

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 30-AUG-2007  
Comment Deadline: 01-OCT-2007  
Corps Action ID: SAW-2007-02828

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. 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:** Mill Run Development Group  
Attention: Mr. Buzz Shackelford  
Post Office Box 68  
Hookerton, North Carolina 28538

**AGENT (if applicable):** Ms. Kim Williams  
Land Management Group, Inc.  
Post Office Box 2522  
Wilmington, North Carolina 28402

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

## Location

The property is a 634-acre tract located northeast of the intersection of N.C. Highway 58 and N.C. Highway 123 (Glenfield Crossroads) adjacent to Rainbow Creek and three unnamed tributaries of Rainbow Creek south of the Hookerton community in Greene County, North Carolina.

## Existing Site Conditions

The 634-acre site contains a total of 33.68 acres of jurisdictional wetlands. Three unnamed tributaries are located on the property and discharge into Rainbow Creek which eventually flows into Contentnea Creek. Both Rainbow Creek and Contentnea Creek are

classified as C Swamp Waters (SW) and Nutrient Sensitive Waters (NSW) by the Division of Water Quality. The C classification is given to waters that are protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, and agriculture. Secondary recreation includes wading, boating, and other uses involving human body contact with water where such activities take place in an infrequent, unorganized, or incidental manner. This classification has no restrictions on watershed development or types of discharges. The Swamp Waters designation is a supplemental classification intended to recognize those waters that generally have naturally occurring very low velocities, low pH and low dissolved oxygen. Nutrient Sensitive Waters refers to a classification intended for waters needing additional nutrient management due to their being subject to excessive growth of microscopic or macroscopic vegetation. In general, management strategies for point and nonpoint source pollution require control of nutrients (nitrogen and/or phosphorus usually) such that excessive growths of vegetation are reduced or prevented and there is no increase in nutrients over target levels. Management strategies are site-specific. No specific restrictions on development are involved.

This site has historically been cultivated for agricultural production and most of the uplands within the site are fields. A narrow fringe of forested wetlands and uplands are located adjacent to Rainbow Creek and two of the unnamed blue-line features. These wetlands support loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), sweetbay (*Magnolia virginiana*), and bald cypress (*Taxodium distichum*). Forested uplands on the site support American holly (*Ilex opaca*), loblolly pine (*Pinus taeda*), dogwood (*Cornus florida*), hickory (*Carya* sp.), red oak (*Quercus falcata*), and white oak (*Quercus alba*). The third blue line stream (proposed for lake development) does not contain a forested buffer until it reaches the floodplains associated with Rainbow Creek. A grass buffer has been maintained along this stream for many years. There is a fertilizer plant located on the property off of Highway 58. According to the Greene County Generalized Soil Survey, uplands within the site are classified as Norfolk loamy sand and Cowarts sandy loam. Wetlands within the site are shown as Bibb loam (along Rainbow Creek). The property is currently zoned as agricultural by Greene County. There are several dirt roads located throughout the tract, most of which are approximately 20' wide. Surrounding land use is residential, agriculture, or forested.

Habitat with the potential for supporting listed species was identified by reviewing aerial photographs, soils maps, and topographic maps of the property and by walking throughout the site. A search of the North Carolina Natural Heritage Program database was conducted to determine whether any state or federally listed rare species have previously been observed within or near the project area (1/2 mile radius). No known record of any threatened or endangered species exists or near the project site.

### **Applicant's Stated Purpose**

The applicant proposes to construct a mixed-use, golf course development within Green County, North Carolina.

## **Project Description**

The project consists of developing over 571 single-family lots and 174 multi-family units, an Audubon Sanctuary Certified golf course, an 11-acre lake, 18 acres of commercial/retail space and amenities, and 44,807 linear feet of roadways. The improvements at Cutter Creek Plantation will consist of roadway grading and paving, the installation of water main and services, and the installation of stormwater and wastewater collection systems. All of the roads will be private. The city of Kinston will provide sewage capacity and Greene County will maintain the sewage operation.

The 11-acre lake, Lake Nina, will be the centerpiece of the golf course. It will also be the primary source of water for irrigation of the golf course and the common areas throughout Cutter Creek. In addition to Lake Nina, there will be ten smaller lakes throughout the development whose water level will be maintained through the irrigation system tied to Lake Nina. The lake will be stream fed and will be supplemented with water from Rainbow Creek. A dam will be constructed at the northern part of the proposed lake in accordance with engineered designs. In compliance with Neuse River Buffer rules, the applicant intends to establish vegetation in most areas adjacent to the lake to create a 50' buffer. These areas will be vegetated with low lying shrubs or tall herbaceous species. Two golf holes have been designed so that they will be played across the lake. These areas will need to be vegetated as turf to maintain visibility for the golfer.

Accessing uplands within the site will require crossing a stream with adjacent wetlands in one location and crossing two ditches classified as Waters of the U.S. Culverts will be installed at the wetland/stream crossing. Utilities will be placed within the road right-of-way throughout the tract.

## **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 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), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by October 1, 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 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

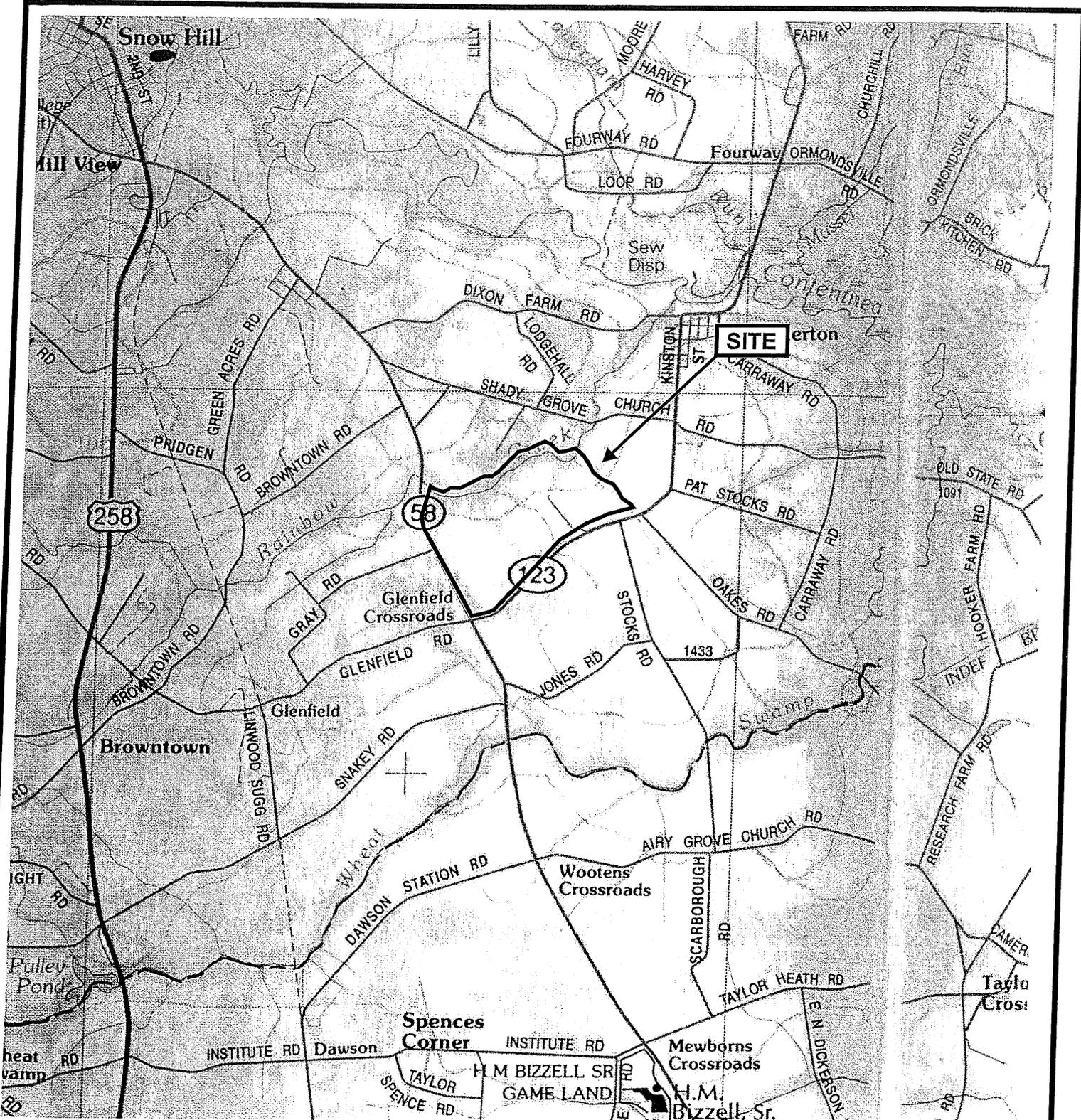
concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, 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 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 1, 2007. Comments should be submitted to Mr. Scott Jones, Post Office Box 1000, Washington, North Carolina, 27889, or telephone (919) 975-1616, extension 27.



SCALE 1" = 1 Mile

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

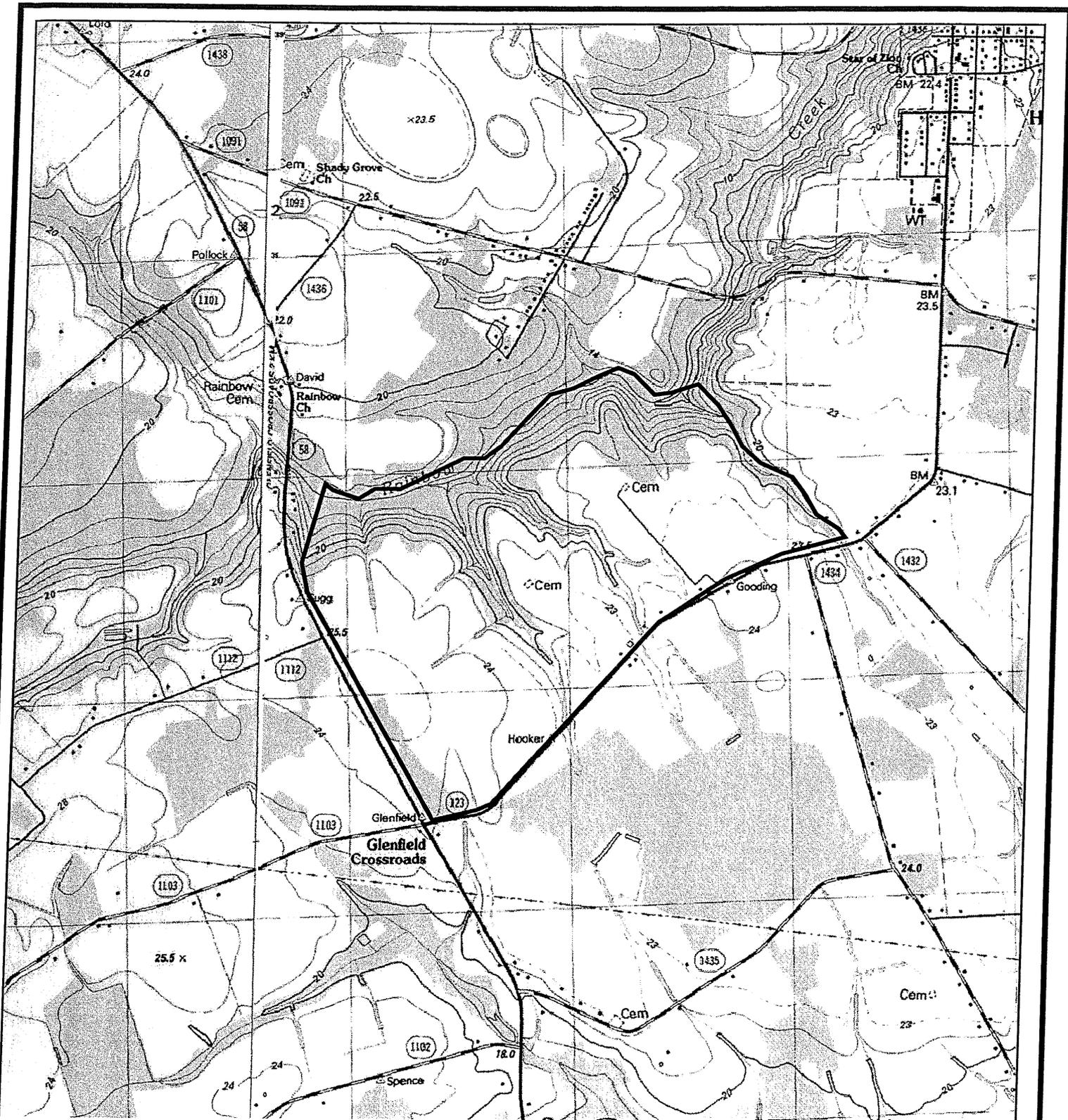
Map Source: North Carolina Atlas & Gazetteer. Pg 64.2003

Cutter Creek Plantation  
Greene County, NC  
Mill Run Development Group  
40-06-303P



May 2007

Figure 1  
Vicinity Map



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

Map Source: Hookerton & Snow Hill Quadrangles 7.5 minute (topographic) 1990.



SCALE 1" = 2000'

Cutter Creek Plantation  
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Environmental Consultants

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**Figure 2**  
**USGS Topographic Map**



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

Map Source: NRCS Soil Survey.



SCALE 1" = 1200'

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May 2007

Figure 3  
Soils Map



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

Map Source: 1998 NAPP aerial photography



SCALE 1" = 1200'

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Figure 4  
Aerial Photograph





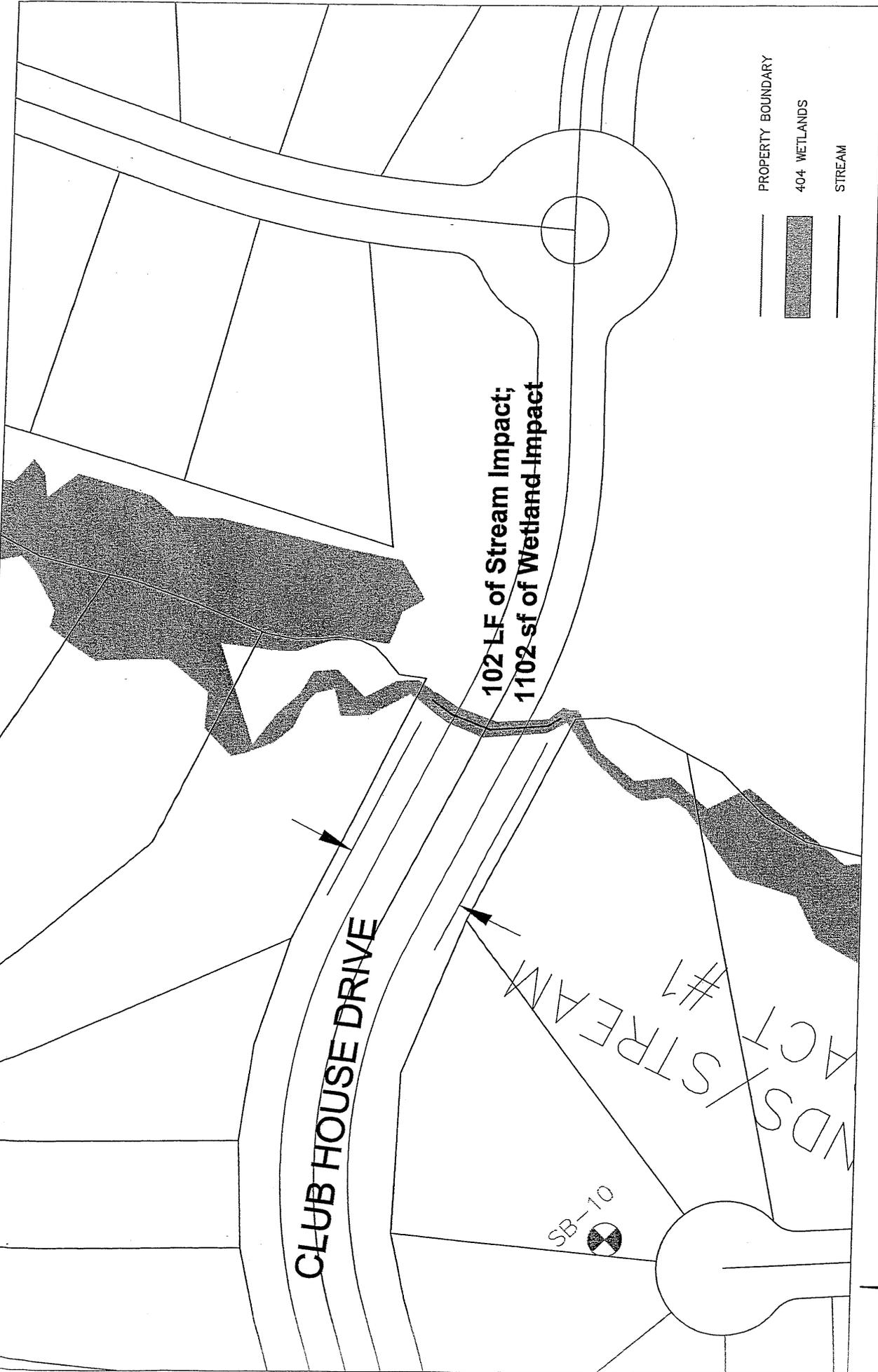
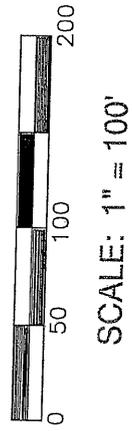


FIGURE 7.  
**Stream/Wetland Impact #1**  
 CUTTER CREEK PLANTATION  
 GREENE COUNTY, NORTH CAROLINA  
 JULY 2007



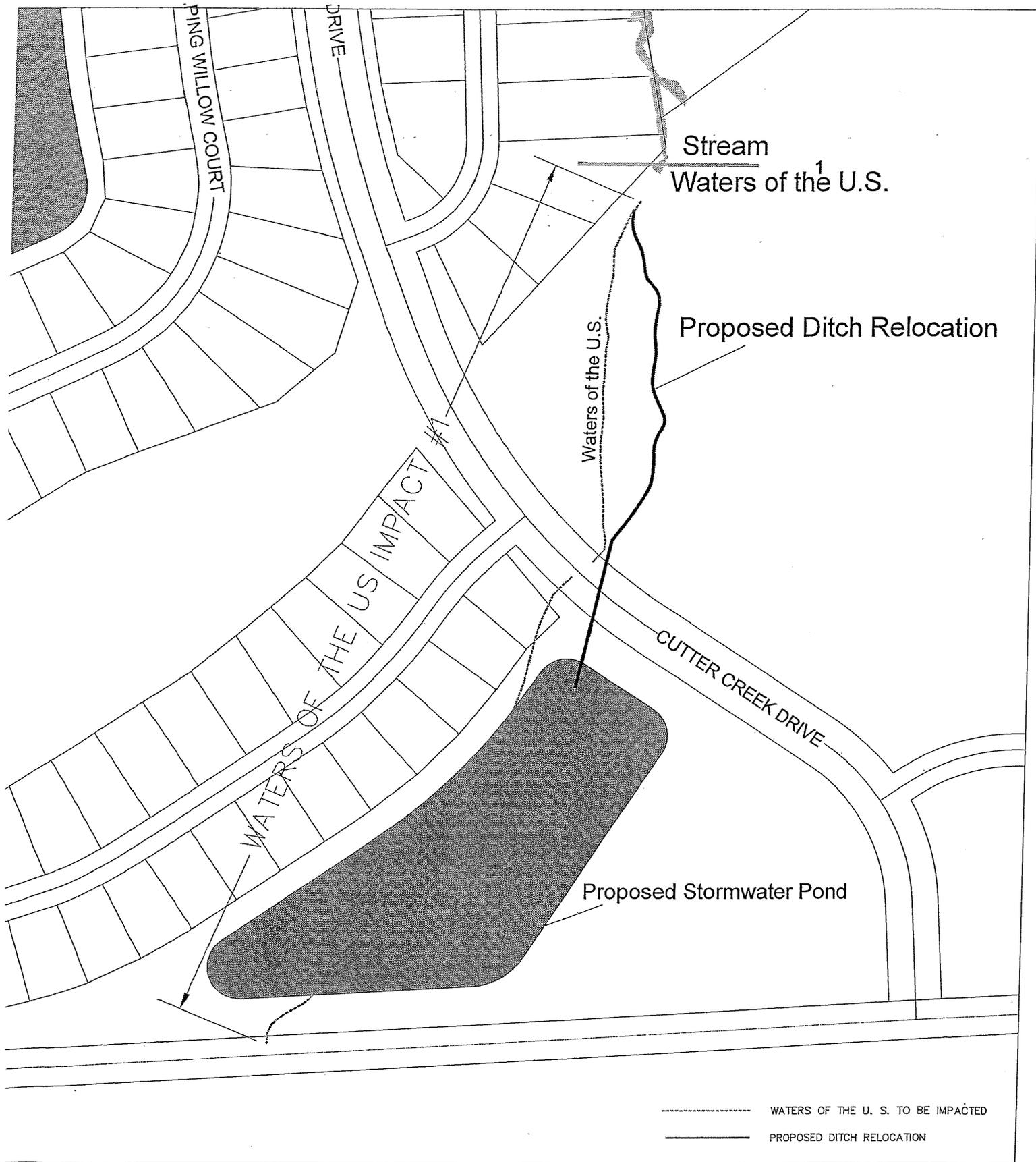
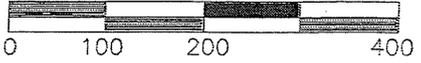


Figure 8. Waters of the US Impact #1

CUTTER CREEK PLANTATION  
 GREENE COUNTY, NORTH CAROLINA

JULY 2007



SCALE: 1" = 200'

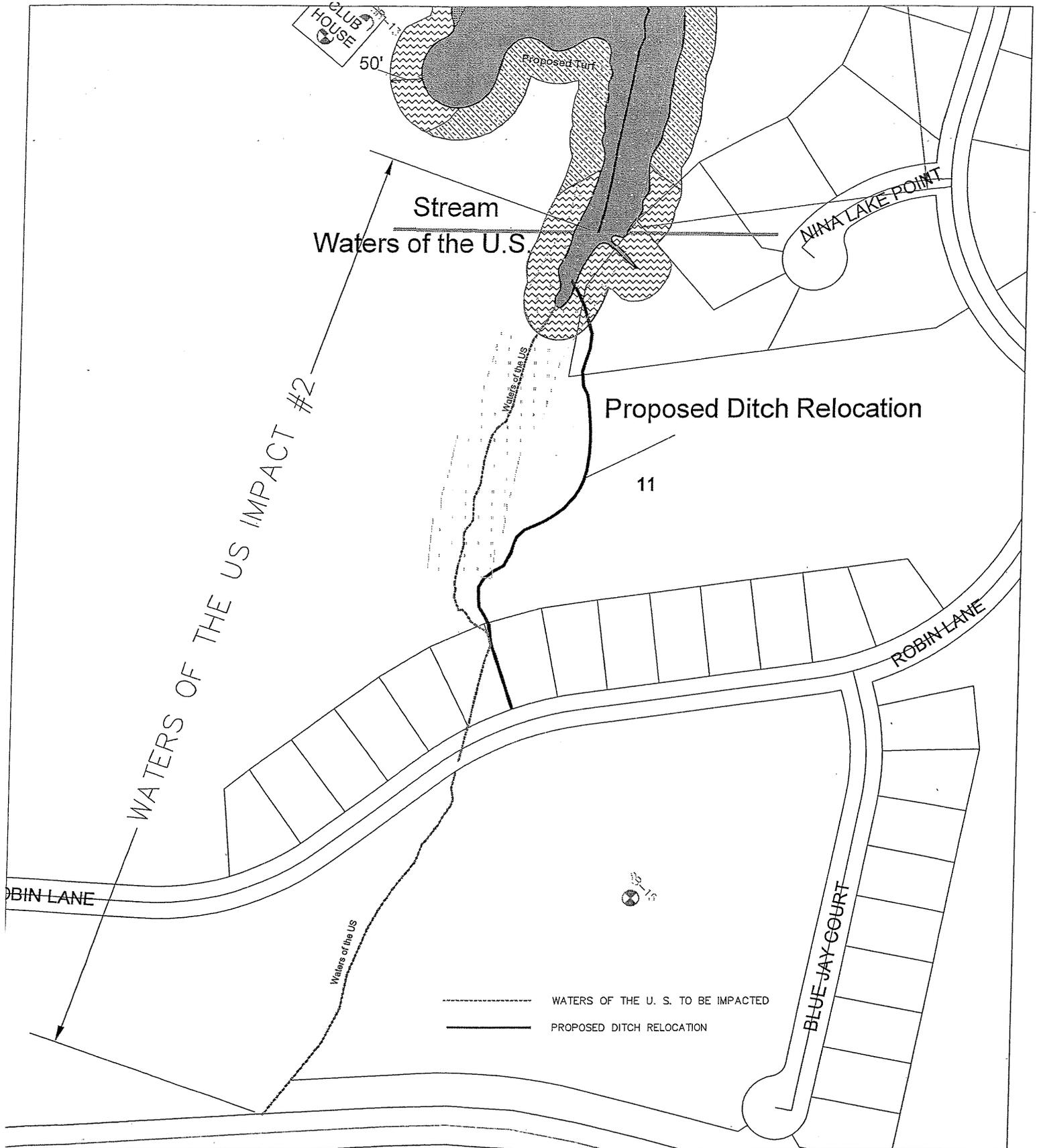


Figure 9. Waters of the US Impact #2

CUTTER CREEK PLANTATION  
 GREENE COUNTY, NORTH CAROLINA

JULY 2007



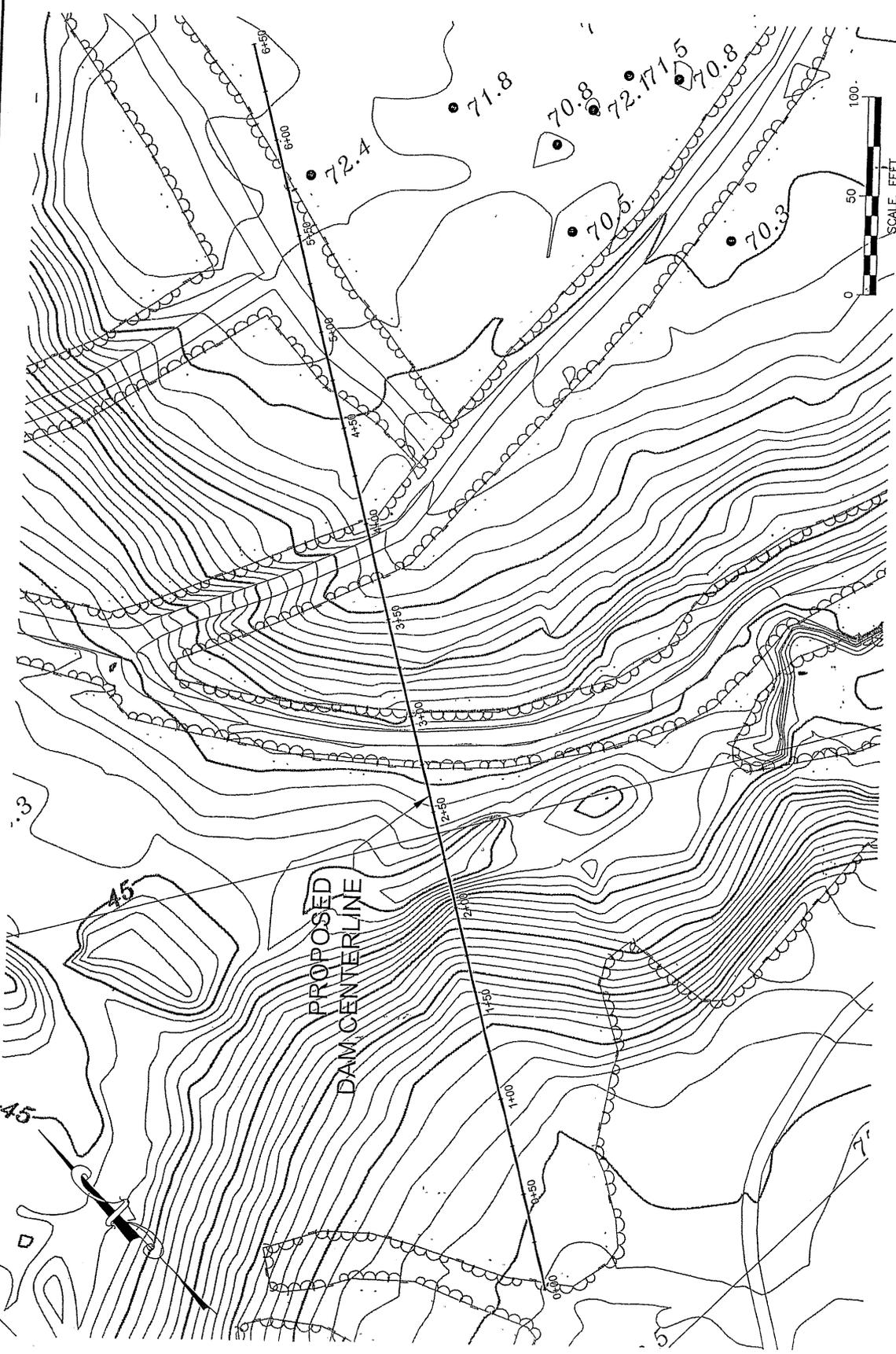


REV.	DESCRIPTION	DATE	BY

EDDY ENGINEERING, P.C.  
 302 NORTH PLANTATION LANE  
 SWANSBORO, NC 28584  
 (910) 325-1888

PROPOSED F.H. SHACKELFORD DAM  
 GREENE CO., NC  
 NEUSE RIVER BASIN  
 EXISTING  
 SITE PLAN

Project No.: 2004-036-2  
 Scale: 1" = 50'  
 Sheet No.: 3A



**EXISTING SITE PLAN**

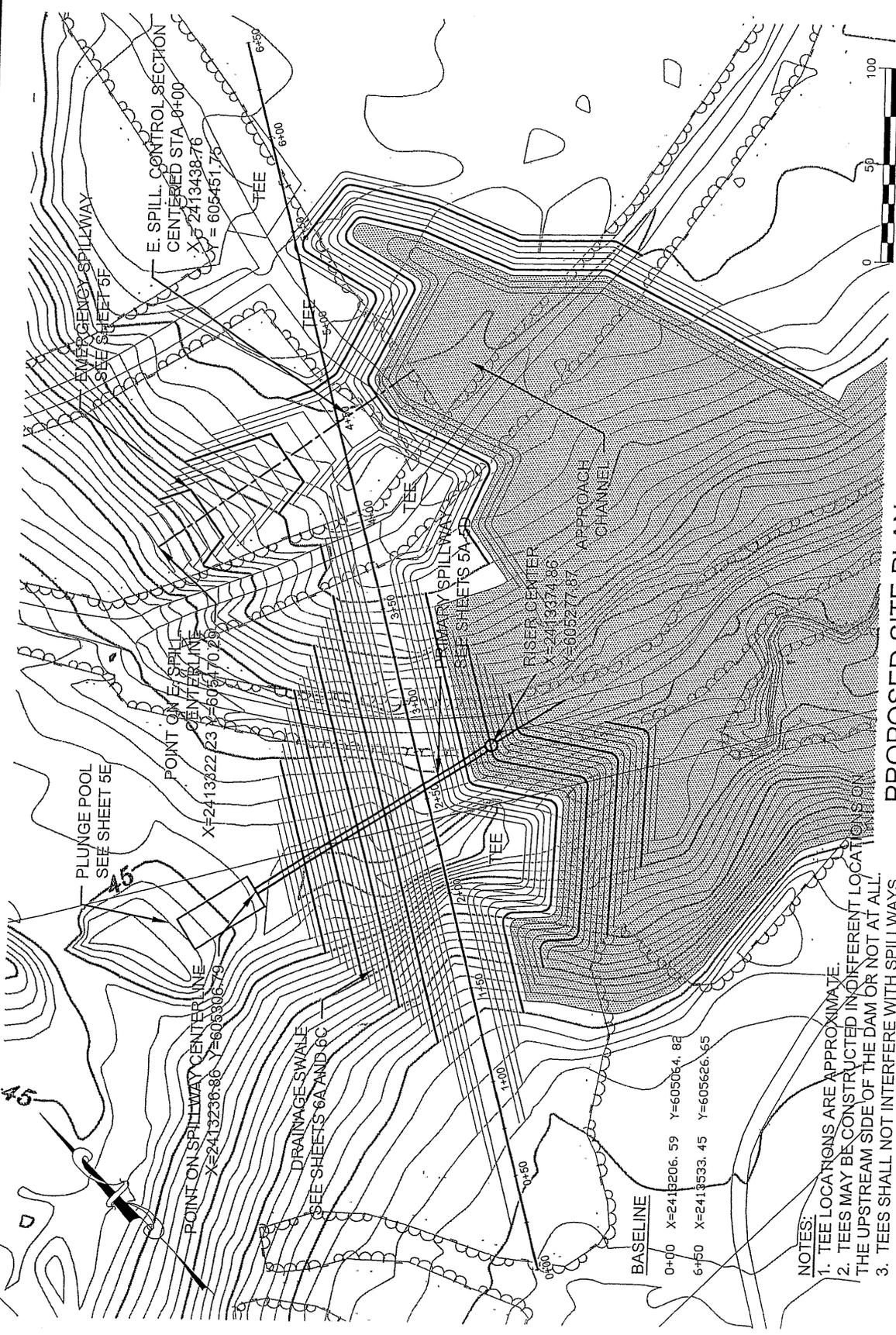
MAP COMPILED BY GEODATA CORP., ZEBULON, NC, FROM PHOTOGRAPHY TAKEN FEBRUARY 18, 2005. GROUND CONTROL BY BARROW AND BARROW, SNOW HILL, NAD 1983. NGVD 1987.



NO.	DESCRIPTION	DATE	BY

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PROPOSED F.H. SHACKELFORD DAM  
 GREENE CO., NC  
 NEUSE RIVER BASIN  
 PROPOSED SITE PLAN  
 Project No.: 2004-036-2  
 Scale: 1" = 50'  
 Sheet No.: 4



PROPOSED SITE PLAN

- NOTES:
1. TEE LOCATIONS ARE APPROXIMATE.
  2. TEES MAY BE CONSTRUCTED IN DIFFERENT LOCATIONS ON THE UPSTREAM SIDE OF THE DAM OR NOT AT ALL.
  3. TEES SHALL NOT INTERFERE WITH SPILLWAYS.



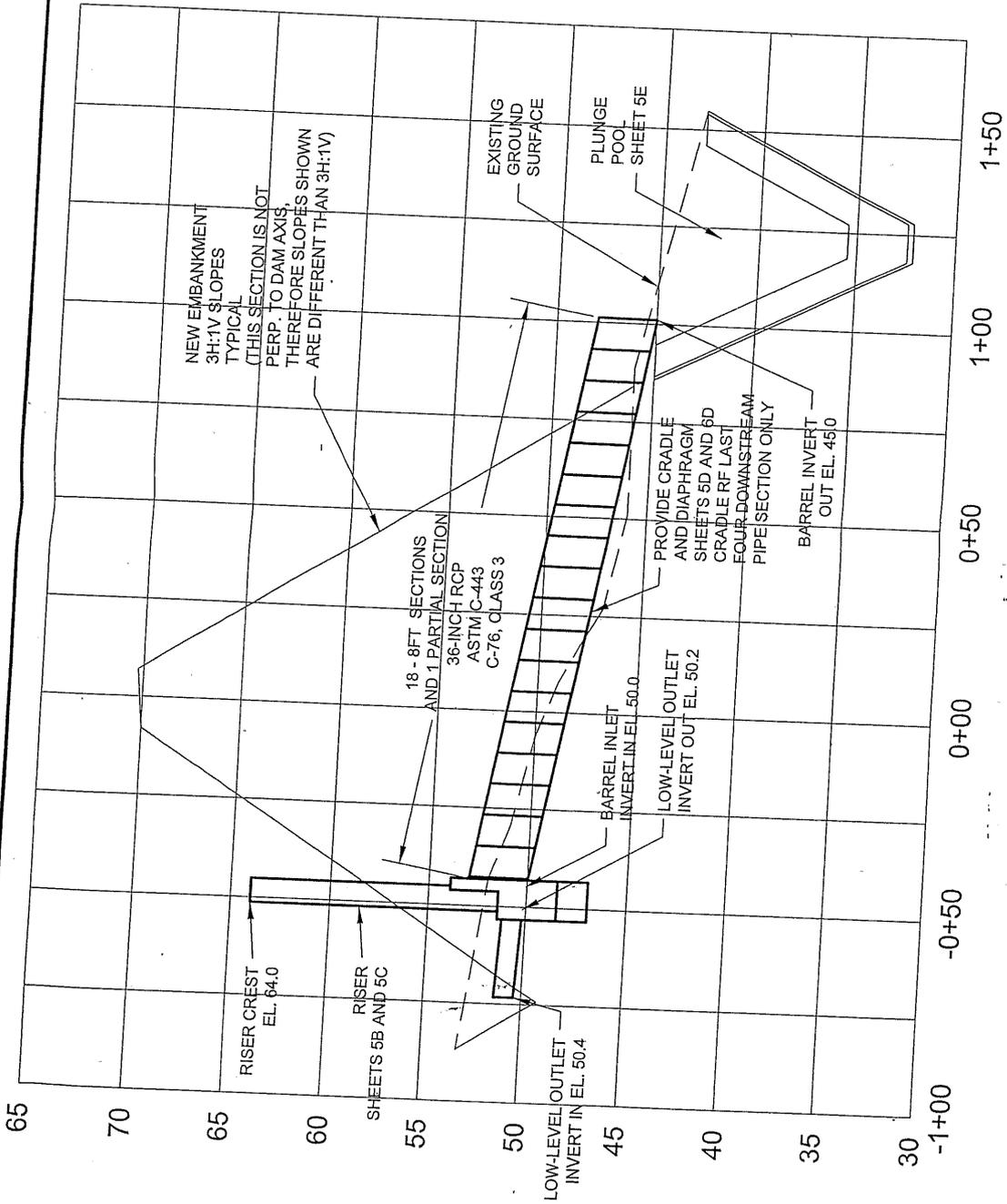


REV.	DATE	APPROVED	BY	REVISIONS
0	10-08-11-14			ISSUED FOR BIDDING

EDDY ENGINEERING, P.C.  
 302 NORTH PLANTATION LANE  
 SWANSBORO, NC 28584  
 (910) 325-1888

PROPOSED F.H. SHACKELFORD DAM  
 GREENE CO., NC  
 NEUSE RIVER BASIN  
 PRIMARY SPILLWAY  
 PROFILE

Project No.: 2004-036-2  
 Scale: AS SHOWN  
 SHEET NO.: 5A



PRIMARY SPILLWAY PROFILE