



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: October 24, 2016  
Comment Deadline: November 23, 2016  
Corps Action ID #: SAW-2016-02047

The Wilmington District, Corps of Engineers (Corps) has received a prospectus proposing to include an additional site, known as the Jeat Tract, to the Northeast Cape Fear Umbrella Mitigation Bank (Bank). The Jeat Tract is located on the west side of SR 1522 (Shaw Highway), across from the Bank's current Holly Shelter Tract, adjacent to the Northeast (NE) Cape Fear River, east of Rocky Point, Pender County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. The Public Notice and the prospectus are available on the Wilmington District Web Site at

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

**Sponsor:** Mr. Cal Miller, Shaw Highway Properties LLC  
Suite 220, 3907 Bowen Road  
Canal Winchester, Ohio 43110

**Agent:** Mr. Christian Preziosi  
Land Management Group, Inc.  
3805 Wrightsville Avenue, Suite 15  
Wilmington, North Carolina 28403

**Owner:** Mr. Trent Talbert, Jeat Properties, LLC  
664 Hughes Road  
Hampstead, North Carolina 28443

## Authority

The Corps will evaluate this prospectus and the establishment of the mitigation bank site in accordance with the procedures outlined in 33 CFR Part 332. Additionally, this proposal will also be reviewed pursuant to the permitting authority under Section 404 of the Clean Water Act if construction work involves the discharge of fill material in waters and/or wetlands of the United States.

## Location

The proposed Bank is positioned across from the Holly Shelter Tract and encompasses the east side of the NE Cape Fear River floodplain. The Bank site is located at 34.4719 N, -77.83511 W, approximately 1.3 miles north of Shaw Highway and Highway 210 intersection, east of Rocky Point. The tract is situated within the NE Cape Fear River Hydrologic Unit Code (HUC) 03030007 of the NC Cape Fear River Watershed Basin.

## Existing Site Conditions

The surrounding area of the Bank is rural and comprised mostly of silviculture lands with low-density residential development, and is situated between the NE Cape Fear River and the Holly Shelter Game Lands. The boundary of the proposed addition contains approximately 168 acres of land and is part of an overall 400-acre property, which the plan labels as mostly uplands. The Jeat project site consists predominantly of a mature tidal freshwater riverine swamp forest community abutting the river and is relatively intact with the exception of a power line traversing across the lower southern half. Based upon available information, the riparian wetlands appear to have been maintained in their current natural state since at least the 1930s, with some possible thinning 40-50 years ago. No ditching is present within the proposed boundaries of the site.

The prospectus states that the forested riverine swamp contains a mixture of mature canopy trees which includes swamp black gum (*Nyssa biflora*), red maple (*Acer rubrum*), bald cypress (*Taxodium distichum*), and water tupelo (*Nyssa aquatica*). Common shrubs include American holly (*Ilex opaca*), titi (*Cyrilla racemiflora*), and tag alder (*Alnus serrulata*). Herbaceous layer is generally sparse due to prolonged inundation. The underlain soils of the site are predominantly organic and mucky mineral hydric soils characteristic of riverine swamp forest of the outer Coastal Plain. Representative hydric soil type is mapped as Dorovan muck, a very poorly drained soil that is frequently flooded for very long durations throughout the year. Water table within this soil type ranges from +1 to -0.5 feet from January to December. A small portion of the project site is upland and consist of Pactolus fine sand, a moderately well drained soil located on terraces and uplands.

The designated preserved wetlands and stream areas were evaluated using the North Carolina Wetland Assessment Method and North Carolina Stream Assessment Method to provide a scientific base for the level of functions that the site is offering. For the wetland area, assessments were completed in the north and south sections of the site. Both resulted in overall High ratings for the Hydrology, Water Quality, and Habitat categories. Six separate streams located within the site were evaluated and all received a rating of an overall High in the Hydrology, Water Quality, and Habitat categories.

## **Project Purpose**

The purpose of the proposal is to establish a private commercial wetland and stream mitigation bank in order to provide compensatory mitigation for riparian wetlands and stream impacts associated with Department of the Army authorizations pursuant to Section 404 of the Clean Water Act. Project objectives focus on preserving a connectivity between the Holly Shelter Mitigation Site and the NE Cape Fear River and to protect high quality riparian wetlands abutting the river. The preservation is expected to improve water quality as well as maintaining aquatic and terrestrial habitat and providing a wildlife corridor between the Holly Shelter Game Lands and the NE Cape Fear River. This is anticipated to benefit wildlife and further protect waters along the floodplain of the river.

## **Project Description**

The Sponsor proposes to accomplish the following within the 168 acres of the Bank: 1) Preserve ~160.1 acres of riparian (riverine) wetlands, 2) Preserve ~4,000 linear feet of stream, and 3) Preserve ~7.5 acres of uplands. With the site containing mature canopy trees and intact forested communities, no plantings or initial vegetation management is being proposed. The mitigation bank is projected to generate ~32 riparian (riverine) wetland credits and ~1,600 linear feet of stream credits. No credits are requested for the upland corridor.

The proposed Geographical Service Area (GSA) encompasses the entire boundary of the NE Cape Fear River HUC 03030007. To date, the sponsor has not designated a third party entity to handle the long-term management of the bank via conservation easement, but options include the Land Trust for American (which holds the easement for the Holly Shelter Tract), the North Carolina Coastal Land Trust, or the Cape Fear River Watch.

## **Evaluation and Commenting Information**

The Corps 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 addition of the Jeat Tract to the NECFUMB. Any comments received will be considered by the Corps of Engineers in evaluating the approval of this bank. To make this decision, 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.

The Corps has reviewed the prospectus and has examined all information provided by the sponsor. Our preliminary review indicates the following: 1) An Environmental Impact Statement will not be required; 2) No listed species of fish, wildlife, and/or plant species (or Critical Habitat) under the Endangered Species Act of 1973 is expected to be impacted within the proposed 168-acre area of the bank; 3) There are no cultural or historic resources located within the proposed project site; and 4) There are no Essential Fish Habitat (EFH) areas within the property. A “no effect” determination for threatened and endangered species and for cultural and/or historic resources has been made at this time; and it has been determined that no additional EFH evaluation will be conducted. Any additional or new information may change any of these preliminary findings.

Written comments pertinent to the proposed work, as outlined above and as described in the prospectus, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 23, 2016. Comments should be submitted to Mr. Mickey Sugg, 69 Darlington Avenue, Wilmington, North Carolina 28403, or via internet at [mickey.t.sugg@usace.army.mil](mailto:mickey.t.sugg@usace.army.mil). If you have any questions or in need of a copy of the bank prospectus, please contact Mr. Sugg at (910) 251-4811.