



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: June 6, 2022
Comment Deadline: July 6, 2022
Corps Action ID Number: SAW-2019-02340

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Thomas Vincent (Halvorsen Development Corporation) seeking Department of the Army authorization to impact and fill 0.68 acres of 404 wetlands and 0.164 acres of Jurisdictional Open Water ditches for the construction of a commercial/retail center at the intersection of Hwy 17 and Calabash Road in the Town of Carolina Shores, 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: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Mr. Thomas Vincent
Halvorsen Development Corporation
851 South Federal Highway, Suite 201
Boca Raton, Florida 33432

AGENT (if applicable): Ms. Kim Williams
Land Management Group/Davey Resources, Inc.
3805 Wrightsville Avenue, Suite 15
Wilmington, North Carolina 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)



Project Location in Carolina Shores (Figure 1)

Location

The project is located at the intersection of Hwy 17 and Calabash Road in Carolina Shores, Brunswick County, NC. (Parcel Tax ID: 2400001405 & 2400001408)

Project Area (acres): 21.9 acres

Nearest Town: Carolina Shores

River Basin: Lumber

Watershed Hydrologic Unit Code: 03040206

Nearest Waterway: UT of Persimmon Swamp

Latitude and Longitude: 33.909244 N, -78.586464 W

Existing Site Conditions

The 21.9-acre project is located at the intersection of Highway 17 and Calabash Road in Carolina Shore, Brunswick County, NC. (Figure 1) The project area consists of two parcels. Approximately two-thirds of the site is in fields, the remaining acreage is undeveloped and forested. (Figure 2) A site delineation of 404 wetlands for the project area was performed by Land Management Group and was approved by Gary Beecher of the USACE on December 10, 2019. (Action ID# SAW-2019-02340). The project area contains 1.2 acres of 404 wetlands and approximately 3,022 LF of non-stream jurisdictional open water ditches. The 404 wetlands are located in the northeastern part of the site and support a canopy of red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*), and loblolly pine (*Pinus taeda*) with a sparse shrub layer composed of fetterbush (*Lyonia lucida*) and Chinese Privot (*Ligustrum sinense*).

The only structure currently onsite is an old barn located in the northeastern part of the site. Adjacent land use consists of residential development to the west, forested areas and fields to the north, highway 17 to the east, and Calabash Road to the south. There is a CVS drug store located just south of this site.

According to the topographic maps for this area, the 1.2 acres of 404 wetlands on site flow to an unnamed tributary of Persimmon Swamp, which runs along the northern property boundary and east to Persimmon Swamp (Figure 3). Persimmon Swamp is classified by the NC Division of Water Resources as C and SW. The C water classification is given to waters protected for uses such as secondary recreation, fishing, wildlife, fish consumption, aquatic life including propagation, survival and maintenance of biological integrity, and agriculture. The SW classification is a supplemental classification intended to recognize those waters which have low velocities and other natural characteristics which are different from adjacent streams. No CAMA - regulated Environmental concern (AEC) exists within this site.

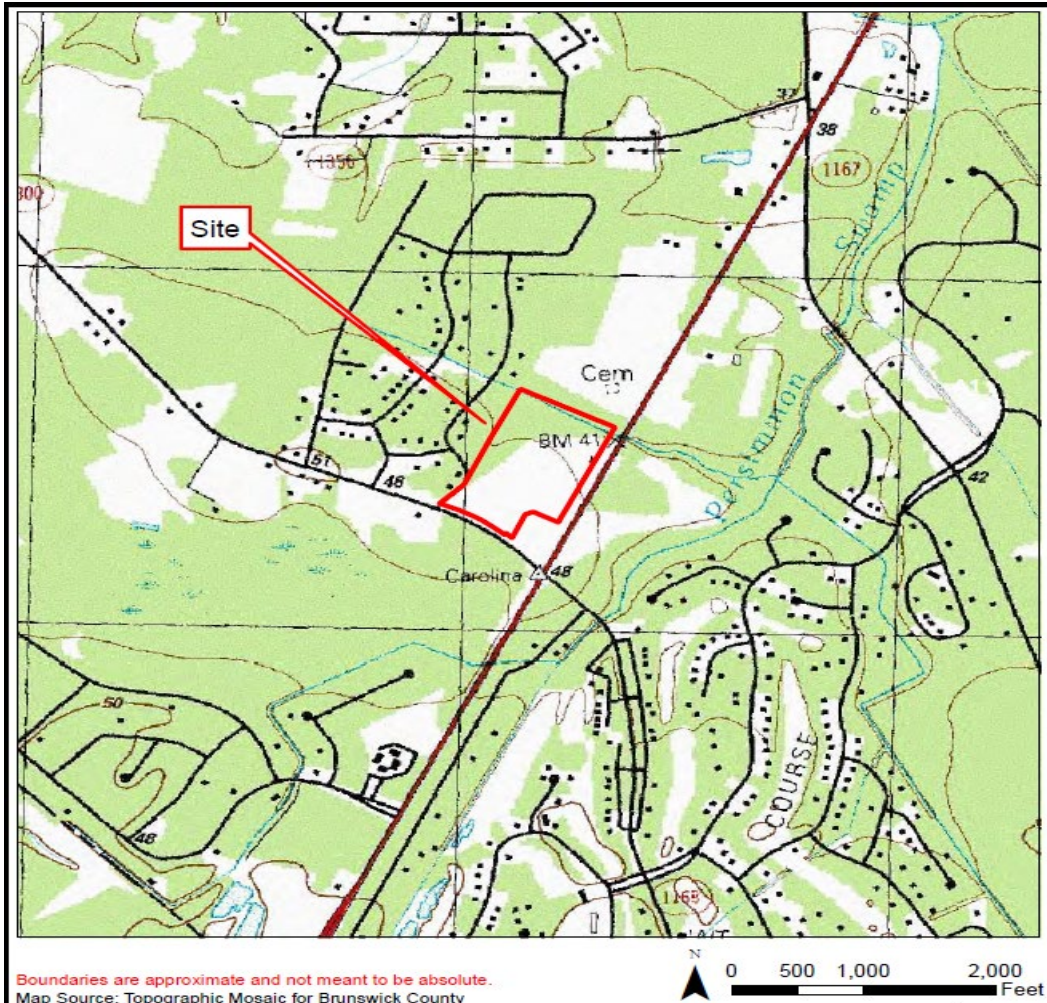
According to the Brunswick County Soil Survey, the site is predominantly Goldsboro fine sandy loam, with some Onslow fine sandy loam, Rains fine sandy loam, and Muckalee loam. Goldsboro and Onslow fine sandy loam soils are moderately drained and usually found in interstream areas. Rains fine sandy loam soils are nearly level, poorly drained soils located in broad, smooth, interstream areas and in depressions in slightly convex divides. Muckalee loam soils are nearly level, poorly drains soils on floodplains of freshwater streams. Wetland areas within the site correlate to the Muckalee loam soil series.



Boundaries are approximate and not meant to be absolute.

Map Source: NC OneMap 2020 Aerial

(Figure 2)



Topographic Map (Figure 3)

Applicant's Stated Purpose

The applicant's purpose for the project is to develop a shopping center with a grocery store that is centrally located within the Carolina Shores/Calabash area to serve surrounding full-time residents and visitors to the area that is specifically located off Highway 17. According to the applicant, market research indicates that residents and visitors to the area have the population to support this type of project.

Project Description

The proposed project is to develop a commercial/retail center at the intersection of Hwy 17 and Calabash Road in Carolina Shores, NC that will contain approximately 68,240 square feet of commercial/retail space including a grocery store and retail shops. Additionally, five (5) outparcels are planned. Total proposed impacts are to 0.684 acres of 404 wetlands and 0.164 acres of jurisdictional open water ditches. The shopping center

will serve surrounding full-time residents and visitors to the area that is specifically located off Highway 17. (See figure 4)

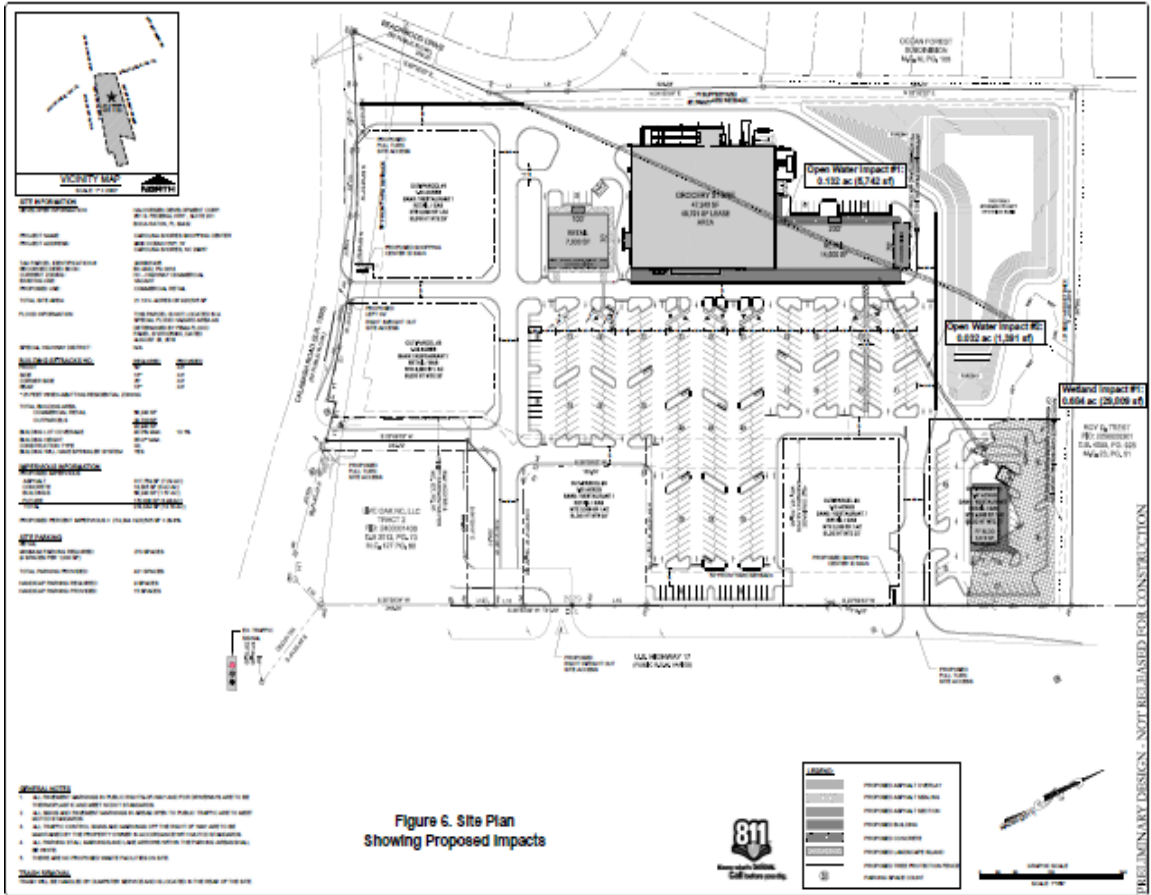


Figure 4 Project Design

Avoidance and Minimization

Alternative analysis was performed and reviewed for this project. The applicant evaluated several off-site and on-site alternatives and determined that the preferred project is the least environmentally damaging yet practicable alternative. The applicant will purchase wetland mitigation credits from the Stone Farm Mitigation Bank, which is located within the same HUC as this project. There is no proposed mitigation for the impacts to the Jurisdictional Open Water Ditch.

In accordance to the applicant, minimization efforts include reducing the impact footprint to 0.68 acre of the total 1.4 acres of 404 wetlands existing on the property. This would leave 0.72 acres of wetlands intact and un-disturbed. The jurisdictional open water ditch impacts were unavoidable as stated by the applicatn. The ditch runs through most of the 21.9 acre project site.

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 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

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, not likely to adversely 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, NC 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by July 6, 2022 to:

NCDWR Central Office

Attention: Mr. Paul Wojoski, 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 (NCDPCM):

- 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 NCDPCM, and the NCDPCM 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 NCDPCM.

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, **July 6, 2022**. Comments should be submitted to Gary Beecher, **Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403**, at (910) 251-4694 or to Gary.h.Beecher@usace.army.mil