



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 16, 2014
Comment Deadline: May 15, 2014
Corps Action ID #: SAW-2012-00204

The Wilmington District, Corps of Engineers (Corps) has received an application from TGW, LLC. Attn: Mike Toler, seeking Department of the Army authorization to discharge fill material into 0.62 acre of jurisdictional wetlands adjacent to an unnamed tributary to Hull Swamp to construct the proposed Mike Toler Chrysler, Dodge Jeep, Ram car Dealership. The 4.87-acres project site is located on the northwest corner of Old Murdoch Road and U.S. Highway 70 in Morehead City, Carteret 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: TGW, LLC
Attn: Mike Toler
5069 Highway 70 West
Morehead City, North Carolina 28557

Agent (if applicable): Land Management Group, Inc.
Attn: Kim Williams
3805 Wrightsville Ave, Suite 15
Wilmington, North Carolina 28403

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The 4.87-acre project area consists of three contiguous tracts, with site coordinates at 35.7435°N, -76.8201°W, and is located on the northwest corner of Old Murdoch Road and Highway 70 in Morehead City, Carteret County, North Carolina. One of the three tracts is developed and contains a vacant retail building, parking lot and stormwater pond. The site is bordered to the north by a multi-family development, retail shopping center to

the west, and car dealerships to the south, across U.S. Highway 70. A vacant gas station and single family residences exist east of the site, across from Old Murdoch Road. (See Figure A)

Existing Site Conditions

One of the three tracts is developed and contains a vacant retail building, parking lot and stormwater pond. The other two tracts are undeveloped and densely vegetated. Of the 4.87-acres project site, approximately 0.69 acre is jurisdictional wetlands, which is classified as non-riparian. All jurisdictional waters are adjacent to an unnamed tributary to Hull Swamp, which drains into the navigable waters of the Newport River.

According to the United States Department of Agriculture Soil Survey of Carteret County website, the site consists of Torhunta mucky fine sandy loam, with a narrow fringe of Lynchburg fine sandy loam in the area that parallels U.S. Highway 70. Both Torhunta and Lynchburg soil series are poorly drained and are found on flats and in depressions on uplands. Uplands support a canopy of loblolly pine (*Pinus taeda*) with a shrub layer of wax myrtle (*Morella cerifera*). Wetlands also support a canopy of loblolly pine with a dense shrub layer of sweet bay (*Magnolia virginiana*), loblolly bay (*Gordonia lasianthus*), and gallberry (*Ilex glabra*). Surrounding land use consists of a multi-family development to the north, retail shopping center to the west, and car dealerships to the south (across U.S. Highway 70). A vacant gas station and single family residences exist east of the site (across from Old Murdoch Road).

Applicant's Stated Purpose

The purpose of the project is to relocate an existing car dealership to a larger site in order to construct a larger building that will allow for future growth of the dealership.

Project Description

The applicant proposes to construct a car dealership on site in order to expand its business and meet future growth. The site plan consists of the construction of a 24,687-square foot (sf) dealership facility that includes a showroom, service center and drop off area, parts storage, and 241 spaces for inventory, service cars, and general parking for employees and visitors. Stormwater facilities would be located in uplands behind the dealership building. In addition, the City has required a 30' wide access-way that runs between Old Murdoch Road and the tract to the west that would provide interconnectivity of developments.

A Nationwide Permit (NWP) 39 was verified on June 13, 2012 for impacts to 0.49 acre of wetland associated with the car dealership. After the NWP was verified and the applicant purchased the property, Chrysler's corporate headquarters determined that a larger

building footprint would be needed. This larger building footprint would result in wetland impacts in excess of the NWP 39 threshold of a half acre. Therefore, the current proposed plan requests authorization to impact approximately 0.62 acre of non-riparian freshwater wetland.

Avoidance and Minimization

Wetland impacts could not be avoided. The project engineer has modified the site plan in order to minimize impacts as much as possible. The building footprint cannot be changed because it was authorized by Chrysler Group, LLC. The layout of the building cannot be re-orientated because the showroom must be facing the main road, U.S. Highway 70. Furthermore, 19-wheeler delivery trucks must have access around the building, especially to gain access to the western side of the building, where the parts night time delivery door is located. An adequate turning radius is required for these delivery trucks and car haulers to park, unload, and turn around safely.

Also, in an effort to minimize wetland impacts, the number of parking spaces has been reduced from what was originally proposed under the Nationwide Permit 39 site plan (241 vs. 266 spaces). Furthermore, the stormwater pond has been reduced in size from the original plan. Bulkheads will now be used around the pond to minimize the surface area needed. A bulkhead will also be used around the undisturbed wetlands to further minimize impacts.

Compensatory Mitigation

The Corps verified the use of NWP 39 in 2012 for 0.49 acre of wetland impact. This impact has not yet occurred, but the applicant has already provided partial mitigation for the impacts (as conditioned by the NWP) by buying 0.98 non-riparian, forest wetland credits from the Hofmann Forest Wetland Mitigation Bank. The applicant proposes to buy an additional 0.2 acre of non-riparian wetland credit from Hofmann Forest to mitigate for the additional 0.13 acre of wetland impacts.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. Water Quality Certification may be required from the North Carolina Division of Water Quality (NCDWQ).

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the NCDWQ issues, denies, or waives the 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 payment of the appropriate application fee to the NCDWQ central office

in Raleigh will constitute 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, 401 Oversight and Express Permits Unit: 2321 Crabtree Boulevard, 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 delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly by May 15, 2014.

Coastal Area Management Act

The applicant has certified that the proposed work complies with and will 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 is, by this notice, forwarding this certification to the North Carolina Division of Coastal Management (NCDCM) and requesting its concurrence or objection. Generally, the Corps will not issue a Department of the Army (DA) permit until the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has 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 has determined, pursuant to the Endangered Species Act of 1973, that the proposed project would have no effect on any Federally listed endangered or threatened species or their formally designated critical habitat.

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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, May 15, 2014. Comments should be submitted to Christy Wicker, 69 Darlington Avenue, Wilmington, North Carolina, 28403-1398, telephone (910) 251-4637.