



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 7/26/2005
Comment Deadline: 8/26/2005
Corps Action ID #: 200511654

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: *Mr. Mitchell Brydger
Brydger & Lee Incorporated
1210 Broad Creek Road
New Bern, North Carolina 28560*

AGENT (if applicable): *Land Management Group, Incorporated
C/o Ms. Amy Luddy
Post Office Box 2522
Wilmington, North Carolina 28402*

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 (33 U.S.C. 1344).

Location

Project is located at 2109 South Glenburnie Road (NCSR 1309) in the City of New Bern, Craven County, North Carolina. The project area evaluated contains 2.43 acres and is immediately north of the South Market Square Shopping Center.

Existing Site Conditions

The 2.43-acre site is currently undeveloped and is zoned C-3 commercial. It contains 1.02 acres of jurisdictional wetlands. Surrounding land use consists of commercial properties.

Applicant's Stated Purpose

The purpose and need of the proposed project is to create an extension of the South Market Square commercial facility to serve the local population.

Project Description

The project involves the filling and grading of 1.02 acres of Section 404 jurisdictional wetlands to facilitate the construction of a 17,600 square foot commercial facility and ninety-one parking spaces. The proposed facility will expand an existing commercial property known as South Market Square.

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 August 26, 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 will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

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 pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

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

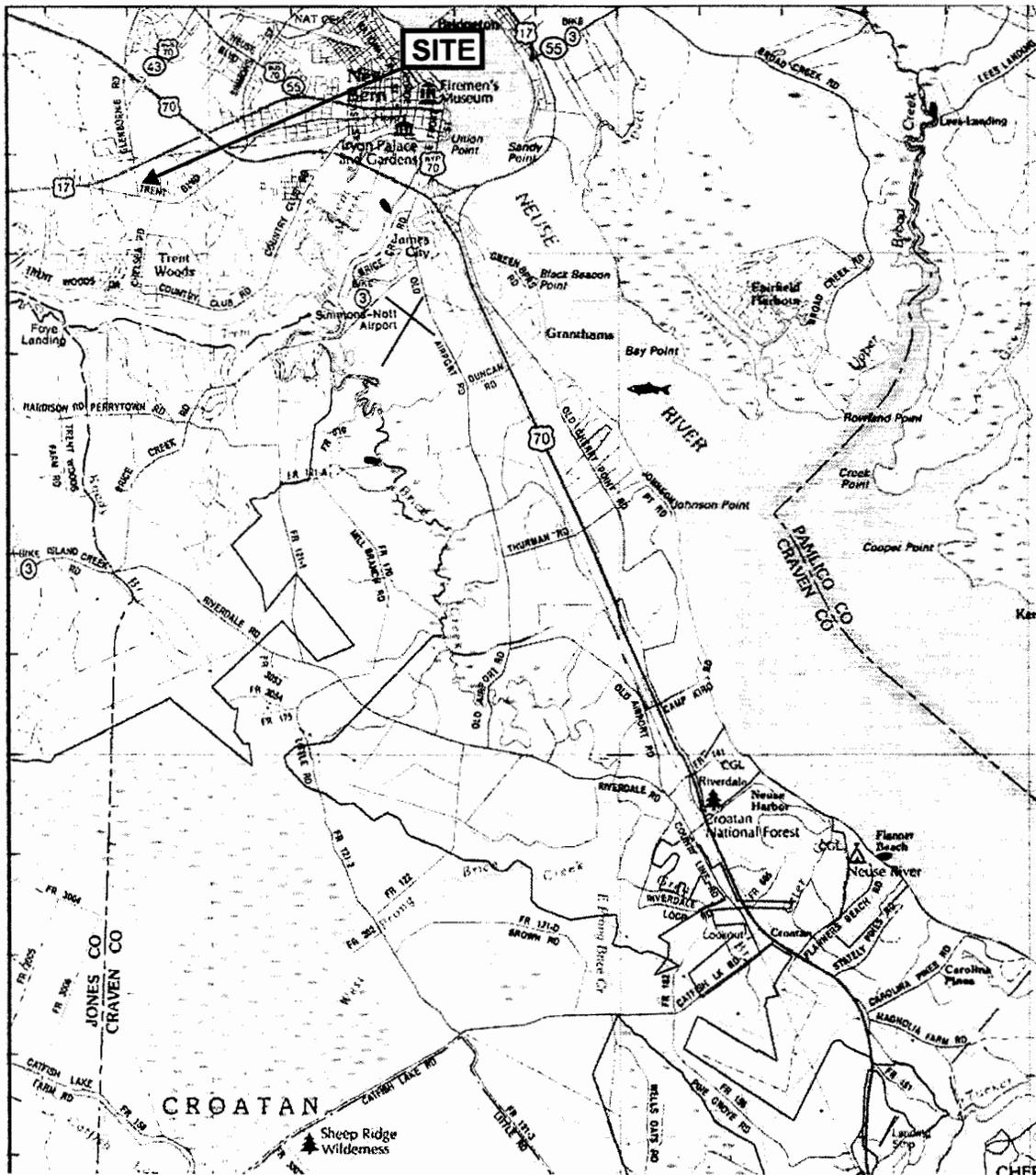
the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; 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, August 26, 2005. Comments should be submitted to Mr. Scott Jones at Post Office Box 1000, Washington, North Carolina 27889.



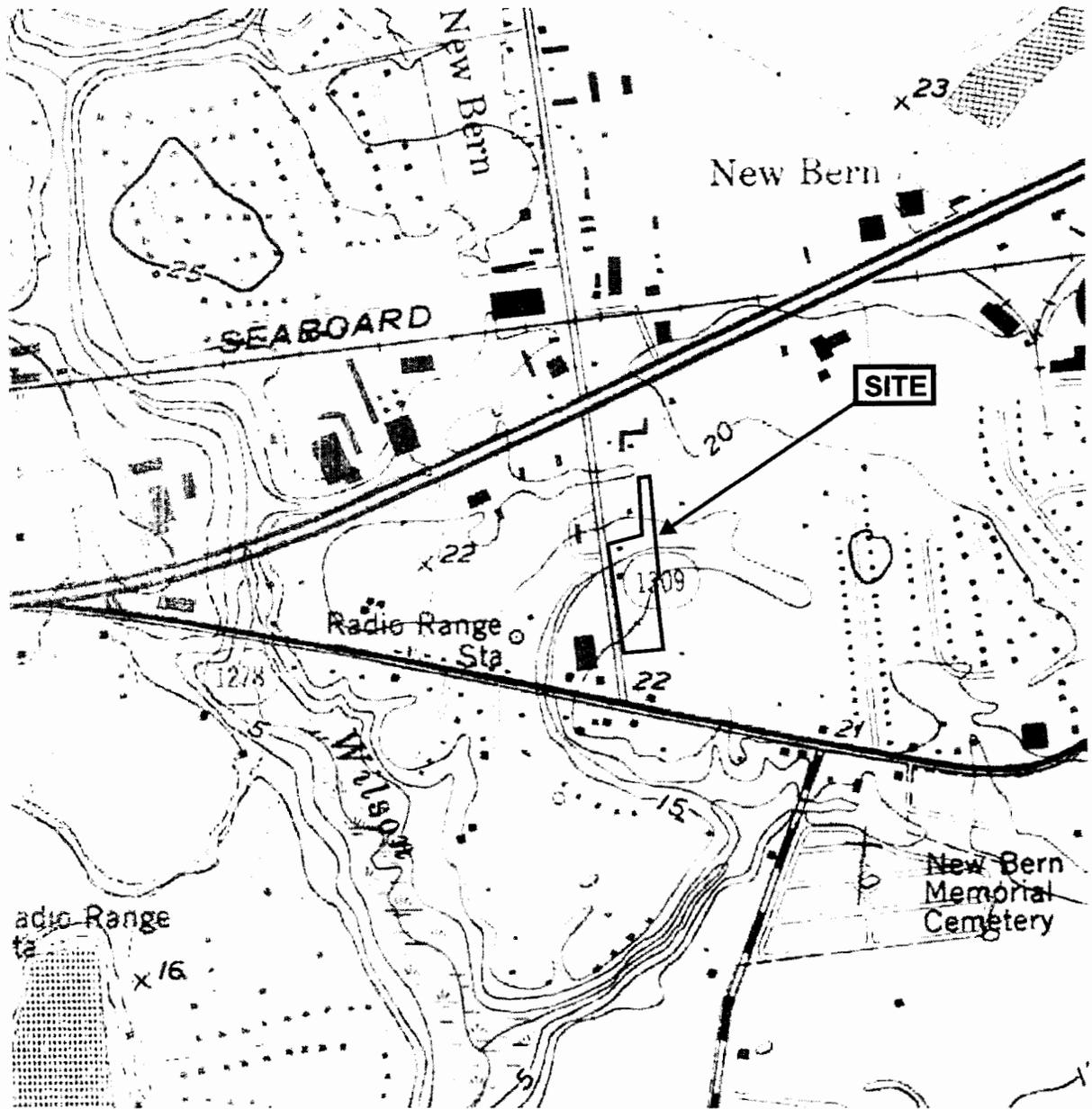
SCALE 1" = 2 Miles

Map Source: DeLorme: North Carolina Atlas and Gazetteer., 2000 p. 78

Figure 1
Site Location Map

Land Management Group, Inc.
Environmental Consultants
Wilmington, N.C.
March 2005

Glenburnie Road Tract
Craven County, NC



*SITE BOUNDARY LINES ARE APPROXIMATE AND ARE NOT MEANT TO BE ABSOLUTE.



SCALE 1" = 1000'

Map Source: New Bern (1983), N.C., USGS 7.5' Topographic quadrangle.

Figure 2
1983 Topographic Quad

Land Management Group, Inc.
Environmental Consultants
Wilmington, N.C.
March 2005

Glenburnie Road Tract
Craven County, NC

01-04-258



*SITE BOUNDARY LINES ARE APPROXIMATE AND ARE NOT MEANT TO BE ABSOLUTE.



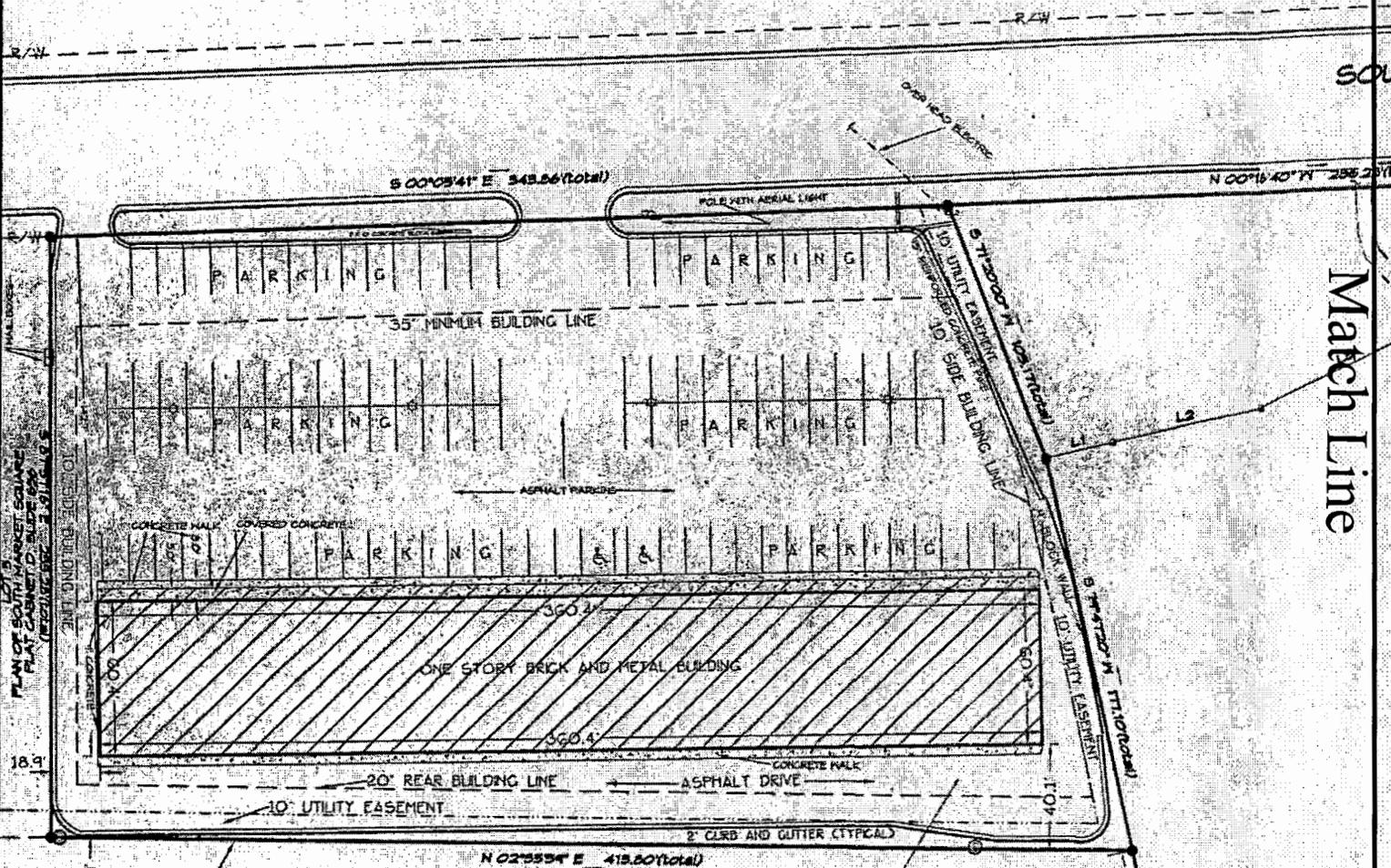
SCALE 1" = 600'

Figure 3
1998 GIS Color Aerial
w/ Soils Overlay

Land Management Group, Inc.
Environmental Consultants
Wilmington, N.C.
March 2005

Glenburnie Road Tract
Craven County, NC

- NOTES:
01. AREA BY COORDINATES
 02. SURVEY PRECISION = 1:10,000
 03. THIS SURVEY IS OF AN EXISTING PARCELS OF LAND & DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET
 04. PROPOSED UNDERGROUND ELECTRIC, TELEPHONE UTILITIES TO BUILDING
 05. FLOOD REPORT:
THIS PROPERTY SCHEDULED IN ZONE X & SHARED R PER FLOOD INSURANCE RATE MAP NUMBER 300548500 A EFFECTIVE DATE: JULY 02, 2004. THIS PROPERTY ON 1/2" SCALE IN THE 100-YEAR FLOOD WHERE BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS HAVE BEEN DETERMINED. THIS REPORT IN NO WAY SUPERSEDES THE ABOVE REFERENCED FIRM.
 06. WATER & SEWER SERVICE BY CITY OF NEW BERK.
 07. PROPERTY ADDRESS: 2109 S. GLENBURNE ROAD.
 08. PROPERTY ZONED C-3
 09. TOTAL SITE AREA = 92,854 +/- sq. ft. 2.13 +/- acres
 10. TOTAL AREA TO BE DISTURBED = 68,000 SQUARE FEET
 11. TOTAL AREA DEDICATED TO OPEN SPACE = 23 +/-
 12. TOTAL PROPOSED BUILDING AREA = 17,000 SQUARE FEET.
 13. TYPE A, B AND C SCREENING TO MEET THE CITY OF NEW BERK SPECIFICATIONS.
 14. PARKING LOT TO BE ASPHALT & CURB & GUTTER.
 15. TOTAL MAXIMUM SIGN AGE IS 75 SQUARE FEET. MAXIMUM ALLOWED FOR FREESTANDING SIGN IS 50 SQUARE FEET.
 16. PROPOSED WATER & SEWER LINES TO BE INSTALLED TO MEET CITY OF NEW BERK STANDARDS.
 17. ELEVATIONS SHOWN BASED ON 10' DATUM.
 18. TRASH DUMPSTER PAD REQUIRED, ALONG WITH NECESSARY SCREENING.



PLAN OF SOUTH MARKET SQUARE PLAT CABINET D, SLIDE 600 (REVISED DEC 2, 2011)

Match Line

N 02°55'41" E 418.50'(total)

NON OR FORMERLY
COMMERCE PARK
PLAT CABINET D, SLIDE 468
ZACHERY TAYLOR
DEED BOOK 1038, PAGE 414

TOTAL TRACT
AREA BY COORDINATES
92,854 +/- sq. ft.
2.13 +/- acres
PRECISION = 1:10,000

EXISTING SANITARY SEWER.



Figure 4

DEED BOOK 0188, PAGE 041

