

PUBLIC NOTICE

Issue Date: February 1, 2016 Comment Deadline: March 2, 2016

Corps Action ID Number: SAW-2015-02133

The Wilmington District, Corps of Engineers (Corps) received an application from JC Rentals, LLC seeking Department of the Army authorization to place fill material in 0.68-acres of palustrine, emergent wetlands, associated with the construction of a commercial development in Leland, Brunswick 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: JC Rentals, LLC

c/o Jonathan Crane 100 Edgewater Lane

Wilmington, North Carolina 28403

AGENT (**if applicable**): Dana Lutheran

Southern Environmental Group, Inc.

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 o	f 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 o (33 U.S.C. 14	f the Marine Protection, Research and Sanctuaries Act of 1972

Location

Directions to Site:

The project site is an undeveloped portion of a parcel of land located at the northwest intersection of U.S. Route 17 and Goodman Road NE, at 7815 Ocean Highway East, in Leland, Brunswick County, North Carolina.

Project Area (acres): 1.85-acres Nearest Town: Leland
Nearest Waterway: Morgan Branch River Basin: Cape Fear

Latitude and Longitude: 34.19528 N, -78.06879 W

Existing Site Conditions

The property is located at 7815 Ocean Highway East (Property No. 0570008605), in Leland, Brunswick County, North Carolina. The project area consists of 1.85-acres of undeveloped, maintained land, which is a portion of a larger 16.54-acre developed parcel containing a self-storage facility. The project area acts as a stormwater management facility in that runoff from adjacent high ground collects in a depressional area. This water is then discharged through a pipe under an abandoned railroad bed into forested wetlands of Morgan Branch. The project area is bordered by U.S. Route 17 to the southeast, Goodman Road NE to the southwest, Morgan Branch and forested wetlands to the northwest, and residential property to the northeast.

Applicant's Stated Purpose

The basic project purpose is to construct a commercial development at the project site. The overall project purpose is to construct a used car dealership with road frontage along U.S. Route 17.

Project Description

The project involves the placement of fill in 0.68-acre of palustrine, emergent wetlands to construct a used car dealership that will include parking areas, an internal roadway, utilities, and landscaping. The 1.85-acre project area is part of a larger parcel of land.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Due to the nature of the activity and the small size of the project area, the project has minimized adverse impacts to the maximum extent practicable while still being able to achieve the project purpose. The wetlands are located throughout the project area as the site is a dpression that collects runoff from adjacent high ground.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To offset impacts to 0.68-acre of freshwater wetlands, the applicant proposes to purchase mitigation bank credits at a 2:1 ratio. Specifically, 1.4-credits of riparian wetland credits would be purchased from the Lower Cape Fear Umbrella Mitigation Bank.

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.

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,

Cultural Resources

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. \boxtimes 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 <u>may have an adverse effect</u> 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.
coordii conside	strict Engineer's final eligibility and effect determination will be based upon nation with the SHPO and/or THPO, as appropriate and required, and with full eration given to the proposed undertaking's potential direct and indirect effects on a properties within the Corps-indentified 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. \boxtimes 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

Other Required Authorizations

Marine Fisheries Service.

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

and/or consultation with the U.S. Fish and Wildlife Service and/or National

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

NCDWR Central Office

Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit (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 will request, upon receipt,, concurrence or
objection from the 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 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 2, 2016. Comments should be submitted to John N. Policarpo, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403, at (910) 251-4487.







