



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 3, 2005
Comment Deadline: November 2, 2005
Corps Action ID #: 200501205

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

Applicant: Harbor View Restaurant, Inc.
Post Office Box 486
Carolina Beach, North Carolina 28428

AGENT: Ward and Smith, P.A.
Post Office Box 867
New Bern, North Carolina 28562

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 proposed project is located at the former Harbor Master Restaurant at 313 Canal Drive, adjacent to the Carolina Beach Yacht Basin, Carolina Beach, New Hanover County, North Carolina. Latitude 34-02-16 and Longitude 77-53-32.

Existing Site Conditions

The property is located in the Central Business District of the Town of Carolina Beach. The property is approximately one-third acre in size and entirely covered by impervious surfaces, including the roof of the former restaurant building, the adjacent asphalt parking lot facing on Canal Drive and asphalt walkways and service areas. The existing enclosed structure measures approximately 131' x 41' and extends approximately 10' over the public trust and Estuarine Waters of Myrtle Sound (a/k/a Carolina Beach Yacht Basin). There is an approximately 25' gap in the existing bulkhead underneath the building.

Where there is no bulkhead the public trust waters extend approximately 25' underneath the structure.

Applicant's Stated Purpose

The purpose of the proposed project is to redevelop the condemned restaurant building overlooking the Carolina Beach Yacht Basin in the Central Business District of the Town of Carolina Beach into a 6 story mixed use commercial and residential development.

Project Description

The proposed project is part of a larger project, which consists of construction and redevelopment of nine multi-level buildings containing a mix of residential and commercial retail units, a building with a mix of parking, residential, and commercial retail units, a parking deck to be utilized for town and private parking with some retail space on the lower floors, and other associated parking units, utility installation, and public amenities such as an elevated pedestrian bridge, a bath house and a wooden boardwalk.

Proposed demolition and reconstruction of structure that is over waters of the US, dredging and bulkhead.

In this portion of the project, Harbor View Restaurant, Inc. proposes to redevelop the 0.3-acre property under the project name Harbor View at Arcadius ("Project"). After demolishing the existing 131' x 41' building, the applicant intends to construct a building six stories high that will consist of restaurant space on the ground level and sixteen residential condominiums in the remaining levels. The vertical expansion will not extend beyond the original footprint of the enclosed structure on three sides, including the waterside, and will be situated entirely landward of the existing harbor line. The new structure will have a small extension on the landward side. Construction of the new building in this particular location is necessary to provide at least limited parking for resident and patrons and to be able to incorporate engineered storm water management facilities on this 0.3-acre lot. The new structure will be situated partially over navigable waters in order to realize the full development value of the existing structure and its views of the Yacht Basin. The project will provide additional public access by including several transient boat slips that will be available for public use without charge. In order to facilitate the dockage space approximately 100 cubic yards of dredge material will be removed from the dock location to a depth of -3 feet below mean low water. This dredged material will be removed by crane and clamshell bucket from a land base position and placed on highground above Mean High Water. The dredged material containment method was not disclosed in the application. Once the dredged material has been dewatered it is to be used at the building "F" construction site. Also, Harbor View Restaurant, Inc. intends to construct a new bulkhead approximately 5' waterward in front of the two existing bulkhead and construct a new bulkhead in the gap in between the existing bulkhead. See the attached drawings 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), 2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27699-2260, Attention: Ms Cyndi Karoly by October 21, 2005.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity 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 can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and 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

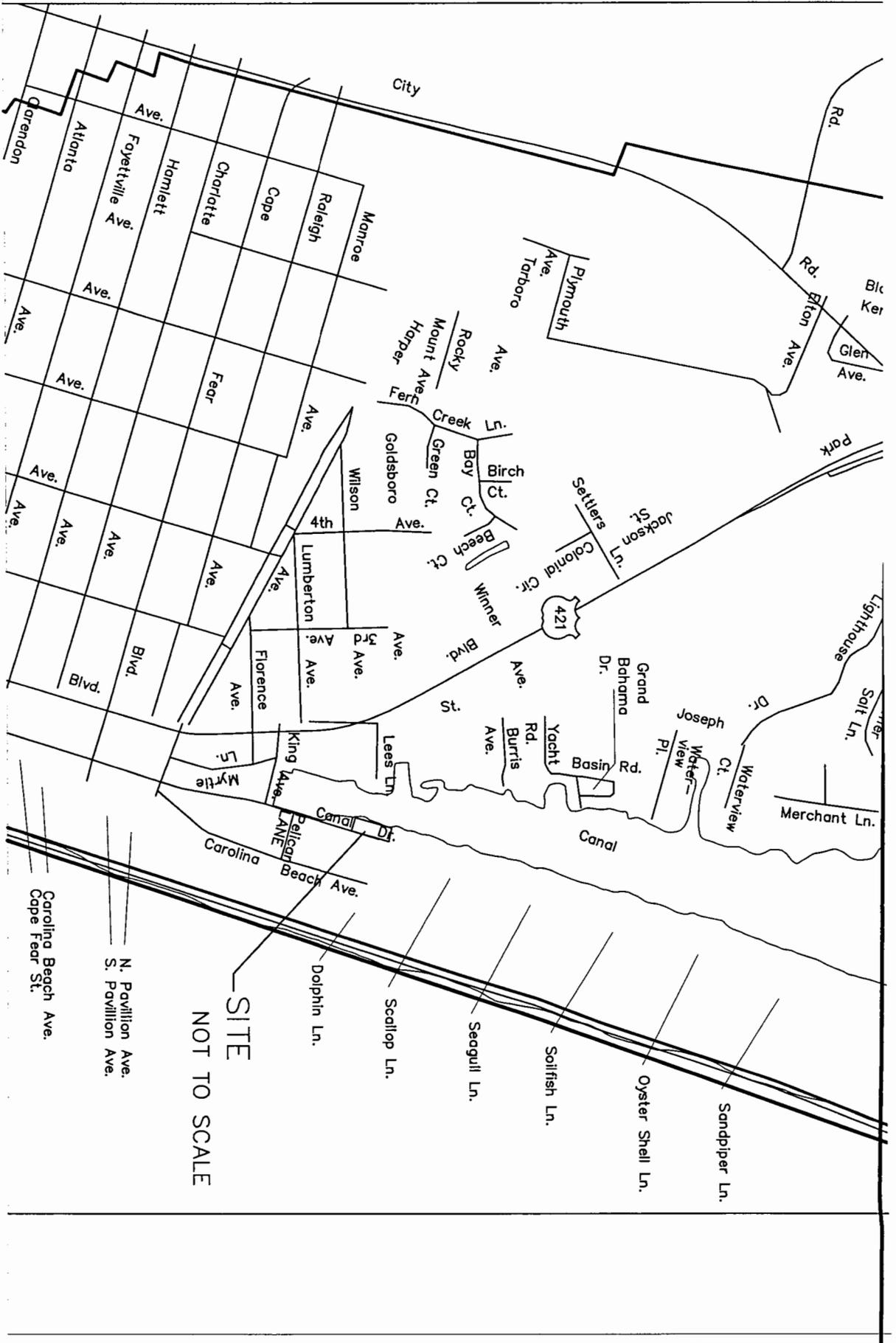
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, 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, November 2, 2005. Comments should be submitted to Henry Wicker, Project Manager for this project.

Provided by WK Dickson, Wilmington, NC



VICINITY MAP

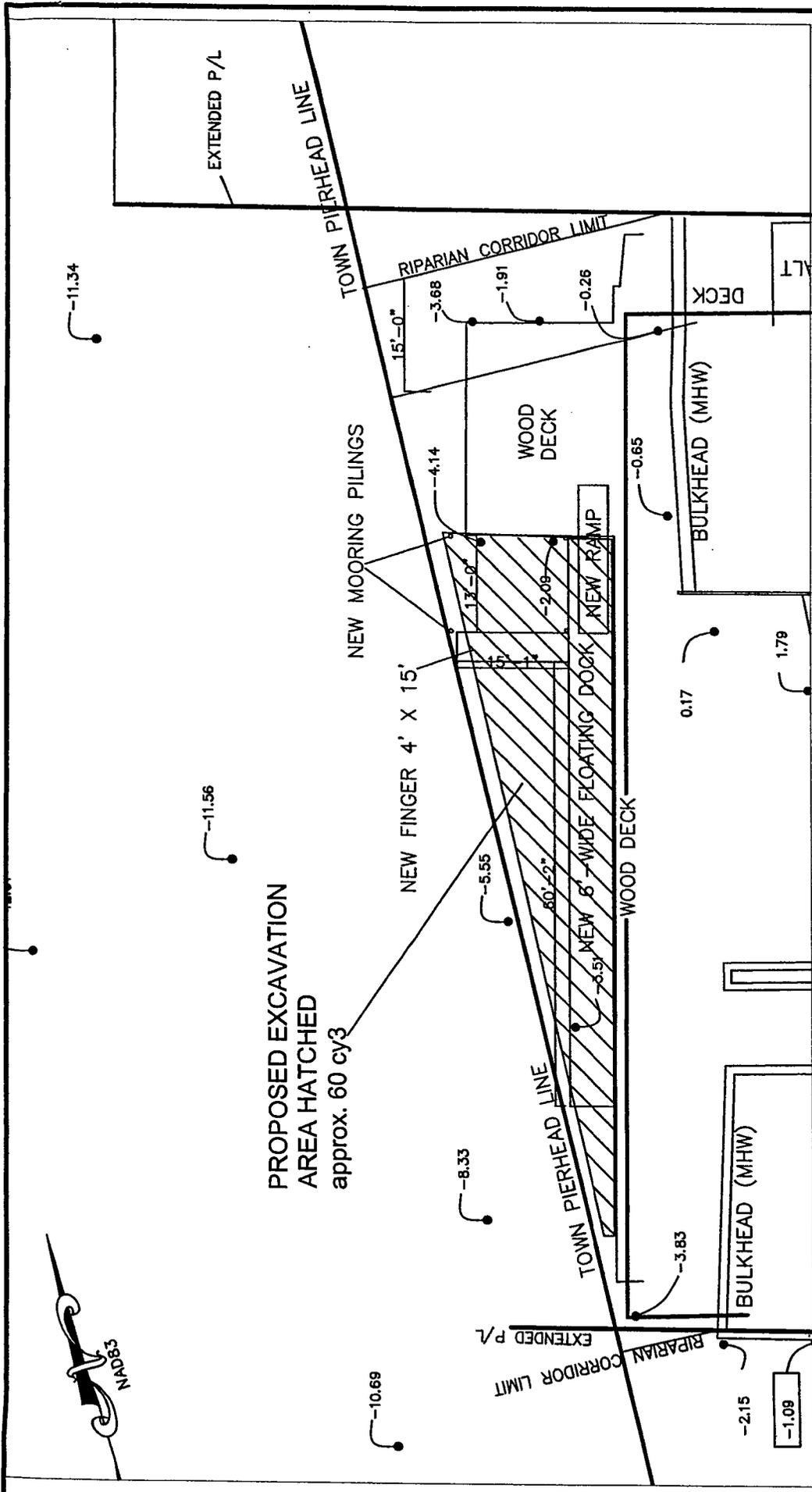
Individual Permit Application
HARBOR VIEW AT ARCADIOUS

Applicant: Harbor View Restaurant Inc.

Location: Myrtle Grove Sound, Carolina Beach,
New Hanover County

Date: 8/31/2005

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PROPOSED EXCAVATION
 AREA HATCHED
 approx. 60 cy³

Base survey and elevations by WK Dickson, Wilmington, NC
 Dock added by Land Management Group, Inc

SCALE 1" = 20'

Elevations are relative to MSL. MLW is -1.1' MSL
 Minor excavation below MHW proposed to -3' MLW
 Estimated 60 cy³ of excavation, no more than 100 cy³

Note: Proposed building not shown

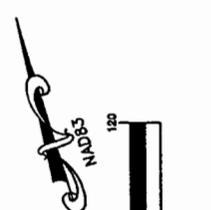
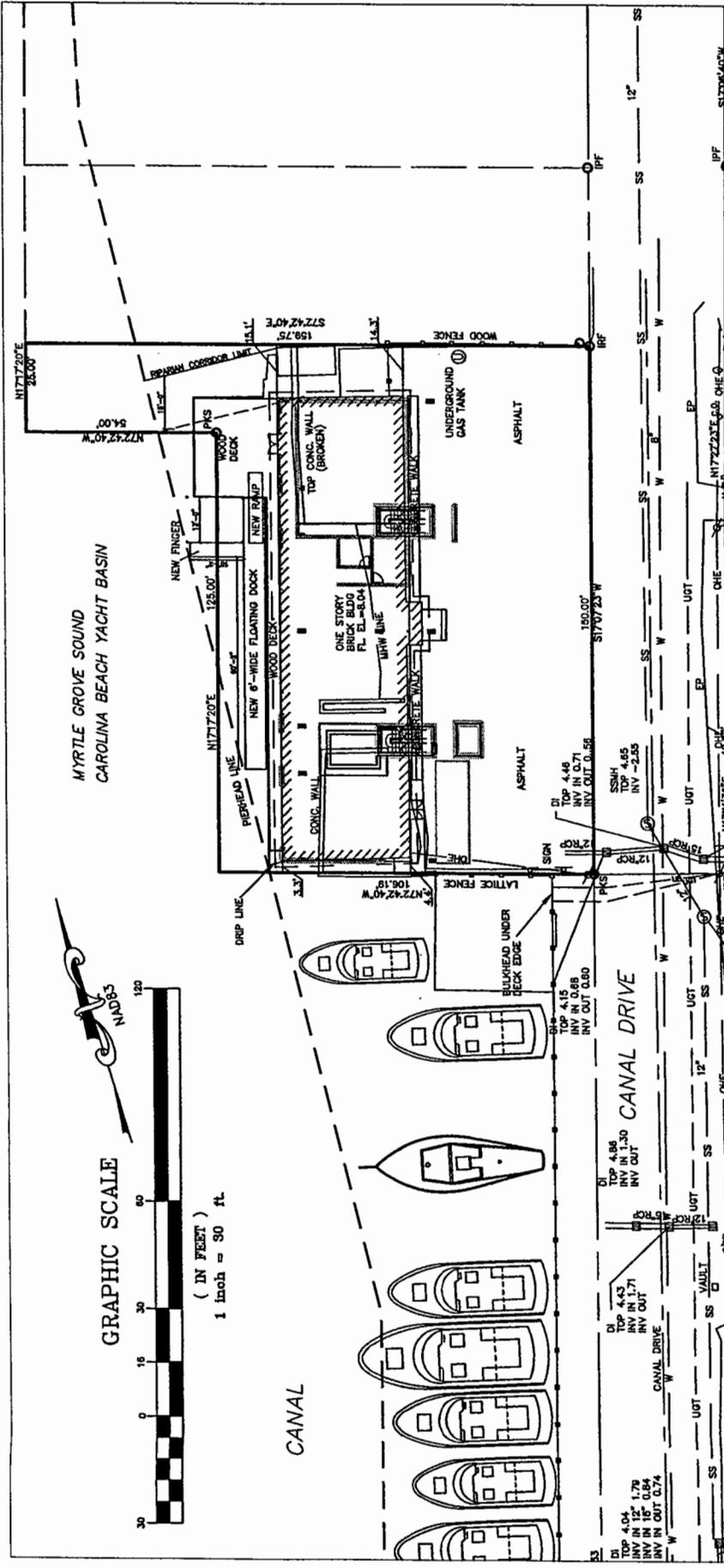
PROPOSED EXCAVATION

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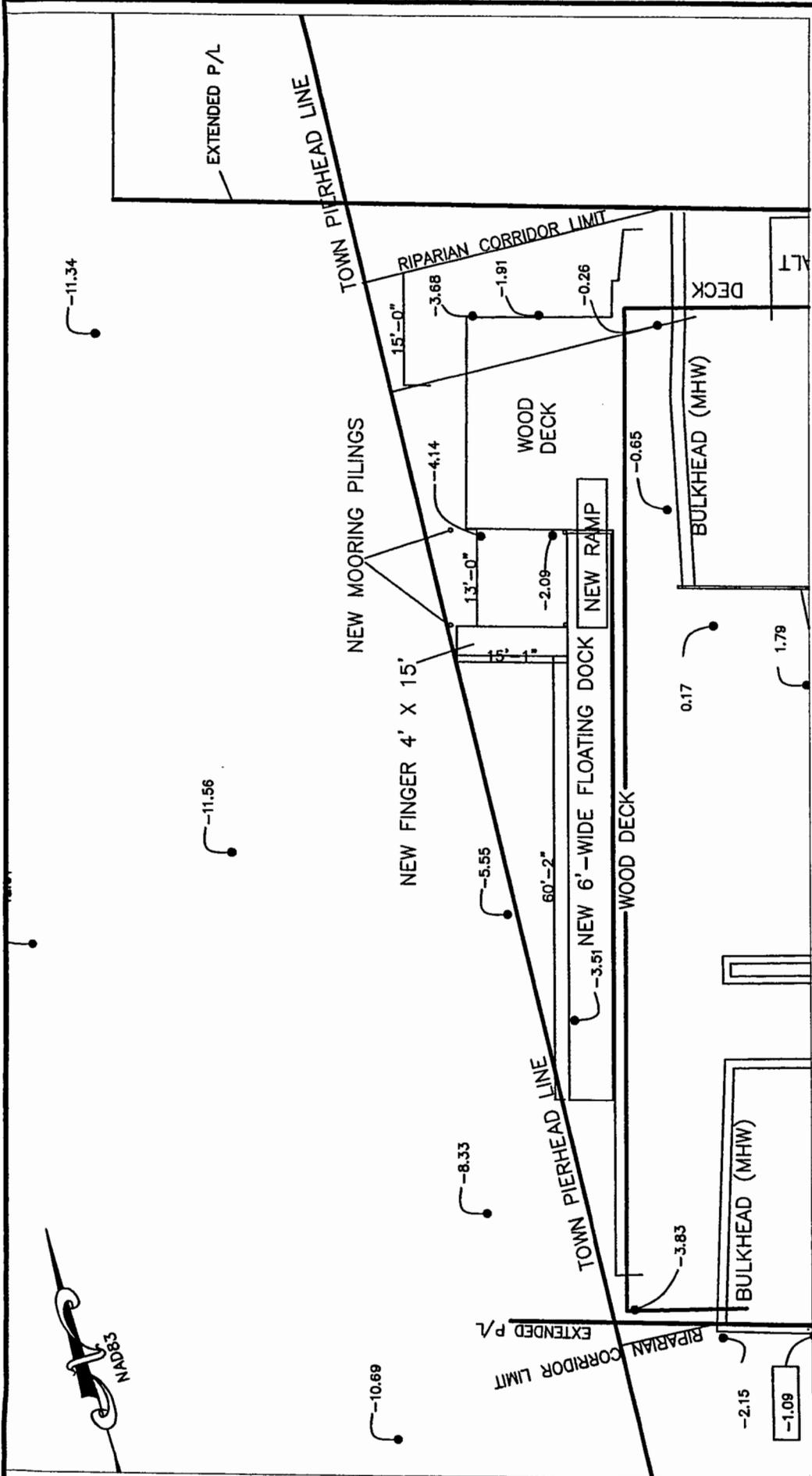
Also see Proposed Building Footprint sheet for clarification on proposed building.

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**PROPOSED BUILDING /DOCK
 EXISTING BUILDING AND DECKS
 ALSO SHOWN**

Base survey by WK Dickson, Wilmington, NC
 Plan by LSSP, Charleston, SC
 Docks added by Land Management Group, Inc.

LMG # 02-04-239



One proposed 13'-wide wet slip with 4' x 15' finger
 60 ft. of side-to dockage proposed, three slips
 All proposed dockage to be public

Base survey and elevations by WK Dickson, Wilmington, NC
 Dock added by Land Management Group, Inc

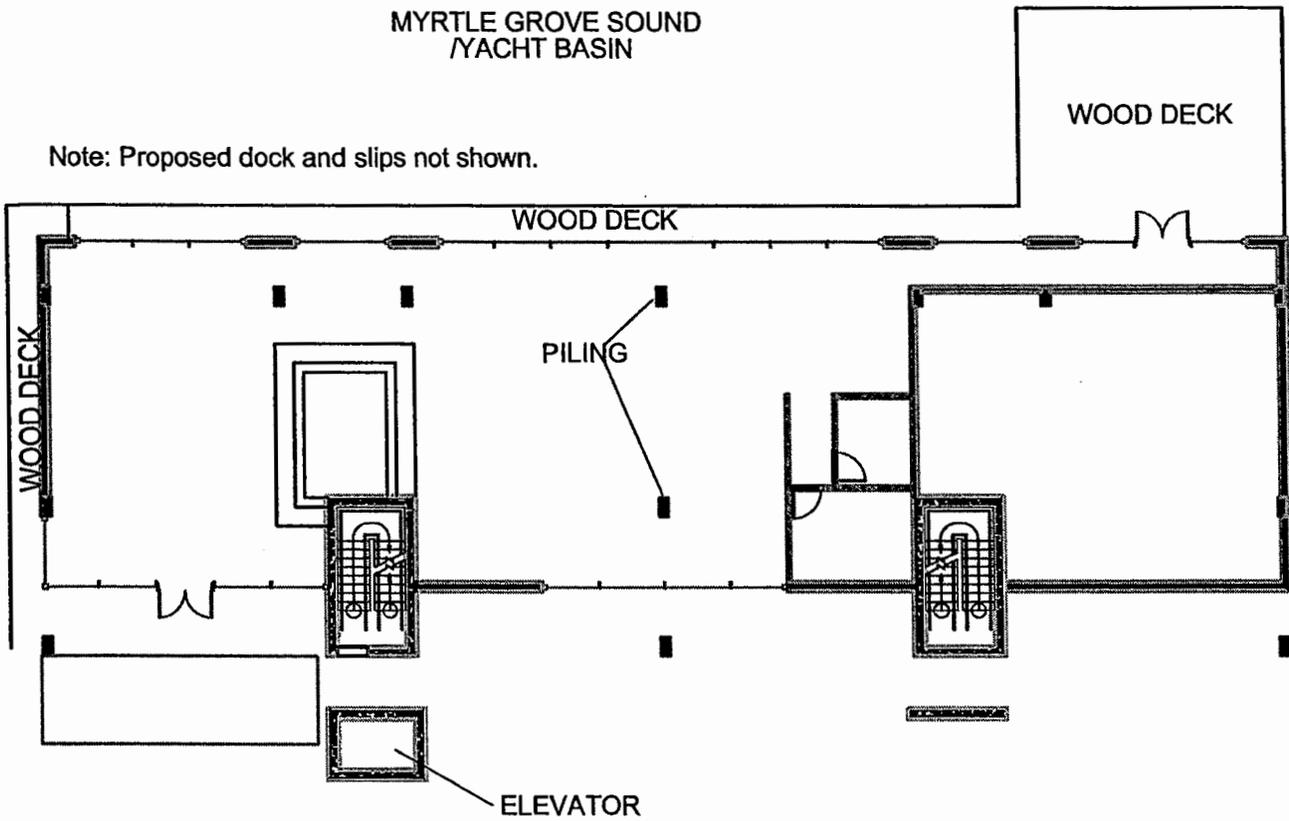
SCALE 1" = 20'

Note: Proposed building not shown

<p>Individual Permit Application HARBOR VIEW AT ARCADIUS Applicant: Harbor View Restaurant Inc. Location: Myrtle Grove Sound, Carolina Beach, New Hanover County Date: 8/31/2005 Sheet of</p>	<p><u>PROPOSED DOCKAGE</u></p>
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MYRTLE GROVE SOUND
YACHT BASIN

Note: Proposed dock and slips not shown.



Plan provided by LS3P, Charleston, SC

Some notes added by Land Management Group,
Inc.

SCALE 1" = 20'

PROPOSED BUILDING
FOOTPRINT

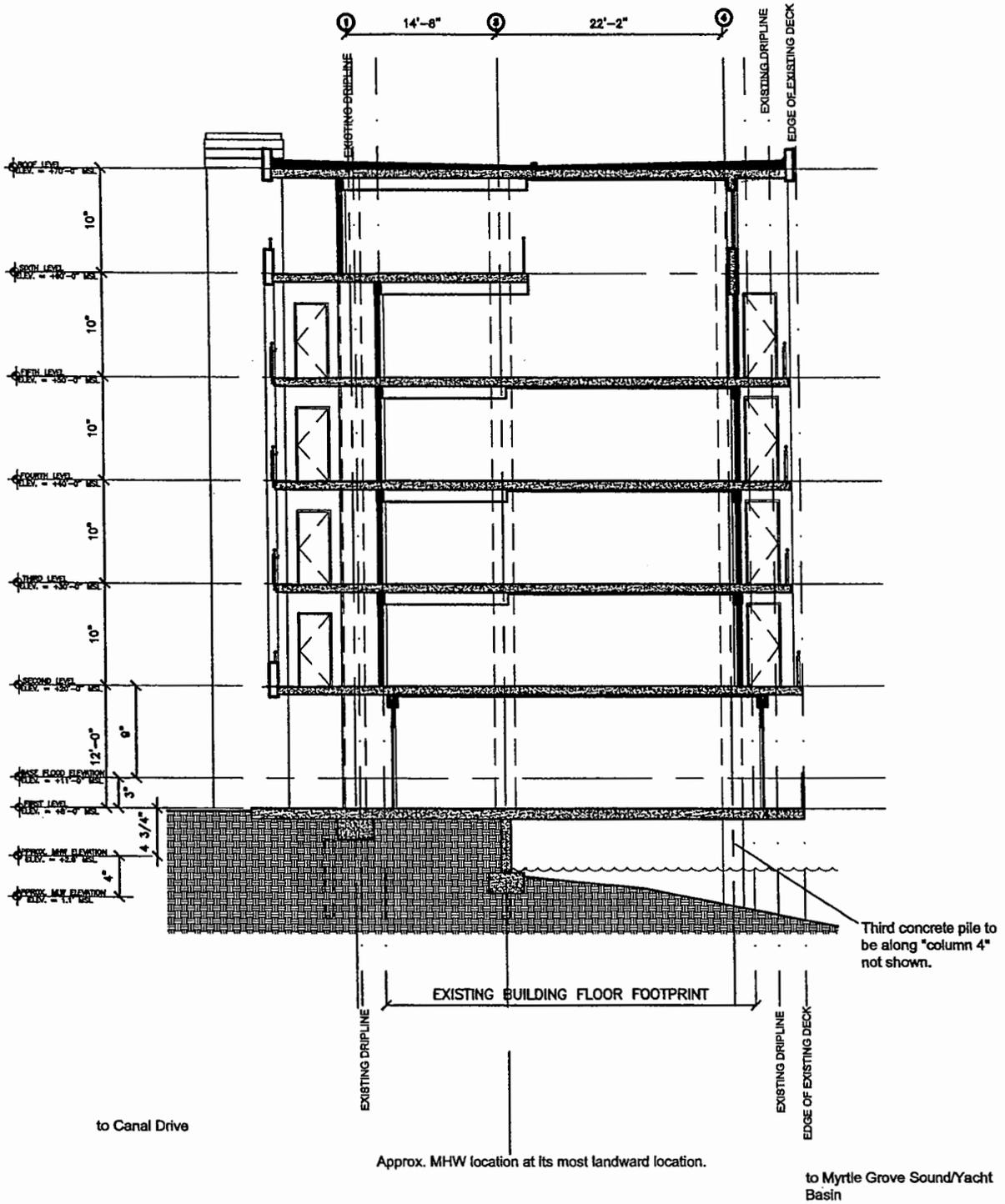
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A2 TRANSVERSE BUILDING SECTION
1"=10'



LS3P ASSOCIATES LTD.
205 1/2 KING ST. CHARLESTON SC 29401
TEL. 843.577.4444 FAX 843.722.4789
WWW.LS3P.COM

Some notes added by Land Management Group, Inc.

LMG # 02-04-239

**TRANSVERSE SECTION
PROPOSED BUILDING**

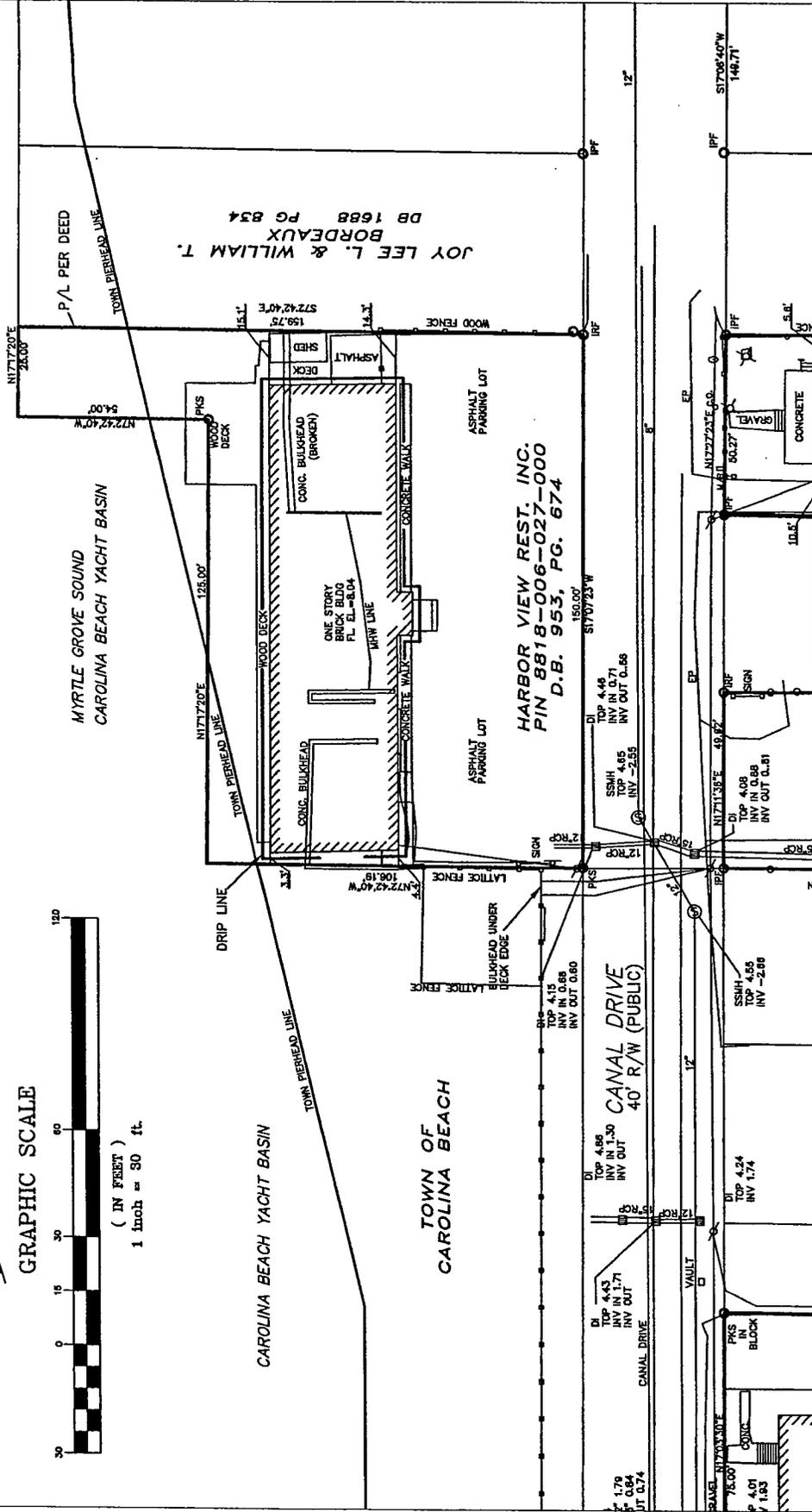
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Date: 8/31/2005 Sheet of



GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.



JOY LEE L. & WILLIAM T. BORDEAUX
DB 1688 PG 834

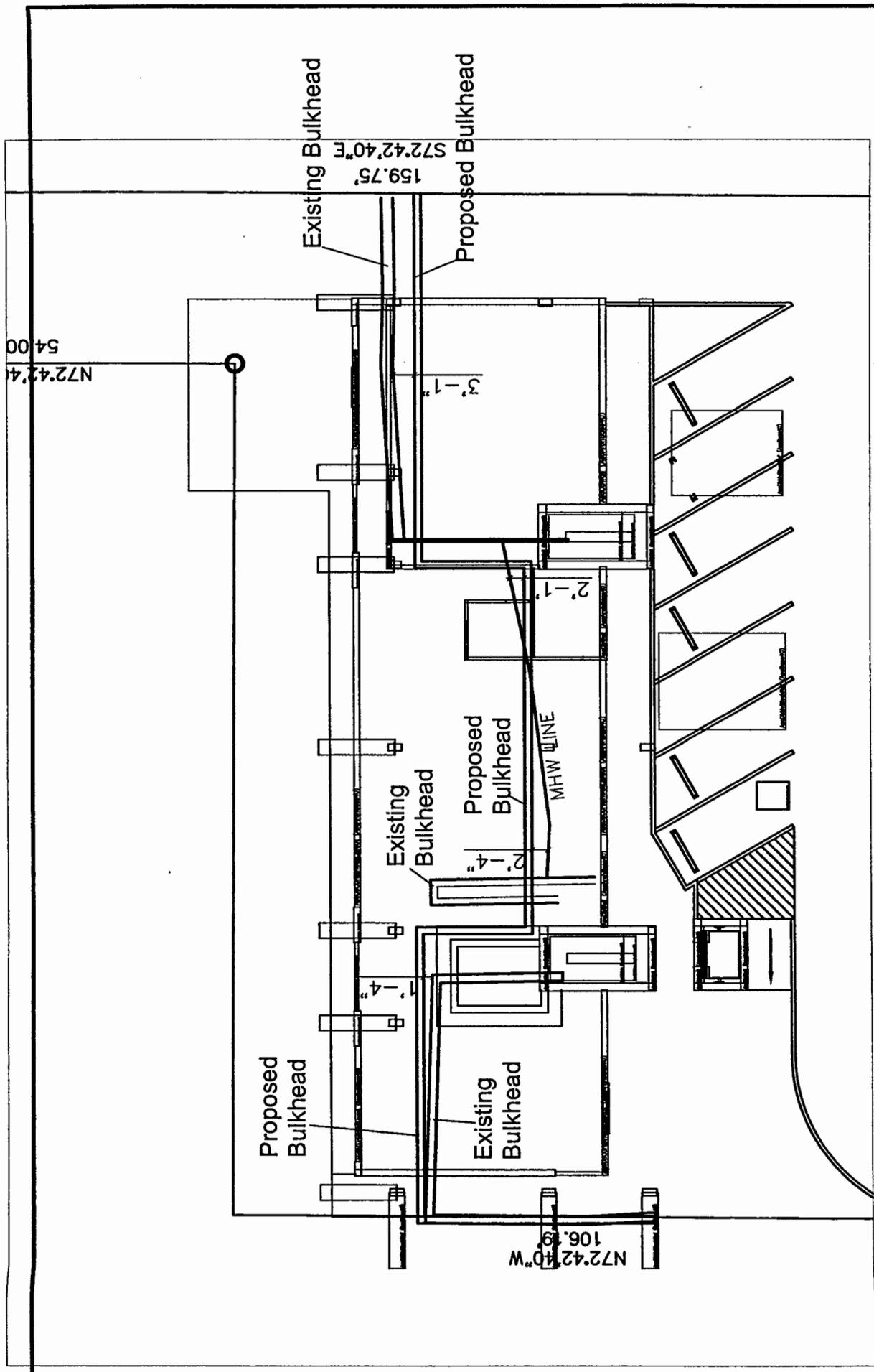
HARBOR VIEW REST. INC.
PIN 8818-006-027-000
D.B. 953, PG. 674

CANAL DRIVE
40' R/W (PUBLIC)

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Date: 8/31/2005 Sheet of

EXISTING CONDITIONS
SURVEY

Base survey by WK Dickson, Wilmington, NC
with some notes added by Land Management Group Inc.
LMG # 02-04-239



SCALE 1" = 20'

Proposed Bulkhead, approx. 217 ft. of concrete sheet pile. To be aligned no further than 5' waterward of the existing bulkhead/MHW. Majority of new bulkhead to be located landward of existing bulkhead.

PROPOSED BULKHEAD

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Applicant: Harbor View Restaurant Inc.

Location: Myrtle Grove Sound, Carolina Beach, New Hanover County

Date: 9/7/2005

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