



TTC Army

PUBLIC NOTICE

Issue Date: September 30, 2016
Comment Deadline: October 31, 2016
Corps Action ID Number: SAW-2015-01887

The Wilmington District, Corps of Engineers (Corps) received an application from Halpern Development Company LLC seeking Department of the Army authorization to fill wetlands and streams for commercial and retail space, associated with Ocean Isle Beach Marketplace in Brunswick 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.aspx>

Applicant: Mr. Charlie Worthen
Halpern Development Company LLC
5269 Buford Highway
Atlanta, GA 30340

AGENT (if applicable): Ms. Kim Williams
Land Management Group, Inc.
3805 Wrightsville Ave. Suite 15
Wilmington, NC 28403

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344)
- ☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Directions to Site: The project area is located just southeast of the intersection of Ocean Isle Beach Rd.(Hwy 904) and Hwy 179 on the mainland side of the Town of Ocean Isle Beach, Brunswick County.

Project Area (acres): 44.28 Nearest Town: Ocean Isle Beach
Nearest Waterway: Kilbart Slough to Intracoastal Waterway
River Basin: Lumber
Latitude and Longitude: 33.9041N, -78.4380W

Existing Site Conditions

The 44.86-acre project area is located at the intersection of Causeway Drive (Highway 904) and Beach Drive (Highway 179) in Ocean Isle Beach, NC (Brunswick County) (Figures 1 & 2). The project area consists of all or portions of eight (8) separate parcels. According to the Brunswick County Generalized Soil Survey, the site is a mix of Wando fine sand and Leon fine sand soil types (Figure 3). Wando fine sand soils are excessively drained and usually in interstream areas. Leon fine sand soils are nearly level, poorly drained soils located in broad, smooth, interstream areas and in depressions in undulating areas.

Much of the project area is currently undeveloped and forested. An old borrow pit is located in the southwest corner of the site. A site delineation of 404 wetlands for the project area was performed by Land Management Group, Inc. and was approved by Mr. John Policarpo of the U.S. Army Corps of Engineers on January 14, 2016 (Action ID# SAW-2015-01887). Mr. Chad Coburn of the NC Division of Water Resources approved the stream determination on site. The project area contains 4.69 acres of 404 wetlands, 1,485 LF of a perennial stream (Kilbart Slough), which runs through the middle part of the wetlands, 273 LF of intermittent stream that ties into Kilbart Slough, and 205 LF of a Relatively Permanent Water (RPW). The 404 wetlands are located in the middle of the site and support a canopy of black gum (*Nyssa sylvatica*) and green ash (*Fraxinus pennsylvanica*) with a thick shrub layer composed of American hornbeam (*Carpinus caroliniana*), loblolly bay (*Gordonia lasianthus*), and green ash. Uplands within the site are densely vegetated and support a canopy of loblolly pine (*Pinus taeda*) and tulip poplar (*Liriodendron tulipifera*), with loblolly pine, mockernut hickory (*Carya tomentosa*), and longleaf pine (*P. palustris*) in the shrub layer. LMG staff and Chad Coburn with DWR assessed wetlands within the site using the NC Wetland Assessment Method (WAM). Wetlands were found to rate between medium and high. Surrounding land use consists mostly of residential or undeveloped land. The Odell Williamson Municipal Airport is located north of the site, on the opposite side of Highway 179.

According to the topographic quadrangle for this area, the 404 wetlands on site flow to Kilbart Slough, which runs east off the property and then south to the Atlantic

Intracoastal Waterway. Kilbart Slough is classified by the NC Division of Water Resources as SA and High Quality Waters (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 HQW classification is a supplemental classification 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. No CAMA-regulated Areas of Environmental Concern (AEC) exist within this site.

Applicant's Stated Purpose

The applicant's stated purpose for the project is to develop a shopping center with a premium grocery store that is centrally located within Brunswick Beaches area to serve surrounding full-time residents and visitors. The desired service area would include Ocean Isle Beach, Sunset Beach, Calabash, Carolina Shores, Shallotte, Goose Creek, and Brick Landing, which are all projected to be within a ten-minute drive of the project area.

Project Description

The applicant's preferred project would construct a 39,500 sf (square foot) grocery store, 16,200 sf of retail shops, a 6,500 sf restaurant, parking facility, stormwater facilities and access ways. The applicant additionally desires four outparcels, two of which contain hotels and the other two vacant. (Figure 6 and 7)

The proposed project would impact 2.04 acres of 404 wetlands (1.7 acres Non-Riparian, 0.34 acre Riparian), 114 linear feet of perennial stream, 38 linear feet of intermittent stream, and 205 linear feet non-stream tributaries. The wetland and intermittent stream impacts are necessary to develop the building and parking placement. The perennial stream impacts are needed to provide a secondary road access, report ably desired by the tenant and Town of Ocean Isle Beach. The agent has reported that it is anticipated that the owner of tract, which in this case is not the applicant, desires to develop residential housing within the undeveloped portion of the 44 acre tract.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

- Culvert installation to maintain hydrologic flow of site
- Headwalls to minimize stream impacts
- Development of a Stormwater Plan and Sedimentation and Erosion Control Plan to minimize secondary impacts

The applicant has provided an alternatives analysis to better explain the basis of the plan development. This applicant's analysis is available as one of the Notice attachments.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To mitigate for impacts the applicant would buy wetland (non-riparian and riparian) and stream credits from the Stone Farm Regional Mitigation Bank located within the Lumber River Basin. The applicant has proposed to purchase credits at a 1:1 ratio, impact to credit purchase.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- ☐ Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- ☒ No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- ☐ Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- ☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- ☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an

adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).

- ☐ The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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

Pursuant to the Endangered Species Act of 1973, the Corps 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 determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- ☐ The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- ☐ 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. The Corps will make a final determination on the effects of the proposed project 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.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

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, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. 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 regarding the application for a 401 Certification should do so, in writing, by 10/31/2016 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(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 will request, upon receipt, concurrence or objection from the NCDCM.
- ☐ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

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 consolidated 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.

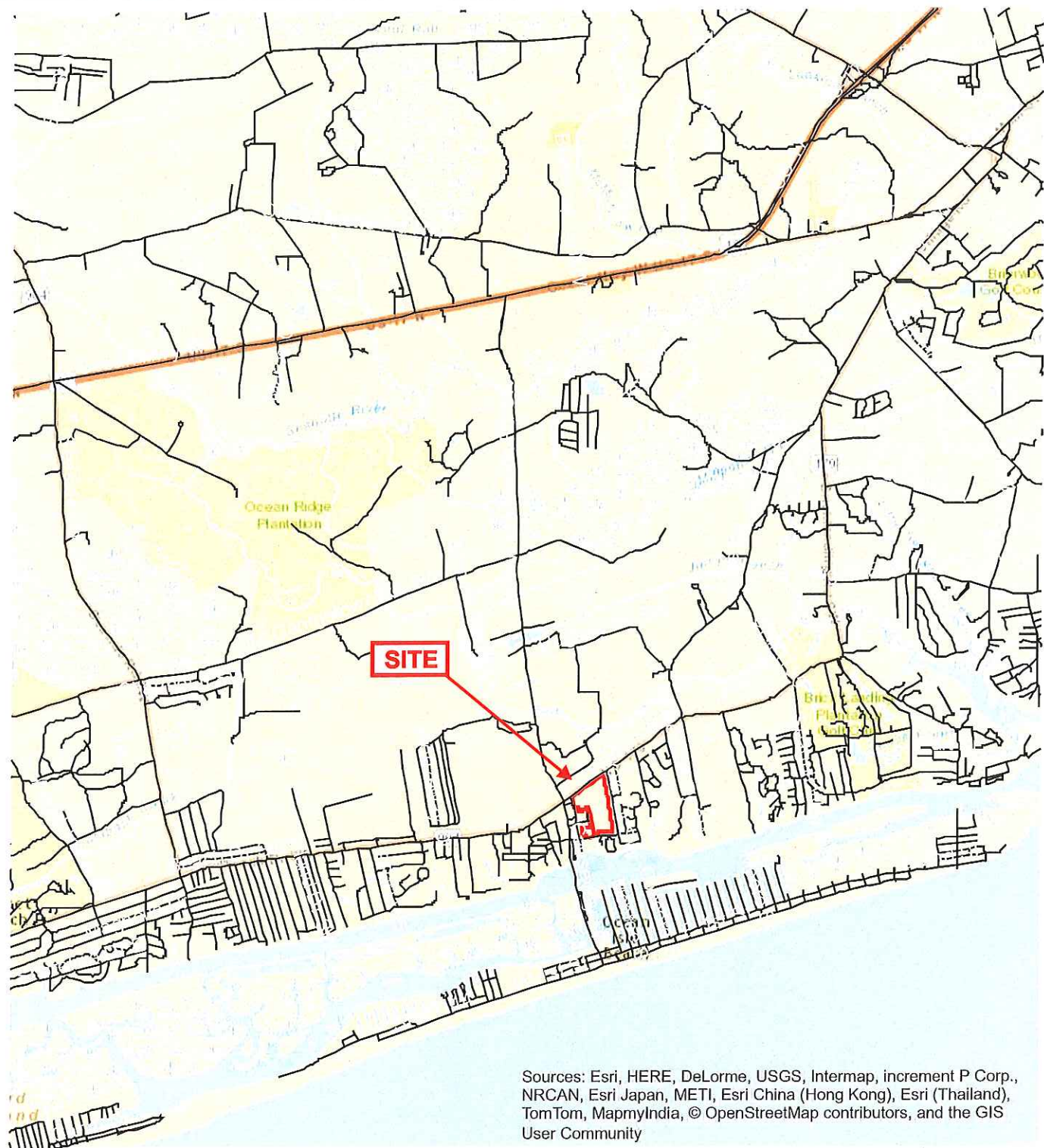
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, October 31, 2016. Comments should be submitted to Brad Shaver, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 , at (910) 251-4611 or brad.e.shaver@usace.army.mil

LIST OF FIGURES & APPENDICES

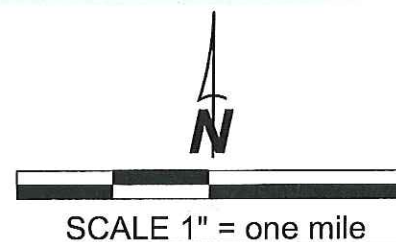
OIB Marketplace Development
Brunswick County, NC

Figure 1	Vicinity Map
Figure 2	Topographic Map
Figure 3	SCS Soils Map
Figure 4	Aerial Photograph
Figure 5	Alternate Site Plan #1
Figure 6	Preferred Project Site Plan
Figure 7	Preferred Project Site Plan: Detail
Appendix A.	NC WAM Results
Appendix B.	List of Existing and Adjacent Property Owners



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

Map Source: ArcGIS World Street Map



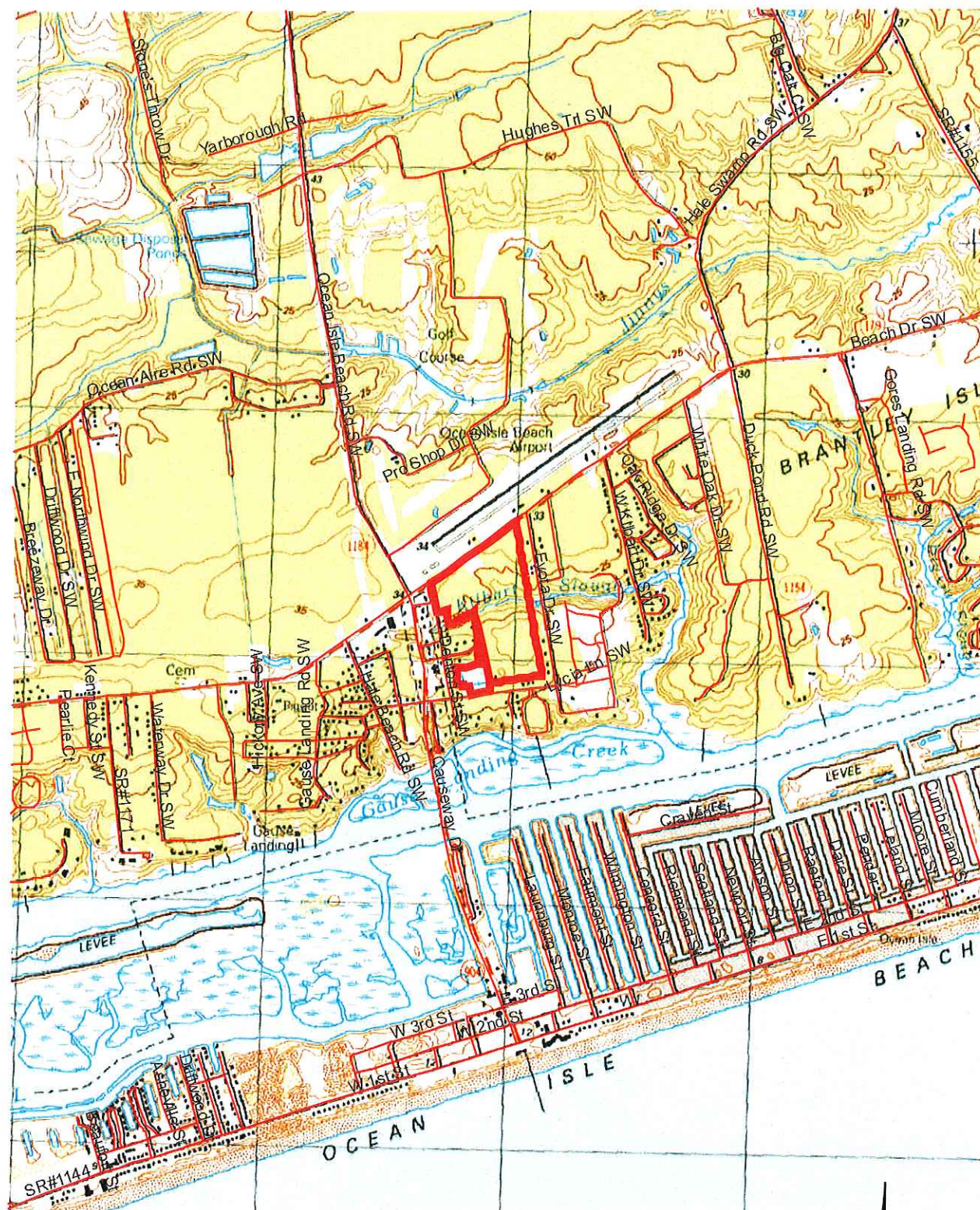
Ocean Isle Beach Marketplace
Brunswick County, NC

July 2016
LMG # 40-15-071P



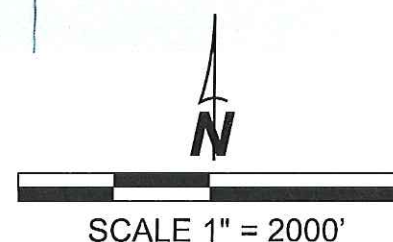
www.lmggroup.net
3805 Wrightsville Avenue
Wilmington, NC 28403
Phone: 910.452.0001 Fax: 910.452.0060

Figure 1
Vicinity Map



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

Map Source: USGS Southport Quadrangle 7.5 minute



Ocean Isle Beach Marketplace
Brunswick County, NC

July 2016
LMG # 40-15-071P



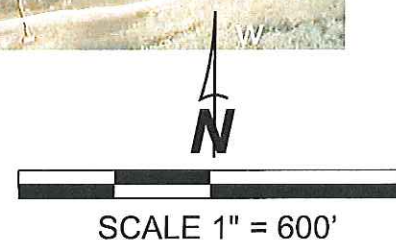
www.lmggroup.net
3805 Wrightsville Avenue
Wilmington, NC 28403
Phone: 910.452.0001 Fax: 910.452.0060

Figure 2
USGS Topographic Map



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

Map Source: NRCS Soil Survey



Ocean Isle Beach Marketplace
Brunswick County, NC

July 2016
LMG # 40-15-071P



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3805 Wrightsville Avenue
Wilmington, NC 28403
Phone: 910.452.0001 Fax: 910.452.0060

**Figure 3
Soils Map**



SCALE 1" = 400'

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

Map Source: 2012 NC OneMap Aerial Photography

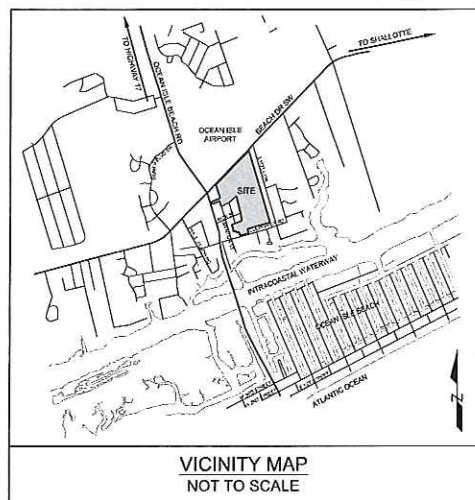
Ocean Isle Beach Marketplace
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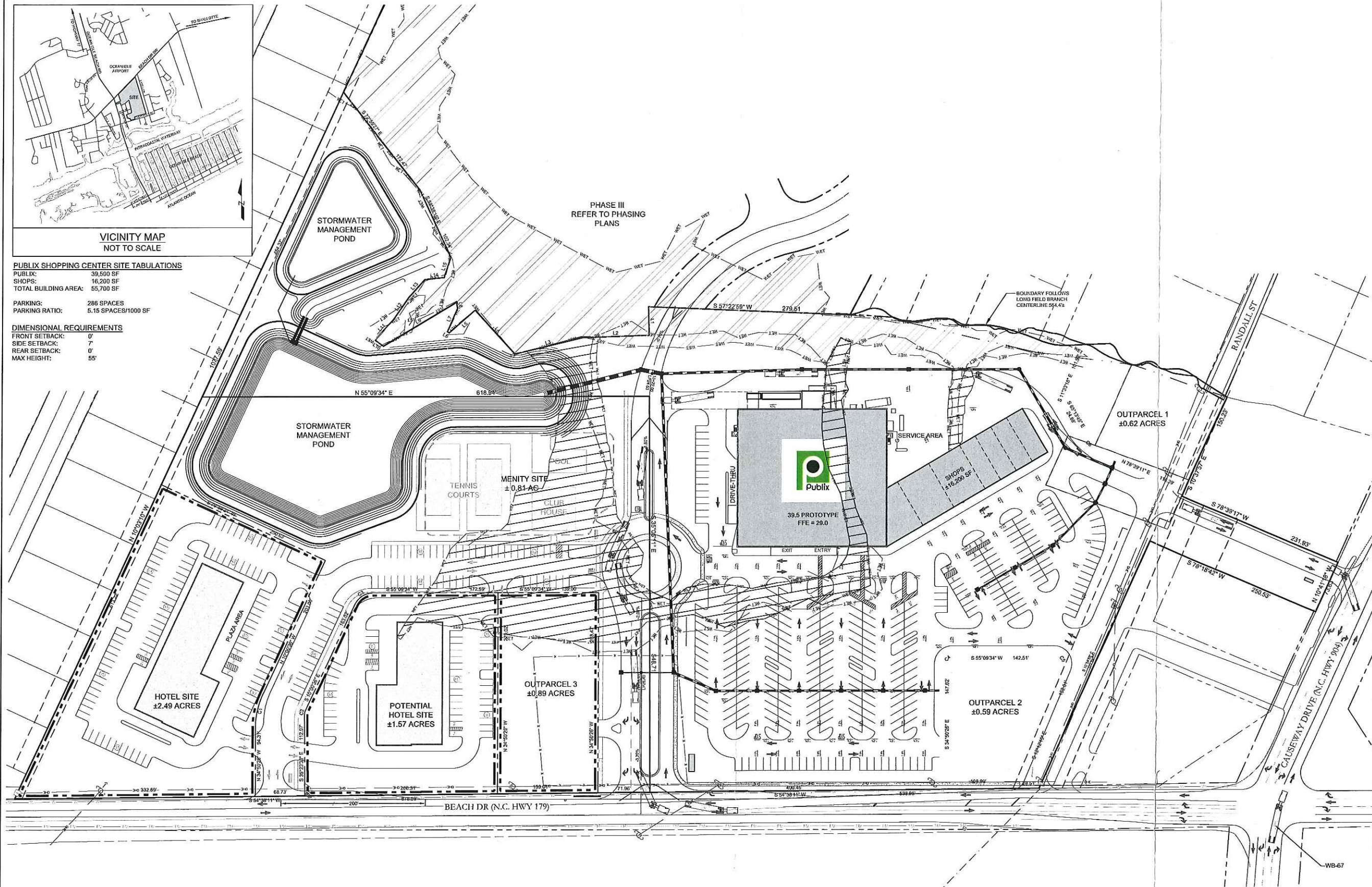
Figure 4
Aerial Photograph



PUBLIX SHOPPING CENTER SITE TABULATIONS
PUBLIX: 39,500 SF
SHOPS: 16,200 SF
TOTAL BUILDING AREA: 55,700 SF

PARKING: 266 SPACES
PARKING RATIO: 5.15 SPACES/1000 SF

DIMENSIONAL REQUIREMENTS
FRONT SETBACK: 0'
SIDE SETBACK: 7'
REAR SETBACK: 0'
MAX HEIGHT: 55'



PROPOSED IMPACTS:
2.37 acres of wetlands
292 LF of stream
205 LF of RPW

FIGURE 5. On-Site Alternative #1:
Original Site Plan with Amenity Center

NOT RELEASED FOR CONSTRUCTION DRAWINGS

REVISIONS:	
11/11/16	Revised per Client Request
12/11/16	Revised per Client Request
2/21/17	Revised per Client Request

CLIENT INFORMATION:
HALPERN ENTERPRISES, INC.
6400 POWERS FERRY ROAD, SUITE 365
ATLANTA, GA 30339

PARAMOUNT ENGINEERING
5911 Oleander Drive, Suite 201
Wilmington, North Carolina 28403
(910) 791-6707 (O) (910) 791-6766 (F)
NC License #: C-2846

SITE PLAN WITH TRUCK ROUTING
OCEAN ISLE BEACH PUBLIX

TOWN OF OCEAN ISLE BEACH
BRUNSWICK COUNTY, NC

PROJECT STATUS	
CONCEPT LAYOUT:	10/11/16
FINAL DESIGN:	11/11/16
RELEASED FOR CONSTRUCTION:	12/11/16

DRAWING INFORMATION	
DATE:	10/11/16
SCALE:	1"=60'
DRAWN BY:	GLM
CHECKED BY:	DNW

SEAL

C-2.1
PEI JOB#: 14414.PE

CAUSEWAY DRIVE (NC HWY 904)
R/W VARIES

BEACH DRIVE (NC HWY 179)

PROPERTY BOUNDARY (TYPICAL)
(TRACT BOUNDARY)

SITE DATA:

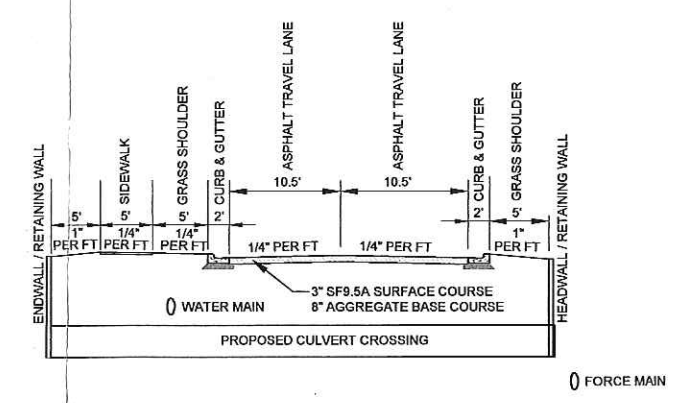
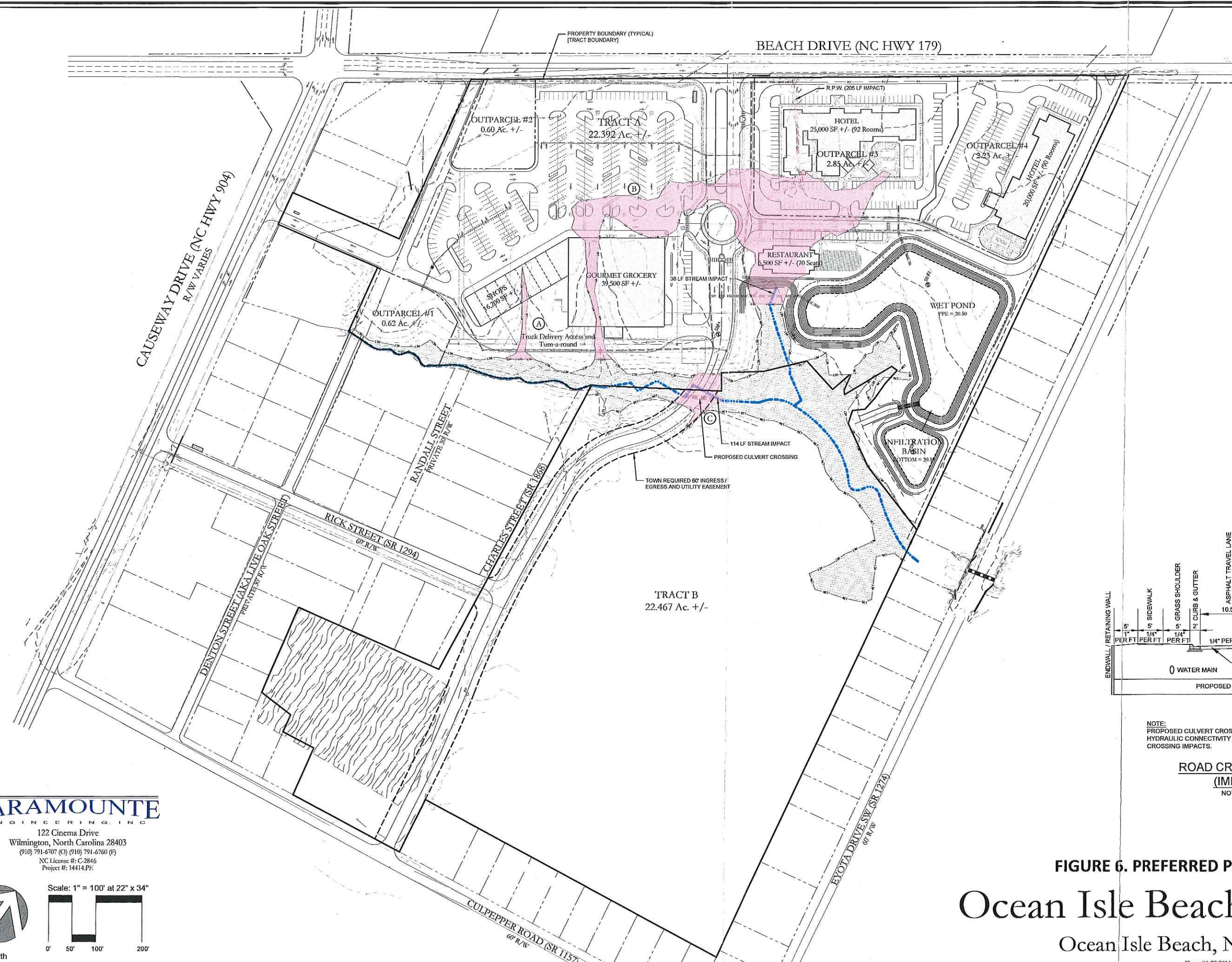
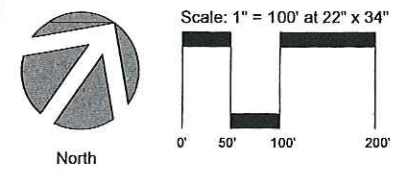
TOTAL OVERALL SITE ACREAGE	=	44.859 AC.
TOTAL STREAM IMPACTS	=	152 LF
TOTAL R.P.W. IMPACTS	=	205 LF
TOTAL WETLAND IMPACTS	=	2.038 AC.
IMPACT A	=	0.056 AC.
IMPACT B	=	1.839 AC.
IMPACT C	=	0.144 AC.
TOTAL ON-SITE WETLANDS	=	4.89 AC.
TOTAL ON-SITE STREAM	=	1,758 LF
TOTAL ON-SITE R.P.W.	=	205 LF

LEGEND:

Jurisdictional Wetland Impacts

Stream

PARAMOUNTE
ENGINEERING, INC.
122 Cinema Drive
Wilmington, North Carolina 28403
(910) 791-6707 (C) (910) 791-6760 (F)
NC License #: C-2846
Project #: 14414.PP

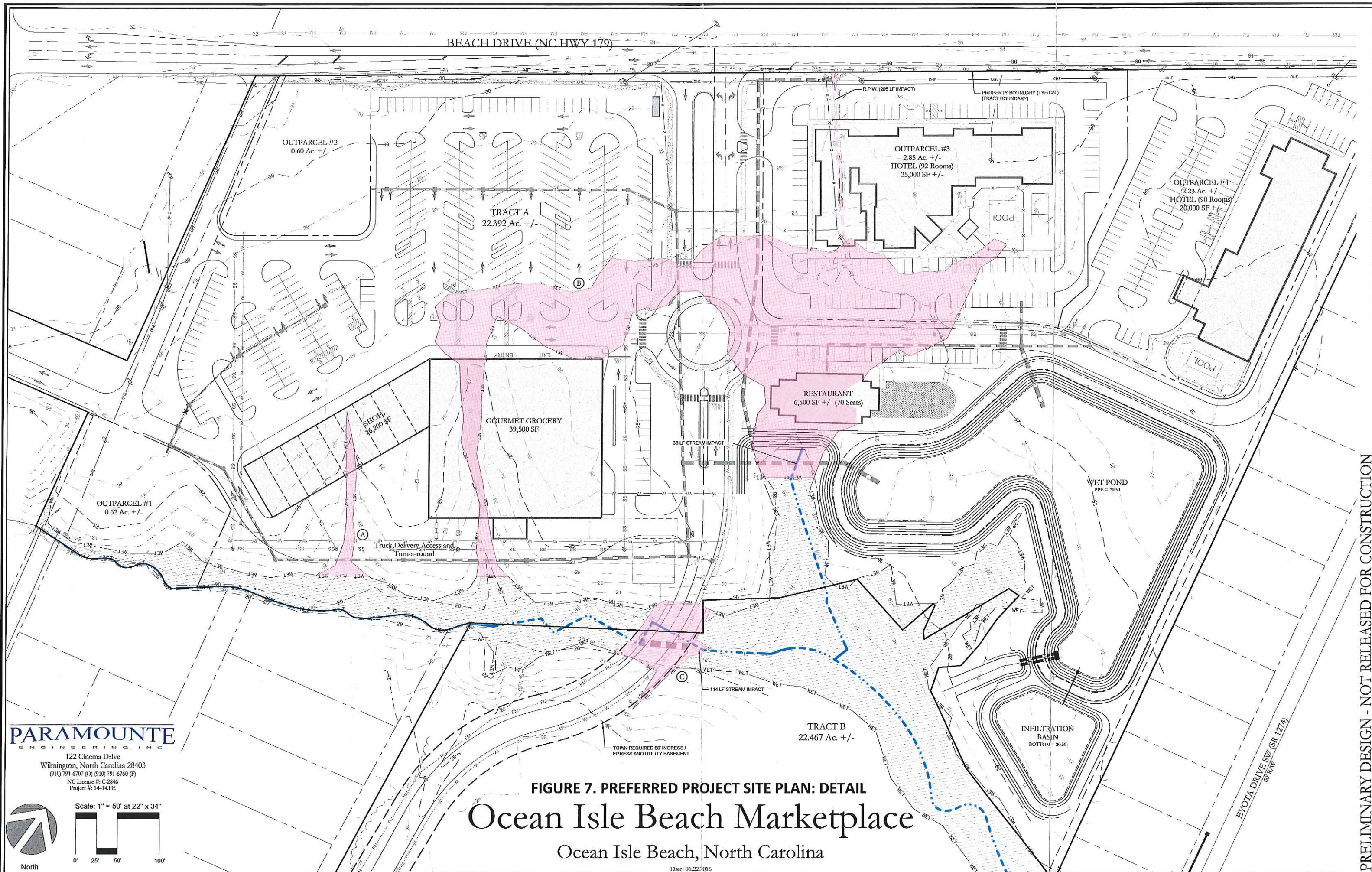


NOTE:
PROPOSED CULVERT CROSSINGS WILL BE SIZED TO MAINTAIN
HYDRAULIC CONNECTIVITY BETWEEN WETLAND/STREAM
CROSSING IMPACTS.

**ROAD CROSS SECTION
(IMPACT C)
NOT TO SCALE**

FIGURE 6. PREFERRED PROJECT SITE PLAN
Ocean Isle Beach Marketplace
Ocean Isle Beach, North Carolina
Date: 06.27.2016

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION



PARAMOUNT ENGINEERING, INC.
122 Cinema Drive
Wilmington, North Carolina 28403
(910) 791-6707 (C) (910) 791-6760 (F)
NC License #: C-2846
Project #: 14414.PE

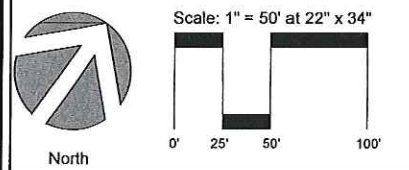


FIGURE 7. PREFERRED PROJECT SITE PLAN: DETAIL
Ocean Isle Beach Marketplace
Ocean Isle Beach, North Carolina

Date: 06.22.2016

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

PROJECT NARRATIVE

OCEAN ISLE BEACH MARKETPLACE BRUNSWICK COUNTY, NC

July 2016

INTRODUCTION

Halpern Development Company LLC proposes to develop a commercial/retail center at the intersection of Causeway Drive (Highway 904) and Beach Drive (Highway 179) in Ocean Isle Beach, NC named the Ocean Isle Beach Marketplace that will contain approximately 62,200 square feet of commercial/retail space including a grocery store, a restaurant, and additional retail shops. Four (4) outparcels are also planned. Total proposed impacts are to 2.04 acres of 404 wetlands, 152 LF of stream, and 205 LF of jurisdictional ditch. The project area is located within the Lumber River Basin and is 44.86 acres in size.

PURPOSE & NEED

The applicant's purpose for the project is to develop a shopping center with a premium grocery store that is centrally located within the Brunswick Beaches area to serve surrounding full-time residents and visitors to the area. The service area will include Ocean Isle Beach, Sunset Beach, Calabash, Carolina Shores, Shallotte, Goose Creek, and Brick Landing, which are all projected to be within a ten-minute drive of the project area.

This area currently does not have a premium grocery retailer, but residents and visitors to Ocean Isle Beach and the surrounding beach towns have the population and income demographic to support this type of project. Full-time residents within a ten minute drive time number approximately 10,000. It is estimated that the population of the service area surpasses 50,000 people on average during the summer months. Visitors to the area generally stay one week at a time. Although there are other grocery and retail shopping centers in the area, this project will serve an expanded service area over other grocery providers because of its higher end quality of retailers, including Publix.

EXISTING CONDITIONS

Habitat

The 44.86-acre project area is located at the intersection of Causeway Drive (Highway 904) and Beach Drive (Highway 179) in Ocean Isle Beach, NC (Brunswick County) (Figures 1 & 2). The project area consists of all or portions of eight (8) separate parcels. According to the Brunswick County Generalized Soil Survey, the site is a mix of Wando fine sand and Leon fine sand soil types (Figure 3). Wando fine sand soils are excessively drained and usually in interstream areas. Leon fine sand soils are nearly level, poorly drained soils located in broad, smooth, interstream areas and in depressions in undulating areas.

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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 HQW classification is a supplemental classification 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. No CAMA-regulated Areas of Environmental Concern (AEC) exist within this site.

Federally Protected Species

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. Several records of federally protected species, including the West Indian manatee, Atlantic sturgeon, loggerhead and green sea turtles, and seabeach amaranth, have been documented within a one mile radius of this site (Attachment A). These are all marine or coastal species and have been observed either in the Atlantic Intracoastal Waterway, Atlantic Ocean, or on the beachfront of these waterways. There are also multiple records of state-listed animals within a one-mile radius of the site. Information provided below about federally-protected species and their habitat has been obtained from the US Fish and Wildlife Service.

Table 1. Federally-listed endangered and threatened species known to occur in Brunswick County, NC (Information obtained from USFWS website; http://www.fws.gov/raleigh/species/cntylist/nc_counties.html).

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status</i>
<i>Animals</i>		
American alligator	<i>Alligator mississippiensis</i>	T(S/A)
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGPA
Green sea turtle	<i>Chelonia mydas</i>	T
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	E
Leatherback sea turtle	<i>Dermochelys coriacea</i>	E
Loggerhead sea turtle	<i>Caretta caretta</i>	T
Piping plover	<i>Charadrius melodus</i>	T
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
Red knot	<i>Calidris canutus rufa</i>	T

Common Name	Scientific Name	Status
West Indian manatee	<i>Trichechus manatus</i>	E
Wood stork	<i>Mycteria americana</i>	E
Plants		
Cooley's meadowrue	<i>Thalictrum cooleyi</i>	E
Rough-leaf loosestrife	<i>Lysimachia asperulaefolia</i>	E
Seabeach amaranth	<i>Amaranthus pumilus</i>	T

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.
BGPA	Bald and Golden Eagle Protection Act.

The sea turtles, piping plover, red knot, West Indian manatee, and seabeach amaranth are all found in either coastal or marine habitats and would not be located within the proposed project. The other species listed in the table are discussed below.

The American alligator lives primarily in freshwater swamps and marshes, but also in rivers, lakes, and smaller bodies of water. Bald eagles in the southeast typically build their nests in the zone between forests and marsh or open water. Nests are built in dominant live pines or cypress trees that provide a clear flight path. Wood storks feed in freshwater marshes, narrow tidal creeks, or flooded tidal pools. Their primary nesting habitat is cypress or mangrove swamps. Kilbart Slough, a perennial stream, is located on site and connects into the AIWW further downstream. This waterbody may be too saline to be appropriate habitat for the alligator. Although the site is in fairly close proximity to tidal habitat (approximately 1,000' south of site), there are no mature pines or cypress trees within the tract that could provide appropriate nesting habitat for the bald eagle or wood stork.

The red-cockaded woodpecker (RCW) is generally found in open pine woodlands and savannas with large old pines for nesting and roosting habitat. Cavity trees are located in open stands

with little or no hardwood midstory or overstory. Minimum age of cavity trees is between 60 and 80 years depending on tree and site factors. Foraging habitat is provided in pine and pine hardwood stands 30 years old or older with foraging preference for pine trees 10-inch DBH or larger. In good, well-stocked pine habitat, sufficient substrate can be provided on 80 to 125 acres. No RCWs or RCW cavities were observed within the project area. Although most of the site is forested and pine trees exist within the site, the project area is too dense to provide appropriate nesting or foraging habitat for the woodpecker. Adjacent sites are mostly developed and it is unlikely that nests would be found adjacent to the site.

Cooley's meadowrue inhabits sunny, moist places such as open, savanna-like forest edges and clearings, wet savannas over calcareous clays, and ecotones between wet savannas and non-riverine swamp forests. Soils are basic, sandy loams. Rough-leaved loosestrife generally occurs in the ecotones between pine savannas and pocosins, on moist to seasonally saturated sands. Because these plants are shade-intolerant, moist areas exposed to sunlight provide suitable habitat. Since this evaluation was conducted outside of these plants' flowering period, a habitat assessment was conducted to determine if the site supports appropriate habitat for the species. Wetland areas within the site, including ditch banks, appear to be too densely vegetated to provide appropriate habitat for Cooley's meadowrue or rough-leaved loosestrife. Therefore, appropriate habitat for these plant species does not exist on this site.

Cultural Resources

The NC State Historic Preservation Office HPOWEB GIS Service was reviewed to determine if there are any known historic or cultural resources on or adjacent to the project area. No known historic or cultural resources have been documented on or adjacent to the project area.

Local Zoning and Land Use Plan

The site is zoned C-2M (Commercial Causeway Mainland) and C-3 (Commercial Highway District) by the Town of Ocean Isle Beach. According to the Town's Code of Ordinances, the C-2M zoning allows for retail businesses providing low bulk commodities such as groceries, drugs, apparel, variety and convenience merchandise and gifts. The C-3 district is intended to serve the general

commercial needs of the community. Additionally, all residential uses permitted in other districts are allowed.

The Future Land Use Map within the Town of Ocean Isle Beach 2009 CAMA Land Use Plan classifies the site as 'Commercial Annex' and 'Commercial Highway'. The Commercial Annex District is intended to serve specific commercial needs of the community and allows the following uses within its boundaries: commercial enterprises involving retail, wholesale, service, trades, or offices; hotels and motels; apartment accommodations for short-term and long-term occupancy; and all uses permitted in R-1 and R-2. The Commercial Highway District is intended to serve the general commercial needs of the community. Additionally, all residential uses permitted in other districts are allowed.

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 condition, which is undeveloped land. The no-action alternative is not considered feasible for several reasons. The inability to develop this property would be a significant loss of return for the current owners. Furthermore, it would be a loss of a high-end commercial/retail shopping center for people living in this area. For these reasons, this alternative was not considered feasible.

Alternate Sites

The area evaluated for this project included the southern end of the Brunswick County Beaches, as another Publix is already planned for Oak Island. In order to be centrally located to the intended customer base, the applicant focused its study area for this project to tracts on the southern portion of the mainland of Ocean Isle Beach and Sunset Beach so that it would be conveniently located to both the mainland and beach communities. Several site characteristics were required in order to create a viable project for the community. The site needed to be large enough to accommodate a Publix grocery store, additional retail development, parking, stormwater facilities, and a minimum of three outparcels. The site also needed signalized access and at least two access

points to other thoroughfares, bringing in traffic from multiple directions. This was a requirement of both Publix and the Town of Ocean Isle Beach. Several sites in this general vicinity have been identified that meet the size criteria and have access to one major corridor. However, the chosen site is the only one that has access to two major roads. This was accomplished by combining several tracts.

On-site Alternatives

This site was chosen because of its proximity to several beach towns and its access. It is viewed as a hub to capture a large percentage of the tourism trade. Convenience to a tourist is of paramount importance. Therefore, positioning this shopping center in a location easily accessible to the most people was key. The 44.86-acre project area is located at the intersection of Causeway Drive (Highway 904) and Beach Drive (Highway 179) in Ocean Isle Beach, NC (Brunswick County) (Figures 1 & 2). It is large enough to support a high-end shopping center and has two access points to major travel corridors, one of which will be a signalized access point planned at Culpepper Road. The site is zoned commercial and no rezoning will be required for this project. Once the specific project location was determined, several site plans were evaluated.

Alternative #1 Original Site Plan with Amenity Center

The applicant's original plan was similar to the preferred plan and included a grocery store, retail shops, and five outparcels (Figure 5). However, instead of a restaurant, and a large amenity center (tennis courts, pool, and clubhouse) was planned. This would have increased the gross leasable area and would have allowed for a higher rate of return for the applicant. However, this site plan impacted 2.37 acres of 404 wetlands, 292 LF of stream, and 205 LF of RPW. Even though this plan would have maximized the economic value of the land, the environmental impacts were considered too high. Therefore, this alternative was rejected by the applicant.

Alternative #2: Preferred Project

The preferred project site plan replaced the amenity center with a smaller restaurant in order to reduce wetland and stream impacts. This site plan consists of constructing 39,500 sf grocery store, 16,200 sf of retail shops, a 6,500 sf restaurant, stormwater facilities and

access ways (Figures 6 & 7). Additionally, four outparcels are planned, two of which will contain hotels. The proposed layout offers the least amount of impact while still maintaining the required access points and adequate developable area to make the project economically viable. The applicant has designed the site to contain 5.33 parking spaces per 1,000 square feet of building, which is a typical required minimum on retail developments of this size. The stormwater BMPS will be located in the southeastern part of the site. Note that one of the access roads will tie into Culpepper Road and will go through an adjoining property. The applicant is not purchasing this tract and is only obtaining an easement through it. It is anticipated that the owner of this tract will eventually develop residential housing within it and no wetland or stream impacts will be needed.

The number of buildings and outparcels planned within the project area is based on the price of the land, on-site and off-site development costs, and the applicant's anticipated profit margin.

POTENTIAL ENVIRONMENTAL IMPACTS

The proposed project will impact 2.04 acres of 404 wetlands, 114 linear feet of perennial stream, 38 LF of intermittent stream, and 205 LF of an RPW (Figures 6 & 7). The wetland and intermittent stream impacts are needed for building and parking placement. The perennial stream impacts are needed to provide a secondary road access point, as required by Publix and the Town of OIB. A culvert will be used at this crossing to maintain hydrologic flow. Headwalls will also be used to minimize stream impacts as much as possible. Note that this road will tie into Culpepper Road and will go through an adjoining property. It is anticipated that the owner of this tract will eventually develop residential housing within it and no wetland or stream impacts will be needed. Secondary impacts to wetlands and water quality 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, the site is zoned C-2M (Commercial Causeway Mainland) and C-3 (Commercial Highway District) by the Town of Ocean Isle Beach, which is suitable for the proposed project. The Future Land Use Map within the Town of Ocean Isle Beach 2009 CAMA Land Use Plan

classifies the site as 'Commercial Annex' and 'Commercial Highway'. 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

The applicant has attempted to avoid and minimize wetland and stream impacts as much as possible during the site design. To mitigate for the unavoidable impacts, the applicant plans to buy wetland (non-riparian and riparian) and stream credits from the Stone Farm Regional Mitigation Bank located within the Lumber River Basin (HUC 03040207). Of the 2.04 acre of wetland impacts, approximately 1.7 acres appear to be non-riparian. The remaining 0.34 acre of wetlands are riparian. The applicant proposes to buy 1.7 acres of non-riparian wetland credits, 0.34 acres of riparian wetland credits, and 152 LF of stream credit.