US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: August 24, 2006
Comment Deadline: September 25, 2006
Corps Action ID #: SAW 2006-32986-010

The Wilmington District, Corps of Engineers (Corps) has received an application from the **Sunset Station, LLC seeking Department of the Army authorization to discharge fill material into 299 linear feet of an unnamed tributary to the Atlantic Intracoastal Waterway and into 18 square feet of an impoundment (open water) of that tributary, associated with the proposed Shoreline at Sunset Beach residential development.** The project area is located along the eastside of Sunset Boulevard, south of Station Trail, in Sunset Beach, Brunswick County, North Carolina.

This Public Notice includes specific plans and location description. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Sunset Station, LLC
Attn: Mr. John Lomax
Kress Building, 212 South Elm Street
Greensboro, North Carolina 27401

Agent: Trigon Engineering Consultants, Inc.
Attn: Christopher W. Hay
313 Gallimore Dairy Road
Greensboro, North Carolina 27409

Authority

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

Location

The 5.8 acre project area is located along the eastside of Sunset Boulevard, south of Station Trail, in Sunset Beach, Brunswick County, North Carolina. Latitude 33.8861 North and Longitude 78.5104 West.

Existing Site Conditions

The project site is a vacant parcel of land that appears to be periodically mowed or bush-hogged. The soils at the project site are classified as Leon fine sand (poorly drained) and Pactolus fine sand (moderately well drained and somewhat poorly drained). The adjoining properties consist of a mix of residential development and commercial properties. The project site contains a jurisdictional feature, an unnamed tributary (stream channel) to the Atlantic Intracoastal Waterway (ICW). The stream flows for approximately 330 linear feet north to south across the north-central portion of the property and into an impoundment (locally known as Long Creek Pond) along the eastern property boundary, and then into the ICW. Dominate plants occurring at the site include live oak (Quercus virginiana), southern red oak (Quercus falcate), loblolly pine (Pinus taeda), green ash (Fraxinus pennsylvanica), yellow poplar (Liriodendron tulipifera), winged sumac (Rhus copallinum), wax myrtle (Myrica cerifera), dog fennel (Eupatorium capillifolium), trumpet creeper (Campsis radicans) and arrow arum (Peltandra virginica). Approximately one-half of the project site is located within the 100-year Floodplain, according to the North Carolina Floodplain Mapping Program.

Applicant's Stated Purpose

The purpose of the proposed project is to construct a residential development in the Town of Sunset Beach.

Project Description

Sunset Station, LLC proposes to construct four condominium buildings, a swimming pool, parking areas and entranceways, and stormwater management facilities. They propose to discharge 200 cubic yards of fill material into 299 linear feet of stream channel and rerouting the stream baseflow into a culvert system. They also propose to fill 18 square feet of open water along the Long Creek Pond edge. No mitigation proposal has been submitted. Project plans are included with this Notice.

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 September 18, 2006.

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. However, this project may affect the Rain lily (*Zephyranthes simpsonii*), a Federal Species of Concern.

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, September 25, 2006. Comments should be submitted to Jennifer S. Frye, Post Office Box 1890, Wilmington, North Carolina, 28402-1890, telephone (910) 251-4923.

BLOCK 18

Project Narrative:

Project Description

Construction of 4 - 3 story privately owned condominiums with associated parking, pool and drainage structures.

Area of existing tract: 5.82 ac.

Disturbed area: 5.91 ac. (Includes right of way and drainage improvements for driveways.)

Site Description

The site is currently undeveloped with an average slope of 7%. The majority of the site drains to the east and to existing Long Creek Pond on the adjoining property. The existing vegetation consists of poorly maintained, grassed yard area with a few trees and brush scattered throughout the property and heavy brush located around the edges of the property along Long Creek Pond. This site receives off-site drainage from the north through an existing 12" pipe that discharges to an existing stream and drains into Long Creek Pond.

Adjacent Property

To the east, Long Creek Pond separates the property from a single family residential development. On the northeast property line the site adjoins a home owner's association office. The north, south and west property lines are right of way for public roads and NC-179 respectively. The surrounding area is mainly residential with some small business, recreational and municipal uses.

Soils

The soil on this site is mainly leon fine sand and pactolus fine sand. Topsoil is expected to be 4" or less with deeper concentrations in low areas. Average slope of site does not meet the profile for either soil due to the proximity to the stream and Long Creek Pond.

Erosion Control Measures

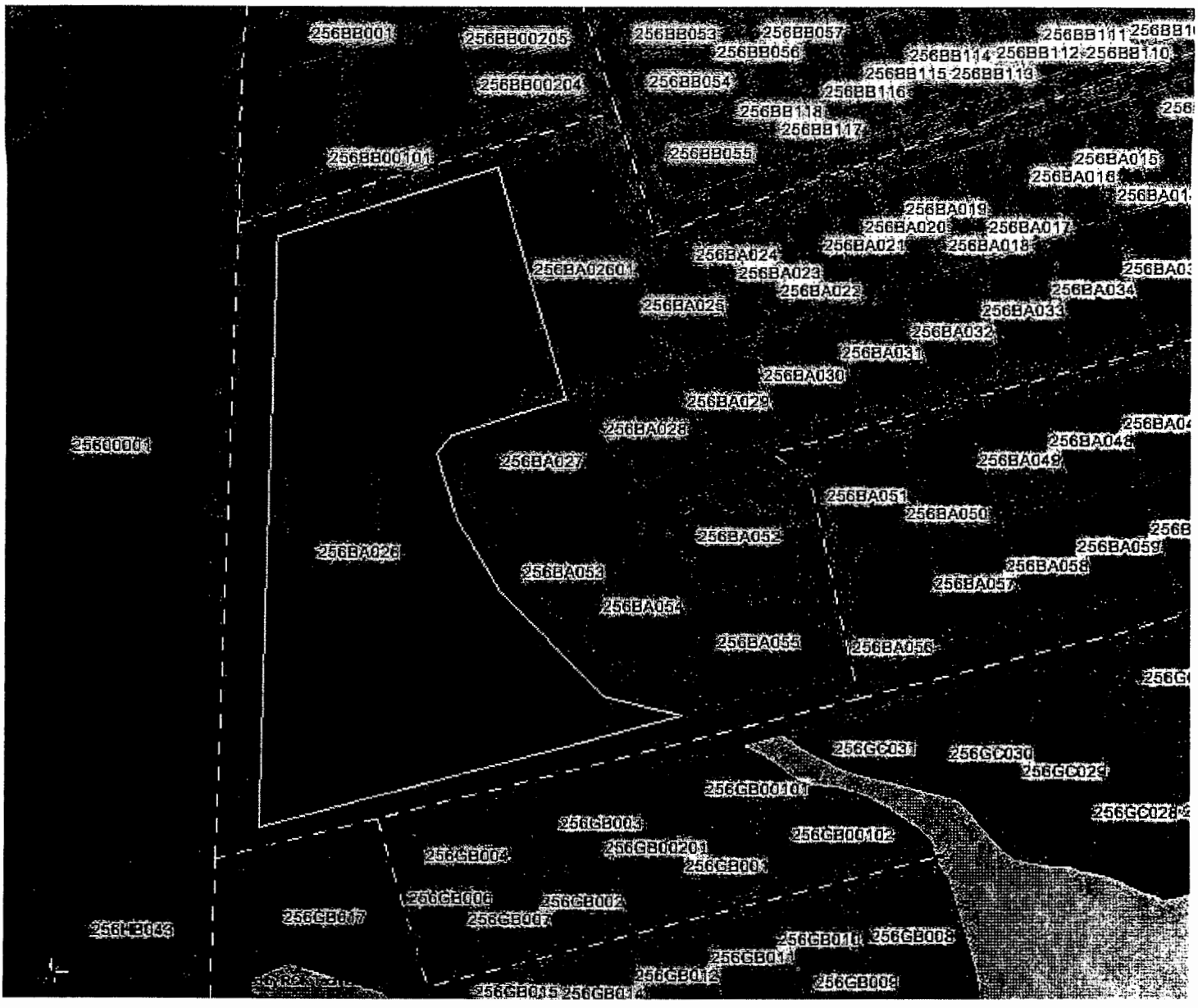
Erosion control measures on this site include a combination of sediment traps with temporary diversion berms, silt fence with silt fence outlets and two temporary construction entrances. In the initial phase of erosion control and construction, off-site drainage is routed around the site to facilitate the construction of measures on site without having to size those measures for the off-site drainage areas. In the second phase of erosion control and construction, the site is protected around the perimeter with a combination of sediment traps and sediment basins. Flow is directed to these by the use of diversion berms. Silt fence protects areas where drainage areas are small or the installation of a sediment trap or basin would interfere with the infiltration trench on the southwest side of the property. Silt fence outlets with excavated storage are used along silt fence in low areas to relieve pressure and trap sediment while preventing silt fence from being overtopped or washed out. Where existing underground utilities prevent excavation of storage, silt fence outlets are used without the storage pit. the third phase of the erosion control plan is only to be used once the site is near completion of development and devices must be removed to allow for the completion of drive and parking areas. At this point in time the majority of the storm drainage shall be in place and inlet protection will be in place to filter sediment out before entering the storm drainage system. Silt fence and silt fence outlets will provide additional protection for areas where devices are removed.

Storm Water Management

To meet State and local storm water quality requirements and local peak flow reduction requirements, an underground storage and infiltration system has been designed for this site. The system consists of a reinforced concrete box containing an overflow weir to distribute flow to the system and allow storms with higher than design peak flows to discharge to the existing stream and an underground, open bottom, PVC detention system encased in washed stone and filter fabric to store design peak flows and provide infiltration to the well drained soils of the site.

Water and Sewer Service

Water service will be provided to the site from the Town of Sunset Beach and Brunswick County by means of an existing 12" waterline in the right of way of NC-179. Sewer service will be provided by Brunswick County with the installation of an 8" sanitary sewer line across the frontage of the site along NC-179 and Shore Line Drive and a sanitary sewer pump station adjoining the site. Design and construction of the sanitary sewer improvements will be by others. This site does not contain any existing water supply wells or sanitary septic systems and no new water supply wells or sanitary septic systems will be constructed as part of this project.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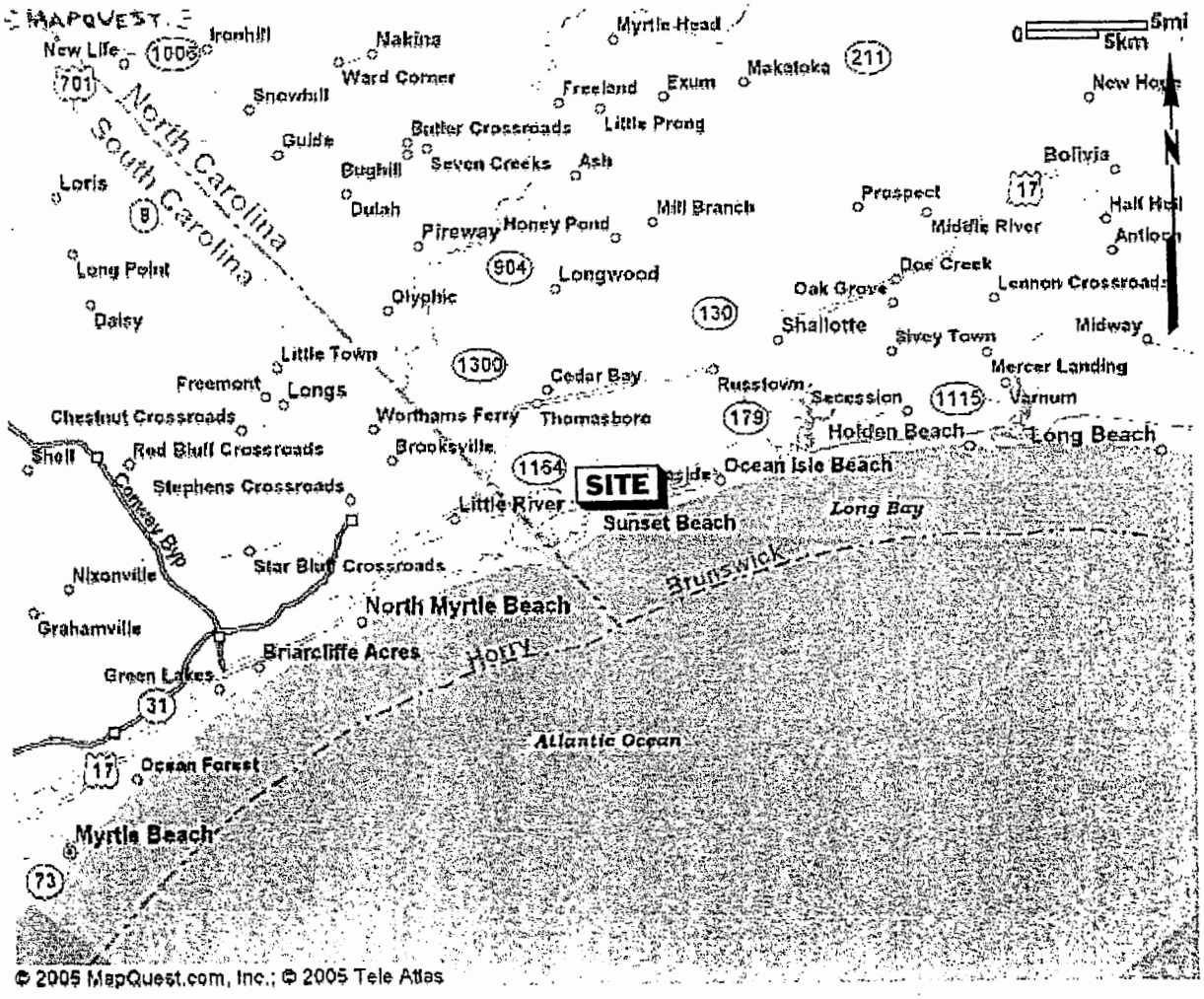


SCALE: As Shown	DATE: 11/2/05	APPROVED BY:	SOURCE: MapQuest

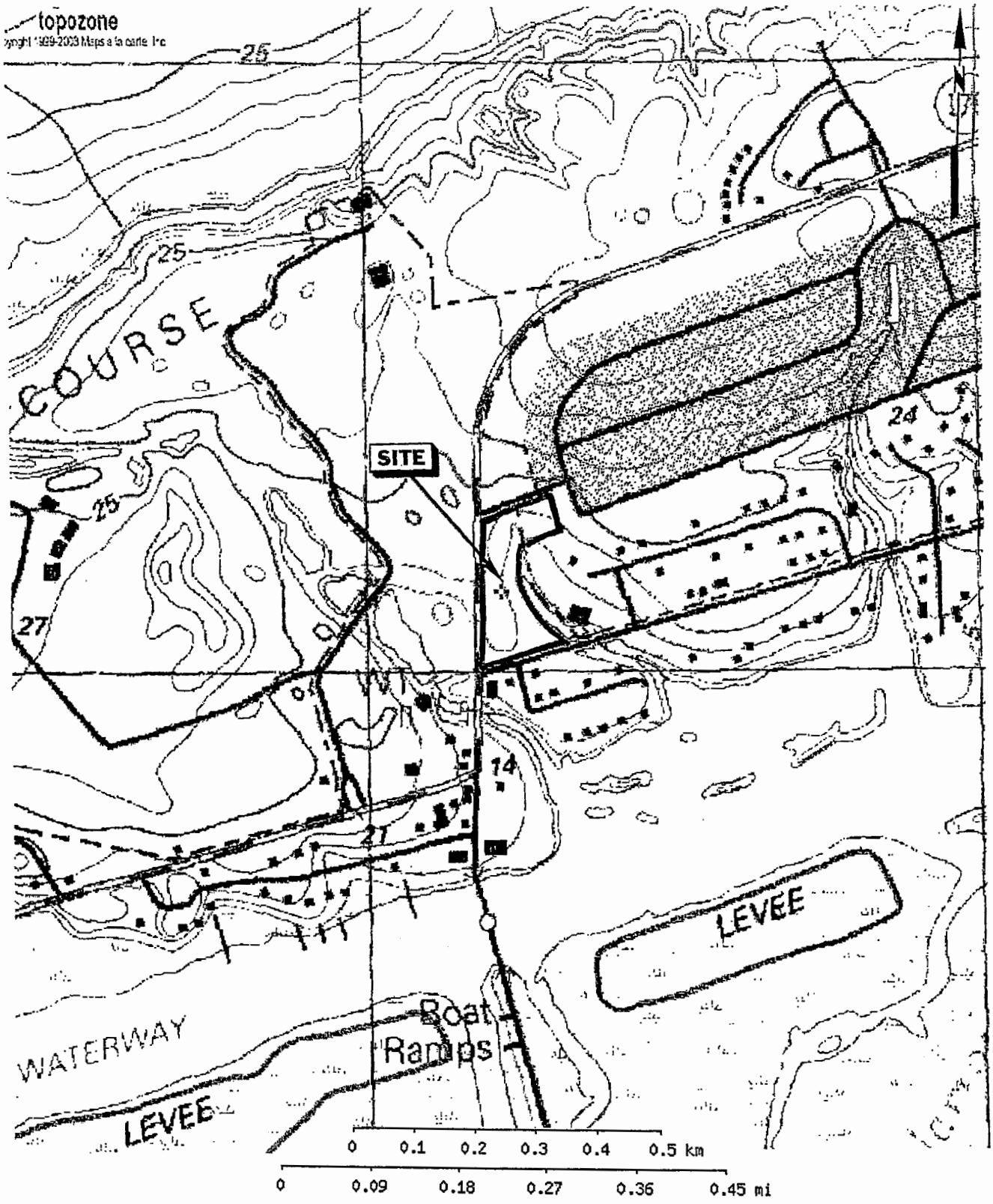
Proposed Sunset Beach Condos
Sunset Boulevard North and East Shore Line Drive
Sunset Beach, North Carolina
Trigon Project No. 042-05-184

TRIGON

Trigon Engineering Consultants, Inc.
313 Gallimore Dairy Road
Greensboro, North Carolina 27409

Regional Vicinity Map

FIGURE 1



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As Shown	11/2/05		www.topozone.com

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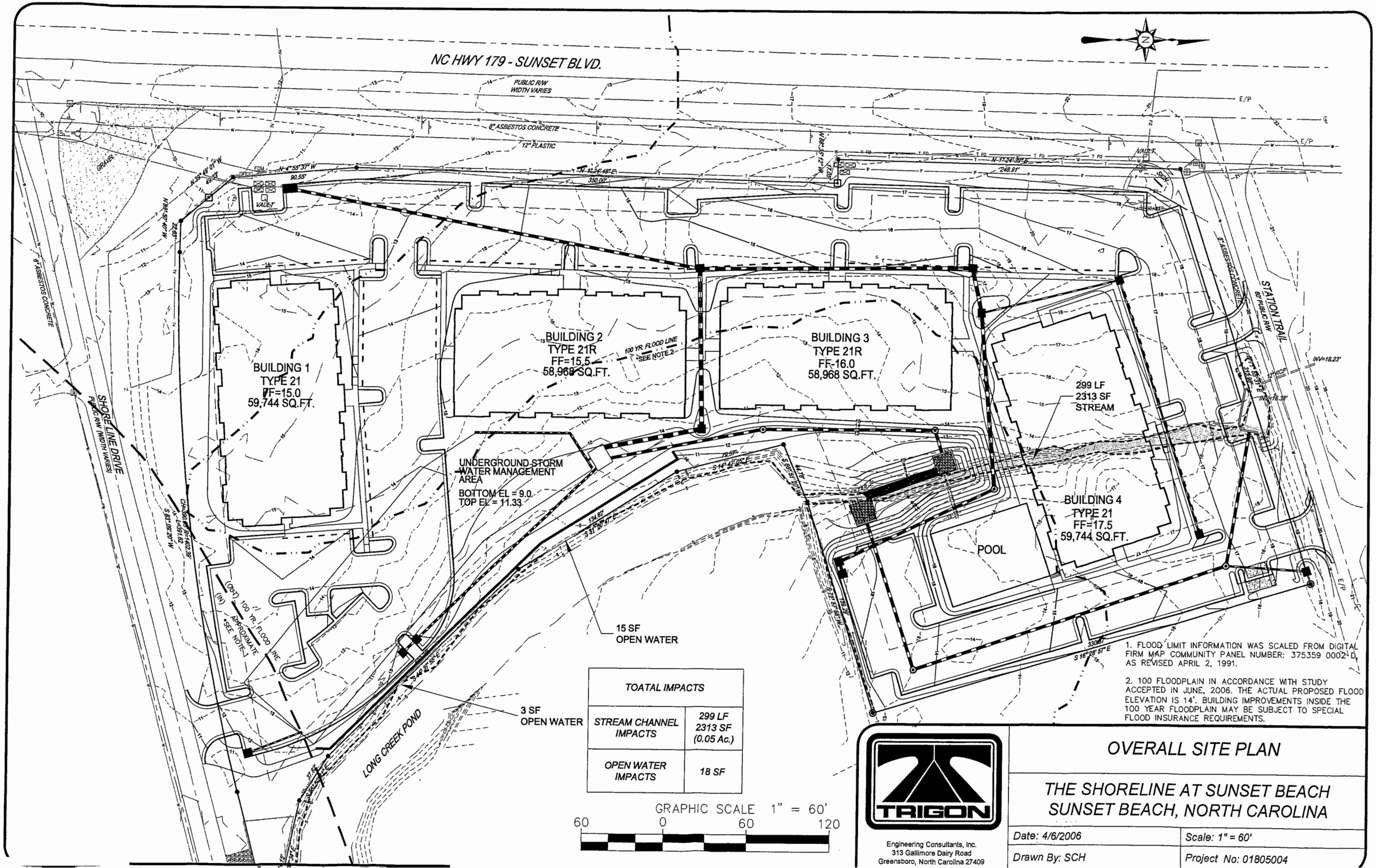
1992 USGS Topographic Map
Calabash Quadrangle

FIGURE 6



TOATAL IMPACTS	
STREAM CHANNEL IMPACTS	299 LF 2313 SF (0.05 Ac.)
OPEN WATER IMPACTS	18 SF

1. FLOOD LIMIT INFORMATION WAS SCALED FROM DIGITAL FIRM MAP COMMUNITY PANEL NUMBER: 375359 0002 D, AS REVISED APRIL 2, 1991.

2. 100 FLOODPLAIN IN ACCORDANCE WITH STUDY ACCEPTED IN JUNE, 2006. THE ACTUAL PROPOSED FLOOD ELEVATION IS 14'. BUILDING IMPROVEMENTS INSIDE THE 100 YEAR FLOODPLAIN MAY BE SUBJECT TO SPECIAL FLOOD INSURANCE REQUIREMENTS.

TRIGON

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OVERALL SITE PLAN

THE SHORELINE AT SUNSET BEACH
SUNSET BEACH, NORTH CAROLINA

Date: 4/6/2006	Scale: 1" = 60'
Drawn By: SCH	Project No: 01805004