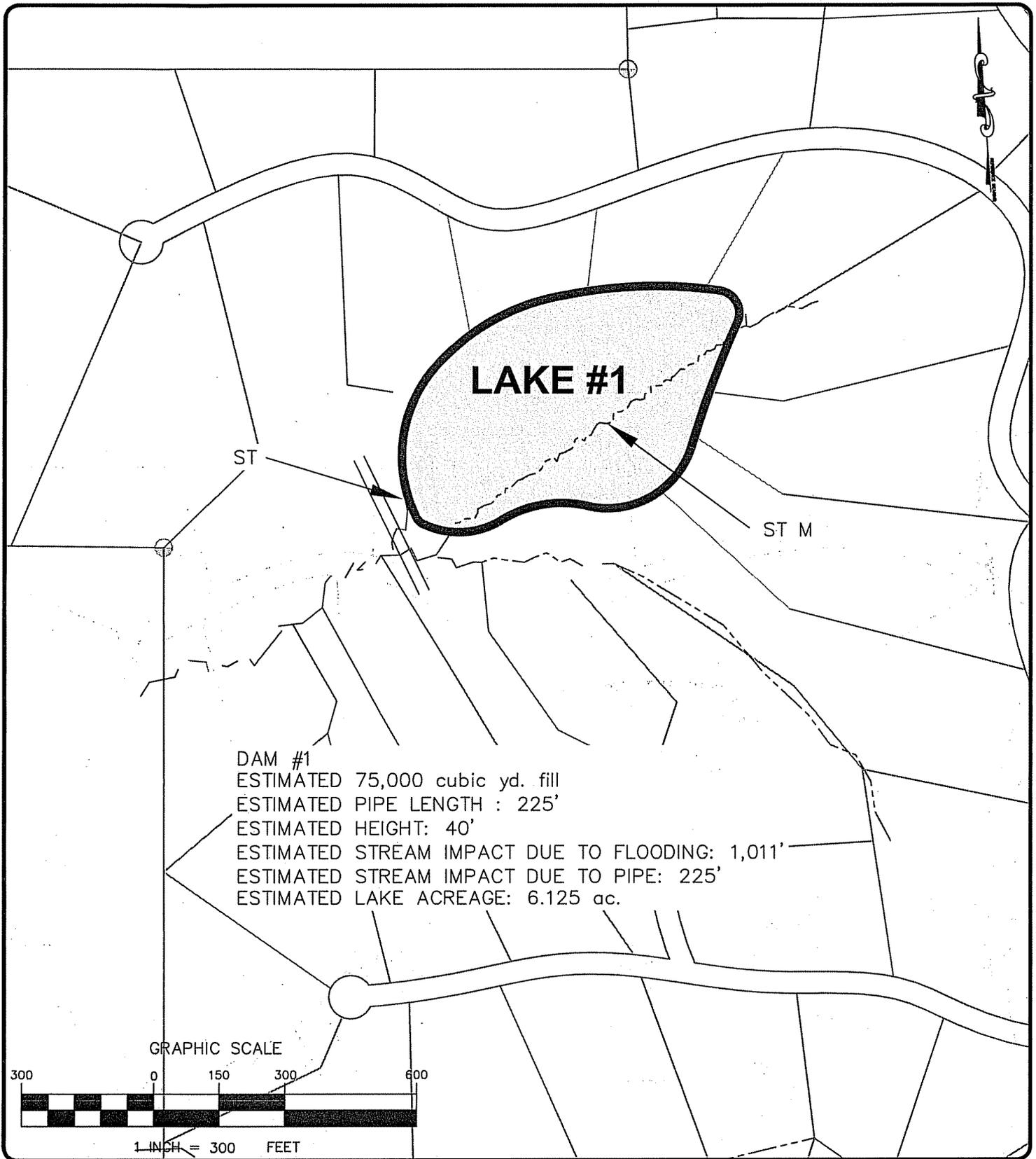
**OWEN HOLLIFIELD ASSOCIATES**  
Engineering Inc.  
152 East Main Street  
Forest City, N.C. 28043  
828-247-4495

**JOB NAME:** GRANDVIEW PEAKS  
**LOCATION:** MCDOWELL COUNTY, N.C.  
**DESCRIPTION:** OVERALL SITE LAYOUT

SCALE: 1" = 1500'	DRAWN BY: PNE
DATE: 11-10-06	CHECKED BY: DWO
PROJECT NUMBER	PROJECT MGR: DWO
06092	SHEET
	Figure 5

Note: Locations of Wetlands ME-W5 and Wetlands ME-W6 were interpolated based on GPS data set to the NC State Plane coordinate system (NAD 83, feet).

**ACTION NO. SAW-2007-200-359**  
**SHEET 2 OF 8**



**ODOM HOLLIFIELD**  
**& ASSOCIATES**  
*Engineering, Inc.*

152 East Main Street  
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 828-247-4495

GRANDVIEW PEAKS  
 MCDOWELL COUNTY, NC

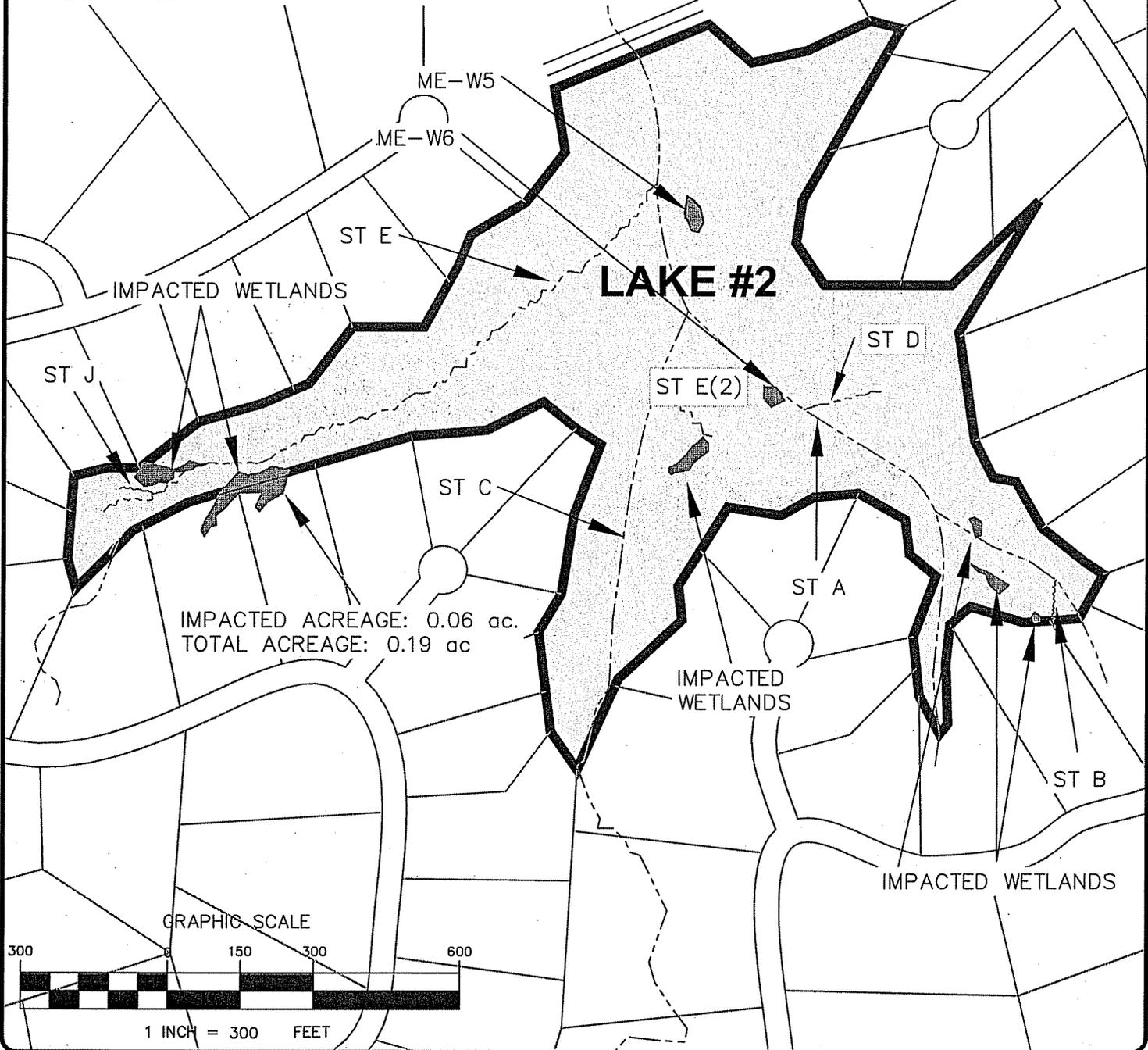
LAKE #1

JULY 2006

Figure 5.1

ACTIONED. SAW-2007-200-359  
 SHEET 3 OF 8

DAM #2  
 ESTIMATED 100,000 cubic yd. fill  
 ESTIMATED PIPE LENGTH : 200'  
 ESTIMATED HEIGHT: 40'  
 ESTIMATED STREAM IMPACT DUE TO FLOODING: 4,905'  
 ESTIMATED STREAM IMPACT DUE TO PIPE: 200'  
 ESTIMATED LAKE ACREAGE: 25.191 ac.  
 ESTIMATED WETLAND ACREAGE: 0.40 ac.



IMPACTED ACREAGE: 0.06 ac.  
 TOTAL ACREAGE: 0.19 ac

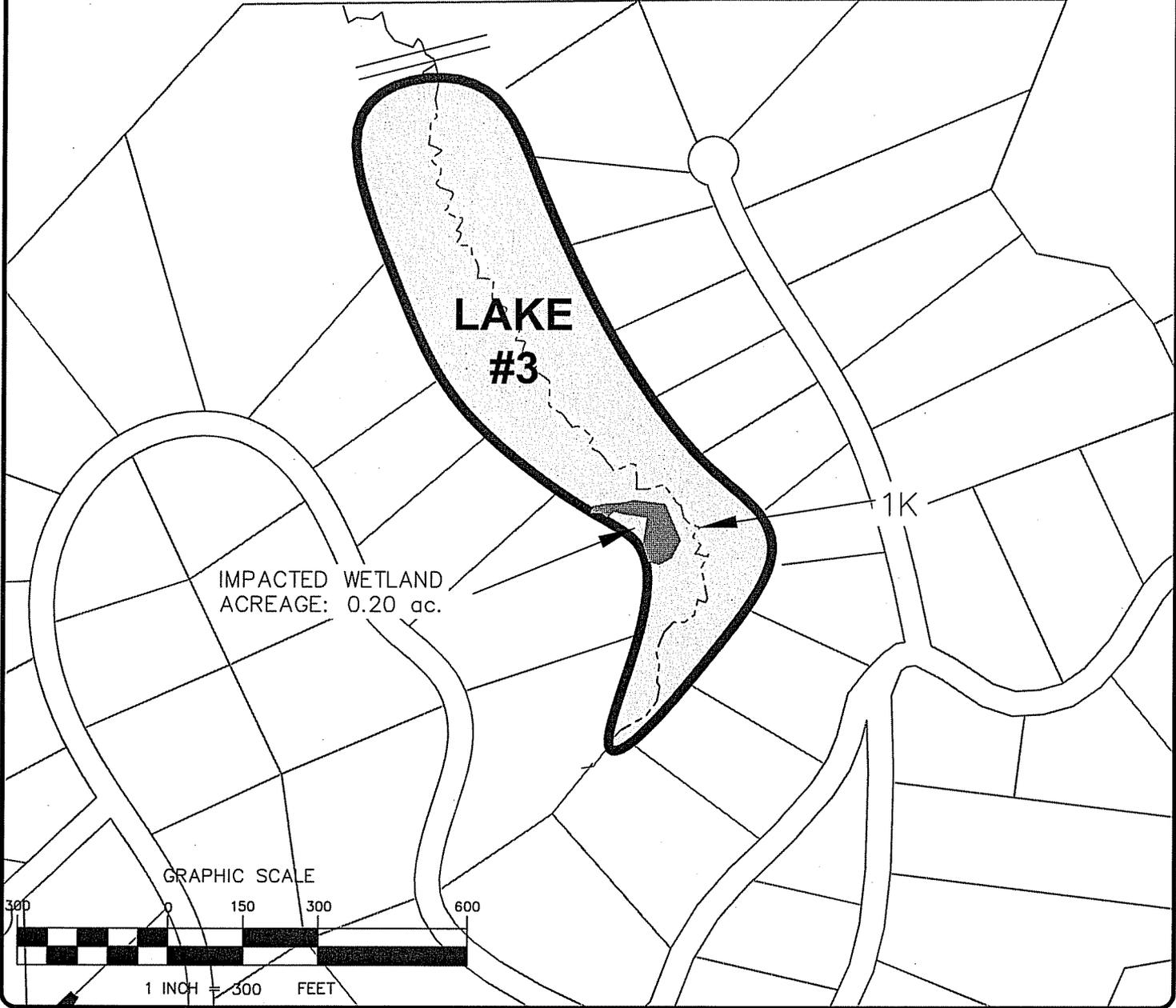
**ODOM HOLLIFIELD**  
**ASSOCIATES**  
 Engineering, Inc.  
 152 East Main Street  
 Forest City, N.C. 28043  
 828-247-4495

GRANDVIEW PEAKS  
 MCDOWELL COUNTY, NC  
 LAKE #2

JULY 2006  
 Figure 5.2

ACTION I.D. SAW-2007-200-359  
 SHEET 4 OF 8

DAM #3  
 ESTIMATED 50,000 cubic yd. fill  
 ESTIMATED PIPE LENGTH : 175'  
 ESTIMATED HEIGHT: 40'  
 ESTIMATED STREAM IMPACT DUE TO FLOODING: 2,060'  
 ESTIMATED STREAM IMPACT DUE TO PIPE: 175'  
 ESTIMATED LAKE ACREAGE: 9.661 ac.  
 IMPACTED WETLAND ACREAGE: 0.20 ac.



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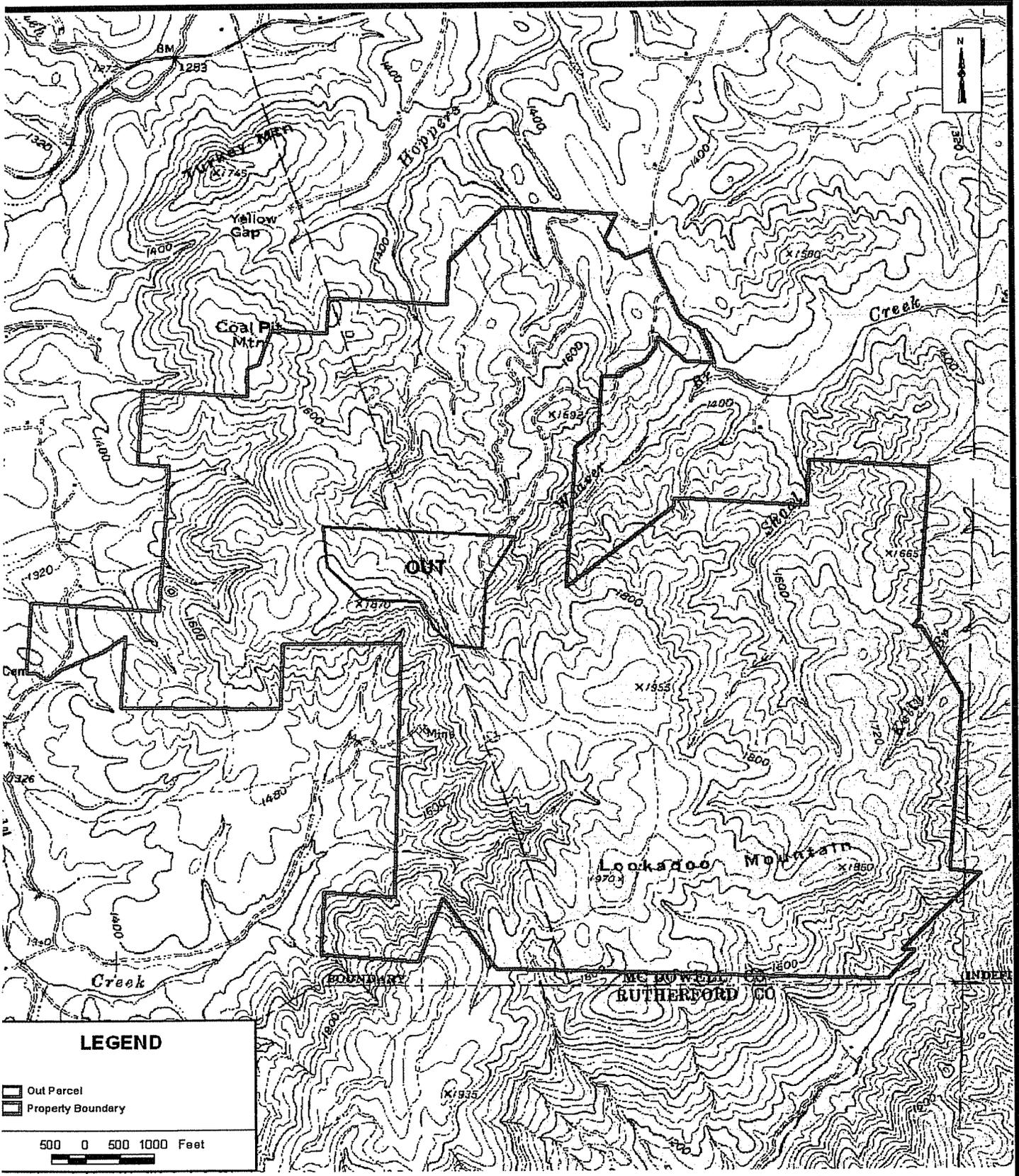
GRANDVIEW PEAKS  
 MCDOWELL COUNTY, NC

LAKE #3

JULY 2006

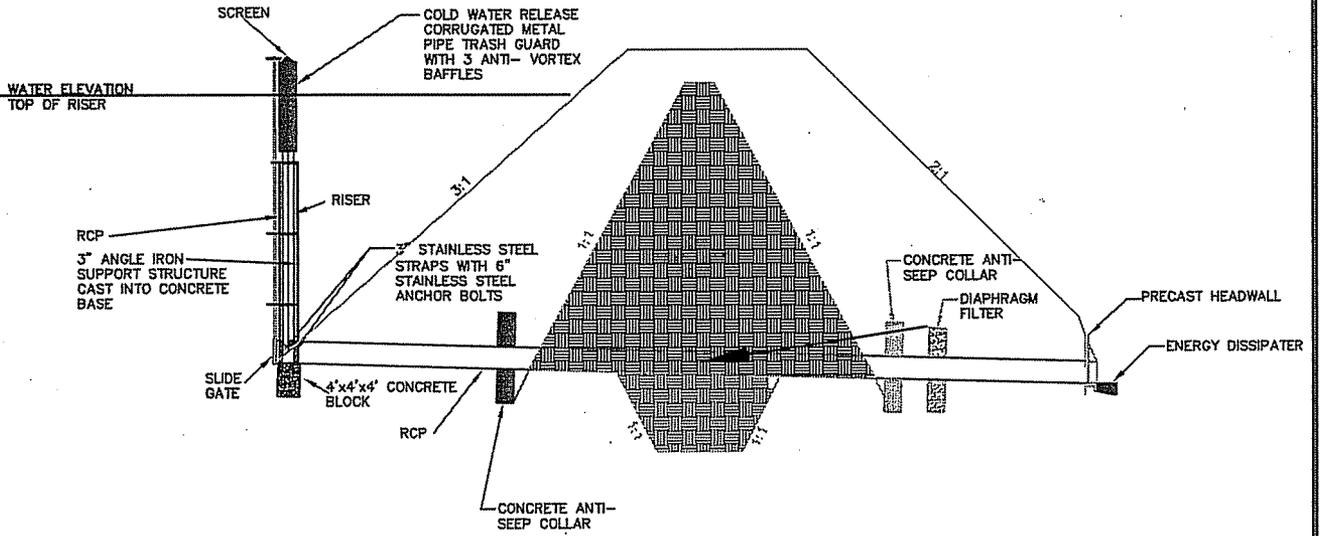
Figure 5.3

ACTION ID. SAW-2007-200-359  
 SHEET 5 OF 8



<p>McDowell County Site          Town of Nebo          McDowell County, North Carolina</p>	<p>Prepared For:</p> 	<p>Prepared By:</p> 	<p>Vicinity Map          USGS Topographic Quadrangle</p> <p>Project: 6229-05-2914      Figure 1</p>
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ACTION I.D. SAW-2007-200-359  
 SHEET 6 OF 8



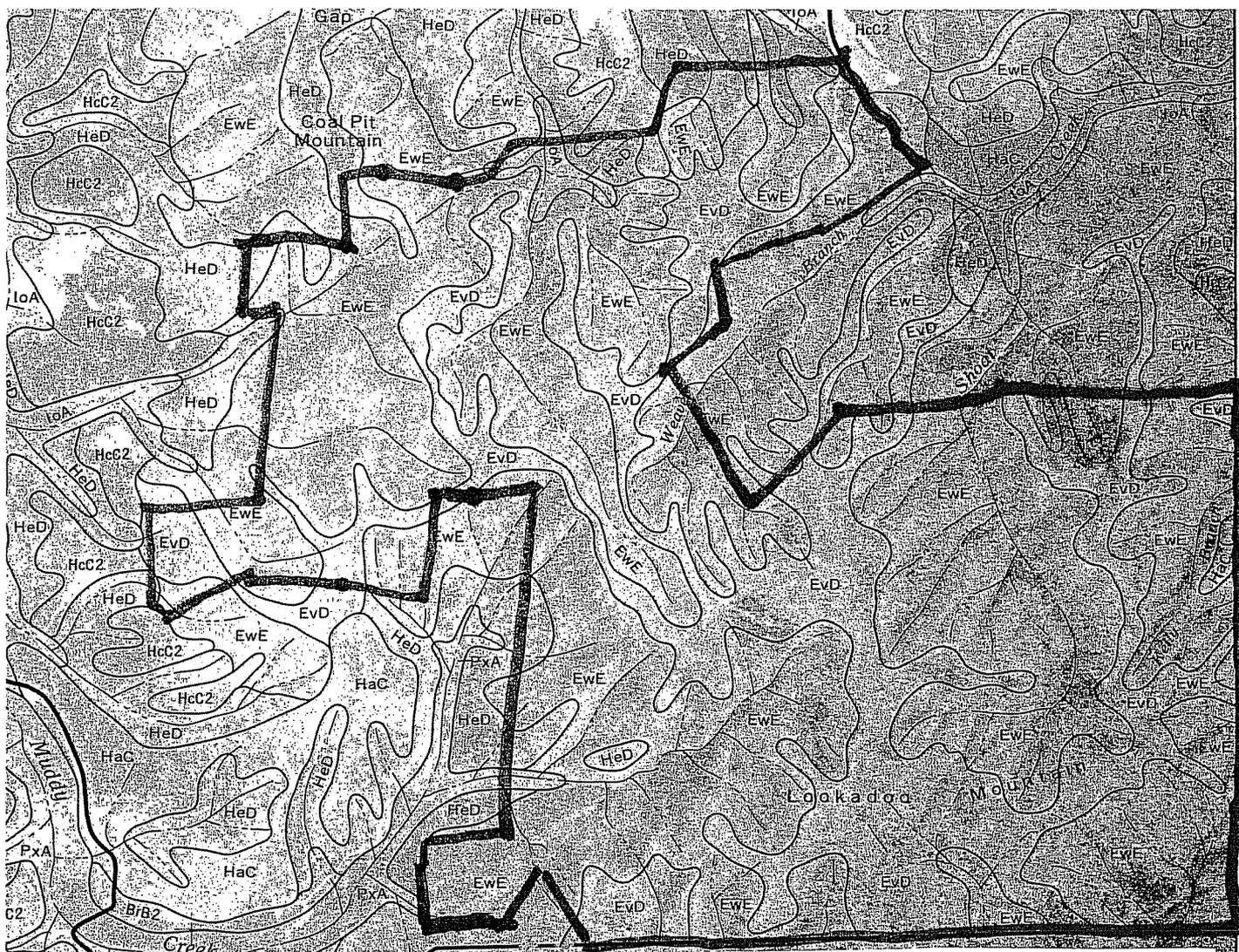
  
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GRANDVIEW PEAKS  
 MCDOWELL COUNTY, NC  
 PROPOSED DAM DETAIL

JULY 2006

Figure 7

ACTION ID. SAW-2007-200-359  
 SHEET 7 OF 8



Soils map  
Approximate Boundary

Action I.D.SAW-2007-200-359  
SHEET 8 OF 8

### SOIL LEGEND

Map unit symbols and names are alphabetical. Map unit symbols are letters or a combination of letters and a number. The first capital letter is the initial one of the map unit name. The second letter is lowercase. The third letter is capitalized and indicates the class of slope. A final number of 2 indicates that the soil is moderately eroded.

SYMBOL	NAME
AcF	Ashe-Cleveland- Rock outcrop complex, 60 to 95 percent slopes
BmA	Biltmore loamy fine sand, 0 to 3 percent slopes, occasionally flooded
BrB2	Braddock clay loam, 2 to 6 percent slopes, eroded
BrC2	Braddock clay loam, 6 to 15 percent slopes, eroded
BrD2	Braddock clay loam, 15 to 25 percent slopes, eroded
CaD	Chestnut-Ashe complex, 10 to 25 percent slopes, stony
CaF	Chestnut-Ashe complex, 25 to 80 percent slopes, stony
CoA	Colvard loam, 0 to 2 percent slopes, occasionally flooded
CrF	Craggy-Rock outcrop complex, 40 to 90 percent slopes
CuE	Cuilasaja-Tusquitee complex, 10 to 45 percent slopes
DdB	Dillard loam, 1 to 4 percent slopes, rarely flooded
DuD	Ditney-Unicoi complex, 10 to 25 percent slopes, very stony
DuF	Ditney-Unicoi complex, 25 to 80 percent slopes, very stony
DxF	Ditney-Unicoi-Rock outcrop complex, 60 to 95 percent slopes
EcD	Edneyville-Chestnut complex, 10 to 25 percent slopes, stony
EcF	Edneyville-Chestnut complex, 25 to 80 percent slopes, stony
EsB	Elsinboro loam, 1 to 4 percent slopes, rarely flooded
EvD	Evard loam, 10 to 25 percent slopes
EwE	Evard-Cowee complex, 25 to 60 percent slopes
GrD	Greenlee very cobbly loam, 6 to 25 percent slopes, very bouldery
HaC	Hayesville loam, 6 to 15 percent slopes
HcC2	Hayesville clay loam, 6 to 15 percent slopes, eroded
HeD	Hayesville-Evard complex, 15 to 25 percent slopes
HrD	Hayesville-Evard-Urban land complex, 15 to 25 percent slopes
HuC	Hayesville-Urban land complex, 6 to 15 percent slopes
IoA	Iotia sandy loam, 0 to 2 percent slopes, occasionally flooded