



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
John Allen
True North Marina, LLC

Published: May 27, 2025
Expires: June 27, 2025

**Wilmington District
Permit Application No. SAW-2025-00149**

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: John Allen
True North Marina, LLC
Post Office Box 1309
Blairsville, Georgia 30514

AGENT: Mark Nelson
Nelson Environmental, Inc.
7380 Spout Springs Road, Suite 210-215
Flowery Branch, Georgia 30542

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Lake Chatuge. The project/review area consists of two parcels that are separated by Elf School Road and are situated to the northwest and southeast of its intersection with Martin Cabe Lane; at Latitude 35.028190 and Longitude -83.736350; in Hayesville, Clay County, North Carolina.

EXISTING CONDITIONS: The project/review area consists of two parcels of land totaling approximately 17.19 acres (Figure 1). The westernmost parcel is covered by mixed hardwood/pine forest with dense understory, and the easternmost parcel is covered primarily by open pasture. The topography of the property is consistent with the Broad Basins ecoregion with slopes approaching up to 30 percent. A portion of Lake Chatuge is located on the south portion of the east study area.

The project/review area contains an approximate 0.26-acre wetland, on the central portion of the easternmost parcel (Figure 2). Its boundary is based on distinct differences in vegetation, hydrology, soils, and topography consisting of the following: 1) Transition from a wetland community dominated by black willow (*Salix nigra*), sedges (*Carex sp.*), and ironweed (*Vernonia noveboracensis*), to upland communities dominated by crown grass (*Paspalum sp.*), Seneca-snakeroot (*Polygala senega*), and common self-heal (*Prunella vulgaris*); 2) Transition from the primary wetland hydrology indicator of water-stained leaves and the secondary hydrology indicators of geomorphic

position, microtopographic relief and drainage patterns to a lack of wetland hydrology indicators within the adjacent upland; and 3) Transition from a depleted matrix hydric soil to well-drained non-hydric soils.

The project/review area contains an approximately 0.36-acre intermittent stream (Figure 2) within the southwest portion of the easternmost parcel. This stream originates on-site within a ditch as a linear wetland feature, gains stream characteristics, and flows south into Lake Chatuge. The intermittent stream is at its widest part, approximately nine feet, entrenched up to approximately two feet, and contained silt, sand, and gravel substrates.

Single family homes are located to the northeast, southeast, and southwest of the study areas. A church is located between the study areas. NC 175 borders the east study area to the northwest. Elf School Road runs between the study areas.

Figure 1. Site Vicinity Map

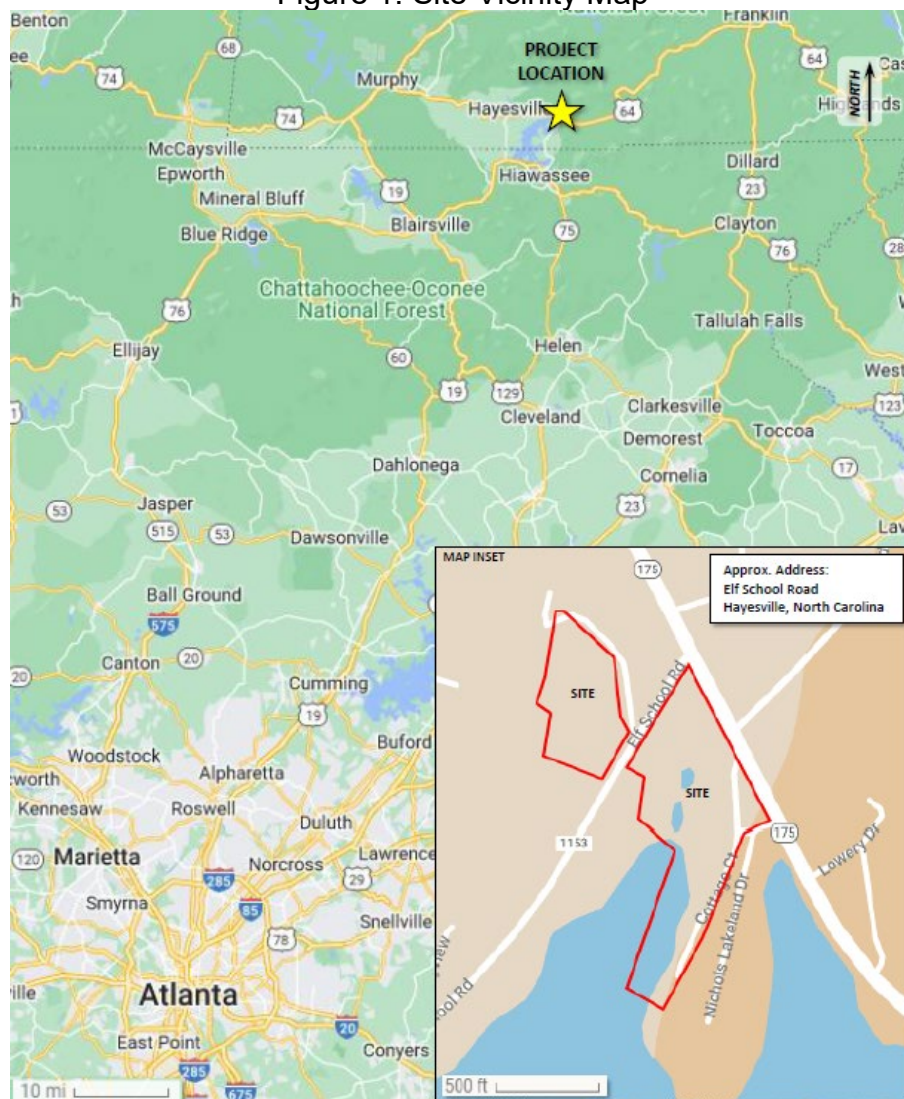


Figure 2. Site Map



PROJECT PURPOSE:

Basic: The basic project purpose is the construction of a residential development and associated marina.

Overall: The purpose of the proposed project is to create a residential community including a marina with direct access to Lake Chatuge that provides housing and recreational opportunities in Hayesville, Clay County, North Carolina. The project is intended to meet the growing local and regional demand for lake-oriented housing in this region of southwestern North Carolina.

PROPOSED WORK: The applicant requests authorization to discharge fill into waters of the United States for the development of a combined residential community and

private marina on Lake Chatuge in Hayesville, Clay County, North Carolina. The planset is included as an attachment to this document.

The project would include the land preparation and construction of residential housing along with associated infrastructure, including access roads, utilities, stormwater management features, a 0.3-acre reflection pond, and a network of walking trails, plus a marina. Parking areas would be constructed to accommodate residents and marina users.

A private marina is proposed in an existing Lake Chatuge cove that would serve the residents of this community. The marina would include a 3-dock system with 26 boat slips and associated shoreline stabilization. To facilitate year-round navigability (particularly during seasonal Lake Chatuge drawdowns for flood storage) an approximate 2-acre portion of the cove would be excavated (dredged) to increase the water depth and maintain adequate boat access.

Approximately 0.16-acre of the wetland would be permanently impacted by the proposed grading and infrastructure installation. The intermittent stream would be avoided altogether. All work would be conducted in compliance with applicable Federal and State environmental regulations.

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

Throughout the planning and design process, every effort has been made to avoid and minimize impacts to jurisdictional waters, wetlands, and other sensitive environmental features. Through these design strategies and mitigation efforts, the project aims to minimize its development footprint while achieving the intended residential and recreational goals. Below is a list of items incorporated into the proposed project that would result in avoidance and minimization of aquatic resource impacts.

1. The layout of the project was carefully designed to minimize encroachment into aquatic areas. The proposed 0.16 acres of wetland impact would be limited to low quality herbaceous wetlands, and the remaining 0.11 acres of onsite wetland would not be altered by the project. Additionally, the entirety of the onsite stream would be avoided.
2. Shoreline stabilization would be incorporated into the marina design to prevent erosion, protect water quality, and mitigate the impacts of boat traffic and wave action. The wetland impact resulting from construction of the shoreline stabilization would be offset through the purchase of appropriate mitigation credits.
3. A comprehensive stormwater management system would be incorporated into the project to minimize the potential for secondary downstream impacts. Stormwater runoff would be treated in underground vault(s). Best management practices (BMPs) for

erosion and sediment control would be adhered to during the construction activity and until the site has been stabilized.

4. Retaining walls would be used to minimize the developed footprint and reduce wetland impacts.
5. The reflection pond and dam are strategically placed to minimize wetland impact.
6. A boardwalk footbridge, with no fill in aquatic areas, would be installed for pedestrian access.
7. Excavation of the marina basin would occur as much as possible “in-the-dry” while Lake Chatuge is at drawn down for the winter pool.
8. Excavation of the marina basin would be limited to an area that is open water at “full pool” and would avoid impacts to vegetated wetlands.
9. Proposed aquatic resource impacts are limited to low-quality herbaceous wetlands.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes the purchase of 0.08 wetland mitigation credits from the North Carolina Division of Mitigation Services Blair Creek In-Lieu Fee Program to mitigate the proposed 0.16-acre wetland loss.

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, 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 within the Project Area**

Species Common Name	Scientific Name	Federal Status
Gray Bat	<i>Myotis grisescens</i>	Endangered
Indiana Bat	<i>Myotis sodalis</i>	Endangered
Green Pitcher Plant	<i>Saracenia oreophila</i>	Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

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.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the 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

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 27, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Brooke Davis at brooke.a.davis@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Wilmington District, Attention:

Brooke Davis, 151 Patton Avenue Room 208 Asheville, North Carolina 28801. 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.