

**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: June 3, 2008
Comment Deadline: July 3, 2008
ORM ID SAW- 2008-00770

The Wilmington District, Corps of Engineers (Corps) received an application from Corolla Bay LLC, 821 Ocean Trail-Suite 4, Corolla, Currituck County, North Carolina, 27927, requesting Department of the Army (DA) authorization to place earthen material in jurisdictional wetlands in order to construct a residential subdivision and associated infrastructure. Total proposed impacts are as follows: approximately 56,192 square feet (1.29 acres) of non-riparian wetlands, 2613 square feet (0.06 acres) of riparian wetlands, 68,824 square feet (1.58 acres) of isolated wetlands, and 4791 square feet (0.11 acres) of temporary disturbance of non-riparian wetlands for stormwater piping. The proposed project will be located at on the east and west sides of Ocean Trail (NC Hwy 12), approximately 1.45 miles south of the Currituck Lighthouse, adjacent to Currituck Sound, in Corolla, Currituck 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: **Corolla Bay LLC**
Attn: Mr. Eric Avery
821 Ocean Trail- Suite 4
Corolla, North Carolina 27927

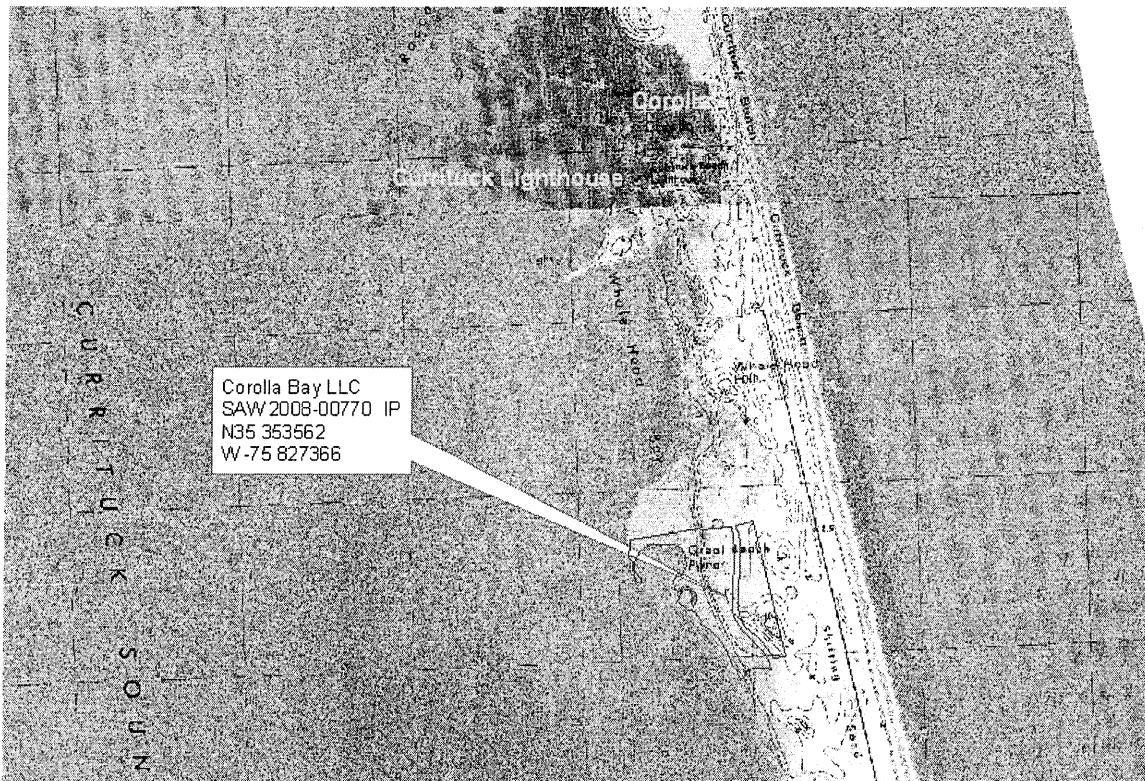
Agent: **Environmental Professionals Incorporated**
Kendall Turnage— Project Manager
Post Office Box 3368
Kill Devil Hills, North Carolina 27948

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 approximately 1.45 miles south of the Currituck Lighthouse, on the east and the west sides of Ocean Trail (NC Hwy 12), adjacent to Currituck Sound, in Corolla, Currituck County, North Carolina.



Corolla Bay LLC Location Map

Existing Site Conditions

The project site is composed of a mix of uplands and wetlands. In the upland areas, the dominant tree species are Live Oak (*Quercus virginiana*), Red Maple (*Acer rubrum*), and Loblolly Pine (*Pinus taeda*). The understory consists of Wax Myrtle (*Morella cerifera*), Common greenbriar (*Smilax bona-nox*), and Poison Ivy (*Toxicodendron radicans*).

The upland area soils are primarily composed of Ousley and Newhan fine sands.

In the wetland areas, the predominant vegetation is low growing tree species such as Red Maple (*Acer Rubrum*), Loblolly pine (*Pinus taeda*), Wax Myrtle (*Morella Cerifera*), with an understory composed of Giant Cane (*Arundinaria gigantea*), Common greenbriar (*Smilax bona-nox*), Cattail (*Typhus spp.*), Poison ivy (*Toxicodendron radicans*), Sawgrass (*Caladium jamaicense*) and Chain fern (*Woodwardia aerolata*).

Soil types in this area are composed of Osier fine sands and Currituck mucky peat.

Jurisdictional wetland areas in Section 1 and 2 on the west side of Ocean Trail (NC Highway 12) are adjacent and abutting Currituck Sound. Wetland areas in Section 3 on the east side of Ocean Trail (NC Highway 12) are isolated and are considered non-jurisdictional by a previous action by the Corps of Engineers.

Currituck Sound is classified by the North Carolina Division of Water Quality as Class SC, defined as "All tidal salt waters protected for secondary recreation such as fishing, boating, and other activities involving minimal skin contact; fish and noncommercial shellfish consumption; aquatic life propagation and survival; and wildlife". The waters of Currituck Sound are considered secondary nursery grounds by the North Carolina Division of Marine Fisheries and are closed to shellfish harvesting.

Corolla Bay LLC Project Site



Applicant's Stated Purpose

The applicant's stated purpose is to construct a mixed-use development on the east and west sides of Ocean Trail (NC Hwy 12) in Corolla, Currituck County, North Carolina.

Project Description

The proposed project is divided into three sections. Sections 1 and 2 are located on the west side of Ocean Trail and the project proposal includes construction of 72 single family homes, with development of roadways, utility right-of-ways and lot improvements.

Section 3 is located on the east side of Ocean Trail, and the project proposal includes development of a mixed use commercial/residential area, consisting of commercial parcels, 57 patio homes, 4 condominiums, recreational sites, parking and roadways.

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 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), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by June 24, 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 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., July 3, 2008. 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.

