



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 25, 2013

Comment Deadline: May 25, 2013

Corps Action ID #: SAW-2002-00323

The Wilmington District, Corps of Engineers (Corps) has received an application from Mr. Dick Thompson of ThAI T LLC seeking Department of the Army authorization for the discharge of fill material into 0.017 acre of jurisdictional tributary and after-the fact impacts to 0.07acre of wetlands associated with the development of lots 3, 4 and 62 within Covil Crossing subdivision. The approximate 3.75-acre project area is located on Loquist Drive, west of Snug Harbour Drive, in the Covil Crossing Subdivision, Wilmington, New Hanover 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:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>

Applicant:

ThAI T LLC
Attn: Mr. Dick Thompson
912 Arboretum Drive
Wilmington, North Carolina 28405

Agent (if applicable):

Southern Environmental Group, Inc.
Attn: Dana Lutheran
5315 South College Road., Suite E
Wilmington, North Carolina 28412

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 (33 U.S.C. 1344).

Location

The 3.75-acre project area contains lots 3, 4 and 62 and is located on Loquist Drive, east of Military Cutoff Road, west of Snug Harbour Drive, in the Covil Crossing Subdivision,

Wilmington, New Hanover County. The site contains approximately 0.18 acre of jurisdictional wetlands and approximately 350 lf of unnamed tributary to Howe Creek, a tributary to the Atlantic Intracoastal Waterway, a Navigable Water of the United States (White Oak HUC 03030001). Site coordinates are 34.26286°N, -77.8225°W.

Existing Site Conditions

The project area is made up of seven residential lots, of which lots 3 and 5 are developed, with paved road (Loqust Drive) and utilities. It is a portion of the Covil Crossing Subdivision, a 28.4-acre development located east of Military Cutoff Road, north of Long Boat Circle and west of the CP&L right-of-way. A Department of the Army permit was issued to Dallas Harris Construction in 2005 to permanently impact 0.732 acre of Waters of the U.S. for the construction of 62 lots and associated roads and infrastructure. All impacts except for a 0.017 acre crossing on lot 62 were completed before the permit expired in 2010, including unauthorized impacts to 0.07 acre of wetlands on lots 3 and 4 (claimed as an oversight by the original developer/contractor). The project area was purchased by the applicant in August of 2011 and the Corps was made aware of the fill upon receipt of the recent application.

The site is undeveloped and partially forested on the south side of Loqust Drive with approximately 350 lf of jurisdictional tributary running west to east. A 0.18-acre wetland pocket exists on the north side of Loqust Drive between lots 4 and 5. According to the New Hanover County Generalized Soil Survey, soils here are classified as Murville fine sand. Wetland vegetation includes loblolly pine, red maple, wax myrtle and elder berry. Stallings fine sand is listed for the remainder of the project area and supports mostly loblolly pine and red maple.

Applicant's Stated Purpose

The applicant's stated purpose is to facilitate the construction of an access drive and residential dwelling on lot 4 and access drive on lot 62.

Project Description

The applicant is requesting after-the-fact authorization to impact 0.07 acre of wetlands on lots 3 and 4 and has proposed to discharge fill material into 0.017 acre of jurisdictional tributary to develop lot 62 (as was previously authorized in the expired 2005 permit). **Project plans have been included with this Public Notice.**

The applicant submitted an Alternatives Analysis that includes a No Action Alternative, Alternate Sites and the Preferred Project. **This information has been included with this Public Notice as well.**

Impacts to Waters of the U.S. associated with the original permit were previously mitigated for through payment to the North Carolina Ecosystem Enhancement Program (NCEEP) and the relocation of 0.33 acre of tributaries. The Applicant is proposing to mitigate for 0.07 acre of wetlands at a 2:1 ratio with payment to the NCEEP for the restoration of 0.14 acre of non-riparian wetlands.

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, 512 North Salisbury Street, Raleigh, North Carolina 27604. 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. Karen Higgins by **May 25, 2013**.

Coastal Area Management Act

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 cannot 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. According to the NOAA EFH Mapper, there is no EFH within the project limits. The closest EFH appears to be within Howe Creek approximately 0.75 mi to the east. 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 not have an effect on any federally listed species or their formally designated critical habitat. 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 the project area. The closest element of occurrence (Venus flytrap) is approximately 4,000 feet to the south of 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, **May 25, 2013**. Comments should be submitted to Emily B. Hughes, 69 Darlington Avenue, Wilmington, North Carolina, 28403-1398, telephone (910) 251-4635.

VI. Alternatives

The Applicant considered other potential means of developing the subject parcel, and has been unable to find a practicable alternative that would achieve his goal and meet his stated purpose.

A. Alternative 1. – No Action

The No Action Alternative (leaving the proposed impact areas undeveloped and restore unauthorized impact) would be feasible, as not developing these lots would make the project economically impractical.

B. Alternative 2. – Alternate Sites

Using an alternate site is not feasible for several reasons: 1) all infrastructure and roadways are in place at the proposed site; 2) all three lots are currently owned by the Applicant; and 3) the Applicant builds homes equal in quality, design and size to the existing homes in the subdivision

C. Alternative 3. – Preferred Location

The proposed impacts are the preferred alternative, as they provide the location specific impacts necessary to meet the purpose and need of the project.



Prospect Cemetery Rd

Trailmark Rd

Logust Dr

Govil Farm Rd

our Dr

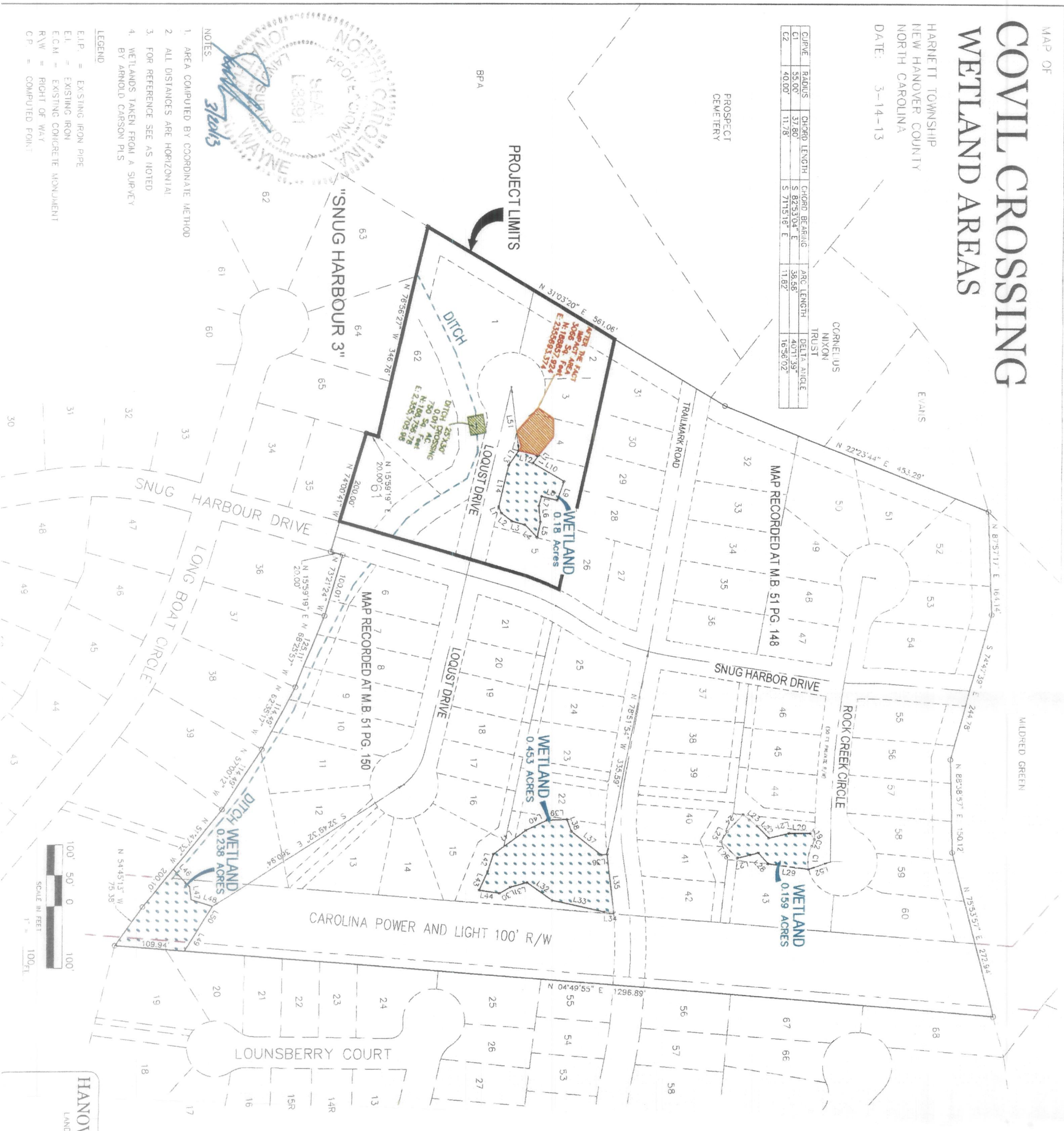
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Appar

MAP OF COVIL CROSSING WETLAND AREAS

HARRETT TOWNSHIP
NEW HANOVER COUNTY
NORTH CAROLINA
DATE: 3-14-13

CURVE	RADIUS	CHORD LENGTH	CHORD BEARING	ARC LENGTH	DELTA ANGLE
C1	55.00'	37.80'	S 82°53'04" E	38.58'	40°11'39"
C2	40.00'	11.78'	S 71°51'18" E	11.82'	16°56'02"



- NOTES
1. AREA COMPUTED BY COORDINATE METHOD
 2. ALL DISTANCES ARE HORIZONTAL
 3. FOR REFERENCE SEE AS NOTED
 4. WETLANDS TAKEN FROM A SURVEY BY ARNOLD CARSON PLS

LEGEND

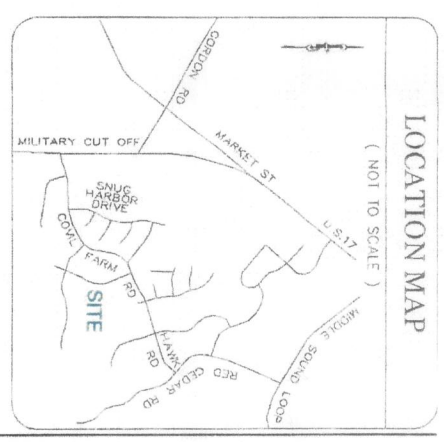
E.I.P. = EXISTING IRON PIPE
E.I. = EXISTING IRON
E.C.M. = EXISTING CONCRETE MONUMENT
R/W = RIGHT OF WAY
C.P. = COMPUTED POINT

MAP RECORDED AT MB 51 PG. 148

MAP RECORDED AT MB 51 PG. 150

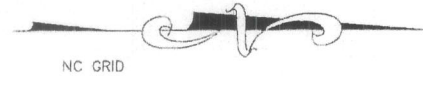
LOUNSBERRY COURT

CAROLINA POWER AND LIGHT 100' R/W



LINE	BEARING	DISTANCE
L1	N 67°46'56" E	11.28'
L2	N 37°50'54" E	21.72'
L3	N 13°17'03" E	21.98'
L4	N 44°38'00" E	28.79'
L5	N 79°08'07" W	29.13'
L6	S 83°52'46" W	28.15'
L7	N 74°13'31" W	16.60'
L8	N 14°46'32" E	25.92'
L9	N 70°25'23" W	32.88'
L10	S 30°53'55" W	58.91'
L11	N 53°41'27" W	15.26'
L12	N 13°52'31" E	33.36'
L13	S 58°01'03" E	28.47'
L14	S 76°56'27" E	69.97'
L19	S 57°43'00" W	11.48'
L20	E 07°03'28" W	34.53'
L21	E 13°28'20" E	32.85'
L22	S 39°42'41" W	29.10'
L23	S 39°42'41" W	29.10'
L24	S 46°58'11" E	37.07'
L25	S 56°55'41" E	18.95'
L26	N 45°13'02" E	37.72'
L27	N 13°52'08" W	34.37'
L28	N 48°48'29" E	23.94'
L29	N 07°51'18" E	65.04'
L30	N 30°02'03" W	20.30'
L31	N 14°52'03" W	27.64'
L32	N 35°15'00" E	50.19'
L33	N 12°45'51" E	88.22'
L34	N 00°35'58" E	14.11'
L35	E 82°47'26" W	94.78'
L36	S 08°27'07" E	9.76'
L37	S 38°01'06" W	61.72'
L38	S 69°48'15" W	20.75'
L39	S 01°52'45" E	32.36'
L40	S 25°38'17" E	38.19'
L41	S 36°03'50" E	64.41'
L42	S 72°51'43" E	29.88'
L43	S 65°40'44" E	32.70'
L44	N 08°56'37" E	33.47'
L46	N 47°03'30" E	38.85'
L47	N 83°12'06" E	20.49'
L48	N 18°06'44" E	39.27'
L49	N 58°32'24" W	35.61'
L50	N 58°11'49" W	28.40'

LINE	BEARING	DISTANCE
L51	S 83°13'47" W	103.67'
L52	S 19°08'43" E	38.43'



HANOVER DESIGN SERVICES, P.A.

LAND SURVEYORS ENGINEERS LAND PLANNERS
1123 FLORAL PARKWAY
WILMINGTON, N.C. 28403
PHONE: (910) 343-8002
FAX: (910) 343-9941



Appendix H 081