



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: April 5, 2005  
Comment Deadline: May 5, 2005  
Corps Action ID #: 200500549

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. 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 [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Carteret Ventures Partnership, LLC  
1722 River Road  
Morehead City, North Carolina 28557

**AGENT:** Doug Brady  
1722 River Road  
Morehead City, North Carolina 28557

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

## Location

The project site is located on the Morehead City waterfront between the blocks of 709 and 711 Shepard Street, at the old Ottis' Fish House and Restaurant, waterward of the municipal bulkhead, immediately west of Captains Bill's Restaurant, in the water and adjacent to the Morehead City Harbor Channel, Carteret County, North Carolina. Latitude 34-43-07 and Longitude 76-42-36.

## Existing Site Conditions

The building on the site previously housed the Ottis' Fish House and Restaurant for many years. The building and wharf are presently in deteriorating condition. The development along this shoreline from the North Carolina State ports Facility for a distance of several blocks to the west is considered urban waterfront. See the attached CAMA Field Inspection Report for more details.

### **Applicant's Stated Purpose**

The purpose of the proposed project is to demolish and remove the existing building, piers and wharf and construct a newly engineered building that will meet current building codes and flood standards and construct a 10 slip docking facility. The use of the new building will be a combination of parking, retail and residential with ten boat slips.

### **Project Description**

Carteret Ventures partnership, LLC has purchased the property for commercial development use. The proposal is to demolish the existing one story building and reconstruct a 6 story building within the same footprint. The new building will expand vertically for 6 stories, with a parking deck on the first floor, retail space on the second floor, and residential on the upper 4 floors. The existing one story structure has a footprint (drip line) over the water of 10,652 square feet. The proposed new structure will reduce the footprint over the water to 9,951 square feet. All portions of the existing piers and wharf are to be removed. The applicant is proposing to construct a 10-slip docking facility adjacent to the new building. See the attached drawings and CAMA Field Inspection Report for more details.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by April 28, 2005.

The applicant has certified that the proposed work complies with and will 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 is, by this notice, forwarding this certification to the North Carolina Division of Coastal Management (NCDCM) and requesting its concurrence or objection. Generally, the Corps will not issue a Department of the Army (DA) permit until the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

## **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. These impacts to EFH include destruction of habitat at the borrow and fill site, siltation plums, erosion and sedimentation issues, time frame work is performed (fish moratoriums) and water quality issues.

## **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has 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 has determined there may be 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. A final determination on the effects of the proposed project will be made 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.

## **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 is soliciting comments from the public; Federal, State and local agencies and officials; 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 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, May 5, 2005. Comments should be submitted to Henry Wicker, Project Manager for this project.

**DIVISION OF COASTAL MANAGEMENT  
FIELD INVESTIGATION REPORT**

1. **APPLICANT'S NAME:** Carteret Ventures Partnership, LLC
2. **LOCATION OF PROJECT SITE:** Site location is 709 through 711 Shepard Street, within the Town of Morehead City, located waterward of the municipal bulkhead.

Photo Index - 2000: 41-526, grid - 18-S,T                      1995: 42-528, grid - 16-T  
 State Plane Coordinates - X: 2688000                      Y: 360500                      Rover #

3. **INVESTIGATION TYPE:** CAMA
4. **INVESTIGATIVE PROCEDURE:** Dates of Site Visit - 10/05/04, 1/08/05  
 Was Applicant Present - Agent
5. **PROCESSING PROCEDURE:** Application Received - cc: 2/15/05  
 Office - MHC

6. **SITE DESCRIPTION:**

- (A) Local Land Use Plan - MHC  
 Land Classification From LUP - Developed, Conservation
- (B) AEC(s) Involved: PTA, EW
- (C) Water Dependent: Building - No; Docks - Yes
- (D) Intended Use: Commercial
- (E) Wastewater Treatment: Existing - Municipal  
 Planned - Municipal
- (F) Type of Structures: Existing - Fish house, Restaurant, Dilapidated wharf  
 Planned - Parking Deck, Retail Space, Multi-Family Residential,  
 Docking.
- (G) Estimated Annual Rate of Erosion: N/A  
 Source - N/A

7. **HABITAT DESCRIPTION:**

	<u>DREDGED</u>	<u>FILLED</u>	<u>OTHER</u>
(A) Open Water - Public Trust and Estuarine Waters of MHC Harbor Channel			Shaded Bldg - 9951 sf Shaded Docks - 708 sf Incorp Docks - 3746 sf

- (D) Total Area Disturbed: 14,405 sf (.33 acre)
- (E) Primary Nursery Area: No
- (F) Water Classification: SC      Open: No

8. **PROJECT SUMMARY:** The applicant has purchased the Ottis' Fish House and Restaurant located over the water on the Morehead City waterfront. Carteret Ventures Partnership, LLC proposes to convert the one-story wholesale/retail building into a 6-story retail/residential/parking facility. A ten-slip docking facility will be constructed waterward of the building within the Morehead City Channel.

9. Narrative Description:

The project site is on the Morehead City waterfront between the blocks of 709 and 711 Shepard Street, waterward of the municipal bulkhead, immediately west of Captain Bill's Restaurant. The building on the site previously housed the Ottis' Fish House and Restaurant for many years. The building and wharf are in deteriorating condition, and have been purchased by Carteret Ventures Partnership, LLC. The project as proposed is to be located entirely over the water, with no associated high ground development. Municipal water and sewer services are currently provided.

The development along this shoreline from the NC State Ports Facility to the east, for a distance of several blocks to the west, is considered to be urban waterfront. For several blocks within this central area of Morehead City, pre-CAMA non-water dependent construction exists over the waters of the Morehead City Harbor Channel. This portion of the federal channel is the turning basin, which carries a required 27.7' setback.

The Morehead City Channel carries a DWQ Water Quality Classification of SC, is closed to the taking of shellfish, and is not designated by the DMF as a Primary Nursery Area. Water depths in the project area range from -3' nlw under the building to -16' nlw within the channel setback. The Morehead City Land Use Plan classifies this area as Developed, with all AEC's classified as Conservation. There is no marsh on the project site, no SAV's or shellfish observed, and the substrate is composed primarily of disturbed sandy silt with debris.

Carteret Ventures Partnership, LLC has purchased this property for commercial development use. The proposal is to demolish the existing building, and reconstruct within the same footprint. The new building will expand vertically for 6 stories, with a parking deck on the first floor, retail space on the second floor, and residential on the upper 4 floors. The elevation of the first floor will equal that of the existing building and of the municipal bulkhead which is +4.1' msl.

The existing non-conforming structure has a footprint (drip line) over the water of 10,652 sf, designed on one story. The proposal would increase the usable space of the structure to approximately 59,706 sf, while reducing the footprint over the water to 9951 sf. The overall waterward extent of the building would remain the same, with a maximum distance of 90' into the waterbody (47' landward of the federal harbor line setback).

All portions of the existing piers and wharf are to be removed. The applicant is proposing to construct a 10-slip docking facility adjacent to the new building. On the plats are 2 sets of riparian lines. At the request of the DCM, the applicant has depicted the riparian lines as defined in rule. Because of the historic nature of the existing development, the applicant has also depicted the riparian line that has been observed and utilized over time. All new work is to be within this historic riparian area, with a 15' setback recognized.

Approximately 30 from the west end of the building, a 3.5' x 14.5' deck is proposed, leading to the main dock. The main dock will extend approximately 50' waterward, angling at the terminus to honor the line of the channel setback. The dock is proposed for 6' in width. Extending from the main dock are 4 shore-parallel finger docks, each with dimensions of 20' x 3'. Ten mooring pilings around these finger docks define 9 slips, ranging from 8.5' to 12' in width. Located along an east wall of the building approximately 35' from the eastern building line is another proposed dock, 30' x 4'. This dock will have 1 mooring piling to define the final and 10<sup>th</sup> slip, 16' in width. Waterdepths in the area of the proposed docks range from -3' nlw to -13' nlw.

10. Anticipated Impacts:

The building as proposed will shade and incorporate 9951 sf of Public Trust and Estuarine Waters. The docking system will provide 10 additional slips to the system, and will shade 708 sf and incorporate 3746 sf of Public Trust and Estuarine Waters. While reducing the current building footprint by 701 sf, the proposal will enlarge and renew a non-water dependent use over the water.

ATTACHMENT #1

The purpose of project is to demolish the existing structure and construct a new engineered structure that will meet current building codes and flood standards. The use of the structure will be a combination of retail and residential with ten boat slips.

Construction will be performed by a licensed contractor and per architectural drawings. The structure would be supported by engineered pile caps and will consist of durable material. Daily operations would consist of retail and residential activity.

The project would reduce the footprint of the present building by approximately 1000 Sq. Ft. and bring the structure and docks shoreward of their present location.

**RECEIVED**

FEB 15 2005

Morehead City DCM

# CARTERET VENTURES PARTNERSHIP, L.L.C. PROPERTIES

MOREHEAD CITY TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

RECEIVED

MAR 23 2005

REGULATORY  
WEAVER, INC.

CLIENT

CARTERET VENTURES PARTNERSHIP, L.L.C.

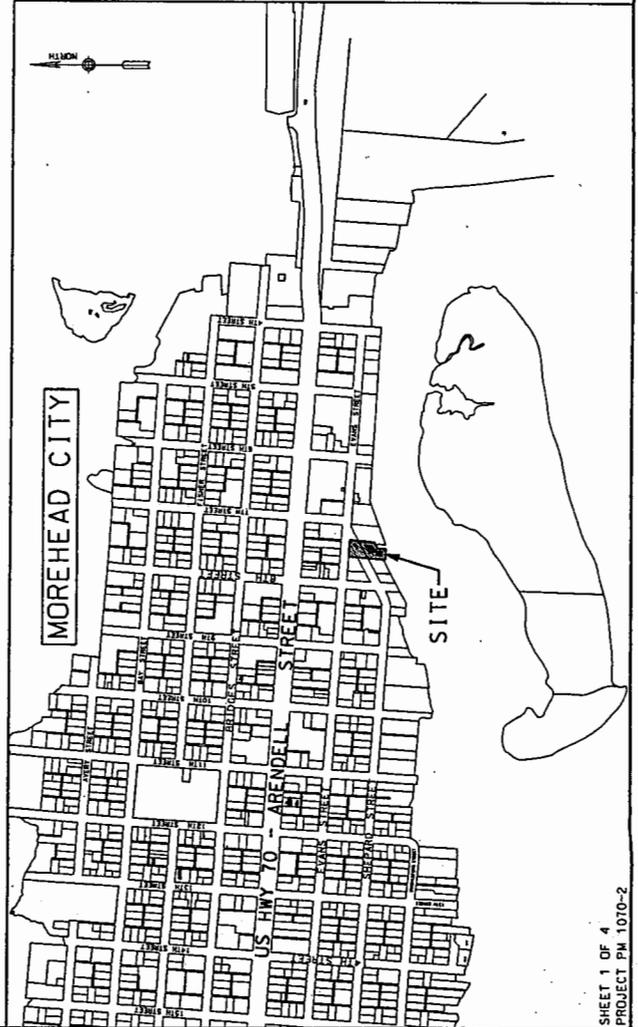
1722 RIVER DR.  
MOREHEAD CITY, NORTH CAROLINA 28557  
252-727-1886

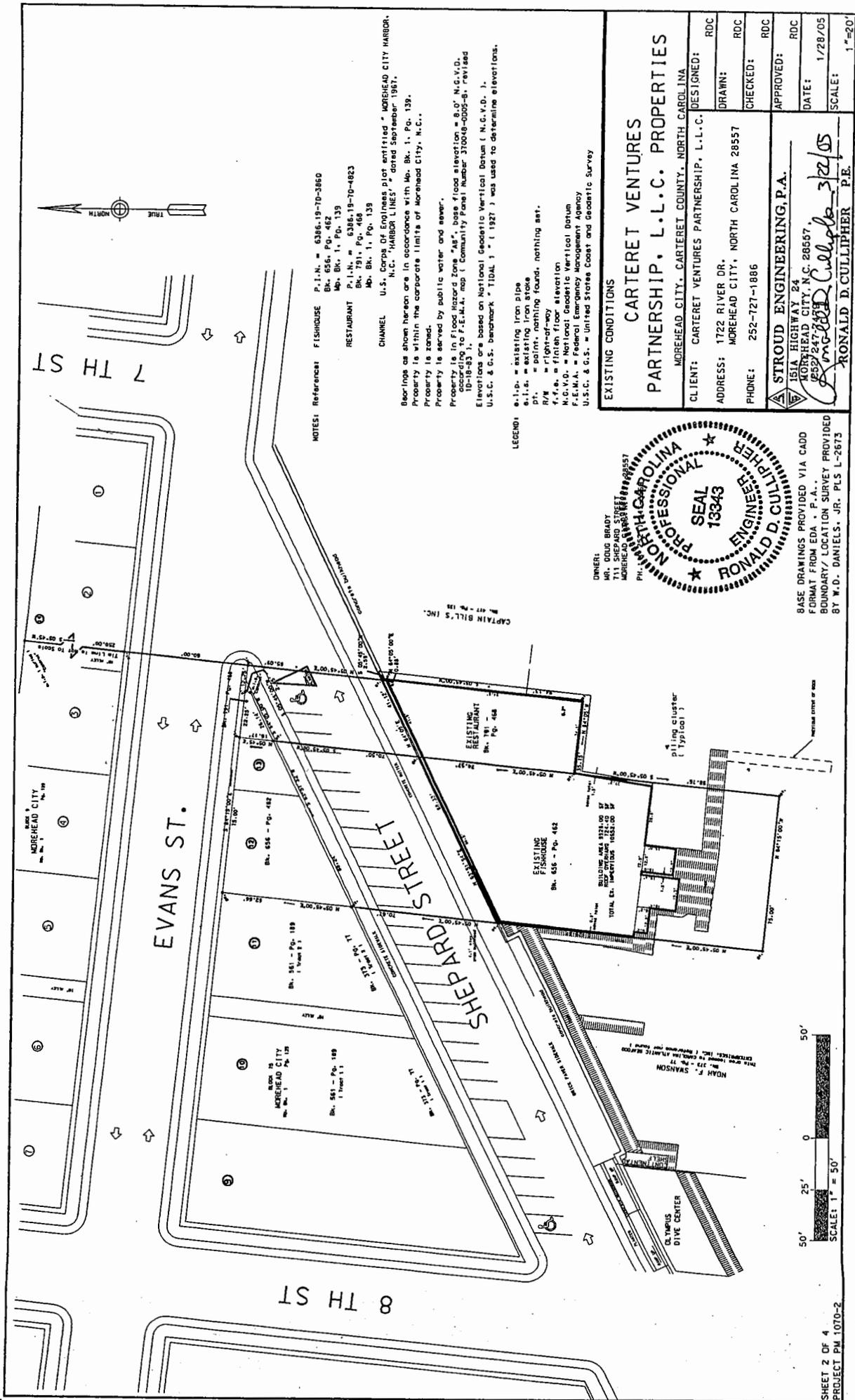
ENGINEER

STROUD ENGINEERING, P.A.  
151A HIGHWAY 24  
MOREHEAD CITY, N.C. 28557  
(252) 247-7479



*Ronald D. Cullipher* 3/23/05  
RONALD D. CULLIPHER P.E.





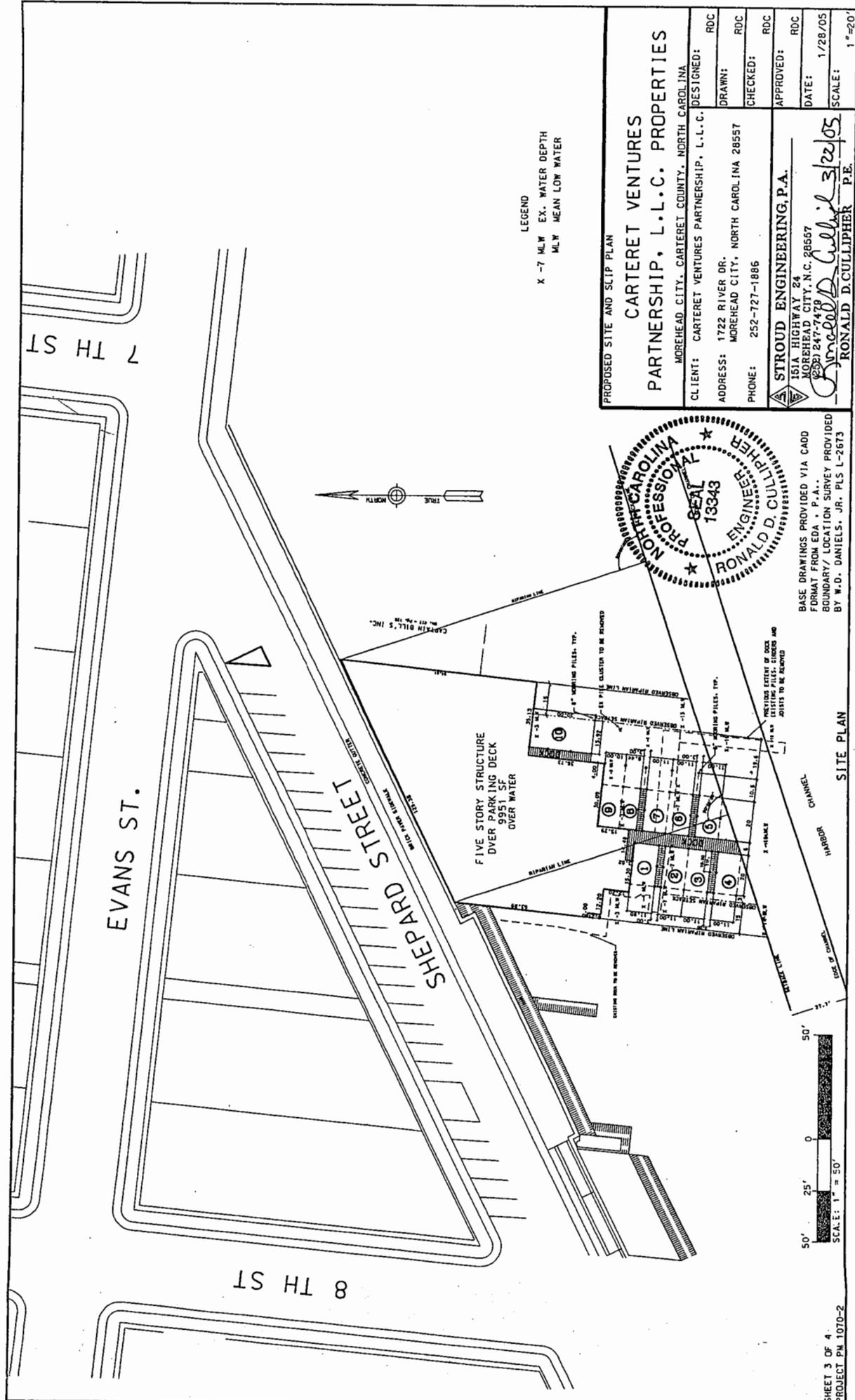
**NOTES:** REFERENCES: FISHHOUSE P.I.N. = 6386-19-70-3860 Bk. 656, Pg. 462 Mo. Bk. 1, Pg. 139  
 RESTAURANT P.I.N. = 6386-19-70-4823 Bk. 791, Pg. 468 Mo. Bk. 1, Pg. 139  
 CHANNEL U.S. Corps of Engineers plot entitled "MOREHEAD CITY HARBOR, N.C. 'HARBOR LINES', dated September 1967. Property is within the corporate limits of Morehead City, N.C.  
 Property is served by public water and sewer.  
 Property is zoned.  
 Property is in Flood Hazard Zone "A1", base flood elevation = 8.0' N.G.V.D. according to F.E.M.A. map Community Panel Number 31060-000-01, revised 10-18-83.  
 Elevations are based on National Geodetic Vertical Datum (N.G.V.D.). U.S.C. & G.S. benchmark "TIDAL 1" (1927) was used to determine elevations.

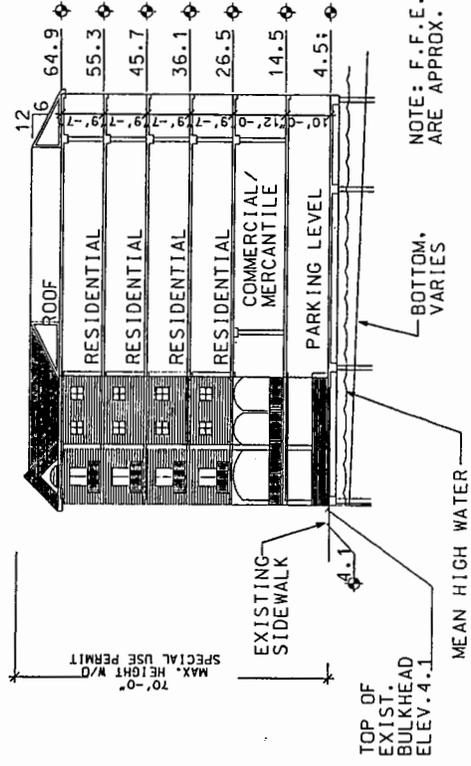
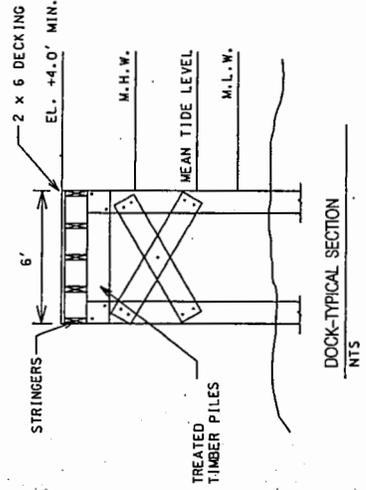
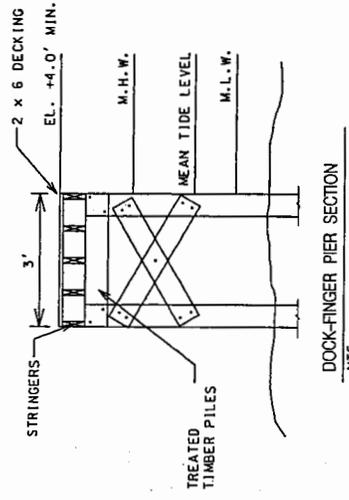
**LEGEND:**  
 e.i.p. = existing iron pipe  
 e.i.s. = existing iron stake  
 pt. = point, nothing found, nothing set.  
 R/W = right-of-way  
 F.F.E. = finish floor elevation  
 N.G.V.D. = National Geodetic Vertical Datum  
 F.E.M.A. = Federal Emergency Management Agency  
 U.S.C. & G.S. = United States Coast and Geodetic Survey

**EXISTING CONDITIONS**  
**CARTER VENTURES PARTNERSHIP, L.L.C. PROPERTIES**  
 MOREHEAD CITY, CARTER COUNTY, NORTH CAROLINA  
 CLIENT: CARTER VENTURES PARTNERSHIP, L.L.C. DESIGNED: RDC  
 ADDRESS: 1722 RIVER DR. MOREHEAD CITY, NORTH CAROLINA 28557 DRAWN: RDC  
 PHONE: 252-721-1886 CHECKED: RDC  
 APPROVED: RDC  
 DATE: 1/28/05  
 SCALE: 1"=20'

**STROUD ENGINEERING, P.A.**  
 1514 HIGHWAY 24  
 MOREHEAD CITY, N.C. 28557  
 252-247-3215  
 RONALD D. CULLIPHER  
 P.E.  
 SEAL 13343  
 NORTH CAROLINA PROFESSIONAL ENGINEER

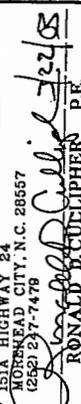
BASE DRAWINGS PROVIDED VIA CADD FORMAT FROM EDA, P.A. BOUNDARY/LOCATION SURVEY PROVIDED BY W.D. DANIELS, JR. PLS L-2673





PROPOSED DEVELOPMENT  
SCHEMATIC  
BUILDING SECTION

1  
A-1 NOT TO SCALE

<b>CARTERET VENTURES PARTNERSHIP, L.L.C. PROPERTIES</b> MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA	
CLIENT: CARTERET VENTURES PARTNERSHIP, L.L.C. ADDRESS: 1722 RIVER DR. MOREHEAD CITY, NORTH CAROLINA 28557 PHONE: 252-727-1886	DESIGNED: RDC DRAWN: RDC CHECKED: RDC APPROVED: RDC DATE: 1/28/05 SCALE: 1"=20'
<b>STROUD ENGINEERING, P.A.</b> 151A HIGHWAY 24 MOREHEAD CITY, N.C. 28557 (252) 727-7478  <b>RONALD D. CULLIPHER, P.E.</b>	

