

**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: July 3, 2008
Comment Deadline: August 1, 2008
Corps Action ID #: 200701619

The Wilmington District, Corps of Engineers (Corps) has received an application from the Cliffs at High Carolina seeking Department of the Army authorization to impact approximately 6,149 linear feet of stream channel, 0.219 acre of wetlands, and 0.03 acre of open water in order to construct a golf course and residential development on a 2,780 acre tract of land known as The Cliffs at High Carolina. This property is located off of Patton Cove Road near Swannanoa and Old Fort Road near Fairview in Buncombe 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 Cliffs Communities
Mr. Don Nickell
3598 Highway 11
Travelers Rest, South Carolina 29690

Agent: Wetland & Natural Resource Consultants
Ms. Jennifer Robertson
Post Office Box 882
Canton, North Carolina 28716

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 2,780 acre property is located off of Patton Cove Road near Swannanoa and Old Fort Road near Fairview in Buncombe County, North Carolina. Coordinates for the site are 35.5692° north and 82.3689 west.

Existing Site Conditions

The property is 2,780 acres in size and is predominately forested. There is an existing road network throughout the site. Existing structures at High Carolina consist of a residential lodge, a house, a 7-acre pond, two smaller ponds, old tree farm fields, other cleared fields, a rock quarry, wooded land, and timbered land. Elevations on site are approximately 2,258 feet on the northern boundary of the property off Patton Cove Road and approximately 2,500 feet on the southern boundary off Old Fort Road. The highest elevations on site occur on Jesses High Top at approximately 4,366 feet. The project site is located within the Mountain physiographic region of North Carolina.

There are approximately 22 different soil types on the property. The dominant soil types are Toecane-Tusquitee complex (181), Edneyville-Chestnut complex (803), and Porters-Unaka complex (841). The Toecane-Tusquitee complex soils are very deep, well drained soils that are usually found along drainage ways, on benches and fans, and in coves in the Blue Ridge. The Edneyville-Chesnut complex soils are moderate to very deep, well drained soils that are usually found on gentle slopes to very steep ridges and side slopes in the Blue Ridge. The Porters-Unaka complex soils are deep, well drained, moderately permeable soils that are usually found on ridges and side slopes in the Southern Appalachian Mountains.

The dominant forest type is the Mixed Mesic Hardwood Forest; however, the site provides smaller forest types like the Canada Hemlock Forest, White Oak Forest, and Acidic Cove Forest. The Mixed Mesic Forest occupies rich, acidic, moist, well-drained sites and contains the most diverse plant communities in the Southeast. The dominant tree species are American beech (*Fagus grandifolia*) and oaks, specifically northern red oak (*Quercus rubra*) and white oak (*Quercus alba*). Other tree species that are abundantly common in these forests include ash, hickory, red maple, tulip poplar, hemlock, and buckeye; all are present within High Carolina. This forest type also has a very diverse shrub and herbaceous layer. Species at this site include heart's-a-busting, mountain laurel, pepperbush, ironwood, rhododendron, spice bush, wild hydrangea, black cohosh, bloodroot, doll's eye, false soloman's seal, galax, jewelweed, mayapple, Christmas fern, liverleaf, and alumroot. The Canada Hemlock Forest occupies open valley flats, slopes above Cove Forest sites, low ridges, and narrow ravines. These communities are dominated by canada hemlock, carolina hemlock, and other Cove Forest trees. The understory is dominated by rhododendron, mountain laurel, and doghobble.

The site contains several named streams and unnamed tributaries with adjacent wetlands. All stream channels on the site ultimately drain into the Swannanoa River or Cane Creek; both of these streams flow into the French Broad River. Tributaries on the Swannanoa side of the project include unnamed tributaries to the Swannanoa River. These tributaries are designated as "C" waters by the NC Division of Water Quality. The Fairview side includes Licklog Branch and unnamed tributaries, Rocky Fork and unnamed tributaries, Ellison Branch and unnamed tributaries, unnamed tributaries to Cane Creek, and unnamed tributaries to Flat Branch. They are designated as "C", "C;Tr", "C;Tr", "C;Tr", and "C" respectively. All tributaries on site flow into the French Broad which is a navigable in fact water at the Wilson Road Bridge on U.S. 276 just south of Brevard. A detailed description of the surface water classification system can be found at <http://h2o.enr.state.nc.us/csu/swc.html>.

There are numerous small wetlands located on the site. The majority of these wetlands have been identified as wetland seeps and are contiguous with their associated channel. These seeps are on moderate to steep slopes. Their substrate is rocky and they may or may not contain wetland vegetation. Other wetlands on site include areas that are periodically or permanently inundated by surface or groundwater and support hydrophytic vegetation.

Applicant's Stated Purpose

The basic project purpose is to develop a residential community with a golf course amenity in Buncombe County, North Carolina.

Project Description

The applicant, The Cliffs Communities, proposes to develop the High Carolina community which would contain single family homes, multi-family homes, a clubhouse village, and the first North American golf course project for Tiger Woods Design within the 2,780-acre the High Carolina property.

Total proposed impacts are 6,149 linear feet of stream channel, 0.219 acre wetland, and 0.03 acre open water; all proposed impacts are associated with road crossings/construction and golf course construction.

Road Construction - there would be 22 stream road crossing impacts and 1 wetland road crossing impact. The total proposed impacts for road construction would be 2,130 linear feet of stream and 0.135 acre of wetland.

Golf Course Construction - the construction of the golf course would require 10 stream impacts, 5 wetland impacts, and 1 open water impact. The total proposed impacts for golf course construction would be 4,019 linear feet of stream channel, 0.084 acre of wetlands, and 0.03 acre of open water.

Golf Impacts

Stream Impacts

Site #	Length (ft.)
26	275
27	211
28	375
29	886
30	171
35	122
36	437
37	1054
39	330
40	158

4019

Wetland Impacts

Site #	Size (ac.)
31	0.008
32	0.014
33	0.027
34	0.024
38	0.011

0.084

Open Water Impacts

Site #	Size (ac.)
41	0.03

Road Impacts

Stream Impacts

Site #	Length (ft.)
4	80
5	80
5b	60
6	80
6b	60
7	40
8	80
9	80
10	80
11	80
12	80
12b	20
13	80
13b	40
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14b	80
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20b	20
21	80
21b	20
22	20
23	80
23b	80
24	80
25	80
25b	40
25c	80

2130

Wetland Impacts

Site #	Size (ac.)
16a	0.135

0.135

The proposed mitigation for the project would occur both on-site and off-site, as shown in the mitigation table below. The applicant proposes on-site mitigation by removing 16 existing pipes and 1 dam and on-site preservation of 30,746 linear feet of stream and 0.857 acre of wetland. Off-site mitigation would be performed through an “in-lieu” payment to the North Carolina Ecosystem Enhancement Program and by restoration and enhancement stream activities at the Shoal Falls Farm Site (Crab and Shoal Creeks) in Henderson County, North Carolina.

High Carolina Mitigation Overview					
Mitigation Needed for Stream Impacts (proposed 2:1 ratio)					
Type of Impact	Amount (l.f.)	Mitigation Ratio (Based on Stream Quality)	Multiplier (Based on Impact)	Final Ratio	Mitigation Requirement (SMU)
Culverts (Streams)	6,149	2:1 (Good Quality)	1 (For Fill)	2:1	12,298
				Total	12,298
Mitigation Needed for Wetland Impacts (proposed 2:1 ratio)					
Type of Impact	Amount (ac.)	Mitigation Ratio (Based on Stream Quality)	Multiplier (Based on Impact)	Final Ratio	Mitigation Requirement (SMU)
Culverts (Wetlands)	0.219	2:1 (Good Quality)	1 (For Fill)	2:1	0.438
				Total	0.438
Mitigation Proposal for Stream Impacts					
Type of Mitigation	Method	Amount Proposed (l.f.)	Multiplier (Based on Activity)	SMU	
Restoration	on-site	405	1	405	
Restoration (Shoal Falls)	off-site	2,500	1	2,500	
Restoration	EEP	3,163	1	3,163	
Enhancement Level I	on-site	30	1.5	20	
Enhancement Level II	on-site	153	2.5	61	
Preservation (30' buffer)	on-site	30,746	5	6,149	
	Total				
			Total	12,298	linear feet
Mitigation Proposal for Wetland Impacts					
Type of Mitigation	Method	Amount Proposed (ac.)	Multiplier (Based on Activity)	SMU	
Restoration	on-site	0.014	1	0.014	
Restoration (Shoal Falls)	off-site	0.38	1.5	0.253	
Preservation (30' Buffer)	on-site	0.857	5	0.17	
	Total	1.32			
			Total	0.438	acres

On January 23, 2008, a Nationwide Permit (NWP) verification letter was issued to the Cliffs at High Carolina for on-site impacts to 149 linear feet of stream and 0.052 acre of wetland in order to enlarge 2 road crossings and upgrade/repair the existing dam on Tsuga Lake; 90 feet of stream impact had already occurred. Impacts associated with this NWP verification will be assessed cumulatively along with any further authorized impacts. The presence and/or alignment of these authorized impacts may not be used as sole justification to eliminate otherwise practicable alternatives.

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 August 1, 2008.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to the Holston-Cherokee-Douglas Watershed Team, Attention: Ms. Susan Fuhr, 3726 E Morris Blvd, Morristown, TN 37813-1270. Questions or comments regarding Section 26a permit requirements should be directed to the above address.

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

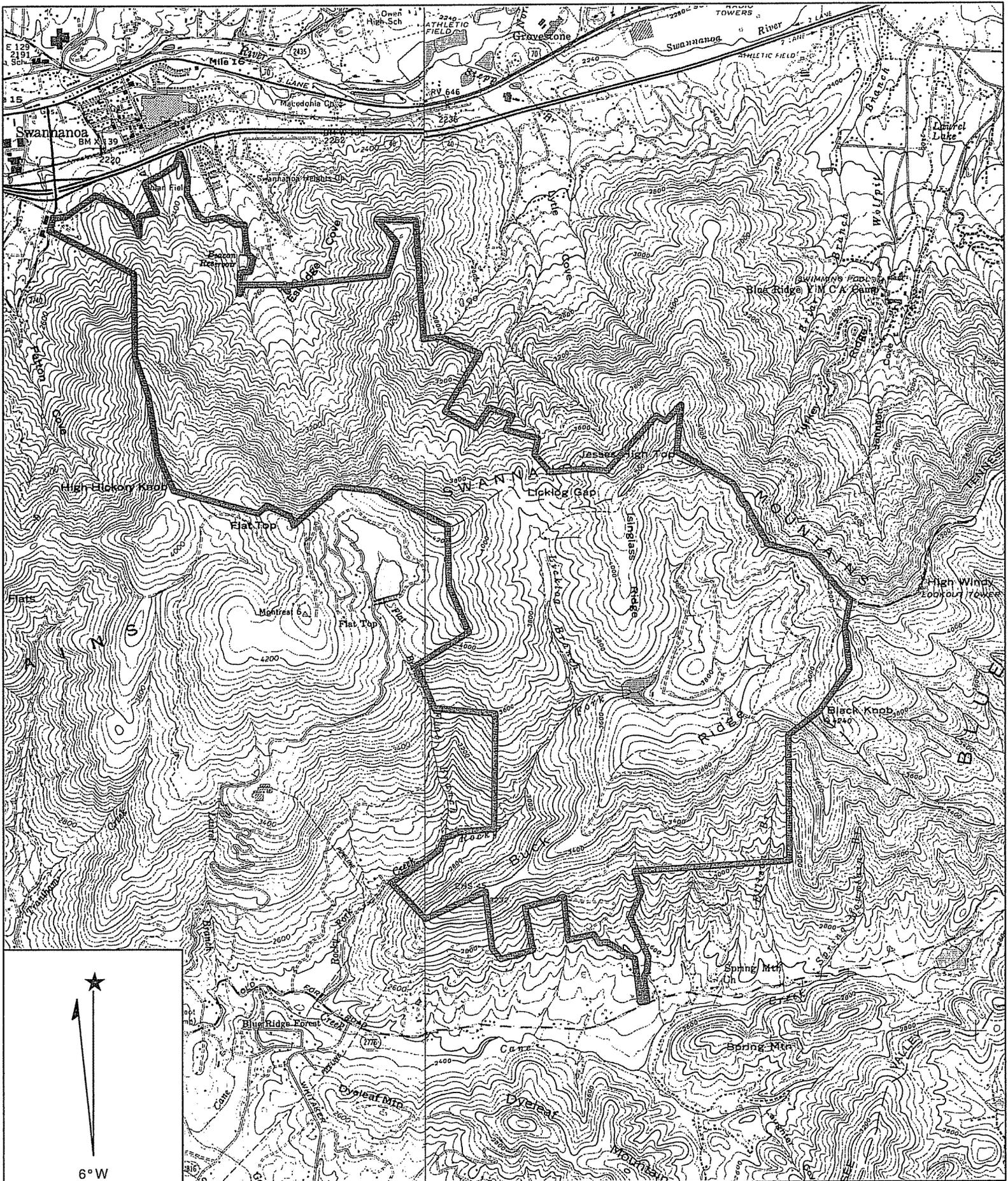
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 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, August 1, 2008. Comments should be submitted to USACE, Attn: Lori Beckwith, 151 Patton Avenue Room 208, Asheville, North Carolina 28801, telephone 828-271-7980 extension 226.



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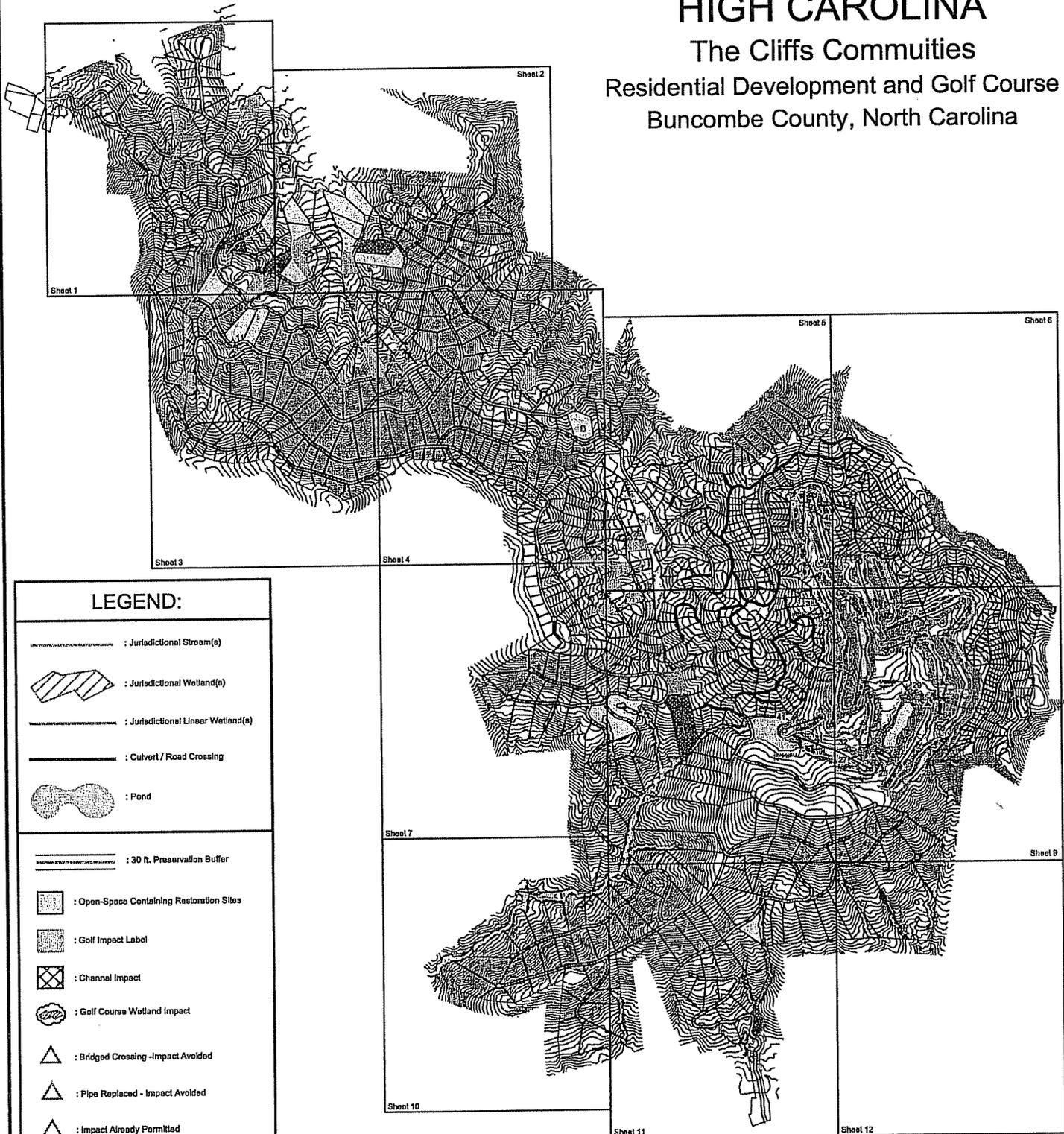
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 Caption: The Cliffs at High Carolina

HIGH CAROLINA

The Cliffs Communities

Residential Development and Golf Course

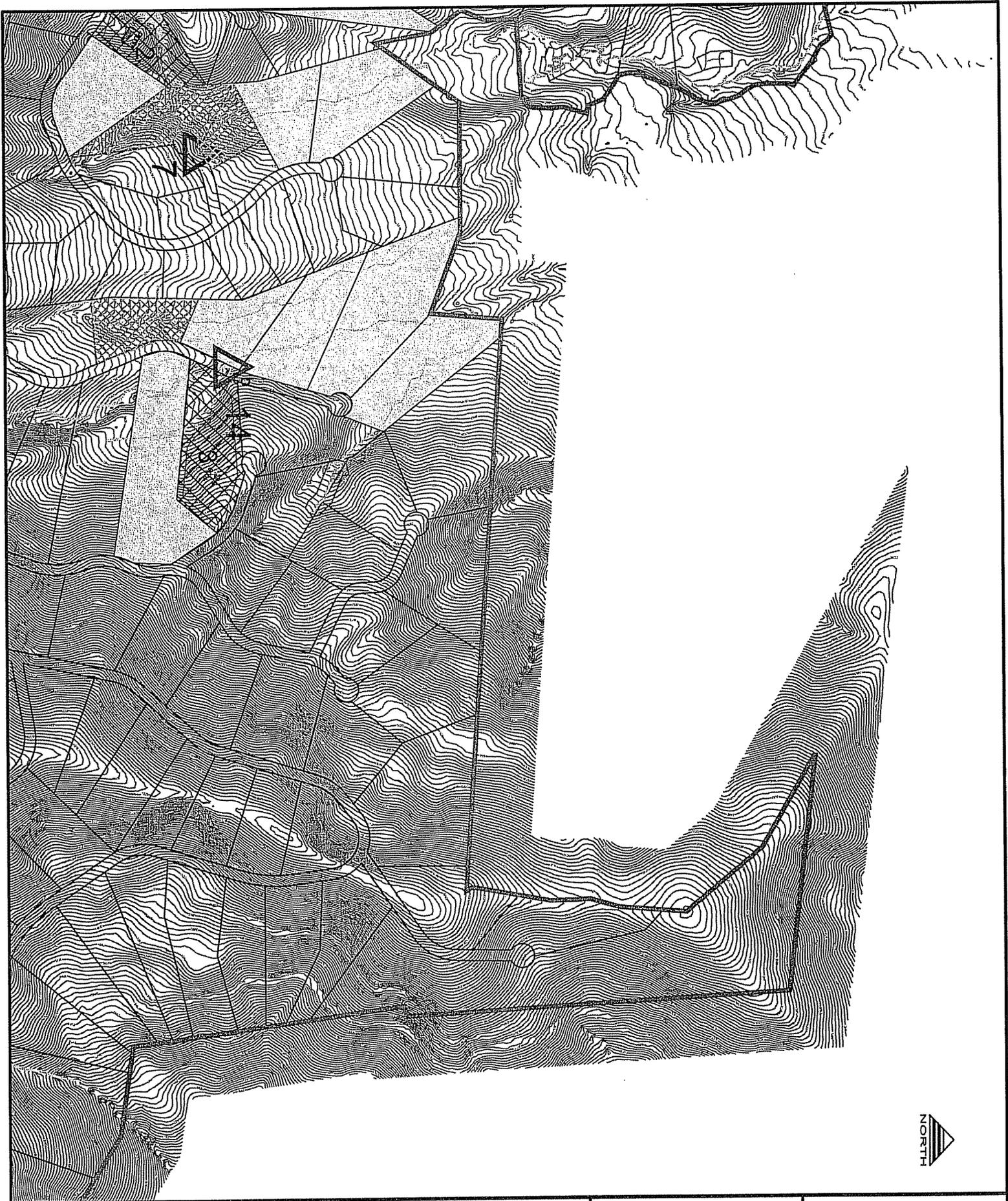
Buncombe County, North Carolina



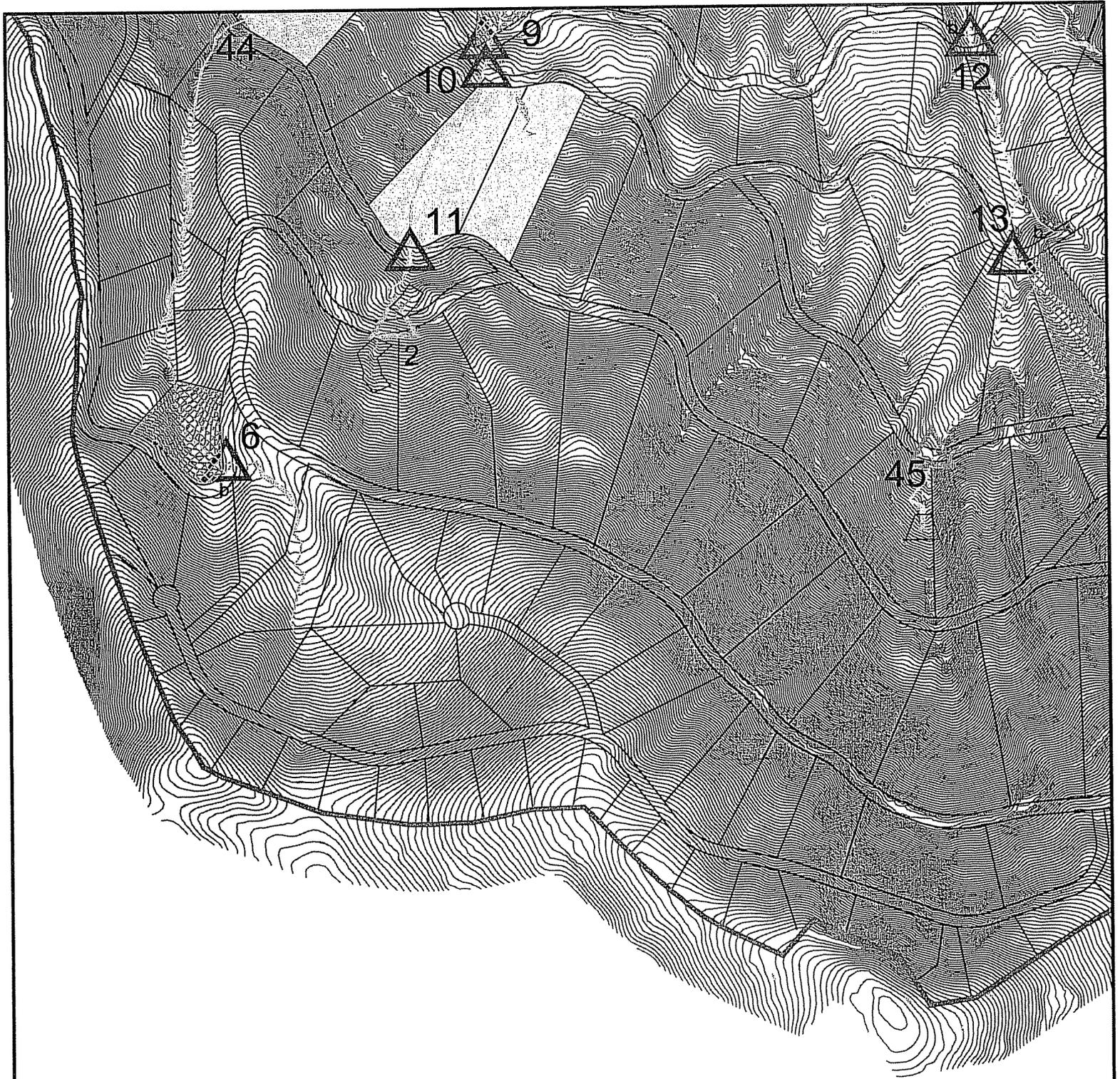
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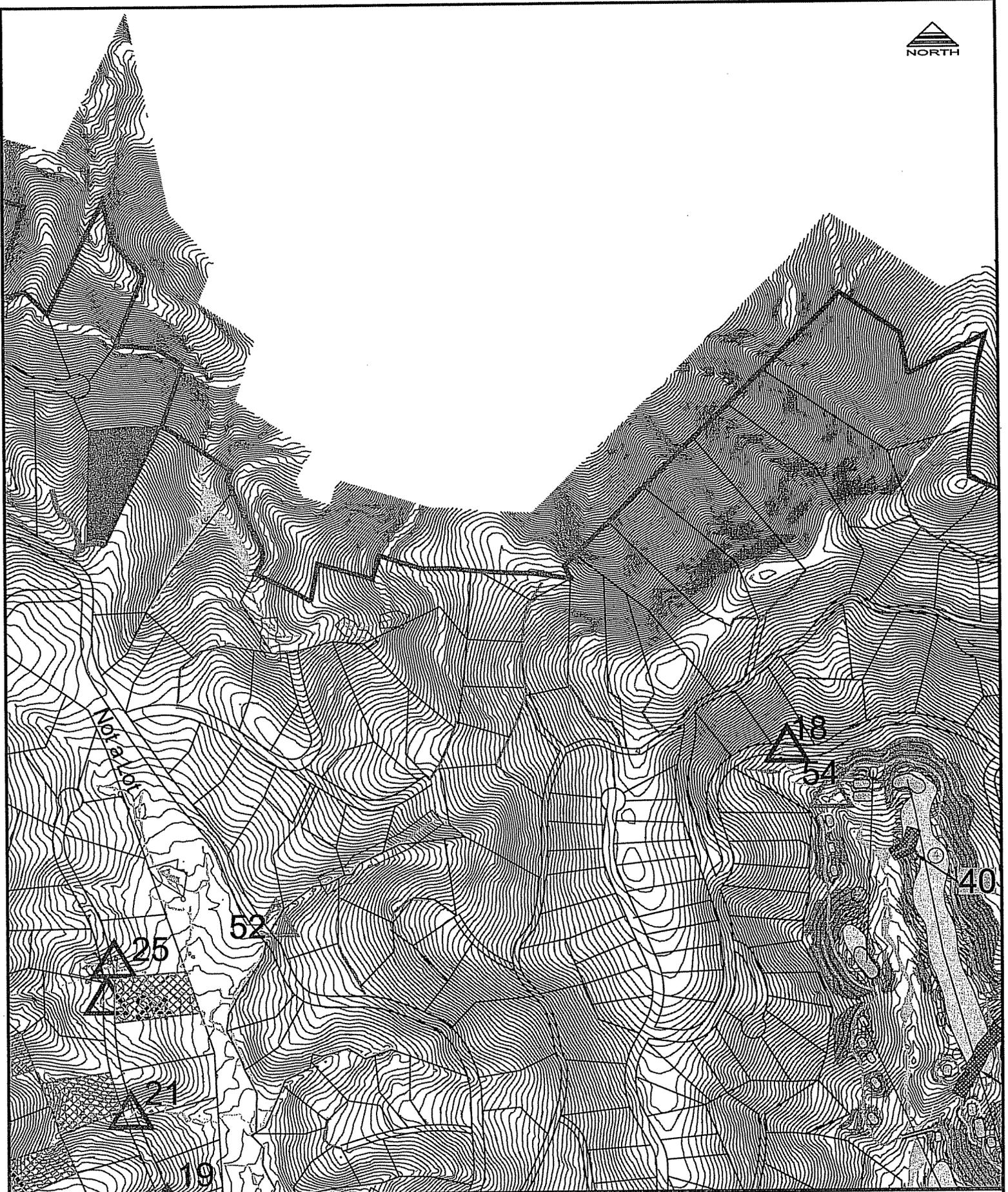


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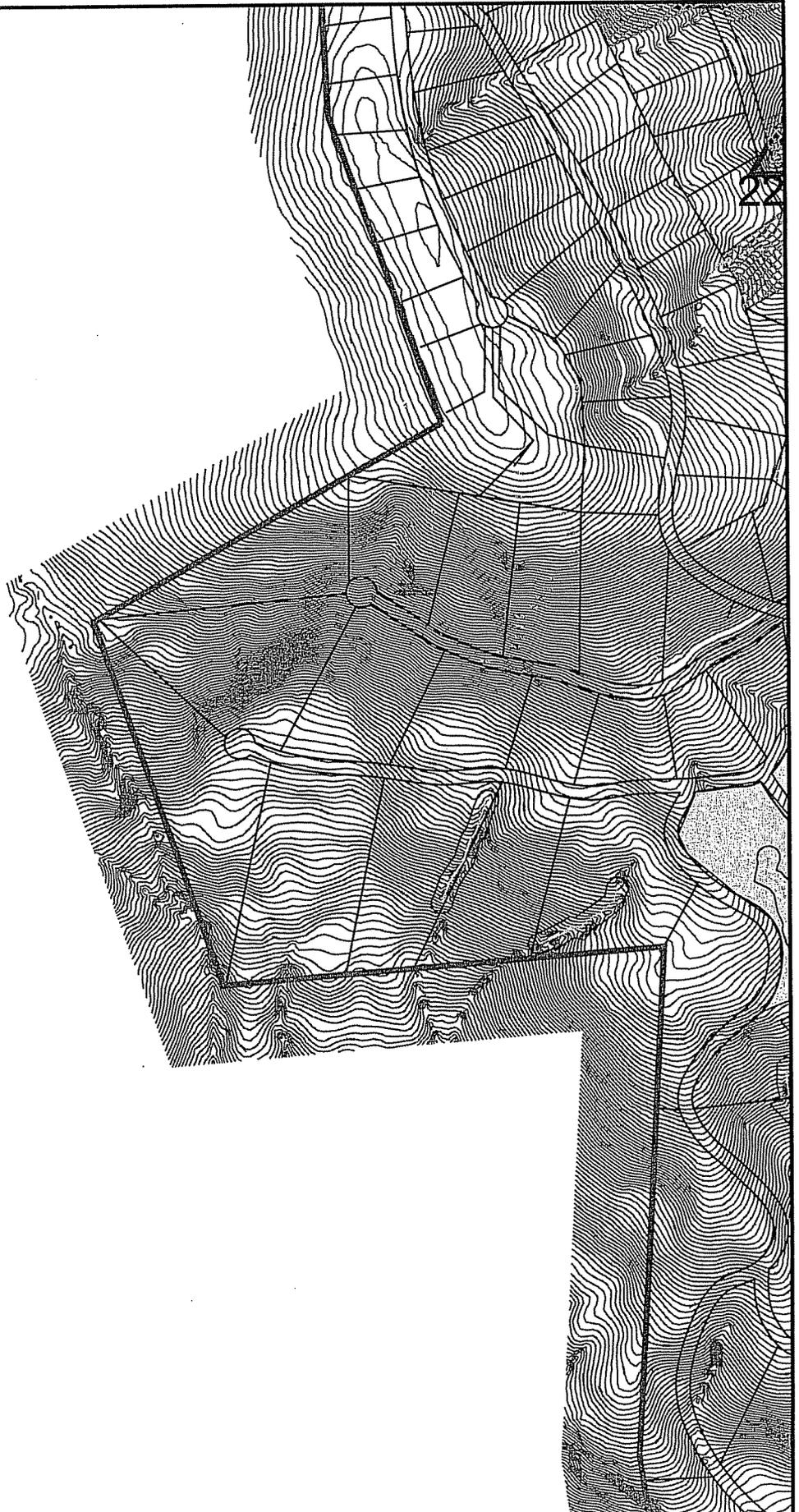


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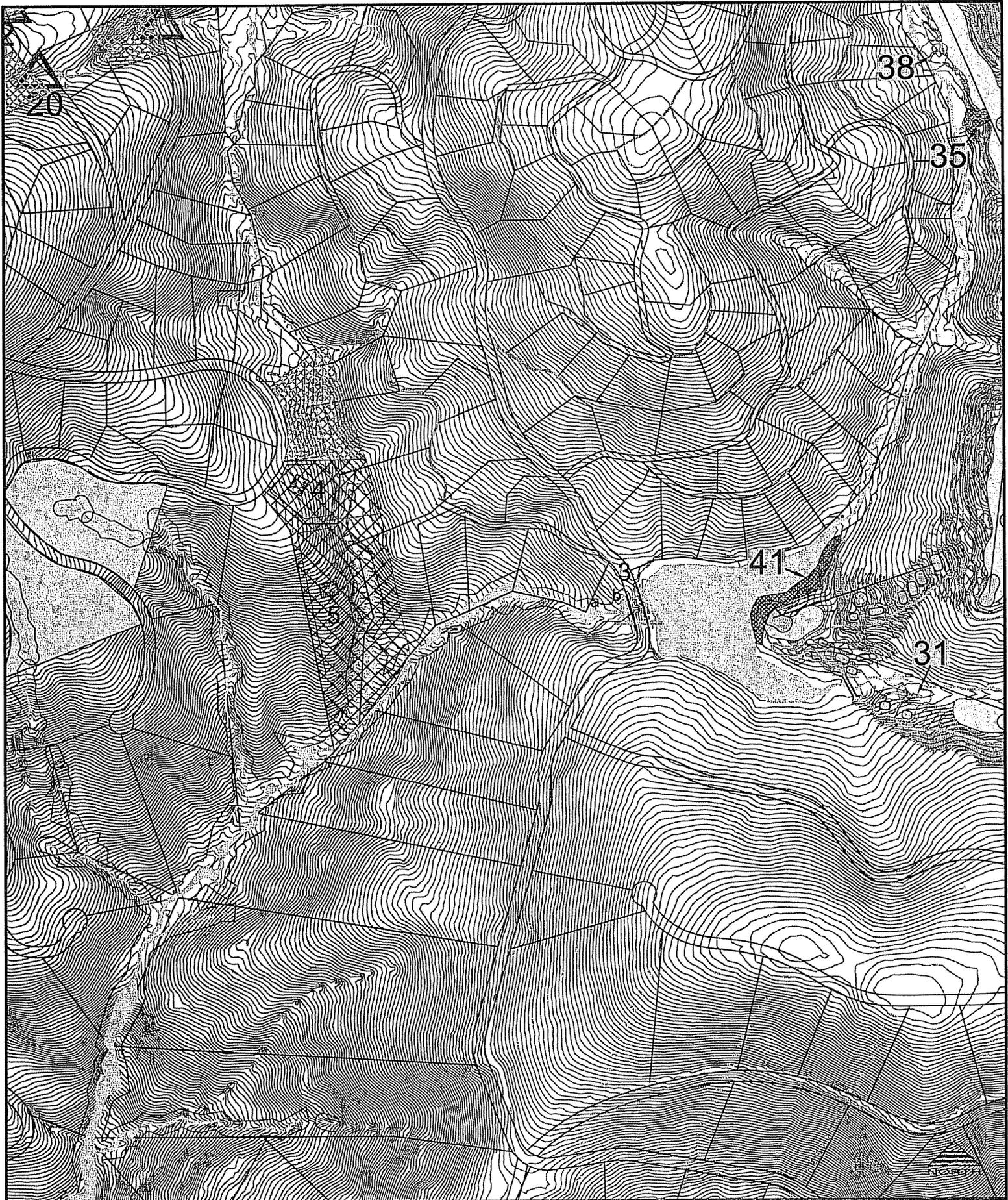
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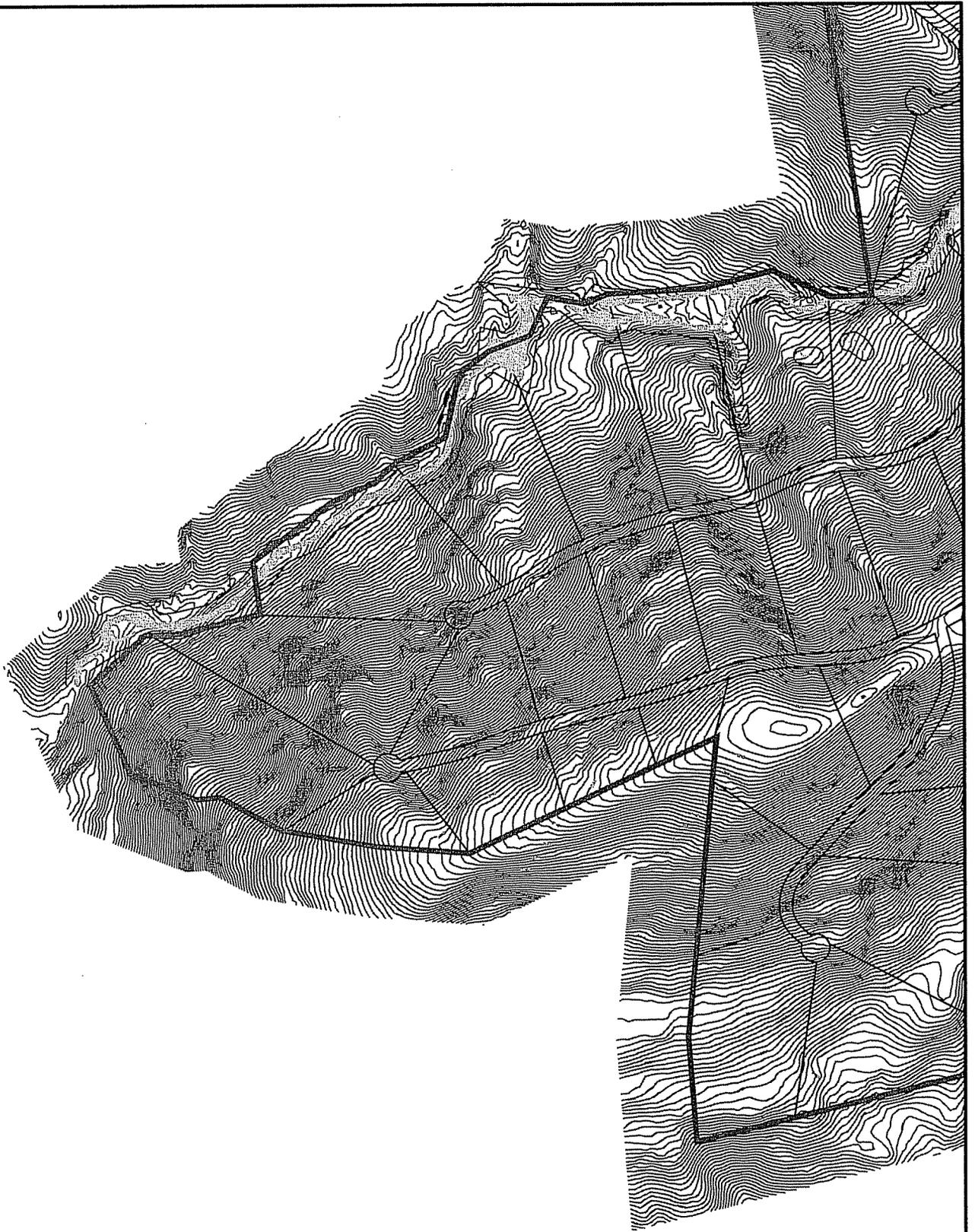
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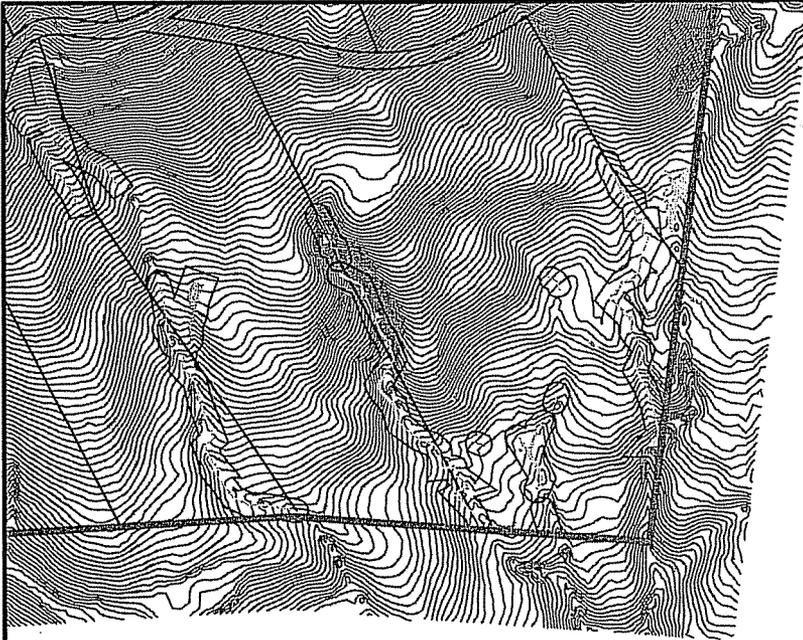
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