



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: December 12, 2006  
Comment Deadline: January 15, 2007  
ORM ID SAW- 2006-41365-128

The Wilmington District, Corps of Engineers (Corps) received an application from the Dare County Planning Department requesting authorization to fill approximately 1.66 acres of Department of the Army (DA) jurisdictional wetlands for the purpose of construction of a waste water collection and treatment plant located on the northeastern corner of U.S. Highway 264 and North Carolina State Road 1100 (Bayview Drive), adjacent to Stumpy Point Bay, in Stumpy Point, Dare County, North Carolina.

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:** Dare County Planning Department  
Attention: Steve Shriver  
211 Budleigh Street  
Manteo, North Carolina 27954

**Consultant:** Gary D. Hartong, P.E.  
The Wooten Company  
120 North Boylan Avenue  
Raleigh, North Carolina 27603-1423

**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 (33 U.S.C. 1344).

**Location**

The project site is located on the northeastern corner of the intersection of U.S. Highway 264 and North Carolina State Road 1100 (Bayview Drive), adjacent to Stumpy Point Bay, in Stumpy Point, Dare County, North Carolina.

## **Existing Site Conditions**

The project site is a wet Pine Flat comprised entirely of DA jurisdictional wetlands. The predominant tree layer consists of Loblolly Pine (*Pinus taeda*), Yaupon (*Ilex vomitoria*), and Redbay (*Persea palustris*). Understory vegetation consists of Waxmyrtle (*Morella cerifera*), Black willow (*Salix nigra*), Common greenbriar (*Smilax bona-nox*), Cattail (*Typhus spp.*), Poison ivy (*Toxicodendron radicans*), and Sawgrass (*Caladium jamaicense*). Soils in the project area are identified as Belhaven Muck.

## **Applicant's Stated Purpose**

The applicant's stated purpose of the project is to construct a central wastewater collection and treatment system to eliminate discharge of raw, untreated residential sewage into a canal directly connected to Stumpy Point Bay.

## **Project Description**

The proposed project involves the construction a 50,000 gallon per day (gpd) wastewater collection and treatment plant to service 132 developed lots with capacity to service the remaining 66 undeveloped lots within the Stumpy Point community. Construction of the waste water treatment facility including access drive and parking area will create 0.43 acres of impervious surface and impact approximately 1.66 acres of DA jurisdictional wetlands. Approximately 3,725 cubic yards of fill material will be used to create the building pad.

## **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 combined with the appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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 January 8, 2007.

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 is not aware of the presence of 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 of Engineers 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 of Engineers 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 5 p.m., January 15, 2007. Comments should be submitted to Mr. Tom Steffens, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889-1000, telephone (252) 975-1616, extension 25.

Dare Co Stumpy Point WWTP  
SAW-2006-41365-148 IP  
N 35.708955  
W 75.767407

Stumpy Point

Full Gospel  
Tabernacle

1100

BM (E)

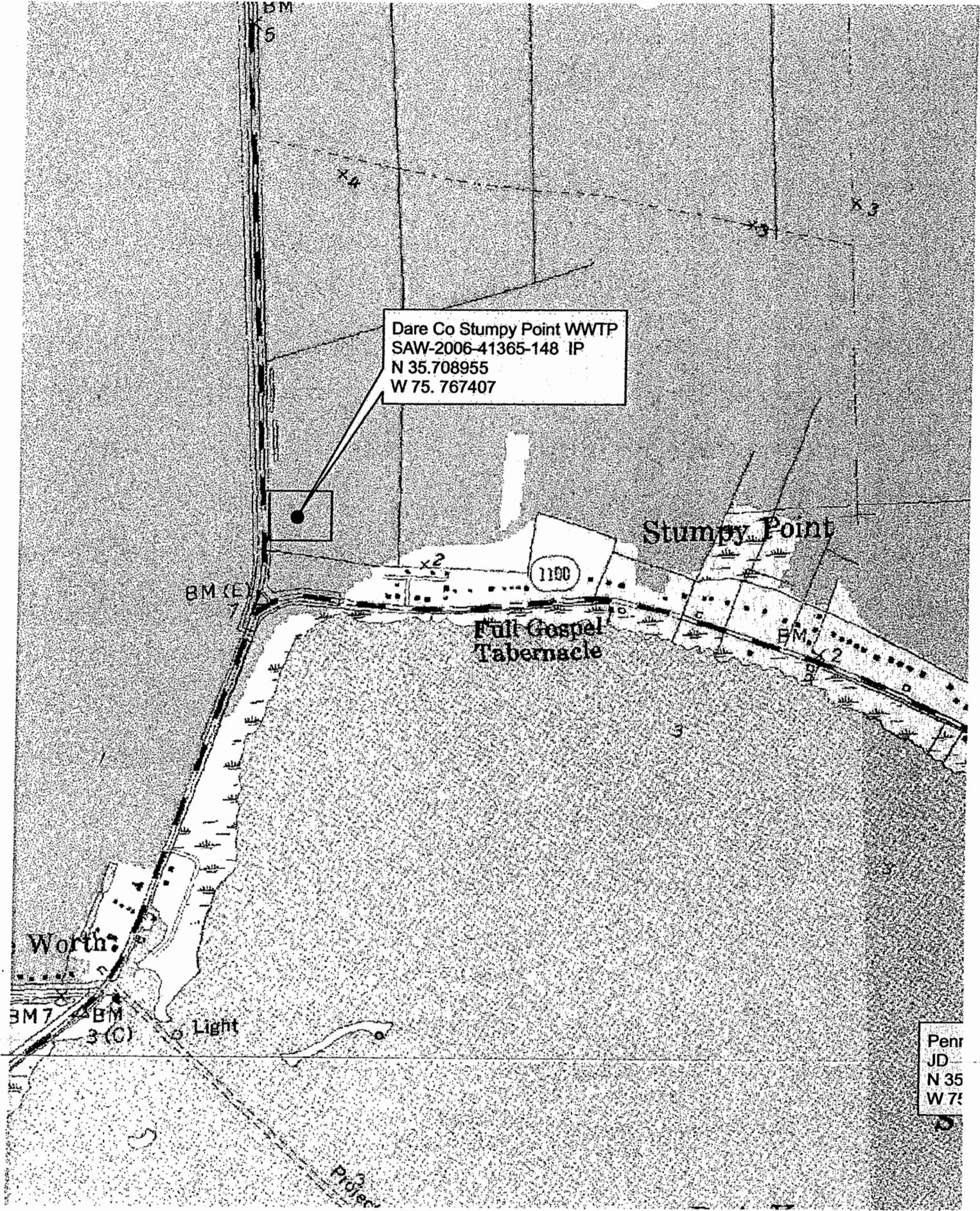
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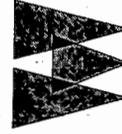


# SITE INFORMATION

DISTURBED AREA = 1.66 ACRES  
 IMPERVIOUS AREA = 0.43 ACRES  
 100 YEAR FLOOD ELEVATION = 5.00'  
 APPROX. FILL = 3725 CU YDS

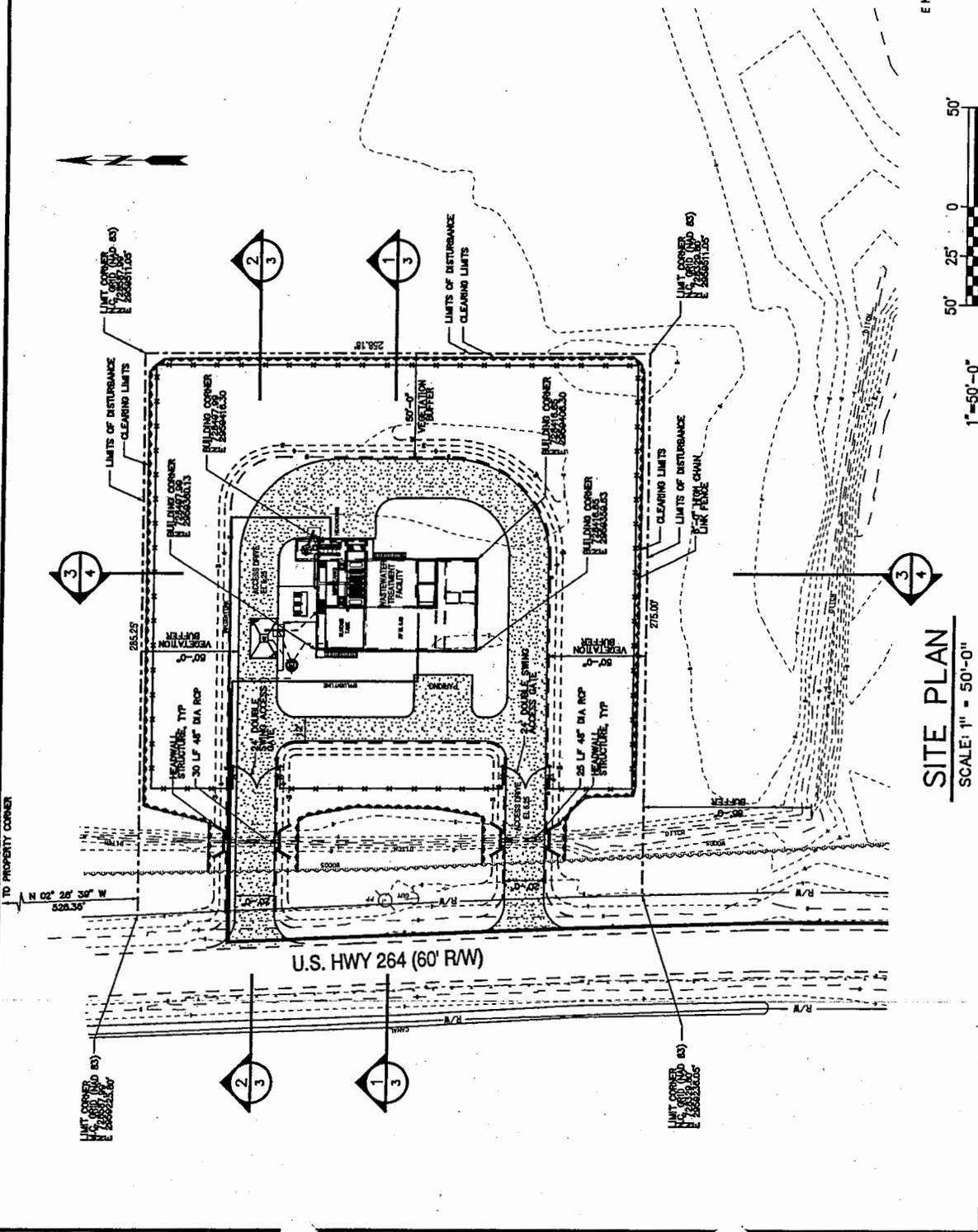
# SITE PLAN STUMPY POINT N.C.

# PROPOSED DARE COUNTY WASTEWATER TREATMENT FACILITY



**THE WOOTEN COMPANY**

ENGINEERING | PLANNING | ARCHITECTURE  
 120 North Boylan Avenue Raleigh, NC 27603-1423  
 919.828.0531 fax 919.834.3589

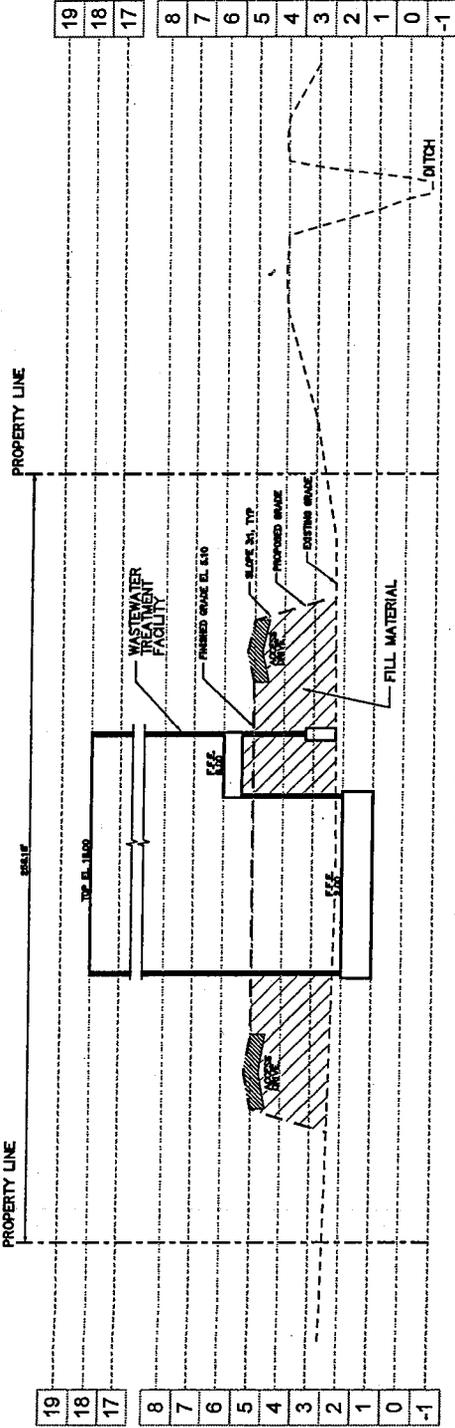


**SITE PLAN**  
 SCALE: 1" = 50'-0"



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DISTURBED AREA = 1.66 ACRES  
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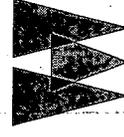


3  
1  
CROSS SECTION PROFILE  
 SCALE: HORIZONTAL = 1" = 40'-0"  
 VERTICAL = 1" = 4'-0"

## CROSS SECTION PROFILES

STUMPY POINT N.C.

PROPOSED  
 DARE COUNTY  
 WASTEWATER  
 TREATMENT  
 FACILITY



THE WOOTEN COMPANY

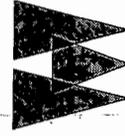
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1" = 40'-0"

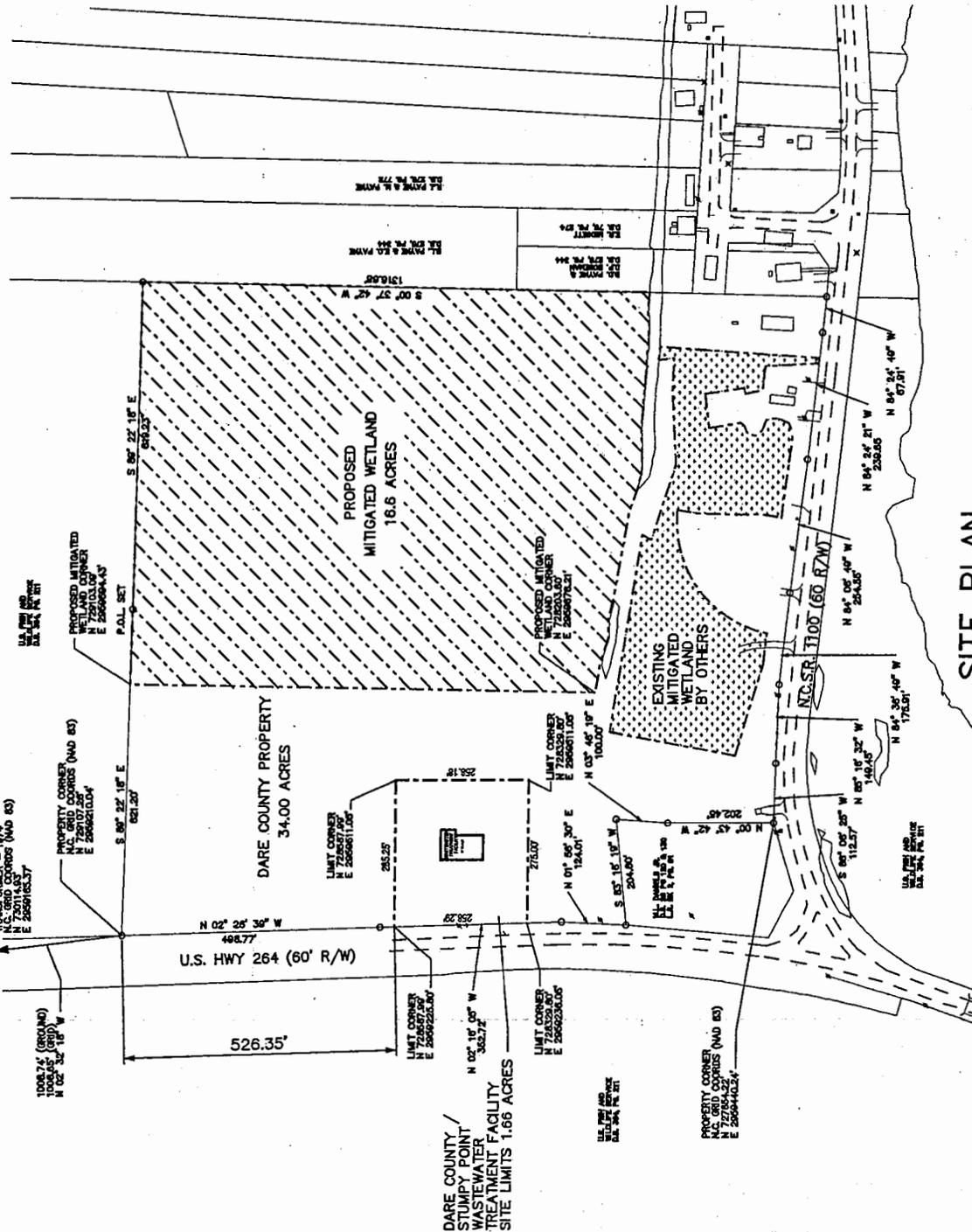
LOCATION PLAN  
STUMPY POINT N.C.

PROPOSED  
DARE COUNTY  
WASTEWATER  
TREATMENT  
FACILITY



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SITE PLAN

SCALE: 1" = 200'-0"



1" = 200'-0"