



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 19, 2014

Comment Deadline: March 21, 2014

Corps Action ID Number: SAW-2013-01412

The Wilmington District, Corps of Engineers (Corps) received an application from Swansboro Investors, LLC seeking Department of the Army authorization to permanently discharge dredged or fill material into 0.86 acre of waters of the U.S., associated with the construction of a big-box store along NC Highway 24 in Swansboro, Onslow 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:**

Mr. John Pierce  
Swansboro Investors, LLC  
Post Office Box 1685  
Jacksonville, North Carolina 28541

**AGENT (if applicable):**

Mr. Haywood Pittman  
Pittman Soil Consulting  
1003 Gregory Fork Road  
Richlands, North Carolina 28574

**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**

Directions to Site: Highway 17 North from Wilmington; Take NC Highway 24 towards Swansboro/Morehead City. The proposed project site is located 0.2 miles southeast of Queens Creek Road, across from Norris Road, at 1121 West Corbett Avenue.

Project Area (acres): 20.25                      Nearest Town: Swansboro  
Nearest Waterway: UT to Halls Creek      River Basin: 03020106  
Latitude and Longitude: 34.699828N, -77.150060W

## **Existing Site Conditions**

The 20.25 acre site is located on NC Highway 24 (West Corbett Avenue) in Swansboro, North Carolina. The site has historically been used for commercial sales. A small asphalt parking lot and office is currently located on the road frontage portion of the property.

The site is partially cleared by mechanized land clearing. Additionally, there are stands of loblolly pines onsite which vary in age. Waters within the tract consist of an unnamed tributary to Halls Creek, an impoundment of the unnamed tributary, and a headwater forest wetland. According to the Onslow County Generalized Soil Survey, soil types within the project area are classified as Onslow loamy fine sand.

Surrounding land use is currently zoned residential. Uplands within the site support loblolly pine (*pinus taeda*), red maple (*acer rubrum*), and sweet gum (*liquidambar styraciflua*).

## **Applicant's Stated Purpose**

The applicant proposes to construct a big box store.

## **Project Description**

The applicant proposes to construct a big box store with appurtenant features such as a delivery access road, parking lot and a storm water management system. Wastewater disposal onsite will be serviced by ONWASA (Onslow Water and Sewer Authority).

## **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 designed the proposed project with the minimum amount of necessary parking spaces to serve the development and located the building footprint nearest the road in order to minimize aquatic impacts.

## Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to pay into the Bachelors Delight Mitigation Bank for the restoration of 0.44 acre of wetland impacts. No compensatory mitigation is proposed for open water impacts.

## 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 may affect, but not likely to adversely affect 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 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, by March 21, 2014 to:

NCDWR Central Office

Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit

(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

**North Carolina Division of Coastal Management (NCDWM):**

- ☒ 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 NCDWM, and the NCDWM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the 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

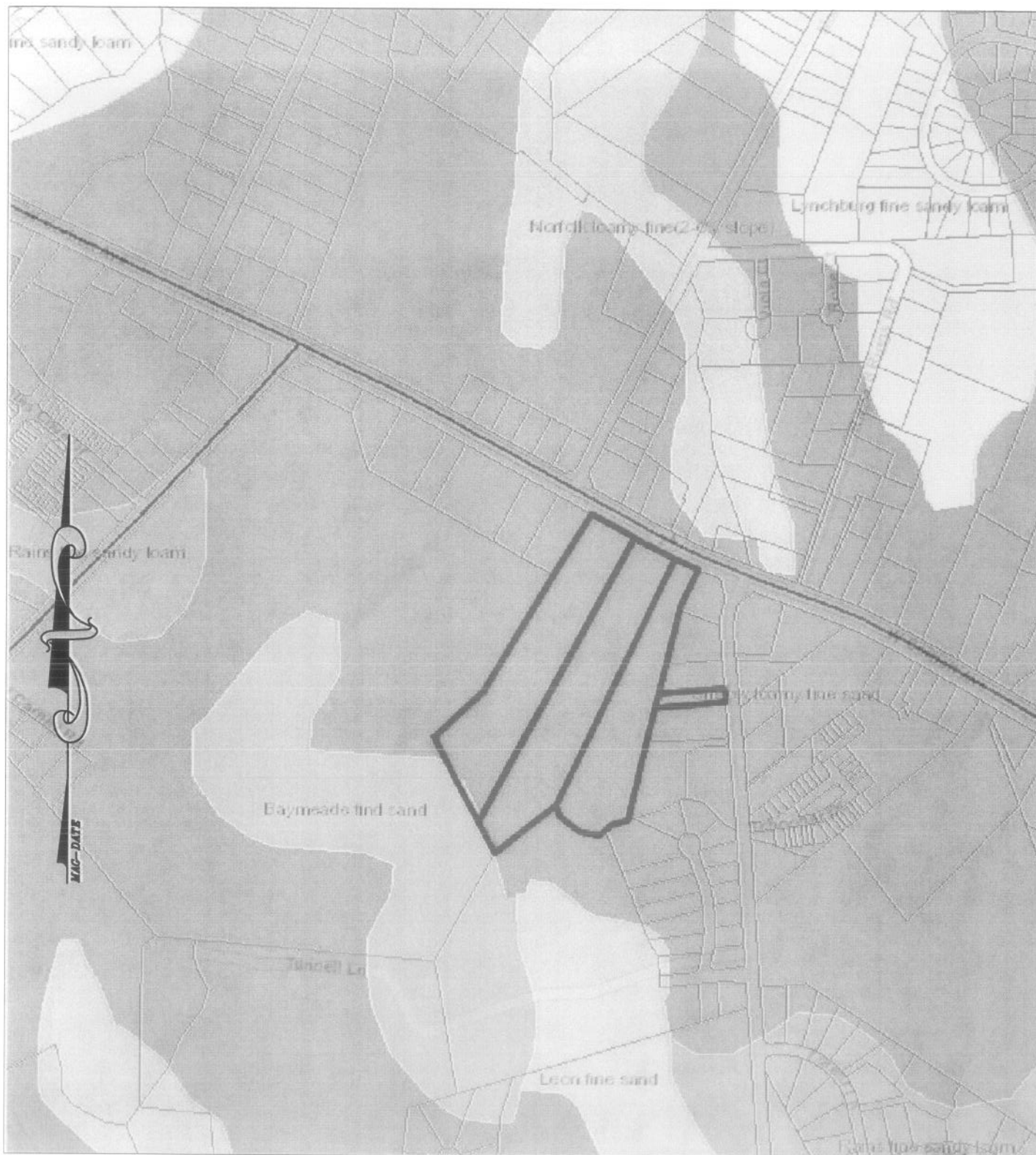
erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials 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 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, March 21, 2014. Comments should be submitted to Liz Hair, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403, at (910) 251-4049.



## NOTICE

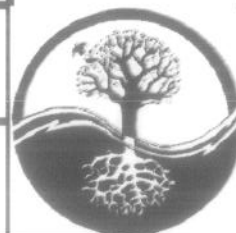
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## SWANSBORO INVESTORS LLC

NRCS SOIL MAP

PITTMAN SOIL CONSULTING

1003 GREGORY FORK RD.  
RICHLANDS, NC 28574  
PHONE-910.340.2784  
PITTMANSOIL@YAHOO.COM



DATE:

1-12-14

SCALE:

1-600

DRAWN BY:

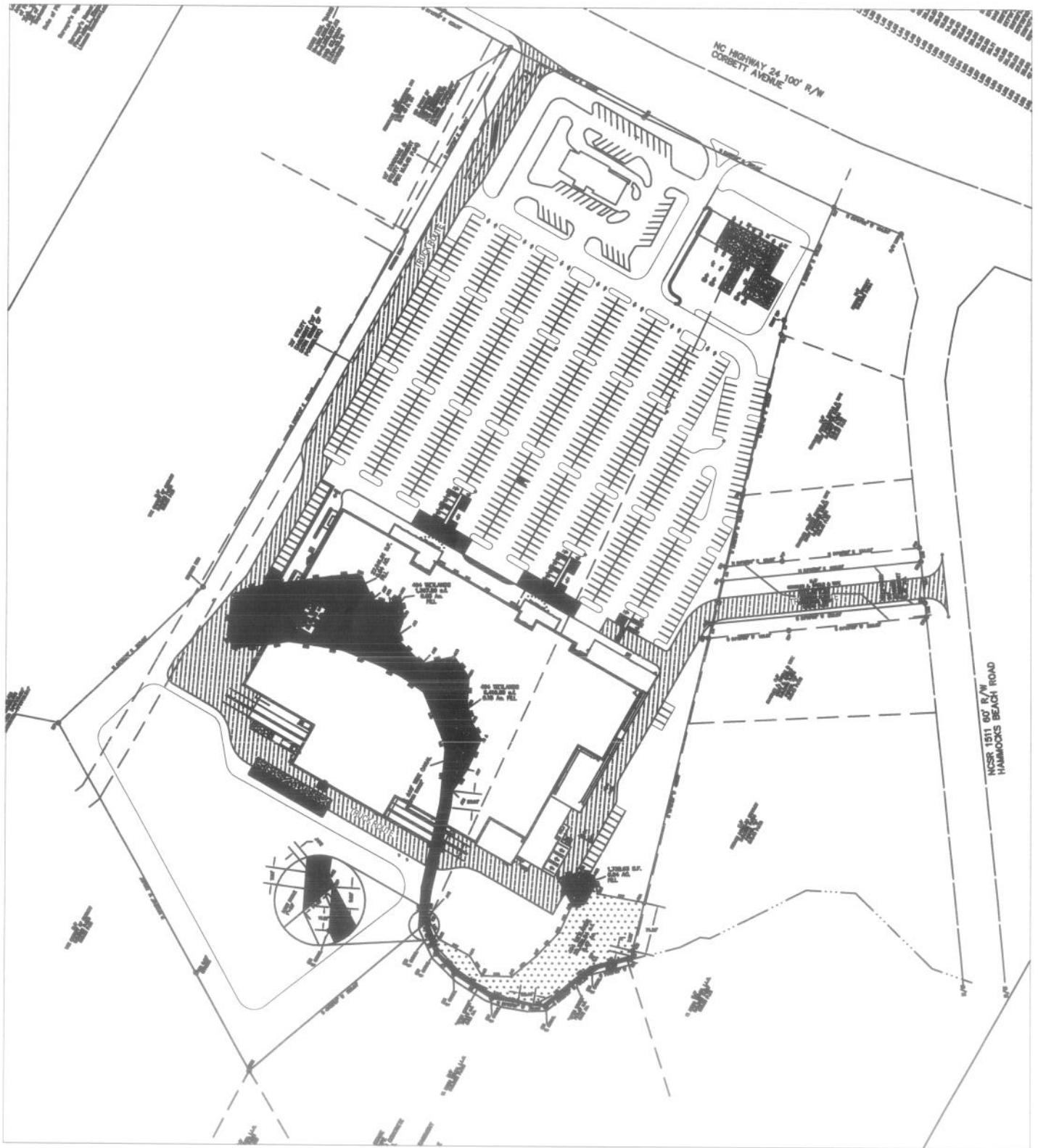
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SWANSBORO INVESTORS







SWANSBORO INVESTORS LLC			
 WETLAND IMPACTS 0.22 ACRES   OPEN WATER IMPACTS 0.64 ACRES   WETLANDS	PROPOSED WETLAND AND OPEN WATER IMPACTS		PITTMAN SOIL CONSULTING
	1003 GREGORY FORK RD. RICHLANDS, NC 28574 PHONE-910.340.2784 PITTMANSOIL.COM		SHEET: 1 OF 1
DATE:	SCALE:	DRAWN BY:	FILENAME:
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# US ARMY CORPS OF ENGINEERS



## LEGEND

## NC Parcel Data

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Alexander County 20100501

Allegheny County 20100405

Anson County 20100419

Ashe County 20100601

Avery County 20100210

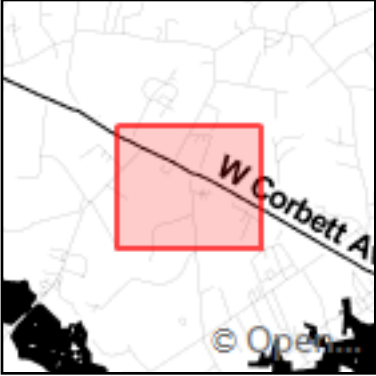
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Bertie County 20090101

Bladen County 20100414

Brunswick County 20100419

Duncumb County 20090101



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