



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: November 25, 2024
Comment Deadline: December 25, 2024
Corps Action ID Number: SAW-2020-00886

The Wilmington District, Corps of Engineers (Corps) received an application from Prestige Corporation, seeking Department of the Army authorization to permanently impact 1,420 linear feet (lf) of stream channel (425 lf would be associated with riprap dissipator and is not considered a loss) and 0.043 acre (ac) of wetland, associated with the construction of the Laurelbrook residential development (Project), in Catawba 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:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Jim Mac
Prestige Corporation
7224 Jameson Way
Stanley, North Carolina 28164

AGENT (if applicable): Atlas Environmental, Inc
Jennifer Robertson
338 S. Sharon Amity Road, # 411
Charlotte, NC 28211

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

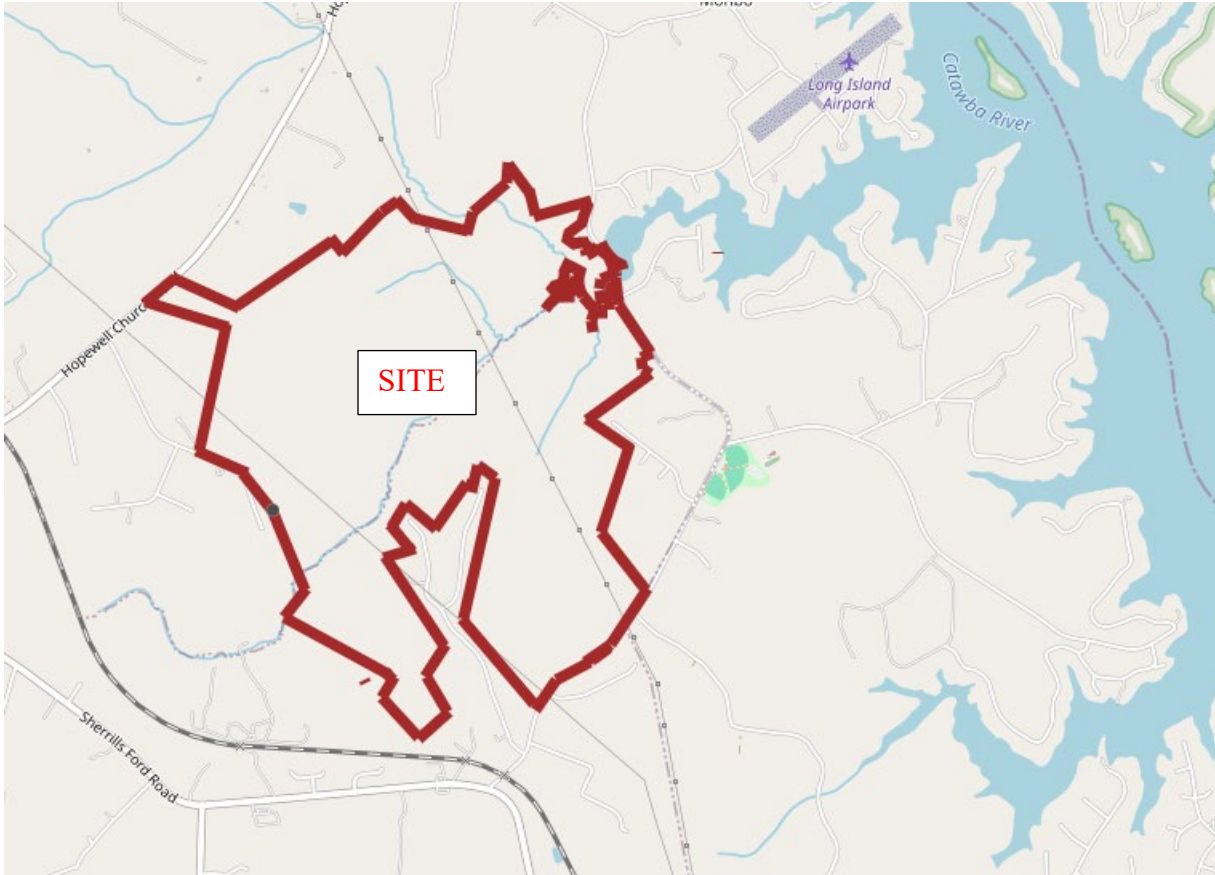


Figure 1. Location of Laurelbrook

Location Description: The 875-acre Project is located at 1778-1848 Wooten Street, in Catawba, Catawba County, North Carolina. Parcel Identification Numbers: 460901378911, 460901478416, 460902569543, 460902751111, 460904623827, and 460902970884.

Project Area (acres): 875
Nearest Town: Catawba
Nearest Waterway: Terrapin Creek
River Basin: Upper Catawba (8-digit HUC: 03050101)
Latitude and Longitude: 35.6472 N, -80.99297 W

Existing Site Conditions

The proposed Project area is located within Catawba County and consists of predominately forested areas that have been logged at various times over the years. The 7.5- minute topographic quadrangle Geologist Survey (USGS) shows the project in the Catawba NC and the Troutman NC quadrangle.

The Project is located within the Upper Lake Norman Basin, USGS hydrologic unit code 03050101, which is part of the Upper Catawba River Basin. A Best Usage Classification (BUC) is assigned waters of North Carolina based on existing or contemplated best usage of various bodies of water. The streams on-site have a BUC of WS-IV; CA which is Water Supply IV, Primary contact recreation, and Critical Area. Waters with the classification WS-IV are used as sources of water supply for drinking, culinary, or food processing purposes where a WS-I, II or III classification is not feasible. These waters are also protected for Class C uses. WS-IV waters are generally in moderately to highly developed watersheds or protected areas.

The FEMA FIRMs mapping identifies much of the western, northwestern, southern sections as Zone X. The Terrapin Stream basin which bisects the site from southwest to northeast is Zone AE.

The EcoRegion Map of North Carolina indicates that the site is in the Southern Outer Piedmont (45b) of the Piedmont Physiographic Province. The landform class consists of mostly irregular plains rather than the plains with hills as seen in the Southern Inner Piedmont and the Carolina Slate Belt. The main soil series are Cecil's, Madison, Pacolet and Roanoke's.

On July 27, 2020, the Corps provided a Preliminary Jurisdictional Determination (PJD) for waters of the United States (WOTUS) identified within the project area. The PJD identified 28 streams totaling approximately 43,618 lf (2.72 ac), 56 wetlands totaling approximately 2.902 ac, and two open water ponds totaling 0.71 ac.

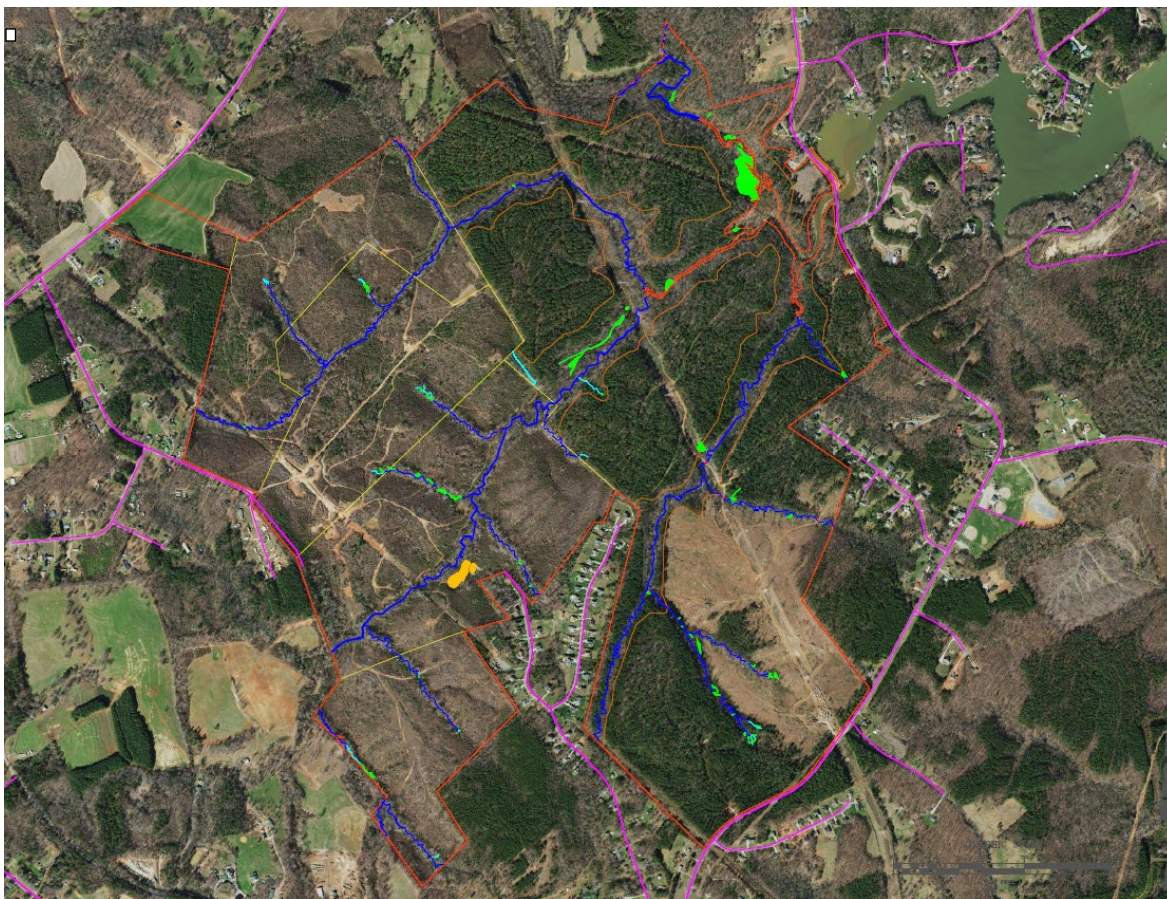


Figure 2. Existing Site Conditions

Applicant's Stated Purpose

The overall purpose of the Project is to construct a large-scale, low density residential community with modern amenities in the greater Charlotte Metropolitan region.

Project Description

Phase 1 of this Project, authorized under Nationwide Permits 14 and 58, involved permanent impacts to 638 lf of stream channel for the construction of a North Carolina Department of Transportation (NCDOT) roadway, to include three culvert crossings; and installation of a sewer utility line.

Phase 2 of the proposed Project, outlined in this Public Notice, would involve the construction of 1700 residential homes, along with associated infrastructure and attendant features. Implementation of Phase 2 would permanently impact 1,420 lf of stream channel (425 lf would be associated with riprap dissipator and is not considered a loss) and 0.043 ac of wetland.

Cumulative permanent impacts associated with Phase I and Phase 2 would be 2,048 lf of stream channel and 0.043 ac of wetland.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project has been designed to avoid higher quality streams and wetlands to the greatest extent possible. Buildable lots have been designed and sized to the minimal allowable extent according to zoning and setbacks. Trails and other amenities have been realigned away from aquatic features, and bridges used when aquatic features must be crossed. Associated infrastructure has been sited to minimal spatial extents to accomplish the project purpose and need. Retaining walls are proposed to avoid and further reduce impacts to aquatic resources.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has chosen to purchase 483 stream credits from the WLS Catawba 01-UMB Starker Mitigation Bank and 1009.5 stream credits from the North Carolina Division of Mitigation Services In-Lieu Fee Program.

Compensatory mitigation would not be required for the 0.043-acre of permanent wetland loss given it does not exceed the 0.1-acre mitigation threshold.

Essential Fish Habitat

The Corps' 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:

- No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

NOTE: Through letter dated April 15, 2020, the North Carolina Department of Natural and Cultural Resources State Historic Preservation Office (NCSHPO),

stated they were aware of no historic resources which would be affected by the project. Reference ER 20-0623

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 may affect federally listed endangered or threatened species or their formally designated critical habitat.
- By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

According to the Information for Planning and Consultation (IPAC) website, the following species are listed:

Schweinitz's sunflower (*Helianthus schweinitzii*); endangered
Dwarf-flowered Heartleaf (*Hexastylis Naniflora*); endangered
Bog Turtle (*Glyptemys muhlenbergii*): SAT
Monarch Butterfly (*Danaus Plexippus*): Candidate
Tri-Colored Bat (*perimyotis subflavus*); proposed endangered

NOTE: Through email dated April 11, 2024, the USFWS concurred with the applicant's MANLAA for the Schweinitz's Sunflower and Monarch Butterfly. No suitable habitat is present for the Dwarf-flowered heartleaf or Bog turtle. Further, the applicant would be required to abide by tree clearing moratoriums in the event the Tricolored bat is uplisted prior to construction.

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 at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 180 days of the date of this public notice. 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 should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(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 (NCDWM):

- 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 will 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, December 25, 2024. Comments should be submitted to Ms. Krysta Stygar, Charlotte Regulatory Field Office, 8430 University Executive Park Drive, Suite 615, Charlotte, North Carolina 28262, by email at Krystynka.B.Stygar@usace.army.mil, or by phone at (252) 545-0507. Comments may also be submitted to CharlotteNCREG1@usace.army.mil.