PUBLIC NOTICE

US Army Corps
Of Engineers
Wilmington District

Issue Date: July 8, 2015
Comment Deadline: August 7, 2015
Corps Action ID Number: SAW-2013-02262

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Jeff Brown of Tryon Equestrian Partners, LLC seeking Department of the Army authorization to impact 1,463 linear feet (lf) of unnamed tributaries (UT) of White Oak Creek and 0.02 acres (ac) of jurisdictional wetlands, associated with the proposed development of 1,276 acres for a resort, equestrian center, and residential community known as the Tyron International Equestrian Center (TIEC) southeast of the intersection of Pea Ridge Road and U.S. Highway 74, northeast of Tryon in Polk 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 http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx

Applicant:
Mr. Jeff Brown
Tryon Equestrian Partners, LLC
2659 Sandy Plains Road
Tryon, North Carolina 28782

AGENT (if applicable):
Mr. Clement Riddle
ClearWater Environmental Consultants, Inc.
32 Clayton Road
Asheville, North Carolina 28801

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344)

☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

From U.S. Highway 74 and take the Pea Ridge Road Exit (Exit 170). Turn south on to Pea Ridge Road and the site is immediately to the south.

Project Area (acres):	1,276	Nearest Town: Tryon	
Nearest Waterway:	UTs White Oak Creek and White Oak Creek	Latitude and Longitude:	35.274474 N -82.055471 W
River Basin: Upper Broad (03050105)			

Existing Site Conditions

The TIEC project site consists of Phase I of the equestrian facilities, residential lots and roads, undeveloped land, a partially finished (12 holes) golf course, approximately 6 single-family homes, and approximately 3 miles of roads. Elevations range from approximately 966 feet above mean sea level (MSL) on the northern portion of the property to 760 feet above MSL on the southeastern portion of the property. Several natural communities are present on site; each community is described in further detail below.

Pine Plantation - There are several areas on the project site composed of planted pine plantation. The pines are primarily Virginia pine (*Pinus virginiana*) and loblolly pine (*Pinus taeda*). These trees range in age from approximately five to thirty years old. These areas have been planted in dense rows or densely seeded patches and almost completely shade out other forms of vegetation. Drought tolerant ferns such as bracken fern (*Pteridium aquilinum*) and ebony spleenwort (*Asplenium platyneuron*) were observed but uncommon. Common greenbriar (*Smilax rotundifolia*) was also occasionally observed.

Pine-Oak-Heath - This habitat occurs on south facing slopes and on the tops of ridges on site. Flat areas in the uplands on the southern side of the site contain various successional stages of a pine-oak-heath habitat. The canopy layer is dominated by Virginia pine, loblolly pine, red oak (*Quercus rubra*), and white oak (*Quercus alba*). Saplings of the species listed above along with flowering dogwood (*Cornus florida*), American holly (*Ilex opaca*), and red maple (*Acer rubrum*) dominate the midstory of this area. Shrub species observed include blueberry (*Vaccinium pallidum*), deerberry (*Vaccinium stamineum*), and sassafras *(Sassafras albidum*). Vines observed included white leafed greenbriar (*Smilax glauca*), sawtooth greenbriar (*Smilax bona-nox*), and common greenbriar. The herb layer is sparse and is comprised of composites such as goldenrod (*Solidago spp*.) and whorled coreopsis (*Coreopsis major*). Xeric ferns such as bracken fern are occasional.

Montane Oak-Hickory/Dry Oak-Hickory - This habitat is found on sites with dry to mesic slopes and partly sheltered ridgetops at moderate to fair elevations. The overstory of this community is dominated by white oak, red oak, Southern red oak (*Quercus falcata*), sweet pignut hickory *(Cayra glabra var. odorata*), mockernut hickory *(Carya tomentosa*), and shagbark hickory *(Carya ovata*). Other trees observed were sourwood *(Oxydendron arboreum*) and tulip poplar

(*Liriodendron tulipifera*). Conifers such as red cedar *(Juniperus virginiana*), white pine *(Pinus strobus*), Virginia pine, and Canada hemlock *(Tsuga canadensis*) were observed but rare in this habitat. Species observed in the midstory include flowering dogwood, and American holly. Typical shrubs in this habitat include mountain laurel *(Kalmia latifolia*), great rosebay rhododendron *(Rhododendron maximum*), huckleberry *(Gaylusaccia baccata*), American hazelnut *(Corylus americana*), maple leaf viburnum *(Viburnum acerifolium*), nanny berry (*Viburnum prunifolium*), coral berry (*Symphoricarpos orbiculatus*), blueberry, and deerberry. Vines such as common greenbriar and sawtooth greenbriar are common. The herb layer is sparse and patchy. Common members include false Solomon's seal (*Smilacina racemosa*), false yellow foxglove (*Aureolaria flava*), goldenrod, whorled coreopsis, spotted wintergreen (*Chimaphila maculatum*), woodland sedge, (*Carex rosea*), panic grasses (*Panicum spp.*,) and Virginia snakeroot (*Aristolochia serpentaria*).

Rich Cove Forests (Montane Intermediate Subtype) - This habitat occurs in mesic forests at low to mid elevations. Usually found on lower concave slopes and flats above streams. Many trees in this habitat are shared with the dry oak-hickory list such as red oak, blackjack oak (*Quercus marilandica)*, scarlet oak (*Quercus coccinea)*, chestnut oak (*Quercus prinus)*, white oak, mockernut hickory, sweet pignut hickory, and shagbark hickory. Additional members observed in the Rich Cove Forest are Canada hemlock, red elm (*Ulmus rubra*), basswood (*Tilia americana*), and buckeye (*Aesculus octandra*). Herbaceous plants that occur on steep slopes above the floodplain of White Oak Creek include bloodroot (*Sanguinaria canadensis*), mayapple (*Podophyllum peltatum*), Indian cucumber root (*Medeola virginiana*), trilliums (*Trillium spp.*), rattlesnake plantain (*Goodyera pubescens*), and Christmas fern (*Polystichum acrostichoides*). Other herbs observed that are typical of rich coves include black cohosh (*Cimicifuga racemosa*), American ginseng (*Panax quinquefolia*), mountain mints (*Pycnanthemum spp.*), wild comfrey (*Cynoglossum virginianum*), beech fern (*Thelypteris hexaganoptera*), Southern lady fern (*Athyrium filix-femina*), maidenhair fern (*Adiantum pedatum*), Solomon's seal (*Polygonatum biflorum*), wild geranium (*Geranium maculatum*), and Jack-in-the-pulpit (*Arisaema triphyllum*).

Montane Mafic Cliffs - This community is defined as steep to vertical slopes on metamorphic, basic igneous, or mafic rock. This habitat is in the northwest section of the site just north of White Oak Creek and consists of large boulders and exposed rock faces. A closed tree canopy was lacking in this area but saplings of Canada hemlock, hackberry (*Celtis laevigata*), and hop tree (*Ptelea trifoliata*) were present. An understory dominated by vines such as common greenbriar, Virginia creeper (*Parthenocissus quinquefolia*), and poison ivy (*Toxicodendron radicans*) was observed. Herbs such as wild comfrey, spotted St. John's wort (*Hypericum punctatum*), and resurrection fern (*Polypodium sp.*) were scattered.

Montane Alluvial Forest (Large River Subtype) - This habitat is found on the floodplains surrounding White Oak Creek and its major tributaries. Dominant trees observed in this habitat include green ash (*Fraxinus pensylvanicum*), sweetgum *(Liquidambar styraciflua)*, sycamore (*Platanus occidentalis*), four wing silverbell (*Halesia tetraptera*), river birch (*Betula nigra*), basswood, ironwood, and red maple. Dominant shrubs in this habitat include hop tree, button bush (*Cephalanthus occidentalis*), spicebush (*Lindera benzoin*), bubby bush (*Calycanthus floridus*), tag alder (*Alnus serrulata*), elderberry (*Sambucus canadensis*), black willow (*Salix nigra*), yellowroot (*Xanthorhhiza simplicissima*), rivercane (*Arundinaria gigantea*), Virginia

willow (*Itea virginica*), and silky dogwood (*Cornus amomum*). Vines observed include Virginia creeper, poison ivy, and Japanese honeysuckle (*Lonicera japonica*). Examples of herbaceous species in the alluvial forest include orange jewelweed (*Impatiens capensis*), pokeweed (*Phytolacca americana)* tear thumb *(Polygonum sagittatum*), and Halberd leafed violet *(Viola hastata*).

Wetlands - The wetlands on this site are composed of non-alluvial bottomland hardwood depressions and stream head seeps. Dominant trees such as green ash, red maple, and black willow are common but patchy along the wetlands. Most shrubs were observed on hummocks and include species such as Virginia willow, elderberry, silky dogwood, spicebush, tag alder, and yellowroot. Other shrubs such as swamp haw (*Viburnum nudum*) were uncommon. The understory is composed of dominant species such as microstegium (*Microstegium vimineum*), downy lobelia (*Lobelia pubera*), orange jewelweed, stinging nettle (*Urtica dioca*), ironweed (*Vernonia novaeboracensis),* and green coneflower (*Rudbeckia lacinata*). Emergent herbs such as arrow leaf arum (*Peltandra virginica*) and spatterdock (*Nuphar luteum*) are found in lower areas associated with flooding. The sedge and grass species are dominant in the herb layer and cover most of the understory. Common sedges observed include shallow sedge (*Carex lurida*), fringed sedge *(Carex crinita*), hop sedge *(Carex lupilina),* and pointed broom sedge *(Carex scoparia).* Rushes such as false nutsedge *(Cyperus strigosus*) and woodland bulrush *(Scirpus expansus*) were also observed. Small patches of ferns observed include cinnamon fern *(Osmunda cinnamomea*) and netted chain fern *(Woodwardia areolata*).

Stream Bank and Riparian - These freshwater habitats include the streambeds and banks of White Oak Creek, and its unnamed tributaries. White Oak Creek flows through the site, while other unnamed tributaries have their origins in seeps and springs on site. Permanently rooted aquatic plants are practically non-existent in swift streams such as those on site. Most streams are incised and are bordered by hardwood forests dominated by tulip poplar, red maple, sweetgum, buckeye, and river birch. In addition to saplings of the above trees, species commonly observed in the shrub layers along streams include great rhododendron, mountain laurel, and spicebush. The streamside herbaceous layer includes microstegium, southern lady fern, heart-leaf (*Hexastylis spp.*), and Christmas fern. Sedge species such as shallow sedge, fringed sedge, and foxtail sedge (*Carex vulpinoidea)* are scattered along the banks.

Clear Cut/Power Line and Gas Rights-of-Way - This habitat is seasonally cut and maintained through mechanical means such as mowing and bush hogging. Most of this man-made habitat is located in areas that were previously Montane Oak-Hickory or Pine-Oak-Heath, and it resembles an old field successional site. Some early successional tree saplings and shrubs exist but this site is dominated by herbs and grasses. Trees such as red maple, blackjack oak, scarlet oak, southern red oak, white oak, chestnut oak, red cedar, black locust (*Robinina pseudacacia*), and tree-of-heaven (*Ailanthus altissima*) are on the right-of-way edge as the forest edge takes over. Shrubs observed in this habitat include black raspberry (*Rubus occidentalis*), wineberry (*Rubus phoenicolasius*), mountain laurel, great rhododendron, and American hazelnut. Herbs and grasses dominate this habitat and species observed include goldenrods, whorled coreopsis, hoary mountain mint (*Pycnanthemum incanum),* butterfly weed *(Asclepias tuberosa*), ironweed, Queen Anne's lace (*Daucus carota*), alternate leaf wing stem (*Verbesina alternifolia*), and crownbeard

(*Verbesina occidentale*). Other less common plants included butterfly pea *(Clitoria mariana*), fleabane (*Erigeron philadelphicus*), evening primrose (*Oenothera biennis*), sunflowers (*Helianthus sp*p.), Indian plantain *(Cacalia muhlenbergii*), and round leaf eupatorium *(Eupatorium rotundifolium*).

Montane Alluvial Clear Cut and Existing/Future Golf Course - This habitat is on the floodplain of White Oak Creek. It will be constantly cut and maintained as an official golf course. Tree, shrub, and stump removal has resulted in a lack of overhead canopy. It is being converted to uniform lawn and sand traps. Grass species such as Bermuda (*Cynodon dactylon*), fescue *(Festuca sp*.), blue grass *(Poa spp*.), broom sedge (*Andropogon virginicus*), and Foxtail millet *(Setaria sp.*) have been sown.

Landscaped Areas and Residential Lawns - Turf grass or maintained lawns were identified on certain areas around the TIEC. This includes a number of completed residential lawns, maintained grass medians, and landscaped areas. These areas undergo regular mowing and maintenance. Vegetation in these areas was dominated by a variety of introduced grasses including perennial ryegrass (*Lolium perenne*), redtop (*Agrostis gigantea*), red fescue, bluegrass, and fescue. Other common herbaceous species included dandelion (*Taraxacum officinale*), lyre-leaf sage (*Salvia lyrata*), common plantain (*Plantago major*), lance leaf plantain (*Plantago lanceolata*), and white clover (*Trifolium repens*).

The project site is located within the Piedmont physiographic region of North Carolina and more specifically the Southern Inner Piedmont Ecoregions. Three soil associations are present on site: the Pacolet-Madison-Rion association, the Pacolet-Bethlehem-Rion association, and the Riverview-Chewacla-Buncombe association. The Pacolet-Madison-Rion association and the Pacolet-Bethlehem-Rion association are classified as gently sloping to steep, well drained soils. These associations are found on piedmont uplands. The Riverview-Chewacla-Buncombe association is classified as nearly level and gently sloping, somewhat poorly drained to excessively drain soils. This soil association is found on floodplains. Soil series present on site include: Buncombe, Cecil, Chewacla, Grover, Madison, Pacolet-Bethlehem complex, Rion-Ashlar-Rock outcrop, Rion-Cliffside complex, Skyuka, and Wehadkee.
Wildlife species inhabiting the site include those typically found in the forest types of the region previously described above. Although site-specific studies and inventories documenting species utilization of the TIEC project area have not been conducted, general observations of fish and wildlife use were recorded during the wetland and stream delineation; and the threatened and endangered species assessments.

In 2013, Tryon Equestrian Partners purchased approximately 417 acres adjacent to John Shehan Road which has become the main site for the equestrian facilities. The Corps issued a Nationwide Permit 39 (Action ID SAW-2013-02262) for 290 linear feet of permanent stream impact and 5 linear feet of temporary stream impacts associated with development of Phase I of the equestrian facilities in February 2014.

The TIEC includes approximately 935 acres of property previously known as White Oak Plantation. White Oak Plantation was planned as an 18-hole golf course community with equestrian oriented amenities. In 2012, the local bankruptcy court ordered the auction of White Oak Plantation. At that time, approximately 29 lots were sold and approximately 6 houses were constructed in the original development.

In December of 2005, the Corps issued Nationwide Permits 12 and 13 for bank stabilization and a water intake on White Oak Creek under Action IDs SAW-2006-30110 and SAW-2006-30195. In June of 2006, the Corps issued Nationwide Permit 39 (Action ID SAW-2006-32154) for two permanent road crossings impacting 139 linear feet of stream, 12 temporary road crossings to aid in utility installation, and 12 utility line crossings. This Nationwide Permit was re-authorized and modified in November of 2008. The modification authorized a cumulative total of 150 linear feet of permanent stream impacts; however, only 115 linear feet of permanent impacts were completed. In February of 2009, the Nationwide Permit 12 was re-authorized for 165 linear feet of temporary stream impacts and 0.008 acre of temporary wetland impacts.

Applicant's Stated Purpose

The project purpose is to develop an equestrian center resort with housing and recreational opportunities.

Project Description

The applicant proposes to develop a resort, equestrian center, and residential community known as the TIEC. The complex will be master planned on 1,276 acres containing an equestrian facility, a spa and resort hotel, horse farms, single-family home sites, an Arnold Palmer-designed golf course, and associated infrastructure.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

In preparing the master plan, Tryon Equestrian Partners, LLC considered a variety of constraints, including impacts to streams and wetlands. The applicant has avoided and minimized impacts to streams and wetlands to the greatest extent practicable and feasible while still accomplishing their overall project purpose. It has been determined that most large properties in western North Carolina contain similar streams, springs, and seeps as those found on the project site.

During design of the equestrian facilities, the applicant considered several site layouts, which included impacts to significantly more streams than the original proposed plan. Prior to the submittal of this application, the applicant conducted meetings with regulatory agency personal. Plan changes and reduction of impacts were in response to consultant and agency comments. Two additional equestrian center plans were considered. A first plan developed in June of 2013 included the same basic equestrian components; however, proposed impacts were 9,249 linear feet of stream and 0.33 acres of wetlands. A second site plan was completed in July of 2013.

This plan also included the same basic equestrian components; however, impacts were reduced. Impacts associated with the second site plan included 4,022 linear feet of stream and 0.06 acres of wetland. Additionally, there was a previous "farmette" plan that included 1,287 linear feet of stream impact; this has been reduced to 446 linear feet of stream impact.

The proposed site plan for the equestrian facilities in this application includes 736 linear feet of stream impact (including previous impacts) and no wetland impacts. Avoidance and minimization at the equestrian facility, including the "farmettes," reduced impacts by 8,513 linear feet of stream and 0.33 acres of wetland.

Although additional impacts will be needed, roads and utilities will utilize existing infrastructure that was previously constructed as a part of the White Oak Plantation project. Bridges will also be used for road and cart path crossings in some locations.

The golf course will be completed with no new impacts to jurisdictional waters.

Because the site is covered in long linear stream segments, it would be impossible to avoid all streams while continuing to maintain a rational project design and the flexibility needed to construct a large-scale master planned community with a lengthy build out period.

A summary of the avoidance and minimization that has taken place on site is as follows:

Feature	On-Site Totals	Proposed Impacts	Percent Avoided and Minimized
Stream	66,132	1,463	97.7
Wetland	21.40	0.02	99.9
Open Water	4.04	0	100

While the project will impact streams and wetlands, the overall impact to stream resources on site for the project is minimal (impacts to 3-4% of streams on site) and is offset by adequate mitigation.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Upon completion and implementation of practical avoidance and minimization efforts, a total of 1,463 linear feet of stream impacts and 0.02 acre of wetland impacts associated with the development of the TIEC are unavoidable. Approximately 290 linear feet of stream impact was mitigated for associated with the Nationwide Permit 39 issued for the equestrian facilities (Action ID SAW-2013-02262). The applicant is not proposing to mitigate for wetland impacts (0.02 acres) or temporary utility crossing impacts (150 LF). The applicant is proposing to mitigate for previous impacts associated with the Nationwide 39 (Action ID SAW-2006-32154)

issued for residential development (115 linear feet). Streams to be mitigated total 1,023 linear feet (1,463 LF – 290LF for previous mitigation – 150 LF for temporary utility crossings = 1,023LF). Unavoidable stream impacts will be mitigated for at a compensatory mitigation ratio of 2:1.

The applicant proposes to mitigate in phases. Phase 1 of mitigation will include previous impacts (115 linear feet) and equestrian center impacts. Phase 2 of mitigation will include the remainder of impacts (462 linear feet). The following is a summary of the basic mitigation requirement for the proposed project:

Mitigation Required - Phase 1

Type of Impact	Impact (LF)	Compensatory Mitigation Ratio (x:1)	Basic Mitigation Requirement (LF)
Previous Impact	115	2	230
Equestrian Center Impacts	446	2	892
Total Impact	**561**		
Total Mitigation Required			**1,122**

Mitigation Required - Phase 2

Type of Impact	Impact (LF)	Compensatory Mitigation Ratio (x:1)	Basic Mitigation Requirement (LF)
Remainder of Impacts	462	2	924
Total Impact	**462**		
Total Mitigation Required			**924**

Total Mitigation for Both Phases

Type of Impact	Impact (LF)	Compensatory Mitigation Ratio (x:1)	Basic Mitigation Requirement (LF)
Phase 1	561	2	1122
Phase 2	462	2	924
Total	**1,023**		**2,046**

The applicant is proposing to mitigate for Phase 1 (561 linear feet of stream) impacts at a 1:1 ratio through North Carolina Department of Mitigation Services (DMS). By letter dated June 24, 2015, DMS has indicated they are willing to accept payment for impacts associated with development at the TIEC site. An acceptance letter from the DMS or other approved mitigation bank will be provided to the Corps prior to impacts from Phase 2 (462 linear feet of stream).

The applicant is proposing to mitigate for Phase 1 and Phase 2 impacts at a 7.5:1 ratio through preservation of 7,979 linear feet of on-site stream channels. The preservation reaches will be treated for exotic and invasive species during years 1, 3, and 5; and photographs of preservation reaches will be sent to the Corps for review.

Proposed preservation for Phase 1 and 2 impacts will be executed at the same time prior to or concurrent with impacts associated with Phase 1. Model restrictive covenants will be sent to the Corps for review and approval.

The following is a summary of the proposed mitigation:

Mitigation Table

Stream	Linear Feet of Mitigation	Type	Mitigation Activity Ratio (x:1)	Total Credit
UTs to White Oak Creek (Phase 1 and 2)	7,979	Preservation	7.5	1,063
DMS (Phase 1)	561	Restoration	1	561
DMS (Phase 2)	462	Restoration	1	462
Total	**9,002**			**2,086**

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

☐ Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.

☒ No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

☐ Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).

☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).

☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).

☐ The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-indentified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps 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 determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

☒ The Corps determines that the proposed project may affect, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat.

The following federally listed threatened species may occur at the project site.

Common Name	***Scientific Name***
Northern Long-Eared Bat (NLEB)	*Myotis septentrionalis*
Dwarf Flowered Heart-Leaf	*Hexastylis naniflora*

Habitat assessments for the project site were conducted in 2007 and November of 2014. Although habitat assessments were completed in 2007 and 2014, associated reports were not completed.

The applicant proposes to avoid clearing trees during the moratorium for the NLEB (May 15-August 15). If additional tree cutting needs to occur during this time, the applicant will consult with the U.S. Fish and Wildlife Service (USFWS) prior to tree cutting activities. *Hexastylis* spp. was observed adjacent to several UTs of White Oak Creek on the southern portion of the property; however, a definitive identification of *Hexastylis naniflora* could not be made. These plants are located in the residential portion of the property and will not be impacted by construction.

The Corps initiates informal consultation with USFWS under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☐ 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. The Corps will make a final determination on the effects of the proposed project 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.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as 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 NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by August 7, 2015 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

☐ The application did not include a certification that the proposed work complies with and would 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 cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt,, concurrence or objection from the NCDCM.

☒ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

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.

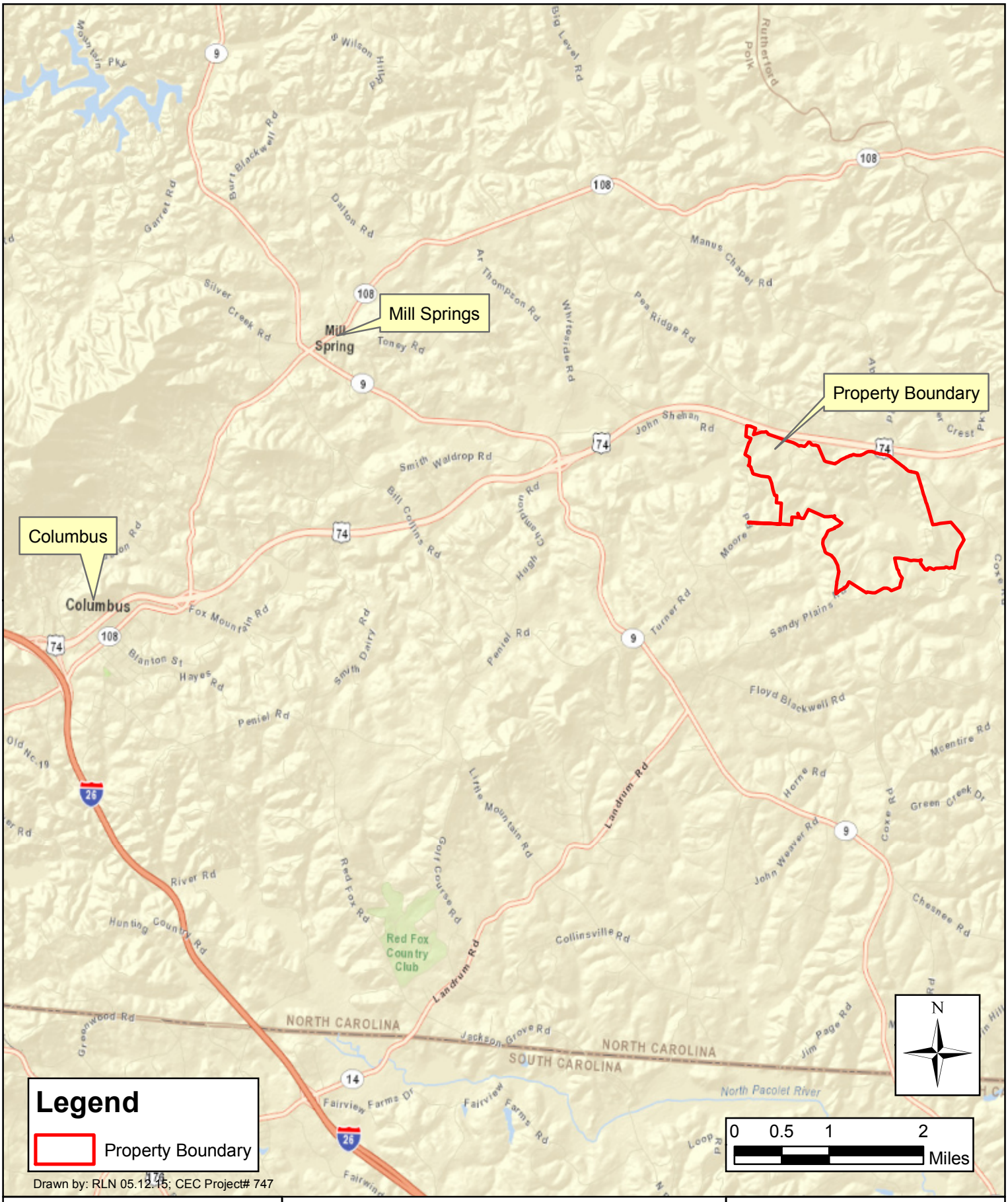
Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, August 7, 2015. Comments should be submitted to Mr. Steve Kichefski, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980, ext 234.

Tryon International Equestrian Center (+/- 1,276 AC)



Polk County,
North Carolina

ClearWater

32 Clayton Street
Asheville, North Carolina 28801

Site Vicinity
Figure 1

Tryon International Equestrian Center (+/- 1,276 AC)

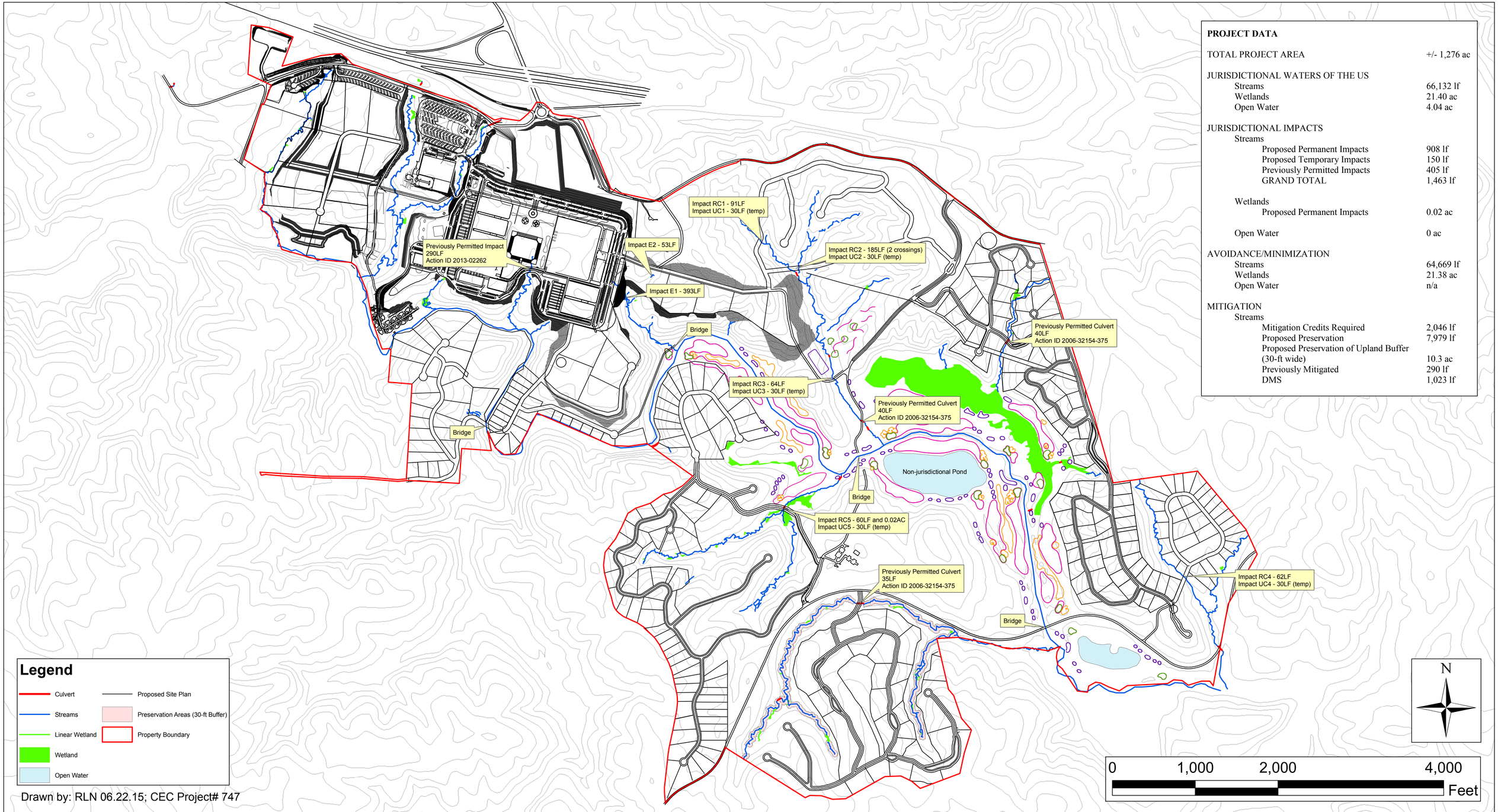
Polk County,
North Carolina

ClearWater

32 Clayton Street
Asheville, North Carolina 28801

USGS Topographic Map
Pea Ridge Quad
Figure 2

Tryon International Equestrian Center (+/- 1,276 AC)



PROJECT DATA

TOTAL PROJECT AREA	+/- 1,276 ac
JURISDICTIONAL WATERS OF THE US	
Streams	66,132 lf
Wetlands	21.40 ac
Open Water	4.04 ac
JURISDICTIONAL IMPACTS	
Streams	
Proposed Permanent Impacts	908 lf
Proposed Temporary Impacts	150 lf
Previously Permitted Impacts	405 lf
GRAND TOTAL	1,463 lf
Wetlands	
Proposed Permanent Impacts	0.02 ac
Open Water	0 ac
AVOIDANCE/MINIMIZATION	
Streams	64,669 lf
Wetlands	21.38 ac
Open Water	n/a
MITIGATION	
Streams	
Mitigation Credits Required	2,046 lf
Proposed Preservation	7,979 lf
Proposed Preservation of Upland Buffer (30-ft wide)	10.3 ac
Previously Mitigated	290 lf
DMS	1,023 lf

Drawn by: RLN 06.22.15; CEC Project# 747

Polk County,
North Carolina

ClearWater
32 Clayton Street
Asheville, North Carolina 28801

Impact Map
Figure 4