



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 26, 2008  
Comment Deadline: March 26, 2008  
Corps Action ID #: SAW-200800041

The Wilmington District, Corps of Engineers (Corps) has received an application from Spivey and Sturdivant Properties seeking Department of the Army authorization for permanent impacts to 0.08-acre of jurisdictional forested wetlands, and 36 linear feet of perennial stream channel exhibiting important aquatic functions. The impacts listed above are associated with the development of a residential lot within the Quail Ridge Development near Sanford, Lee County, North Carolina. Cumulative aquatic impacts for Quail Ridge have exceeded the threshold for Nationwide Permits.

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:** Spivey and Sturdivant Properties  
Attn: Mr. Craig Sturdivant  
130 A Wicker Street  
Sanford, North Carolina 27330

**AGENT:** Froehling and Robertson, Inc.  
Attn: Mr. Thomas Colson  
310 Hubert Street  
Raleigh, NC 27603

## **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 location for the proposed project is an undeveloped lot on Blue Jay Drive within the existing Quail Ridge development, near Sanford, Lee County, North Carolina. Coordinates, in decimal degrees are 35.395566° N, 79.235239° W. The project site

contains an unnamed perennial stream channel and abutting jurisdictional wetland which drain to Pocket Creek in the Cape Fear River Basin (8-Digit Cataloging Unit of 03030003).

### **Existing Site Conditions**

The proposed project is the only remaining undeveloped lot on Blue Jay Drive. The existing conditions on the lot include one unnamed perennial stream and an abutting palustrine forested wetland which bisect the site. These aquatic features drain to Pocket Creek in the Cape Fear River Basin. The surrounding area is within the Quail Ridge development.

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

The project purpose for the proposed activity is to access an upland area on the lot for residential development.

### **Project Description**

Background information provided by the applicant indicates that development of Quail Ridge has exceeded current thresholds for Nationwide Permits. Therefore, jurisdictional impacts associated with the development of this lot will require an Individual Permit.

This proposal includes impacts associated with the construction of a single driveway which would cross a perennial stream and an abutting wetland via culvert and fill. Impacts are proposed to 0.08 acre of jurisdictional forested wetlands, and 36 linear feet of perennial stream channel.

### **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), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by March 19, 2008.

## **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**

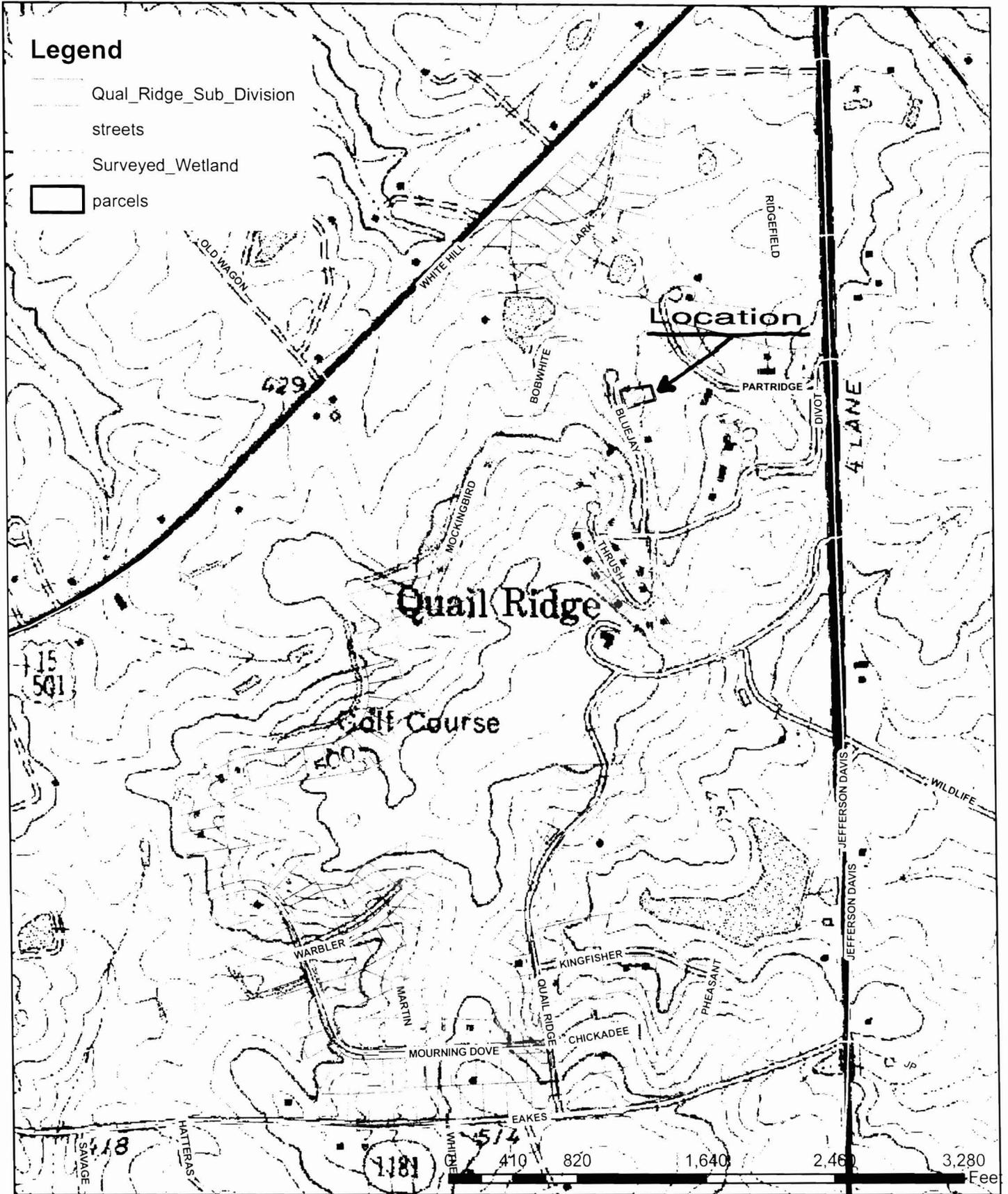
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, March 26, 2008. Comments should be submitted to Monte Matthews, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587.



<b>Sheet NO. 11 of 1" equals 800'</b>		<b>NAD 1983 StatePlane North Carolina FIPS 3900 (Feet)</b>		
	Project Name: Spivey & Sturdivant 1 SFR	Client: Craig Sturdivant		
	Date: Jan 21 2008	Project: Spivey and Sturdivant Properties		
	USACE Action ID:	Location: Lee County		
		F&R Project No.: J66-5095E		
		Date: Jan 21, 2008	Data: Lee County Planimetric	
		Scale: 1:9,600	1 inch equals 800 feet	
		Figure 11		

RECEIVED

FEB 06

RALPH HARRIS LAND SURVEYING OFFICE

BLUEJAY DRIVE

105

R=1150.00

S 79°19'12" W

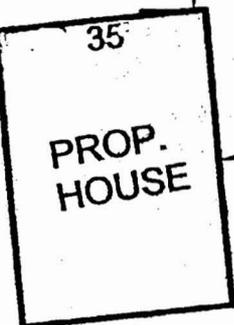
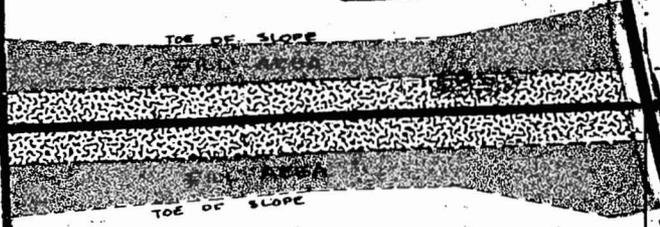
194.93'

S 13°28'30" E

46.00'

S 18°24'30" E

51.08'



LOT 8

199.85'

S 74°03'28"

25.00'

1"=20' HOR.  
PLAN VIEW

SPIVEY AND STURDIVANT  
PROPERTIES  
LOTS 6, 7, AND 8  
PINE KNOLL SUBDIVISION  
LEE CO NC

TEXT BOX

TOTAL AREA OF WETLANDS	.28 AC
WETLAND IMPACT	.08 AC
STREAM IMPACT	.0064 AC
STREAM WIDTH	14'
LENGTH OF CROSSING	36'
STREAM CROSSING IMPACT	.0064 AC
FILL IN WETLANDS	356 YD <sup>3</sup>
FILL IN STREAM	25 YD <sup>3</sup>

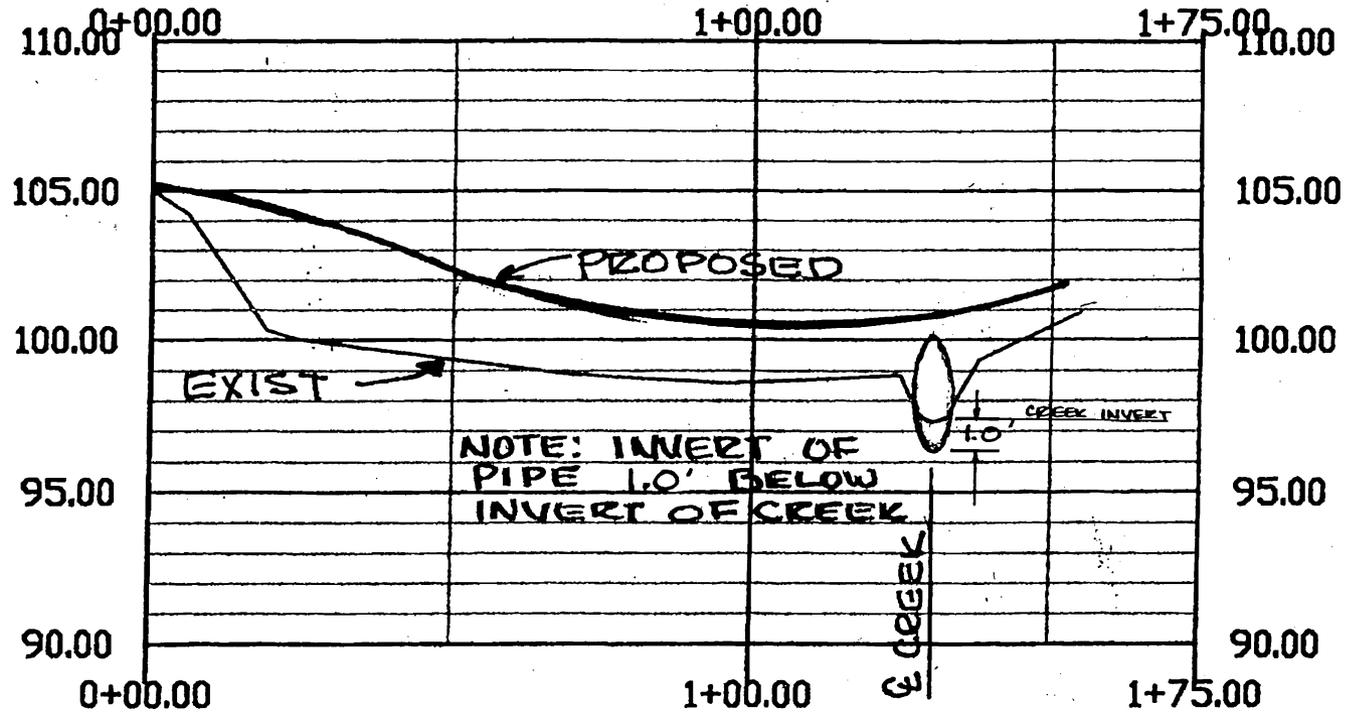


11/5/07

**awck**  
alley, williams, carmen & king, inc.  
ENGINEERS & SURVEYORS  
1620 S. Third Street 919 776-5622  
Sanford, N.C. 27330 email:landsurvey@alltel.net

PROJECT: DWG: SHEET 1

Elevation



Elevation

1:20' HOR. 1:5' VERT.

### DRIVEWAY PROFILE

**SPIVEY AND STURDIVANT**  
**PROPERTIES**  
 LOTS 6, 7, AND 8  
 PINE KNOLL SUBDIVISION  
 LEE CO NC



<b>aw ck</b>	<b>alley, williams, carmen &amp; king, Inc.</b>	
	<b>ENGINEERS &amp; SURVEYORS</b>	
	1620 S. Third Street	919 776-5622
	Sanford, N.C. 27330	email:landsurvey@alltel.net
PROJECT:	DWG:	SHEET 2