



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Andrew Calla
Tamarack Land Development

Published: April 30, 2025
Expires: May 30, 2025

**Wilmington District
Permit Application No. SAW-2022-00462**

TO WHOM IT MAY CONCERN: The Wilmington District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Andrew Calla
Tamarack Land Development
1536 Beachcomber Blvd.
Waconia, MN 55387

AGENT: Megan Dean
Southern Environmental Group, Inc
5315 South College Rd. Suite E
Wilmington, NC 28412

WATERWAY AND LOCATION: The project would permanently affect 0.25 acres of headwater wetlands associated with Lumber River Basin. The project/review area is located off Old Ocean Highway at the end of Middle Crest Drive NE in the Middle Creek Village Subdivision, at Latitude 34.055134 and Longitude -78.169385; in Bolivia, Brunswick County, NC.

EXISTING CONDITIONS: The project area consists of 32-acres of predominantly forested landscape with approximately 18.22-acres of 404 wetlands, including bottomland hardwood forest and pocosin wetland types. In addition, there are approximately 3,180 linear feet of relatively permanent waters (RPW).

The surrounding area includes residential neighborhoods, community services (schools, health facilities), and undeveloped forested areas. Lockwoods Folly River borders the property to the west. Most of the wetlands are headwater wetlands extending into smaller "fingers," with the central wetland areas classified as hardwood flat wetlands. Based on historical aerials, the project site has remained unused forested land since 1985 with no history of development.

The project is Phase IV of a phased development. Phase I of the project is complete, while Phases II and III are currently under construction with all approved impacts finalized. On August 25, 2022, a Nationwide Permit (NWP) 29 was obtained for the first

phase of the project, allowing for impacts to 0.45-acre of jurisdictional 404 wetlands and 233 linear feet (0.044-acre) of stream impact (total impact of 0.494-acre). Due to project modifications, a second NWP 29 was issued to show a reduction in originally authorized impacts to 0.461-acre as well as authorize an additional 0.037-acre of permanent impacts and 0.01-acre of temporary impacts for Phase III. Total impacts for Phases I-III are currently 0.487 acres which includes 0.044 acres of stream impacts.

PROJECT PURPOSE:

Basic and Overall purpose as stated in the application: The purpose of the project is to provide residential housing in a growing area.

PROPOSED WORK: The applicant is proposing to extend Middle Creek Drive in order to facilitate Phase IV of Middle Creek Village Subdivision. Authorization is requested to fill 0.25 acres of head water wetlands for the construction a road crossing extension, which will also contain a sidewalk and utilities to support Phase IV.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The Applicant stated the wetland crossing has been designed to minimize impacts to wetlands while ensuring access to the rest of the project area. The existing crossing (pictured adjacent to Pond#11) was not utilized due to elevation and grade constraints; the two stormwater ponds within that area were designed at a lower elevation to facilitate site drainage. Using the existing crossing would have required significant grading, which would result in additional wetland impacts. Four pipes will be installed within the wetland crossing to maintain natural hydrology and prevent upstream ponding/downstream drying. A 3:1 slope will be utilized to ensure the crossing is stabilized and dissipators have been proposed rather than riprap to further reduce disturbance. The site was designed to maximize use of the upland areas while minimizing any impact to major wetlands.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to mitigate for the 0.25 acres of permanent wetland impacts at a 2:1 mitigation ratio, resulting in the provision of 0.50 acres of wetland mitigation. The Letter of Acceptance from Stone Farm Mitigation Bank has been provided.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the

latest published version of the National Register of Historic Places and initially determines that:

No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Tricolored Bat	Perimyotis subflavus	Proposed Endangered
Northern Long Eared bat	Myotis septentrionalis	Endangered
Red-cockaded Woodpecker	Dryobates borealis	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the **North Carolina Division of Water Resources (NCDWR)**.

The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

The application did not include a certification that the proposed work complies with and would 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 Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps requests, via the public notice, concurrence or objection from the NCDCM.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic

resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 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.

The Wilmington District will receive written comments on the proposed work, as outlined above, until May 30, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to David Moose at David.E.Moose@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Wilmington District, Attention: David Moose, 69 Darlington Ave. Wilmington, NC 28403. Please refer to the permit application number in your comments.

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 will 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.