



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: July 3, 2024
Comment Deadline: August 2, 2024
Corps Action ID Number: SAW-2024-01173

The Wilmington District, Corps of Engineers (Corps) received an application on June 14, 2024 from Pulte Group Coastal Carolinas c/o: Paul Michael seeking Department of the Army authorization to permanently impact 0.466 acres of jurisdictional wetlands, 120 linear feet of stream, 0.037 acre of open water pond, and 0.275 acres of non-stream waters of the US, associated with residential community in the Ocean Isle Beach area in Ocean Isle Beach, 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: Paul Michael
Pulte Group Coastal Carolinas
1150 62nd Avenue North
Myrtle Beach, SC 29572

AGENT (if applicable): Kim Williams
Davey Resource Group
3805 Wrightsville Ave, Ste 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

Location Description: Located to the southeast of the Georgetown Road and Ocean Isle Beach Road intersection in Ocean Isle Beach, NC. Parcel ID: Portions of 2280000410, 22800010, 2280001005, 22800003, 2290000102 & 2290000705.

Project Area (acres): 352.5

Nearest Town: Ocean Isle Beach

Nearest Waterway: Jinny's Branch

River Basin: Lumber

Latitude and Longitude: 33.927321N, -78.438106W

Existing Site Conditions

The 352.5-acre project area is located southeast of the intersection of Georgetown Road and Ocean Isle Beach Road in Ocean Isle Beach, NC (Brunswick County). The majority of the site is undeveloped and forested. A site delineation of 404 wetlands for the project area was performed by Davey Resource Group, Inc (DRG) and was approved by the U.S. Army Corps of Engineers on December 20, 2023 (Action ID# SAW-2009-01063). The NC Division of Water Resources verified the stream locations within the site in April of 2024.

The project area contains approximately 56.5 acres of 404 wetlands, 3.9 acres of open water ponds, 4,500 LF of stream, and 7,000 LF of non-stream jurisdictional ditches. Uplands within the site support mostly loblolly pines (*Pinus taeda*), with some young longleaf pines (*P. palustris*) in the western part of the site off of Ocean Isle Beach Road. A review of aerial photos indicates that most of the uplands within the site were timbered in the mid 2000's. These areas currently support loblolly pines that are 4" to 8" diameter at breast height (DBH). The longleaf pines within the site are also generally 4" to 8" DBH. Several tributaries and one stream run through the tract and eventually tie into Jinny's Branch off property. A portion of one tributary in the southern part of the tract was excavated into a pond several decades ago. Wetlands are located along most of these tributaries and stream throughout the site. In the northern and central parts of the site, wetlands support a canopy of loblolly pine with red bay (*Persea palustris*), wax myrtle (*Morella cerifera*), and gallberry (*Ilex glabra*) present as well. Wetland drains located farther south are at a lower landscape position and support more hardwoods such as red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*) and water oak (*Quercus nigra*).

According to the Brunswick County Generalized Soil Survey, uplands within the site are predominantly Leon fine sandy loam, with some Baymeade fine sand and Kureb fine sand as well. Wetlands are predominantly Murville mucky fine sand, with some Muckalee loam in the southern part of the tract.

Applicant's Stated Purpose

The applicant's stated purpose of this project is to create an economically viable residential community in the Ocean Isle Beach area to cater to a age group older than 55 years. The location of this project was chosen due to the lack of retirement communities in the area, the overall shortage of housing in the Ocean Isle Beach Metropolitan Statistical Area (MSA), and the relatively close proximity to the beach.

Project Description

The preferred project consists of developing 725 single-family lots and an approximately 7-acre amenity area. Del Webb developments cater to an active, amenity-driven community.

Amenities would consist of an 18,000-sf clubhouse, pool, pickleball courts, mail kiosks, and a commercial building for events. Inside the main building will be common space, kitchen, fitness, indoor pool and locker rooms. The proposed project will also consist of roadway grading and paving, the installation of water main services, and the installation of stormwater and wastewater collection systems. Roads for the project will be constructed to NCDOT standards. Water and sewer utilities will tie into the Town of Ocean Isle Beach's system. All stormwater will be collected via a storm drain piping system.

Wetlands, streams, and non-stream channels transect the site and accessing uplands within the site will require crossing wetlands and/or waters of the US in six locations. Culverts will be installed at the wetland/waters crossings (48" to 60" diameter) and rip rap is proposed on either end of the culverts to reduce scour. The culvert at the stream crossing) will be buried per USACE and NCDWR standards. Additionally, riprap at all channel crossings will be installed flush with the bottom of the channel. It is anticipated that bypass pumping will not be needed during construction. Sidewalks are also proposed as a requirement of the Town and as an added amenity to residents. Roads will utilize a narrowed section with the sidewalk immediately behind the curb when crossing a jurisdictional area to minimize impacts. Roads will have 3:1 slopes and utilities will be placed within the road right-of-way throughout most of the tract. Utility impacts are incorporated with the road crossings impacts.

Additionally, a section of a non-stream jurisdictional channel and one small open water pond will also be filled for lot development. A new channel will be constructed in the northeastern part of the site to allow off site water from a culvert under Old Georgetown Road to tie back to the wetlands and Waters of the US channel on site. The rerouting of the channel would allow for the hydrological connection of offsite waters since the original channels is proposed to be filled.

Proposed impacts are 0.466 acres of non- riparian, 120 LF of stream, 0.037 acre of open water pond, and 0.275 acres of non-stream waters of the US. Of the channel

impacts, 10 LF of stream and 0.003 acre of non-stream Waters of the US are for riprap, which will be installed to be flush with the bottom of the channel, resulting in no permanent loss.

Secondary impacts to wetlands and water quality could occur during and after construction of the project through erosion and stormwater runoff. These potential impacts 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.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant evaluated several off-site and on-site alternatives and determined that the preferred project is the least environmentally damaging yet practicable alternative. For more detailed information see the application and supportive information attached to the public notice. The applicant has attempted to minimize wetland and stream impacts as much as possible. Wetland and stream impacts are needed for road crossings to be used in order to gain access to uplands located throughout the tract. Riprap at all channel crossings will be installed flush with the bottom of the channel. The applicant and engineer revised the site plan several times to reduce impacts. Changes made include losing several lots and revising proposed road crossings to be at narrow points along the wetlands. Roads will have 3:1 slopes and utilities will be placed within the road right-of-way throughout most of the tract..

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 unavoidable wetland impacts by purchasing credits from the Stone Farm Mitigation Bank at a 2:1 ratio. No mitigation is being proposed for the stream impacts due to the applicant's position that it is of low quality . Rip rap, road widths, and side slopes have been minimized. To mitigate proposed wetland impacts, the applicant proposes to buy into the Stone Farm Mitigation Bank for the restoration of 1 acre of non-riparian wetlands within the Lumber River Basin. Because stream impacts are below the typical mitigation threshold of 0.02 acre and are of a low quality, no stream mitigation is proposed..

Essential Fish Habitat (EFH)

The Corps' 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:

- 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

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.
- For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: May Affect, Not Likely To Adversely Affect -Northern Long Eared Bat. Red-cockaded Woodpecker Slopes determination key was completed with a no effect determination.
 - By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. *Add Additional Information If Necessary*
 - The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. Informal consultation through IPAC will be conducted for the Northern Long Eared Bat
 - The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. *Add Additional Information If Necessary*

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 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 180 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.

- 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 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, August 2, 2024. Comments should be submitted to David Moose, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403, or via email at David.e.moose@usace.army.mil. The Corps Project Manager can be contacted at (910) 251-4810. Comments may also be submitted to WilmingtonNCREG@usace.army.mil.