

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: August.12, 2008
Comment Deadline: September 12, 2008
Corps Action ID #: SAW-2008-01902

The Wilmington District, Corps of Engineers (Corps) has received an application from Commercial Property Analysts seeking Department of the Army authorization to discharge fill material into 8.65 acres of wetlands associated with the construction of access roads, parking lots and buildings for a commercial development located near Surf City, Pender 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: Mr. Joseph Boan
Commercial Property Analysts
1437 Military Cutoff Road, Suite 201
Wilmington, North Carolina 28403

AGENT (if applicable): Ms. Kim Williams
Land Management Group
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 (CWA).

Location

The project is located on the eastern side of U.S. Highway 17, just south of the intersection of N.C. Highway 210 and U.S. Highway 17, east of Surf City, Pender County, North Carolina. (latitude 34.44998 and longitude -77.61025).

The wetlands on the property are adjacent to an unnamed tributary of Virginia Creek, which is a navigable water of the U.S.

Existing Site Conditions

The project area is 50.58 project area consists of two separate tracts. A site delineation of 404 wetlands for the project area was performed by Land Management Group, Inc. and was approved by the U.S. Army Corps of Engineers on October 29, 2004 (Action ID #: 200401045). The project area contains 28.12 acres of 404 wetlands and the upper limits of two unnamed tributaries of Virginia Creek.

The entire site is currently forested, but most of the site appears to have been Timbered several years ago and lacks a canopy layer. The upper limits of two streams run south through the center and eastern part of the property. The streams area are narrow, shallow first order streams. The wetlands are headwater wetlands that contain a dense shrub and herbaceous layer of pond pine (*Pinus serotina*), loblolly pine (*Pinus taeda*), loblolly bay (*Gordonia lasianthus*), wax myrtle (*Morella cerifera*), gallberry (*Ilex glabra*), and laurel leaf green briar (*Smilax laurifolia*). The uplands located a thte site support a shrub layer of young longleaf pine (*Pinus palustris*, red oak (*Quercus falcata*), blackjack oak (*Quercus marilandica*), and wiregrass (*Aristida stricta*).

According to the Pender County Generalized Soil Survey, uplands on the site are classified as Leon fine sand and the wetlands are shown as Murville fine sand and Leon fine sand.

The surrounding land use currently consists of U.S. Highway 17 and wooded, undeveloped land to the north, commercial development and N.C. Highway 210 to the northeast, residential development to the west, and wooded, undeveloped land to the south and east. (Refer to Attachment A, pages 1-2)

Applicant's Stated Purpose

The purpose of the project is to provide a commercial development within an expanding section of Surf City.

Project Description

The applicant proposes to discharge fill material into 8.65 acres of wetlands for the construction of an access road, four buildings and associated parking areas. The construction will involve the use of heavy machinery to grade the land and to place the earthen material, ABC aggregate asphalt, and asphalt.

The proposed project consists of constructing 220,000 square feet of commercial retail space with associated parking areas within the property. The buildings will vary in size from 135,000 square feet to 11, 000 square feet. The proposed project will contain 1.4

parking spots per 400 square feet of building. The construction of the buildings and parking areas will permanently impact of 7.67 acres wetlands. (Refer to plans)

The proposed access road will permanently impact 0.972 acres of wetlands. The access road will have 11 feet wide lanes and 6 feet wide shoulders with 3:1 side slopes. The proposed road will be 60 feet wide and 70 feet wide in the location of the turning lanes and where the road will be elevated 5 feet above natural grade. Three 60 inch culverts will be placed at two locations along the access road. (Refer to Attachment A, pages 7-8 and attached plans).

To mitigate for the proposed wetland impacts, the applicant proposes to preserve the remaining 19.45 acres of wetlands and 1012 linear feet of stream located on-site. The applicant also proposes to utilize the North Carolina Ecosystem Enhancement Program for the restoration of 8.65 acres of non-riparian wetlands within the Cape Fear River watershed. (Refer to Attachment A, page 9)

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 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), 2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604-2260, Attention: Ms Cyndi Karoly by September 5, 2008.

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 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, September 12, 2008. Comments should be submitted to Ronnie Smith at P.O. Box 1890, Wilmington, NC 28403 or Ronnie.d.smith@saw02.usace.army.mil.

↓ Looking at transition between uplands and wetlands in southern part of site.



↓ Uplands in southern part of tract.



↓ Looking south at site from Highway 17. Wetlands in this area have been bush hogged.



↓ Looking north across site. Water tank on opposite side of Highway 17.



Surf City Commons
Pender County, NC
40-07-549



LMG
LAND MANAGEMENT GROUP INC.
Environmental Consultants

June 2008

Photographs of Site

↓ Wetlands/stream within southern part of tract.



↓ Stream located near southwestern property boundary.



Surf City Commons
Pender County, NC
40-07-549



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Environmental Consultants

January 2008

Photographs of Site

↓ From uplands, looking northeast at Lowe's Home Improvement Store.



↓ Looking east at small stand of longleaf pine trees.
Stand too young and small to support RCWs.



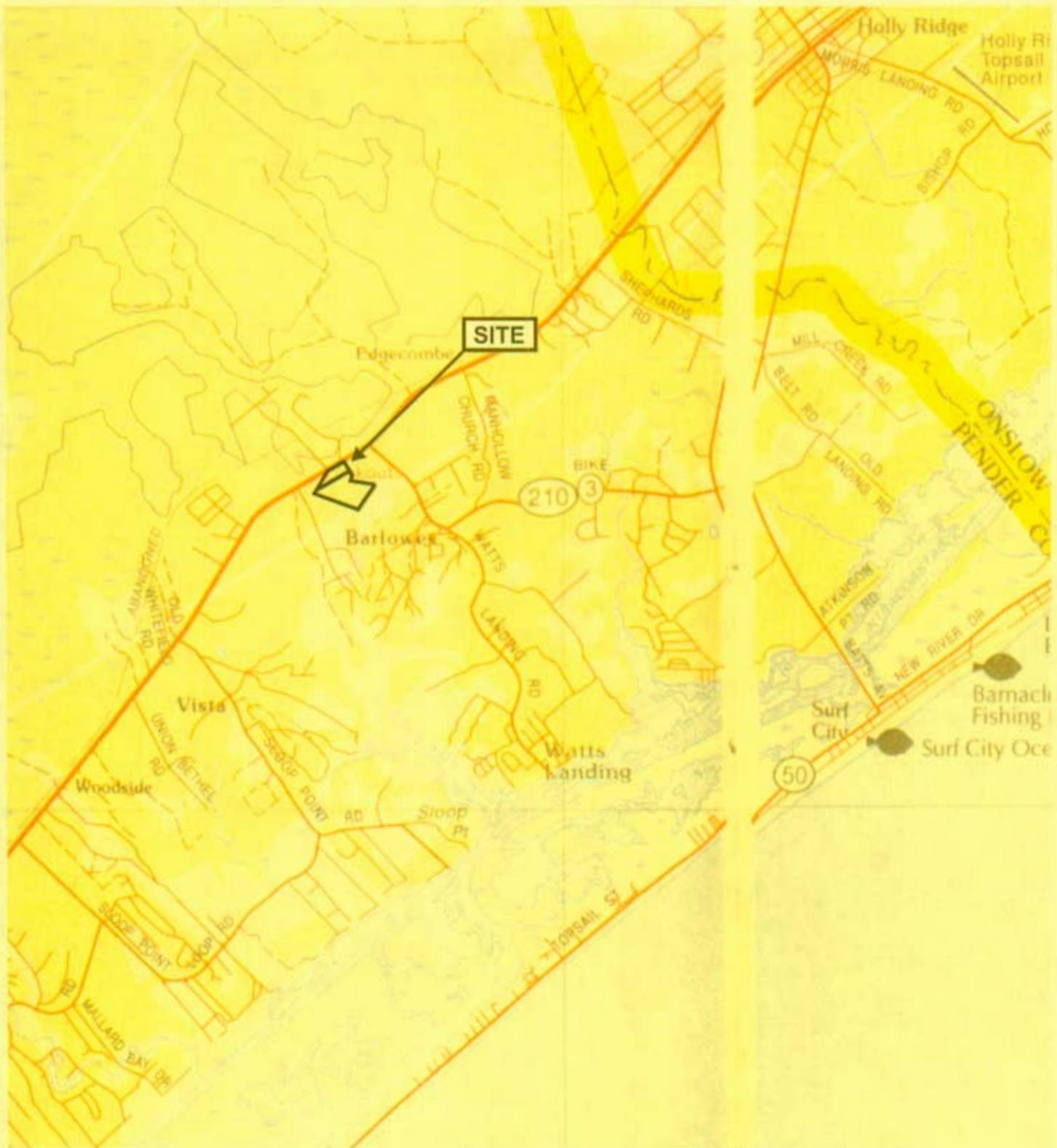
Surf City Commons
Pender County, NC
40-07-549



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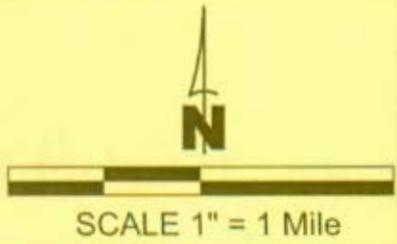
June 2008

Photographs of Site



*Boundaries are approximate and are not meant to be absolute.

Map Source: North Carolina Atlas & Gazetteer. Pg 84.2003



Surf City Commons
Pender County, NC
40-07-549



June 2008

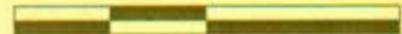
Figure 1
Vicinity Map



KuB - Kureb fine sand
 LnA - Leon fine sand
 Mu - Murville Muck

*Boundaries are approximate and are not meant to be absolute.

Map Source: NRCS Soil Survey.



SCALE 1" = 400'

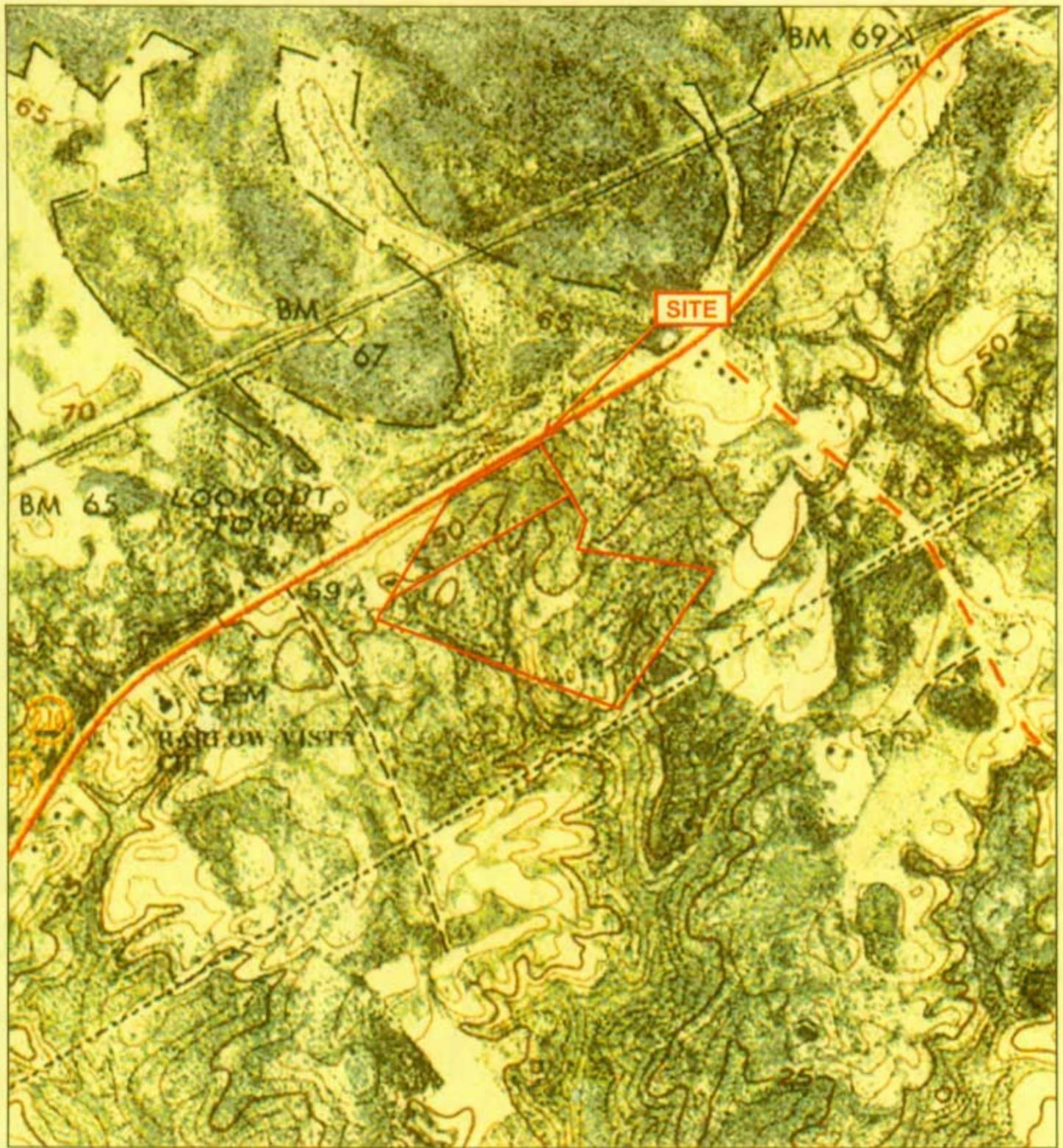
Surf City Commons
 Pender County, NC
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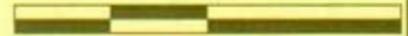
June 2008

Figure 3
 Soils Map



*Boundaries are approximate and are not meant to be absolute.

Map Source: Holly Ridge Quadrangle 7.5 minute (topographic) 1990.



SCALE 1" = 1000'

Surf City Commons
Pender County, NC
40-07-549



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Environmental Consultants

June 2008

Figure 2
USGS Topographic Map

PROPOSED ACTIVITY:
COMMERCIAL DEVELOPMENT
COUNTRY: PENDER COUNTY
CLIENT: COMMERCIAL
PROPERTY ANALYSTS, INC

NO	REVISIONS	BY	DATE

THOMAS & HUTTON ENGINEERING CO.
219 STATION ROAD
SUITE 101
WILMINGTON, NC 28405
PHONE: (910) 332-3380
FAX: (910) 332-3381
WWW.THOMAS-HUTTON.COM

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WETLAND PERMIT DRAWINGS
COMMERCIAL PROPERTY ANALYSTS, INC
PENDER COUNTY, NC

FIGURE 9.
IMPACT SUMMARY & INDEX MAP

JOB NO.	42208E
DATE:	5/7/02
DRAWN:	CBS
DESIGNED:	BBR
REVIEWED:	BBR
SCALE:	1"=200'

W2

EXISTING SITE CHARACTERISTICS
Parcel Description:
50.58 Acre tract on
U.S. Highway 17
Topsoil Township, Pender County, North Carolina
Virginia Creek Watershed

Upland Area = 22.49 ACRES
Wetland Area = 28.09 ACRES
Total = 50.58 ACRES

Legend

- Road Crossing
- Wetlands To Be Filled
- Wetlands To Remain Preserved

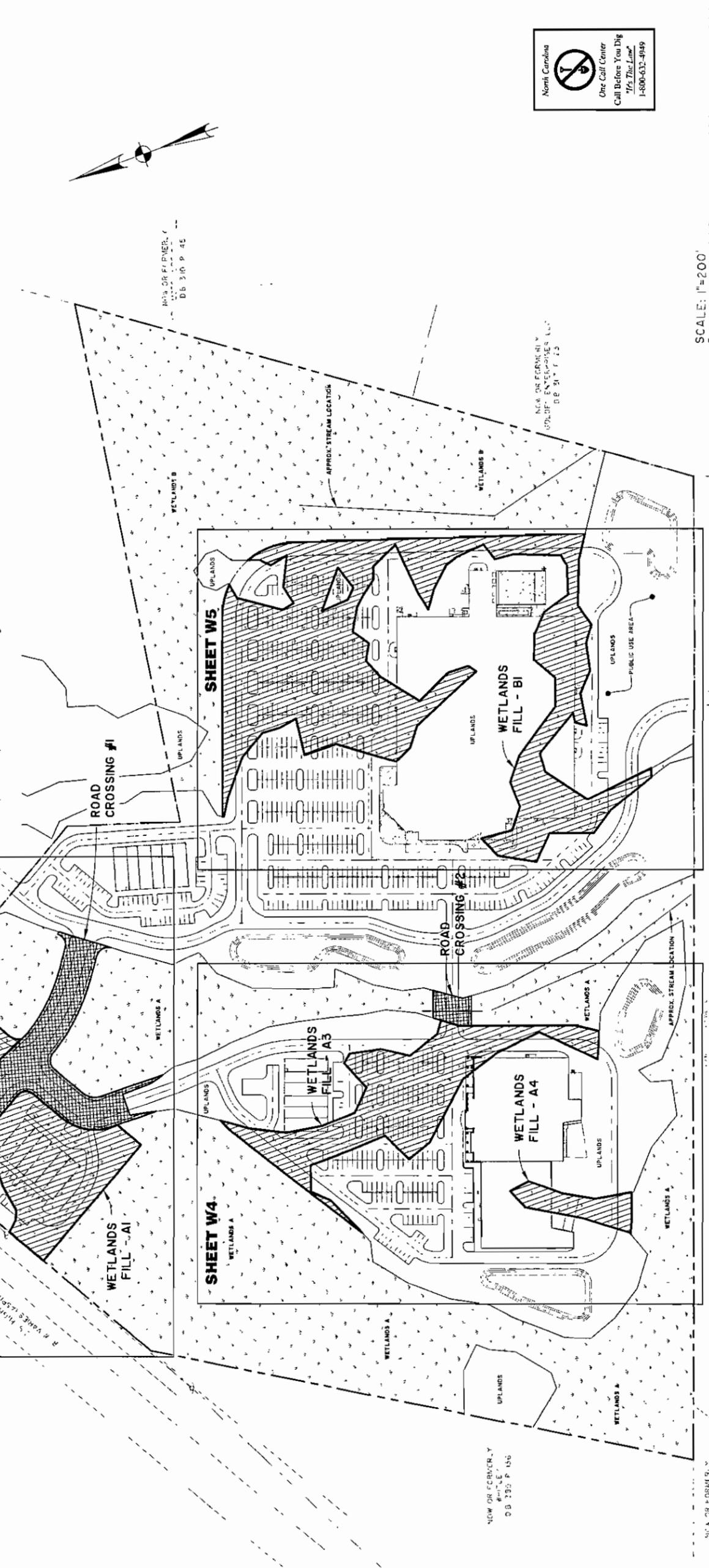
IMPACT SUMMARY

Wetland I.D.	Existing Wetland (Acres)	Wetland Impact (Acres)	Preserved Wetland (Acres)
A	16,795 Ac.	4,875 Ac.	11,932 Ac.
B	11,291 Ac.	3,775 Ac.	7,516 Ac.
Total	28,086 Ac.	8,650 Ac.	19,448 Ac.

Impact	Total Area Of (Acres)	Total Volume (C.Y.)
Road Crossing #1	0.972 Ac.	3,500 Fill
Road Crossing #2	0.085 Ac.	500 Fill
Wetland Fill A1	1,095 Ac.	8,800 Fill
Wetland Fill A2	1,128 Ac.	9,000 Fill
Wetland Fill A3	1,363 Ac.	11,000 Fill
Wetland Fill A4	0,232 Ac.	2,500 Fill
Wetland Fill B1	3,775 Ac.	50,000 Fill
Total	8,650 Ac.	85,300 Fill

NOTES:

- Wetlands shown are based on jurisdictional determination Action ID: 200401045.
- Existing condition linework was provided by others and is not the result of field survey data by Thomas & Hutton Engineering Co.
- Existing topography shown is two (2) foot lidar contours as available through NCDOT GIS.
- The site layout and final elevations shown on these drawings are conceptual and subject to change with final design.
- A state storm water permit will be applied for through NCDENR DWQ upon completion of final design.



SCALE: 1"=200'
0 100 200 400 800

05/06/02-0443
05/07/02

05/06/02-0443
05/07/02

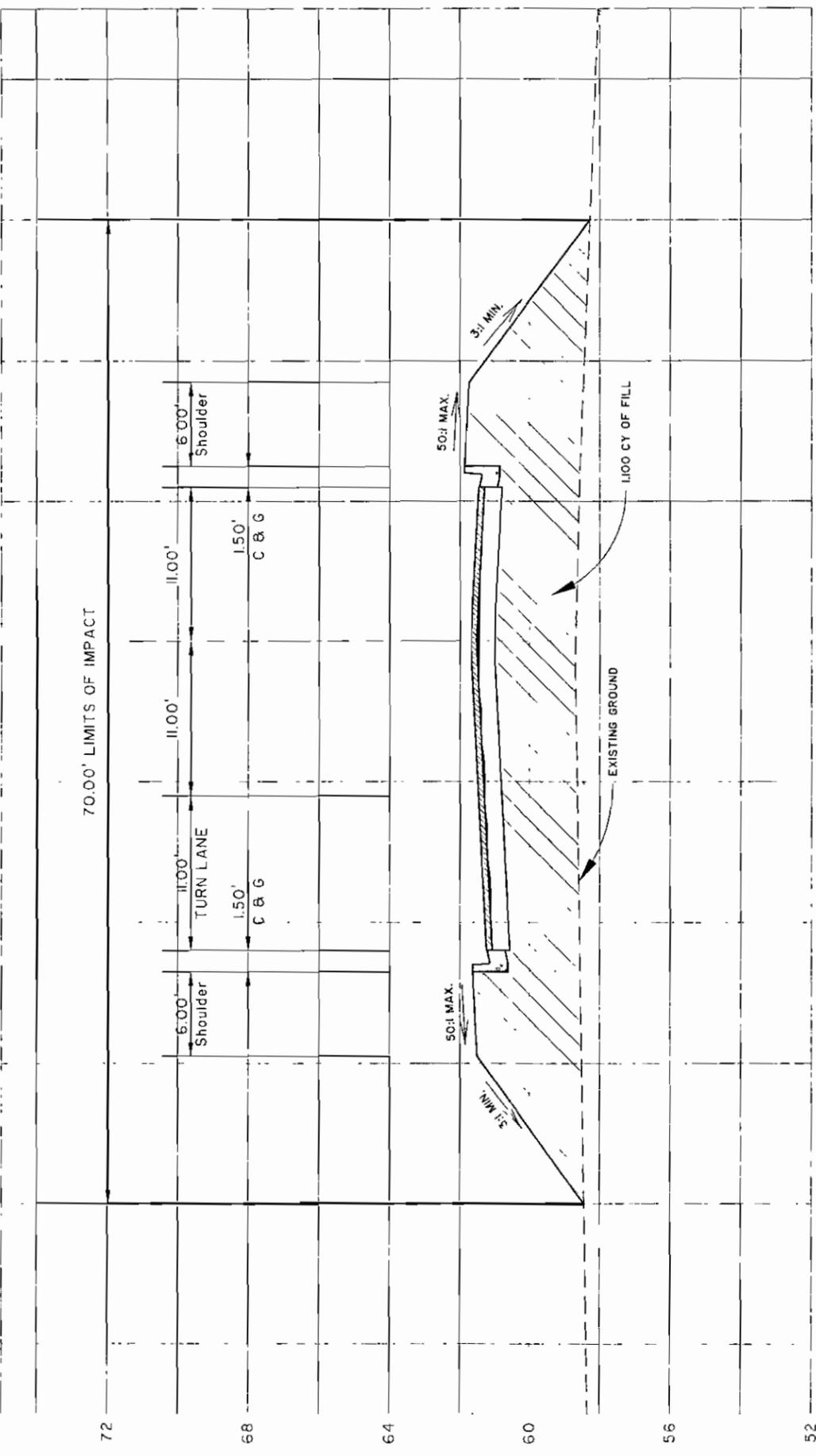
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DATE:	5/20/08
DRAWN:	CRS
DESIGNED:	JWR
REVIEWED:	JWR
APPROVED:	JWR
SCALE:	1"=10'

WETLAND PERMIT DRAWINGS
 COMMERCIAL PROPERTY ANALYSTS, INC.
 PENDER COUNTY, NC

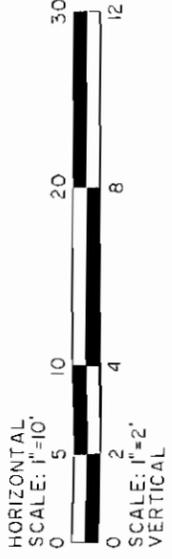
THOMAS & HUTTON ENGINEERING CO.
 219 STATION ROAD
 SUITE 101
 WILMINGTON, NC 28405
 PHONE: (910) 332-3360
 FAX: (910) 332-3361
 WWW.THOMAS-HUTTON.COM

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PROPOSED ACTIVITY:
 COMMERCIAL DEVELOPMENT
 COUNTY: PENDER COUNTY
 CLIENT: COMMERCIAL
 PROPERTY ANALYSTS, INC.



ROAD CROSSING #1
 SECTION - 1



JOB NO.	17-2085
DATE	5/20/09
DRAWN	CRS
DESIGNED	BDP
CHECKED	BDP
SCALE	1" = 10'

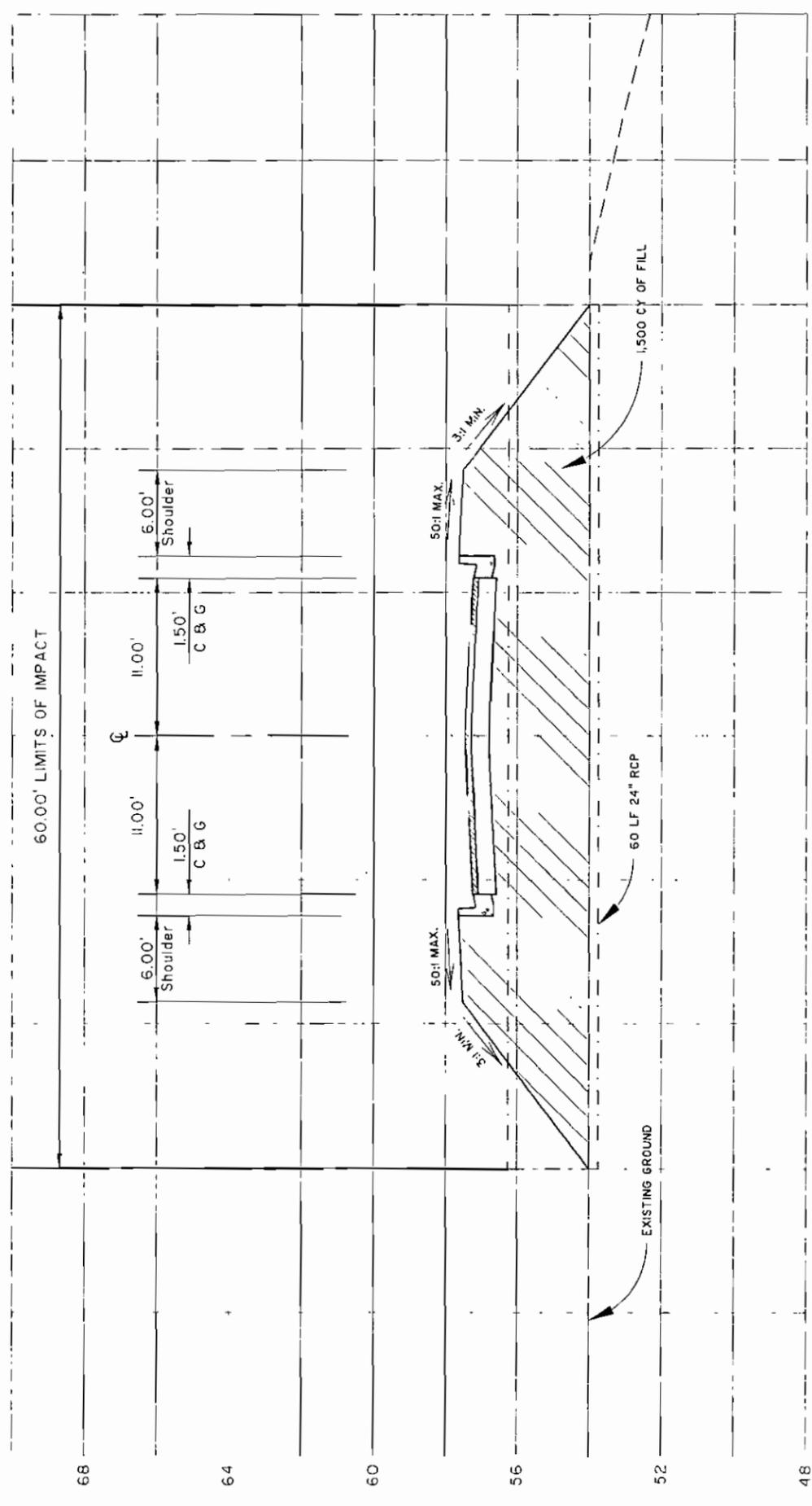
WETLAND IMPACT DRAWINGS
 COMMERCIAL PROPERTY ANALYSTS, INC.
 PENDER COUNTY, NC

FIGURE 14.
 ROAD CROSSING #1 SECTION - 2

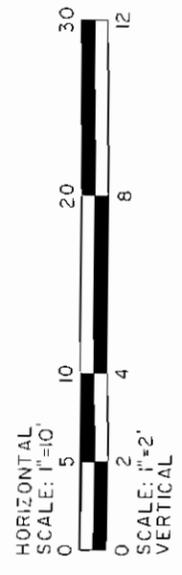
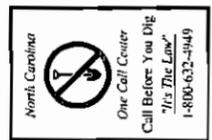
THOMAS & HUTTON ENGINEERING CO.
 219 STATION ROAD
 SUITE 101
 WILMINGTON, NC 28408
 PHONE: (910) 332-3200
 FAX: (910) 332-3381
 WWW.THOMAS-HUTTON.COM

PROPOSED ACTIVITY:
 COMMERCIAL DEVELOPMENT
 COUNTY: PENDER COUNTY
 CLIENT: COMMERCIAL
 PROPERTY ANALYSTS, INC.

NO.	REVISIONS	BY	DATE



ROAD CROSSING #1
 SECTION - 2



JOB NO:	210482
DATE:	5/20/04
DESIGNED:	BBB
REVIEWED:	BBB
APPROVED:	JDA
SCALE:	1" = 10'

WETLAND IMPACT DRAWINGS
 COMMERCIAL PROPERTY ANALYSTS, INC.
 PENDER COUNTY, NC

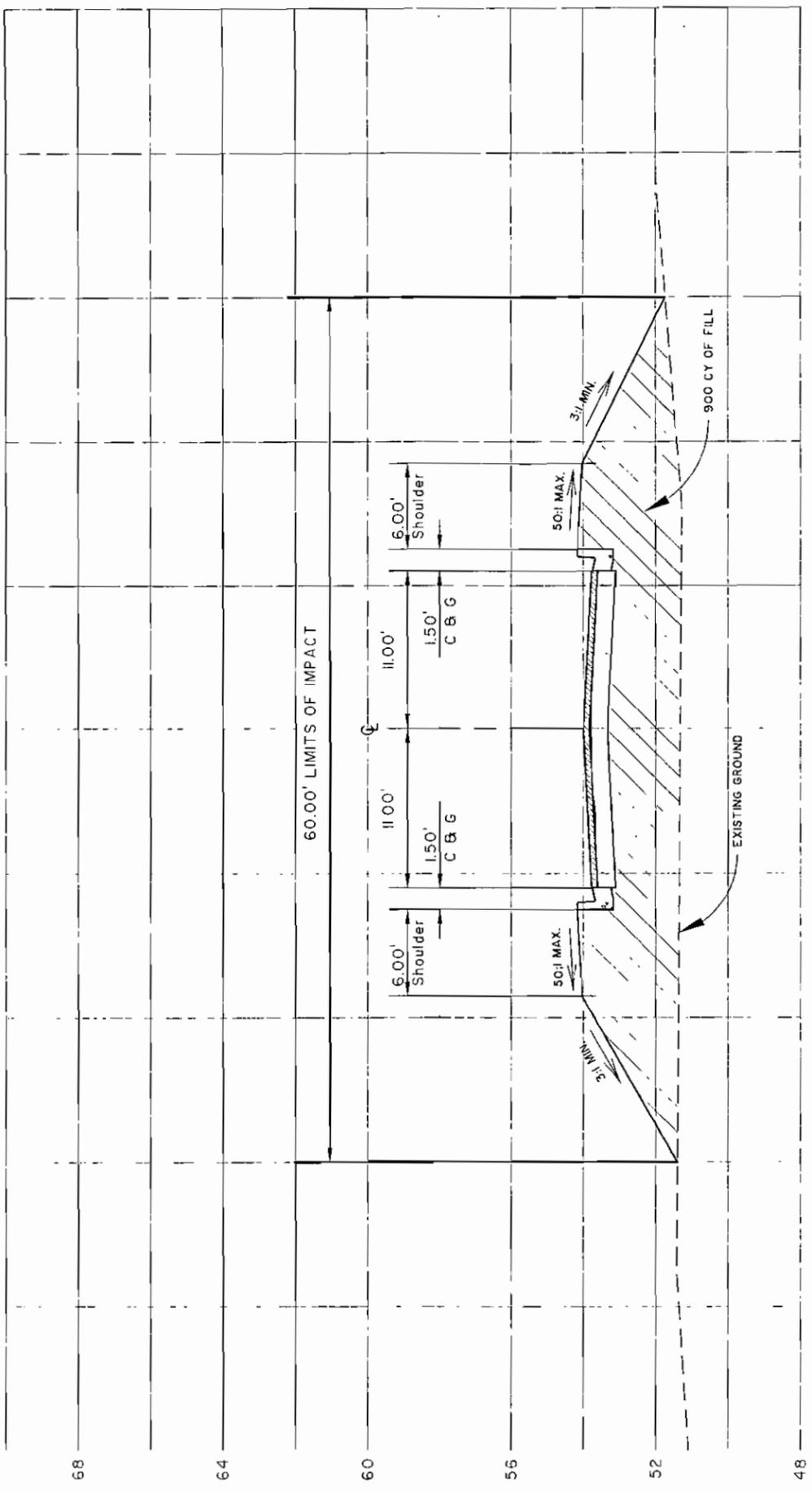
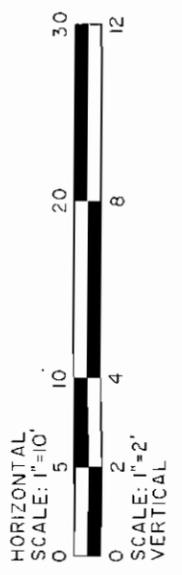
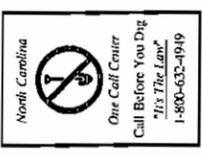
ROAD CROSSING #1 SECTION - 3
 FIGURE 15.

THOMAS & HUTTON ENGINEERING CO.
 219 STATION ROAD
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 WILMINGTON, NC 28405
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 FAX: (910) 332-3381
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PROPOSED ACTIVITY:
 COMMERCIAL DEVELOPMENT
 COUNTY: PENDER COUNTY
 CLIENT: COMMERCIAL
 PROPERTY ANALYSTS, INC.



ROAD CROSSING #1
 SECTION - 3

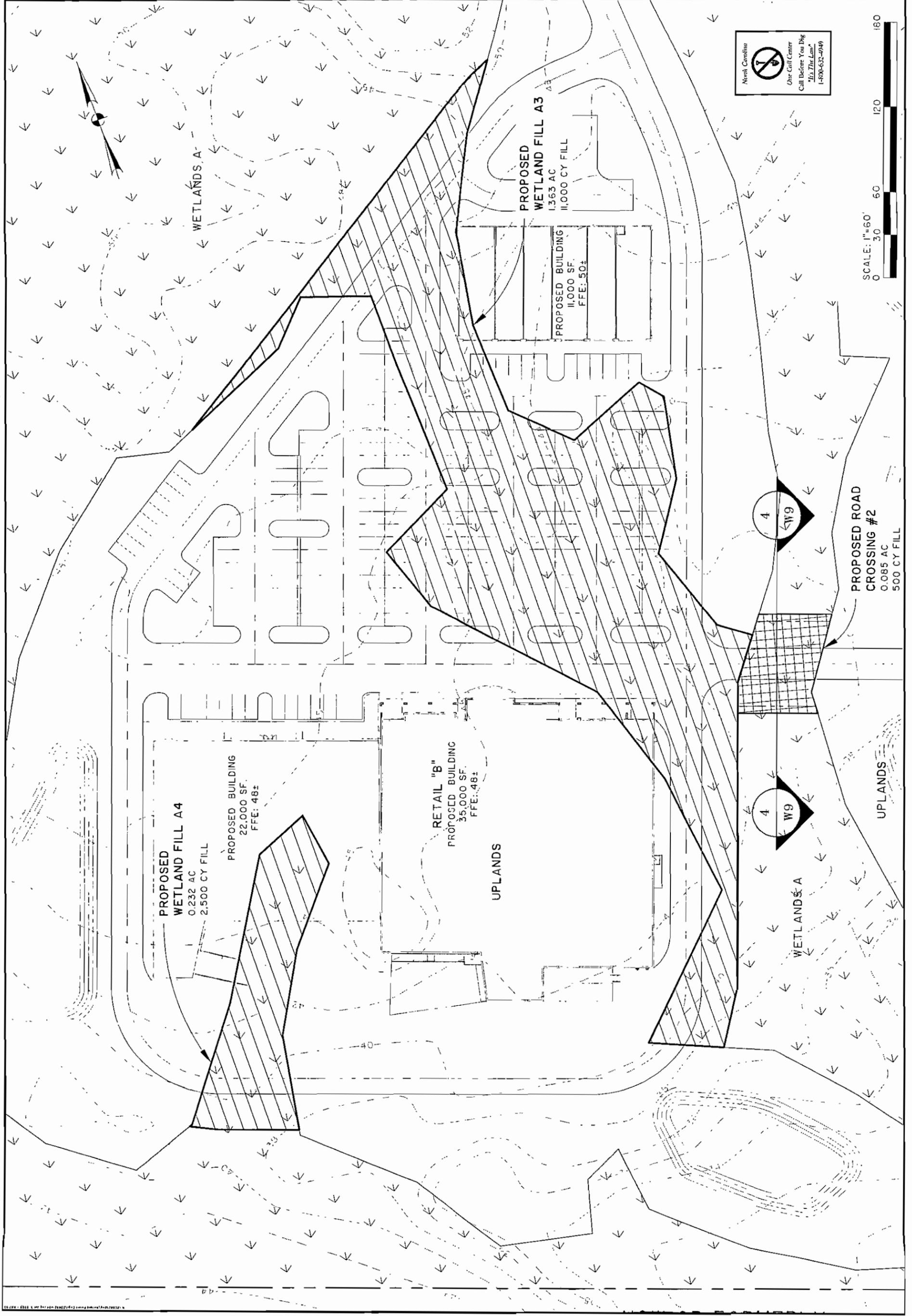
JOB NO. 1-23482
 DATE 5/20/09
 DRAWN CRS
 DESIGNED BDR
 REVIEWED BDR
 APPROVED APB
 SCALE 1"=60'

WETLAND PERMIT DRAWINGS
 COMMERCIAL PROPERTY ANALYSIS, INC.
 PENDER COUNTY, NC

THOMAS & HUTTON ENGINEERING CO.
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 WILMINGTON, NC 28405
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 FAX: (910) 332-3301
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NO.	REVISIONS	BY	DATE

PROPOSED ACTIVITY:
 COMMERCIAL DEVELOPMENT
 COUNTY: PENDER COUNTY
 CLIENT: COMMERCIAL
 PROPERTY ANALYSTS, INC.



JOB NO. P-20082
 DATE 12/27/08
 DRAWN: CBR
 DESIGNED: BDR
 REVIEWED: BDR
 APPROVED: JDR
 SCALE: 1" = 60'

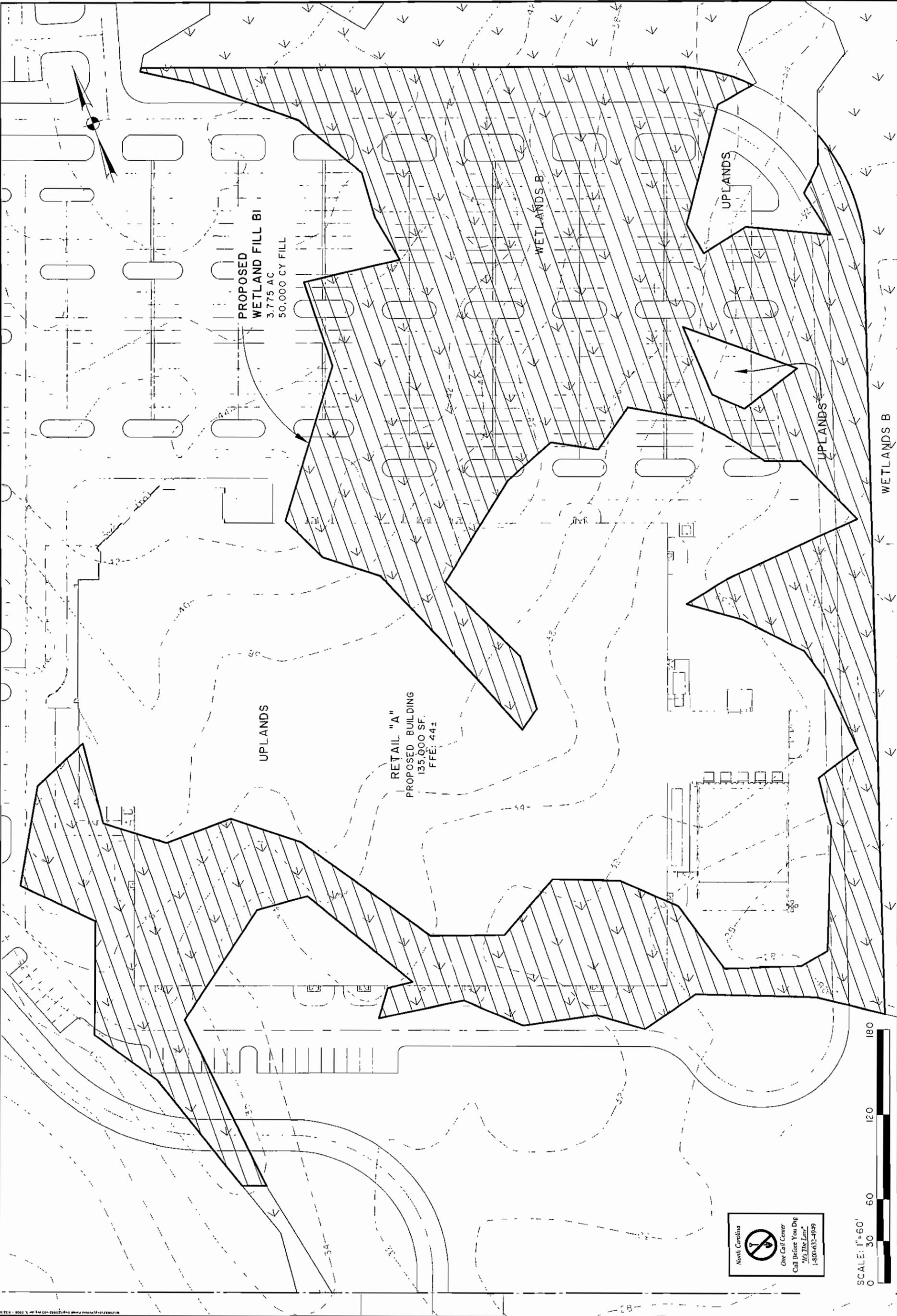
WETLAND PERMIT DRAWINGS
 COMMERCIAL PROPERTY ANALYSTS, INC. PENDER COUNTY, NC
FIGURE 12.
WETLAND FILL / IMPACT LOCATION PLAN

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PROPOSED ACTIVITY:
 COMMERCIAL DEVELOPMENT
 COUNTY: PENDER COUNTY
 CLIENT: COMMERCIAL
 PROPERTY ANALYSTS, INC.



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SCALE: 1" = 60'
 0 30 60 120 180

Attachment A

PROJECT NARRATIVE

June 2008

Surf City Commons
Commercial Property Analysts, Inc.

Pender County, NC

INTRODUCTION

Commercial Property Analysts, Inc. proposes to develop the Surf City Commons, a regional shopping center that will contain 220,000 square feet of commercial/retail space. Total proposed impacts are to 8.65 acres of 404 wetlands. The project area is located within the Cape Fear River Basin and is 50.58 acres in size.

EXISTING CONDITIONS

Habitat

The 50.58-acre project area is located in Pender County, southwest of the intersection of Highway 17 and Highway 210 in Surf City, NC (Figures 1 & 2). The project area consists of two separate tracts. A site delineation of 404 wetlands for the project area was performed by Land Management Group, Inc. and was approved by Ms. Lillette Granade of the U.S. Army Corps of Engineers on October 29th, 2004 (Action ID# 200401045; Appendix A). The project area contains 28.12 acres of 404 wetlands and the upper limits of two unnamed tributaries. This wetland system comprises a portion of the headwaters of Virginia Creek. Virginia Creek is classified by the NC Division of Water Quality as SA and HQW. An SA water classification is given to tidal salt waters that are used for commercial shellfishing or marketing purposes and are also protected for all Class SC and Class SB uses. All SA waters are also HQW by supplemental classification. The High Quality Waters classification is a supplemental designation intended to protect waters which are rated excellent based on biological and physical/chemical

characteristics through Division monitoring or special studies, primary nursery areas designated by the Marine Fisheries Commission, and other functional nursery areas designated by the Marine Fisheries Commission. This project area is located within ½ mile of SA-classified waters. No CAMA-regulated Areas of Environmental Concern (AEC) exist within this site.

According to the Pender County Generalized Soil Survey, uplands within the site are classified as Leon fine sand (Figure 3). Wetlands within the site are shown as Murville fine sand and Leon fine sand.

The entire site is currently forested (Figure 4; Appendix B). Most of the site appears to have been timbered several years ago and lacks a canopy layer. Wetlands contain a very dense shrub and herbaceous layer of pond pine (*Pinus serotina*), loblolly pine (*P. taeda*), loblolly bay (*Gordonia lasianthus*), wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*), and cat briar (*Smilax laurifolia*). The upper limits of two streams run south through the center and eastern part of the property. These streams are very shallow and narrow. Uplands located within the site support a shrub layer of young longleaf pine (*P. palustris*), red oak (*Quercus falcata*), and blackjack oak (*Q. marilandica*). Wiregrass (*Aristida stricta*) is present in the herbaceous layer. Surrounding land use consists of Highway 17 to the northwest, Highway 210 to the southwest, scattered residential development to the south and southeast, and undeveloped land to the east.

Federally Protected Species

On February 6, 2008 and June 12, 2008, staff of Land Management Group, Inc. evaluated the project area for its potential to support federally-listed threatened or endangered species known to occur in this region (Table 1). Habitat with the potential for supporting listed species was identified by reviewing aerial photographs, soils maps, and topographic maps of the property and by walking throughout the site. A search of the North Carolina Natural Heritage Program database was conducted to identify areas within or around the site that are already known to support federally-listed species. No rare species were noted within or surrounding the tract (½ mile radius).

Table 1. Federally-listed endangered and threatened species known to occur in Pender County, NC, excluding coastal and marine species.

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status</i>
Animals		
American alligator	<i>Alligator mississippiensis</i>	T(S/A)
Bald eagle	<i>Haliaeetus leucocephalus</i>	BPGA
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	E
Plants		
American chaffseed	<i>Schwalbea americana</i>	E
Cooley's meadowrue	<i>Thalictrum cooleyi</i>	E
Golden sedge	<i>Carex lutea</i>	E
Rough-leaf loosestrife	<i>Lysimachia asperulaefolia</i>	E

KEY:

Status	Definition
E	Endangered: A taxon "in danger of extinction throughout all or a significant portion of its range."
T	Threatened: A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."
T(S/A)	Threatened due to similarity of appearance - a species that is threatened due to similarity of appearance with other rare species and is listed for its protection.
BPGA	Species protected by the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act.

The red-cockaded woodpecker (RCW) is generally found in old-growth pine forests and prefers mature longleaf pines with at least a 15" DBH for nesting and foraging. Dense stands (stands that are primarily hardwood, or that have a dense hardwood understory) are avoided. In mature pine habitat, sufficient substrate can be provided on 80 to 125 acres. As noted above, the site was timbered several years ago. Apart for an occasional young pine and one very small pocket of longleaf pines, the site does not support any canopy trees (Figure 4; Appendix B). Adjacent undeveloped tracts are densely vegetated. Therefore, this site would not provide appropriate nesting or foraging habitat for the red-cockaded woodpecker.

The site supports the upper limits of two unnamed tributaries (UTs), which are small and shallow by the time they enter the tract (Appendix B). These UTs are too small to support either the shortnose sturgeon or the American alligator. Because the site is far from any significant

water body and does not contain large roosting or nesting trees, the site would not provide appropriate habitat for the bald eagle.

All of the rare plants known to occur in this region prefer moist habitats that are exposed to sunlight. Wetland areas within the tract are too densely vegetated to support these species.

Local Zoning and Land Use Plan

The property is zoned Planned Development by Pender County. According to the Pender County Zoning Ordinance, this zoning is intended to permit and encourage, on application and approval of detailed development plans, establishment of new Planned Developments for specified purposes where tracts of land suitable in location, area, and character are to be planned and developed as a whole and in a unified manner. Suitability of such tracts for Planned Development purposes shall be determined primarily by reference to the Pender County Land Use Plan and other plans & policies adopted by the Pender County Board of Commissioners. Where Planned Developments are permitted, regulations adopted for such unified developments are intended to accomplish the purposes of zoning and subdivision regulations, and other applicable regulations, to the same degree as in cases in which those regulations are intended to control development on a lot-by-lot rather than unified basis.

The applicant is in the process of having the site annexed by the Town of Surf City and obtaining a C-1 Commercial Zoning classification. This project has the full support of the Town. Because of this anticipated annexation, the proposed site plan was designed to meet requirements of the Town of Surf City.

The Pender County CAMA Land Use Plan, updated in 2005, classifies the project area as an 'Urban Growth Area'. The Urban Growth Area classification provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services. These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types. It is focused on the Rocky Point area and the Highway 17 Corridor.

ALTERNATIVES ANALYSIS

The alternatives evaluated include a no-action alternative, off-site alternatives, on-site alternative site layouts, and the preferred project.

No-Action Alternative

The no-action alternative would keep the site in its current, undeveloped condition and would prevent the applicant from developing it. The no-action alternative is not considered feasible for several reasons. The Surf City area is experiencing rapid growth. Currently there are few available shopping centers to meet the needs of this growing community. This alternative would leave a minimum of twenty-two acres of uplands undeveloped. The inability to expand development within this tract of land would be a significant loss of return for the current owners and a loss of a retail center for people living in this area. This alternative would be detrimental to the public's interest because it would prevent the development of a regional shopping center in this rapidly-growing area and at a location providing the best traffic pattern for people living in this region.

Alternate Sites

The study area that was originally identified for this project was limited to sites in close proximity to the Highway 17 / Highway 210 intersection. Highway 17 serves as the primary north/south traffic artery for eastern Pender County. When selecting a site, the applicant searched properties that could tap into local water and sewer lines, were already zoned for commercial use, had established traffic infrastructure, were at least twenty-five acres in size, and had limited environmental impacts. Two tracts were identified near this intersection but rejected because they did not meet one or more of these criteria.

Off-site Alternatives

J.E. Register Tract (4215-99-0423-000L)

This 32.59-acre tract is located directly north of the preferred site, north of Highway 17 (Figure 5). This site was not considered feasible for a retail development for several reasons. The tract is long and narrow with limited frontage off of Highway 17. Any retail stores would have limited visibility from passing traffic. In addition, it

contains a very large pond that would need to be filled and a cell tower that would require relocation. Obtaining adequate fill material for the pond would be an added expense. Furthermore, the site is located adjacent to the Holly Shelter Game Lands. Development of this site could potentially be detrimental to sensitive habitat in this area. For these reasons, this tract was not considered feasible.

Sidbury Tract (4226-21-9367-0000)

This 29.12-acre tract is located off of Highway 17, southwest of the intersection of Highway 17 and Manhollow Church Road and northeast of the preferred site (Figure 6). The applicant was interested in this tract because it is located adjacent to a retail and commercial development that is currently being constructed and the applicant's project could tie directly into this development. However, the owner was not interested in selling the property. Therefore, this is not considered a viable alternative.

On-site Alternatives

Once the specific project location was determined, several site plans other than the preferred project were evaluated.

Alternative #1

The applicant's original site plan maximized development within the entire tract, including two 15,000-sf outparcels off of Highway 17 and one 346,000-sf shopping center with associated parking (Figure 7). Total wetland impacts would have been approximately 12.4 acres. In addition, 432 LF of stream would be impacted. Even though this site plan would maximize the economic value of the land, the environmental impacts were considered too high. Furthermore, the developer could satisfy its purpose and need with a smaller retail footprint. Therefore, this alternative was not considered feasible.

Alternative #2

The second site plan that was prepared reduced proposed development to two 15,000-sf outparcels off of Highway 17, one 236,000-sf shopping center, and a 62,500-sf shopping center with associated parking (Figure 8). Total wetland impacts would have

been approximately 10.43 acres. Environmental impacts were still considered to be too high; therefore, this alternative was not feasible.

Preferred Project

The applicant's purpose and need is to develop an economically viable community shopping center with one anchor tenant and complimentary business services, being primarily office and retail in nature to serve the population located on Topsail Island, especially the Town of Surf City. The preferred project consists of constructing 220,000 square feet of commercial/retail space (two outparcels, Retail Space "A", and Retail Space "B") with associated parking and access roads within the property (Figure 9). Buildings will vary in size from 135,000 sf (anchor tenant) to 11,000 sf (Figures 10-12). The applicant has designed the site to contain 1.4 parking spaces per 400 square feet of building. While this is slightly above the minimum amount of parking required by the Town of Surf City (1 space per 400 sf), it is much less than typically found in a commercial/retail development of this size.

The number of buildings planned within the project area is based on the price of the tracts, development costs, and the applicant's anticipated profit margin. The applicant is purchasing the tract for approximately \$4.5 million. The estimated development costs for the proposed project, including construction of roads and utilities, engineering, land planning, and finance costs are anticipated to be approximately \$36,518,000. Therefore, total expenses to the applicant would be approximately \$41,018,000. Assuming a \$15 per square foot rent rate, the net operating income once the center is fully leased is expected to be \$3,135,000 per year which equates to a 6.49% return on equity after debt service. Please note that this financial information is based on various economic assumptions. It is preliminary in nature and is subject to change.

In addition to any economic benefit to the applicant, it should be noted that the development of this shopping center will greatly benefit the Town of Surf City and Pender County. This project will meet the goals of the Strategic Plan of the Town of Surf City (adopted 14-Mar-01 and updated 11-Sept-01). One of the stated goals of this plan is to "Improve the availability of business services for residents and visitors." A few of the implementation measures to accomplish this goal –as stated in the plan – are the following:

- Specifically encourage the establishment of new service businesses.
- Develop a Thoroughfare Plan for the mainland portion of Surf City, to guide well-planned development of new commerce.
- To make improvements to the Town's water and sewer infrastructure which support the development of new business services.

Another stated goal of the Town's Strategic Plan is "To maintain and improve a municipal water and sewer utility system that will sustain continued growth of the community and which will improve fire protection for persons and property." In summary, the Town's development of the water and sewer infrastructure, the desire of Town planners for commercial development near the Highway 210/17 intersection, and the existing transportation network at this intersection, make this proposed site the best alternative in the described trade area. Furthermore, this project will create jobs for the community. This project has the full support of the Town of Surf City.

POTENTIAL ENVIRONMENTAL IMPACTS

The proposed project would impact 8.65 acres of 404 wetlands (Figures 9-12). Secondary impacts to wetlands and water quality could occur during and after construction of the project through erosion and stormwater runoff. These potential impacts will be minimized by the development and implementation of a Stormwater Plan and a Sedimentation and Erosion Control Plan. These plans will reduce the potential for erosion or runoff into wetlands and other water bodies located off site.

As noted earlier, this site is classified as an 'Urban Growth Area' by the Pender County CAMA Land Use Plan, dated 2005. The proposed project meets the stated purpose of this land classification. The proposed project complies with the enforceable policies of North Carolina's approved coastal management program and will be conducted in a manner consistent with such program. In addition, the site does not provide suitable habitat for any federally-protected

species known to occur in the area. Therefore, no impacts to federally-protected species will occur.

MITIGATION

To mitigate for proposed wetland impacts, remaining wetlands and streams within this tract will be preserved to prohibit any fill beyond what is being requested by this permit application. This will protect approximately 19.45 acres of wetlands and 1012 LF of streams. This wetland system will tie into preserved wetlands located on the Lowe's Home Improvement site to the northeast. There are no wetland restoration or enhancement opportunities on site; however, the applicant plans to buy into the Ecosystem Enhancement Program (EEP) for the restoration of 8.65 acres of non-riparian wetlands within the Cape Fear River watershed.