



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 14, 2007
Comment Deadline: December 14, 2007
Corps ORM ID: SAW-2007-02972-107

The Wilmington District, Corps of Engineers (Corps) has received an application from **Bridge Harbor, LLC** seeking Department of the Army authorization to impact 0.374 acres of jurisdictional wetlands associated with the re-development of an existing commercial property in Beaufort 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

Applicant: Bridge Harbor, LLC
Mr. Zane Buckman, Partner
416 Riverside Drive
Washington, North Carolina 27889

Agent: Jarvis Consulting, Inc.
Mr. Sam Jarvis
223 North Respress Sreet
Washington, North Carolina 27889

Authority

The Corps will evaluate this application and a decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The project location consists of a 5.89 acre parcel located on the east side of U.S. Highway 17 North at the Pamlico River Bridge adjacent to the Pamlico River south of the City of Washington in Beaufort County, North Carolina.

Existing Site Conditions

The site was previously utilized as an above ground fuel storage tank facility. Fuel from the tanks was loaded into trucks for distribution to consumers. The site was used in this

manner for approximately 60 years before abandonment in the mid 1990's. A map showing the location and magnitude of residual hydrocarbon contamination is attached to this notice. Initial development of the site for an oil distribution facility required substantial wetland fill. No records reporting oil contamination within adjacent surface waters or subsurface ground water were discovered.

To date, all storage tanks and buildings previously existing on the site have been removed. Concrete pads and foundations for these structures remain. The North Carolina Division of Waste Management – Brownsfield Program has accepted this site into their remediation program and has agreed to a plan that will result in the clean-up of the site as well as the future use of the site as a multi-family residential property. According to the Brownsfield Program, removal of the most contaminated material, replacement of this material with clean backfill, and capping to provide vertical separation between residual contamination and proposed facilities (e.g. parking area, garages, etc.) summarizes the preferred remediation plan.

The 5.89 acre tract includes 2.76 acres of jurisdictional wetlands. The site is bordered to the north and east by the Pamlico River and to the south and west by the Highway 17 causeway. Areas adjacent to the causeway include small, individual tracts of commercial development and large areas of bottomland hardwood swamp adjacent to and abutting the Pamlico River. The City of Washington waterfront exists on the opposite shoreline along the Pamlico River. The Pamlico River is classified SC NSW by the North Carolina Division of Water Quality. The SC designation is given to estuarine waters that are protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, and agriculture. Secondary recreation includes wading, boating, and other uses involving human body contact with water where such activities take place in an infrequent, unorganized, or incidental manner. This classification has no restrictions on watershed development or types of discharges. NSW refers to Nutrient Sensitive Waters, a classification intended for waters needing additional nutrient management due to their being subject to excessive growth of microscopic or macroscopic vegetation. In general, management strategies for point and non-point source pollution require control of nutrients (nitrogen and/or phosphorous usually) such that excessive growths of vegetation are reduced or prevented and there is no increase in nutrients over target levels. Management strategies are site specific. No specific restrictions on development are involved.

Undisturbed wetlands on the site located outside the project area consist of a broad fringe of bottomland hardwood swamp that abuts the Pamlico River. These wetlands support bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica - biflora*), sweet gum (*Liquidambar styraciflua*), and maple (*Acer rubrum*) within the floodplain of the river. Disturbed wetlands within the project area include ponded areas with sporadic herbaceous, wetland obligate species. According to the Beaufort County Soil Survey, uplands within the site are classified as Seabrook loamy sand. Wetlands within the site are shown as Dorovan mucky peat. The property is zoned commercial by the City of Washington. Three existing pier structures and bulkhead exist along a portion of the Pamlico River frontage.

Applicant's Stated Purpose

The applicant proposes to re-develop an existing waterfront, commercial property into multi-family dwelling units including all associated infrastructure in Beaufort County, North Carolina.

Project Description

The project consists of the remediation of contaminated areas within the site by removing the most contaminated material, replacing this material with clean backfill, and capping to provide vertical separation between residual contamination and proposed facilities (e.g. parking area, garages, etc.). Following clean-up, two 41-unit condominiums will be constructed along with associated parking, access drives, walkways, and utilities. Improvements at the Bridge harbor will consist of roadway grading and paving, the installation of water main and services, and the installation of stormwater and wastewater collection systems. The City of Washington will provide sewage capacity. No water dependent structures are proposed with this project.

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. 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 December 14, 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 5pm, December 14, 2007. Comments should be submitted to:

Mr. Scott Jones, Project Manger
U. S. Army Corps of Engineers – Wilmington District
Washington Regulatory Field Office
Post Office Box 1000
Washington, North Carolina 27889

Phone: (252) 975-1616, extension 27
FAX: (252) 975-1399

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JARVISCONSULTANTS

BRIDGE HARBOR, LLC
CITY OF WASHINGTON
BEAUFORT COUNTY, NORTH CAROLINA

LEGEND

1	EXISTING BUILDING
2	NEW BUILDING
3	EXISTING DRIVEWAY
4	NEW DRIVEWAY
5	EXISTING PAVEMENT
6	NEW PAVEMENT
7	EXISTING SIDEWALK
8	NEW SIDEWALK
9	EXISTING LANDSCAPE
10	NEW LANDSCAPE
11	EXISTING UTILITIES
12	NEW UTILITIES
13	EXISTING FENCE
14	NEW FENCE
15	EXISTING SIGNAGE
16	NEW SIGNAGE
17	EXISTING LIGHTING
18	NEW LIGHTING
19	EXISTING TREES
20	NEW TREES
21	EXISTING GRASS
22	NEW GRASS
23	EXISTING ASPHALT
24	NEW ASPHALT
25	EXISTING CONCRETE
26	NEW CONCRETE
27	EXISTING DIRT
28	NEW DIRT
29	EXISTING SAND
30	NEW SAND
31	EXISTING GRAVEL
32	NEW GRAVEL
33	EXISTING ROCK
34	NEW ROCK
35	EXISTING BRUSH
36	NEW BRUSH
37	EXISTING LOGS
38	NEW LOGS
39	EXISTING LIMBS
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41	EXISTING STUMP
42	NEW STUMP
43	EXISTING TRUNK
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45	EXISTING BRANCH
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