PUBLIC NOTICE

US Army Corps
Of Engineers
Wilmington District

Issue Date: February 6, 2023
Comment Deadline: March 8, 2023
Corps Action ID Number: SAW-2021-01284

The Wilmington District, Corps of Engineers (Corps) received an application on January 25, 2023, from Pulte Home Company, LLC, seeking Department of the Army authorization to permanently discharge dredged or fill material into 0.521 acre of jurisdictional wetlands and 2,314 linear feet (0.260 acre) of stream channel, the permanent loss of 200 linear feet (0.038 acre) of stream channel, with no functional loss for rip rap dissipator pads at culvert crossings, along with the temporary discharge of dredged or fill material into 0.216 acre of wetlands and 553 linear feet (0.093 ace) of stream channel, associated with the construction of a 55+ active adult community with 1,666 single-family residential homes, amenities, and associated infrastructure known at Del Webb at Chatham Park (Project) at 496 Moncure Pittsboro Road, in Pittsboro, in Chatham 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:
Pulte Home Company, LLC
Attn: Mr. Chris Raughley
1225 Crescent Green Drive, Suite 250
Cary, NC 27518

AGENT (if applicable):
WithersRavenel
Attn: Mr. Ian McMillian
137 S Wilmington Street, Suite 200
Raleigh, NC 27601

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

Location Description: The site address for the Project is 496 Moncure Pittsboro Road, in Pittsboro, North Carolina. The Project is comprised of four (4) parcels (Chatham Co. Parcel Nos. 60774 - 146.42 acres, 7413 – 227.03 acres, 89720 – 16.38 acres and 95729 – 357.20 acres) totaling 747.03 acres as depicted below in Figure 1. The thicker blue boundary dissecting the site depicts the proposed southern portion of Chatham Park Way, which divides the site.

Project Area (acres): 747.03 Nearest Town: Pittsboro
Nearest Waterway: Turkey Creek River Basin: Cape Fear
Latitude and Longitude: 35.68861 N, -79.16694 W

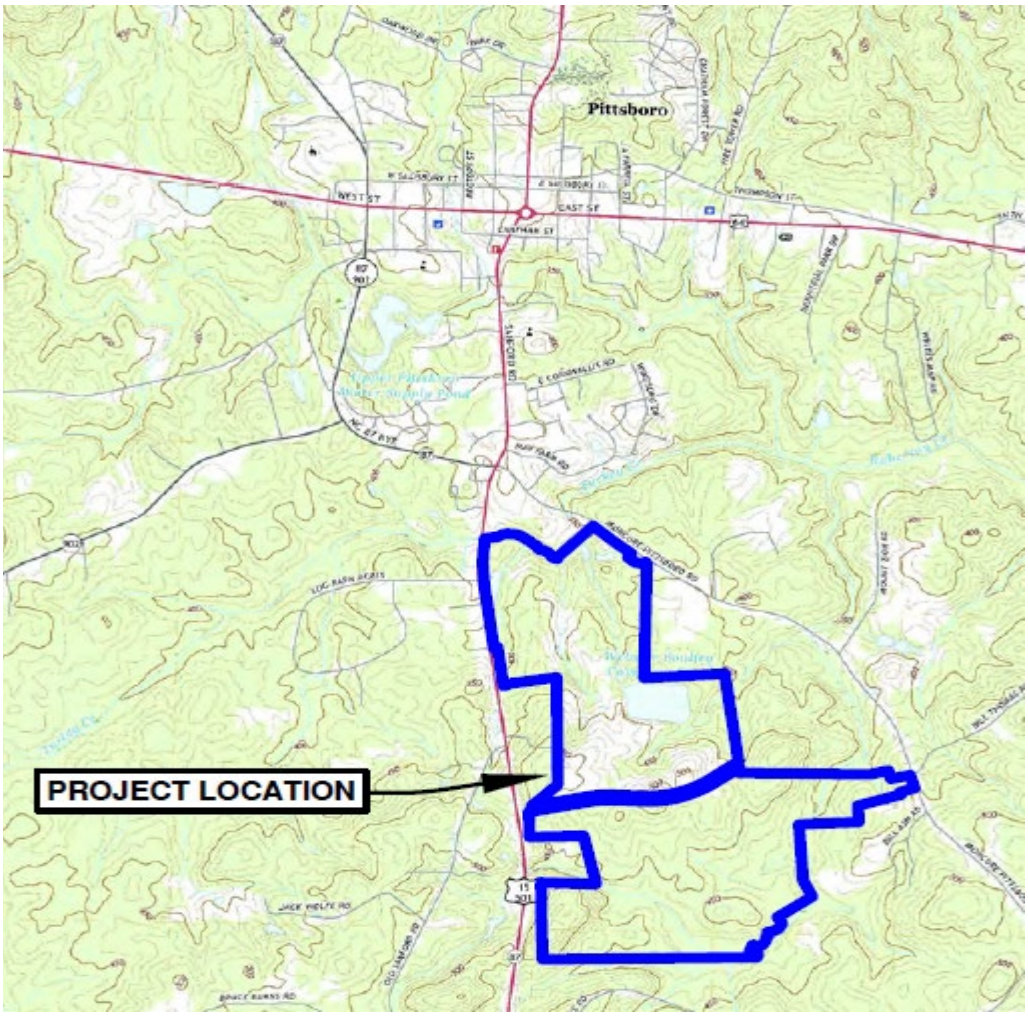

Figure 1. Project Location

Existing Site Conditions

The Project site consists primarily of a combination of vacant, forested, and agricultural land with scattered residences. The Project site was formerly used as the wastewater treatment plant and spray fields for the Townsend chicken processing plant in Pittsboro prior to closing the facility in 2011. Select timber harvest operations have occurred over the last 20 years, especially within the southern portion of the site. The vacant areas of the property contain a series of unimproved, dirt forest and logging road extending along most ridge lines. With the exception of the Town of Pittsboro to the north, most of the surrounding area is a mixture of forest, agriculture, and scattered residences on large lots.

The vegetative communities within the Project area consist of mowed/maintained, pine plantation forest, and mixed hardwood/pine forest. The mowed/maintained communities are located within the cattle pastures and wastewater spray fields. The mowing/maintenance was frequent enough that the average height of vegetation was less than 18 inches and prevented the growth of woody vegetation. Herbaceous plants included Timothy grass (*Phleum pratense*), Bahia grass (*Paspalum notatum*), Common ragweed (*Ambrosia artemisiifolia*), sneezeweeds (*Helenium amarum*), Calico aster (*Symphyotrichum lateriflorum*), dog fennel (*Eupatorium capillifolium*), broom sedge (*Andropogon virginicus*), goldenrod (*Solidago* spp.), and other common grasses and weeds.

The mixed hardwood/pine forest community consisted of a dense canopy of sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), cottonwood (*Populus deltoids*), tulip poplar (*Liriodendron tulipifera*), and loblolly pine (*Pinus taeda*). The understory is vegetated with saplings of the same species as well as eastern redcedar (*Juniperus virginiana).* The ecotone between the mixed hardwood/pine forest and mowed/maintained communities consists of sweetgum, loblolly pine, tree of heaven (*Ailanthus altissima*), and dog fennel.

The pine plantation forest consists of large stands of loblolly pines planted in rows for silviculture production. Based on historical aerials, these stands are approximately 20 years old. The herbaceous layer consists of Christmas fern (*Polystichum acrostichoides),* black raspberry (*Rubus occidentalis*), broom sedge, and dog fennel.

The proposed Project is located within the Piedmont ecoregion, specifically within the Carolina Slate Belt, just west of the Triassic Basin. Per the 2002 Ecoregions of NC and SC poster description, "The Carolina Slate Belt extends from southern Virginia, across the Carolinas, and into Georgia. The mineral-rich metavolcanic and metasedimentary rocks with slatey cleavage are finer-grained and less metamorphosed than most Piedmont regions. Some parts are rugged, such as the Uwharrie Mountains, and many areas are distinguished by trellised drainage patterns. Silty and silty clay soils, such as the Georgeville and Herndon series, are typical. Streams tend to dry up and water yields to wells are low as this region contains some of the lowest water-yielding rock units in the Carolinas." Elevations of the Project range between 354 mean sea level

(MSL) within the northwest portion of the site to 544 MSL within the southwest corner of the site. The site exhibits varied topography throughout with several interspersed knolls, multiple hill tops, ridgelines and drainages throughout the Project.

Table 1 identifies the mapped soil units, their acreages on the Project, percent of the site and their hydric soil rating based on information obtained from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Chatham County. Despite no soils being identified as hydric within the Project boundaries, non-hydric soils are known to contain hydric inclusions that are often too small to be identified at this level of mapping.

Table 1. Project Mapped Soil Units

Map Symbol	Map Unit Name	Acres	Percent of Site	Hydric Soil Rating
ChA	Chewacla and Wehadkee soils, 0 to 2 percent slopes, frequently flooded	36.9	5.0%	No
CmB	Cid-Lignum complex, 2 to 6 percent slopes	73.7	10.0%	No
GaB	Georgeville silt loam, 2 to 6 percent slopes	39.0	5.3%	No
GaC	Georgeville silt loam, 6 to 10 percent slopes	91.9	12.5%	No
GeB2	Georgeville silty clay loam, 2 to 6 percent slopes, moderately eroded	117.4	17.0%	No
GkD	Georgeville-Badin complex, 10 to 15 percent slopes	62.5	9.0%	No
GoC	Goldston-Badin complex, 2 to 15 percent slopes	23.2	3.1%	No
GoE	Goldston-Badin complex, 15 to 35 percent slopes	6.1	0.8%	No
HrB	Herndon silt loam, 2 to 6 percent slopes	20.5	2.8%	No
HrC	Herndon silt loam, 6 to 10 percent slopes	5.5	0.8%	No
M-W	Miscellaneous water	18.9	2.6%	No
NaB	Nanford-Badin complex, 2 to 6 percent slopes	66.6	9.6%	No
NaC	Nanford-Badin complex, 6 to 10 percent slopes	56.7	8.0%	No
And	Nanford-Badin complex, 10 to 15 percent slopes	65.3	9.1%	No
PeA	Peawick fine sandy loam, 0 to 2 percent slopes	10.9	1.5%	No
PsB	Pittsboro-Iredell complex, 2 to 8 percent slopes, stony	17.7	2.4%	No
W	Water	3.5	0.5%	No
Totals for Area of Interest		747.3	100.0%	

The site is located within the Cape River Basin [8-digit Hydrologic Unit Code (HUC) 03030002 and 12-digit HUC 030300020703 (Roberson Creek). The mapped Federal

Emergency Management Agency (FEMA) 100-year floodplain along Turkey Creek is located along the northern property boundary.

The site was delineated for potential Waters of the US (WOTUS) by WithersRavenel on January 12, 2021, and was field verified by the Corps on October 14, 2021. The Corps provided email concurrence on December 9, 2021, that the Corps concurs with the delineation submitted by the agent on behalf of the owner/applicant. A total of 59 wetlands (total = 37.44 acres), 45 streams (total = 40,341 linear feet), and 3 ponds (total = 4.99 acres) were located on the Project. Figures 2 and 3 below depict the locations of WOTUS within the Project limits.

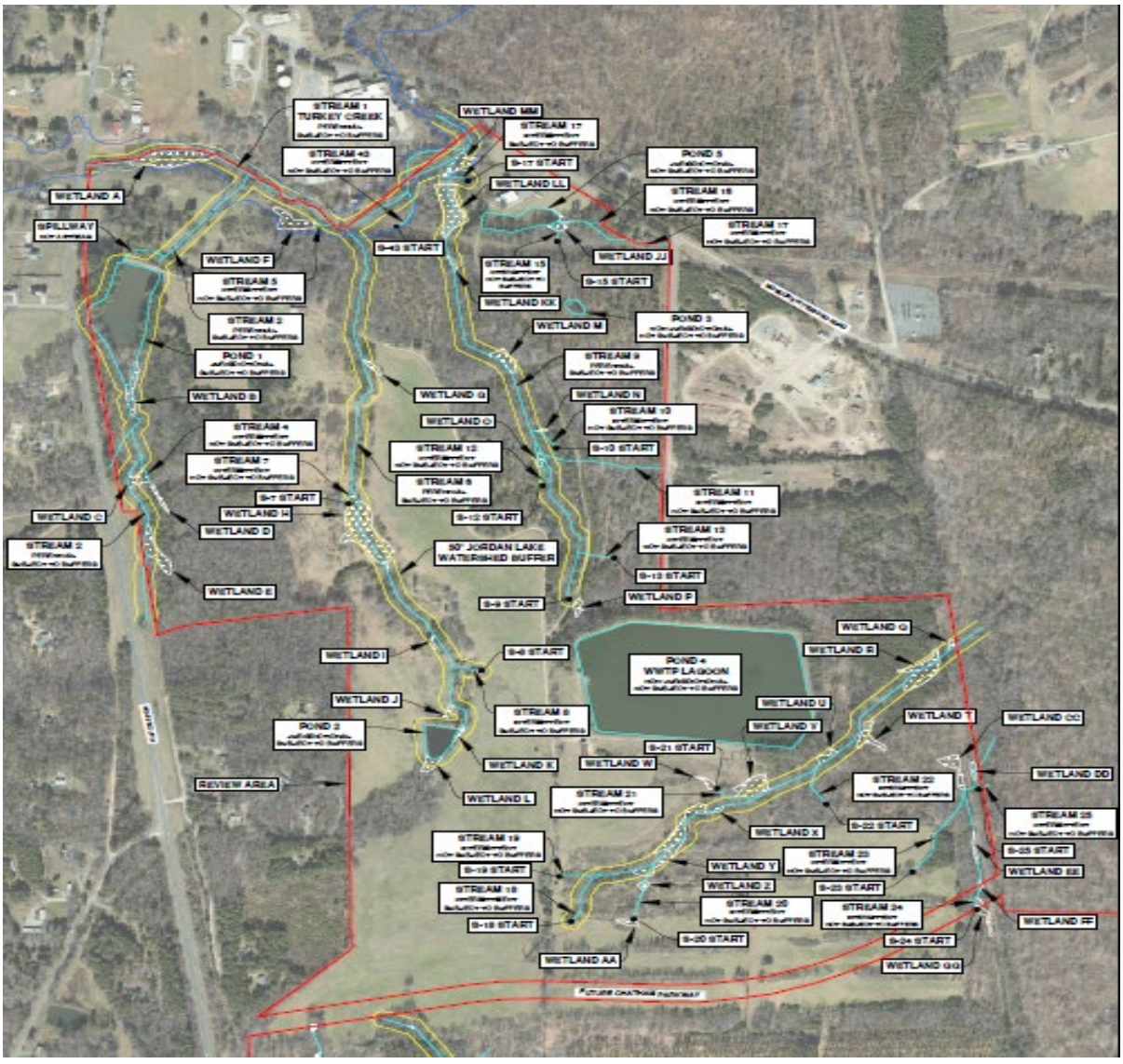

Figure 2. Potential WOTUS for Project north of the proposed Chatham Park Way

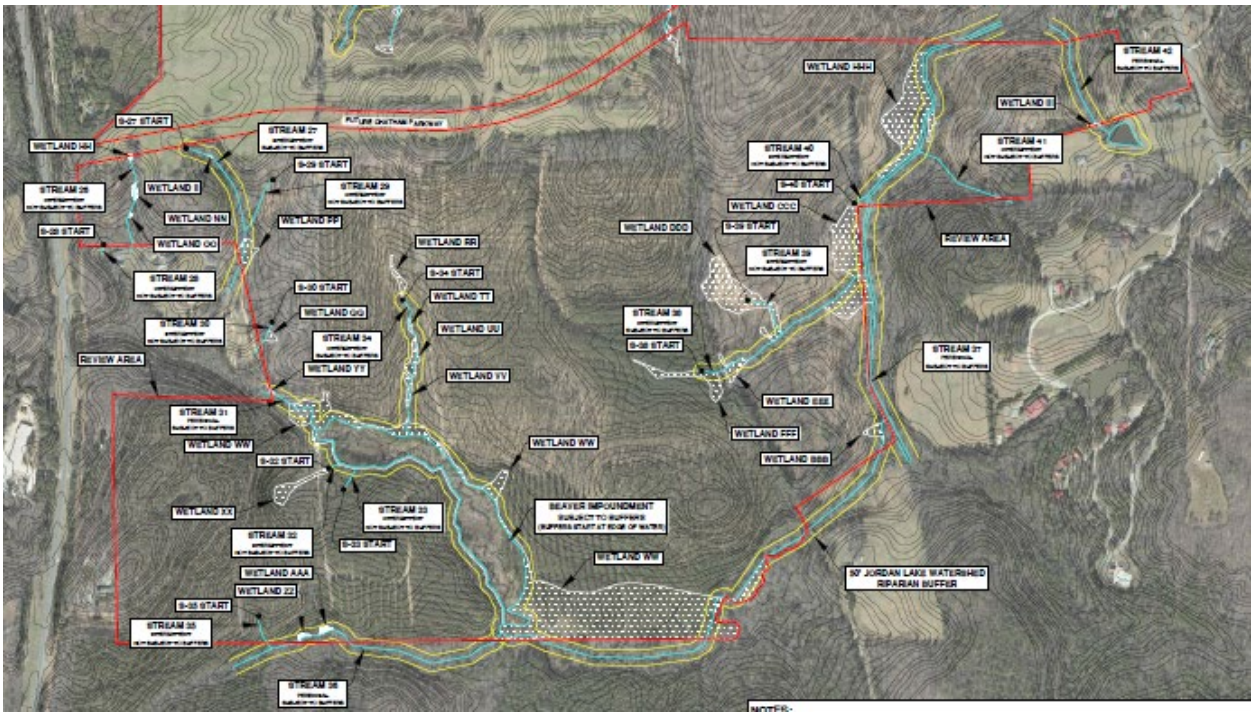

Figure 3. Potential WOTUS for Project south of the proposed Chatham Park Way

Wetland H is a 1.22-acre forested headwater wetland as characterized by the North Carolina Wetland Assessment Method (NCWAM) located in the northwest portion of the Project. Wetland H drains north via a topographic crenulation to Stream 7. The dominant trees/shrubs observed include sweetgum *(Liquidambar styraciflua*), red maple *(Acer rubrum), and* Southern wax myrtle *(Morella cerifera).* The dominant herbaceous plants observed included soft needle rush (*Juncus effusus*), sedge *(Carex spp.),* and woolgrass *(Scirpus cyperrinus).*

Wetland CCC is a 2.22-acre bottomland forest hardwood wetland (NCWAM) located in the southeastern portion of the Project. Wetland CCC drains north within a topographic crenulation to Stream 44. The dominant trees/shrubs observed in this area include sweetgum *(Liquidambar styraciflua*). The dominant herbaceous plants observed included soft needle rush, Japanese stilt-grass *(Microstegium vimineum*), woolgrass*,* and cattail (*Typha spp*.).

Wetland WW is a 21.32-acre bottomland forest hardwood wetland (NCWAM) located in the southeastern portion of the Project. Wetland WWW drains southeast within a topographic crenulation to Stream 35. The dominant trees/shrubs observed at the wetland data form location included loblolly pine (*Pinus taeda*), American sycamore (*Platanus occidentalis*), Southern wax myrtle *(Morella cerifera)* and ligustrum (*Ligustrum japonica*). The dominant herbaceous plants observed included cattail, sedge (*Carex spp*.), and soft needle rush.

Turkey Creek and its unnamed tributaries carries a surface water classification of WS-IV; NSW. Water Supply (WS)-IV waters are used as sources of water supply for drinking, culinary, or food processing purposes. The waters are also protected for Class C uses, which are waters that are protected for uses such as aquatic life propagation, survival and maintenance of biological integrity (including fishing and fish), wildlife, secondary contact recreation and agriculture. Secondary contact recreation means wading, boating, other uses not involving human body contact with water, and activities involving human body contact with water where such activities take place on an infrequent, unorganized, or incidental basis. NSW means nutrient sensitive waters and is a supplemental classification intended for waters needing additional nutrient management due to being subject to excessive growths of microscopic or macroscopic vegetation. The wetlands proposed to be impacted can be classified by the North Carolina Wetland Assessment Method (NCWAM) as being either headwater forest or hardwood flat.

Applicant's Stated Purpose

The purpose of the project is to construct a 55+ active adult community which has 1,666 single-family home residential homes, amenities, and associated infrastructure.

Project Description

The proposed Project was approved by the Town of Pittsboro as a Multi-Phased Planned Unit Development (PUD) and was issued a Special Use Permit. The entire project was rezoned to R15 which is Low Density Residential.

On August 8, 2022, the Applicant submitted a major subdivision application for the four parcels associated with the Project. The parcels total 747.03 acres. The Project proposes to construct a total of 1,666 single family residential lots, with the northern section containing 844 lots and the southern section containing 822 lots. The Project design also proposes 123.04 acres (16.48%) of open space. The proposed open space areas (active and passive) would be higher than this value as this tabulation only includes guaranteed passive open space areas such as perimeter buffers, undisturbed riparian buffers, and undisturbed wetlands. The ultimate total would include active open space areas to be determined at the time of the Construction Documents.

The project would require the permanent discharge of fill material into 0.521 acre of wetland and 2,314 linear feet (0.260 acre) of stream channel and 200 linear feet (0.038 acre) of stream channel with no functional loss for riprap dissipators pads. The project would also result in temporary impacts to 0.216 acre of wetlands and 533 linear feet (0.093 acre) of stream channel impacts from temporary construction access. The project would have 29 individual impact areas in 13 separate wetland areas, 74 individual stream impacts on 21 separate streams, which are a combination of permanent and temporary impacts. There are no proposed impacts to the open waters located on the property. These impacts would be associated with infrastructure (sewer, water, and road construction) along with general site grading as shown in Figure 4.

Chatham Park Way that bisects the property is being processed as a separate project.

Typical construction equipment would be used consisting of excavators, graders, bulldozers, front-end loaders, dump trucks, and pump-around equipment. If shallow rock is present, blasting may be necessary.

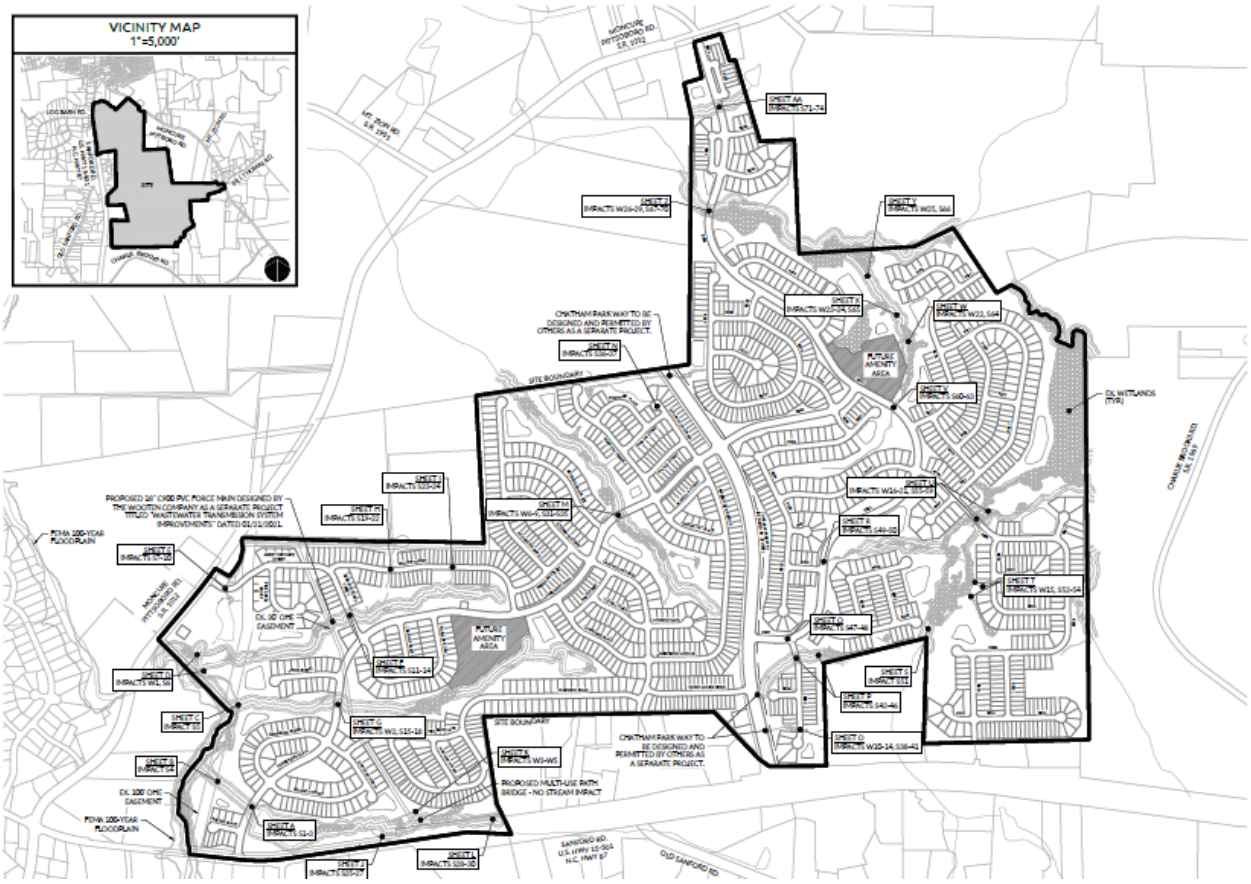

Figure 4. Proposed Project Site Plan

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 evaluated two additional sites in Chatham County of similar size and determined they did not meet the necessary elements to be feasible for the proposed Project. These sites were screened using the following siting criteria: size/yield, topography, visibility, utilities, zoning, proximity, accessibility, and affordability. It was determined that the current Project site in Pittsboro/Chatham County was the best location to meet all these criteria. Pittsboro/Chatham County has sufficiently undeveloped, available privately held large tracts of land, is situated on two major highways (US 64 and US 15-501), is in close vicinity to a major growth area (Greater Triangle Area of Raleigh, Durham, Chapel Hill), an educated work force (Research Triangle Park area) and universities (UNC-Chapel

Hill, Duke, NC State, and others), an international airport (Raleigh- Durham International Airport - RDU), recreational & natural resources (Haw River, Jordan Lake, and others) and most importantly a vibrant local community (Pittsboro). The Applicant determined that no other available locations in the greater Triangle area provided all these necessary elements.

The unavoidable impacts to jurisdictional Waters of the US include 0.216 acre of temporary wetland impacts; 0.521 acre of permanent wetland impacts; 553 linear feet of temporary stream impacts; 2,314 linear feet of permanent stream impacts (functional loss); and 200 linear feet of permanent stream impacts (no functional loss). Through careful and intentional planning and engineering, including the judicious use of wing walls, headwalls, retaining walls, 3:1 side slopes, perpendicular stream crossings, and siting wetland and stream impacts within the upper reaches of these features to avoid impacts to higher quality wetlands and streams, the Applicant has avoided permanent impacts to 36.919 acres of onsite jurisdictional wetlands and 38,027 linear feet of onsite jurisdictional streams. This represents the avoidance of 99% of onsite wetlands and avoidance of 94% of onsite streams.

Additionally, the designs include the standard design conditions found in Nationwide Permit General Conditions and therefore, the proposed impacts should have minimal effect on downstream waters, stream stability, shellfish, or other aquatic species. Rip-rap dissipater pads that will be installed flush with the existing grade of the stream bed to allow for aquatic life passage and as such are depicted as "permanent stream impacts, no functional loss."

Finally, the Project has minimized potential impacts to downstream water quality through the implementation of a required comprehensive stormwater plan as required by the Town of Pittsboro.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The Applicant proposes to purchase wetland and stream mitigation credits from available Mitigation Banks and/or from the N.C. Division of Mitigation Services (NCDMS) In-Lieu Fee program to provide the proposed mitigation. The agent provided Letters of Availability from Wildlands Holding and NCDMS to document that there is currently enough availability of wetland and stream mitigation credits.

Currently, the Applicant is proposing to provide compensatory mitigation for all permanent stream impacts with a functional loss and permanent wetland impacts at a 2:1 ratio.

Due to the anticipated buildout of the project being 10+ years, mitigation is proposed to be provided in three (3) phases which coincides with the construction phasing plan of the Project. Mitigation would be purchased in advance of the proposed impacts within

the specific phase. Phase 1 of the Mitigation Plan is proposed for impacts anticipated to occur over the next 5 years. Phase 2 of the Mitigation Plan would be for impacts anticipated from 5 to 10 years. And Phase 3 of the Mitigation Plan would be for the remaining impacts anticipated from 10+ years. The following table presents the proposed Mitigation Plan with the phased approach.

Mitigation Phase	Construction Phase	Impact Type/Area		Ratio	Mitigation Proposed	
		Stream (Functional Loss)	Wetland		AC	LF
Phase 1	Phase 1	875 LF		2:1		1,750 LF
			0.099 AC		0.20 AC	
Phase 2	Phases 2A,2B, 3 & 4	822 LF		2:1		1,644 LF
			N/A		N/A	
Phase 3	Southern Section	617 LF		2:1	0.84 AC	
			0.422 AC			1,234 LF
Total Mitigation Proposed					1.04 AC	4,628 LF

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 of 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 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 (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 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.

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 applicant did not provide or satisfy all the elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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 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 February 27, 2023, to:

NCDWR Central Office
Attention: Supervisor, 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 (NCDCM):

☒ 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, February 8, 2023. Comments should be submitted to Mrs. Jean B. Gibby, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554-4884, Extension 24. Comments may also be submitted to RaleighNCREG@usace.army.mil.