



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: September 17, 2024  
Comment Deadline: October 17, 2024  
Corps Action ID Number: SAW-2024-01658

The Wilmington District, Corps of Engineers (Corps) received an application on August 28, 2024 from the Town of Sunset Beach seeking Department of the Army authorization to discharge fill into 1.16 acres of wetlands, associated with the construction of a facility to accommodate a public works office, storage, meeting, fire training space needs, and Emergency Operations Center in the Town of Sunset 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:** Lisa Anglin  
Town of Sunset Beach  
700 Sunset Blvd. N  
Sunset Beach, NC 28468

**AGENT (if applicable):** Kim Williams  
Davey Resource Group, Inc.  
3805 Wrightsville Avenue, 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

Location Description: The proposed project would be located at 7149 Old Georgetown Rd SW in the Town of Sunset Beach.

Project Area (acres): 5.6

Nearest Town: Sunset Beach

Nearest Waterway: Calabash Creek

River Basin: Lumber River (HUC 03040208)

Latitude and Longitude: 33.918017N, -78.489265W

## Existing Site Conditions

### Habitat

The 5.6-acre site is located northeast of the intersection of Seaside Rd SW (NC Highway 904) and Old Georgetown Rd SW (NC Highway 179) in Sunset Beach (Brunswick County), NC. The site is undeveloped except for the existing Sunset Beach Fire Station located in the southern part of the parcel that fronts Old Georgetown Road. The remaining 3.95 acres (i.e. project area) generally consists of dense vegetation (shrub layer) with scattered pine trees. This portion of the site was clear-cut in 2008 and has since grown in with dense volunteer species. Wetlands consist mostly of Carolina bay habitat that support shrubby, waxy vegetation including titi (*Cyrilla racemiflora*), gallberry (*Ilex glabra*), pond pine (*Pinus serotina*), and fetterbush (*Lyonia lucida*). Uplands are located along the western property boundary and just north of the fire station. These areas support a shrub layer of wax myrtle (*Morella cerifera*) and inkberry (*Ilex coriacea*), with some bracken fern (*Pteridium aquilinum*) and blueberry (*Vaccinium crassifolium*) in the herbaceous layer.

### Wetland & Water Classifications

An on-site delineation of Section 404 wetlands inclusive of the 3.95-acre project area was performed by Davey Resource Group, Inc. (DRG) and was subsequently approved by Mr. Gary Beecher of the U.S. Army Corps of Engineers on June 17, 2020 (Action ID# SAW-2020-00677). Note that the Jurisdictional Determination was issued when the site was part of a larger 28.3-acre parcel. Approximately 2.7 acres of wetlands exist within the 3.95-acre project area. Wetlands consist of non-riparian Carolina bay habitat and drain to Calabash Creek, located south of Old Georgetown Road.

DRG staff recently evaluated wetlands at the proposed impact location using the NC Wetland Assessment Method (NCWAM). Based upon the functional assessment completed, the overall wetland rating was determined to be "Medium" quality, to be confirmed by the Corps.

## Soils

According to the Brunswick County Generalized Soil Survey, uplands within the site are Leon fine sandy loam and wetlands are Murville mucky fine sand. Leon soils are nearly level, poorly drained and are found in broad, smooth, interstream areas and in depressions. Murville soils are nearly level, very poorly drained soils found in depressions in broad interstream areas.

## Applicant's Stated Purpose

The Town of Sunset Beach is proposing to build a facility to accommodate a public works office, storage, meeting, fire training space needs, and Emergency Operations Center (EOC).

## Project Description

The project includes the necessary facilities in an orientation that reduces wetland impacts as much as feasible. Two buildings are proposed. One building is approximately 4,000 square feet (sf) in size and will be a mechanic's building. The other building is approximately 9,500 sf and will contain offices, a training room for firefighters and public works staff, and public works garage. This building will be engineered to also include an Emergency Operations Center (EOC) located on the second floor. The EOC would be constructed with a fully equipped generator system, internet and telephone system with cellular backup, and mounted radio antennas and repeaters to ensure the building and communications are operational during power outages.

Additionally, the facility will include a fuel station and tanks, numerous storage bays for material, equipment and vehicles, and parking. Adequate space around the main building is needed to accommodate the turning radius of large trucks and will utilize the space. The site plan proposes a 4:1 slope from the bays and asphalt to the edge of disturbance. This is the minimum slope needed to address potential erosive velocities while also reducing wetland impacts. Retaining walls were evaluated as a potential means to reduce impacts but were too expensive to be a viable alternative.

Water and sewer utilities will tie into the Town of Sunset Beach's system. All stormwater will be collected via a storm drain piping system and directed to the proposed pond, located in the northwestern part of the site. Slopes behind the pond dam will be 4:1.

The project proposes to impact 1.16 acres of Section 404 wetlands. As can occur with site construction, there is the potential for secondary impacts to wetlands and water quality by way of erosion and stormwater runoff. However, the potential for any secondary disturbances will be minimized by the development and implementation of a Stormwater Plan and a Sedimentation and Erosion Control Plan.

## 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 attempted to avoid and minimize impacts through several different designs. For more information about the different designs please refer to the permit application package attached to this Public Notice.

### **Compensatory Mitigation**

The applicant has offered to purchase 2.3 acres of non-riparian wetland credits from the Stone Farm Mitigation Bank to compensate for the 1.16 acres of wetland impact to construct the facility.

### **Essential Fish Habitat (EFH)**

- The Corps' determination is that the proposed project would not affect 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:

- ☒ 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
  - Tricolor Bat: although its federal listed has not been finalized, the Corps is including this species in our determination with expectation that the species listed may be completed during the review of this permit request.
  - No Effect**
  - Red-Cockaded Woodpecker, the site was cleared 15 years ago and currently has scrubby vegetation which does not support suitable habitat.

### **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 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](mailto: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 (NCDQM):**

- ☒ 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.

## **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, October 17, 2024. Comments should be submitted to Emily Hughes, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403, or via email at [Emily.B.Hughes@usace.army.mil](mailto:Emily.B.Hughes@usace.army.mil). The Corps Project Manager can be contacted at (910) 251-4635. Comments may also be submitted to [WilmingtonNCREG@usace.army.mil](mailto:WilmingtonNCREG@usace.army.mil).