



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: February 9, 2007
Comment Deadline: March 12, 2007
Corps Action ID #: 2007-328-381

The Wilmington District, U.S. Army Corps of Engineers has received an application from The Hollifield Group, LLC seeking Department of the Army authorization to impact 4,300 linear feet of an unnamed tributary to Roberson Creek associated with the construction of a 30-acre lake to serve as an amenity to the proposed residential development known as The Ridge at South Mountain in Rutherford 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: The Hollifield Group, LLC
Attn: Jonathan Hollifield
361 Bostic Sunshine Highway
Bostic, NC 28018

AGENT (if applicable): ClearWater Environmental Consultants, Inc.
Attn: Clement Riddle
718 Oakland Street
Hendersonville, NC 28791

Authority

The Corps will evaluate this application and a 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 known as The Ridge at South Mountain is located on the west side of Bostic Road, near Ramsey Road, northwest of Rutherfordton, in Rutherford County, North Carolina (35.4731°N, 81.7923°W). The site contains wetlands and stream channels with indicators of ordinary high water mark that are unnamed tributaries to Roberson Creek in the Broad River Basin. The Broad River ultimately flows to the Atlantic Ocean through the Congaree and Santee Rivers in South Carolina.

Existing Site Conditions

The site is 450 acres in size and consists mainly of forested land and early-successional clear cut. Elevations range from approximately 1,100 feet to 1,800 feet msl. The project site contains unnamed tributaries which drain into Roberson Creek. Roberson Creek drains into the Broad River. Roberson Creek is classified as Water Supply-V (WS-V) by the North Carolina Division of Water Quality (DWQ). These waters are protected as water supplies which are generally upstream and draining to Class WS-IV waters or waters used by industry to supply their employees with drinking water or as waters formerly used as water supply. These waters are also protected for Class C uses.

The two upland habitat types consist of oak hickory forest and young pine plantation. The oak-hickory forest is an upland community comprising approximately 40 percent of the project site. These areas have not been logged in at least 50 years and are comprised of mature trees with complete canopy coverage of the forest floor. The oak-hickory forest occurs from approximately the 1300' msl elevation to the top of the ridge. The overstory of this community is dominated by white oak (*Quercus alba*), southern red oak (*Quercus falcata*), Chestnut oak (*Quercus montana*), Hickory (*Carya tomentosa*), yellow poplar (*Liriodendron tulipifera*), and shagbark hickory (*Carya ovata*). Additional non-dominant tree species observed include; red maple (*Acer rubrum*), yellow buckeye (*Aesculus octandra*), Canada hemlock (*Tsuga canadensis*), white pine (*Pinus strobus*), and Virginia pine (*Pinus virginiana*). Species observed in the midstory included tree species from above, mountain laurel (*Kalmia latifolia*), flowering dogwood (*Cornus florida*), and American holly (*Ilex opaca*). The herbaceous vegetation community varied on the site, with steeper, rockier slopes having a more diverse community. Herbaceous plants observed in the oak-hickory forest included; blue-eyed grass (*Sisyrinchium atlanticum*), bloodroot (*Sanguinaria canadensis*), May-apple (*Podophyllum peltatum*), Indian cucumber root (*Medeola virginiana*), *Trillium* spp., rattlesnake plantain (*Goodyera pubescens*), Christmas fern (*Polystichum acrostichoides*), and black cohosh (*Cimicifuga racemosa*).

This pine plantation occurs below the 1300' msl elevation and comprises approximately 60 percent of the site. The pine plantation occurs below the intact oak-hickory forest, throughout the site. The area has been logged within the past decade. All mature trees with the exception of occasional specimen oaks were removed. It is likely that this area was similar to the oak-hickory habitat type prior to logging activities. The shrub layer is impenetrable in this pine plantation. It is dominated by saplings of the Virginia pine, chestnut oak, white oak, and hickory. Additional dominant shrubs include mountain laurel and blackberry (*Rubus* sp.). Additional non-dominant shrubs observed included black locust (*Robinia pseudoacacia*), sumac (*Rhus copallinum*), sweet gum (*Liquidambar styraciflua*), black cherry (*Prunus serotina*), yellow poplar, flowering dogwood, American holly, red maple, sassafras (*Sassafras albidum*), and princess tree (*Paulownia tomentosa*). Species that occur in the herbaceous layer include young of the above species, grape (*Vitis* sp.), broom sedge (*Andropogon virginicus*), mullein (*Verbascum thapsus*), kudzu (*Pueraria lobata*), pokeweed (*Phytolacca Americana*), and Virginia creeper (*Parthenocissus quinquefolia*). The highly disturbed nature of this habitat, combined with the dense shading due to the shrub layer makes it unlikely that this habitat is suitable for protected species.

The remaining habitat types include stream channels and wetlands. These freshwater habitats include the streambeds and banks of unnamed tributaries of Roberson Creek. Permanently rooted aquatic plants are practically non-existent in on-site streams. Streams within the intact oak-hickory forest are step pool systems. Streams within the clear-cut forest are incised and have been impacted by sediment from logging activities. Plant communities along the banks of on-site streams are similar to those listed in the previous two habitat types. Benthic macro-invertebrate sampling was conducted in the stream channels. Results indicated a diverse macro-invertebrate community present within the stream channels. Approximately 15,533 linear feet of stream channels are located on the site.

Wetland depressions and seeps comprise less than 1 percent of the site. On-site wetlands are associated with stream areas and total 0.15 acres. The overstory is dominated by red maple, yellow poplar, and sweet gum. Plants observed in the shrub layer include spicebush and rosebay (*Rhododendron maximum*). Plants observed in the herbaceous layer include soft rush (*Juncus effusus*), royal fern (*Osmunda regalis*), jack-in-the-pulpit (*Arisaema triphyllum*), cinnamon fern (*Osmunda cinnamomea*), and unknown grasses (*Carex* sp.).

The soils on the site are mostly Evard-Cowee complex, and Pacolet-Bethlehem complex. The soils are mostly rocky and stony with slopes ranging from 8 to 85 percent with chewacla loam adjacent to the stream at the proposed lake location. The depth to bedrock is more than 60 inches.

Based upon information provided by The U.S. Fish and Wildlife Service and the North Carolina Natural Heritage Program, five federally listed species are known to occur or have the potential to occur in Rutherford County. A comprehensive threatened and endangered species survey was conducted on the site. No federally listed species were observed upon the completion of this survey.

Applicant's Stated Purpose

The purpose of the project, as stated by the applicant, is to construct a 30-acre lake to provide recreational opportunities for residents of the proposed surrounding residential development.

Project Description

Proposed impacts associated with this project include the construction of a dam and subsequent flooding to create a 30-acre lake. Impacts to stream channels associated with dam construction total 208 linear feet of perennial stream channel. Impacts to stream channels associated with flooding to create a 30-acre impoundment, total 4,100 linear feet of perennial stream channels. There are no other proposed impacts associated with road construction, utility line installations, and/or lot fill and there are no proposed impacts to wetlands on the site. Any road crossings will be bridged or spanned using bottomless arch culverts and utility lines will be placed in the road right-of-ways. The proposed lake will include a cold-water release and a littoral shelf to be planted with native aquatic vegetation.

The surrounding residential development will provide approximately 225 residential lots. Residents of these lots are expected to use the lake for recreational activities such as fishing, canoeing, and wildlife-watching. The proposed plan also includes individual docks for homeowners and a central community dock facility. Total impacts to stream channels associated with this project are 4,300 linear feet.

The applicant is proposing mitigation for impacts to on-site perennial channels by making payment to the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to restore 416 linear feet of stream channel in the Broad River basin. The payment into NCEEP is proposed to compensate for impacts associated with dam construction to 208 linear feet of stream channel at a 2:1 ratio. NCEEP has been notified and has agreed to accept the payment. The applicant is also proposing to preserve the remaining 11,225 linear feet of stream channel on the site with minimum 60-foot wide riparian buffers (30-feet on each side). The applicant is proposing to preserve these areas in perpetuity using a conservation easement or other approved preservation mechanism.

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 the 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 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 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

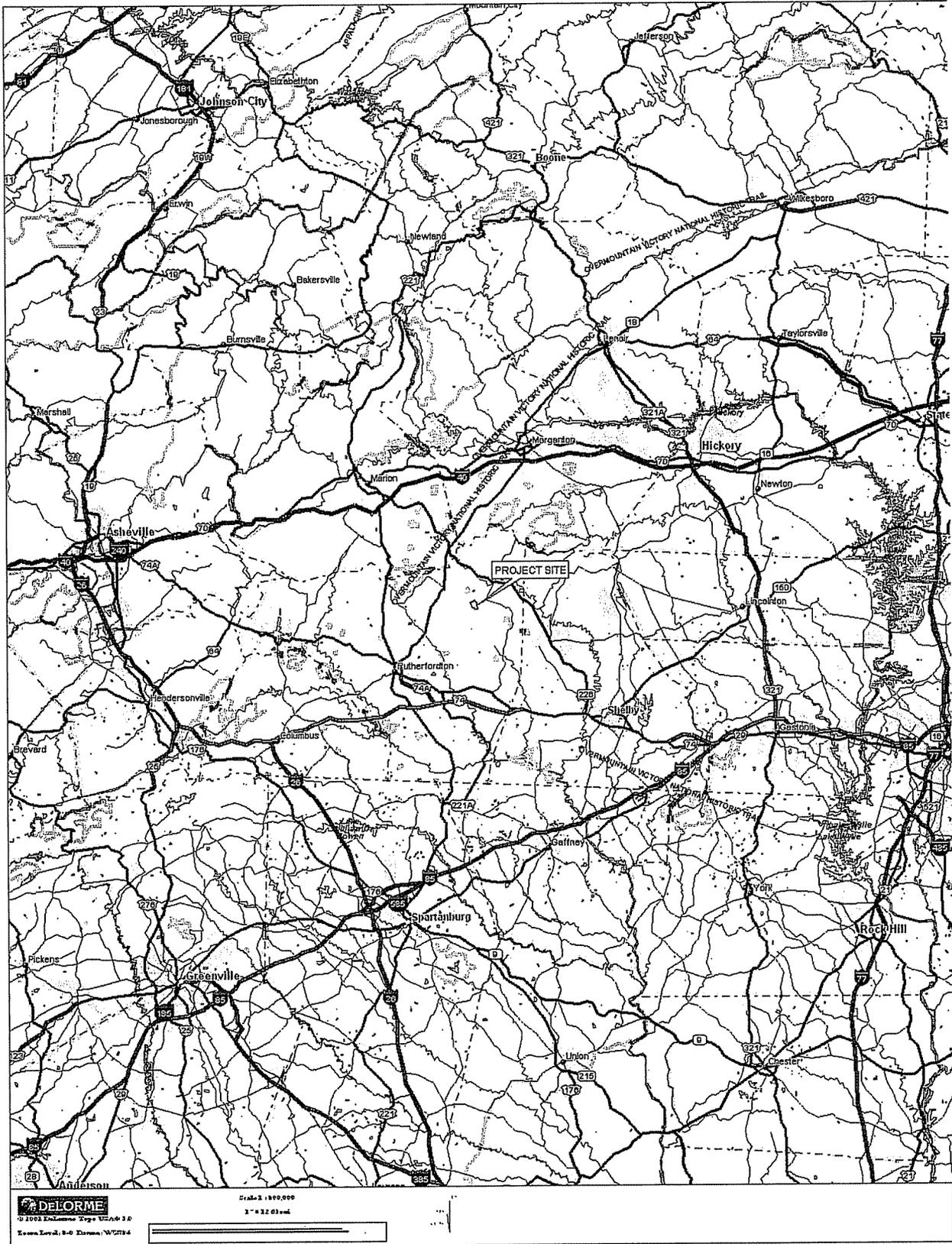
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, March 12, 2007. Comments should be submitted to Ms. Amanda Jones, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

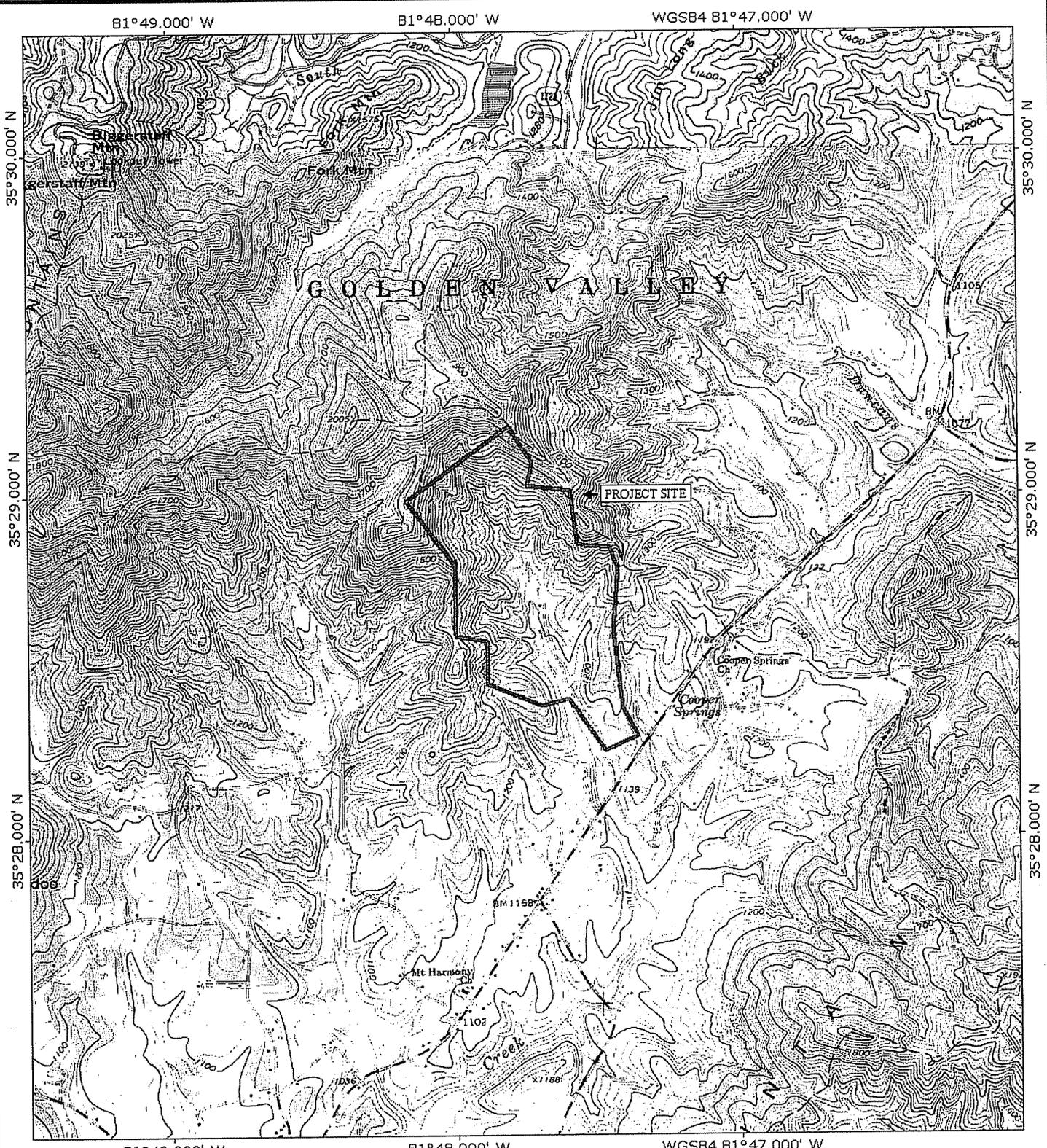


The Ridge at South Mountain
Rutherford County
North Carolina

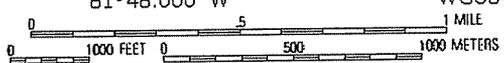
CLEARWATER

Environmental Consultants, Inc.
 718 Oakland Street
 Hendersonville, NC 28791
 828-698-9800

Vicinity Map
Figure 1



MN ↑ TN
6 1/2°



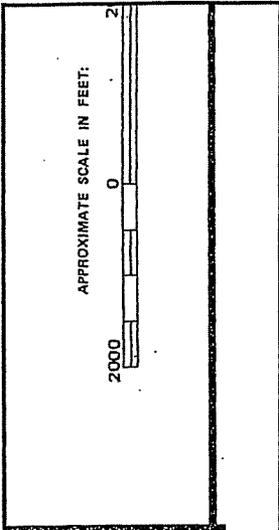
Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

The Ridge at South Mountain
Rutherford County
North Carolina

CLEARWATER

Environmental Consultants, Inc.
718 Oakland Street
Hendersonville, NC 28791
828-698-9800

USGS Topographic Map
Figure 2



RUTHERFORD COUNTY NORTH CAROLINA UNINC. AREAS

PAGE 3 OF 8
(SEE MAP INDEX FOR PAGES NOT PRINTED)

MAP REVISED, SEPTEMBER 1, 1978

CONVERTED BY LETTER EFFECTIVE 6/1/87

COMMUNITY—PANEL NUMBER 370217 0003 A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

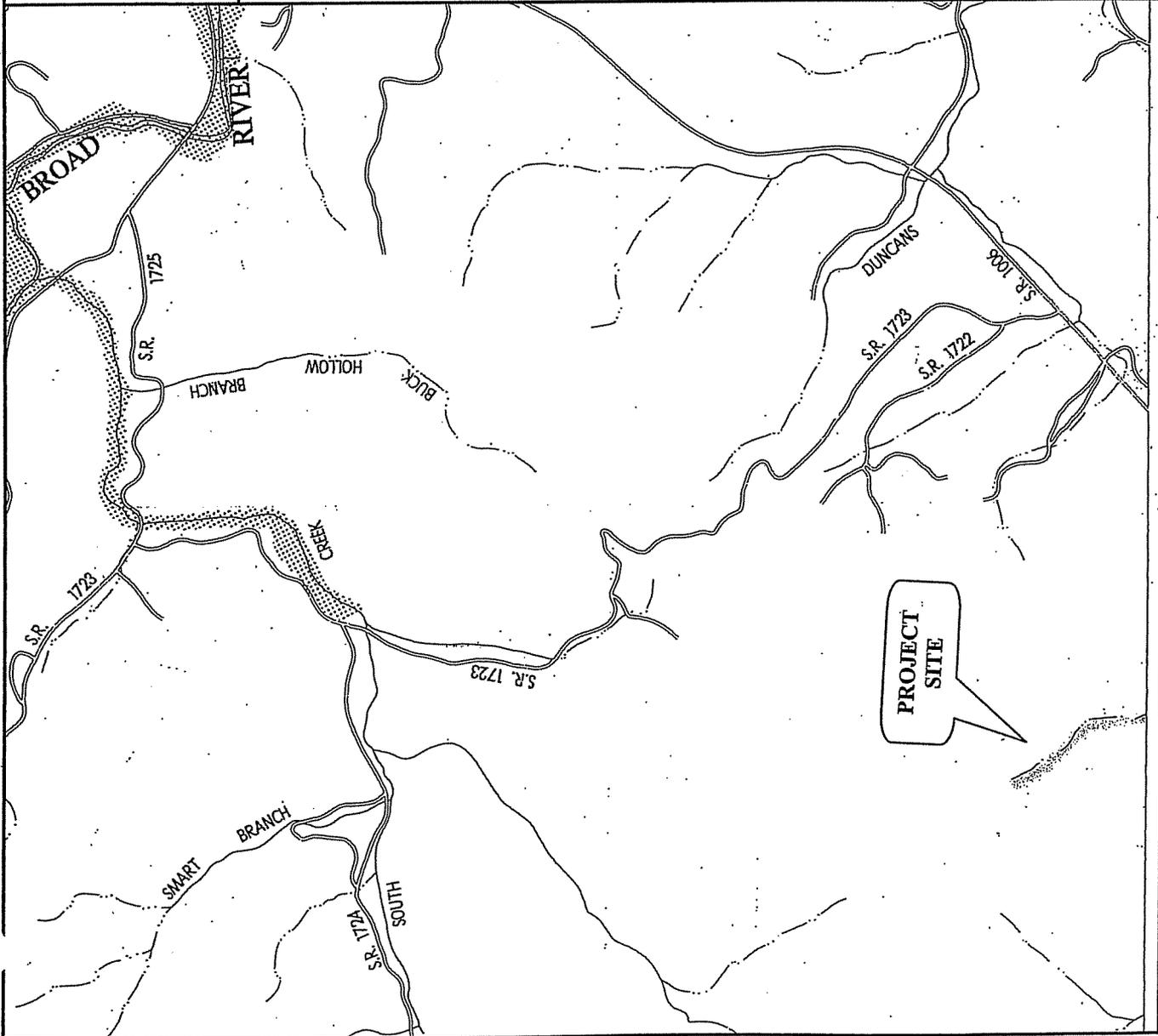


FIGURE 6: SHEET 1 OF 2

APPROXIMATE SCALE IN FEET:
2000 0 2000

FLOOD HAZARD BOUNDARY MAP

**RUTHERFORD
COUNTY
NORTH CAROLINA
UNINC. AREAS**

PAGE 8 OF 8
(SEE MAP INDEX FOR PAGES NOT PRINTED)

MAP REVISED:
SEPTEMBER 1, 1978

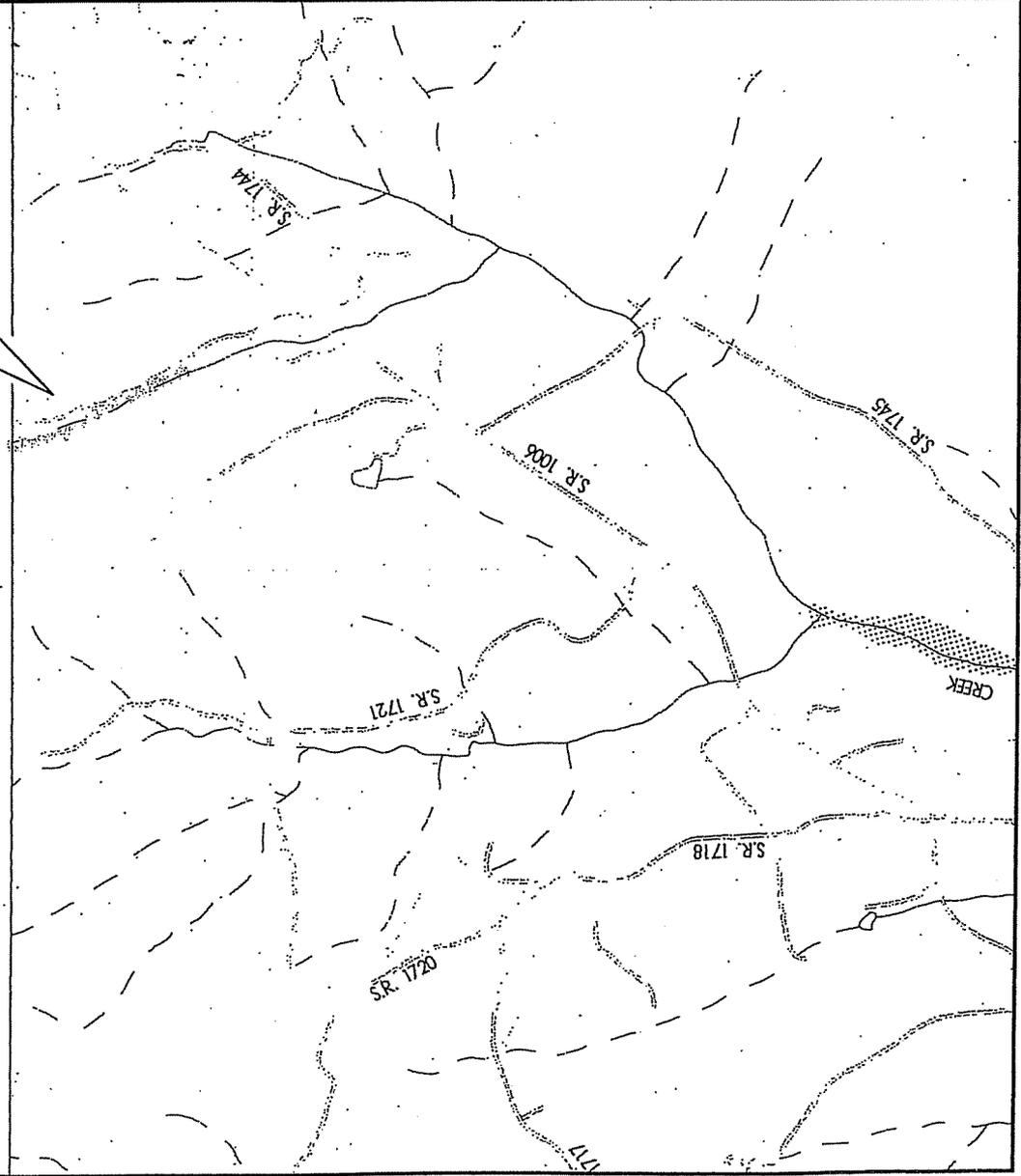
CONVERTED BY LETTER
EFFECTIVE 6/1/87

COMMUNITY—PANEL NUMBER
370217-0006 A



**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**
FEDERAL INSURANCE ADMINISTRATION

PROJECT
SITE



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT Ch-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

FIGURE 6: SHEET 2 OF 2

FIGURE 4.1

FIGURE 4.2

FIGURE 4.4

FIGURE 4.5

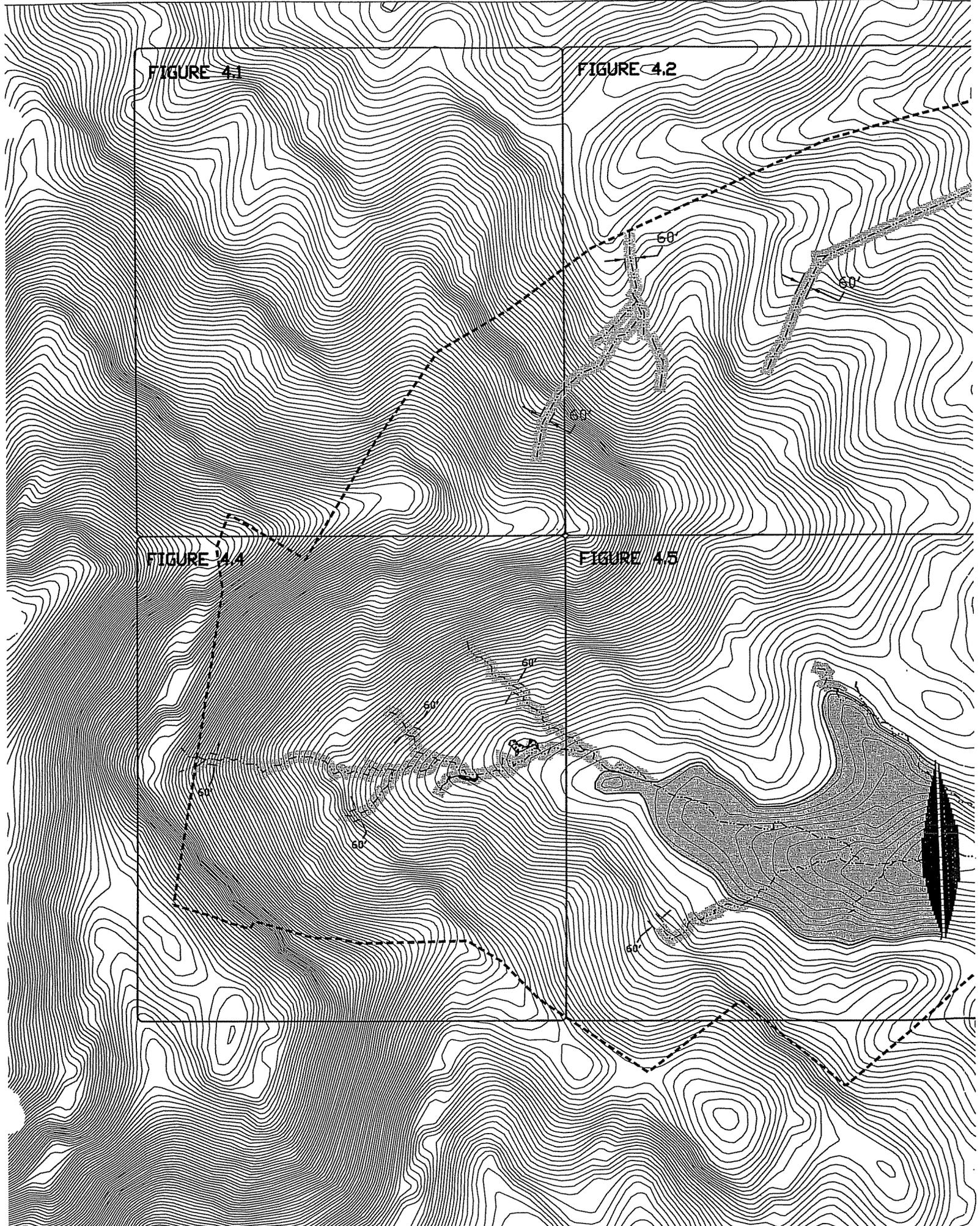


FIGURE 4.3

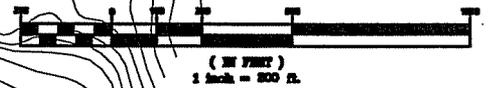
FIGURE 4.6

- STREAM
- SUBJECT PROPERTY
-  WETLAND
-  STREAM BUFFER
-  FLOODED AREA

Total Project area 450 acres
 Total Stream distance 15,533 Linear Feet (LF)
 Total wetland area 0.15 acres
 Proposed Stream Impacts
 Flooding 4,100 LF
 Dam/Fill 208 LF
 Roads 0 LF
 Proposed Wetland Impacts
 Flooding 0 acres
 Dams 0 acres
 Roads 0 acres
 Mitigation
 Stream Avoidance/Preservation 11,225 LF
 Upland stream buffers 60 feet 15.5 acres
 Wetland Preservation 0.15 acres
 Proposed Pond Size 30 acres

FIGURE 4.0

GRAPHIC SCALE



REV	DESCRIPTION	BY	DATE

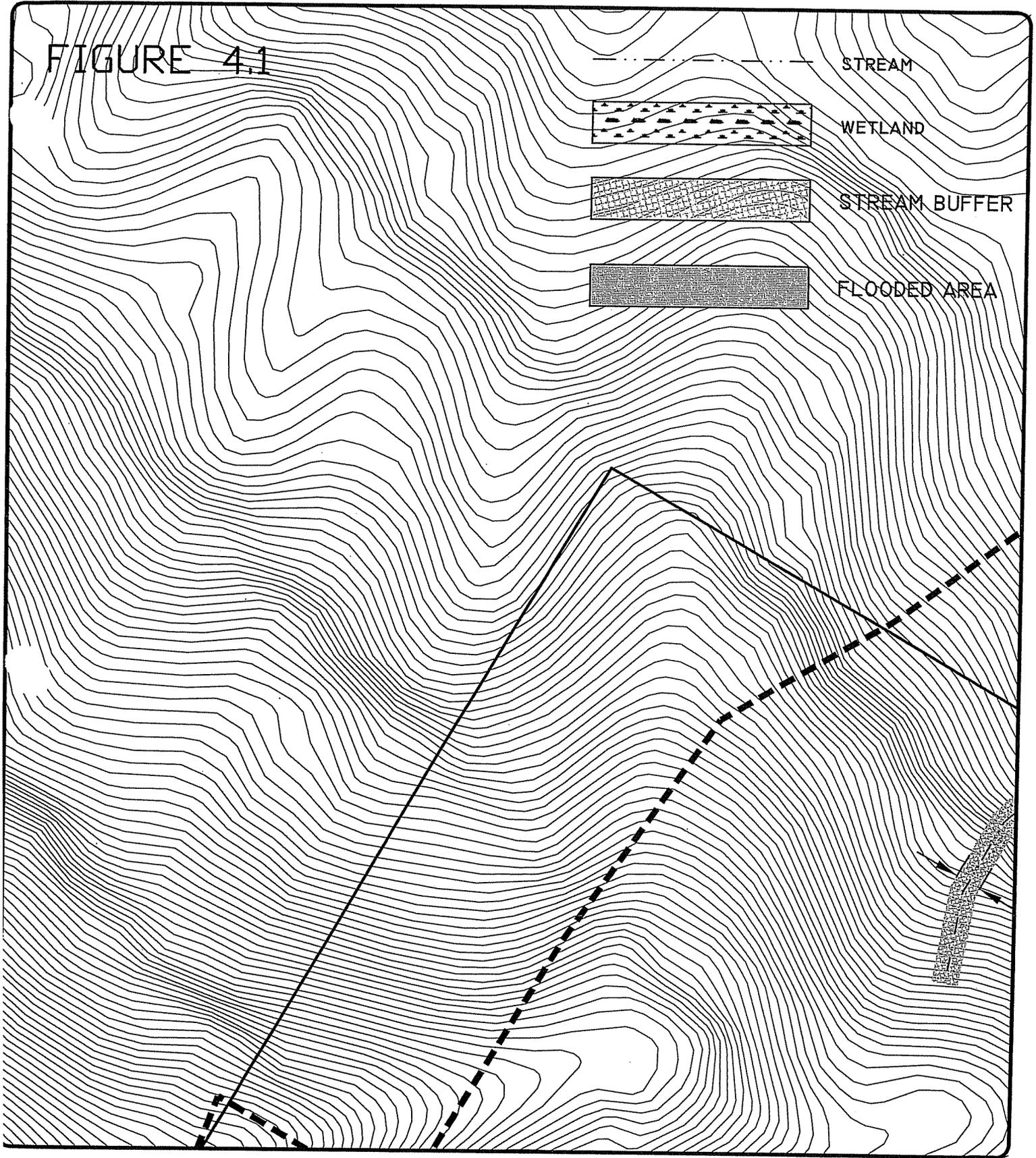
DOM HOLIFIELD ASSOCIATES
 Engineering, Inc.
 152 East Main Street
 Forest City, N.C. 28043
 828-247-4495

JOB NAME: THE RIDGE AT SOUTH MOUNTAIN
LOCATION: RUTHERFORD COUNTY, N.C.
DESCRIPTION: STREAM IMPACTS FOR PROPOSED LAKE

SCALE: 1" = 300'
DATE: 08-14-08
JOB NUMBER: 04134
DRAWN BY: BCB
CHECKED BY:
PROJECT MGR: JWH
FIGURE 4.0 

CERTIFICATION

FIGURE 4.1



STREAM

WETLAND

STREAM BUFFER

FLOODED AREA

ODOM HOLLIFIELD
ASSOCIATES
Engineering, Inc.

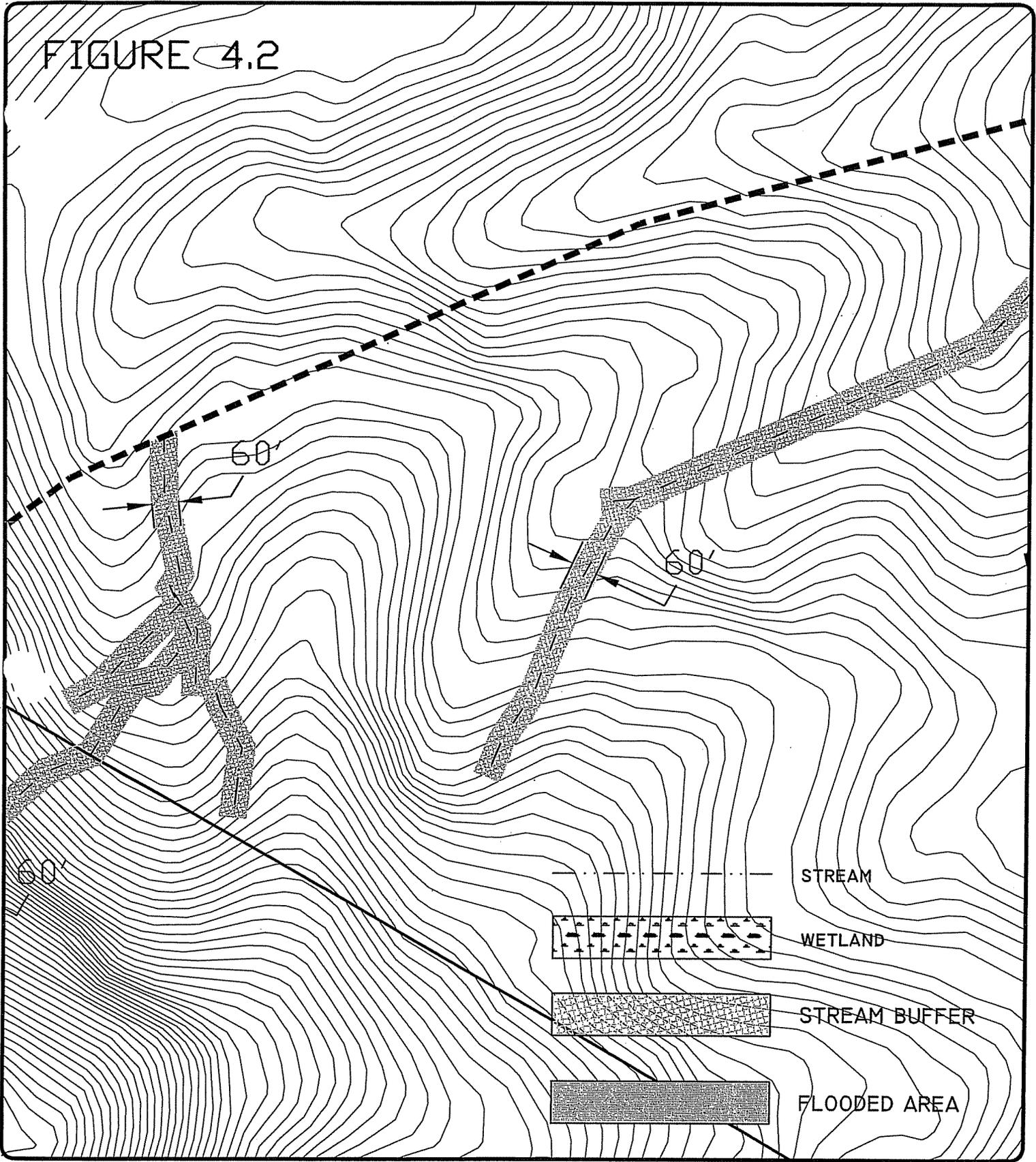
152 East Main Street
Forest City, N.C. 28043
828-247-4495

IMPACT DRAWING
FIGURE 4.1

DECEMBER 19, 2006

SCALE: 1"=200'

FIGURE 4.2



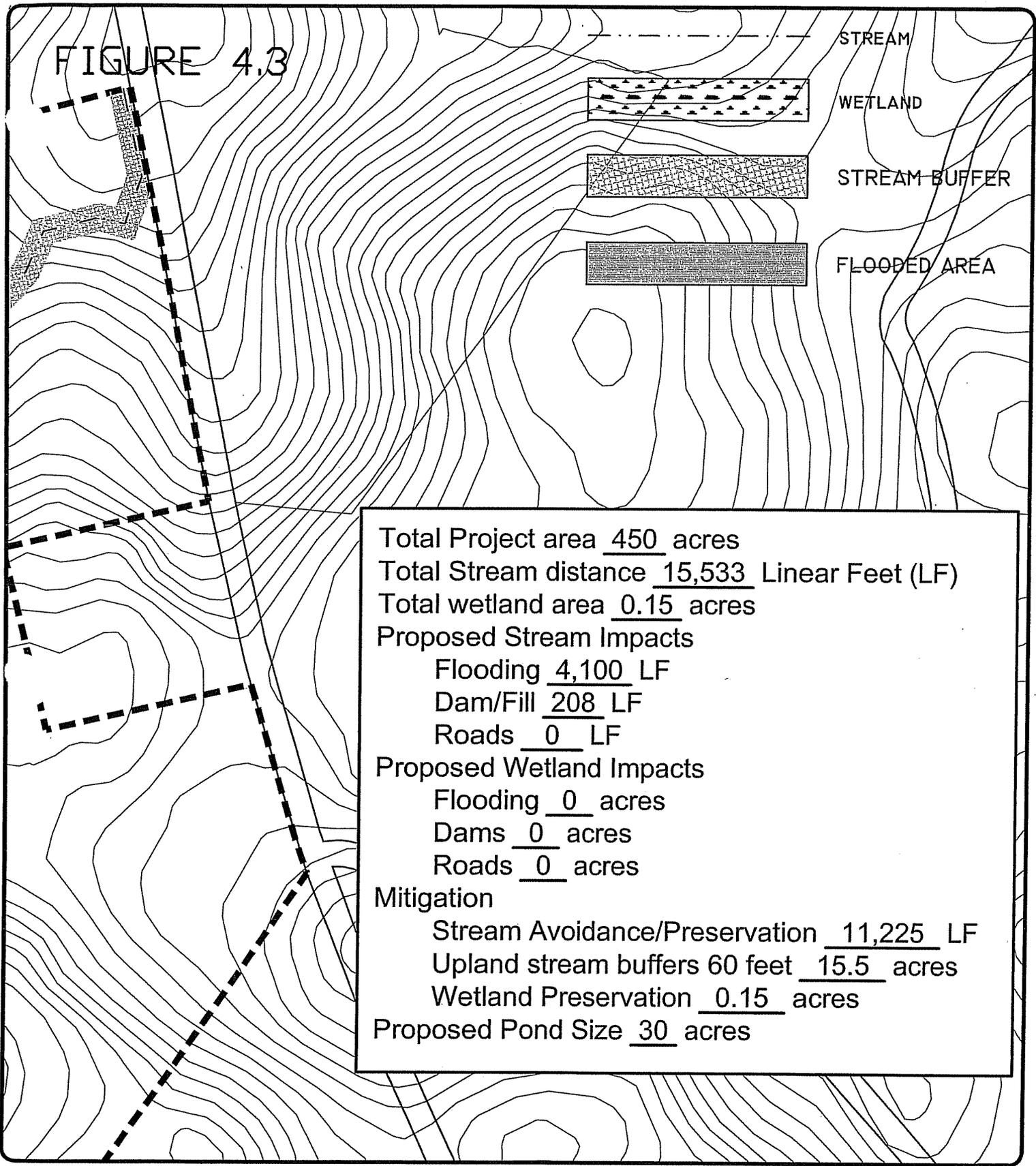
DOM HOLLIFIELD
ASSOCIATES
Engineering, Inc.

152 East Main Street
Forest City, N.C. 28043
828-247-4495

IMPACT DRAWING
FIGURE 4.2

DECEMBER 19, 2006

SCALE: 1"=300'



Total Project area	<u>450</u> acres
Total Stream distance	<u>15,533</u> Linear Feet (LF)
Total wetland area	<u>0.15</u> acres
Proposed Stream Impacts	
Flooding	<u>4,100</u> LF
Dam/Fill	<u>208</u> LF
Roads	<u>0</u> LF
Proposed Wetland Impacts	
Flooding	<u>0</u> acres
Dams	<u>0</u> acres
Roads	<u>0</u> acres
Mitigation	
Stream Avoidance/Preservation	<u>11,225</u> LF
Upland stream buffers 60 feet	<u>15.5</u> acres
Wetland Preservation	<u>0.15</u> acres
Proposed Pond Size	<u>30</u> acres

DOM HOLLIFIELD
ASSOCIATES
Engineering, Inc.

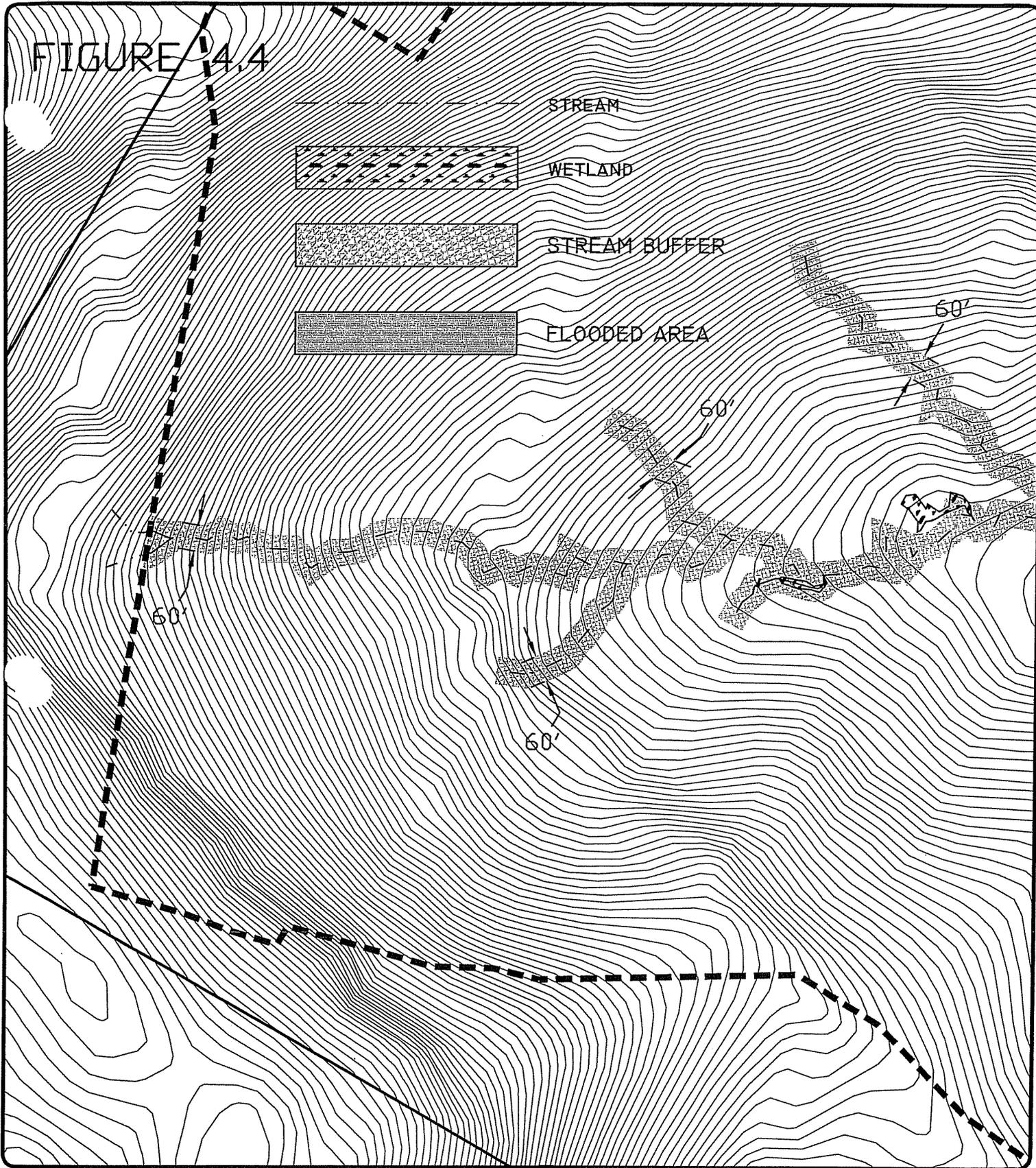
152 East Main Street
Forest City, N.C. 28043
828-247-4495

IMPACT DRAWING
FIGURE 4.3

DECEMBER 19, 2006

SCALE: 1"=300'

FIGURE 4.4



DOM HOLLIFIELD
ASSOCIATES
Engineering, Inc.

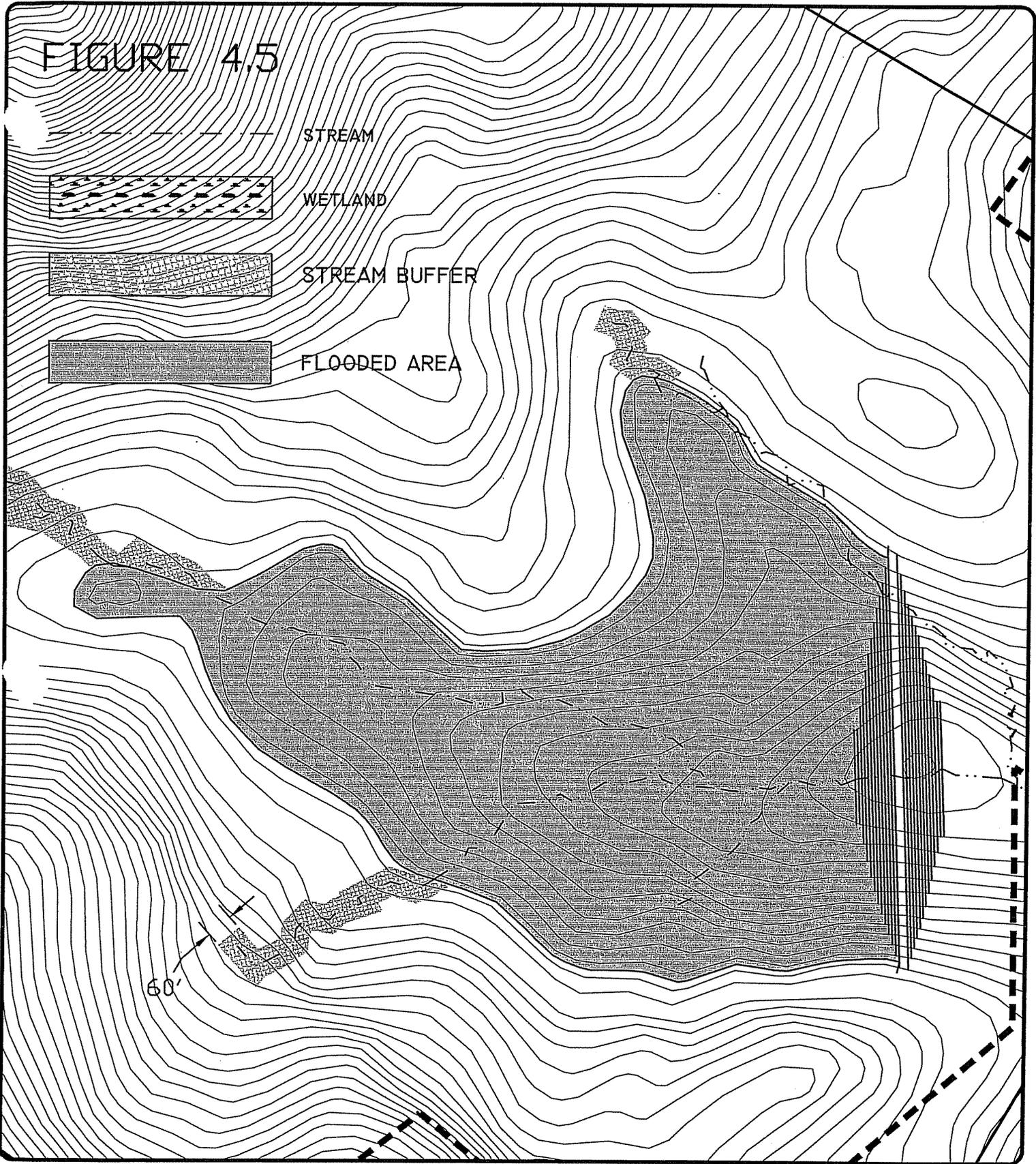
152 East Main Street
Forest City, N.C. 28043
828-247-4495

IMPACT DRAWING
FIGURE 4.4

DECEMBER 19, 2006

SCALE: 1"=300'

FIGURE 4.5



40 **DOM HOLLIFIELD**
ASSOCIATES
Engineering, Inc.

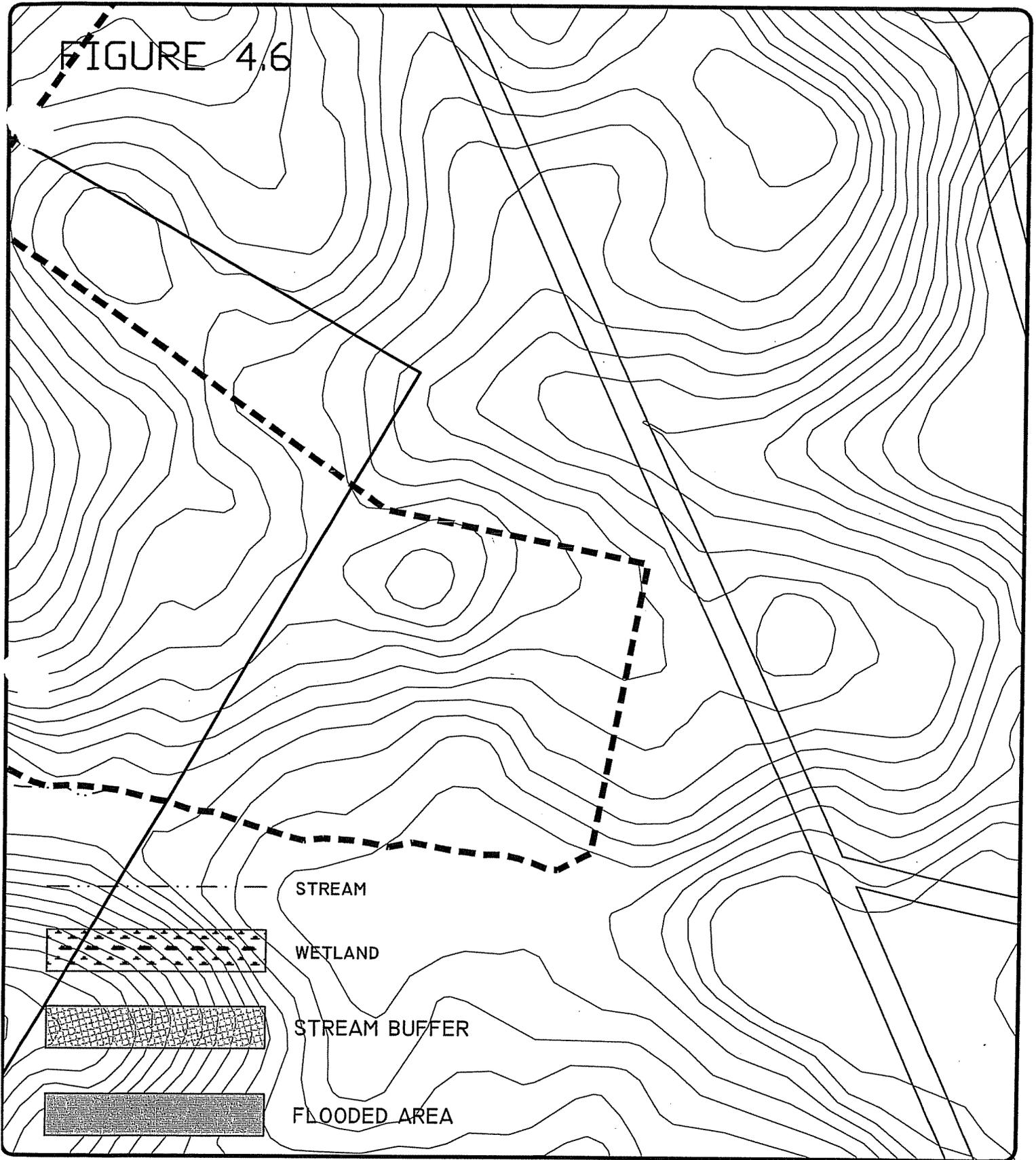
152 East Main Street
Forest City, N.C. 28043
828-247-4495

IMPACT DRAWING
FIGURE 4.5

DECEMBER 19, 2006

SCALE: 1"=300'

FIGURE 4.6



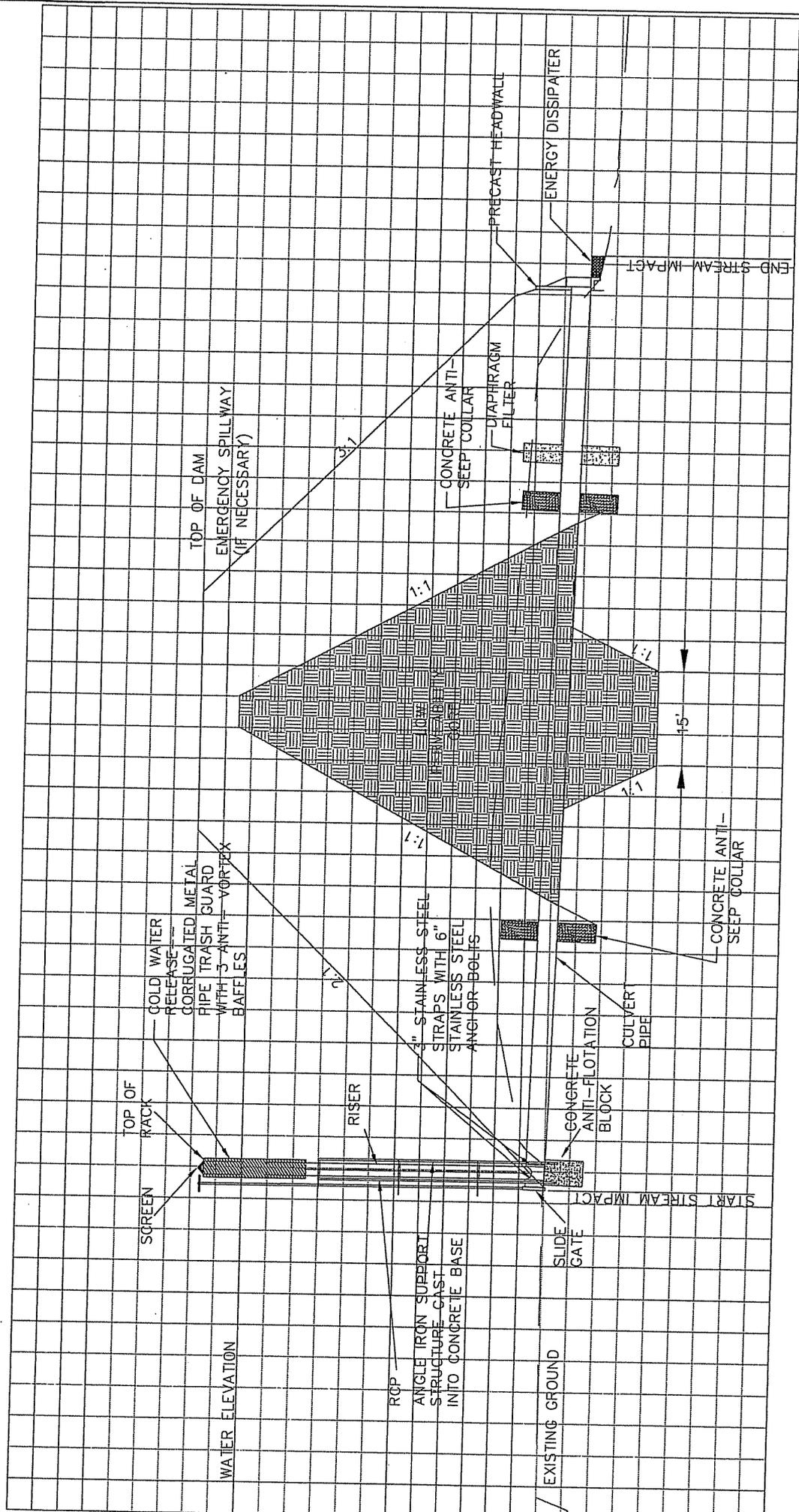
ODOM HOLLIFIELD
ASSOCIATES
Engineering, Inc.

152 East Main Street
Forest City, N.C. 28043
828-247-4495

IMPACT DRAWING
FIGURE 4.6

DECEMBER 19, 2006

SCALE: 1"=300'



REV	DESCRIPTION	BY	DATE

JAMES H. HESTER ASSOCIATES, INC.
 102 East Main Street
 Rutherford County, NC 27070
 TEL: 704-285-4455

JOB NAME: THE RIDGE
 LOCATION: RUTHERFORD COUNTY, NC
 DESCRIPTION: DAM CROSS SECTION

DATE: 01-16-07
 CHECKED BY:
 PROJECT MGR: JFH
 JOB NUMBER: 04124
 SHEET: 1 OF 1

FIGURE 5
 THE RIDGE AT SOUTH MOUNTAIN
 RUTHERFORD COUNTY, NC