

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200200323

July 14, 2004

PUBLIC NOTICE

Dallas Harris Construction, PO Box 531, Wrightsville Beach, NC 28480, has applied for a Department of the Army (DA) permit TO DISCHARGE FILL MATERIAL INTO 0.78 ACRES OF SECTION 404 WETLANDS AND WATERS ADJACENT AND HYDROLOGICALLY CONNECTED TO AN UNNAMED TRIBUTARY TO HOWE CREEK, A TRIBUTARY TO THE ATLANTIC INTRACOASTAL WATERWAY, ASSOCIATED WITH THE CONSTRUCTION OF THE COVIL CROSSING RESIDENTIAL SUBDIVISION, LOCATED AT THE NORTHERN TERMINUS OF SNUG HARBOR DRIVE, NORTH OF COVIL FARM ROAD AND EAST OF MILITARY CUTOFF ROAD, IN WILMINGTON, NEW HANOVER COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. The project site is a 28.38 -acre tract that includes approximately 1.5 acres of jurisdictional wetlands and waters. Plans submitted with the application show permanent impacts to 0.32 acres of jurisdictional wetlands associated with road crossings and lot fill. In addition, the applicant proposed to fill 0.46 acres of jurisdictional waters associated with road construction and lot development. The purpose of the work is to construct a residential subdivision within the Covil Estates development. The proposal includes 62 housing lots and subdivision roadways.

The current use of the project area is undeveloped grass and woodland with portions of historically ditched wetlands. The surrounding land use is residential development.

Proposed impacts to jurisdictional wetlands and waters are associated with construction of roads and lot development. Plans for the project include the proposed placement of 68,141 cubic yards of fill material for the road crossings and lot fill. Plans showing the work are included with this public notice.

The proposal also includes a mitigation plan for 0.78 acres of wetlands and waters impact. The mitigation proposal includes making payment to the North Carolina Ecosystem Enhancement Program/Wetlands Restoration Program for impacts to wetlands at a 2:1 ratio. The applicant also proposes to mitigate for the impacts to jurisdictional waters by constructing 0.33 acres of grassed swales on-site.

This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification are denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

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

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision, whether to issue a permit, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer decides that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide 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 decide the need for a public hearing and to decide the public interest of the proposed activity.

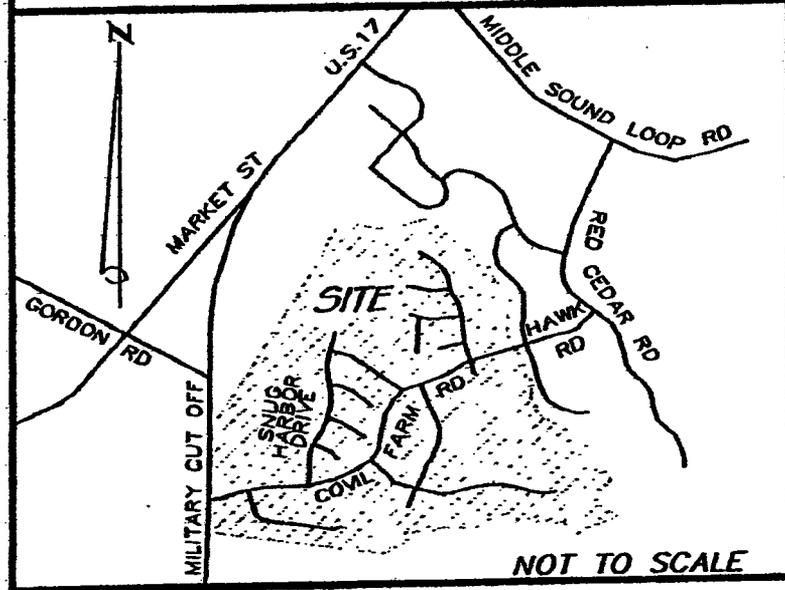
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, NCDWQ, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction cost.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1621 Mail Service Center, Raleigh, NC 27699-1621, on or before August 6, 2004, Attn: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in the Corps of Engineers, Wilmington District, Wilmington Regulatory Field Office, Attn: Ms. Jennifer Frye, Post Office Box 1890, Wilmington, North Carolina, 28402-1890, until 4:15 p.m., August 13, 2004, at telephone (910) 251-4923.

LOCATION MAP



Southern Environmental Group, Inc.

3973 B Market Street · Wilmington, North Carolina 28403

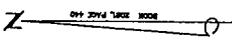
910.254.0602 · Fax: 910.254.0603 · office@segi.us

www.segi.us

Covil Crossing Impact Detail Sheet

| <i>Impact</i> | <i>Type of Impact</i> | <i>Type of Wetland</i> | <i>Size (acres)</i> |
|---------------|--------------------------|------------------------|---------------------|
| 1 | Lot Fill | Wet Flat | 0.085 |
| 2 | Road Crossing | Wet Flat | 0.0006 |
| 3 | Road Crossing | Waters of the US | 0.017 |
| 4 | Road Crossing | Waters of the US | 0.043 |
| 5 | Road Crossing | Waters of the US | 0.040 |
| 6 | Road Crossing / Lot Fill | Wet Flat | 0.213 |
| 7 | Road Crossing | Waters of the US | 0.040 |
| 8 | Road Crossing | Wet Flat | 0.018 |
| 9* | Ditch Fill | Waters of the US | 0.320 |

Note: * includes all areas labeled 'DITCH TO BE FILLED'.



CONTRACTOR OF THE U.S. ARMY CORPS OF ENGINEERS
 HAS BEEN AWARDED A CONTRACT TO CONSTRUCT AND
 MAINTAIN A PORTION OF THE SOUTHWEST AREA
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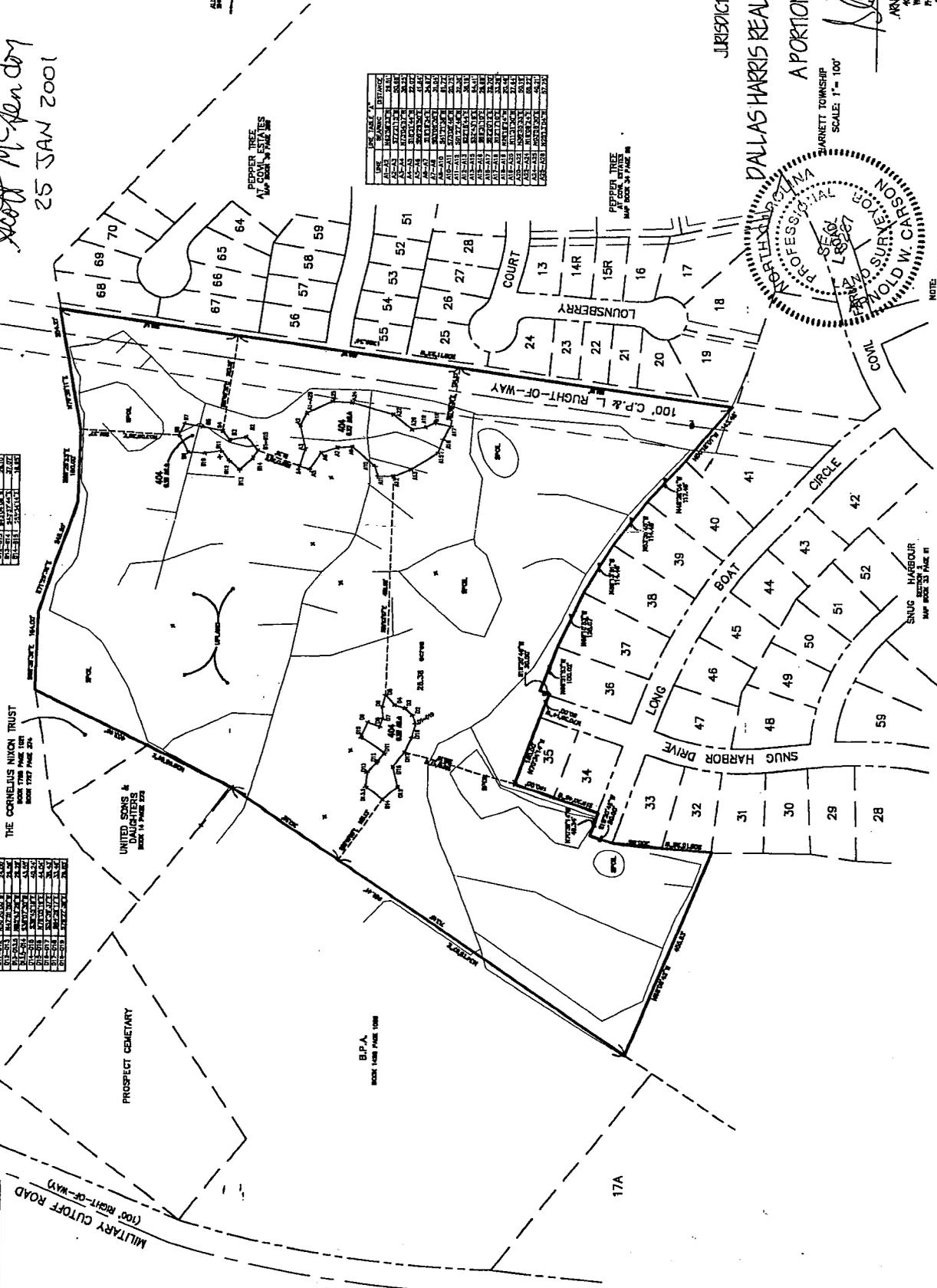
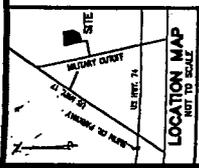
Handwritten signature: Wood McSpencer
 25 JAN 2001

ALL INTERESTS SHOWN HEREON WITHIN THE SOUTHWEST AREA
 SHOWN HEREON ARE UNREGISTERED AND VALIDITY OF THE US

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JURISDICTIONAL BOUNDARY MAP
 FOR
 DALLAS HARRIS REAL ESTATE CONSTRUCTION, INC.
 OF
 A PORTION OF COVIL ESTATES



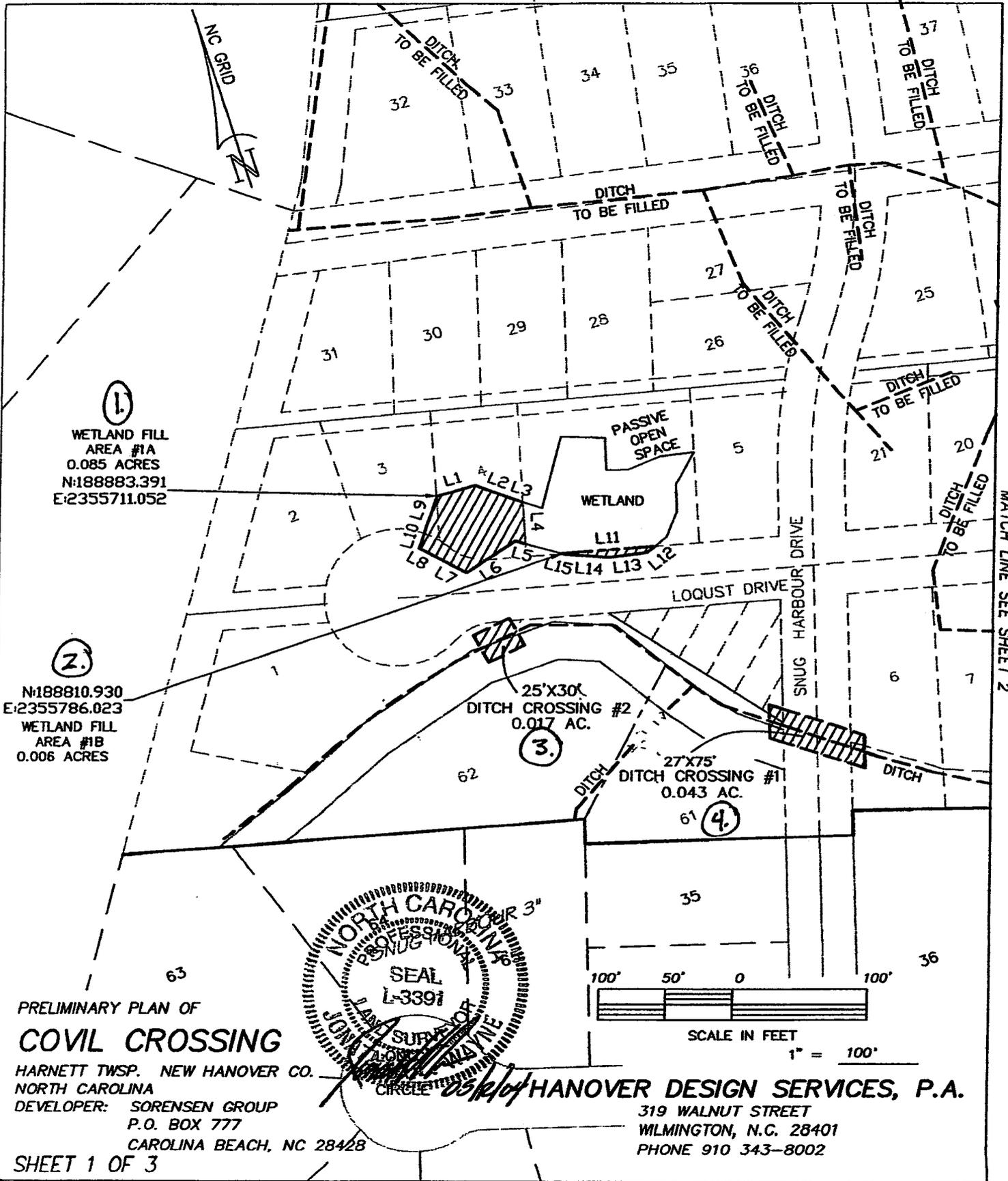
NEW HANOVER COUNTY
 NORTH CAROLINA
 PREPARED BY:
 SCALE: 1" = 100'

ARNOLD W. CARSON, R.S.
 404 NORTH 1800 STREET
 WILMINGTON, NC 28403
 PHONE: (910) 772-8149
 FAX: (910) 772-1426

NOTE:
 THIS MAP IS FOR INFORMATION PURPOSES ONLY
 AND DOES NOT CONSTITUTE A WARRANTY
 OR SALES PURPOSES.



MATCH LINE SEE SHEET 3

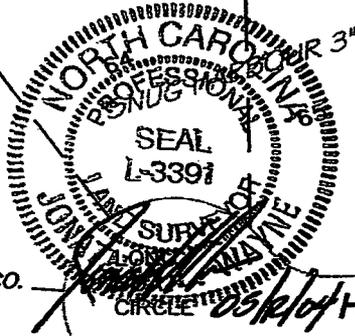


①
 WETLAND FILL
 AREA #1A
 0.085 ACRES
 N:188883.391
 E:2355711.052

②
 N:188810.930
 E:2355786.023
 WETLAND FILL
 AREA #1B
 0.006 ACRES

PRELIMINARY PLAN OF
COVIL CROSSING

HARNETT TWSP. NEW HANOVER CO.
 NORTH CAROLINA
 DEVELOPER: SORENSEN GROUP
 P.O. BOX 777
 CAROLINA BEACH, NC 28428



HANOVER DESIGN SERVICES, P.A.
 319 WALNUT STREET
 WILMINGTON, N.C. 28401
 PHONE 910 343-8002

SHEET 1 OF 3

MATCH LINE SEE SHEET 3

N:189069.428
E:2356368.743

TRAILMARK RD.



25'X70'
DITCH CROSSING #3
0.040 AC.

(5)

(6)



TRAILMARK ROAD

DITCH

DITCH TO BE FILLED

WETLAND

LOUNSBERRY COURT

CAROLINA POWER AND LIGHT 100' R/W

DITCH TO BE FILLED

DITCH TO BE FILLED

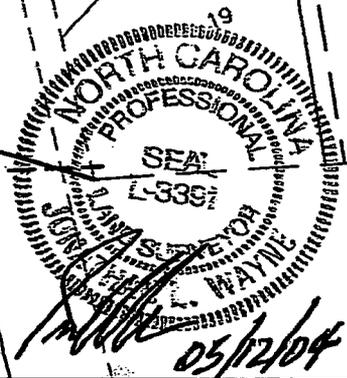
LOQUST DRIVE

DITCH TO BE FILLED

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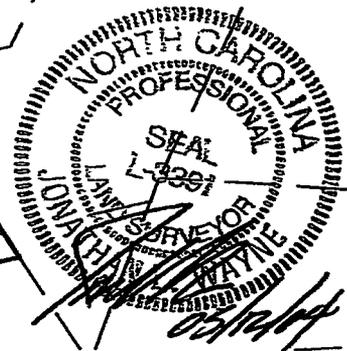
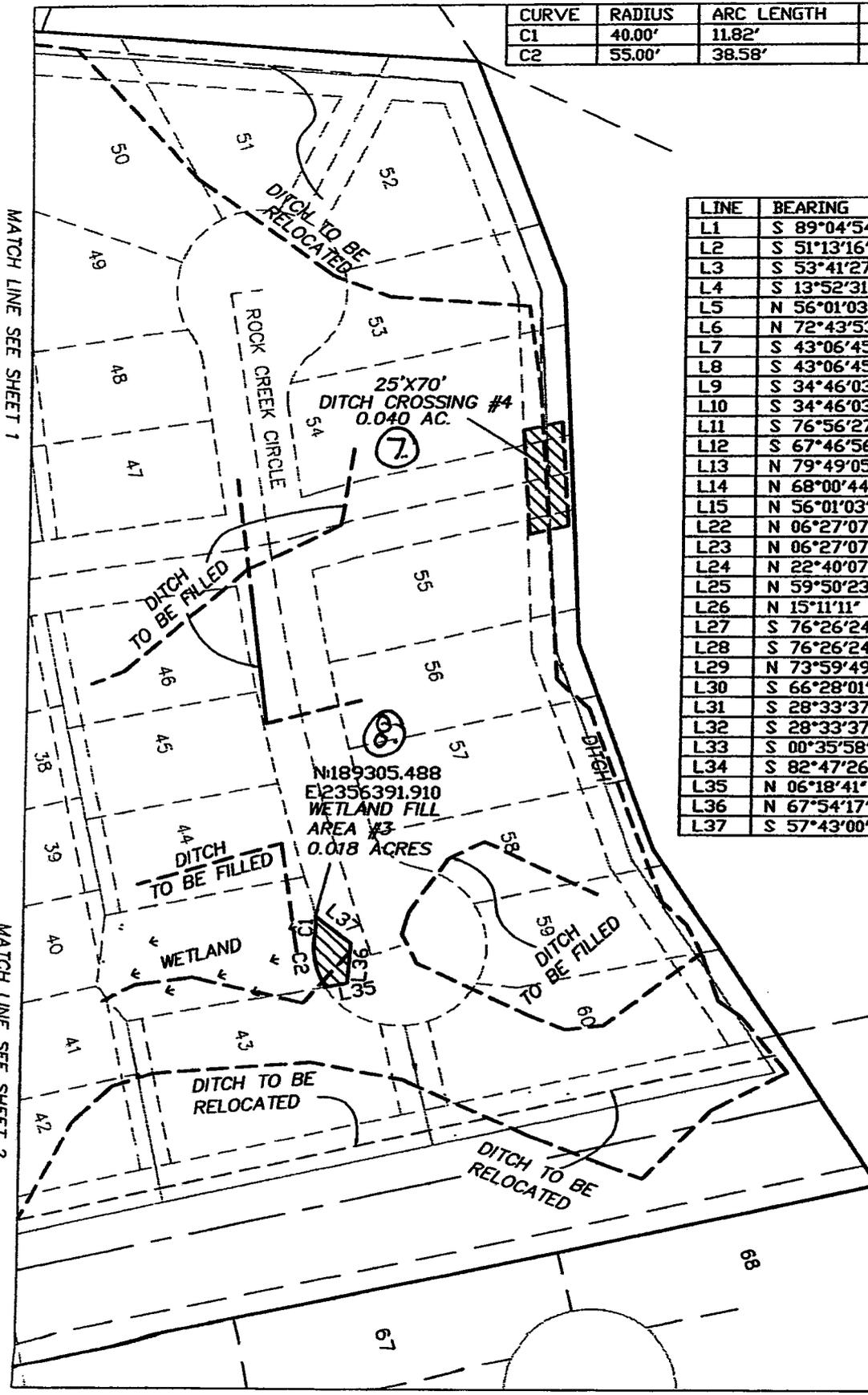


SCALE 1" = 100'
SHEET 2 OF 3

DATE: 05/12/04

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|--------|------------|--------------|---------------|
| C1 | 40.00' | 11.82' | 11.78' | N 71°15'16" W |
| C2 | 55.00' | 38.58' | 37.80' | S 82°53'04" E |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 89°04'54" E | 29.28' |
| L2 | S 51°13'16" E | 29.56' |
| L3 | S 53°41'27" E | 8.73' |
| L4 | S 13°52'31" W | 33.36' |
| L5 | N 56°01'03" W | 8.01' |
| L6 | N 72°43'53" E | 44.04' |
| L7 | S 43°06'45" E | 34.38' |
| L8 | S 43°06'45" E | 5.85' |
| L9 | S 34°46'03" W | 28.94' |
| L10 | S 34°46'03" W | 14.60' |
| L11 | S 76°56'27" E | 69.97' |
| L12 | S 67°46'56" W | 7.69' |
| L13 | N 79°49'05" W | 28.85' |
| L14 | N 68°00'44" W | 33.46' |
| L15 | N 56°01'03" W | 1.95' |
| L22 | N 06°27'07" W | 5.62' |
| L23 | N 06°27'07" W | 15.66' |
| L24 | N 22°40'07" W | 34.87' |
| L25 | N 59°50'23" W | 41.84' |
| L26 | N 15°11'11" E | 21.96' |
| L27 | S 76°26'24" E | 30.60' |
| L28 | S 76°26'24" E | 7.43' |
| L29 | N 73°59'49" E | 50.68' |
| L30 | S 66°28'01" E | 29.73' |
| L31 | S 28°33'37" E | 31.44' |
| L32 | S 28°33'37" E | 26.32' |
| L33 | S 00°35'58" W | 26.10' |
| L34 | S 82°47'26" W | 94.78' |
| L35 | N 06°18'41" E | 14.19' |
| L36 | N 67°54'17" W | 27.14' |
| L37 | S 57°43'00" W | 29.66' |



7/

SHEET 3 OF 3