



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: February 21, 2017
Comment Deadline: March 22, 2017
Corps Action ID Number: SAW-2013-02262

On January 11, 2017, a Department of Army (DA) permit verification was issued to Tryon Equestrian Partners, LLC, to permanently impact 446 linear feet and temporarily impact 120 linear feet of unnamed tributaries (UT's) to White Oak Creek, associated with the proposed development of 1,276-acres for a resort, equestrian center, and residential community known as the Tryon International Equestrian Center (Tryon Equestrian) southeast of the intersection of Pea Ridge Road and U.S. Highway 74, northeast of Tryon in Polk County, North Carolina. During an on-site meeting conducted January 26, 2017, Tryon Equestrian provided the Wilmington District, Corps of Engineers (Corps) and other state and federal agencies an updated project proposal that includes additional stream and wetland impacts primarily associated with the continued development of their facility, in order to host the World Equestrian Games scheduled to occur in September 2018.

This new proposal significantly changed the circumstances under which the Corps' Statement of Findings and Environmental Assessment were based upon during the most recent permit review. The disclosure of these new impacts invalidated the Corps' prior determination of a single and complete project, and voided some of the avoidance and minimization criteria provided in the alternatives analysis. By letter dated February 3, 2017, the Tryon Equestrian permit was suspended pending the evaluation of a permit modification package. By letter dated February 15, 2017, and in response to the applicants request dated February 10, 2017, the Corps agreed to reinstate some of the previously authorized impacts, specifically UC1, UC3, UC4 and UC5 totaling 120 linear feet of temporary impact.

On February 16, 2017, the Corps received the modified application package seeking DA authorization to impact 3,929 linear feet of UT's of White Oak Creek and 0.09 acres of jurisdictional wetlands. This modification request includes the originally authorized impacts to 446 linear feet of stream (known as E1 and E2) associated with the Tryon Equestrian facility which has expanded to encompass 1,405-acres.

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: 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 take the Pea Ridge Road Exit (Exit 170). Turn south on to Pea Ridge Road and the site is immediately to the south. In general, the site is bordered to the north by Pea Ridge Road and to the south and east by Sandy Plains Road. White Oak Creek bisects the site generally east to west.

Project Area (acres):	1,405	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 Tryon Equestrian project site consists of 1,405-acres of the equestrian facilities (arenas, barns, track), commercial facilities, residential lots and roads, undeveloped wood land, a partially finished (12 holes) golf course, approximately 6 single-family homes, and approximately 3 miles of roads. In general, 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 (Figure 2). There are eleven natural communities present on site which includes over 66,000 linear feet of stream channel, 21-acres of wetlands and 4 acres of open water ponds. 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 (*Carya 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 (*Gaylussaccia 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 hexagonoptera*), 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*), bubbly bush (*Calycanthus floridus*), tag alder (*Alnus serrulata*), elderberry (*Sambucus canadensis*), black willow (*Salix nigra*), yellowroot (*Xanthorrhiza 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 dioica*), ironweed (*Vernonia noveboracensis*), 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 lupulina*), 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 (*Robinia 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 occidentalis*). Other less common plants included butterfly pea (*Clitoria mariana*), fleabane (*Erigeron philadelphicus*), evening primrose (*Oenothera biennis*), sunflowers (*Helianthus spp.*), 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 Tryon Equestrian facility. 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 Tryon Equestrian 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 on December 23, 2013.

Tryon Equestrian 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.

Additional property has been added to the Tryon Equestrian facility as parking areas, including a 24 acre (North Parcel) and a 73 acre (Parcel P106-23) respectively. The 24 acre parcel is located on the north side of Hwy 74 at the Pea Ridge Road interchange and has already been graded and includes existing gravel parking areas. There is a stream channel located in the southern portion of the site that has been left wooded/undisturbed. The 73 acre parcel is located to the south of the Tryon Equestrian facility and across White Oak Creek. This area is predominately wooded with Virginia pine and loblolly pine. 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 and ebony spleenwort were observed but uncommon. Common greenbriar was also occasionally observed. There is a stream channel that begins in the southwestern portion of the property.

Applicant's Stated Purpose

The project purpose is the continued development of the Tryon International Equestrian Center as a mixed-use residential and commercial resort development that is capable of hosting the World Equestrian Games.

Project Description

Tryon Equestrian is a 1,405-acre equestrian-based development with multiple programming components some of which have been constructed and some of which are currently under construction. The individual programming components and their current state of development (e.g. constructed, undergoing construction, and proposed/future pending permit authorization) is depicted in the corresponding plan/figure package. In general, the area properly known as the Tryon International Equestrian Center (i.e. 'main facility') is approximately 100-acres and is comprised of a densely developed area for equestrian sporting to include competition fields/arenas and barns/stables which are serviced by restaurants, shops and parking. There are multiple types of structures/facilities within this area to include:

- A 1.76-acre main stadium arena that seats 6,000 spectators but plans include expanding this seating capacity to 13,500.
- A 3.5-acre secondary arena of all-weather footing.
- An 8.3-acre engineered grass ring on a special blend of all-weather footing.
- Six practice rings with all-weather footing with covered viewing areas for both spectators and horses at each ring.
- A 2.5-acre arena is currently being enclosed to support full indoor activities and will be configured to seat up to 5,000 spectators around the ring.
- Seven permanent barns.
- 1,056 stalls (10'x12) equipped with mats, fans, tack management, and wash stalls.
- 115 lockable tack rooms.

Additional residential and commercial development is currently on-going throughout different areas of the property. The area immediately to the north of the main facility is approximately 45-acres and is being actively graded for a mixed-use development to include multiple hotels, restaurants, retail, cinema, fitness/sports complex, a chapel, town homes, condominiums, and a welcome/visitor center. The re-location of the Pea Ridge Road and Sheehan Road off from Hwy 74 is currently being constructed in this area and will include a roundabout to facilitate traffic to/from Hwy 74 which is the main access point to the site.

There are also various types of semi-permanent and permanent residential housing spread near the main facility and throughout the project area as well. Currently, there are RV parking/hook-ups that can be rented weekly along with a planned log cabin rental community in which six

cabins have already been constructed. Included in this plan is the construction of another log cabin rental community and several areas associated with development of 'farmettes'. The farmettes are private residences that range in size from 5 to 10 acres and include a private riding arena and stables/barns for each farmette that are in close proximity to the main facility. Also as previously mentioned in the background/project history, Tryon Equestrian also purchased the abandoned White Oak Plantation residential development and golf course. The golf course has been abandoned and will be re-developed at some point in the future. There is also a 100-mile cross-country course for recreational and competitive equestrian events that is located throughout this portion of property. Currently there is an 'olympic village' planned near the western boundary of the project area that will serve as temporary offices/stations for international competitors during the Games. This area will ultimately be converted to farmettes in the future, post-Games.

Additional expansion and subsequent future impacts to stream channels and wetlands on the site were always a possibility; however, the timeline for this expansion and subsequent impacts was greatly accelerated due to the facilities approval to host the 2018 World Equestrian Games. These Games are held world-wide at a select number of facilities every four years. Tryon Equestrian was notified that it would host the 2018 Games in November 2016 during the finalization of the previous permit request. Tryon Equestrian was chosen to host the Games due to the existence of a substantial portion of the needed infrastructure already in place and the presence of this infrastructure centrally located in one place (versus events being spread throughout the region). Over 500,000 spectators and participants are expected to attend the Games over this two-week period.

The Games are comprised of 7 categories of events (e.g. disciplines) that will occur over a two-week period in September 2018 to include Show Jumping/Dressage, Eventing/Driving, Reining/Vaulting/Para, and Endurance. In addition to the basic direct needs to support these events (i.e. fields, arenas, and stables/barns), support infrastructure such as bathrooms, spectator seating, parking, and a WEG 'olympic village' are also needed. In order to accommodate these sporting events/competitions and the venue support infrastructure, the preferred plan includes the construction of an additional multi-purpose field and spectator viewing/parking, restrooms, and concessions. Also, in order to provide additional on-site hotel accommodations for the Games and for future use by visitors to the facility/area, impacts are proposed to stream channels associated with the construction of parking areas to serve this new on-site hotel.

The recently approved permit authorized 446 linear feet of permanent stream channel impacts for the expansion of the largest stadium/arena on the site to allow for parking and access for this field and overall road access to the eastern side of the facility. This portion of the recently approved permit remains suspended. This impact is still needed along with additional impacts totaling 3,483 linear feet of stream channel. Approximately 1,608 linear feet is associated with the construction of an additional 650' X 500' (7.5-acre) multi-purpose field in the area adjacent to where the recently approved impacts were authorized. An additional 1,875 linear feet of stream channel is also needed for the construction of parking areas to service one of the recently proposed on-site hotels and two additional barns. Please refer to the Impact Overview Map in the corresponding plan/figure package.

Table 1: Summary of Proposed & Cumulative Impacts

Currently Proposed			
Impact Label	Stream (Permanent)	Stream (Temporary)	Wetland (Permanent)
E1*- Multipurpose Field	393 lf	-----	-----
E2* - Multipurpose Field	53 lf	-----	-----
E3- Multipurpose Field	1,608 lf	-----	-----
E4 – Hotel Parking	803 lf	-----	0.09 acre
E5 – Barns/Parking	1,072 lf	-----	-----

Currently Proposed Total	3,929 lf	120 lf	0.09 acre
Previously Permitted/Completed			
UC (Utility Crossings 1, 3, 4, 5)	-----	120 lf	-----
P6**	290 lf	-----	-----
WO1-3***	115 lf	-----	-----
Cumulative Total	4,334 lf	120 lf	0.09 acre

*E1 and E2 were previously authorized by permit dated January 11, 2017, but was suspend due to pending modification for impacts included in this request (E3, E4, and E5).

** Previously approved impact under AID: 2013-02262 for the equestrian center which was mitigated for.

***Road crossings impacts associated with White Oak Plantation authorized under AID: 2006-32154-375 but were not mitigated for but is being mitigated for with this application.

As noted in the above table, Impacts E1 and E2 were previously authorized and associated with the expansion of parking areas adjacent to the main stadium and a portion of this impact is still need for parking adjacent to the main stadium; however, now a majority of the impacts are associated with an adjacent multi-purpose field. An additional multipurpose field is needed to host the World Equestrian Games and future competitive events. This field will be a grassed 500' X 650' (7.5 acres) arena to serve multiple competitive events during the Games and for future use. There will also be spectator stands, concessions, and restroom facilities constructed around the field to provide the support infrastructure needed for the Games. During the Games, this field will serve as the starting point for a 100-mile cross-country endurance event. There will also be an additional entrance road constructed along the eastern side and to the south of the field that will provide access to the main facility during the Games and beyond. This road will intersect Pea Ridge Road and will be one of the two main ingress/egress points for the facility during the Games and beyond. Total permanent impacts associated with the construction of parking for the main stadium, this new multi-purpose field, ancillary structures and road access is 2,054 linear feet of stream channel.

There are several hotels being constructed as part of the mixed-use commercial development plan for the site and in order to provide additional on-site guest housing during the Games. A 4-story, 250-guest hotel will be constructed near the main facility in an area that is currently developed/surrounded by RV rental facilities. There is an existing lodging check-in building that

will be expanded as part of this new hotel facility. Accessible parking will be needed for guests and employees for this hotel. Current county ordinance require that parking spaces be provided at a ratio of 1:1 per room and 1:3 for employees therefore the required number of spaces to serve this hotel is approximately 280 spaces. Currently, the Polk County ordinance also requires that parking not be more than 400-feet from the hotel. Based on these requirements an overall planning to meet the project purpose/need, approximately 803 linear feet of stream channel and 0.09 acre of wetlands is proposing to be filled to provide adequate parking for this hotel.

Two additional barns and approximately 220 horse stalls were determined to be needed based on expected/comparable participation in previous Games compared with the current number of barn/stalls available at Tryon Equestrian. Adjacent parking to these barns is also needed so that trailers can be parked near the occupied stalls. Approximately 1,072-linear feet of stream channel is proposed to be filled associated with this impact.

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.

Prior to the submittal of 2015 individual permit application, the applicant had considered several site layouts, which included impacts to significantly more streams than the original proposed plan. The applicant conducted meetings with regulatory agency personal where two specific equestrian center plans were presented. 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. Plan changes and reduction of impacts were in response to consultant and agency comments. The 2015 individual permit application included a “farmette” plan with 1,287 linear feet of stream impact which during was later reduced to 446 linear feet of stream impact. Also, based on the 2015 permit submittal and coordination, the applicant agreed to eliminate all road crossing impacts in the residential portions of the former White Oak Plantation which avoided impacts to another 462 linear feet of stream channels.

In the residential portion of the existing White Oak Plantation, 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	Cumulative Proposed Permanent Impacts	Percent Avoided and Minimized
Stream	66,585	4,334	93.5
Wetland	21.40	0.09	99.6
Open Water	4.04	0	100

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 3,929 linear feet of permanent stream impacts and 0.09 acre of permanent wetland impacts associated with the development of Tryon Equestrian are unavoidable and included in this modified permit request. Approximately 290 linear feet of stream impact was mitigated for associated with the Nationwide Permit 39 issued for the equestrian facilities (Action ID 2013-02262) and therefore is not included in the table below. Also, the 115 linear feet of stream channel impacts that were previously authorized but not mitigated for is being compensated for with this mitigation plan. Total stream channel impacts that require compensatory mitigation are 4,044 linear feet. Unavoidable stream impacts will be mitigated for at a compensatory mitigation ratio of 2:1 based on the good quality of the stream channels.

The following is a summary of the basic mitigation requirement for the proposed project:

Mitigation Required

Type of Impact	Impact (LF)	Compensatory Mitigation Ratio (x:1)	Basic Mitigation Requirement (LF)
Equestrian Center - E1	393	2	786
Equestrian Center – E2	53	2	106
Equestrian Center – E3	1,608	2	3,216
Equestrian Center – E4	803	2	1,606
Equestrian Center – E5	1,072	2	2,144
WO1-3	115	2	2,30
Total Impacts Requiring Mitigation	4,044	Total Mitigation Requirement	8,088

The applicant is proposing to mitigate for 4,044 linear feet of stream channel impacts at a 2:1 ratio through off-site permittee responsible mitigation at the Harmon Dairy in Polk County. The Harmon Dairy mitigation site (Phase 1 and 2) will provide 7,080 mitigation credits. The remaining balance of required stream mitigation (1,008 lf.) will be acquired from NCDMS, an approved mitigation bank, or other permittee responsible project.

A site visit of the proposed mitigation site was conducted with the regulatory agencies on January 26, 2017. Phase 1 of the Harmon Dairy Mitigation site was reviewed and approved in previously approved/suspended Corps permit and will mitigate for stream impacts E1, E2, and WO1-3. Phase 2 of the Harmon Dairy will provide 5,954 stream mitigation credits. Completion of the mitigation plan for Phase 2 of the Harmon Dairy is in progress and will be submitted to the regulatory agencies for review as soon as possible.

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-identified 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	<i>Scientific Name</i>
Northern Long-Eared Bat (NLEB)	<i>Myotis septentrionalis</i>
Dwarf Flowered Heart-Leaf	<i>Hexastylis naniflora</i>

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. 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, March 22, 2017. 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. 4234.