

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. 200401127

10 September 2004

PUBLIC NOTICE

EDWARD PHELPS, PRESIDENT, CALABASH MARINA, INC., LLC, POST OFFICE BOX 4571, CALABASH, NORTH CAROLINA 28467, has applied for a Department of the Army (DA) permit TO REMOVE THE EXISTING 30'X 47' NONCONFORMING SHIPS STORE-RESTAURANT BUILDING AND CONSTRUCT A NEW NONCONFORMING WOODEN FRAME BUILDING IN THE SAME FOOTPRINT, REPLACE ALL THE EXISTING DOCKS AND WALKWAYS AND DREDGE THE 60' X 30' EXISTING MARINA BOAT BASIN (EXCAVATING APPROXIMATELY 215 CUBIC YARDS) TO MINUS 4 FEET MEAN LOW WATER (MLW). THE CALABASH MARINA IS LOCATED AT LOT #16, RIVERVIEW DRIVE, ADJACENT TO THE CALABASH RIVER, CALABASH, BRUNSWICK COUNTY, NORTH CAROLINA. THE EXCAVATED MATERIAL WILL BE DISPOSED OF AT AN UPLAND DISPOSAL AREA LOCATED AT HERMAN C. FRYE PROPERTY IN BUG HILL, ADJACENT TO THE WACCAMAW RIVER, COLUMBUS COUNTY, NORTH CAROLINA.

The purpose of the work is to replace the existing facilities with a structure that meets FEMA requirements and local building codes and provide better access for the public so the owner can have a viable business on his property.

The following description of the work is taken from data provided by the applicant. The site is located at the Calabash Marina, Lot 16, Riverview Drive, adjacent to the Calabash River, Brunswick County, North Carolina. The 30'x 47' single story building is considered nonconforming since the building is located water ward of the wooden bulkhead along the shoreline and in the Calabash River. The nonconforming building rests on a 14" thick concrete slab over a mudflat with marsh grass on the eastern side, the Calabash River on the south side, and the marina basin on the west side. See the attached information and plans for specifics on the proposed project (enclosed).

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDQM) for their review and concurrence. 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 (NCDQM).

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 and Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403). One of the main concerns of this project is the potential impact to navigation. 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. 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.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Henry Wicker, until 4:15 p.m., October 12 or telephone (910) 251-4930.

JULY 20, 2004

TO WHOM IT MAY CONCERN:

Calabash Marina apparently began business during 1973-74 by Jerry High. Mr. High expired during year 2000 and title reverted to Edward Phelps and Lynn High dba Calabash Marina, Inc., LLC.

The building is located on part of a 14 acre tract of deeded flooded marshland. The building rest on a 14" thick concrete slab over a mudflat with marshgrass on the Eastern side-Calabash River South side-marina basin on the West side attached to the high ground by a concrete wall-walkway and boat dock. The highground is Lot #16, Riverview Drive and measures approx. 59 ft. on Riverview Drive-89 ft. on the marsh and approx. 169 ft. in depth. This lot contains graveled parking and a concrete ramp with a metal stop header on the water to allow boats to be hoisted in and out of the marina, utilizing a hydraulic lift.

This business operated as a Ships store-fish house-restaurant for approx. twenty-nine years but rapidly deteriorated following the death of th previous owner and a debilitating injury (broken neck) sustained in an automobile accident by me, Edward Phelps.

The value of this property is predicated on the existance of the ships store and restaurant. We are unable to build on highground due to the size of lot 16 and parking requirements. Subject to approval we plan to remove the existing building,,docks and walkways (wooden) and reconstruct same with the exact measurements as shown on the attached as-bilt and arthi- tectural drawings. We will adhere to or improve on the building codes and requirements as dictated by the State of North Carolina, Brunswick County and the City of Calabash. We propose drilling holes through the existing 14" concrete pad and inserting 12"x12" columns-pilings with support beams underneath the concrete pad. The structure will contain one level and will exceed the above mean sea level requirements.

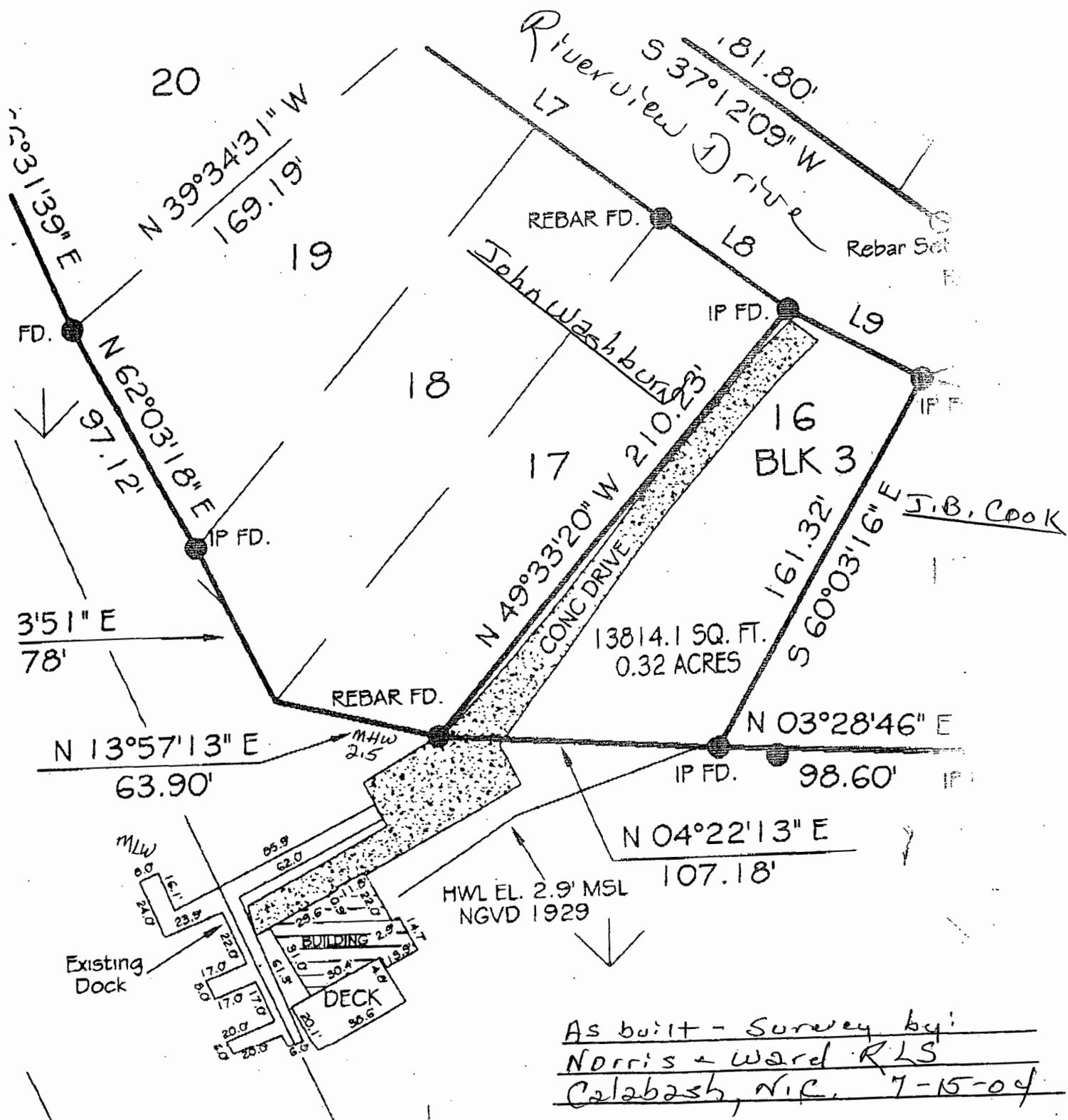
We will dredge the marina as permitted. Adequate adjoining property is available, as shown on th attached surveys to place the dredged-spoil material for the required time until removal to property located on River Road, Pireway, North Carolina-Columbus County. A Plat of this property is attached.

We will construct a facility that will be an asset to this area and operate and maintain it accordingly.

Respectfully submitted,



Edward Phelps, President
Calabash Marina, Inc. LLC



Calabash Marina Inc. LLC
 Lot 16 - Riverview Dr, Calabash, N.C.
 Brunswick County - Aug. 02-2004

Bulkhead
MHW
2.5

Lot 16 - Riverview Drive

Marina
Basin

Deck Walkway

Deckage

23.9'

Deck Walkway

Deckage

17.0'

Deckage

17.0'

Deckage

17.0'

Calabash River

16.1'

6.0'

6.0'

8.0'

6.0'

6.0'

10.0'

6.0'

3.0'

20.1'

3.6'

Ships-Store
Restaurant

Concrete
Pad
14" Thick

Deck

Dotted Line - Overhang

Top View - Restaurant
Ships Store - Marina

Marsh



Sheet 10 of 17

Applicant: Calabash Marina, Inc. LLC - Ed Phelps, Pres

Construct new building

Dredge Marina Basin

Location: Lot #16 Riverview Dr, Calabash, NC, Carolina

Brunswick County

Date: Aug. 2, 2004

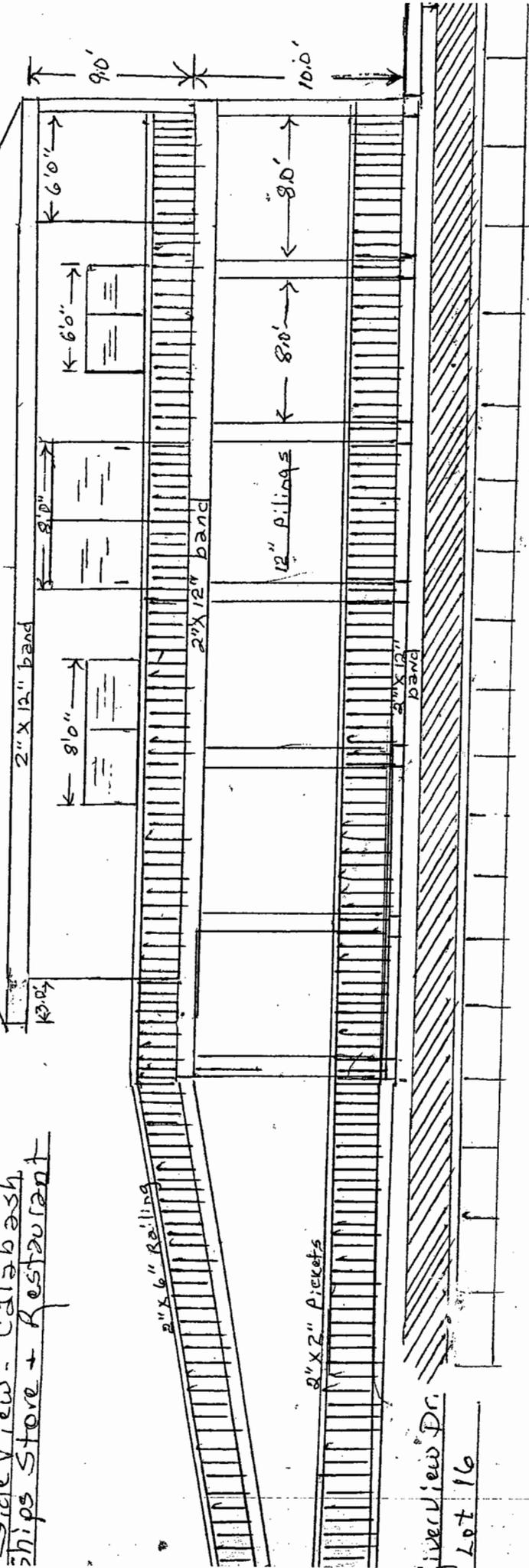
Scale: 3/32" = 1.0'

44.4'

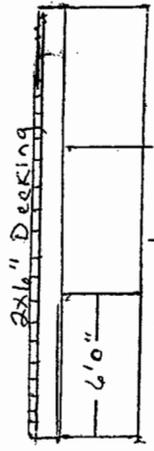
3.0'



Side View - Calabash
Ships Store + Restaurant



Interview Dr.
Lot 16



Typical Side View
18' Section Floating docks
6'x6' USGA Floatation Devices
All Corners Galv. L-Clips
Allowed Material Salt Water Treated

2" x 12" band Marina Basin

Flows

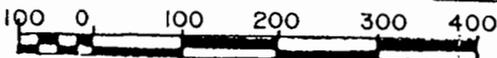
Calabash River

Applicant - Calabash Marina Inc. LLC
Purpose: Construct new Bldg. dredge Marina
Location: Lot 16 - River view Dr. Calabash, N.C.
Brunswick County - Aug. 02 - 2004
Scale 1/8" = 1'

PLAT FOR HERMAN C. FRYE ET ALS

BOOK 524 PAGE 721

BUG HILL _____ TOWNSHIP
COLUMBUS _____ COUNTY
NORTH _____ CAROLINA
19, FEB. 19 97 SCALE: 1" = 200'



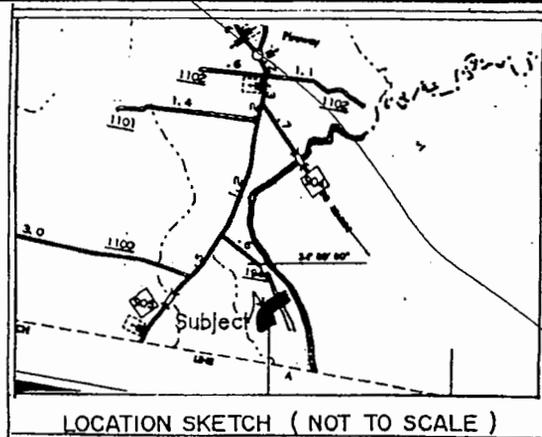
BILLY M. DUNCAN, LAND SURVEYOR
105 WEST NANCE STREET WHITEVILLE, N. C.
N. C. REG. L1313 S. C. REG. 4474

Field Survey By BILLY M. DUNCAN
Computation By BILLY M. DUNCAN
Plot Drawn By RANDY E. CHAVIS

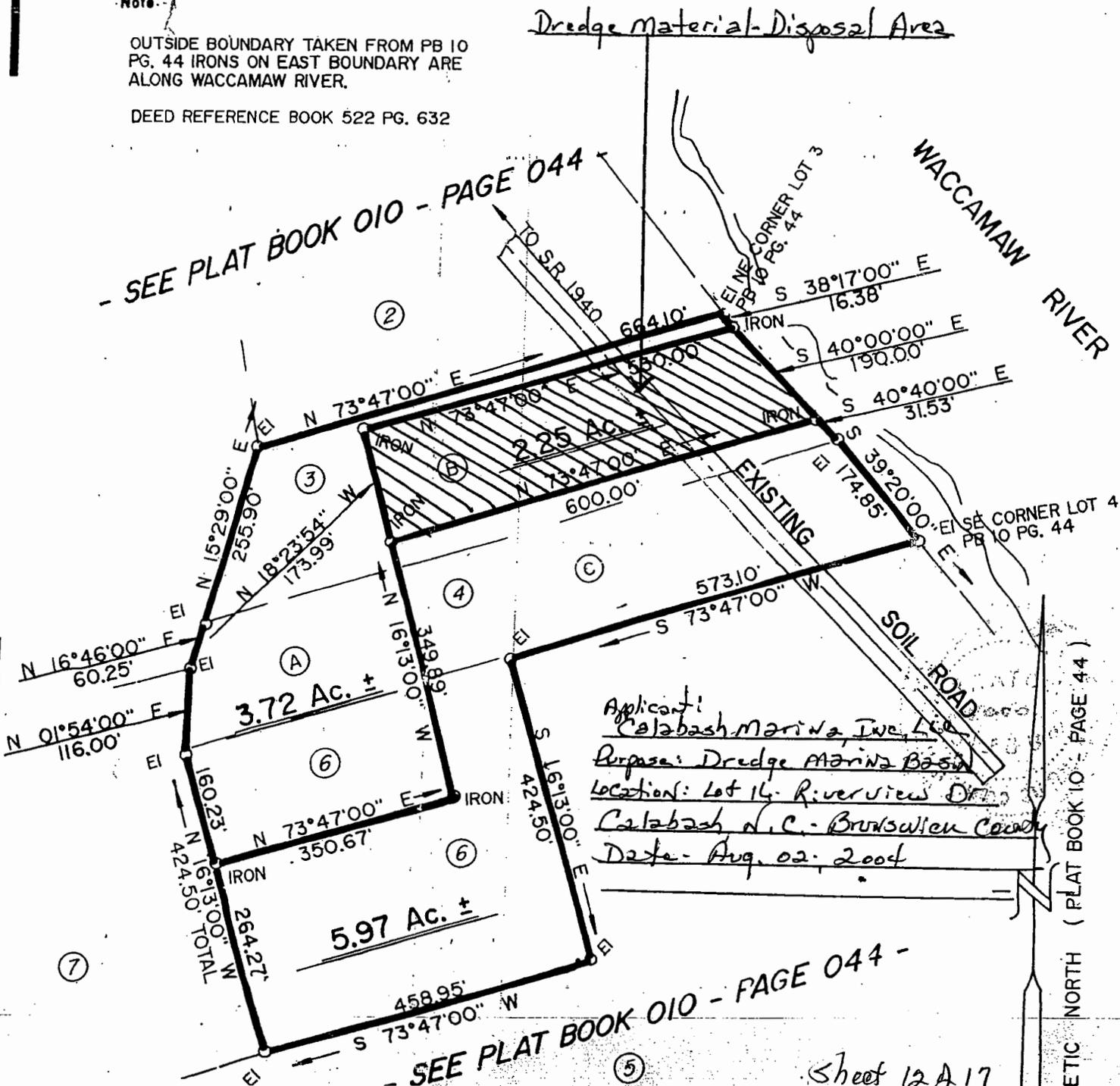
Note:

OUTSIDE BOUNDARY TAKEN FROM PB 10
PG. 44 IRONS ON EAST BOUNDARY ARE
ALONG WACCAMAW RIVER.

DEED REFERENCE BOOK 522 PG. 632



- SEE PLAT BOOK 010 - PAGE 044



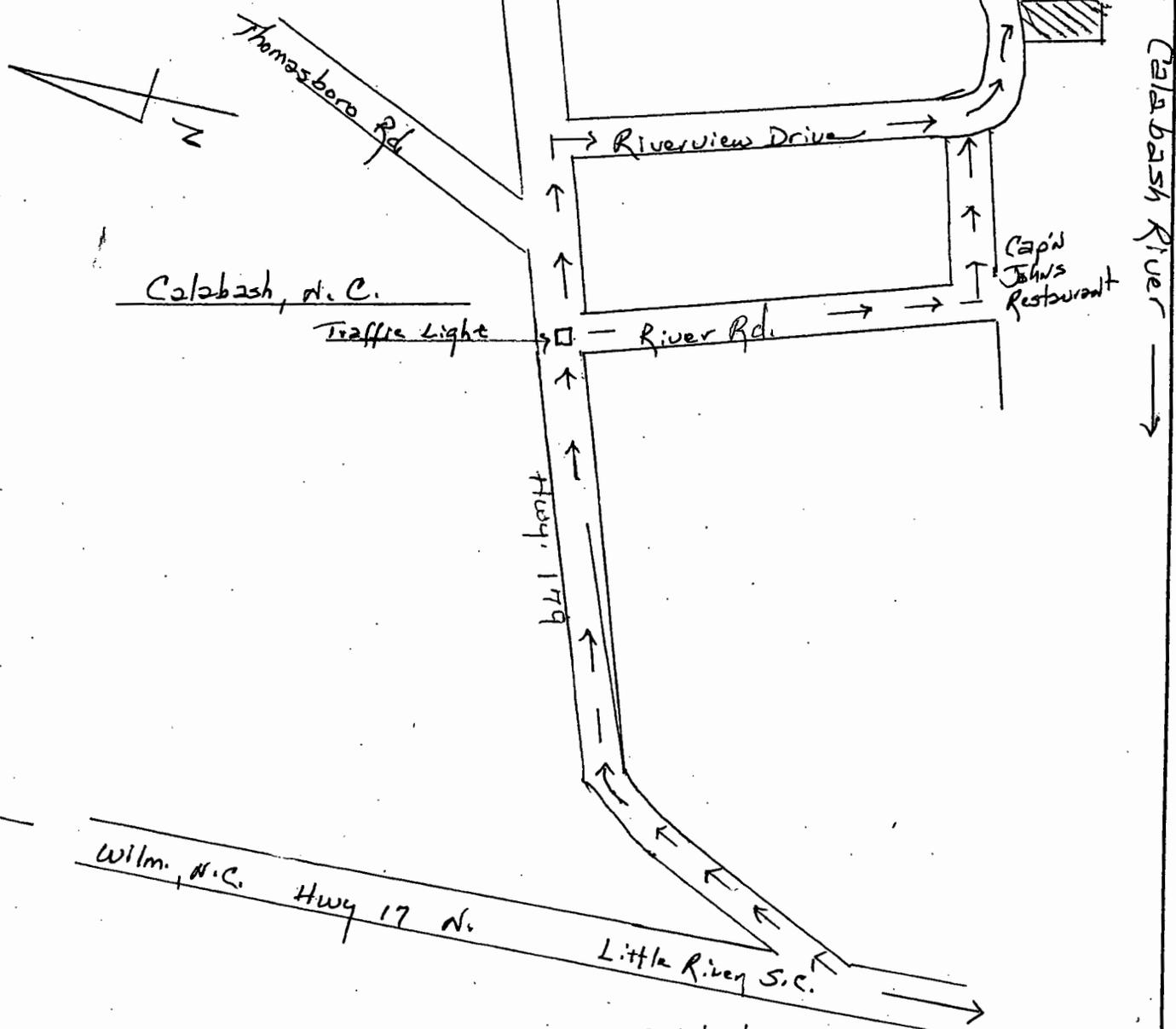
Applicant: Calabash Marina, Inc.
Purpose: Dredge Marina Basin
Location: Lot 14 - Riverview Dr.
Calabash, N.C. - Brunswick County
Date: Aug. 02, 2004

- SEE PLAT BOOK 010 - PAGE 044 -

ETIC NORTH (PLAT BOOK 10 - PAGE 44)

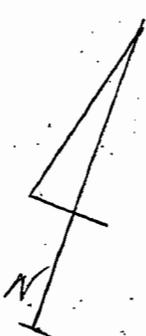
Location map

Subject Property



Applicant: Calabash Marina Inc. LLC
 Purpose: Dredge Marina Basin - Re build
 Ships Store and Restaurant
 Location: Lot 16 - Riverview Drive
 Calabash N.C. - Brunswick County
 Date: Aug. 02, 2004 Sheet of

APPLICANT:	LOCATION:	ADJACENT PROPERTY OWNE
ACTIVITY:	COUNTY:	



RIVERVIEW DRIVE
 90° RIGHT-OF-WAY

**Block 3
 RIVER VIEW ACRES
 SUBDIVISION**
 MAP BOOK 8, PAGE 128

J. B. Cook

14
 15
 16
 17
 18
 19

John Washburn

CONCRETE DRIVE
 Subject Property

WOODEN BULKHEAD

EDGE OF MARSH, NOVEMBER, 1994

ERR
 S 86° 33' 55" E
 137.90

N 07° 36' 45" E
 58.30

N 17° 57' 17" E
 60.00

N 21° 14' 15" E
 30.84

N 71° 12' 24" E
 48.07

N 37° 50' 29" E
 50.72

N 37° 54' 48" E
 62.28

EDGE OF MARSH NOVEMBER, 1994

N 59° 57' 15" E
 111.35

S 50° 08' 35" E
 255.88

S 48° 45' 58" E
 300.81

S 24° 25' 49" E
 210.28

S 50° 08' 35" E
 139.00

S 24° 25' 49" E
 30.74

S 00° 56' 41" W
 88.12

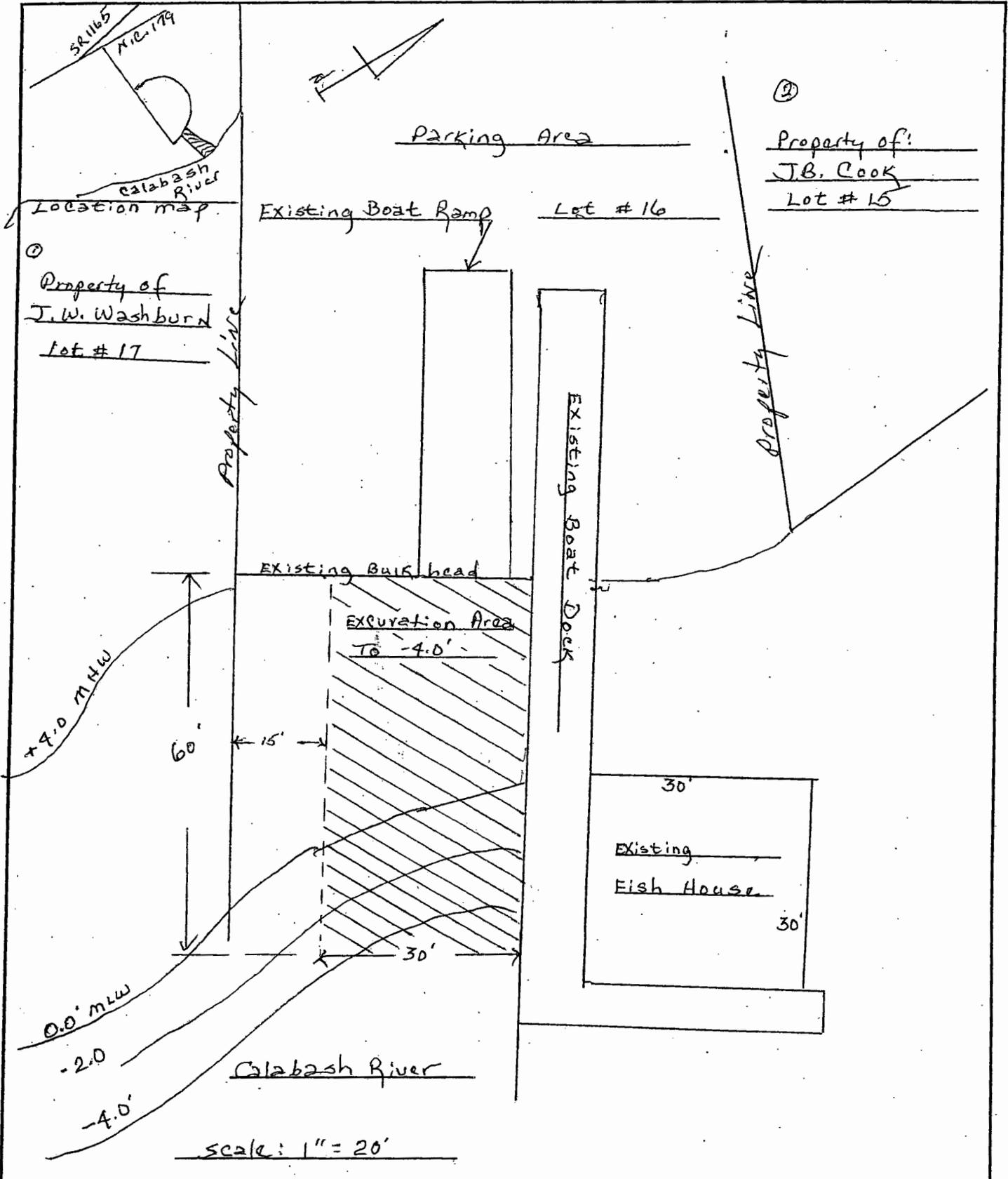
S 08° 07' 04" W
 94.70

S 24° 25' 49" E
 210.28

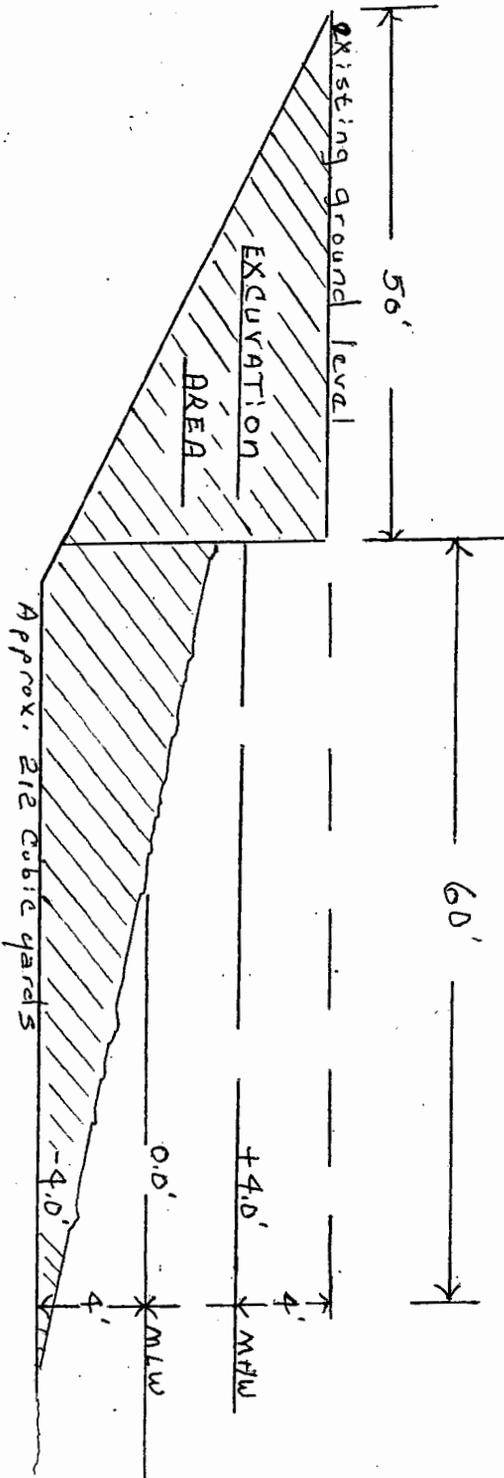
MEAN HIGH WATER
 2.5' N.G.V.D.
 LOCATED 1-2-96
 INFORMATION FOR
 WAS FURNISHED BY
 OCEANIC AND ATMC

Applicant: Edward Phelps
*Activity: Remove existing bldg
 Construct new bldg*
*Location: Lot 16 - Riverview Drive
 Calabash, N.C.*
Brunswick City - Calabash River
Scale: 1" = 150'
Sheet 14 of 17

MEAN HIGH WATER
 2.5' N.G.V.D.
 LOCATED 1-2-96
 INFORMATION FOR MEAN HIGH WATER



<p>APPLICANT: Edward Phelps ACTIVITY: Excavate dock Area - remove Bldg Construct New Bldg.</p>	<p>LOCATION: Lot #16 Riverview Dr. - Calabash, N.C. COUNTY: Brunswick</p>	<p>ADJACENT PROPERTY OWNERS ① J.W. Washburn ② J.B. Cook</p>
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Excavation Detail - Side View NTS

APPLICANT: Edward Phelps
 ACTIVITY: Excavate boat ramp
 Marina Area
 P/N#

LOCATION: Lot 16- Riverdew Drive
 Calabash, N.C.
 COUNTY: Brunswick, N.C.
 DATE: 6-15-04

ADJACENT PROPERTY OWN
 J.B. Cook
 John Washburn