



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 21, 2005
Comment Deadline: November 21, 2005
Corps Action ID #: 200501281

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: Bobby L. Norton
2401 Leonard Road SW
Supply, North Carolina 28462

AGENT: Michael A. Norton
1916 Camelot Drive
Ocean Isle Beach, North Carolina 28469

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 in the salt marsh near the end NCSR 1123, adjacent to Varnamtown, within the waters of the Lockwoods Folly River, Brunswick County, North Carolina. Latitude 33-56-50 and Longitude 78-13-25.

Existing Site Conditions

The project site is located in the salt marsh, on the east side of Lockwoods Folly River, adjacent to Varnamtown. The site is located on a 100' x 100' parcel of land that consists primarily of regularly flooded Smooth Cord grass Marsh (*Spartina alterniflora*) along the river's edge in a band approximately 20-30 feet in width, transitioning to primarily Black Needle rush (*Juncus roemerianus*) along the northeast side of the parcel. Existing structures on the property consist of debris and the remnants of a pre-existing fish camp/shack and dock structure. The Lockwoods Folly River is approximately 200 feet wide with a 100' wide Federal Navigation Channel at this location. The waters of the

Lockwoods Folly River are classified "SA" by the North Carolina Division of Water Quality. The area is designated as a Primary Nursery Area by the North Carolina Division of Marine Fisheries and is closed to the harvesting of shellfish.

Applicant's Stated Purpose

The purpose of the proposed project is to replace the pre-existing fishing camp/shack and dock structure and use it for recreational purposes along with using it to store commercial and recreational fishing equipment and supplies.

Project Description

The applicant states that the property was purchased from Mr. Malcolm "Mac" and Francis Galloway over forty years ago. He also states that efforts to locate descriptive title documentation beyond a *Property Datasheet*, and Brunswick County map records of Parcel No. 21700101 were unsuccessful. The applicant also contacted Mr. Brian Cheshire with the NC Attorney Generals Office to research possible submerged lands claims for the property. No submerged land claim information was located and the property remains in State ownership.

The applicant proposes to replace the pre-existing fishing camp/shack and dock structure. The proposed structure would measure 14' in width by 16' in depth. The structure would be located near the center of the parcel, on the river (southwest) side. The structure would have a 4' wide covered "stoop" on the southwest side. The structure would be constructed on 6'x 6' pilings imbedded to a depth of 8' below the substrate. The structure (lowest horizontal member) would be elevated approximately 8' above Mean Low Water and approximately 4.5 feet above Mean High Water and the marsh substrate. The applicant states the wall and roof sections would be pre-constructed off site and transported to the site for final assembly. The structure would have a finished enclosed floor area of 224 sq. ft. The elevated pier and dock would extend from the porch. The pier would be 4 feet in width by approximately 24 feet in length. On the waterward end of the pier the applicant is proposing a 4 feet wide by 12 feet long dock. The structure would terminate approximately 35 feet from the near bottom edge of the Federal Channel. Water depths at the waterward end of the dock would be approximately -15 inches at Mean Low Water. 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), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by November 14, 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 during the construction of the structures, erosion and sedimentation issues 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 21, 2005. Comments should be submitted to Henry Wicker, Project Manager for this project.

78°13'34"W

78°13'26"W

78°13'19"W



US Army Corps
of Engineers
Wilmington District

33°56'53"N

33°56'53"N

33°56'46"N

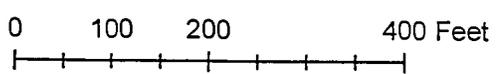
33°56'46"N

Lockwoods Folly River

Photography Date: March 2004

 34 ft. Setback

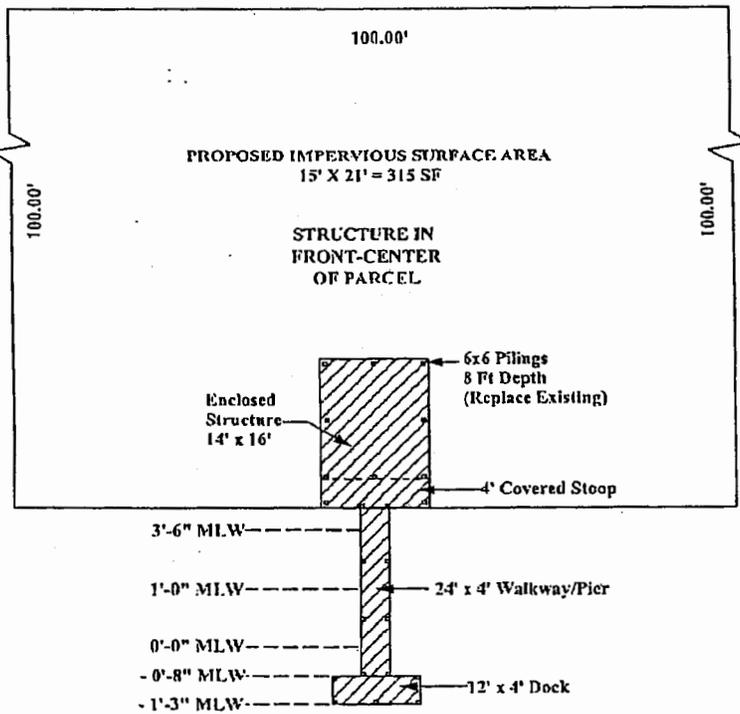
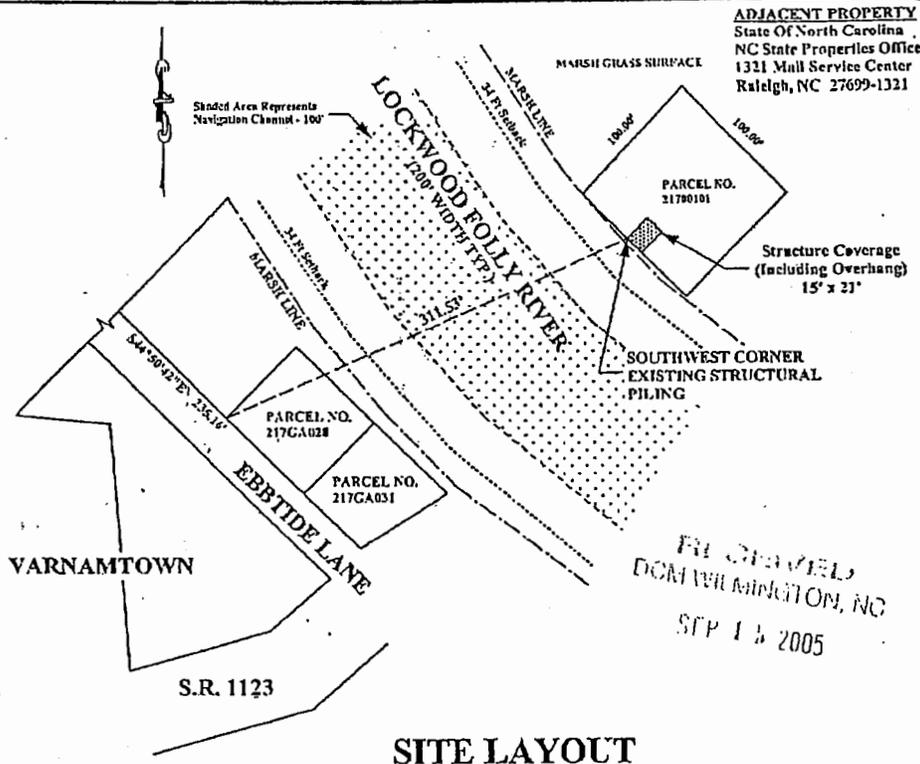
 Navigation Channel



78°13'34"W

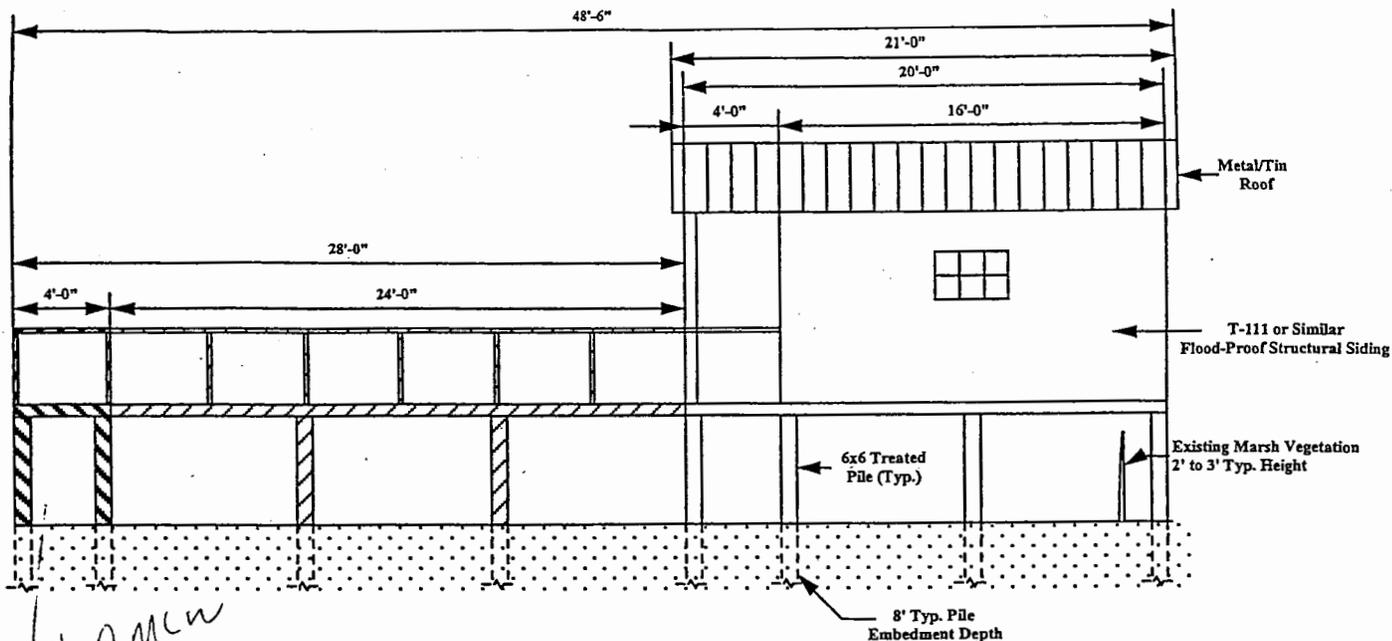
78°13'26"W

78°13'19"W

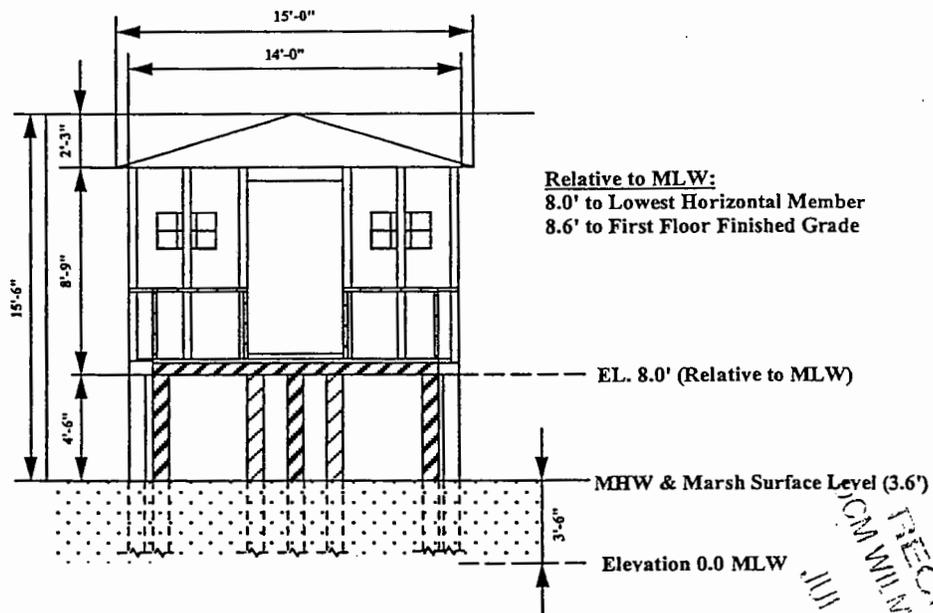


STRUCTURE LAYOUT
1" = 20'

LOCKWOOD FOLLY STRUCTURE RENOVATION
 APPLICANT: BOBBY L. NORTON
 PARCEL NO. 21700101, BRUNSWICK COUNTY, NC
 SCALE: AS SHOWN
 DATE: 02-17-05 Rev. 09-13-05
 DRAWN BY: MICHAEL NORTON



RIGHT SIDE ELEVATION



FRONT ELEVATION

LOCKWOOD FOLLY STRUCTURE RENOVATION
 APPLICANT: BOBBY L. NORTON
 PARCEL NO. 21700101, BRUNSWICK COUNTY, NC
 SCALE: 1/8" (1" = 8')
 DATE: 02-17-05
 DRAWN BY: MICHAEL NORTON
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