

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. 200401258

November 22, 2004

PUBLIC NOTICE

Cape Fear Investments and Development, LLC, 1519 Jettys Reach, Wilmington, North Carolina 28409, has applied for a Department of the Army (DA) permit TO DISCHARGE FILL MATERIAL INTO 0.75 ACRES OF SECTION 404 WETLANDS ADJACENT TO AN UNNAMED TRIBUTARY TO SPRING BRANCH, ASSOCIATED WITH THE CONSTRUCTION OF THE CENTER AT COLLEGE AND MARKET COMMERCIAL DEVELOPMENT, LOCATED AT THE NORTHWEST CORNER OF COLLEGE ROAD AND MARKET STREET, IN WILMINGTON, NEW HANOVER COUNTY, NORTH CAROLINA.

The following is a description of the work taken from data provided by the applicant and from observations made during site visits by representatives of the Corps of Engineers. The project site is comprised of a 27-acre tract located at the northwest corner of College Road and Market Street, in north Wilmington. This tract includes 0.75 acres of jurisdictional wetlands. Plans submitted with the application show permanent impacts to the 0.75 acres of jurisdictional wetlands associated with construction of seven commercial building and four parking lots.

Currently, the land use of the project area is predominantly commercial development. The remainder of the 27-acre tract is undeveloped and consists mainly of loblolly pine trees. This project area contains approximately 0.75 acres of jurisdictional riparian wetlands. According to the applicant, wetland impacts (fill for a parking lot) had occurred at the site before 1974 and subsequently severed the original headwater wetland system (the remaining 0.75 acres) from the unnamed tributary to Spring Branch. Surrounding land use currently consists of commercial properties and Market Street to the south. To the west is Lennon Drive and residential property. College Road borders the property to the east. Hunters Trail and vacant property borders the property to the north.

Proposed impacts to jurisdictional wetlands are associated with construction seven commercial buildings and four parking lots. Plans for the project include the proposed placement of 200,000 cubic yards of fill material for the development. Plans showing the work are included with this public notice.

The application for DA authorization also includes a mitigation plan for the 0.75 acres of wetland impact. This proposal consists of making payment to the North Carolina Ecosystem Enhancement Program/In Lieu Fee Program for impacts to wetlands at a 2:1 ratio.

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 applicant has not provided a certification that his proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Plan. The Corps cannot issue a permit for the proposed work until the applicant submits such a certification statement to the Corps and the State concurs with that certification statement.

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.

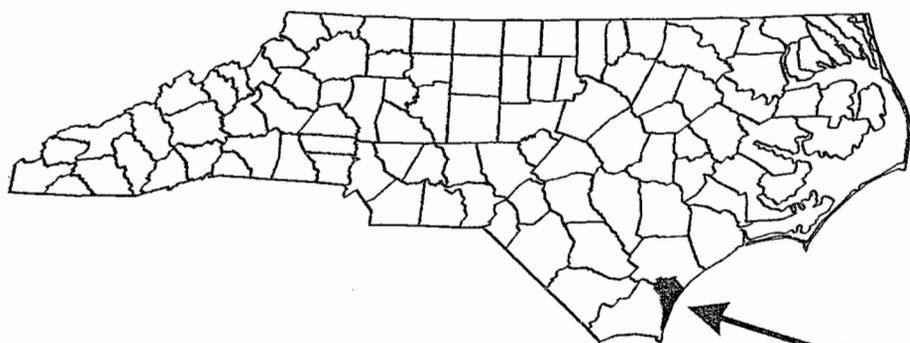
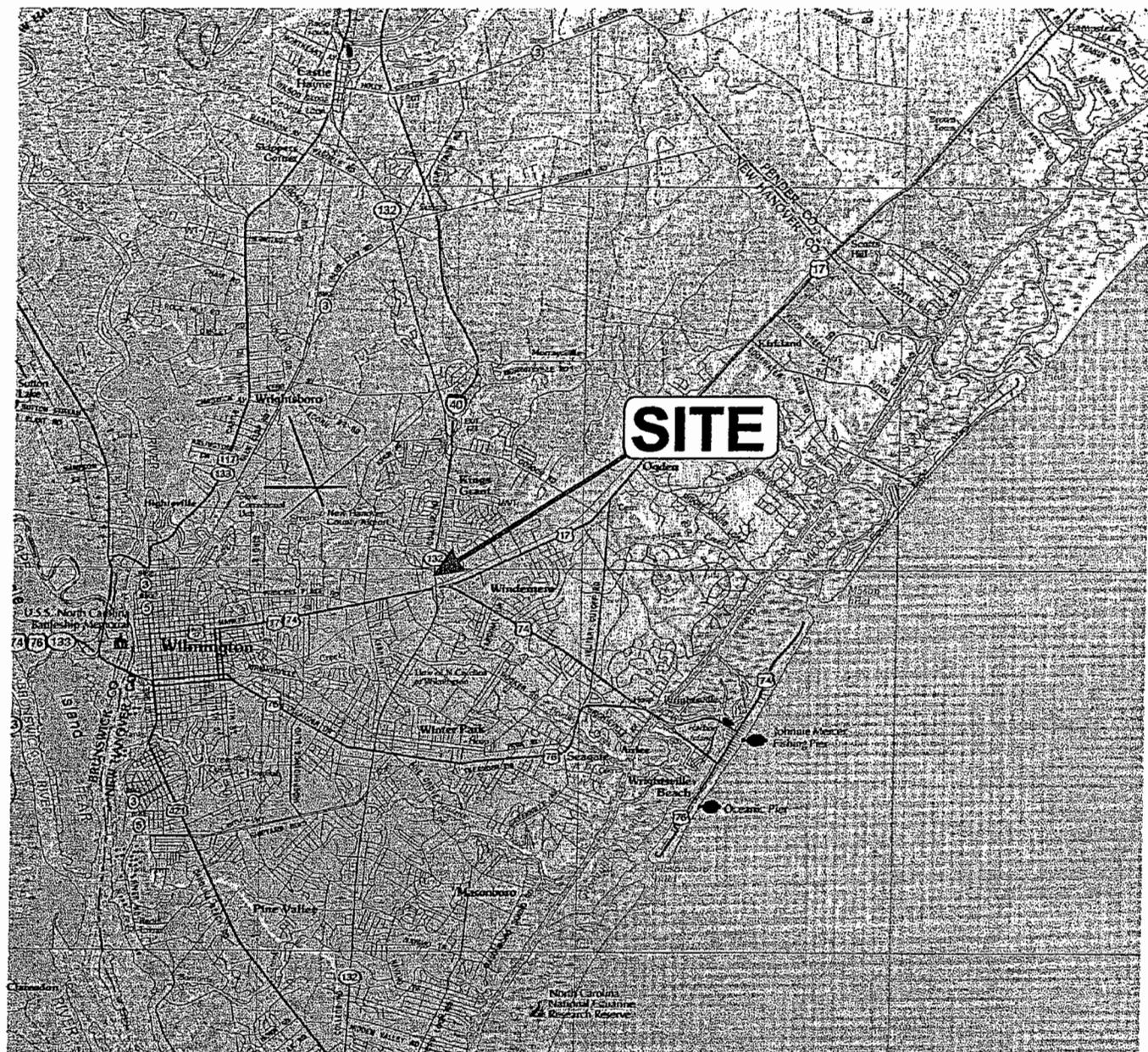
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether the proposed activity 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 December 8, 2004, Attn: Ms. Cyndi Karoly.

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., December 22, 2004, at telephone (910) 251-4923.



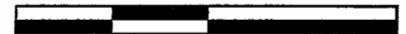
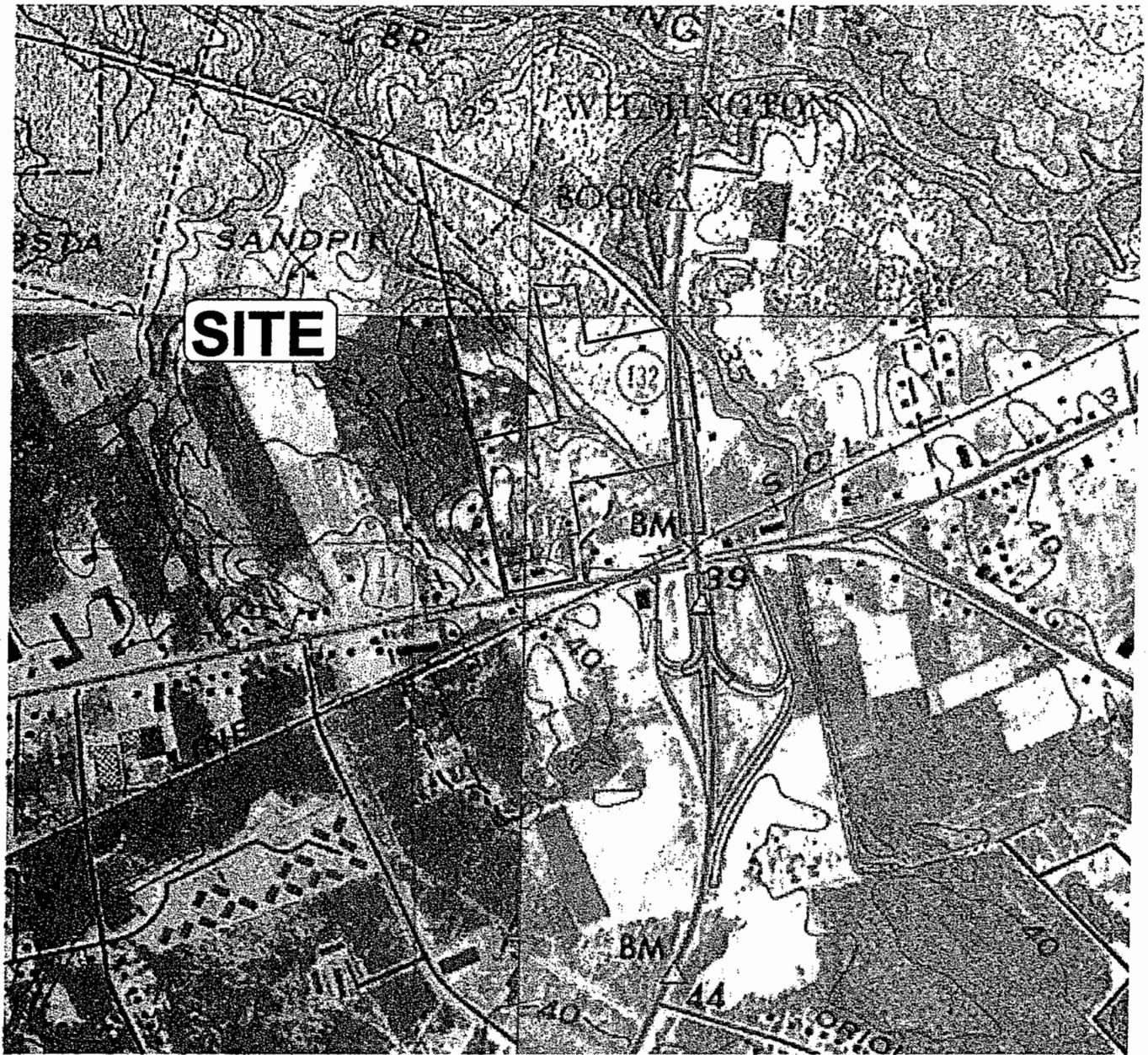
SCALE 1" = 2.4 miles

SITE

The Center at  
College and Market  
New Hanover County, NC  
01-02-424P

**Land Management Group, Inc.**  
Environmental Consultants  
Wilmington, N.C.  
September, 2004

Vicinity Map



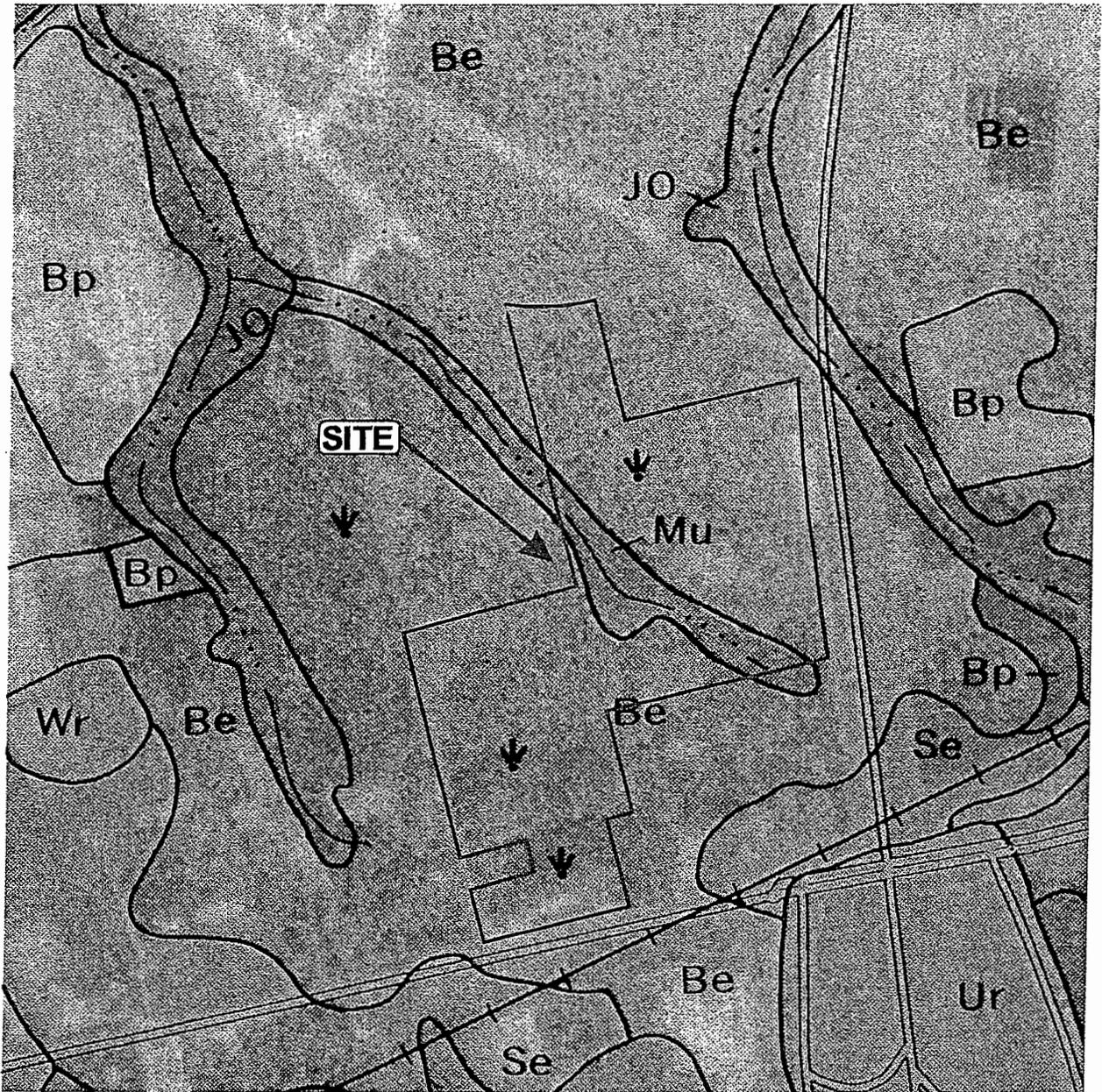
SCALE 1" = 1000'

Site boundaries as shown are approximate and not meant to be absolute. Boundary information taken from survey of site by Arnold Carson, PLS, PC

The Center at  
College and Market  
New Hanover County, NC  
01-02-424P

**Land Management Group, Inc.**  
Environmental Consultants  
Wilmington, N.C.  
September, 2004

U.S.G.S. 7.5'  
Topographic Map



SCALE 1" = 500'

Site boundaries as shown are approximate and not meant to be absolute. Boundary information taken from survey of site by Arnold Carson, PLS, PC

The Center at  
College and Market  
New Hanover County, NC  
01-02-424P

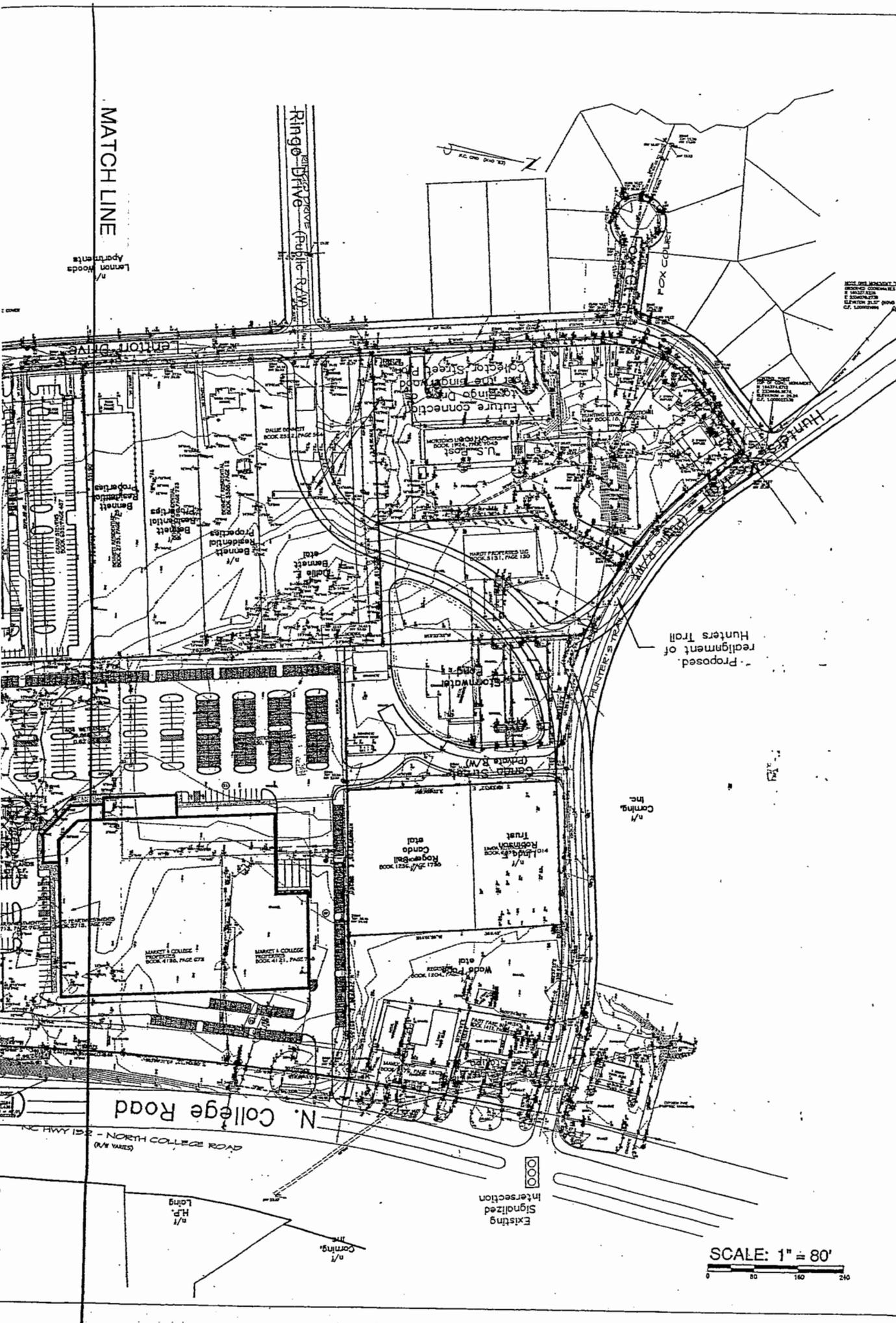
**Land Management Group, Inc.**  
Environmental Consultants  
Wilmington, N.C.  
September, 2004

New Hanover County  
Generalized Soil Map









MATCH LINE

Ringo Drive (Public R/W)

Lennon Woods Apartments

N

Proposed Redignment of Hunters Trail

Comp. Inc.

Condo Rogers et al

Existing Signalized Intersection

SCALE: 1" = 80'

SYMBOL	DATE	DESCRIPTION	BY
		REVISIONS	
		© 2004 ANDREW & KUSKE	

**PRELIMINARY SITE PLAN**  
 THE CENTER AT COLLEGE AND MARKET  
 WILMINGTON, NORTH CAROLINA

OWNER:  
 NAME:  
 ADDRESS:  
 CITY/STATE:  
 TELE:

**Andrew & Kuske**  
 CONSULTING ENGINEERS, INC.  
 902 MARKET STREET  
 WILMINGTON, NC  
 PHONE (910) 343-8653  
 FAX (910) 343-8604  
 www.andrewandkuske.com

04044

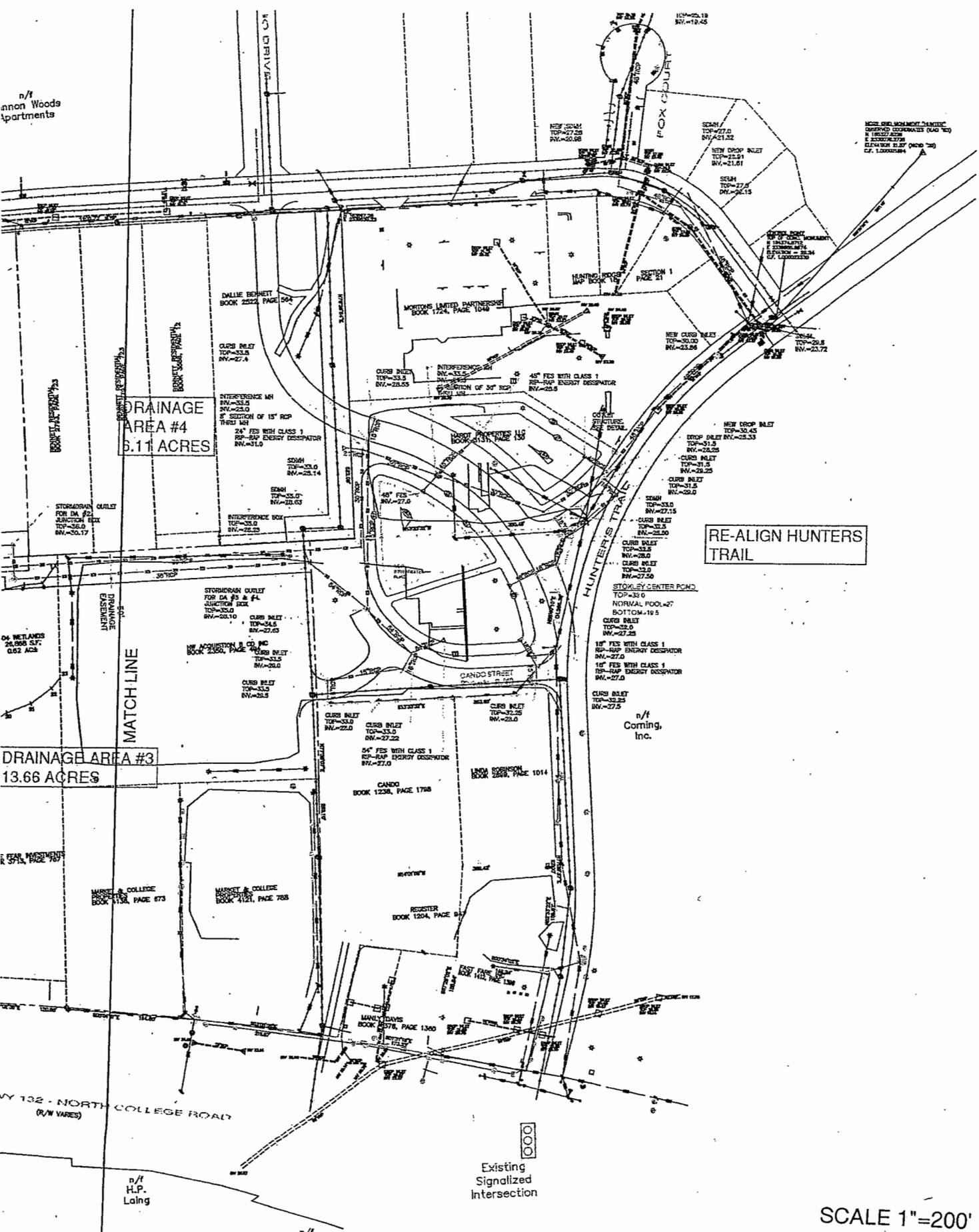
DES. JST  
 CDR. JPN  
 DRAW. NKS  
 DATE 08/09/04

C1



# THE CENTER AT COLLEGE AND MARKET

n/t  
nnon Woods  
Apartments



RE-ALIGN HUNTERS TRAIL

DRAINAGE AREA #3  
13.66 ACRES

DRAINAGE AREA #4  
6.11 ACRES

BY 132 - NORTH COLLEGE ROAD  
(R/W VARIES)

Existing  
Signalized  
Intersection

SCALE 1"=200'

Land Management Group

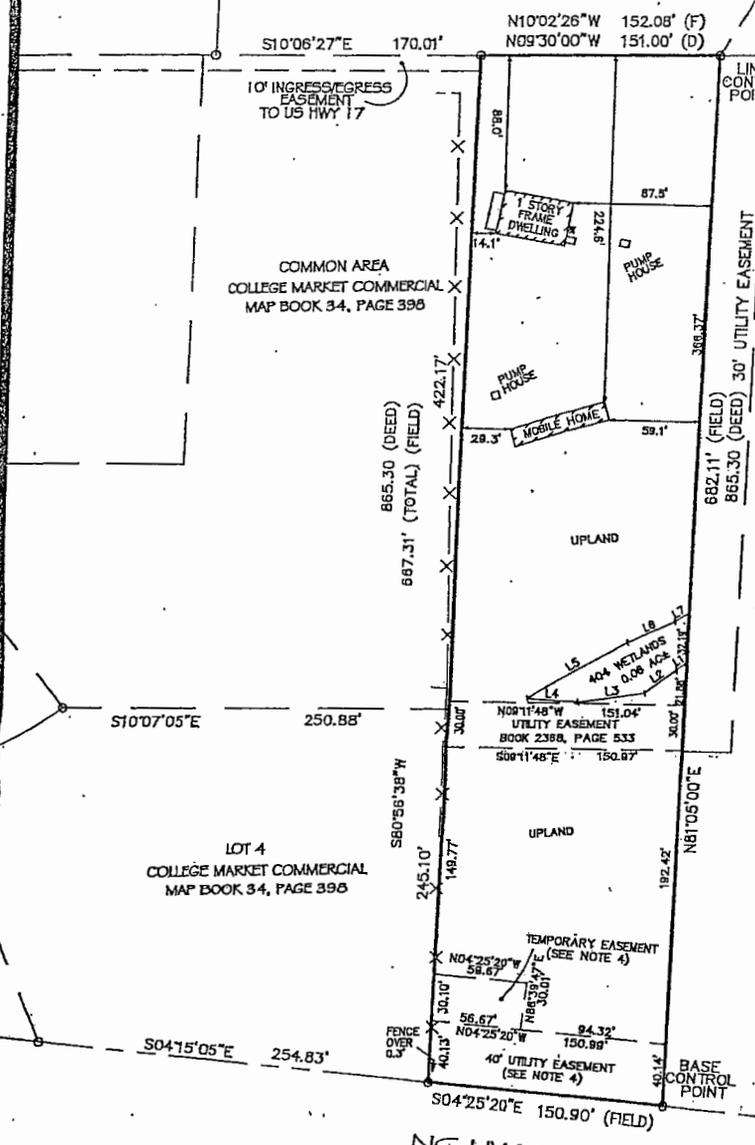
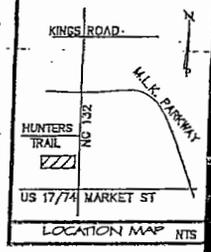
STORMWATER MAP

- NOTES:
1. THIS LOT IS LOCATED IN ZONE "C" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 37016B 0040 D, DATED: 4-15-86.
  2. AREA = 2.34 AC ±
  3. RATIO OF PRECISION = 1:10,000 ±.
  4. UTILITY EASEMENTS - TEMPORARY AND PERMANENT TO CITY OF WILMINGTON - RECORDED IN DEED BOOK 3430, PAGE 350 DEED BOOK 343B, PAGE 113 DEED BOOK 343B, PAGE 107

BRIDGERS  
BOOK 2442, PAGE 229

COTHREN  
BOOK 2447, PAGE 543

NGCS GRID MONUMENT  
"HUNTER"  
N 185327.415  
E 2338076.203  
(NAD '83)



N 183069.9822  
E 2340318.6916  
C.F. 1.000024618  
(NAD '83)

- LEGEND**
- EXISTING PIPE
  - X— FENCE
  - (D) DEED
  - (F) FIELD

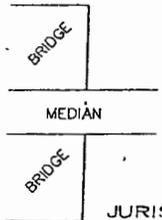
CERTIFICATE OF THE U.S. ARMY CORPS OF ENGINEERS:

THIS PLAT IDENTIFIES AS WETLANDS ALL AREAS OF WETLANDS REGULATED PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERSIGNED ON THIS DATE. THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED 5 YEARS FROM THIS DATE. THIS DETERMINATION WAS MADE UTILIZING THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL.

*Angie Pennard* 14 May 2003  
SIGNED DATE

GOLDEN EAST  
BOOK 2315, PAGE 165

LINE	DIRECTION	LENGTH
L1	S46°41'46"E	8.40'
L2	S44°40'39"E	25.63'
L3	S17°51'58"E	41.97'
L4	S06°06'18"E	33.01'
L5	N39°46'38"W	71.81'
L6	N33°40'28"W	34.33'
L7	N42°31'22"W	10.87'



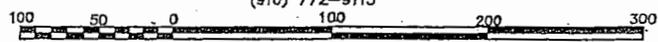
JURISDICTIONAL BOUNDARY MAP  
EXCLUSIVELY FOR  
**CAPE FEAR INVESTMENTS**

OF THAT TRACT OF LAND  
AS RECORDED IN DEED BOOK 1182, PAGE 1414  
OF THE NEW HANOVER COUNTY REGISTRY  
WILMINGTON TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA  
SCALE: 1" = 80' MARCH 3, 2003



*Arnold W. Carson* 3/3/03  
ARNOLD W. CARSON PLS PC  
406 NORTH THIRD STREET  
WILMINGTON, NC 28401  
(910) 772-9113

PRELIMINARY  
NOT FOR RECORDATION  
CONVEYANCES, OR  
SALES PURPOSES.

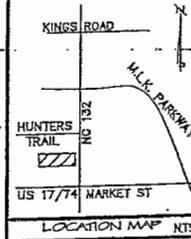


- NOTES:
1. THIS LOT IS LOCATED IN ZONE "C" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 370168 0040 D, DATED: 4-15-86.
  2. AREA = 4.42 AC±
  3. RATIO OF PRECISION = 1:10,000 ±.

CERTIFICATE OF THE U.S. ARMY CORPS OF ENGINEERS:

THIS PLAT IDENTIFIES AS WETLANDS ALL AREAS OF WETLANDS REGULATED PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERSIGNED ON THIS DATE. THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED 5 YEARS FROM THIS DATE. THIS DETERMINATION WAS MADE UTILIZING THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL.

*Angie Peruch* 14 May 2003  
SIGNED DATE



BRIDGERS BOOK 2442, PAGE 229

COTHREN BOOK 2447, PAGE 543

STEVENS BOOK 635, PAGE 487

BENNETT BOOK 1379, PAGE 1747

NCGS GRID MONUMENT "HUNTER" N 185327.415 E 2338076.203 (NAD '83)

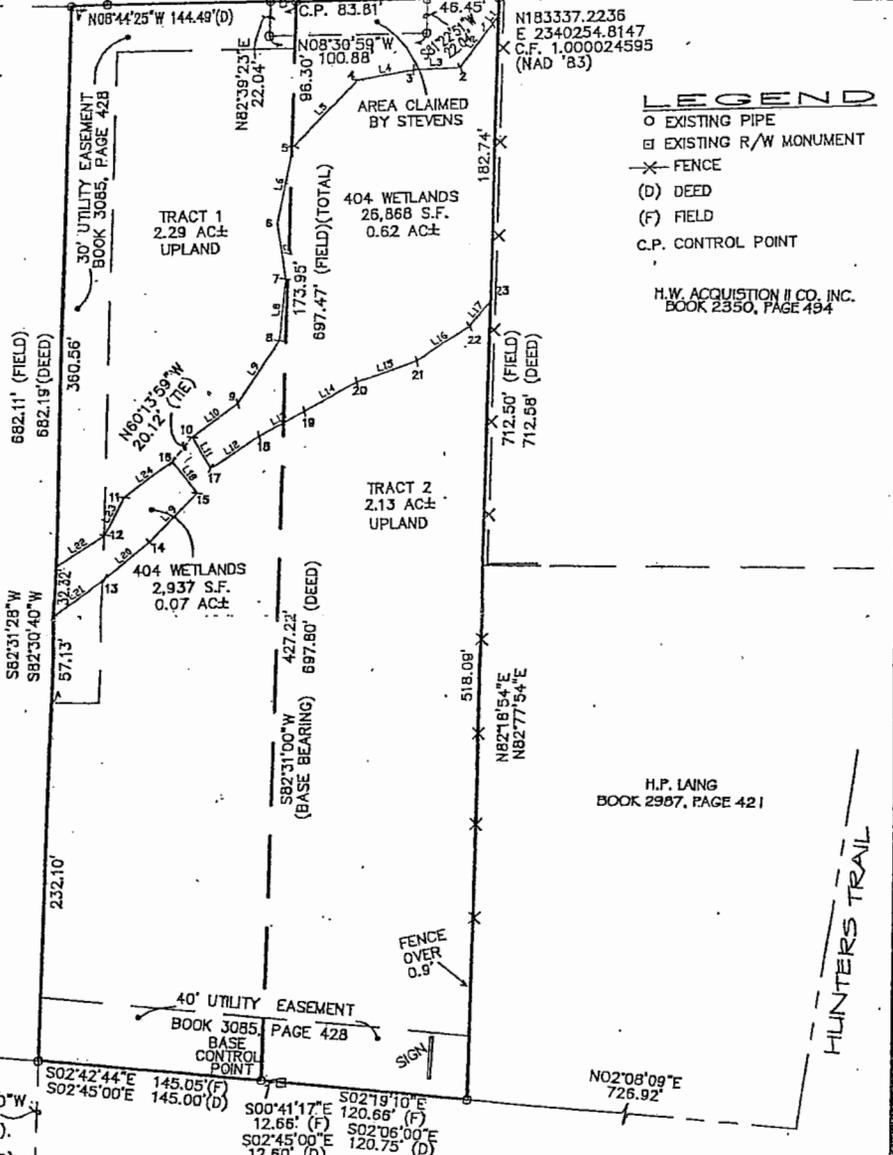
DEED BOOK 2315, PAGE 165

N10°42'59"W 22.87' (F)  
N08°37'19"W 105.14' (F)

N08°44'25"W 130.20' (D)  
N08°39'17"W 130.26' (F)

S47°35'16"E (GRID) 2950.87'  
S42°52'01"E (DEED) 2950.80' (GROUND)

LINE	BEARING	LENGTH
L1	N60°33'46"W	6.47'
L2	N60°33'46"W	34.29'
L3	N10°07'07"W	29.33'
L4	N17°41'44"W	36.23'
L5	N54°29'44"W	58.87'
L6	N87°23'08"W	49.55'
L7	S72°29'54"W	37.16'
L8	S86°18'46"W	39.46'
L9	N64°55'32"W	48.28'
L10	N43°52'04"W	36.38'
L11	S51°19'39"W	23.89'
L12	S41°07'40"E	38.02'
L13	S36°35'23"E	32.56'
L14	S37°52'16"E	38.24'
L15	S28°13'26"E	40.49'
L16	S42°17'28"E	40.23'
L17	S57°12'30"E	20.87'
L18	N44°04'23"E	26.18'
L19	S54°36'47"E	43.35'
L20	S47°29'13"E	36.68'
L21	N45°31'29"W	40.31'
L22	N41°21'06"W	36.91'
L23	N71°29'02"W	27.12'
L24	N45°06'48"W	38.37'



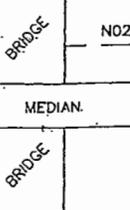
LEGEND

- EXISTING PIPE
- EXISTING R/W MONUMENT
- ✕ FENCE
- (D) DEED
- (F) FIELD
- C.P. CONTROL POINT

H.W. ACQUISITION II CO. INC. BOOK 2350, PAGE 494

McCLAMMEY BOOK 1182, PAGE 1414

H.P. LAING BOOK 2987, PAGE 421



NC HWY 132 - NORTH COLLEGE ROAD (R/W VARIES)

JURISDICTIONAL BOUNDARY MAP EXCLUSIVELY FOR CAPE FEAR INVESTMENTS

TRACTS 1 AND 2 AS RECORDED IN DEED BOOK 2315, PAGE 165 OF THE NEW HANOVER COUNTY REGISTRY WILMINGTON TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA NOVEMBER 12, 2002 SCALE: 1" = 80'

*Arnold W. Carson* 11/12/02  
ARNOLD W. CARSON PLS PC 406 NORTH THIRD STREET WILMINGTON, NC 28401 (910) 772-9113

PRELIMINARY NOT FOR RECORDATION CONVEYANCES, OR SALES PURPOSES.

