

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: June 26, 2008  
Comment Deadline: July 28, 2008  
Corps Action ID #: SAW-2008-01908

The Wilmington District, Corps of Engineers (Corps) has received an application from Mr. Craig Glass of Windjam 23, LLC, seeking After-the-Fact Department of the Army authorization for additional permanent impacts in the amount of 148 linear feet of perennial stream channel associated with the construction of The Hamptons, a residential subdivision near Pittsboro, Chatham County, North Carolina. A previous Nationwide Permit was issued for this project on September 18, 2006, for 247 linear feet of permanent stream impact, 0.017 acre of permanent wetland impact, and 20 linear feet of temporary impact. The requested impacts exceed the threshold for a Nationwide Permit.

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:** Windjam 23, LLC  
Mr. Craig Glass  
3434 - 135 Kildaire Farm Road  
Cary, North Carolina 27518

**AGENT:** Withers and Ravenel  
Attn: Todd Preuninger  
111 Mackenan Drive  
Cary, North Carolina 27511

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures Section 404 of the Clean Water Act

## Location

The Hamptons Subdivision is a 182 acre property located off US Hwy 64, on Mt. Gillead Church Rd. near Pittsboro, Chatham County, North Carolina. The project site contains one forested wetland and three unnamed perennial streams which drain to Ward Branch

in the Cape Fear River Basin (8-Digit Cataloging Unit 03030003). Latitude and Longitude in Decidegrees of the site is 35.7790 N. and 79.0953 W.

### **Existing Site Conditions**

The property is currently being developed in three phases consisting of a total of 89 single-family lots. Residential and infrastructure construction is already complete in Phases I and II and has started in Phase III. Sewer and power easements have been constructed on the site.

The project site contains one forested wetland and three unnamed perennial streams which drain to Ward Branch in the Cape Fear River Basin (8-Digit Cataloging Unit 03030003). A Corps jurisdictional determination has been completed for this area which verifies these aquatic features.

Impacts to the jurisdictional features listed above have occurred for the construction of all three Phases (see Project Description for more details).

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

The project purpose is to complete construction of a residential subdivision to satisfy a demand for single-family homes.

### **Project Description**

The activity involved the construction of a residential subdivision. This includes all roadways, utility lines, stormwater features, and amenities. Initial permanent impacts to 247 linear feet of stream channel and 0.076 acres of wetlands, and temporary impacts to 20 linear feet of stream were originally permitted by the Corps under Action ID numbers 200620800 and 200620801. After the permit was issued, the applicant increased the length of two culverts to satisfy the roadway requirements of the North Carolina Department of Transportation. Since impacts to jurisdictional features have occurred outside the original permit area, a Notice of Permit Noncompliance was issued by the Corps on May 12, 2008. An After-the-Fact Individual DA Permit application was completed by the applicant to alleviate the violations and satisfy the stipulations of the Clean Water Act. Total permanent impacts from the placement of three roadway culverts were assessed at 395 linear feet of perennial streams and 0.076 acre of wetlands. The remaining 20 linear feet of temporary stream impact is from the installation of a utility line.

To mitigate for the original 247 linear feet of impacts to jurisdictional features, the applicant has made payment into the North Carolina Ecosystem Enhancement Program (NCEEP). The applicant is currently working with the Corps on a compensatory mitigation plan to offset the remaining impacts.

## **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 July 21, 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 aware that there are registered properties, or properties listed as being eligible for inclusion therein, located within the project area. During the previous permit process, the applicant entered into a Memorandum of Agreement dated August 22, 2006, with the North Carolina State Historic Preservation Office and the Corps. This agreement required mitigation for the adverse effects to the historic site from the construction of The Hamptons Subdivision. Therefore, additional impacts to this structure are not anticipated.

## **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, July 28, 2008. Comments should be submitted to Monte Matthews, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587.

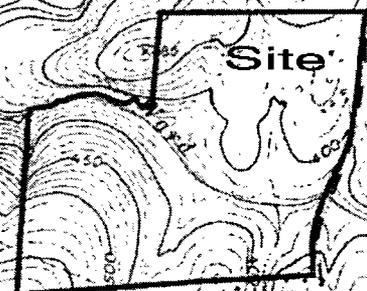
**RECEIVED**

JUN 12 2008

RALEIGH REGULATORY FIELD OFFICE

HWY 15/501

Site



**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS  
111 Mackeran Drive Cary, North Carolina  
telephone: 919.469.3340 www.witherarravenel.com

0 1,000 2,000 4,000 Feet

Project #204263 - Mt. Gilead Ch. Rd/Wetlands/USGS.mxd

Sheet 1 of 8



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RALEIGH REGULATORY FIELD OFFICE

**TOTAL DEVELOPMENT IMPACTS SUMMARY**

SEE SHEETS I-3 THRU I-6 FOR DETAILED IMPACTS

PERMANENT STREAM CHANNEL IMPACTS:

AREA 1	88 LF /	177 SF
AREA 2	157 LF /	1,944 SF
AREA 3	150 LF /	2,005 SF
<b>TOTAL PERM. STREAM IMPACTS</b>	<b>395 LF /</b>	<b>4,126 SF (0.095 AC.)</b>

AREA 4 (Temporary Impact)	20 LF /	405 SF
<b>TOTAL TEMP. STREAM IMPACTS</b>	<b>20 LF /</b>	<b>405 SF (0.009 AC.)</b>

WETLAND IMPACT:

ROAD FILL (AREA 2)	3295 SF	(0.076 AC.)
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TOTAL IMPACT TO WATERS OF THE U.S.

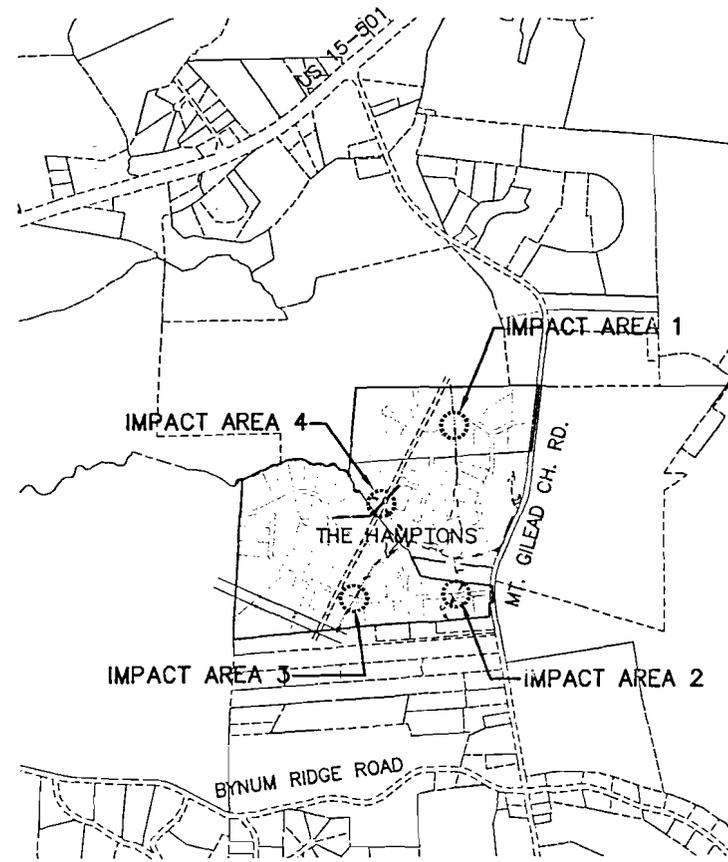
STREAMS	0.095 AC.
WETLANDS	0.076 AC.

**TOTAL IMPACT TO WATERS OF THE U.S. (0.171 AC.)**

NOTES:

- THIS PROJECT INVOLVES APPROXIMATELY 10,050 LINEAR FEET OF SUBDIVISION STREETS AND 89 LOTS, BASED ON THE APPROVED PLANS BY WITHERS & RAVENEL, INC.
- IMPERVIOUS SURFACE ESTIMATE:
 

ROADS	5.19 AC.
LOTS	16.35 AC. (8,000 SF/LOT X 89 LOTS)
<b>TOTAL EST. IMPERVIOUS SURFACE:</b>	<b>21.54 AC.</b>
<b>TOTAL PROJECT BOUNDARY:</b>	<b>182.5 AC.</b>
<b>EST. % IMPERVIOUS:</b>	<b>11.8%</b>
- EXISTING WETLANDS SHOWN ARE FROM FIELD DELINEATION BY WITHERS & RAVENEL, INC. & FIELD MAPPED BY JOHN MCLEAN, PLS.



SCALE: 1" = 1500'

No.	Revision	Date	By	Designer	Scale
1	As shown on-site impact limits	5/28/08	BDM	W&R	1"=1500'
				Drawn By	Date
				BOH	04/06/06
				Checked By	Job No.
				BDM	02050592.0

THE HAMPTONS  
CHATHAM COUNTY, NC

WETLAND IMPACTS  
SITE LOCATION MAP

**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS  
111 MacKenan Drive Cary, North Carolina 27511  
tel: 919-469-3340 www.wITHERSRAVENEL.com fax: 919-467-6008

Sheet No.  
I-1



NOTES:

1. PROPOSED LAYOUT SHOWN IS FROM APPROVED SKETCH PLAN BY WITHERS & RAVENEL, INC.
2. EXISTING WETLANDS SHOWN ARE FROM FIELD DELINEATION BY WITHERS & RAVENEL, INC., AND FIELD-SURVEYED BY JOHN MCLEAN, PLS.
3. EXISTING TOPOGRAPHY SHOWN IS FROM DIGITAL GIS LIDAR DATA.



No.	Revision	Date	By

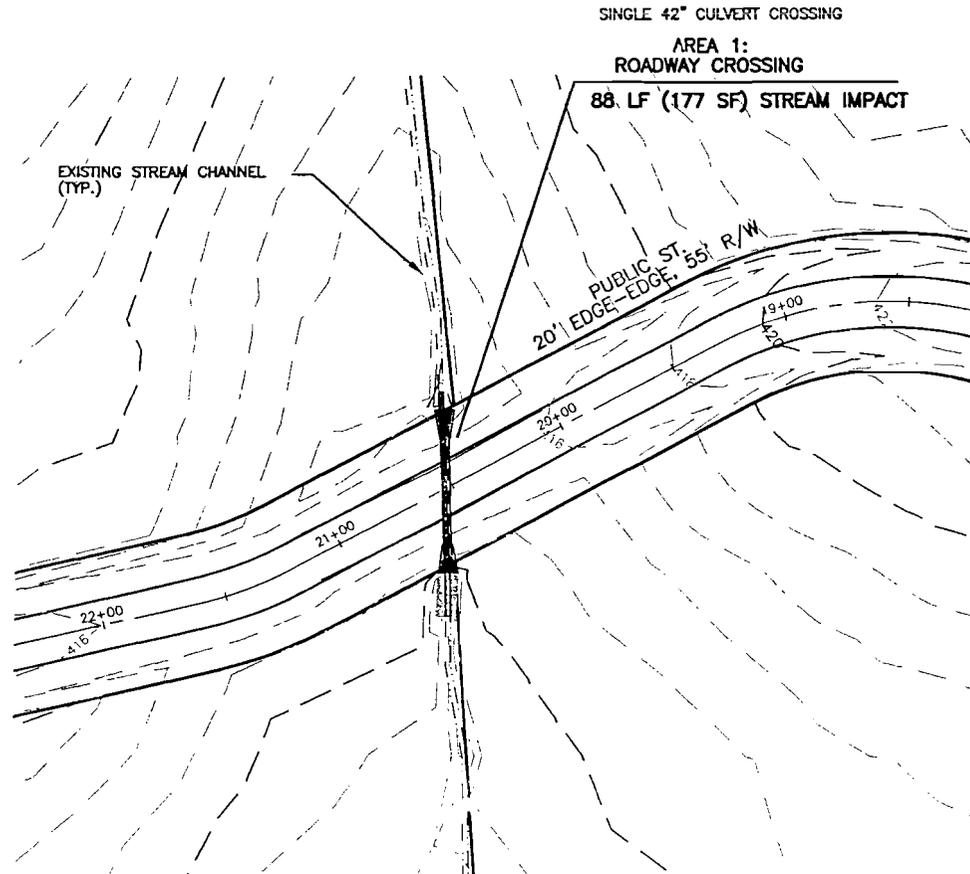
Designer W&R	Scale 1"=400'
Drawn By BOH	Date 04/06/06
Checked By BDH	Job No. 02050592.0

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OVERALL PROJECT MAP

**WITHERS & RAVENEL**  
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tel: 919-469-3340    www.wITHERSRavenel.com    fax: 919-467-6008

Sheet No.  
I-2



SCALE: 1" = 50'

No.	Revision	Date	By
1	Issue of final impact limits	5/28/06	BDH

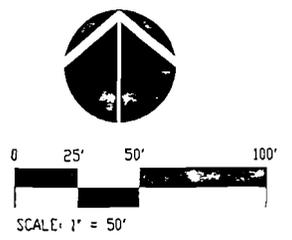
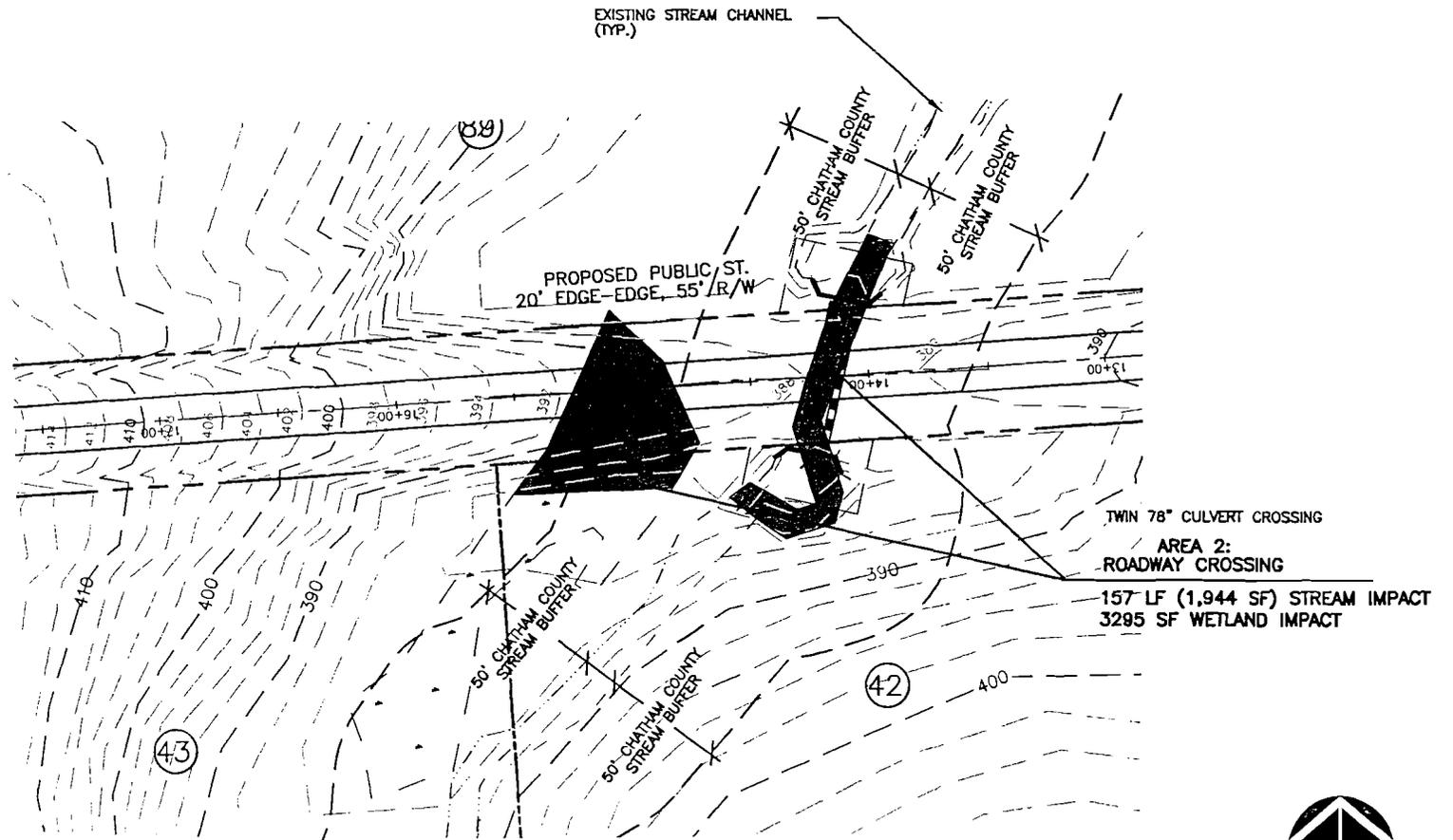
Designer	W&R	Scale	1"=50'
Drawn By	BDH	Date	04/06/06
Checked By	BDH	Job No.	02050592

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IMPACT AREA 1

**WITHERS & RAVENEL**  
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Sheet No  
1-3



Rev	Revision	Date	By
1	In place as-built impact limits	3/29/08	BDH

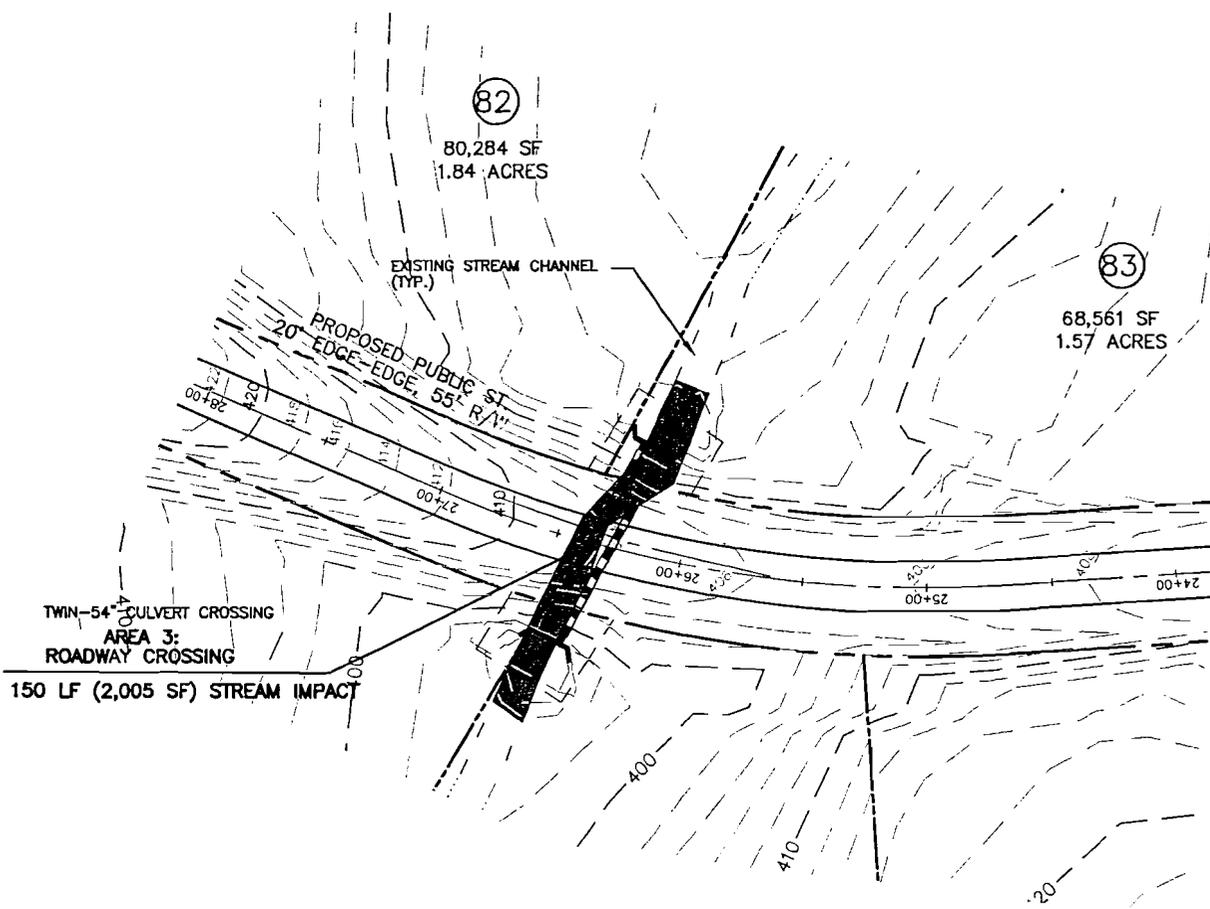
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Drawn By	BDH	Date	04/06/06
Checked By	BDH	Job No.	02050592.0

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IMPACT AREA 2

**WITHERS & RAVENEL**  
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Sheet N  
1-4



SCALE: 1" = 50'

No.	Revision	Date	By
1	As shown on final impact study	5/28/08	BDH

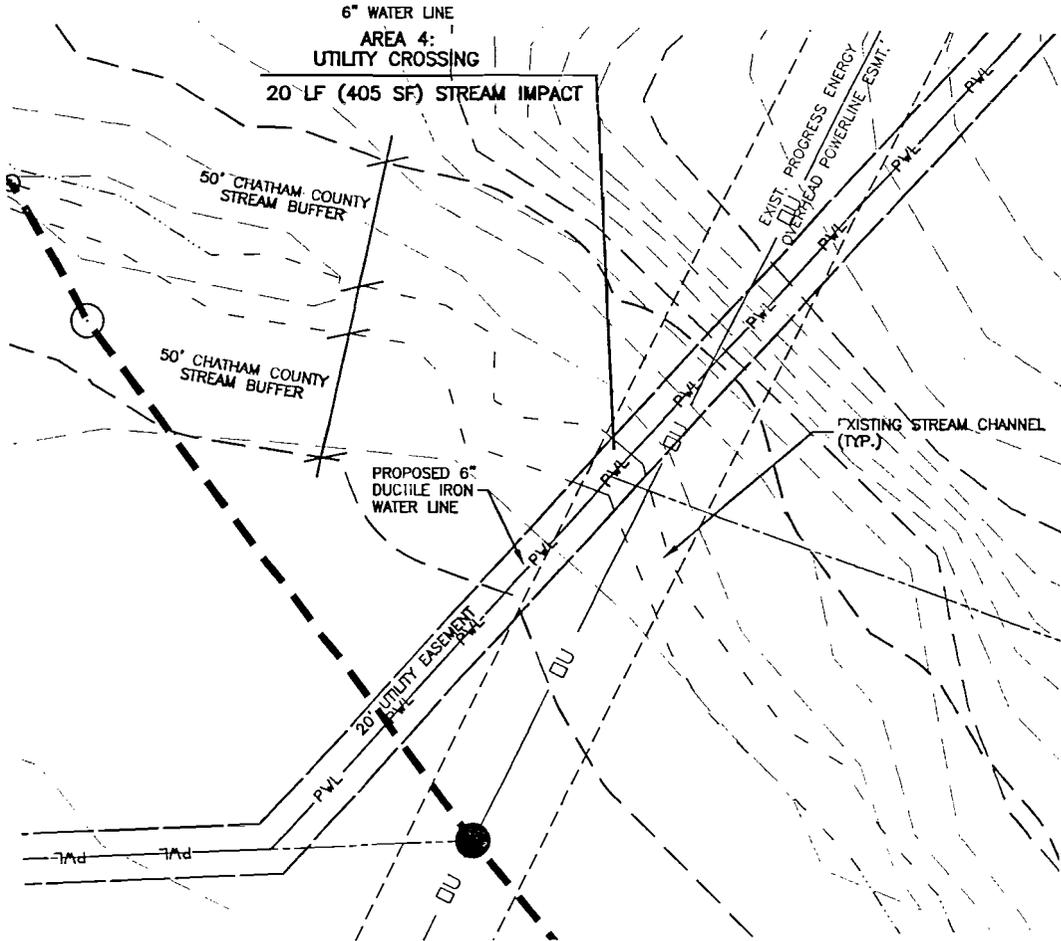
Designer	W&R	Scale	1"=50'
Drawn By	BDH	Date	04/06/06
Checked By	BDH	Job No.	02050592.0

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IMPACT AREA 3

**WITHERS & RAVENEL**  
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111 Mackenran Drive Cary, North Carolina 27511  
tel: 919-469-3340 www.withersravenel.com fax: 919-467-6008

Sheet No.  
1-5



SCALE: 1" = 50'

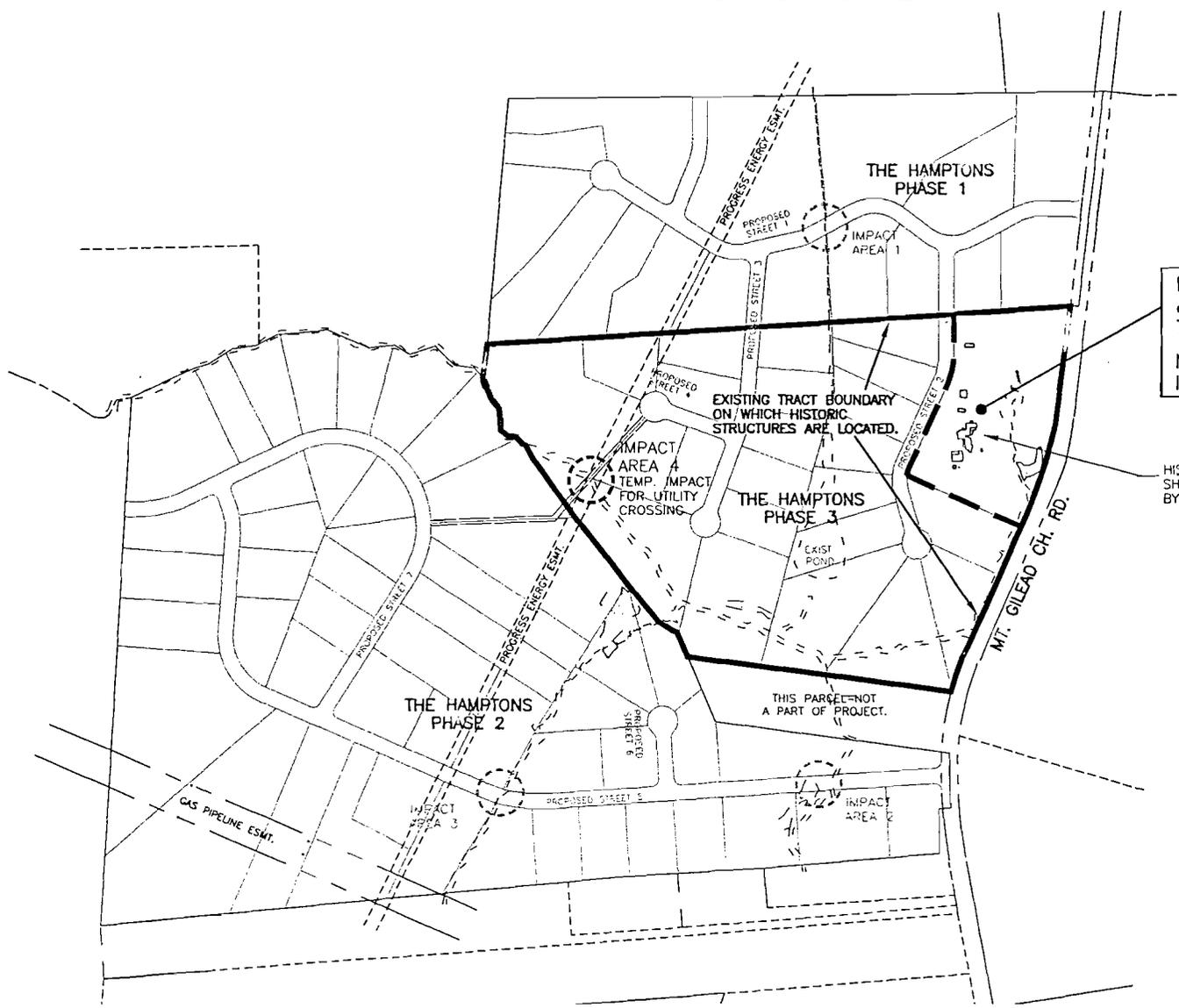
No.	Revision	Date	By	Designer	Scale
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				Drawn By	Date
				BDH	04/06/06
				Checked By	Job No.
				BDH	02050592 0

THE HAMPTONS  
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IMPACT AREA 4

**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS  
117 Mackenan Drive Cary, North Carolina 27511  
tel: 919-469-3340 www.wITHERSRAVENEL.com fax: 919-467-6008

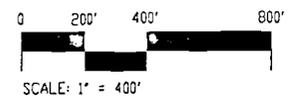
Sheet No.  
1-6



EXISTING HISTORIC HOMESITE & STRUCTURES TO REMAIN ON 7.1 AC. ESTATE LOT.  
NO DEVELOPMENT ACTIVITY IN THIS AREA.

HISTORIC STRUCTURE & OUT-BUILDINGS SHOWN ARE BASED ON FIELD SURVEY BY JOHN MCLEAN LAND SURVEYING.

- NOTES:
1. PROPOSED LAYOUT SHOWN IS FROM APPROVED SKETCH PLAN BY WITHERS & RAVENEL, INC.
  2. EXISTING WETLANDS SHOWN ARE FROM FIELD DELINEATION BY WITHERS & RAVENEL, INC., AND FIELD-SURVEYED BY JOHN MCLEAN, PLS.
  3. EXISTING TOPOGRAPHY SHOWN IS FROM DIGITAL GIS LIDAR DATA.



No.	Revision	Date	By

Designer W&R	Scale 1"=400'
Drawn By BDH	Date 05/15/06
Checked By BDH	Job No. 02050592.0

THE HAMPTONS  
CHATHAM COUNTY, NC

HISTORIC STRUCTURES  
LOCATION & PRESERVATION MAP

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Sheet No.  
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