



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 9 August 2016
Comment Deadline: 8 September 2016
Corps Action ID Number: SAW-2006-32879

The Wilmington District, Corps of Engineers (Corps) received an application from Thornbrooke Holdings, LLC seeking Department of the Army authorization to impact jurisdictional wetlands associated with the construction of six 10' wide access crossings for the Forest Hills of Hampstead Subdivision development in Hampstead, Pender County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Thornbrooke Holdings, LLC
c/o Mr. Nathan Sanders
PO Box 3167
Wilmington, North Carolina 28406

AGENT (if applicable): Southern Environmental Group, Inc. (SEGi)
c/o Ms. Dana Lutheran
5315 South College Road, Suite E
Wilmington, North Carolina 28412

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)

Payment to EEP was subsequently made; however, the restrictive covenant and survey were never recorded.

The property was foreclosed on and the current Applicant, Thornbrook Holdings, LLC, purchased the property in 2015.

Applicant's Stated Purpose

The purpose of the project is to provide access to upland areas within four lots of the existing Forest Hills at Hampstead Subdivision.

Project Description

The proposed project entails the removal of hydric soils from six wetland areas and replaced with clean earthen fill. It is estimated that approximately 217 cubic yards of fill will be needed to facilitate the construction of the road crossings, which will impact 0.07-acre of wetland for a cumulative total of 0.56-acre of project impacts. (Attachment 4). The subdivision is being marketed as an equestrian friendly development that offers twenty new homes from 2,500-3,600 square feet on 1.5 to 8.5 acre lots. The applicant intends to construct sheds and barns and create pastureland within the available uplands.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The Applicant has chosen the narrowest point of the wetland to cross in a perpendicular fashion so as to minimize the impacts to the maximum extent practicable.

Compensatory Mitigation

The Applicant proposes to mitigate for impacts to 0.07-acre of wetlands by purchasing credits at a 2:1 ratio for the restoration of 0.20-acre of non-riparian wetlands with the Northeast Cape Fear Umbrella Mitigation Bank located in the Cape Fear River Basin.

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 as no species managed under the act exist in the project area.

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 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.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO 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 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 to:

North Carolina Division of Environmental Quality,
Division of Water Resources, Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Or to,

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

North Carolina Division of Coastal Management (NCDCM): Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity that 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.

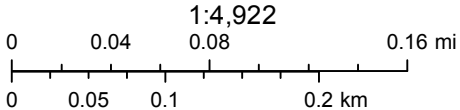
The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, 8 September 2016. Comments should be submitted to Ms. Emily Greer, Wilmington Regulatory Field Office,, 69 Darlington Avenue, Wilmington, North Carolina 28403 , or at emily.c.greer@usace.army.mil.



Pender County



August 4, 2016





RECEIVED
 APR 08 2008
 REG 24" RCP W/CROSSINGS
 W/CFC

CONSTRUCTION SEQUENCE

1. OBTAIN GRADING PERMIT FROM NCDENR AFTER SITE PLAN APPROVAL.
2. INSTALL ALL EROSION CONTROL DEVICES SHOWN, INCLUDING SILT FENCE, SILT FENCE OUTLETS, AND CONSTRUCTION ENTRANCE.
3. BEGIN CLEARING AND GRUBBING THE SITE AS NEEDED.
4. BEGIN INSTALLATION OF STORM DRAINAGE AND UNDERGROUND UTILITIES.
5. MONITOR SITE AND EROSION CONTROL MEASURES. ADDITIONAL MEASURES MAY HAVE TO BE INSTALLED TO PREVENT SEDIMENT FROM LEAVING CONSTRUCTION SITE.
6. ONCE UNDERGROUND DRAINAGE AND UTILITIES ARE IN PLACE, BRING SITE TO FINISHED SUBGRADE AND PREP FOR STONE AND PAVING. CONSULT GEOTECHNICAL ENGINEER AS NEEDED TO ENSURE PROPER COMPACTION IS REACHED FOR PARKING SUBGRADE AND BUILDING PAD. PROOF-ROLL MAY BE REQUIRED.
7. INSTALL STONE BASE AND COMPLETE PAVING OPERATIONS, STRIPING, ETC.
8. PROPERTY MAINTAIN ALL EROSION CONTROL DEVICES DURING CONSTRUCTION.
9. PROVIDE TEMPORARY SEEDING OF DISTURBED AREAS WITHIN 15 DAYS OF GRADING.
10. PERMANENTLY SEED AND MULCH ALL DISTURBED AREAS WITHIN 30 DAYS OF ESTABLISHMENT OF FINISHED GRADES.
11. MAINTAIN EROSION CONTROL DEVICES UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
12. ONCE PERMANENT COVER ESTABLISHED, REMOVE EROSION CONTROL DEVICES AND STABILIZE THESE AREAS.

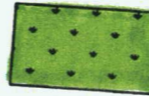


Impact Summary:

Area 1 = 0.06 ac (2,316.6 sf)

Area 2 = 0.43 ac (18,730.8 sf)

Total Impacts:
 0.49 ac (21,047.4 sf)

LEGEND

-  EXISTING WETLAND
-  PROPOSED IMPACTED WETLAND
-  PROPOSED WETLAND PRESERVATION

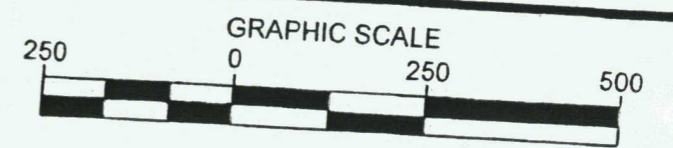


EXHIBIT 1
 WETLAND IMPACTS,
 OVERALL SITE

HOOVER ROAD
 HAMPSTEAD, NORTH CAROLINA

Date: 01-22-08
 Horiz. Scale: 1" = 250'
 Vert. Scale: 1" = 10'

C:\Users\jtrigon\Documents\20080327 - Hoover Road Wetland Impacts\Hoover Road Wetland Impacts for Submission.dwg, 4/8/2008 8:41:14 AM, 1:1

oted 50 foot ROW does not convey rights to use parcel 3283-62-2327-0000 nor to the public.

F DITCH (L61 & L62)
WETLAND PRESERVATION

DITCH IS PROPERTY LINE

WETLAND PRESERVATION AREA 3 (TO 25' BUFFER)

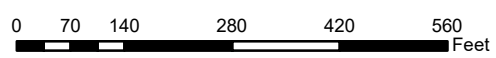
- 79 DITCH PG 85 R LINES

29'20" W 314.57

N 54'11'22" W 119.55

WETLANDS AREAS - INCLUDES WETLANDS ON AREAS AS NOTED ON AREAS 1 AND 2 EXCLUDE FROM WALL TO WALL. PS OF ENGINEERS ACTION ID 19-071

LEGEND: IRON PIPES SET AT ALL NEW LOT CORNERS



All lines were digitized from a wetland survey done by Trigon Engineering Consultants, dated 4/25/07.

1934706 SQ. FT. 4.4 ACRES

1,024 sf

143 sf

115 sf

354 sf

692 sf

WOODLAND TRAIL (50' PRIVATE R/W)

PHASE 1 MB 57, PP 148-149

N/F ROBERT SCHUPP

LOT 12 UTILIZES OFFSITE SEPTIC AND REPAIR AREA. OFFSITE IS LOT 12 A

N/F ROBERT SCHUPP

N/F JOSEPH LEWS

N/F WILLIAM SIMPSON

10' wide Wetland Crossings - 430 sf total available impact

FINAL PLAT APPROVED UNDER THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

PLANNING 7-21-15

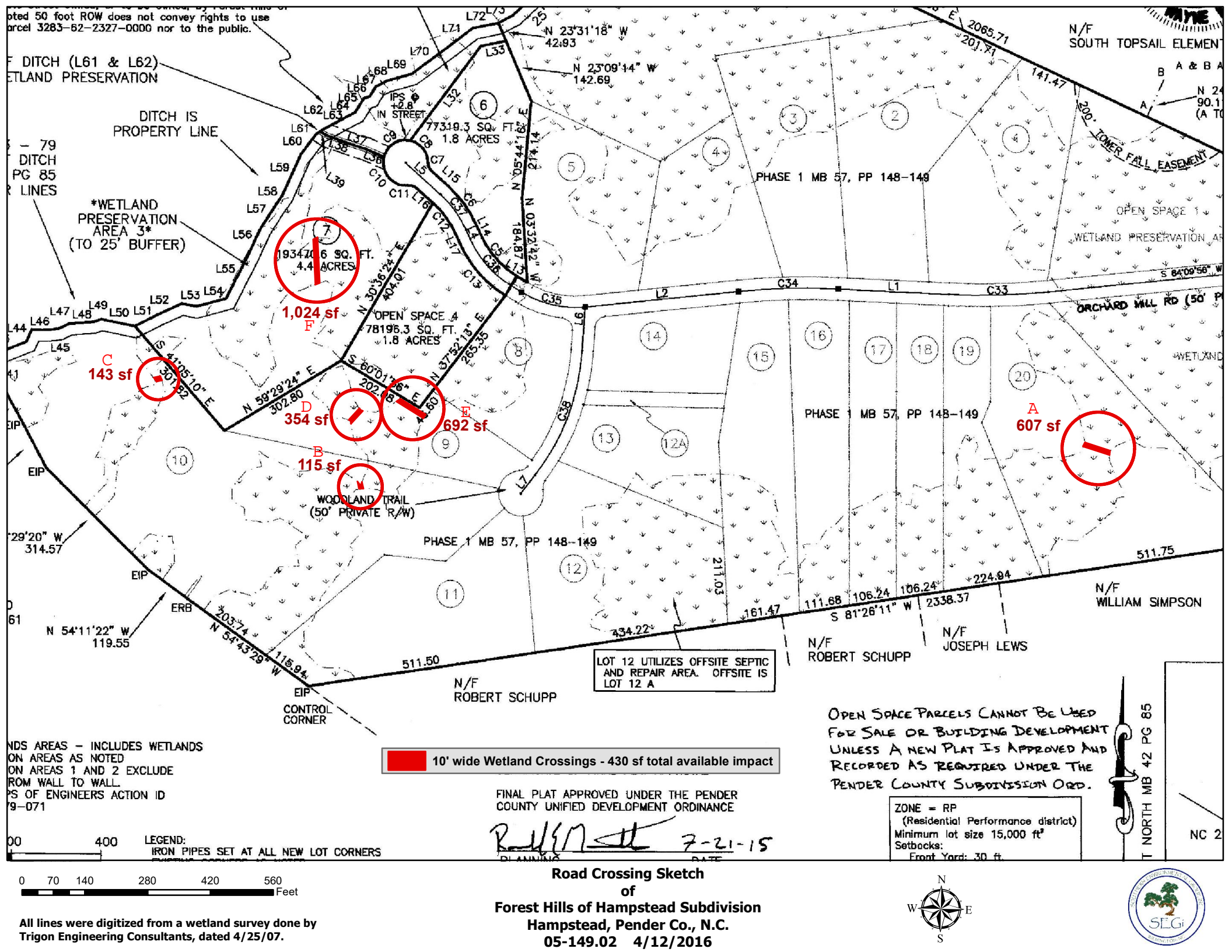
OPEN SPACE PARCELS CANNOT BE USED FOR SALE OR BUILDING DEVELOPMENT UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THE PENDER COUNTY SUBDIVISION ORD.

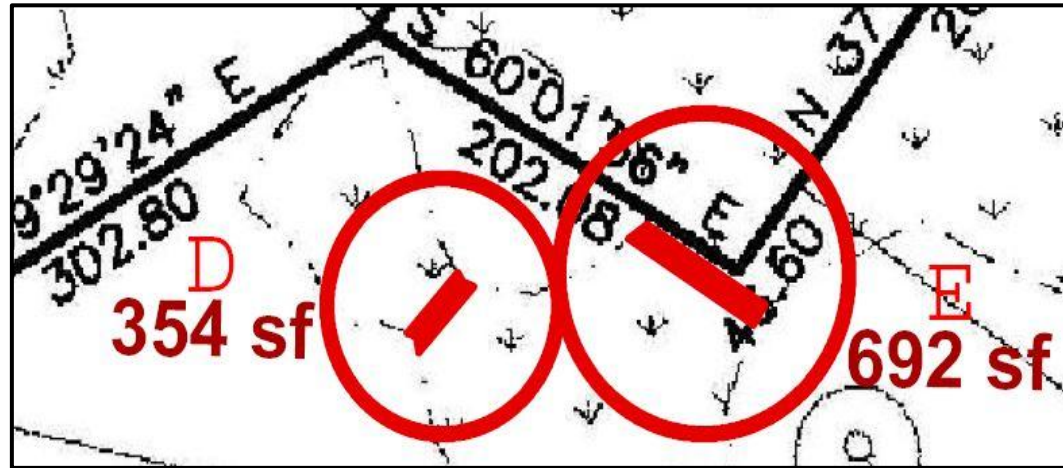
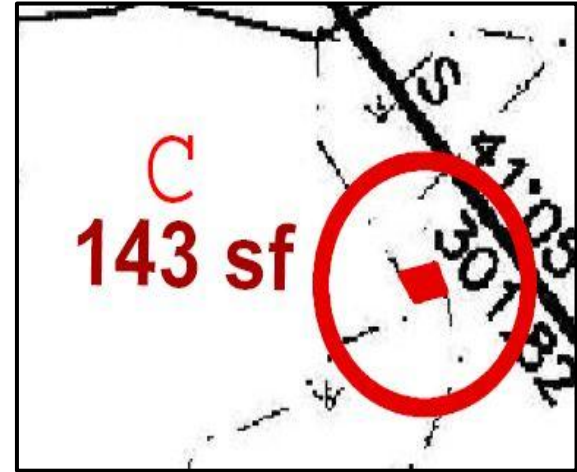
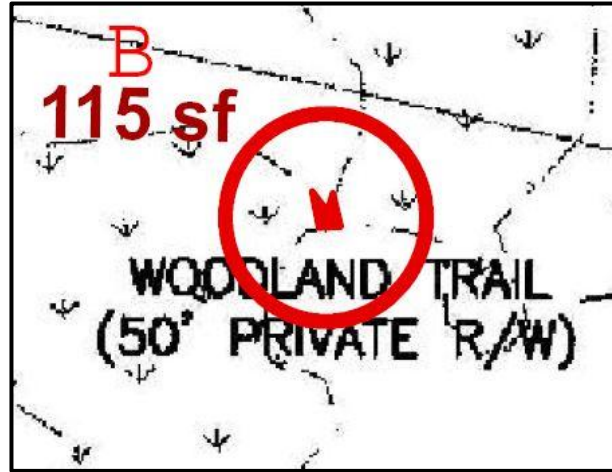
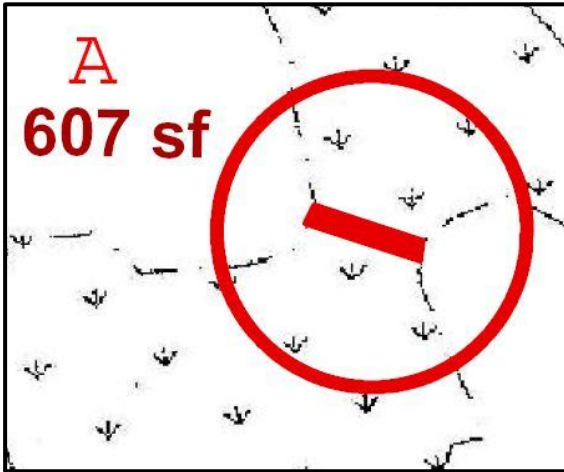
ZONE = RP (Residential Performance district) Minimum lot size 15,000 ft² Setbacks: Front Yard: 30 ft.

T NORTH MB 42 PG 85

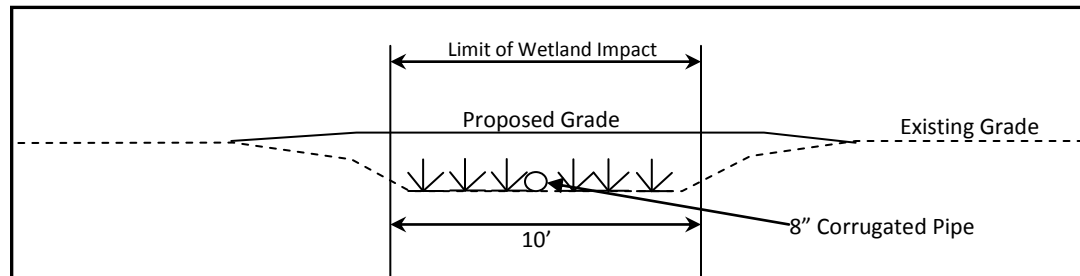
NC 2

Road Crossing Sketch of Forest Hills of Hampstead Subdivision Hampstead, Pender Co., N.C. 05-149.02 4/12/2016





Typical Profile of Crossings



Not to Scale