



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Andy Bleggy
PTAH LLC

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Expires: June 4, 2025

**Wilmington District
Permit Application No. SAW-2017-01930**

TO WHOM IT MAY CONCERN: The Wilmington District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Andy Bleggy
PTAH LLC
109 Arnette Street
Aberdeen, North Carolina 28315

AGENT: Adam Carter
Wetland Solutions LLC
PO Box 244
Bunnlevel, North Carolina 28323

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Mill Creek (Warrior Lake and Crystal Lake). The Site is located on the northeast side of Central Drive, directly east of its intersection with Reservoir Park Drive; at Latitude 35.217577 and Longitude -79.393916; in Southern Pines, Moore County, North Carolina (Figure 1).

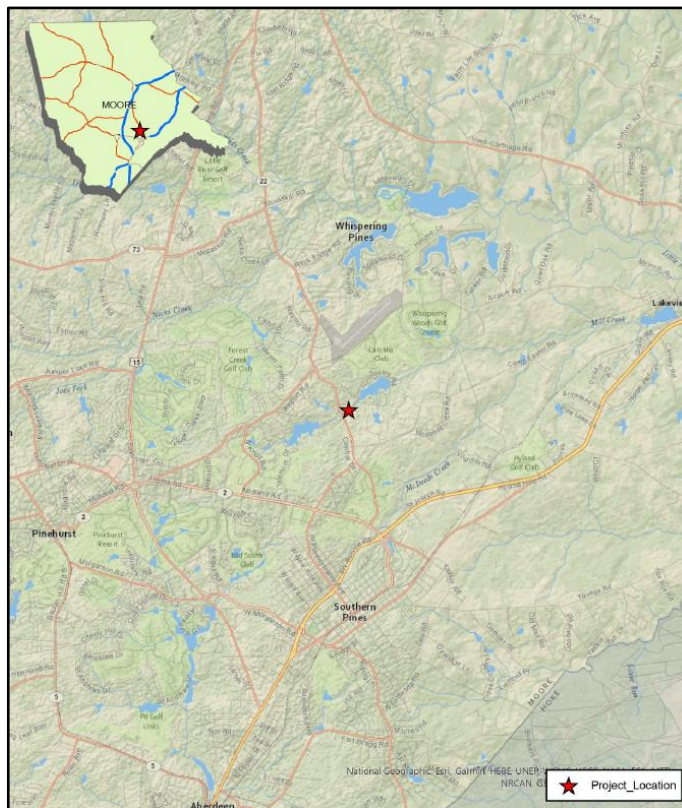
EXISTING CONDITIONS: The Site is located within the Mill Creek sub-watershed in the Cape Fear River Basin (Hydrologic Unit Code [HUC] 03030004). The Site drains to Mill Creek (Warrior Lake, Crystal Lake) (Stream Index: 18-23-11-(2)), which is designated as a WS-III, B; HQW water (Waters protected as water supplies which are generally upstream and draining to Class WS-III waters and high-quality waters) by the North Carolina Department of Environmental Quality (NCDEQ).

The Site consists of mixed pine forested areas and is bound to the east by a utility corridor and residential developments to the north.

The mixed pine forest community is dominated by a canopy of longleaf pine (*Pinus palustris*) with occurrences of turkey oak (*Quercus laevis*) present. This community has relatively open sub-canopy and shrub layers consisting red cedar (*Juniperus virginiana*), longleaf pine, American holly (*Ilex opaca*), water oak (*Quercus nigra*) and horse sugar (*Symplocos tinctoria*). There is a sparse understory of herbaceous plants (i.e., plants

with little to no persistent above-ground woody stem) and woody vines comprised of ebony spleenwort (*Asplenium platyneuron*) and cat greenbriar (*Smilax glauca*).

Figure 1.



Based on information obtained from the United State Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Moore County, the Soils within the Site include four (4) soil series summarized in Table 1 below.

Table 1: NRCS Mapped Soil Series on Site.

Map Unit Symbol	Map Unit Name
AeD	Ailey loam sand, 8 to 15 percent slopes
Bd	Bibb loam, 0 to 2 percent slopes, frequently flooded
CaC	Candor sand, 4 to 12 percent slopes
GhB	Gilead loamy sand, 2 to 8 percent slopes

A Preliminary Jurisdictional Determination request was submitted to the Corps on August 3, 2017. The applicant's agent, Wetland Solutions LLC, delineated four (3) potential non-wetland waters (streams) and (1) potential wetland waters (wetlands) on the Site. A Preliminary Jurisdictional Determination was issued on October 20, 2017.

Wetland hydrology indicators such as surface water, high water table, inundation visible on aerial imagery, and geomorphic position were observed within wetlands. Soils at the wetland data form location consisted of matrices of chroma 1 and 2 loamy/clayey soils with prominent redox concentrations, indicating depleted matrix and redox depression hydric soil indicators.

The wetland communities on Site are described as bottomland hardwood forest based on the North Carolina Wetland Assessment Method (NCWAM) and are dominated by plant species such as longleaf pine, tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), black gum (*Nyssa sylvatica*), silky dogwood (*Cornus amomum*), false nettle (*Boehmeria cylindrica*), cinnamon fern (*Osmunda cinnamomea*), giant cane (*Arundinaria gigantea*), and laurel-leaved greenbrier (*Smilax laurifolia*) within the canopy and understory layers.

PROJECT PURPOSE:

Basic: To construct mixed use commercial and residential community.

Overall: According to the applicant, the purpose of this project is to develop a mixed use commercial and residential community that will provide 25 to 40 housing units at the old Southern Pines Water Plant property.

PROPOSED WORK: The applicant requests authorization to permanently fill 1.22 acres of wetlands to facilitate the development of a mixed use commercial and residential development and associated infrastructure. The general footprint of the development is approximately 28.5 acres, and includes four (4) single family lots, eight (8) townhouse structures, one (1) commercial building, a parking lot, and associated infrastructure including ingress/egress (Figure 2). Additionally, the project proposes an elevated boardwalk across the floodplain of Mill Creek and its abutting wetlands. A portion of the project would result permanent above-grade fills within the mapped FEMA 100-year floodplain.

The applicant also stated that the development includes the restoration of the former Southern Pines water plant constructed in 1925, that has fallen into disrepair. The restoration efforts on the water plant and construction in upland area has already begun.

LOT 1
38,845 SF

LOT 2
20,665 SF

LOT 3
21,907 SF

LOT 4
30,848 SF

SCM

4 UNITS

5 UNITS

6 UNITS

7 UNITS

8 UNITS

9 UNITS

10 UNITS

11 UNITS

12 UNITS

13 UNITS

14 UNITS

15 UNITS

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90 UNITS

91 UNITS

92 UNITS

93 UNITS

94 UNITS

95 UNITS

96 UNITS

97 UNITS

98 UNITS

99 UNITS

100 UNITS

1.22 acres impacted

THE OYSTER CREEK LLC
100 AC

OVERALL SITE PLAN

SCALE BAR

1" = 100'

1" = 200'

1" = 400'

1" = 800'

1" = 1600'

1" = 3200'

1" = 6400'

1" = 12800'

1" = 25600'

1" = 51200'

1" = 102400'

1" = 204800'

1" = 409600'

1" = 819200'

1" = 1638400'

1" = 3276800'

1" = 6553600'

1" = 13107200'

1" = 26214400'

1" = 52428800'

1" = 104857600'

1" = 209715200'

1" = 419430400'

1" = 838860800'

1" = 1677721600'

1" = 3355443200'

1" = 6710886400'

1" = 13421772800'

1" = 26843545600'

1" = 53687091200'

1" = 107374182400'

1" = 214748364800'

1" = 429496729600'

1" = 858993459200'

1" = 1717986918400'

1" = 3435973836800'

1" = 6871947673600'

1" = 13743895347200'

1" = 27487790694400'

1" = 54975581388800'

1" = 109951162777600'

1" = 219902325555200'

1" = 439804651110400'

1" = 879609302220800'

1" = 1759218604441600'

1" = 3518437208883200'

1" = 7036874417766400'

1" = 14073748835532800'

1" = 28147497671065600'

1" = 56294995342131200'

1" = 112589990684262400'

1" = 225179981368524800'

1" = 450359962737049600'

1" = 900719925474099200'

1" = 1801439850948198400'

1" = 3602879701896396800'

1" = 7205759403792793600'

1" = 14411518807585587200'

1" = 28823037615171174400'

1" = 57646075230342348800'

1" = 115292150460684697600'

1" = 230584300921369395200'

1" = 461168601842738790400'

1" = 922337203685477580800'

1" = 1844674407370955161600'

1" = 3689348814741910323200'

1" = 7378697629483820646400'

1" = 14757395258967641292800'

1" = 29514790517935282585600'

1" = 59029581035870565171200'

1" = 118059162071741130342400'

1" = 236118324143482260684800'

1" = 472236648286964521369600'

1" = 944473296573929042739200'

1" = 1888946593147858085478400'

1" = 3777893186295716170956800'

1" = 7555786372591432341913600'

1" = 15111572745182864683827200'

1" = 30223145490365729367654400'

1" = 60446290980731458735308800'

1" = 120892581961462917470617600'

1" = 241785163922925834941235200'

1" = 483570327845851669882470400'

1" = 967140655691703339764940800'

1" = 1934281311383406679529881600'

1" = 3868562622766813359059763200'

1" = 7737125245533626718119526400'

1" = 15474250491067253436239052800'

1" = 30948500982134506872478105600'

1" = 61897001964269013744956211200'

1" = 123794003928538027489912422400'

1" = 247588007857076054979824844800'

1" = 495176015714152109959649689600'

1" = 990352031428304219919299379200'

1" = 1980704062856608439838598758400'

1" = 3961408125713216879677197516800'

1" = 7922816251426433759354395033600'

1" = 15845632502852867518708790067200'

1" = 31691265005705735037417580134400'

1" = 63382530011411470074835160268800'

1" = 126765060022822940149670320537600'

1" = 253530120045645880299340641075200'

1" = 507060240091291760598681282

Use of sediment control fence and rip rap to slow the flow water into the natural systems are examples of the some of the best management practices (BMPs) proposed to be implemented. Additionally, the applicant proposes to construct a retaining wall along the emergency access driveway to minimize additional wetland impacts.

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

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-

specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. 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; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

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: The Corps has performed an initial review of the application, and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 2: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Red-cockaded woodpecker ¹	<i>Dryobates borealis</i>	Threatened
Michaux's sumac	<i>Rhus michauxii</i>	Endangered

¹ The USACE reviewed this project in accordance with the Red-cockaded woodpecker (RCW) Standard Local Operating Procedures for Endangered Species (SLOPES) between the USACE, Wilmington District, and the Raleigh USFWS Offices and determined that the action area for this project is located inside of the Appendix A – RCW Consultation Area. The USACE will review this project pursuant to Appendix B – RCW Effects Determination Key and will consult with USFWS if appropriate.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the North Carolina Division of Water Resources.

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

Or,

(Physical address): 512 North Salisbury Street, Raleigh, NC 27604

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 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.

The Wilmington District will receive written comments on the proposed work, as outlined above, until June 4, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Matthew Martin at matthew.k.martin@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Wilmington District, Attention: Matthew Martin, 3331 Heritage Trade Drive Suite 105 Wake Forest, North Carolina 27587. Please refer to the permit application number in your comments.

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.