



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: December 5, 2014  
Comment Deadline: December 19, 2014  
Corps Action ID Number: SAW-2003-01262

The Wilmington District, Corps of Engineers (Corps) received an application from Southern Environmental Group, Inc. (SEGi) on behalf of Seagrove WF Investors seeking after-the-fact Department of the Army authorization for impacts to 1.006 acre of non-riparian wetlands and authorization to fill 0.048 acre of non-riparian wetlands, associated with the development of Seagrove residential subdivision in New Hanover 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:** Seagrove WF Investors  
Attn: Mr. James Wallace  
1901 Eastwood Drive  
Wilmington, North Carolina 28403

**AGENT (if applicable):** Southern Environmental Group, Inc.  
Mr. David Syster  
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)

## **Location**

The proposed project is located within the Wilmington Beach district of Carolina Beach, south of Carolina Sands, west of Pinfish Lane, and north of Ocean Boulevard, New Hanover County, North Carolina.

Southern Environmental Group, Inc. (SEGi) obtained a US Army Corps of Engineers' preliminary wetland Jurisdictional Determination on November 12, 2014.

Directions to Site: Take US 421 south (Carolina Beach Road) to Carolina Beach. Once over the Snows Cut Bridge, travel approximately 3.0 miles, past the Carolina Beach Lake, and take a right onto North Carolina Avenue. The project includes several blocks spanning between Pinfish and Croaker Lanes (see Final Impact Sketch attached).

Project Area (acres): 25.3                      Nearest Town: Carolina Beach  
Nearest Waterway: Cape Fear River      River Basin: Lower Cape Fear  
Latitude and Longitude: 34.018687°N, -77.904887°W

## **Existing Site Conditions**

An Individual Permit (IP) was issued, under Action ID SAW-2003-01262, for the entire project on November 15, 2004. Tri-Coast Development began construction in 2004, but due to the decline in the economy, construction of all the residential dwellings did not take place before the permit expired December 31, 2007. Sometime in 2011, builders continued to impact wetlands and filled beyond the previously authorized impact limits until the Corps October 27, 2014 Cease and Desist Notification. This was partially the result of some confusion as builders were referring to a preliminary impact map which proposed complete lot fill on impacted lots, rather than only access and building pad impacts as authorized.

The previously issued IP and accompanying Water Quality Certification (DWQ# 03-1643) authorized the permanent fill of 1.1 acres of non-riparian wetlands, for which the Applicant was to make payment to the NC Ecosystem Enhancement Program (NCEEP) for 2.2 acres of non-riparian wetland restoration credit. In addition, the Applicant was to place 4.76 acres of the remaining wetlands (to include 0.46 acre of uplands) into strict preservation. The Applicant has fulfilled both the payment to the NCEEP and recordation of the preservation map.

Currently, the entire infrastructure (roads, utilities, etc.) has been installed and houses are newly constructed and under construction. Other than 1210 Pinfish Lane, there are no remaining lots with wetlands present.

### **Applicant's Stated Purpose**

The purpose of this permit application is to request "after-the-fact" authorization for impacts to wetlands done after the expiration of a previously authorized permit, impacts in excess of the original authorized amount and for wetland impacts to develop 1210 Pinfish Lane within the existing Seagrove Subdivision.

### **Project Description**

The purpose of this project is to facilitate the development of 1210 Pinfish Lane and to account for impacts to wetlands not previously authorized. The Applicant is accounting for the after-the-fact impact of 1.006 acres and one proposed impact of 0.048-acre of jurisdictional wetlands. The proposed impact is to take place at 1210 Pinfish Lane. See Wetland Impact Sketch and plans for Lot D, Block 51, attached.

### **Avoidance and Minimization**

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

The project area, Seagrove subdivision, is approximately 25.3 acres with the majority of each lot measuring approximately 50' x 100' and several combined to create 100' x 100' lots. The Applicant minimized wetland impacts within the subdivision during the original design and 2004 permit submittal by reducing the number of lots within the subdivision and placing those avoided wetlands into preservation.

Of the remaining undeveloped lots today, 1210 Pinfish Lane is the one which contains wetlands. Fill slopes for the proposed dwelling will be kept to the minimum necessary. Sediment and erosion control measures will be utilized to ensure that impacts to wetlands do not take place outside the authorized area.

### **Compensatory Mitigation**

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

The Applicant has fulfilled the compensatory mitigation requirement for the previously authorized 1.1-acre of non-riparian wetland impact by means of paying into the Ecosystem Enhancement Program at a 1:1 ratio and placing 4.76 acres of wetlands (to include 0.46 acre of uplands) into strict preservation. In conjunction with the previously provided mitigation, the Applicant proposes to offset the additional 1.054 acres of wetland impact with payment to the Lower Cape Fear Umbrella Mitigation Bank (LCFUMB), at a 1.8-to-1 mitigation to impact ratio. A request for a credit reservation

letter has been submitted to the LCFUMB and will be provided to the agencies upon receipt.

### **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.

### **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:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- 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).
- 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).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not

been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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 would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.  
The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- 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 Quality (NCDWQ):** The Corps will generally not make a final permit decision until the NCDWQ issues, denies, or waives State Certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality Central Office in Raleigh constitutes initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of

the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act Certification may be reviewed at the NCDWQ Central Office, Wetlands, Buffers, Stormwater Compliance and Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so, in writing, **by December 19, 2014** to:

NCDWQ Central Office  
Attention: Ms. Amy Chapman  
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

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

**North Carolina Division of Coastal Management (NCDCM):** The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps requests, via this Public Notice, concurrence or objection from the NCDCM.

## **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.

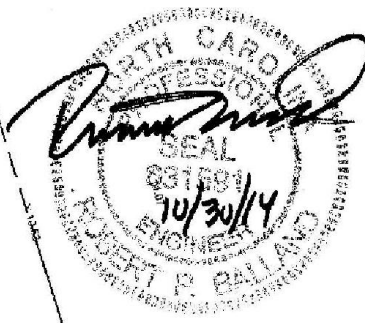
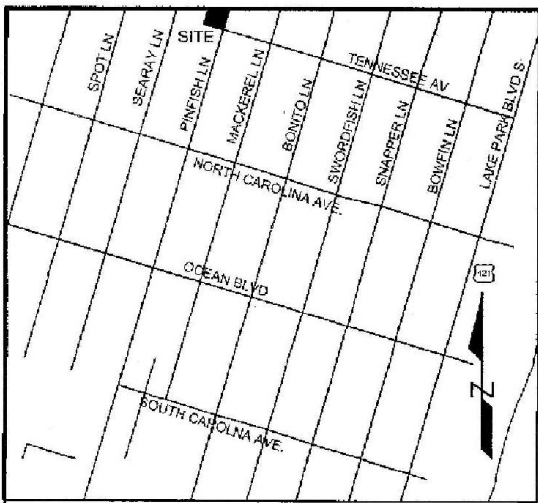
## **Commenting Information**

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, December 19, 2014. Comments should be submitted to Emily Hughes, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina, at (910) 251-4635.





MB 56, PG 229

CAROLINA SANDS  
SECTION 2  
MB 21 PG 14

VICINITY MAP  
(NOT TO SCALE)

**Wetland Impact: 0.048 acre  
(2,090 sq. ft.)**

PROPOSED ADS NYLOPLAST  
INLINE DRAIN W/ 12" GRATE  
RIM=10.25  
INV.=7.61

CONTRACTOR SHALL INSTALL  
PROPOSED 6' WOOD PRIVACY  
FENCE WITHIN PROPERTY LINE  
WITH 6" MIN. OPENING ON BOTTOM

PROPOSED ADS NYLOPLAST  
INLINE DRAIN W/ 12" GRATE  
RIM=10.25  
INV.=7.44

PROPOSED 100LF TOTAL,  
12" ADS N-12 ST IB PIPE

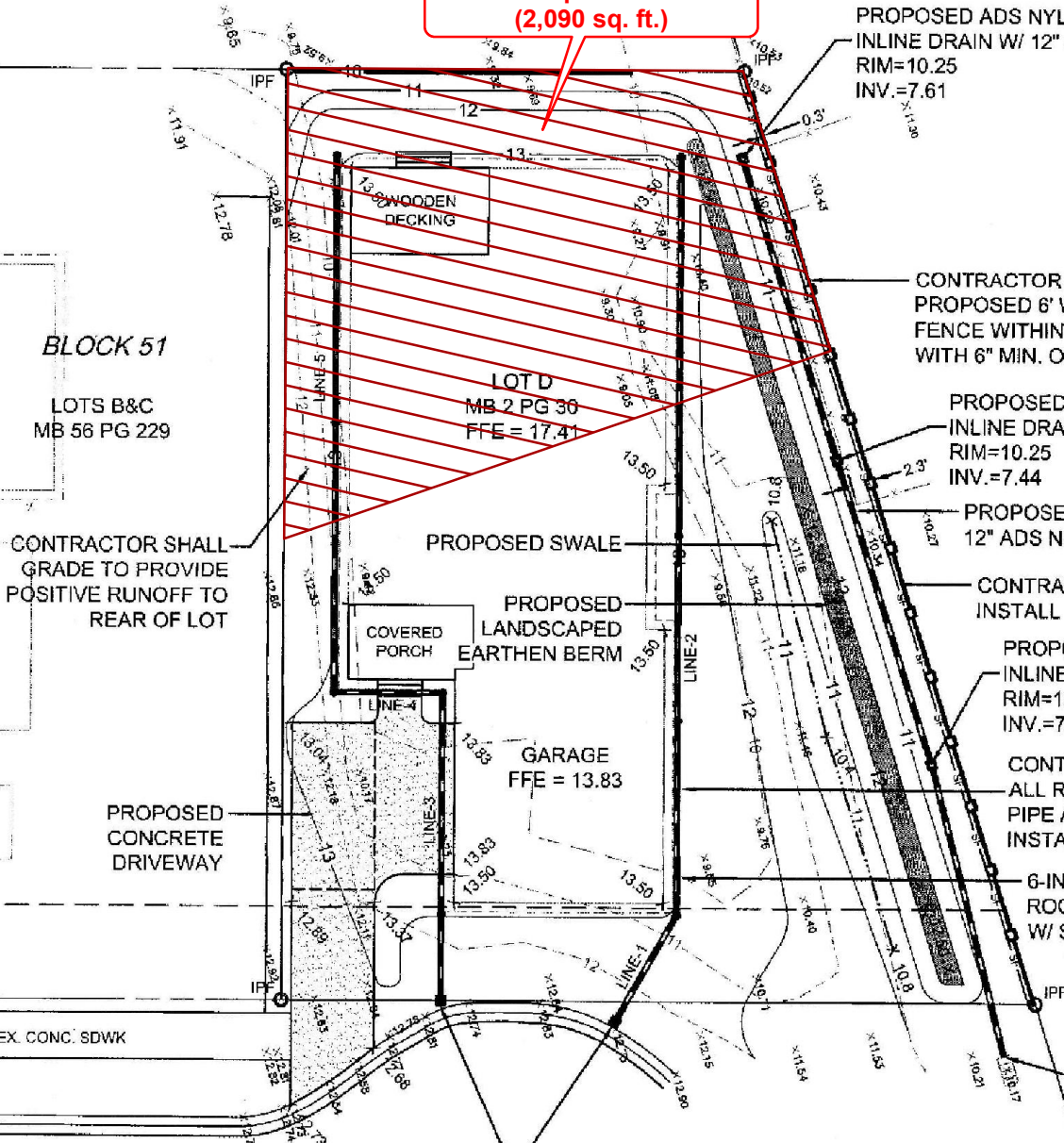
CONTRACTOR SHALL  
INSTALL 105LF SILT FENCE

PROPOSED ADS NYLOPLAST  
INLINE DRAIN W/ 12" GRATE  
RIM=10.25  
INV.=7.27

CONTRACTOR SHALL CONNECT  
ALL ROOF DRAINS TO COLLECTION  
PIPE AT COMPLETION OF GUTTER  
INSTALLATION

6-INCH PERFORATED HDPE  
ROOF DRAIN COLLECTION PIPE  
W/ SOCK. SEE STORM SCHEDULE

EX. YARD INLET  
CONTRACTOR SHALL  
CONNECT PROPOSED 12"  
PIPE TO EX. DROP INLET  
RIM=10.17  
INV. EX. 12" CMP=7.11  
INV. 12" HDPE PIPE=7.11  
BOTTOM=6.38



CONTRACTOR SHALL  
GRADE TO PROVIDE  
POSITIVE RUNOFF TO  
REAR OF LOT

PROPOSED  
CONCRETE  
DRIVEWAY

CONTRACTOR TO INSTALL (2) YARD  
INLETS AS SHOWN TO ALLOW  
ROOF DRAINAGE TO BUBBLE UP  
THROUGH INLET INTO ROAD

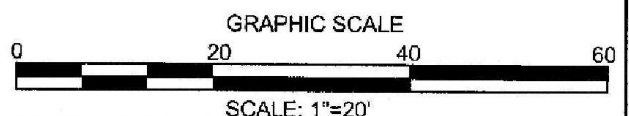
PINFISH LANE  
50' R/W (PUBLIC)

**SITE CONSTRUCTION SEQUENCE:**

- 1.) CONTRACTOR SHALL CLEAR EXISTING VEGETATION AS NECESSARY TO INSTALL 6' WOOD FENCE.
- 2.) ONCE FENCE IS COMPLETE, CONTRACTOR SHALL INSTALL SILT FENCE AS SHOWN.
- 3.) CONTRACTOR SHALL INSTALL STORM SEWER PER PLAN AND IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
- 4.) ONCE STORM SEWER IS INSTALLED, CONTRACTOR SHALL INSTALL PROPOSED BERM AND COMPLETE FINE GRADING PRIOR TO ANY OTHER GRADING ACTIVITIES.
- 5.) CONTRACTOR SHALL STABILIZE BERM TO MINIMIZE EROSION OF BERM UNTIL PLANTED WITH PERMANENT VEGETATION.
- 6.) AT COMPLETION OF HOME CONSTRUCTION, CONTRACTOR SHALL INSTALL LANDSCAPE IN ACCORDANCE WITH LANDSCAPE PLANS BY OTHERS.

**LEGEND**

- IPF
  - SF — SF
  - X 10.7
  - X 10.7
  - 
  - 
  - 
  -
- IRON PIPE FOUND  
PROPOSED WOOD FENCE  
SILT FENCE  
PROPOSED SWALE  
PROPOSED SPOT ELEVATION  
EXISTING SPOT ELEVATION  
PROPOSED BERM



LOT D, BLOCK 51, SEAGROVE SUBDIVISION PHASE 2, MAP BOOK 56, PAGE 229

**PARAMOUNT**  
ENGINEERING, INC.

5911 Oleander Drive, Wilmington, NC, 28403 (910) 791-6707 NC License # C-2846

Date : 10/30/14

Scale: 1"=20'

Drawn : RPB

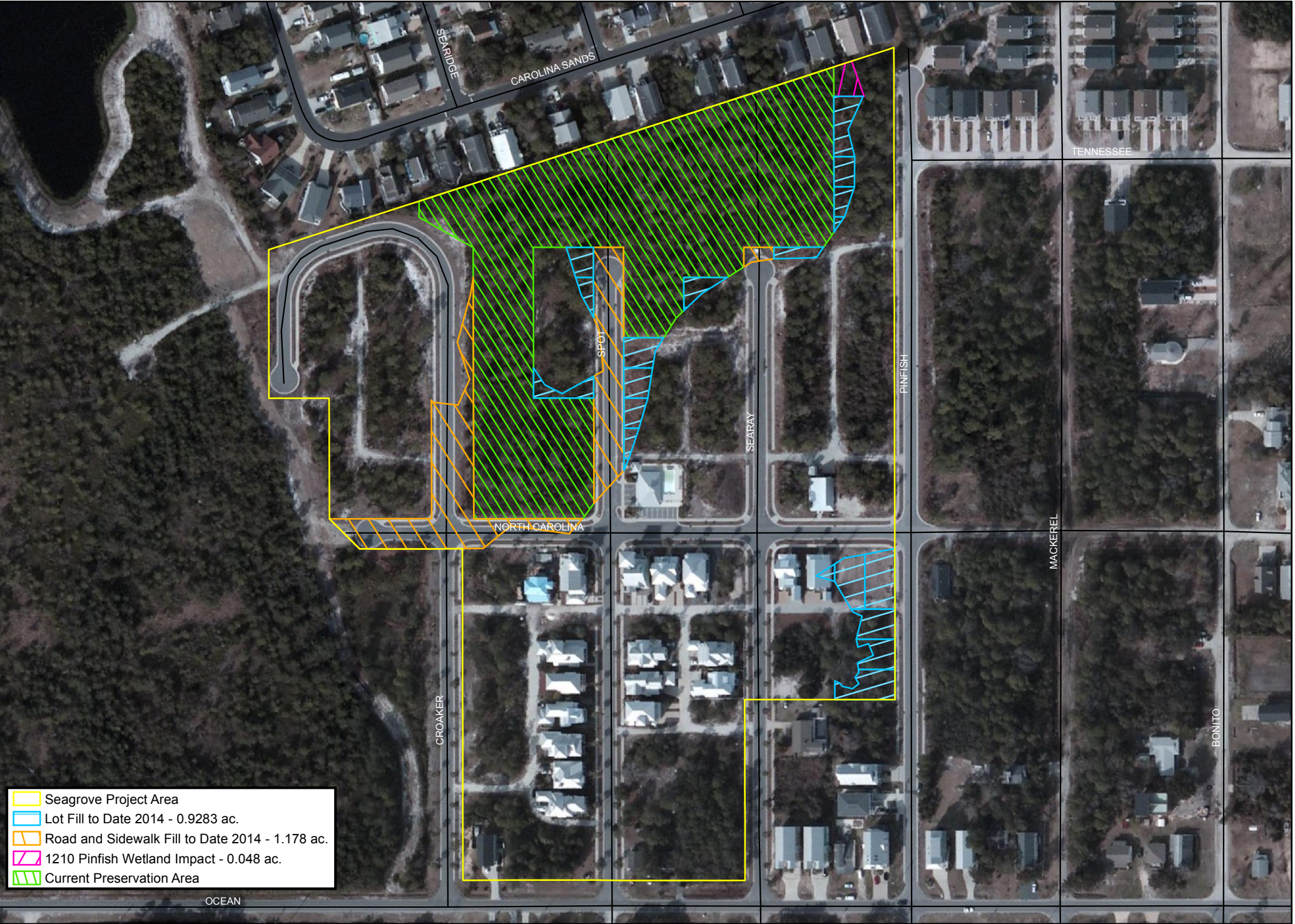
Chk: RPB

Proj. No: 14285.PE

GRADING PLAN

1210 PINFISH LANE  
TOWN OF CAROLINA BEACH  
NEW HANOVER COUNTY, NC





- Seagrave Project Area
- Lot Fill to Date 2014 - 0.9283 ac.
- Road and Sidewalk Fill to Date 2014 - 1.178 ac.
- 1210 Pinfish Wetland Impact - 0.048 ac.
- Current Preservation Area

0 25 50 100 150 200  
 Feet  
 1 inch = 200 feet

Map Source: ESRI World Imagery

**Wetland Impact Sketch**  
**Seagrave S.D.**  
**Wilmington, New Hanover Co., N.C.**  
**12/3/2014 014-055.01**

