



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: August 16, 2022
Comment Deadline: September 16, 2022
Corps Action ID Number: SAW-2021-00933

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. John and Lucy Bode seeking Department of the Army authorization to discharge fill material into 1,535 linear feet (0.229 acre) of stream channel and 0.295 acre of wetlands, associated with residential development and associated infrastructure in Granville 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: Mr. John and Lucy Bode
Oxford Park
Horner Siding Road (SR 1515)
Oxford, North Carolina 27565

AGENT (if applicable): Ms. Deborah Shirley and Mr. Camden Brunick
Soil & Environmental Consultants, P.A.
8412 Falls of Neuse Road, Suite 104
Raleigh, North Carolina 27615

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: Proposed Project Boundaries for Oxford Park Residential Development

Location Description:

Project Area (acres): ~471 Nearest Town: Oxford
Nearest Waterway: Coon Creek River Basin: Tar-Pamlico
Latitude and Longitude: 36.344817 N, -78.569239 W

Existing Site Conditions

The existing ~471-acre project site is located east of Horner Siding Road (SR 1515), west of Perry Road, and north of Salem Road (SR 1552), in Oxford, Granville County, North Carolina. There are ~26,194 linear feet of streams, ~8.02 acres of wetlands, and ~3.13 acres of open waters.

Soils mapped on site are presented in the table below:

Table 1: Soil Characteristics

Soil Type	Map Unit Symbol	Hydric/Non-hydric
Appling sandy loam, 2 to 6 percent slopes	ApB	Non-hydric
Appling sandy loam, 6 to 10 percent slopes	ApC	Non-hydric
Cecil sandy loam, 2 to 6 percent slopes	CaB	Non-hydric
Cecil clay loam, 6 to 10 percent slopes, moderately eroded	CeC2	Non-hydric
Chewacla and Wehadkee soils, 0 to 2 percent slopes, frequently flooded	ChA	Hydric
Enon loam, 2 to 6 percent slopes	EnB	Hydric
Enon loam, 6 to 10 percent slopes	EnC	Non-hydric
Helena sandy loam, 2 to 6 percent slopes	HeB	Hydric
Iredell loam, 2 to 6 percent slopes	IrB	Hydric
Pacolet sandy loam, 10 to 25 percent slopes	PaE	Non-hydric
Vance sandy loam, 2 to 6 percent slopes	VaB	Non-hydric
Vance sandy loam, 6 to 10 percent slopes	VaC	Non-hydric

Water	W	Non-hydric
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Among the soil types that occur within the project area, four soil types were considered hydric and other soil types within the project area are non-hydric.

The vegetative community within the site consists of mixed hardwood/pine forest. The mixed hardwood/pine forest vegetation was comprised primarily of American Sycamore (*Plantanus pccidentalis*), sweetgum (*Liquidambar styraciflua*), tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), American hornbeam (*Carpinus caroliniana*), river birch (*Betula nigra*), and American Elm (*Ulmus americana*).

Site reconnaissance was conducted by the applicant's agent for the proposed residential development to determine and delineate the presence and location of potentially jurisdictional waters of the United States. The delineations were performed in accordance with the U.S. Army Corps of Engineers 1987 Delineation Manual and subsequently issued Regional Supplement to the 1987 Delineation Manual: Eastern Mountains and Piedmont (Version 2.0). The wetland delineation was verified by the Corps and the Approved and Preliminary jurisdictional determinations were issued on July 22, 2021.

Applicant's Stated Purpose

The purpose of the project is to construct a residential development and its associated infrastructure.

Project Description

The applicant provided the following project description:

The proposed project, Oxford Park, entails the infrastructure (i.e., roads and utilities) that will support the residential development of property currently owned by the applicant, John T. & Lucy H. Bode, totaling ~ 471 acres. Specifically, the Oxford Park project is intended to be the completion of the Oxford Park development located in Oxford, Granville County, NC. This Planned Unit Development (PUD) is intended to have a range of residential housing to include approximately 1,300 single-family homes, in addition to as many as 500 combined multi-family and townhome units. The project consists of twenty-one (21) stream/wetland crossings, to include thirteen (13) road crossings and eight (8) sanitary sewer crossings. These proposed road and sanitary sewer crossings intend to cross fourteen (14) perennial streams, four (4) intermittent streams, two (2) linear wetlands and five (5) forested wetland areas. Note that four (4) crossings have a combination of stream and wetland impacts, one of which is a bridge crossing with wetland impacts only.

The Oxford Park project is intended to be the completion of the Oxford Park development. This Planned Unit Development (PUD) is intended to have a range of residential housing to include approximately 1,300 single-family homes, in addition to as

many as 500 combined multi-family and townhome units. There are thirteen (13) permanent road crossings proposed at the Oxford Park project. The proposed road crossings are located on the stream and wetland features that separate upland areas within the project boundaries and therefore are necessary to access high ground. There are eight (8) temporary sanitary sewer crossings proposed at the Oxford Park project. The proposed sanitary sewer crossings are necessary to provide a collection system to treat wastewater from the residential homes throughout the proposed project.

Avoidance and Minimization

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

Eleven road crossings would occur perpendicular to streams and/or wetlands using headwalls at the culverts to minimize stream impacts to the maximum extent practicable. Temporary diversion pumps, coffer dams, and dewatering pumps would be used during construction to divert stream flows and minimize sediment release during construction activities. Riprap dissipator pads would be used to minimize stream velocities and stream degradation. Two road crossings would be a bridged crossing and would occur perpendicular to the stream to avoid stream impacts.

Utilities crossings would occur perpendicular to streams to minimize impacts to the maximum extent practicable. Utility crossings have also been strategically placed to avoid wetland impacts.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: At this time, the applicant proposes payment into the North Carolina Department of Mitigation Services (NCDMS) and Mogensen Mitigation Inc. to mitigate for proposed permanent loss impacts to streams and wetlands at a 2:1 mitigation to credit ratio.

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:

- 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).

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 U.S Fish and Wildlife Service (USFWS) lists seven federally protected species and one candidate within the study area including: Neuse River waterdog (*Necturus lewisi*), Carolina madtom (*Noturus furiosus*), Atlantic pigtoe (*Fusconaia masoni*), Dwarf wedgemussel (*Alasmidonta heterodon*), Yellow lance (*Elliptio lanceolata*), Monarch butterfly (*Danaus plexippus*), Harperella (*Ptilimnium nodosum*), and Smooth coneflower (*Echinacea laevigata*).

- 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.
- 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.

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. 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 120 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 regarding the application for a 401 Certification should do so, in writing, by September 6, 2022, to:

NCDWR Central Office
Attention: Mr. Paul Wojowski, 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 (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, September 8, 2022. Comments should be submitted to April R. Norton, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 441-3637. Comments may also be submitted to April.R.Norton@usace.army.mil.