

**EO 11988 Floodplain Management
Determination and EO 11990 Protection of
Wetlands Determination**

Elijah’s Landing Apartments Project
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Affordable Housing Development Fund Program

August 15, 2023

Introduction and Overview

The purpose of Executive Order (EO) 11988 Floodplain Management is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” The purpose of EO 11990 Protection of Wetlands is “to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” This determination contains the analysis prescribed by 24 CFR Part 55.

This project involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for construction of a new 168-unit multifamily affordable housing complex with seven 24-unit, three-story residential buildings, a clubhouse, gazebo, covered picnic area, boardwalk, playground, tot lot, dog park, open spaces, paved parking areas, landscaped areas, three storm water retention ponds, and associated infrastructure. The analysis that follows focuses on floodplain and wetland impacts, as there are direct wetland and floodplain impacts associated with this proposed action. Based on the type of land use and other case characteristics described herein, it is concluded that there is a reasonable basis to proceed with funding for this proposed action within floodplain and wetland. The HUD CDBG-DR funding is administered through the North Carolina Office of Recovery and Resiliency (NCORR) Affordable Housing Development Fund Program which is developing safer and more resilient communities while increasing the availability of affordable housing for low- and middle-income families. Thus, alternatives preventing or impeding the development of safer and more resilient communities along with increasing affordable housing options are not considered reasonable alternatives.

Description of Proposed Action and Land Use

The Elijah’s Landing Apartments project (“proposed action”) will provide affordable housing options to the residents of Morehead City, North Carolina. More affordable housing options are needed to address the shortage in inventory exacerbated by the effects of the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). The availability of affordable housing to lower income families was reduced by these storm events which disproportionately affected older, more affordable housing stock, leaving it uninhabitable. The proposed action will provide an opportunity to create much needed affordable housing in the Morehead City community.

Elijah’s Landing Apartments involves new construction of a 168-unit affordable housing apartment complex with a clubhouse, gazebo, covered picnic area, boardwalk, playground, tot lot, dog park, open spaces, paved parking areas, landscaped areas, three storm water retention ponds, and associated infrastructure. The affordable apartment complex will consist of seven separate apartment buildings with a mix of thirty (30) one-bedroom units, seventy-eight (78) two-bedroom units and sixty (60) three-bedroom units (*see Appendix 1*).

The proposed multifamily, affordable housing development is located at 3200 Bridges Street, Morehead City, Carteret County, NC 28557 (Subject Property). The approximately 11.64-acre site is identified as Carteret County Parcel ID number 637615648235000 with frontage along Bridges Road to the south. On March 1, 2023, Jeannie Drake, Zoning Enforcement Officer for the Town of Morehead City, the Subject Property is zoned as Residential Multifamily District (RMF). The City has granted site plan approval for the proposed action. According to the Morehead City Code of Ordinances, Article 9-11.10, “[t]he purpose of this district shall be to provide and protect areas deemed necessary or desirable for multifamily use and uses customarily related to multifamily residences. A residential multifamily district shall be composed of not less than three (3) contiguous acres.” The Subject Property is currently vacant land, with a dilapidated storage building constructed in 1982 (*See Attachment 1A - Site Visit Photographs in the Elijah’s Landing Apartments Project Environmental Assessment (EA) environmental review record [ERR]*). The Subject Property is centrally located in a mixed-use area of Morehead City that has pedestrian access to shops, grocery stores, the hospital, and the post office. Commercial and residential properties surround the Subject Property. The Subject Property and a portion of the eastern adjoining and western adjoining properties appear to have been initially developed as agricultural property some time prior to 1938. A single-wide trailer park was constructed on the southern portion of the Subject Property sometime between 1957 and 1964. The structures in the trailer park were removed from the Subject Property between 2006 and 2009. The southern part of the Subject Property has been vacant since that time. The northern portion of the Subject Property was used for commercial and industrial uses after the commercial structure was constructed in 1982. The northern portion of the Subject Property was historically used as an unpermitted disposal site for construction material (dirt, brick, concrete, etc.). This waste is buried up to 10 feet below grade in some areas and is present on the surface in other areas.

The surrounding properties were primarily agricultural in 1960s. However, the area transitioned to residential and commercial development in the early 1980s. Currently, properties located west of the Subject Property are multifamily residential and commercial office buildings including the Commerce Plaza. Properties located east of the Subject Property are a mix of commercial uses (boutique, restaurant, and construction contractor, and single-family residential (Willis Mobile Home Park). Properties located north of the Subject Property includes Calico Creek, undeveloped land then single-family residential. Properties located south of the Subject Property consist of Bridges Street and a mix of residential, light industrial (welding), and commercial properties (jewelry, car dealership, etc.).

Applicable Regulatory Procedure Per EO 11988 and EO 11990

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12. Funding is permissible for the use in the floodplain and wetland if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the proposed action may proceed.

In accordance with 24 CFR 55, the proposed action to construct a multifamily, affordable housing development occurs in Morehead City which is a participating community in good standing in the regular program of the National Flood Insurance Program (NFIP). Substantial Improvement/ Substantial Damage calculations do not apply to this proposed action. The proposed action involves new construction in 100-year floodplain which is only a small portion of the Subject Property. However, this proposed action involves “modification” of floodplain. As such, the full eight-step process in §55.20 is required, and the following analysis examines each step in an EO 11988 Floodplain Management Determination process.

Based on data from the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory Map and U.S. Army Corps of Engineers (USACE) (*see Appendix 1*), there will be new construction in wetlands on the site. As such, the full eight-step process in §55.20 is required, and the following analysis examines each

step in an EO 11990 Protection of Wetlands Determination process. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on both floodplains and wetlands.

Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.

Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel Number 3720637600J dated 07/16/2003, the majority of the Subject Property and surrounding area are located in Zone X, outside of the Special Flood Hazard Area (SFHA), as shown in **Appendix 1**. However, a small central eastern portion of the Subject Property is located in 100-year floodplain (Zone AE, SFHA). A Preliminary FIRM (PFIRM) dated 06/30/2016 shows the approximate central eastern 100-year floodplain portion and northern edges of the Subject Property as 500-year floodplain. This analysis uses the most restrictive FIRM designation as 100-year floodplain. The Subject Property does not include any areas of FEMA-designated regulatory floodway. Permanent impacts to 0.310 acre of 100-year floodplain include fill material needed for Building #500's foundation, sanitary sewer and water line placement and connection, grading, and construction of paved parking, drive aisle access, landscaping, lighting, and stormwater pond #2 per NC Department of Environmental Quality (NC DEQ), and does not include any NFIP insurable structures. In accordance with 24 CFR §55, Morehead City (370048) is a participating community in good standing in the regular program of the NFIP. The proposed action has been redesigned to have only minimal activities conducted within the SFHA. Flood insurance will not be required for the proposed action because all insurable structures, according to the NFIP Flood Insurance Manual effective October 1, 2022, will be located in Zone X. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the NFIP. Since there is modification of floodplain, the full eight-step process in §55.20 is required, and the following analysis examines each step in an EO 11988 Floodplain Management Determination process.

Based on the USFWS National Wetlands Inventory Map and USACE Jurisdictional Determination (JD), the proposed action is located in NWI-mapped wetlands and USACE verified delineated wetlands (PSS1A – Freshwater Palustrine Forested/Scrub-Shrub Wetland), as shown in **Appendix 1**. The proposed action is considered new construction in wetlands under 24 CFR 55 and EO 11990. The proposed action will result in temporary impacts to 0 acres permanent impacts to 0.349 acres of NWI-mapped wetlands and USACE verified delineated wetlands (PSS1A – Freshwater Palustrine Forested/Scrub-Shrub Wetland). Permanent impacts to the 100-year floodplain and Wetland impact area #5 (0.083 acre) include fill material needed for Building #500's foundation, sanitary sewer and water line placement and connection, grading, and construction of paved parking, drive aisle access, retaining wall (wetland only), landscaping, lighting, and stormwater pond #2 per NC DEQ. Permanent impacts to Wetland impact areas #1 and #2 (0.176 acre) include fill material, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining walls, landscaping, lighting, and stormwater pond #1 per NC DEQ. A 6-foot wide boardwalk is also proposed over a small portion of Wetland impact areas #1, 2 and 3. Permanent impacts to Wetland impact areas #3 and #4 (0.09 acre) include fill material, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining wall, landscaping, lighting, and Building #500. Since there is new construction in wetlands, the full eight-step process in §55.20 is required, and the following analysis examines each step in an EO 11990 Protection of Wetlands Determination process.

The proposed action will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE Clean Water Act (CWA) Section 404 Nationwide Permits 18 and 29, NC DEQ Division of Water Resources (DWR) CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work.

Step 2. Initiate Public Notice for Early Review of Proposal.

Because the proposed action is located in floodplain and wetlands, NCORR published an early notice and posted supporting documentation that allowed for public and agency input on the decision to provide funding for construction and development activities. Supporting documentation incorporated by reference into the early notice was posted for public review to the NCORR ReBuild NC website (below) and included Proposed Project Location Maps and Site Plans, FEMA FIRMs and PFIRM with parcel boundary, USFWS NWI Map with parcel boundary, Proposed Floodplain and Wetlands Impacts Site Plan (revised with Building #500 moved outside of 100-year floodplain), USACE CWA Section 404 General Permit Verification (3/5/2021) with Special Conditions, USACE JD (7/24/2018), and NC DEQ DWR CWA Section 401 Water Quality General Certification No. 4139 with Additional Conditions. The early public notice and 15-day comment period is complete. No new, substantive public comments were received.

The early notice and corresponding 15-day public comment period started on June 28, 2023 with the "*Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland*" being published in the Carteret County News-Times newspaper, with the 15-day period expiring on July 13, 2023. The notice targeted local residents within the community, including those in the floodplain. The notice was also posted with supporting documentation at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews> and sent via Federal Express and email to the following federal and state agencies: HUD NC Field Office; Federal Emergency Management Agency (FEMA); U.S. Environmental Protection Agency (EPA); USFWS; USACE; NC State Environmental Clearinghouse; and NC Housing Finance Agency (NCHFA). The notice was also sent to Carteret County and the Town of Morehead City. Project information was sent to the NC State Historic Preservation Office (SHPO) and Catawba Indian Nation for review and comment under Section 106 of the National Historic Preservation Act of 1966 (NHPA) (*See Elijah's Landing Apartments Project EA ERR*). (*See Appendix 2* for the early notice distributed to these agencies, newspaper publication affidavit, distribution list, and public comments).

Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain or Wetland.

The North Carolina Affordable Housing Development Fund Program empowers the State's most impacted communities with the technical expertise needed to develop thorough and implementable construction plans to build affordable and physically, socially, and economically resilient and sustainable communities.

The main alternative is to identify a different suitable location for the proposed action. There were three main alternative sites considered for the proposed action. The first site was located on Highway 70 in Newport, North Carolina near the Food Lion Area. However, this site did not move forward because it did not meet the requirements for award by North Carolina Housing Finance Agency tax credits. Moreover, the cost for 20 acres was well over \$3 million. Although this site was positioned next to a multifamily housing development, it would not have been able to sustain itself financially due to the affordable rents. The second site was located in Morehead City off Highway 70 East, Arendell Street 1300 block, Third Street, and Sixth Street. Ultimately, this site was not chosen because of the price and location in an urbanized area with a building that required removal from the site. The third site was located off Highway 70 East near the Walmart Plaza. Although this site was approximately 20 acres and would have scored well, there was a high transe quotation/ radio tower located on the site, which because of this potential fall zone, would not qualify for the affordable housing tax code for the State of North Carolina.

There are a very limited number of sites within Morehead City that both meet the scoring criteria of the NCHFA QAP for being competitive for a tax-credit funding award and is properly zoned for multifamily development. This site was chosen as most preferable for multifamily development. A similar affordable housing development was funded and completed on the adjacent tract which was the first Low-Income Housing Tax Credit (LIHTC) affordable housing development in the southwestern area of Morehead City and the developer wanted to add additional affordable housing on this side of Town. Ultimately, the Subject Property was the best location for the new development due to market demand and its close proximity to a variety of community amenities and services including public schools, public transportation, shopping, grocery stores and employment opportunities. This site was found to be a suitable site with minimal adverse environmental impacts for multifamily, affordable housing in an area that needs it. Therefore, the Subject Property was determined to be the most ideal location for the proposed action. In addition, the proposed action itself was redesigned to remove Building #500 outside of 100-year floodplain and minimize impacts to floodplain and wetlands.

The final alternative for the current proposed action is the “No Action” Alternative. With the “No Action” Alternative, affordable housing would not be provided for low- and middle-income families in the local community. The Town of Morehead City would need to find other options to address the shortage in affordable housing inventory exacerbated by the effects of hurricanes that recently damaged and destroyed homes. Thus, the “No Action” Alternative is not feasible in relation to the desired objective of creating affordable housing options in Morehead City.

The above identified alternatives will be re-evaluated in response to public comments received.

Step 4. Identify and Evaluate Potential Direct and Indirect Impacts Associated with the Occupancy or Modification of 100-year Floodplain and Wetland and the Potential Direct and Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.

The focus of floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

According to the FEMA Report - A Unified National Program for Floodplain Management, the two definitions commonly used in evaluating actions in floodplain are “structural” and “non-structural” activities. Per the report, structural activity is usually intended to mean adjustments that modify the behavior of floodwaters through the use of measures such as public works dams, levees, and channel work. Non-structural is usually intended to include all other adjustments (e.g., regulations, insurance, etc.) in the way society acts when occupying or modifying a floodplain. These definitions are used in describing impacts that may arise in association with potential advancement of this case.

Natural Moderation of Floods, Water Quality Maintenance, and Groundwater Recharge

According to the FEMA FIRM effective 7/16/2003, the impacted 100-year floodplain is Zone AE, and a less restrictive Preliminary FIRM dated 6/30/2016 identifies it as 500-year floodplain along with a small portion on the parcel’s northern edge. Only a small central eastern portion of the site is located in Zone AE. The buildings and most of the improvements will be constructed in Zone X and outside of SFHA. The proposed action will result in permanent impacts to 0.310 acre of the 100-year floodplain (Zone AE) from fill material placement needed for Building #500’s foundation, sanitary sewer and water line placement and connection, grading, and construction of paved parking, drive aisle access, landscaping, lighting, and

stormwater pond #2 per NC DEQ. Construction and development activities for the proposed action have been redesigned to minimize impacts to 100-year floodplain.

Natural floodplains provide flood risk reduction benefits by slowing runoff and storing flood water in addition to water quality maintenance and groundwater recharge benefits. Best Management Practices (BMPs) and design features will minimize impacts to floodplain. The site contains approximately 0.389 acre of floodplain with Calico Creek located north of the site. Side slopes from parking lots and drive aisles shall not exceed 3:1 slope in order to reduce runoff impacts. A temporary silt fence around the toe of the slope will prevent sediment from going downstream during a rain event prior to the embankments being stabilized. There is also Class B rip rap installed downstream of the outlet control device will prevent washout of the surrounding material. BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction.

Mitigation measures/design features for the proposed action include five green open spaces, native plant landscaping, and three proposed onsite stormwater retention ponds which will slow down stormwater runoff. Green infrastructure mitigation measures, five green open spaces, have been incorporated into the design plans and will maintain or restore natural hydrology through infiltration. According to the EPA, “[g]reen infrastructure can be used to address stormwater runoff and sewer overflow problems. Green infrastructure works by slowing down the runoff, spreading it out over the land, and slowly soaking it into the ground, or in some cases reusing the water onsite. Green infrastructure is also sometimes referred to as low impact development. These techniques also help to remove pollutants from runoff, by allowing plants to filter out pollutants as the water slowly infiltrates into the ground.” See <https://www.epa.gov/nutrientpollution/sources-and-solutions-stormwater>. The three proposed stormwater retention ponds should alleviate some flooding on the site and in the immediate area by intercepting stormwater runoff. According to a University of Florida/IFAS article, “Stormwater ponds’ primary purpose is flood control, and they are designed to intercept stormwater runoff (precipitation that runs off our buildings, roads, parking lots, and sidewalks), but they also provide other services like a place for sediment to settle out of the water column, habitat for wildlife, recreational opportunities like birding, and pollutant removal. Overall, stormwater ponds help mitigate the impacts of urban stormwater runoff while protecting our natural waterways from nutrient loading, erosion, sedimentation, and algal blooms.”

The proposed action’s activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE CWA Section 404 Nationwide Permits 18 and 29, NC DEQ DWR CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work and appended to the *Elijah’s Landing Apartments Project EA ERR* when received from the permitting agencies. Further, the proposed project will comply with 15A NCAC 02H .1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed project will have a NPDES Construction Stormwater Permit (NCG010000) and Stormwater Pollution Prevention Plan (SWPPP). Thus, the proposed action has been designed and mitigation measures incorporated to have minimal impacts on these functions.

Living Resources such as Flora and Fauna

According to the USACE JD, the wetland impacted has typical coastal plain floodplain vegetation but does not provide ideal habitat for wildlife diversity. For this proposed action, the USFWS Raleigh Ecological Services' online 10-step project review process was completed. The proposed action was determined to have "no effect" on proposed, threatened, endangered, or candidate species and proposed or designated critical habitat under USFWS jurisdiction, except for the Monarch Butterfly and Rough-leaved Loosestrife which are "May Affect, Not Likely to Adversely Affect," and a "no Eagle Act permit required" determination for the Bald Eagle. A Self-certification Letter and 10-step Project Review Package were prepared and submitted to the USFWS Raleigh Ecological Services Field Office (FO) on April 28, 2023. According to the USFWS Information for Planning and Consultation (IPaC) Official Species List prepared for the Subject Property, there are a total of fourteen threatened, endangered, or candidate species identified. However, based on the USFWS IPaC and Critical Habitat Mapper results, there are no critical habitats identified within the proposed action area. Carteret County is identified as a Northern Long-eared Bat known presence county. However, the proposed action was reviewed using the new USFWS Determination Key for the Northern Long-eared Bat which resulted in a "No Effect" determination. In addition, the NC Natural Heritage Program (NC NHP) stated that mist-net capture of the NLEB has occurred approximately 12 miles northwest of the Subject Property, and mist-net capture of Tricolored Bat has occurred approximately 10 miles northwest of the Subject Property. The proposed action will likely remove all trees prior to the Tricolored Bat listing, and Atlantic Shores Environmental Services, Ltd. (ASE) did not find suitable habitat present at the Subject Property. The NC NHP database query documented eighteen element occurrences within a one-mile radius of the Subject Property. ASE did not observe any of the above-listed species during the site visit. In addition, the Subject Property does not contain suitable habitat for these species (with the exception of Rough-Leaved Loosestrife and Monarch Butterfly) and is located near a densely developed area. Therefore, ASE has determined that the project will have No Effect on proposed/ listed species and/ or proposed/ designated critical habitat, except for the Monarch Butterfly and Rough-leaved Loosestrife which are "May Affect, Not Likely to Adversely Affect," and a "no Eagle Act permit required" determination for eagles. (See **Attachment 8** in the *Elijah's Landing Apartments Project EA ERR* for full details.)

The proposed action's activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE Clean Water Act (CWA) Section 404 Nationwide Permits 18 & 29, NC DEQ CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work and appended to the *Elijah's Landing Apartments Project EA ERR* when received from the permitting agencies. Further, the proposed project will comply with 15A NCAC 02H .1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed project will have a NPDES Construction Stormwater Permit (NCG010000) and SWPPP. Thus, the proposed action is anticipated to have minimal impacts on living resources such as flora and fauna.

Impacts to Property and Lives

The proposed action's construction and development activities are mostly located within Zone X with a small portion of the site in Zone AE. Thus, the buildings and most improvements will be located outside of SFHA. According to the FEMA Flood Insurance Rate Map (FIRM) effective 7/16/2003, the impacted 100-year floodplain is Zone AE and a less restrictive Preliminary FIRM dated 6/30/2016 identifies it as 500-year floodplain along with a small portion on the parcel's northern edge. The Proposed Activity will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE Clean Water Act (CWA)

Section 404 Nationwide Permits 18 and 29, NC DEQ CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work. Further, the proposed project will comply with 15A NCAC 02H .1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed project will have a NPDES Construction Stormwater Permit (NCG010000) and SWPPP.

There are three proposed stormwater retention ponds which should assist with reducing flooding on the site and in the immediate area. According to a University of Florida/IFAS article, “Stormwater ponds’ primary purpose is flood control, and they are designed to intercept stormwater runoff (precipitation that runs off our buildings, roads, parking lots, and sidewalks), but they also provide other services like a place for sediment to settle out of the water column, habitat for wildlife, recreational opportunities like birding, and pollutant removal. Overall, stormwater ponds help mitigate the impacts of urban stormwater runoff while protecting our natural waterways from nutrient loading, erosion, sedimentation, and algal blooms.” Further, construction and development activities for the proposed action have been redesigned to minimize impacts to 100-year floodplain. Therefore, the proposed action should not create or increase impacts to property and lives.

Cultural Resources such as Archaeological, Historic and Recreational

The Subject Property is currently vacant land with a dilapidated storage building constructed in 1982. As part of this review, the NC State Historic Preservation Office (SHPO) and Tribal Historic Preservation Offices (THPO) of all applicable Tribes, Nations, and Communities were consulted regarding any historic or tribal resources in the area that could be affected by the proposed actions. The NC SHPO responded on July 3, 2023 that the proposed action will have no effect on historic properties. According to the HUD Tribal Directory Assessment Tool (TDAT), the Catawba Indian Nation is the only federally-recognized tribe with interests in Carteret County, North Carolina. On May 24, 2023, the Catawba Indian Nation’s THPO responded that the “Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed action areas. However, the Catawba are to be notified if Native American artifacts and/ or human remains are located during the ground disturbance phase of this project.” The SHPO and THPO NHPA Section 106 consultation documentation is included in the *Elijah’s Landing Apartments Project EA ERR*.

The proposed action will include a clubhouse, gazebo, covered picnic area, boardwalk over the wetlands, playground, tot lot, various open spaces, and dog park on the site for residents. The boardwalk allows for wetlands to remain while providing the residents with a natural landscape view and recreational opportunities such as bird watching and a walking trail. The green open spaces provide residents with a natural landscape view and recreation area. Parks, open spaces and recreation areas are situated within the surrounding area. The following recreational amenities are located within close proximity to the Subject Property: Rotary Park, Morehead City Park, Shevans Park, Piney Park, Swinson Park, and others. The Subject Property is proposed for multi-family apartments and will have minimal impact on parks, recreational areas and open spaces within the vicinity of the Subject Property. According to the Recreational Services Certification dated March 22, 2023, by Daniel K. Williams, Director of Public Services for Morehead City, adequate and appropriate recreational services and facilities are available for this proposed development, and available recreational services and facilities will not be adversely affected by the proposed project. The Certification also notes there is an onsite recreational area and greenspace. Additionally, it is anticipated that many residents of the proposed project will come from within the community and there will be a negligible increased demand for resources. Thus, the proposed project is not anticipated to have an adverse impact on parks, open spaces, and recreation areas.

Agricultural, Aquacultural, and Forestry Resources

The Subject Property and immediate area are not being used for agricultural, aquacultural or forestry resources. The Subject Property is currently vacant land with a dilapidated storage building constructed in 1982. The Subject Property and a portion of the eastern adjoining and western adjoining properties appear to have been initially developed as agricultural property some time prior to 1938. A single-wide trailer park was constructed on the southern portion of the Subject Property sometime between 1957 and 1964. The structures in the trailer park were removed from the Subject Property between 2006 and 2009. The southern part of the Subject Property has been vacant since that time. The northern portion of the Subject Property was used for commercial and industrial uses after the commercial structure was constructed in 1982. The northern portion of the Subject Property was historically used as an unpermitted disposal site for construction material (dirt, brick, concrete, etc.). The Subject Property is centrally located in a mixed-use area of Morehead City that has pedestrian access to shops, grocery stores, the hospital, and the post office. The surrounding properties currently contain mostly residential and commercial development. The surrounding properties were primarily agricultural in 1960s. However, the area transitioned to residential and commercial development in the early 1980s. Currently, properties located west of the Subject Property are multifamily residential and commercial office buildings including the Commerce Plaza. Properties located east of the Subject Property are a mix of commercial uses (boutique, restaurant, and construction contractor, and single-family residential (Willis Mobile Home Park). Properties located north of the Subject Property includes Calico Creek, undeveloped land then single-family residential. Properties located south of the Subject Property consist of Bridges Street and a mix of residential, light industrial (welding), and commercial properties (jewelry, car dealership, etc.). The proposed multifamily, affordable housing development will fit within the surrounding developed area.

BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction, green open spaces incorporated, native plants used in landscaping and site restoration, and three proposed onsite stormwater retention ponds installed. According to the USACE General Permit (CWA Section 404 Nationwide Permits 18 and 29) Verification's Special Conditions, "[t]he permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4)." According to the NC DWR CWA Section 401 Water Quality General Certification No. 4139's Additional Conditions, "1. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]. 2. The Permittee shall adhere specifically to 15A NCAC 02B .0221 Tidal Salt Water Quality for Class SA Waters (3)(g) pH: shall be normal for waters in the area, which generally shall range between 6.8 and 8.5 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions; (l) Turbidity: the turbidity in the receiving water shall not exceed 25 NTU; if turbidity exceeds this level due to natural background conditions, the existing turbidity level shall not be increased. [15A NCAC 02B .0221]."

The proposed action's activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE CWA Section 404 Nationwide Permits 18 and 29, NC DEQ DWR CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work and appended to the *Elijah's Landing Apartments Project EA ERR* when received from the permitting agencies. Further, the proposed action will comply with 15A NCAC 2H 1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed action will have a NPDES Construction Stormwater Permit (NCG010000) and SWPPP. Thus, the proposed action is not anticipated to have an adverse impact on agricultural, aquacultural or forestry resources.

Wetland Evaluation

The purpose of wetland evaluation is to consider factors relevant to a proposed action's effect on the survival and quality of any wetlands to be disturbed. These factors should include public health (i.e., water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest (i.e., recreational, scientific, and cultural). The site contains approximately 1.47 acres of wetland (PSS1A – Freshwater Palustrine Forested/Scrub-Shrub Wetland) with Calico Creek located north of the Subject Property. The proposed action will result in permanent impacts to 0.349 acres (15,202 square feet) of wetland. Wetland impact areas #1 and #2 (0.176 acre) will have fill material placement, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining walls, landscaping, lighting, and stormwater pond #1 per NC DEQ. A 6-foot wide boardwalk is also proposed over a small portion of Wetland impact areas #1, 2 and 3. Wetland impact areas #3 and #4 (0.09 acre) include fill material placement, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining wall, landscaping, lighting, and Building #500. Wetland impact area #5 (0.083 acre) will have fill material placement for Building #500's foundation, sanitary sewer and water line placement and connection, grading, and construction of paved parking, drive aisle access, retaining wall, landscaping, lighting, and stormwater pond #2 per NC DEQ. The proposed action has been redesigned to have minimal construction and development activities in the wetland. Further, mitigation measures are incorporated into the design plans and permit requirements and conditions will be complied with during construction. There were no other wetlands identified onsite that met the HUD definition of wetlands under 24 CFR 55.2(b)(11) which can include non-jurisdictional and jurisdictional wetlands.

On February 15, 2021, NC DEQ DWR Regional Supervisor, Morella Sanchez-King, completed their review under CWA Section 401 and 15 NCAC 02H .500 and issued Water Quality General Certification Number 4139 with Additional Conditions (DWR #20201353). The two Additional Conditions include staging, inspecting and maintaining all mechanized equipment to prevent surface water contamination and adherence to 15A NCAC 02B .0221 Tidal Salt Water Quality for Class SA Waters (3)(g) pH and (l) turbidity requirements. According to the USACE CWA Section 404 General Permit Verification (3/5/21) with Special Conditions, "[t]his verification authorizes the use of a Nationwide Permit 29 and 18 to impact 0.037 acres of wetland for road crossing & parking site 1, impact 0.139 acres of wetland for road crossing & Grading site 2, impact 0.035 acres of wetland for road & parking site 3, impact 0.055 acres of wetland for road, building & parking site 4 and impact 0.083 acres of wetland for road, parking & grading site 5, total impacts 0.349." The Special Condition listed includes utilizing sedimentation and erosion control measures, such as silt fencing around all soil disturbance areas, and immediate soil stabilization to prevent increased sedimentation or turbidity in waters and wetlands outside the permit area. Additionally, full compliance is required with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

The proposed project activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE CWA Section 404 Nationwide Permits 18 and 29, NC DWR CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work and appended to the *Elijah's Landing Apartments Project EA ERR* when received from the permitting agencies. Further, the proposed project will comply with 15A NCAC 02H .1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed project will have a NPDES Construction Stormwater Permit (NCG010000) and SWPPP. Thus, measures will be implemented to ensure the proposed project will have no further impacts to wetlands during construction and operation.

Public Health, Safety, and Welfare, Including Water Supply, Quality, Recharge, and Discharge; Pollution; Flood and Storm Hazards and Hazard Protection; and Sediment and Erosion

Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. The natural and beneficial functions and values related to hydrology and water quality include slowing down stormwater runoff, providing surface and subsurface retention, and filtering out pollutants.

The proposed development will connect to the municipal water supply. Public water is available and adequate according to the Public Water Certification dated March 17, 2023 by Daniel K. Williams, Director of Public Services for Morehead City. In addition, an 8-inch water main is located at Bridges Street for connection to the proposed development. Water supply wells were not identified at the Subject Property. According to available information, a public water system operated by the Morehead City Public Utilities Department (MCPUD) serves the vicinity. According to a representative of the MCPUD, shallow groundwater directly beneath the Subject Property is not utilized for domestic purposes. The sources of public water for the Town of Morehead City is groundwater from five to six wells located throughout Morehead City which draw from the Castle Hayne Aquifer. The proposed action will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. There are no sole source aquifers in the State of North Carolina. The proposed development will use lead-free pipes, fittings, fixtures and/ or solder. The proposed project will connect to the municipal sewer. Public sewer is available and adequate to serve the Subject Property according to the Public Sewer Certification dated March 17, 2023 by Daniel K. Williams, Director of Public Services for Morehead City. In addition, an 8-inch sewer main is located onsite for connection to the proposed development.

According to the NC DEQ comment, plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the NC DWR/ Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. In addition, all public water supply systems must comply with State and federal drinking water monitoring requirements. If any wells are discovered on the proposed project site, then abandonment of wells must be in accordance with Title 15A. Subchapter 2C .0100. Further, NC DEQ notes that any relocation of existing water lines requires plans to be submitted to the NC DWR/ Public Water Supply Section prior to construction. A permit to construct and operate wastewater treatment facilities, non-standard sewer system extensions and sewer systems that do not discharge into state surface waters and a permit to construct and operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system might be required. Also, a NPDES permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters might be required. All applicable federal, State and local permits will be obtained for the proposed project prior to construction and activities will comply with their requirements and conditions.

Wetlands provide flood risk reduction benefits by slowing runoff and storing flood water in addition to water quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion. According to the USACE JD, the ground surface is considered severely altered with moderately altered water storage function. Due to land use in the area being mostly impervious surfaces, there is little to no opportunity to improve water quality. The USACE determined a mitigation fee was not required due to the low quality of the impacted wetlands.

BMPs and design features will minimize impacts to wetlands. The site contains approximately 1.47 acres of wetland with Calico Creek located north of the site. Side slopes from parking lots and drive aisles shall not exceed 3:1 slope in order to reduce impacts to wetlands. A temporary silt fence around the toe of the slope will prevent sediment from going downstream during a rain event prior to the embankments being stabilized. There is also Class B rip rap installed downstream of the outlet control device will prevent washout of the surrounding material. BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction. Mitigation measures/design features for the proposed action include five green open spaces, native plant landscaping, and three proposed onsite stormwater retention ponds which will slow down stormwater runoff, filter pollutants and assist with recharge and discharge functions. Green infrastructure mitigation measures, five green open spaces, have been incorporated into the design plans and will maintain or restore natural hydrology through infiltration. According to the EPA, “[g]reen infrastructure can be used to address stormwater runoff and sewer overflow problems. Green infrastructure works by slowing down the runoff, spreading it out over the land, and slowly soaking it into the ground, or in some cases reusing the water onsite. Green infrastructure is also sometimes referred to as low impact development. These techniques also help to remove pollutants from runoff, by allowing plants to filter out pollutants as the water slowly infiltrates into the ground.” See <https://www.epa.gov/nutrientpollution/sources-and-solutions-stormwater>. The three proposed stormwater retention ponds should alleviate some flooding on the site and in the immediate area by intercepting stormwater runoff. According to a University of Florida/IFAS article, “Stormwater ponds’ primary purpose is flood control, and they are designed to intercept stormwater runoff (precipitation that runs off our buildings, roads, parking lots, and sidewalks), but they also provide other services like a place for sediment to settle out of the water column, habitat for wildlife, recreational opportunities like birding, and pollutant removal. Overall, stormwater ponds help mitigate the impacts of urban stormwater runoff while protecting our natural waterways from nutrient loading, erosion, sedimentation, and algal blooms.”

The proposed action’s activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE CWA Section 404 Nationwide Permits 18 and 29, NC DEQ DWR CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work and appended to the *Elijah’s Landing Apartments Project EA ERR* when received from the permitting agencies. Further, the proposed project will comply with 15A NCAC 02H .1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed project will have a NPDES Construction Stormwater Permit (NCG010000) and Stormwater Pollution Prevention Plan (SWPPP). Thus, the proposed action has been designed and mitigation measures incorporated to have minimal impacts on these functions.

Maintenance of Natural Systems, Including Conservation and Long-Term Productivity of Existing Flora and Fauna; Species and Habitat Diversity and Stability; Natural Hydrologic Function; Wetland Type; Fish; Wildlife; Timber; and Food and Fiber Resources

According to the USACE JD, the wetland impacted has typical coastal plain floodplain vegetation but does not provide ideal habitat for wildlife diversity. The ground surface is considered severely altered with moderately altered water storage function. Due to land use in the area being mostly impervious surfaces, there is little to no opportunity to improve water quality. The USACE determined a mitigation fee was not required due to the low quality of the impacted wetlands. The Subject Property and immediate area are not being used for agricultural, aquacultural or forestry resources. The Subject Property is currently vacant land with a dilapidated storage building constructed in 1982. The Subject Property and a portion of the eastern adjoining and western adjoining properties appear to have been initially developed as agricultural property some time prior to 1938. A single-wide trailer park was constructed on the southern portion of the Subject Property sometime between 1957 and 1964. The structures in the trailer park were removed from the Subject Property between 2006 and 2009. The southern part of the Subject Property has been vacant since that time. The northern portion of the Subject Property was used for commercial and industrial uses after the commercial structure was constructed in 1982. The northern portion of the Subject Property was historically used as an unpermitted disposal site for construction material (dirt, brick, concrete, etc.). The Subject Property is centrally located in a mixed-use area of Morehead City that has pedestrian access to shops, grocery stores, the hospital, and the post office. The surrounding properties currently contain mostly residential and commercial development. The surrounding properties were primarily agricultural in 1960s. However, the area transitioned to residential and commercial development in the early 1980s. Currently, properties located west of the Subject Property are multifamily residential and commercial office buildings including the Commerce Plaza. Properties located east of the Subject Property are a mix of commercial uses (boutique, restaurant, and construction contractor, and single-family residential (Willis Mobile Home Park). Properties located north of the Subject Property includes Calico Creek, undeveloped land then single-family residential. Properties located south of the Subject Property consist of Bridges Street and a mix of residential, light industrial (welding), and commercial properties (jewelry, car dealership, etc.). The proposed multifamily, affordable housing development will fit within the surrounding developed area.

According to the USACE General Permit (CWA Section 404 Nationwide Permits 18 and 29) Verification's Special Conditions, "[t]he permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4)." According to the NC DWR CWA Section 401 Water Quality General Certification No. 4139's Additional Conditions, "1. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]. 2. The Permittee shall adhere specifically to 15A NCAC 02B .0221 Tidal Salt Water Quality for Class SA Waters (3)(g) pH: shall be normal for waters in the area, which generally shall range between 6.8 and 8.5 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions; (l) Turbidity: the turbidity in the receiving water shall not exceed 25 NTU; if turbidity exceeds this level due to natural background conditions, the existing turbidity level shall not be increased. [15A NCAC 02B .0221]."

The proposed action's activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE CWA Section 404 Nationwide Permits 18 and 29, NC DEQ DWR CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work and appended to the *Elijah's Landing Apartments Project EA ERR* when received from the permitting agencies. Further, the proposed action will comply with 15A NCAC 2H 1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The proposed action will have a NPDES Construction Stormwater Permit (NCG010000) and SWPPP. Thus, the proposed action is not anticipated to have adverse impacts on existing flora and fauna, species and habitat diversity, stability, and fish resources.

BMPs and design features will minimize impacts to wetlands. Side slopes from parking lots and drive aisles shall not exceed 3:1 slope in order to reduce impacts to wetlands. A temporary silt fence around the toe of the slope will prevent sediment from going downstream during a rain event prior to the embankments being stabilized. There is also Class B rip rap installed downstream of the outlet control device will prevent washout of the surrounding material. BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction. Mitigation measures/design features for the proposed action include five green open spaces, native plant landscaping, and three proposed onsite stormwater retention ponds. Green infrastructure mitigation measures, five green open spaces, have been incorporated into the design plans and will maintain or restore natural hydrologic function through infiltration. Green infrastructure works by slowing down the runoff, spreading it out over the land, and slowly soaking it into the ground, or in some cases reusing the water onsite. These techniques help to remove pollutants from runoff, by allowing plants to filter out pollutants as the water slowly infiltrates into the ground." See <https://www.epa.gov/nutrientpollution/sources-and-solutions-stormwater>. According to a University of Florida/IFAS article, "Stormwater ponds' primary purpose is flood control, and they are designed to intercept stormwater runoff (precipitation that runs off our buildings, roads, parking lots, and sidewalks), but they also provide other services like a place for sediment to settle out of the water column, habitat for wildlife, recreational opportunities like birding, and pollutant removal. Overall, stormwater ponds help mitigate the impacts of urban stormwater runoff while protecting our natural waterways from nutrient loading, erosion, sedimentation, and algal blooms." Thus, the proposed action is not anticipated to have an adverse impact on natural hydrologic function, fish, wildlife, timber, and food, and fiber resources.

Cost Increases Attributed to Wetland-Required New Construction and Mitigation Measures to Minimize Harm to Wetlands that May Result from Such Use

The additional costs attributed to wetlands for wetland design, delineation, and permits services totaled \$7,600.00. USACE did not require a compensatory mitigation fee due to the low quality nature of the wetlands being impacted. Since the wetland impacts were kept under one acre, there is no State required compensatory mitigation. There are no anticipated cost increases attributed to additional mitigation measures to minimize harm to wetlands as these measures are built into existing plans. The proposed scope of work involves green open spaces, native plants used in landscaping, and three proposed onsite stormwater retention ponds. The stormwater retention ponds will require regular maintenance, as needed, but retention ponds are standard requirements for similar development sites. The green open spaces are cheaper to create and maintain than paving and provide residents with a natural landscape view and recreation area.

Other Uses of Wetland in the Public Interest, Including Recreational, Scientific, and Cultural Uses

There are no identified recreational, scientific or cultural uses of the wetland that will be impacted by the proposed action. The proposed action will include a clubhouse, gazebo, covered picnic area, boardwalk over the wetlands, playground, tot lot, various open spaces, and dog park on the site for residents. The boardwalk allows for wetlands to remain while providing the residents with a natural landscape view and recreational opportunities such as bird watching and a walking trail. The green open spaces provide residents with a natural landscape view and recreation area.

Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts to and from the 100-Year Floodplain and the Wetland and to Restore and Preserve its Natural and Beneficial Functions and Values.

The buildings and most of the improvements will be constructed in Zone X and outside of SFHA. Only a small portion of the site is located in Zone AE. Construction and development activities for the proposed action have been designed to minimize impacts to wetlands and 100-year floodplain. Designs were modified to relocate Building #500 from in the 100-year floodplain to 2.48’ away from the 100-year floodplain while maintaining a 21-foot setback from Building #400 (minimum setback is 20 feet). For greater resiliency during flood events, a significant amount of fill material is proposed to be brought onsite. All of the proposed structures will be situated well above any nearby Special Flood Areas (wetlands or flood zone) including the only 100 year floodplain elevation onsite, see table below.

| Building # | FFE | Nearest Flood Wetland Elevation | Notes |
|--------------------|-------|---------------------------------|---|
| 100 | 22.27 | N/A | There are no nearby Special Flood Areas |
| 200 | 22.27 | N/A | There are no nearby Special Flood Areas |
| 300 | 21.00 | 13.50 | Wetlands immediately north |
| 400 | 15.77 | 11.50 | Wetlands immediately south near Pond #1 outlet |
| 500 | 15.67 | 8.50 | Wetlands immediately north near Pond #2 outlet |
| 600 | 16.07 | 9.00 | Wetland south of adjacent parking lot. Top of ditch bank behind building is 12.0' but it is not wetland or flood zone |
| 700 | 13.80 | N/A | There are no nearby Special Flood Areas |
| 800 (Clubhouse) | 15.20 | 9.00 | Wetlands immediately north near Pond #2 outlet |

Avoidance and Minimization (A&M) of the wetlands was one of the major design constraints associated with the proposed action’s Civil Engineering Design. Many redesigns of the site and grading plan were completed to minimize the proposed wetland impacts from 0.82 acres to 0.578 acres then to the final State- and USACE-approved 0.349 acre. The avoidance of the 100-year floodplain was not considered in the original design. Not only were the site and grading plan refined to minimize these impacts, but there were additional items utilized to increase A&M such as retaining walls, slotted boardwalks raised over wetlands, and an alternative landscape plan to use existing wetlands vegetation that has been approved by the Town of Morehead City and other permitting agencies.

The short-term impacts will be mitigated by BMPs for debris, dust, and erosion control during construction activities. BMPs and design features will minimize impacts to floodplain and wetlands. Side slopes from parking lots and drive aisles shall not exceed 3:1 slope in order to reduce runoff impacts. A temporary silt fence around the toe of the slope will prevent sediment from going downstream during a rain event prior to the embankments being stabilized. There is also Class B rip rap installed downstream of the outlet control device will prevent washout of the surrounding material. Mitigation measures/design features for the proposed action also include five green open spaces, native plant landscaping, and three proposed onsite

stormwater retention ponds which will slow down stormwater runoff. All applicable federal, State and local permits will be obtained for the proposed action prior to construction and activities will comply with their requirements and conditions. Thus, measures will be implemented to ensure the proposed action will have no further impacts to floodplain and wetlands during construction.

It is a direct policy requirement to specify standards that mitigate future flood risk. These mitigation measures will help minimize flood water level for the area, green infrastructure features will help slow down water runoff and filter out pollutants and the stormwater ponds will intercept runoff. However, it is still reasonable to promote awareness of future risks of natural hazards, including altered flooding patterns, plus the physical, social and economic impacts that potential flood events could convey.

Step 6. Reevaluate the Alternatives and Proposed Action.

There were three main alternative sites considered for the proposed action but these sites were not considered ideal for the proposed affordable multifamily development for the reasons stated above. The “No Action” Alternative would not address the purpose and need of the proposed action. The Town of Morehead City would need to find other options to address the shortage in affordable housing inventory exacerbated by the effects of hurricanes that recently damaged or destroyed hundreds of homes in North Carolina. In the absence of the proposed action, the Subject Property would not generate additional tax revenue or create affordable housing for residents, which are both of greater benefit to the community than leaving the property vacant. Therefore, the alternatives examined are not considered desirable and the proposed action is still practicable in light of potential impacts on the floodplain and wetland, the extent to which it may aggravate current hazards to other floodplains and wetlands, and the potential to disrupt the natural and beneficial functions and values of floodplains and wetlands.

Implementation of the proposed action will abide by all applicable federal, State and local laws, regulations, and permit requirements and conditions. The impacts of the proposed action and these alternatives will be re-evaluated in response to any pertinent public comments received.

Step 7. Issue Findings and Public Explanation.

It is the finding of this report that there is no better alternative than to provide funding for the Elijah’s Landing Apartments Project. The Town of Morehead City would need to find other suitable options to address the immense shortage in affordable housing inventory exacerbated by the effects of hurricanes.

A final notice, formally known as “*Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland*” was published in accordance with 24 CFR 55. However, this notice was combined with the Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI-RROF) for a 15-day comment period. The 15-day comment period started with the combined notice publishing in the Carteret County News-Times newspaper on August 16, 2023 and ends on August 31, 2023. The notice was also posted at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews> and sent via Federal Express and email to the following state and federal agencies: HUD NC Field Office; FEMA; EPA; USFWS; USACE; NC State Environmental Clearinghouse; and NCHFA. The notice was also sent to Carteret County and the Town of Morehead City. Project information was sent to the NC State Historic Preservation Office (SHPO) and Catawba Indian Nation for review and comment under NHPA Section 106 (*See Elijah’s Landing Apartments Project EA ERR*). (*See Appendix 3* for the final notice distributed to these agencies, newspaper publication affidavit [to be added], distribution list, and public comments [to be added].)

Supporting documentation, including this EO 11988 Floodplain Management and EO 11990 Protection of Wetlands Determination, incorporated into the Final Notice was posted for public review to the NCCORR ReBuild NC website and included the Early Notice documentation (Proposed Project Location Maps and Site Plans, FEMA FIRMs and PFIRM with parcel boundary, USFWS NWI Map with parcel boundary, Proposed Floodplain and Wetlands Impacts Site Plan (revised with Building #500 moved outside of 100-year floodplain), USACE CWA Section 404 General Permit Verification (3/5/2021) with Special Conditions, USACE JD (7/24/2018), and NC DEQ DWR CWA Section 401 Water Quality General Certification No. 4139 with Additional Conditions) and any additional appendices noted herein. The EA was also posted to the NCCORR ReBuild NC website allowing for public and agency input on the decision to provide funding for construction and development activities. Any substantive comments received will be addressed, and incorporated into the EA prior to proceeding with the submission of a request for release of funds.

Step 8. Implementation and Continuing Responsibility of the Responsible Entity and Recipient.

NCCORR is the responsible entity and will provide educational materials, when available. It is acknowledged there is a continuing responsibility by the responsible entity to ensure, to the extent feasible and necessary, compliance with the Steps herein.

APPENDIX 1

EARLY NOTICE FLOODPLAIN AND WETLAND MAPS

- **Proposed Project Location Maps and Site Plans**
- **FEMA FIRMs and PFIRM with Parcel Boundary**
- **USFWS NWI Map with Parcel Boundary**
- **Proposed Floodplain and Wetlands Impacts Site Plan (*revised with Building #500 moved outside of 100-year floodplain*)**
- **USACE CWA Section 404 General Permit Verification (3/5/2021) with Special Conditions, USACE JD (7/24/2018), NCDEQ DWR CWA Section 401 Water Quality General Certification No. 4139 with Additional Conditions**

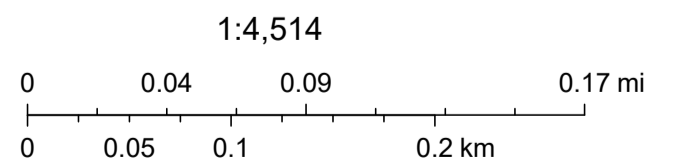
Proposed Project Location Maps and Site Plans

Elijah's Landing Apartments - Aerial Map



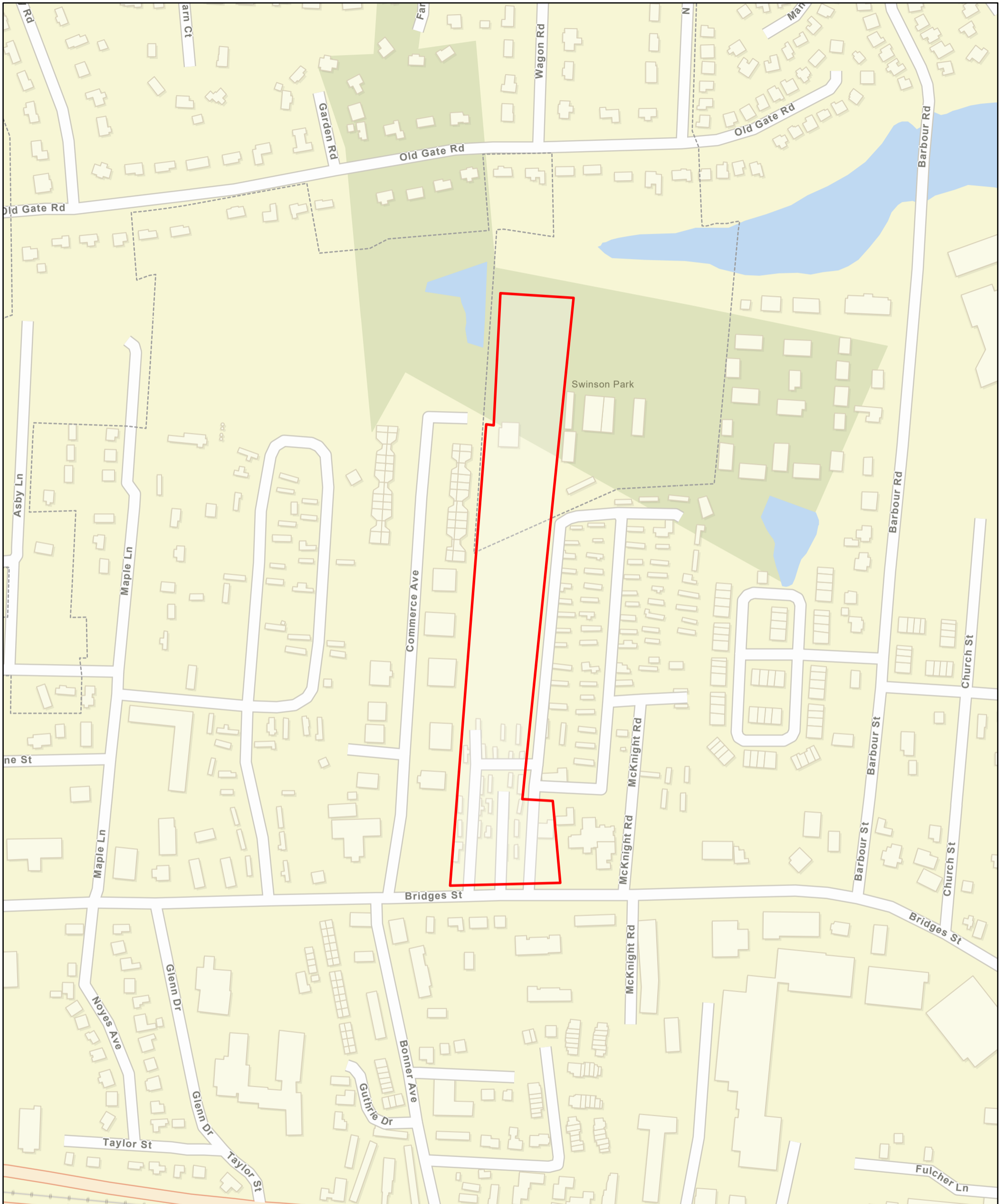
June 21, 2023

 Elijah's Landing Apartments



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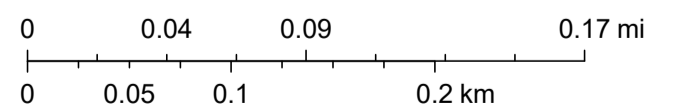
Elijah's Landing Apartments - Street Map



June 21, 2023

 Elijah's Landing Apartments

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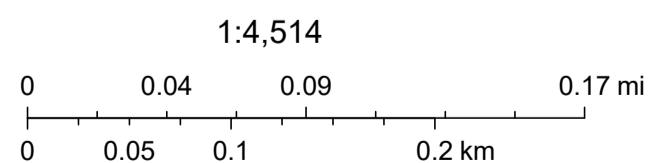
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Elijah's Landing Apartments - Topo Map

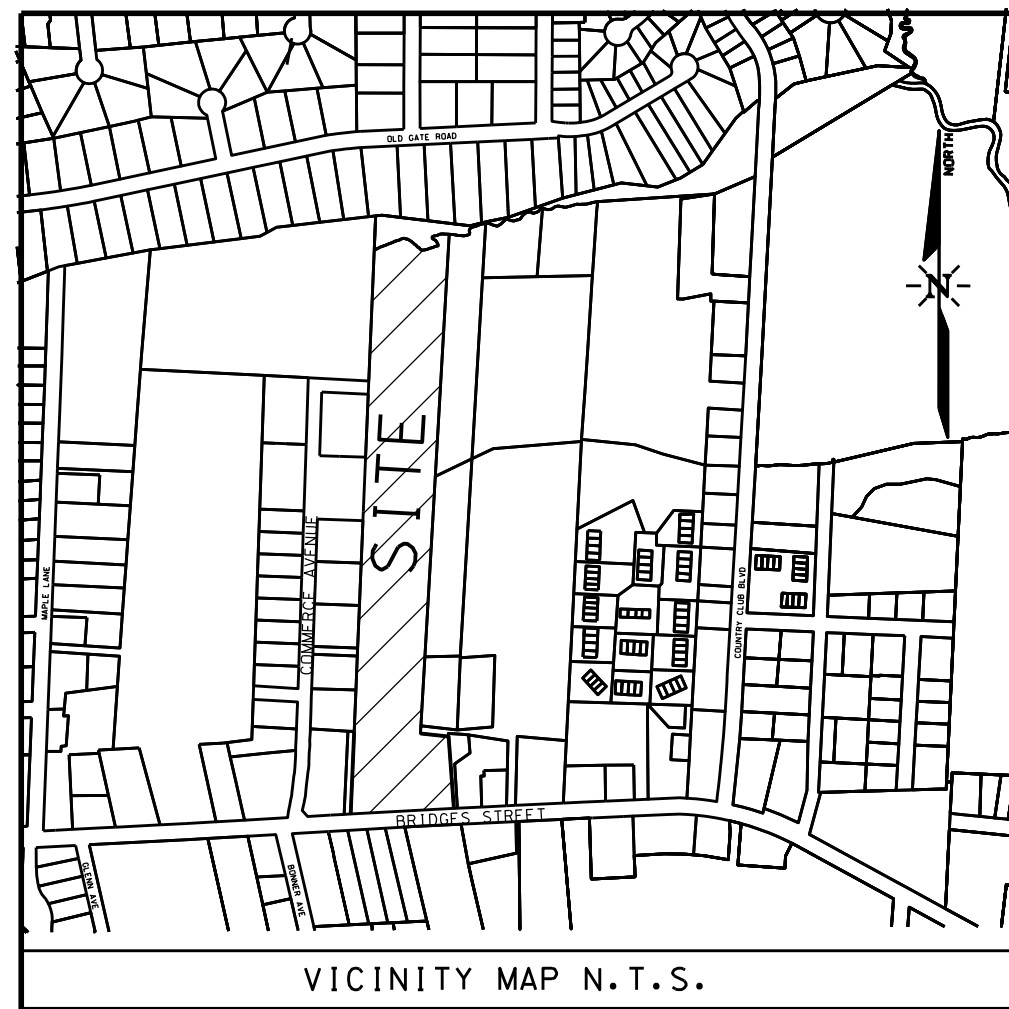


June 21, 2023

 Elijah's Landing Apartments



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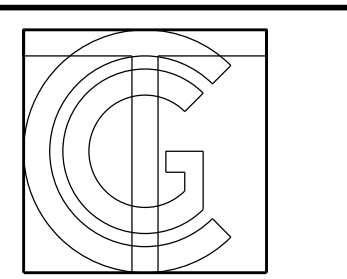


VICINITY MAP N.T.S.

| SHEET INDEX | |
|-------------|--------------------------------|
| SHEET NO. | DESCRIPTION |
| C1.0 | OVERALL SITE PLAN |
| C2.0 | EXISTING CONDITIONS SURVEY |
| C3.0 | ENLARGED SITE PLAN |
| C4.0 | EROSION CONTROL PLAN |
| C5.0 | GRADING & DRAINAGE PLAN |
| C6.0 | UTILITY PLAN |
| C6.1-6.3 | UTILITY PLAN & PROFILES |
| C7.0 | LANDSCAPE PLAN |
| C8.0 | STORMWATER POND #1 DETAILS |
| C8.1 | STORMWATER POND #2 DETAILS |
| C8.2 | STORMWATER POND #3 DETAILS |
| C8.3 | STORMWATER PONDS PLANTING PLAN |
| C9.0 | SITE DETAILS |
| C10.0 | SITE DETAILS |
| C11.0 | EROSION CONTROL DETAILS |
| C12.0 | UTILITY DETAILS |
| C13.0 | BMP DELINEATION PLAN |
| C14.0 | GROUND STABILIZATION |
| C15.0 | SELF INSPECTION |

Elijah's Landing
3140 & 3200 Bridges St.
Morehead City, Careteret
County, NC 28557
FHA Project #:053-36291

Elijah's Landing Overall Site Plan



THE CULLIPHER GROUP, P.A.
ENGINEERING & SURVEYING SERVICES
15440
101-A NC HIGHWAY 24
MOREHEAD CITY, N.C. 28557
(252) 773-0080



100% CONSTRUCTION DRAWINGS

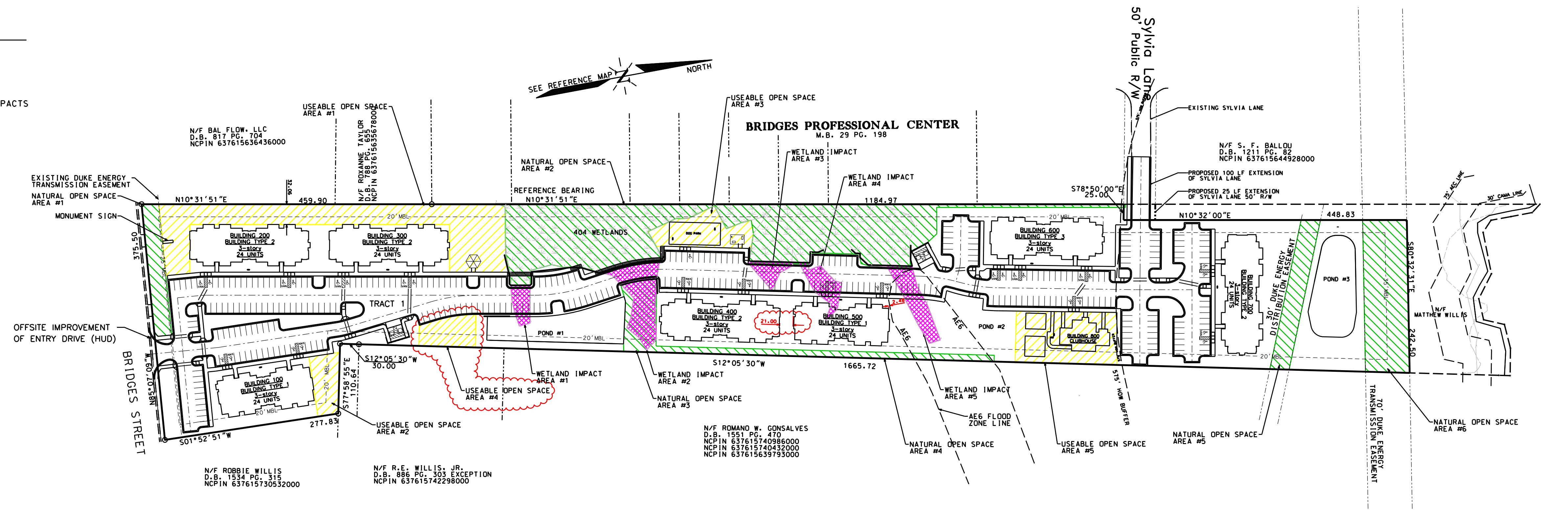
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| date | 9/28/22 |
| drafter | CMC |
| checked by | CMC |
| proj. no. | PM858-29 |
| revisions | |
| 1 | PER NCFHA |
| 2 | PER TOWN |
| 3 | PER TITLE/LENDER |
| 4 | PER NCDPS |

OVERALL SITE PLAN

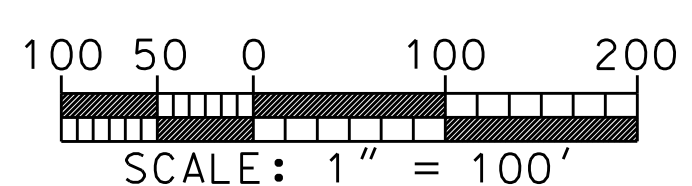
C1.0

LEGEND

- EXISTING WETLANDS
- PROPOSED WETLAND IMPACTS
- USEABLE OPEN SPACE
- NATURAL OPEN SPACE
- REVISIONS REQUESTED FOR REVIEW



| AREA TABULATIONS | | | SITE DATA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---------------------|--------------------------|--------------------------|----------------------|--------------------------|--|----------------------|--|--------|-----------|--------|-----------|--------|-----------|---|-----------|---|----------|---|-------|---|----------|---|-----------|---|-------|---|----------|---|----------|---|-------|---|----------|---|----------|---|-------|---|-----------|---|----------|---|-------|---|--|---|-----------|--|--|-------------------|---------------------|-------------------|---------------------|-------------------|-----------------|--|--|
| <table border="1"> <thead> <tr> <th colspan="2">USEABLE OPEN SPACE AREAS</th> <th colspan="2">NATURAL OPEN SPACE AREAS</th> <th colspan="2">WETLAND IMPACT AREAS</th> </tr> <tr> <th>AREA #</th> <th>AREA (SF)</th> <th>AREA #</th> <th>AREA (SF)</th> <th>AREA #</th> <th>AREA (AC)</th> </tr> </thead> <tr> <td>1</td> <td>27,686.83</td> <td>1</td> <td>5,561.79</td> <td>1</td> <td>0.037</td> </tr> <tr> <td>2</td> <td>3,933.28</td> <td>2</td> <td>54,784.37</td> <td>2</td> <td>0.139</td> </tr> <tr> <td>3</td> <td>7,045.94</td> <td>3</td> <td>1,711.15</td> <td>3</td> <td>0.055</td> </tr> <tr> <td>4</td> <td>4,020.67</td> <td>4</td> <td>3,110.77</td> <td>4</td> <td>0.055</td> </tr> <tr> <td>5</td> <td>31,775.22</td> <td>5</td> <td>7,299.98</td> <td>5</td> <td>0.083</td> </tr> <tr> <td>6</td> <td></td> <td>6</td> <td>16,913.42</td> <td></td> <td></td> </tr> <tr> <td>TOTAL AREA</td> <td>55,858.03 SF</td> <td>TOTAL AREA</td> <td>95,341.48 SF</td> <td>TOTAL AREA</td> <td>0.349 AC</td> </tr> </table> | | | USEABLE OPEN SPACE AREAS | | NATURAL OPEN SPACE AREAS | | WETLAND IMPACT AREAS | | AREA # | AREA (SF) | AREA # | AREA (SF) | AREA # | AREA (AC) | 1 | 27,686.83 | 1 | 5,561.79 | 1 | 0.037 | 2 | 3,933.28 | 2 | 54,784.37 | 2 | 0.139 | 3 | 7,045.94 | 3 | 1,711.15 | 3 | 0.055 | 4 | 4,020.67 | 4 | 3,110.77 | 4 | 0.055 | 5 | 31,775.22 | 5 | 7,299.98 | 5 | 0.083 | 6 | | 6 | 16,913.42 | | | TOTAL AREA | 55,858.03 SF | TOTAL AREA | 95,341.48 SF | TOTAL AREA | 0.349 AC | <p>TRACT AREA = 11.74 AC = 506,966.36 SF MAXIMUM BUILDING COVERAGE ALLOWED IS 40% OF TRACT AREA = 202,786.54 SF PROPOSED BUILDING COVERAGE (BUILDINGS 100 THRU 700, CLUBHOUSE, GAZEBO & COVERED PICNIC AREA) = 64,755.28 SF MINIMUM LOT SIZE PER UNITS = 5,000 SF FOR FIRST UNIT, EACH 2+ BEDROOM UNIT REQUIRES 3,000 SF PER UNIT AND EACH 1 BEDROOM UNIT REQUIRES 2,500 SF PER UNIT. PROPOSED (30) 1 BEDROOM UNITS, (78) 2 BEDROOM UNITS AND (60) 3 BEDROOM UNITS REQUIRED AREA = 5,000 SF + [138 UNITS X 3,000 SF] + [29 X 2,500 SF] = 491,500 SF = 11.28 AC TRACT AREA IS GREATER THAN MINIMUM LOT AREA REQUIRED</p> <p>OPEN SPACE REQUIREMENTS = 18% OF TRACT MUST BE NATURAL OPEN SPACE AND 10% USEABLE OPEN SPACE NATURAL OPEN SPACE REQUIRES (18% OF TRACT) = 91,253.94 SF USEABLE OPEN SPACE REQUIRED (10% OF TRACT) = 50,696.64 SF NATURAL OPEN SPACE PROVIDED = 94,261.85 SF USEABLE OPEN SPACE PROVIDED = 55,858.03 SF</p> <p>MINIMUM SETBACK REQUIREMENTS FRONT = 25', 25' PROVIDED REAR = 25' + 5' PER ADDITIONAL STORY = 35', 35' PROVIDED SIDE = 20' AGGREGATE = 5' PER ADDITIONAL STORY = 40' AGGREGATE SIDE SETBACKS ARE 20' FOR ENTIRE PROPERTY</p> <p>MAXIMUM BUILDING HEIGHT ALLOWED = 50' ABOVE AVERAGE GRADE MAXIMUM BUILDING HEIGHT PROPOSED = 34' 3"</p> <p>PARKING DATA PARKING SPACES REQ'D = 1.75 PARKING SPACES PER RESIDENTIAL UNIT (NCFHA 2020 OAP) PARKING SPACES REQ'D = 168 UNITS X 1.75 SPACES PER UNIT = 294 SPACES TOTAL</p> <p>PARKING REQ'D (MOREHEAD CITY) = 2 SPACES PER UNIT PLUS 1 ADDITIONAL SPACE PER 6 UNITS PARKING SPACES REQ'D = 336 SPACES + 28 SPACES = 364 TOTAL SPACES PARKING SPACES PROVIDED = 348 SPACES - PLEASE SEE REQUEST FOR 4.4% PARKING REDUCTION PER ORDINANCE SECTION 20-1.4.</p> <p>HANDICAP(H/C) PARKING REQ'D (NORTH CAROLINA) = 2% OF 364 = 8 SPACES REQ'D HANDICAP(H/C) PARKING REQ'D (NCFHA) = 1 PER TYPE 'A' UNITS, 2% OF TYPE 'B' UNITS, 1 PER LOCATIONS OF AMENITIES, VAN ACCESSIBLE SPACES REQ'D AT EACH AMENITIES LOCATION AND THE 1ST HANDICAP SPACE PER TYPE UNIT TYPE 'A' UNITS = 18, 18 HANDICAP SPACES REQ'D TYPE 'B' UNITS = 38, 1 HANDICAP SPACES REQ'D AMENITIES LOCATION = 3, 3 HANDICAP SPACES REQ'D HANDICAP(H/C) PARKING REQ'D = 21 VAN SPACES + 1 SPACES = 22 HANDICAP SPACES TOTAL HANDICAP PARKING SPACES PROVIDED = 33 SPACES</p> | |
| USEABLE OPEN SPACE AREAS | | NATURAL OPEN SPACE AREAS | | WETLAND IMPACT AREAS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AREA # | AREA (SF) | AREA # | AREA (SF) | AREA # | AREA (AC) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 27,686.83 | 1 | 5,561.79 | 1 | 0.037 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 3,933.28 | 2 | 54,784.37 | 2 | 0.139 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 7,045.94 | 3 | 1,711.15 | 3 | 0.055 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 4,020.67 | 4 | 3,110.77 | 4 | 0.055 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 31,775.22 | 5 | 7,299.98 | 5 | 0.083 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | 6 | 16,913.42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL AREA | 55,858.03 SF | TOTAL AREA | 95,341.48 SF | TOTAL AREA | 0.349 AC | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



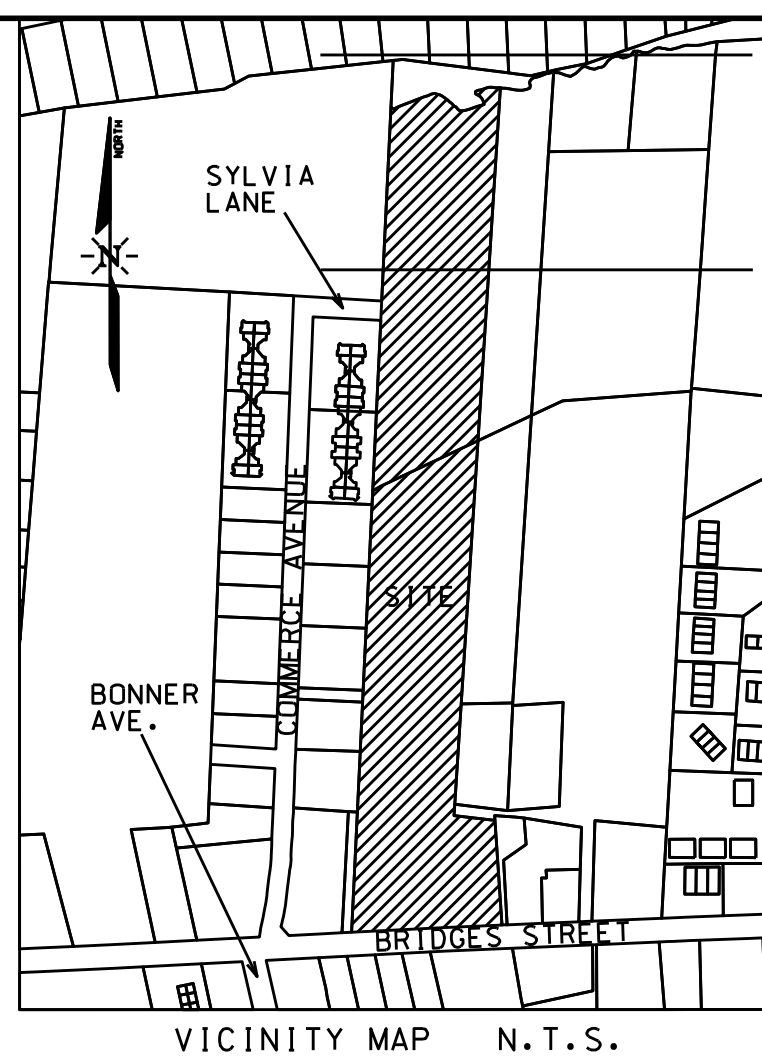
LEGEND

| | |
|-------|---------------------------------------|
| EIR | EXISTING IRON ROD |
| EIP | EXISTING IRON PIPE |
| EPM | EXISTING PIPE |
| ECM | EXISTING CONC. MON. |
| ERRS | EXISTING R/R SPIKE |
| EX | EXISTING |
| EP | EDGE OF PAVEMENT |
| SIR | SET IRON ROD |
| CP | CALCULATED POINT |
| MHW | MEAN HIGH WATER |
| NW | NW OR FORMERLY |
| MB | MAP BOOK |
| DB | DEED BOOK |
| PG | PAGE |
| LP | LIGHT POLE |
| LE | LIGHT ELECTRIC |
| ELEC | ELECTRICAL PEDESTAL |
| TRANS | ELEC. TRANSFORMER |
| TEL | TELEPHONE PEDESTAL |
| TV | CABLE TV PEDESTAL |
| WM | WATER METER |
| CD | CLEAN OUT |
| SMH | SINGLE WIDE MOBILE HOME |
| SD | SHED |
| DS | DANCE STUDIO |
| SSMH | SANITARY SEWER MANHOLE |
| (25) | EXCEPTION ITEMS IDENTIFICATION NUMBER |
| --- | FENCE |
| --- | EASEMENT |
| --- | EXISTING IMPROVEMENTS |
| --- | UNDERGROUND SEWER |
| --- | ADJACENT PROPERTY BOUNDARY |
| --- | FLOOD ZONE |
| --- | DITCH CENTERLINE |
| --- | WETLAND |
| (25) | ADJOINING PROPERTY LOT NUMBER |

RECORD LEGAL DESCRIPTION
 BEGINNING AT A SET IRON ROD IN THE NORTHERN RIGHT OF WAY OF BRIDGES STREET, SAID POINT ALSO BEING LOCATED 577°15'43"E 179.39 FEET AND 585°07'09"E 375.50 FEET FROM AN EXISTING IRON ROD LOCATED IN THE EASTERN RIGHT OF WAY OF COMMERCE AVENUE, THENCE FROM SAID BEGINNING POINT AND ALONG BRIDGES STREET RIGHT OF WAY N85°07'09"W 375.50 FEET TO AN EXISTING IRON ROD, THENCE LEAVING SAID RIGHT OF WAY N10°31'51"E 459.90 FEET TO AN EXISTING IRON ROD LOCATED AT THE NORTHEAST CORNER OF THAT PROPERTY OWNED BY ROXANNE TAYLOR AS RECORDED IN DEED BOOK 788 PAGE 655 OF THE CARTERET COUNTY REGISTRY, THENCE FROM SAID POINT AND CONTINUING ON THE SAME LINE N10°31'51"E 1096.61 FEET TO AN EXISTING IRON ROD, SAID LINE BEING THE EASTERN LINE OF BRIDGES PROFESSIONAL CENTER AS RECORDED IN MAP BOOK 29 PAGE 198, SAID POINT ALSO BEING NEAR THE SOUTHERN RIGHT OF WAY OF SYLVIA LANE, THENCE LEAVING SAID EASTERN LINE AND AN EXTENSION OF THE SOUTHERN LINE OF SYLVIA LANE S78°50'00"E 25.00 FEET TO AN EXISTING IRON ROD, THENCE N10°32'00"E 448.83 FEET TO AN EXISTING IRON ROD NEAR THE NORTHERN RIGHT OF WAY OF A 70 FOOT DUKE ENERGY UTILITY EASEMENT, THENCE WITH SAID NORTH LINE S80°32'31"E 242.50 FEET TO AN EXISTING IRON ROD, THENCE LEAVING SAID NORTHERN LINE S12°05'30"W 1665.72 FEET TO A SET IRON ROD, THENCE S77°58'54"E 110.64 FEET TO A SET IRON ROD, THENCE S01°52'51"W 277.83 FEET TO THE POINT AND PLACE OF BEGINNING, BEING ALL OF TRACT 1, MAP BOOK 33, PAGE 993, AND CONTAINING 11.64 ACRES.

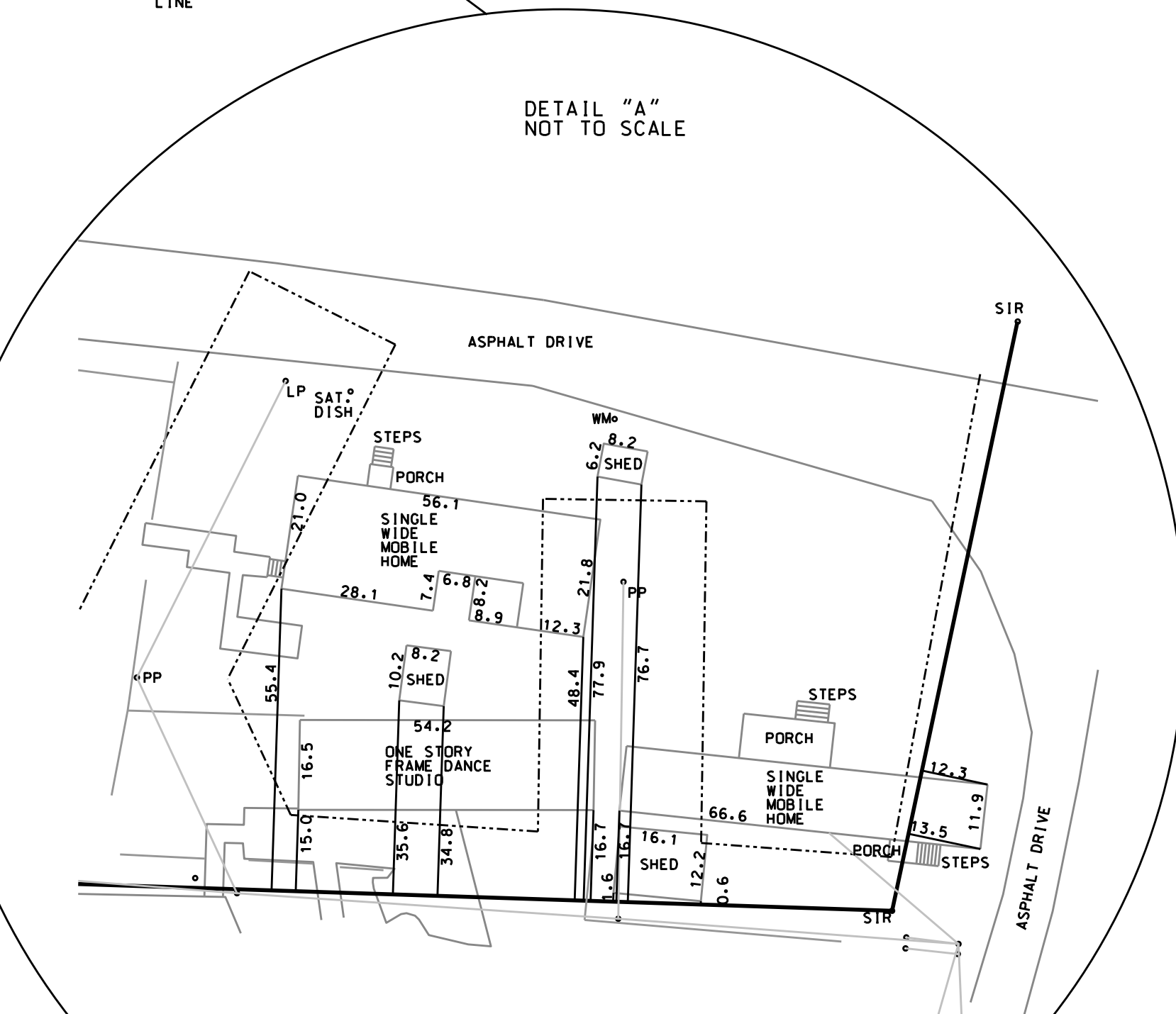
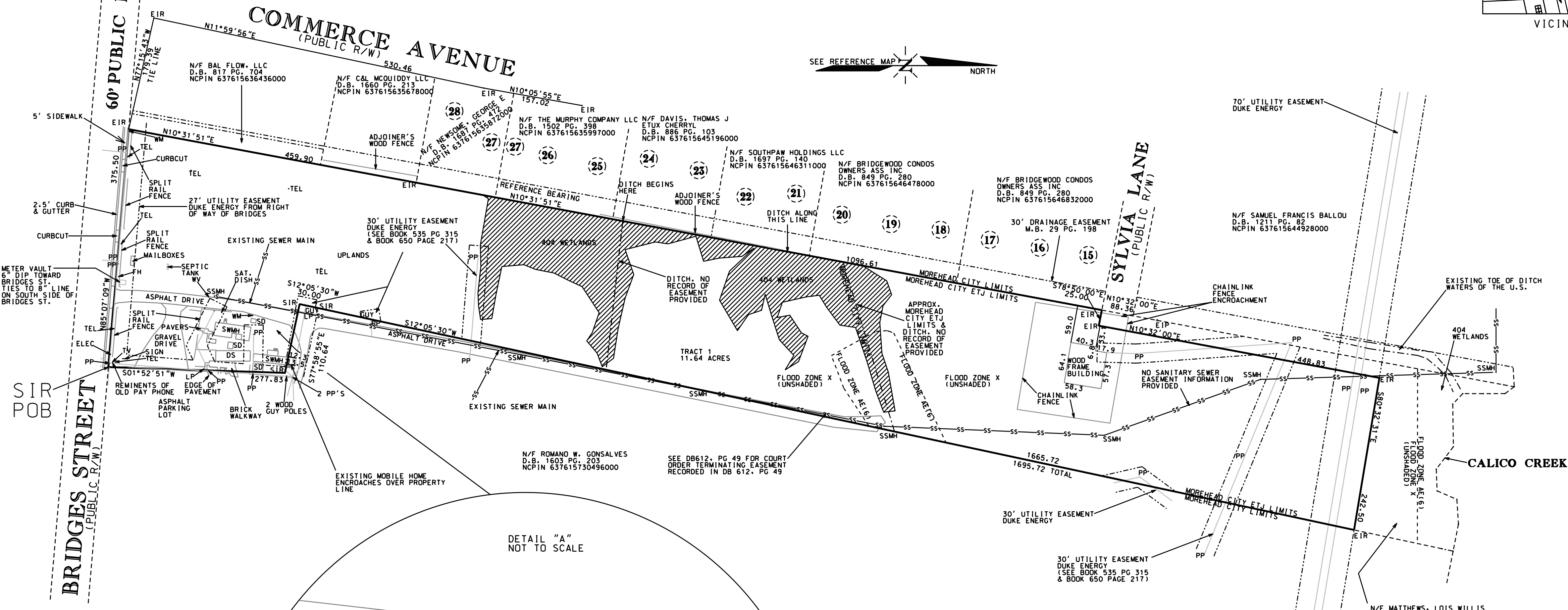
ENCROACHMENT/SIGNIFICANT OBSERVATION
 THE FOLLOWING ITEMS CONSTITUTE ENCROACHMENTS:
 1. THE ASPHALT DRIVE THAT LIES ACROSS THE EASTERN BOUNDARY.
 2. THE MOBILE HOME THAT LIES ACROSS BOUNDARY LINE RUNNING 110.64' S77°58'55"E AND IS ENLARGED WITHIN DETAIL "A" OF THIS MAP.
 3. THE BRICK WALKWAY, ASPHALT DRIVE AND FENCE THAT LIES ACROSS BOUNDARY LINE RUNNING 277.83' S01°52'51"W AND IS ENLARGED WITHIN DETAIL "A" OF THIS MAP.
 4. THE CHAIN LINK FENCE AROUND THE WOOD FRAME BUILDING NEAR THE SYLVIA LANE RIGHT-OF-WAY.

REFERENCE MAP
 SEE SURVEY FOR WILLIS MOBILE HOME PARK #1 FOR LOIS MATTHEWS C/O HARVEY L. AND COLLINS, P.A. BY PRESTIGE LAND SURVEYING, P.A. DATED JUNE 29, 2016.



Elijah's Landing
 3140 & 3200 Bridges St.
 Morehead City, Careteret
 County, NC 28557
 FHA Project #:053-36291

E. GLENN CORBEY, PLS
 LICENSE NUMBER L-3407
 STATE OF NORTH CAROLINA

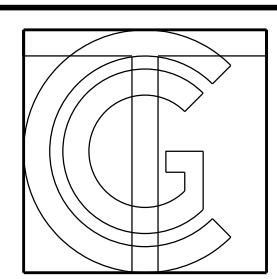


SURVEYOR'S COMMENTS - SCHEDULE B, PART II
 RELATIVE TO CHICAGO TITLE INSURANCE COMPANY
 COMMITMENT NUMBER: 21-20231NB
 COMMITMENT DATE: 9/16/211 REVISED 11/23/21

- TAXES OR ASSESSMENTS FOR THE YEAR 2022, AND SUBSEQUENT YEARS, A LIEN NOT YET DUE OR PAYABLE. SURVEYOR'S COMMENTS: NOT RELATED TO MATTERS OF LAND SURVEY.
- ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLATS RECORDED IN MAP BOOK 33, PAGE 993, NOTWITHSTANDING THE FOREGOING, THE POLICY INSURES AGAINST LOSS OR DAMAGE RESULTING FROM A FINAL DETERMINATION BY A COURT OF COMPETENT JURISDICTION THAT PARTIES OTHER THAN THE INSURED, AND THOSE CLAIMING BY THROUGH AND UNDER THE INSURED, HAVE RIGHTS IN AND TO THE USE OF THE PORTION OF THE ASPHALT DRIVE LOCATED ON THE LAND AND SHOWN THEREON. (LOAN POLICY ONLY) SURVEYOR'S COMMENTS: SEE CURRENT SURVEY - SHOWN GRAPHICALLY AND LABELED.
- ANY DISCREPANCY, CONFLICT, MATTERS REGARDING ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREGGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGHWATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. UPON RECEIPT OF A CURRENT LAND SURVEY AND SURVEYOR'S REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS SHOWN THEREBY. SURVEYOR'S COMMENTS: SEE CURRENT SURVEY - SHOWN GRAPHICALLY AND LABELED.
- RIGHTS OF WAY TO CAROLINA POWER AND LIGHT COMPANY RECORDED IN BOOK 535, PAGE 315; BOOK 650, PAGE 217. SURVEYOR'S COMMENTS: SEE CURRENT SURVEY - SHOWN GRAPHICALLY AND LABELED.
- TITLE TO ANY PORTION OF THE LAND LYING WITHIN THE RIGHT OF WAY OF BRIDGES STREET. SURVEYOR'S COMMENTS: SEE CURRENT SURVEY - SHOWN GRAPHICALLY AND LABELED.
- RIPARIAN AND/OR LITTORAL RIGHTS INCIDENT TO THE LAND; RIGHTS OF OTHERS IN AND TO THE CONTINUOUS AND UNINTERRUPTED FLOW OF THE WATERS BOUNDING OR CROSSING THE LAND; AND TITLE TO ANY PORTION OF THE LAND OWNED BY ANY GOVERNMENTAL ENTITY INCLUDING, BUT NOT LIMITED TO, MARSH, DREGGED AND/OR FILLED AREAS AND LAND BELOW THE MEAN HIGH-WATER MARK. SURVEYOR'S COMMENTS: NOT RELATED TO MATTERS OF LAND SURVEY.
- THE LAND SHALL NOT BE DEEMED TO INCLUDE ANY HOUSE TRAILER, MANUFACTURED HOME, MOBILE HOME, OR MOBILE DWELLING ON THE LAND. SURVEYOR'S COMMENTS: SEE CURRENT SURVEY - SHOWN GRAPHICALLY AND LABELED.
- ORDINANCE FOR ANNEXATION RECORDED IN BOOK 1671, PAGE 120. SURVEYOR'S COMMENTS: NOT RELATED TO MATTERS OF LAND SURVEY.
- EASEMENT FROM ELIJAH'S LANDING OF MOREHEAD CITY, LLC TO DUKE ENERGY PROGRESS, LLC RECORDED JUNE 2, 2021, IN FILE #1724386, CARTERET COUNTY REGISTRY. SURVEYOR'S COMMENTS: NOT RELATED TO MATTERS OF LAND SURVEY.

- NOTES:**
- THIS SURVEY IS OF AN EXISTING PARCEL OF LAND
 - AREA BY COORDINATES
 - THIS MAP IS NOT FOR RECORDING
 - TRACT AREA = 11.64 ACRES = 506,964.36 SF
 - NO POINTS SET IN CALICO CREEK
 - NO TREES LOCATED OR SHOWN
 - NO EASEMENTS FOR WATER, SEWER, TELEPHONE OR DRAINAGE PROVIDED
 - FLOOD ZONE LINES SCALED FROM FIRM NUMBER 3720637600J DATED 7/16/03.
 - NO PARKING SPACES OR STRIPING EXIST ON PROPERTY
 - NO PARTY OR DIVISION WALLS EXIST ON PROPERTY
 - WETLANDS LINES FIELD APPROVED BY TOM CHARLES OF USACE ON 3/18/18
 - PROPERTY IS ZONED R/F (RESIDENTIAL MULTI-FAMILY) ACCORDING TO THE ZONING VERIFICATION LETTER PROVIDED BY THE TOWN OF MOREHEAD CITY, DATED 10/27/2021
 - AT TIME OF FIELD WORK, THERE WAS NO EVIDENCE OF EARTH MOVING, CONSTRUCTION, ETC.
 - AT TIME OF FIELD WORK, THERE WAS NO EVIDENCE OF STREET OR RIGHT-OF-WAY CHANGES
 - PARCEL HAS TWO ADDRESS NUMBERS DUE TO OLD TAX NUMBERS
 - THE SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES, AND OTHER IMPROVEMENTS SITUATED ON THE PROPERTY
 - EXCEPT AS SHOWN, ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND OR EASEMENTS OF RECORD; THAT, EXCEPT AS SHOWN, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY ACROSS SAID PROPERTY; THAT THE PROPERTY IS THE SAME AS THE PROPERTY DESCRIBED IN INVESTORS TITLE INSURANCE COMPANY, COMMITMENT NO. 21-20231NB WITH AN EFFECTIVE DATE OF 09/16/2021 AND A DATE OF SECOND REVISION OF 11/23/2021; AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR EASEMENT WHICH THE UNDERSIGNED HAS BEEN ADVISED OR HAS KNOWLEDGE, HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR AFFECT ON THE PROPERTY
 - EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS ONTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY BUILDING, STRUCTURES OR OTHER IMPROVEMENTS, AND NO ENCROACHMENTS ONTO SAID PROPERTY BY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON ADJOINING PREMISES
 - BY GRAPHIC PLOTTING ONLY, THE PROPERTY IS LOCATED IN ZONE X (UNSHADED) AND AE(6) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 3720637600J, WHICH BEARS AN EFFECTIVE DATE OF 07/16/03 AND A PORTION OF THE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA. THIS COMMUNITY DOES PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING PERFORMED TO DETERMINE BASE FLOOD ELEVATION OR ESTABLISH BENCHMARK
 - THE PROPERTY HAS DIRECT PHYSICAL ACCESS TO A PUBLICLY DEDICATED STREET OR HIGHWAY KNOWN AS BRIDGES STREET AND IS A 60' PUBLIC RIGHT OF WAY
 - THE NUMBER OF DRIVEWAY PARKING SPACES LOCATED ON THE PROPERTY IS INCLUDING HANDICAPPED SPACES AND TO THE EXTENT POSSIBLE, ARE GRAPHICALLY SHOWN HEREON. N/A
 - THIS PROPERTY IS A SINGLE TAX PARCEL.

Elijah's Landing



THE CULLIPHER GROUP, P.A.
 ENGINEERING & SURVEYING SERVICES
 1-440-2
 101-A NC HIGHWAY 94
 MOREHEAD CITY, N.C. 28557
 (252) 773-0090

PRELIMINARY PLAT
 NOT FOR RECORDATION,
 CONVEYANCE OR SALE.
 FOR REVIEW ONLY!

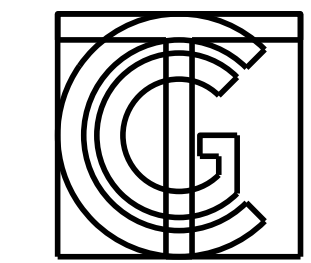
100% CONSTRUCTION DRAWINGS

| | |
|------------|------------------|
| date | 9/28/22 |
| drafter | CMC |
| checked by | EGC |
| proj. no. | PM858-29 |
| revisions | |
| 1 | PER NCFHA |
| 2 | PER TOWN |
| 3 | PER TITLE/LENDER |
| 4 | PER NCDPS |

ALTA / NSPS LAND TITLE SURVEY

C2.0

Elijah's Landing



THE CULLIPHER GROUP, P.A.
 ENGINEERING & SURVEYING SERVICES
 151-A NC HIGHWAY 24
 MOREHEAD CITY, N.C. 28557
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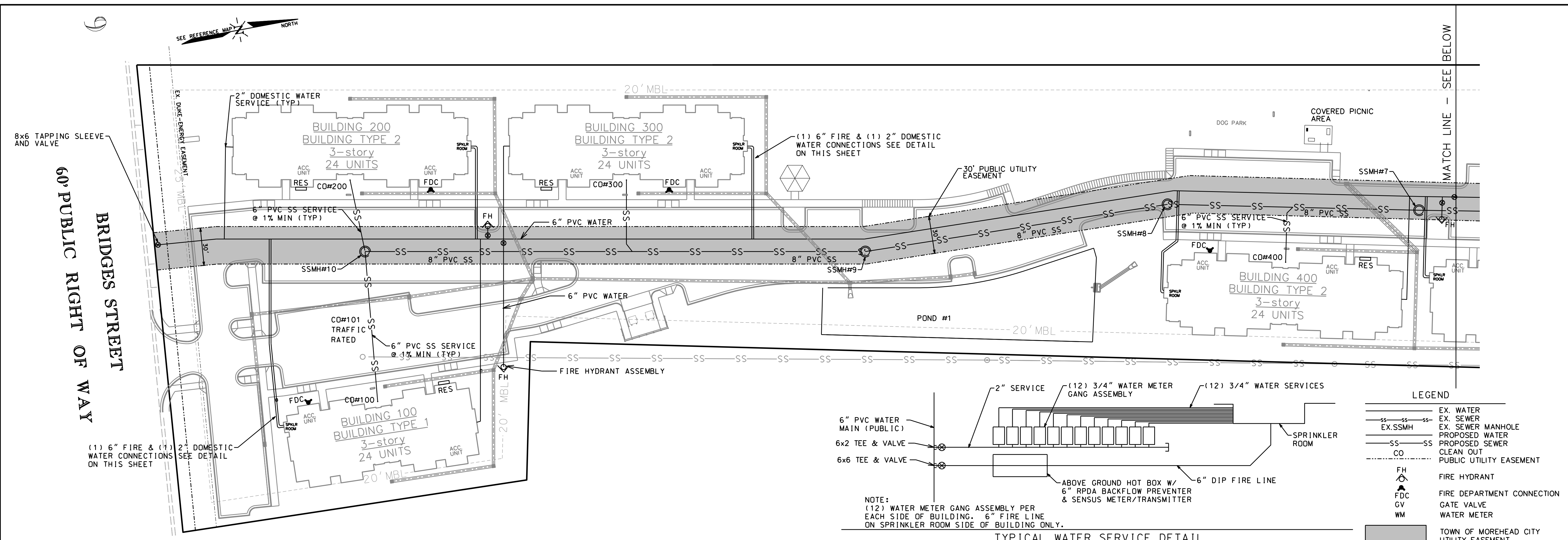
100%
**CONSTRUCTION
 DRAWINGS**

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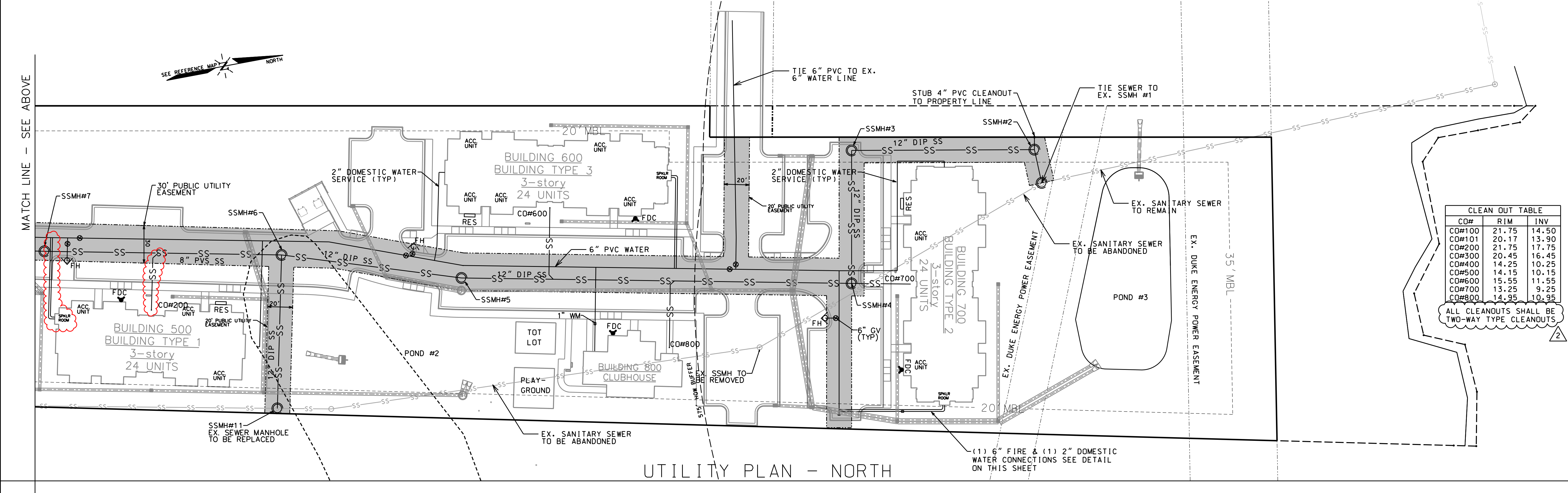
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| 2 | PER TOWN |
| 3 | PER TITLE/LENDER |
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UTILITY PLAN

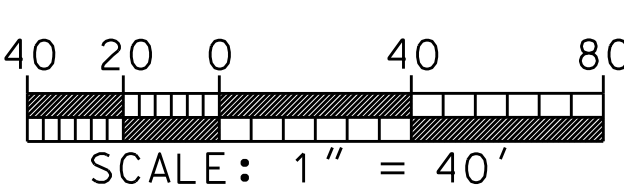
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UTILITY PLAN - SOUTH



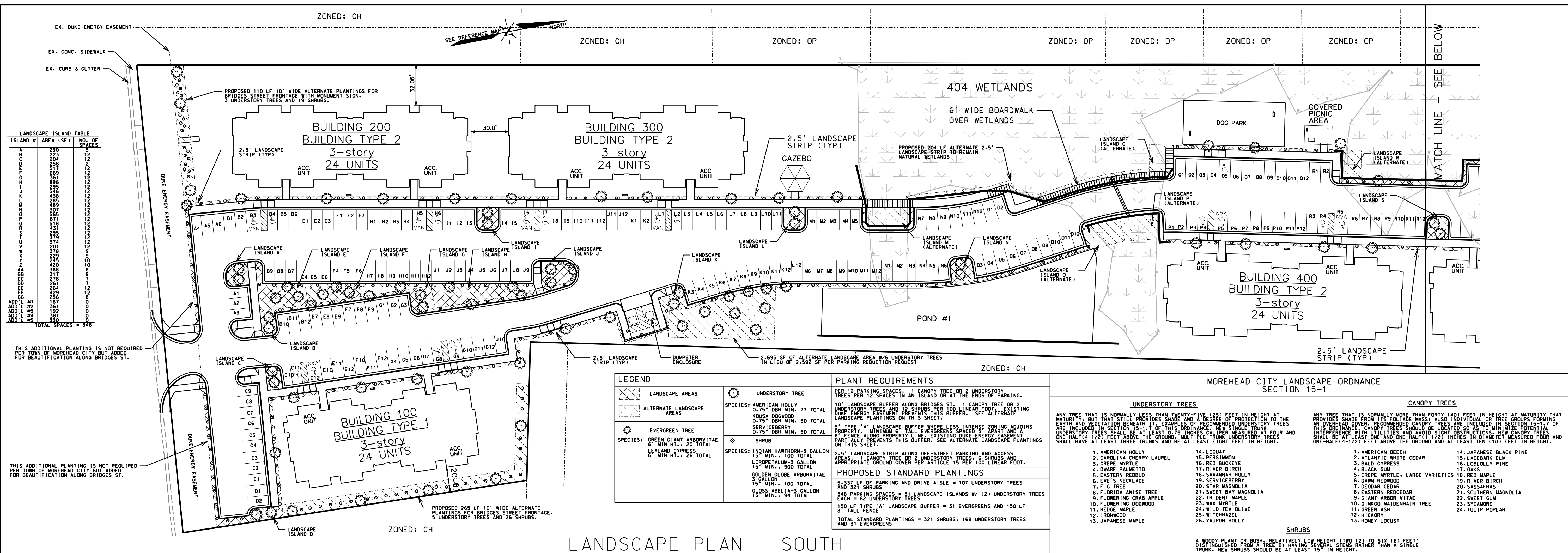
UTILITY PLAN - NORTH

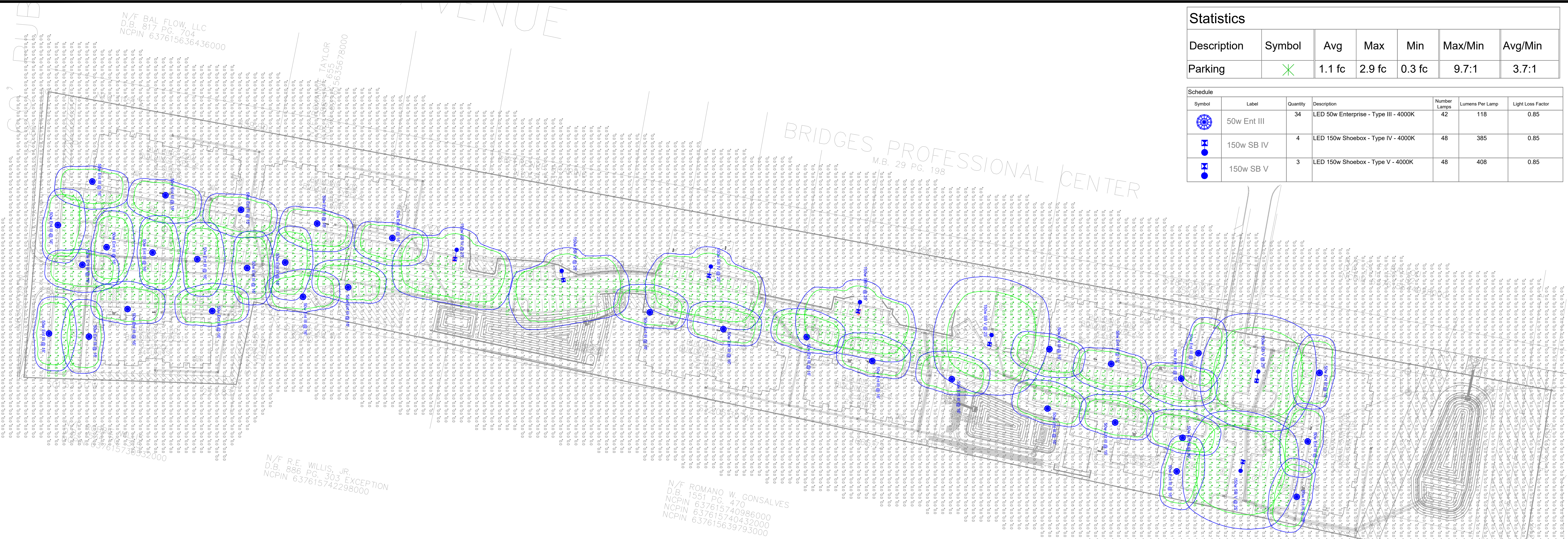


- UTILITY NOTES:
- EACH APARTMENT BUILDING SHALL HAVE (12) 3/4" METERS AND DOMESTIC SERVICE LINES ON BOTH SIDES OF BUILDING SERVING THE (12) NEAREST UNITS AND (1) 6" FIRE LINE CONNECTING INTO THE SPRINKLER ROOM AS INDICATED ON THIS PLAN.
 - IRRIGATION LINES SHALL CONNECT TO SEPARATE 1" METER AT CLUBHOUSE. SEE LANDSCAPE PLANS FOR IRRIGATION INFORMATION.

| CO# | RIM | INV |
|--------|-------|-------|
| CO#100 | 21.75 | 14.50 |
| CO#101 | 20.17 | 13.90 |
| CO#200 | 21.75 | 17.75 |
| CO#300 | 20.45 | 16.45 |
| CO#400 | 14.25 | 10.25 |
| CO#500 | 14.15 | 10.15 |
| CO#600 | 15.55 | 11.55 |
| CO#700 | 13.25 | 9.25 |
| CO#800 | 14.95 | 10.95 |

ALL CLEANOUTS SHALL BE TWO-WAY TYPE CLEANOUTS.





| Statistics | | | | | | |
|-------------|--------|--------|--------|--------|---------|---------|
| Description | Symbol | Avg | Max | Min | Max/Min | Avg/Min |
| Parking | ✕ | 1.1 fc | 2.9 fc | 0.3 fc | 9.7:1 | 3.7:1 |

| Schedule | | | | | | |
|----------|-------------|----------|---------------------------------------|--------------|-----------------|-------------------|
| Symbol | Label | Quantity | Description | Number Lamps | Lumens Per Lamp | Light Loss Factor |
| ☼ | 50w Ent III | 34 | LED 50w Enterprise - Type III - 4000K | 42 | 118 | 0.85 |
| ⊕ | 150w SB IV | 4 | LED 150w Shoebox - Type IV - 4000K | 48 | 385 | 0.85 |
| ⊕ | 150w SB V | 3 | LED 150w Shoebox - Type V - 4000K | 48 | 408 | 0.85 |

Outdoor Lighting
Enterprise LED

LED (Light Emitting Diode) 50 watts
Wattage: 50
Lumens: 4,921
BUG Rating: B1-UO-G2
Light pattern: IESNA Type III (oval)
Color temperature: 4,000K

Poles available:

| Name | Mounting height | Color |
|---------------------|-----------------|-------|
| Smooth concrete | 12', 13', 16' | Black |
| Fluted concrete | 13' | Black |
| Fiberglass | 16' | Black |
| Decorative aluminum | 12', 16' | Black |

Features
No installation cost
Design services by lighting professionals included
Maintenance included
Electricity included
Warranty included
One low monthly cost on your electric bill
Turnkey operation
Backed by over 40 years of experience

Benefits
Frees up capital for other projects
Meets industry standards and lighting ordinances
Eliminates high and unexpected repair bills
Less expensive than metered service
Worry-free
Convenience and savings for you
Provides hassle-free installation and service
A name you can trust today ... and tomorrow

For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

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Outdoor Lighting
Enterprise LED

LED (Light Emitting Diode) 50 watts
Wattage: 50
Lumens: 4,921
BUG Rating: B1-UO-G2
Light pattern: IESNA Type III (oval)
Color temperature: 4,000K

Poles available:

| Name | Mounting height | Color |
|---------------------|-----------------|-------|
| Smooth concrete | 12', 16' | Black |
| Fluted concrete | 13' | Black |
| Fiberglass | 16' | Black |
| Decorative aluminum | 12', 16' | Black |

Features
No installation cost
Design services by lighting professionals included
Maintenance included
Electricity included
Warranty included
One low monthly cost on your electric bill
Turnkey operation
Backed by over 40 years of experience

Benefits
Frees up capital for other projects
Meets industry standards and lighting ordinances
Eliminates high and unexpected repair bills
Less expensive than metered service
Worry-free
Convenience and savings for you
Provides hassle-free installation and service
A name you can trust today ... and tomorrow

For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

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Outdoor Lighting
Shoebox LED

LED (Light Emitting Diode) 150, 220, 420, 530 watts
Mounting heights 25', 30', 35'
Colors Black, Bronze, Gray, White
Poles Fiberglass (1 or 2 fixtures per pole), Decorative tapered metal, Decorative square metal

The energy-efficient Shoebox LED combines a decorative, contemporary style with versatility and ample lighting effect that is perfect for streets, parking lots, commercial buildings and residential communities. The Shoebox LED provides excellent color rendition along with a controlled light pattern that reduces glare and keeps the light directed only where you want it. Available in black, dark bronze, gray or white with one to four fixtures per pole.

For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

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Outdoor Lighting
Shoebox LED

Light source: LED (white)
Replacement for: LED Wattage 150 - 250-watt HPS and metal halide, LED Wattage 205 - up to 400-watt metal halide, LED Wattage 530 - 1,000-watt metal halide

Warm-up and restrike time: Instant on (no warm-up or restrike time)

| Wattage | BUG Rating | Light Pattern | Lumens | Color Temp |
|---------|------------|-------------------------------|--------|------------|
| LED 150 | B5-UO-G3 | IESNA Type V (circular) | 19580 | 4,000K |
| LED 150 | B3-UO-G4 | IESNA Type IV (forward throw) | 18459 | |
| LED 150 | B2-UO-G3 | IESNA Type III (oval) | 19006 | |
| LED 220 | B5-UO-G3 | IESNA Type V (circular) | 25870 | |
| LED 220 | B3-UO-G4 | IESNA Type IV (forward throw) | 24390 | |
| LED 220 | B2-UO-G4 | IESNA Type III (oval) | 25114 | |
| LED 420 | B5-UO-G5 | IESNA Type V (circular) | 48514 | |
| LED 420 | B3-UO-G5 | IESNA Type IV (forward throw) | 43765 | |
| LED 530 | B5-UO-G5 | IESNA Type V (circular) | 60296 | |
| LED 530 | B3-UO-G5 | IESNA Type IV (forward throw) | 54395 | |

* These are approximate replacement suggestions; actual conditions could be different.

Poles available:

| Name | Mounting height | Color |
|---------------------------------|-----------------|---|
| Round tapered decorative metal* | 35' | Black, Bronze |
| Decorative square metal* | 25' and 30' | Black, Bronze, Gray, White |
| Fiberglass | 30' | Black (1 or 2 fixtures per pole), Gray (1 or 2 fixtures per pole) |

Features
Little or no installation cost
Design services by lighting professionals included
Maintenance included
Electricity included
Warranty included
One low monthly cost on your electric bill
Turnkey operation
Backed by over 40 years of experience

Benefits
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Meets industry standards and lighting ordinances
Eliminates high and unexpected repair bills
Less expensive than metered service
Worry-free
Convenience and savings for you
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A name you can trust today ... and tomorrow

*2" raised foundation available when required on metal poles only.

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LIGHTING DESIGN TOLERANCE
The calculated footcandle light levels in this lighting design are predicted values and are based on specific information that has been supplied to Duke Energy Progress. Any inaccuracies in the supplied information, differences in luminaire installation, lighted area geometry including elevation differences, reflective properties of surrounding surfaces, obstructions (foliage or otherwise) in the lighted area, or lighting from sources other than listed in this design may produce different results from the predicted values. Normal tolerances of voltage, lamp output, and ballast and luminaire manufacture will also affect results.

Customer approval _____ Date _____

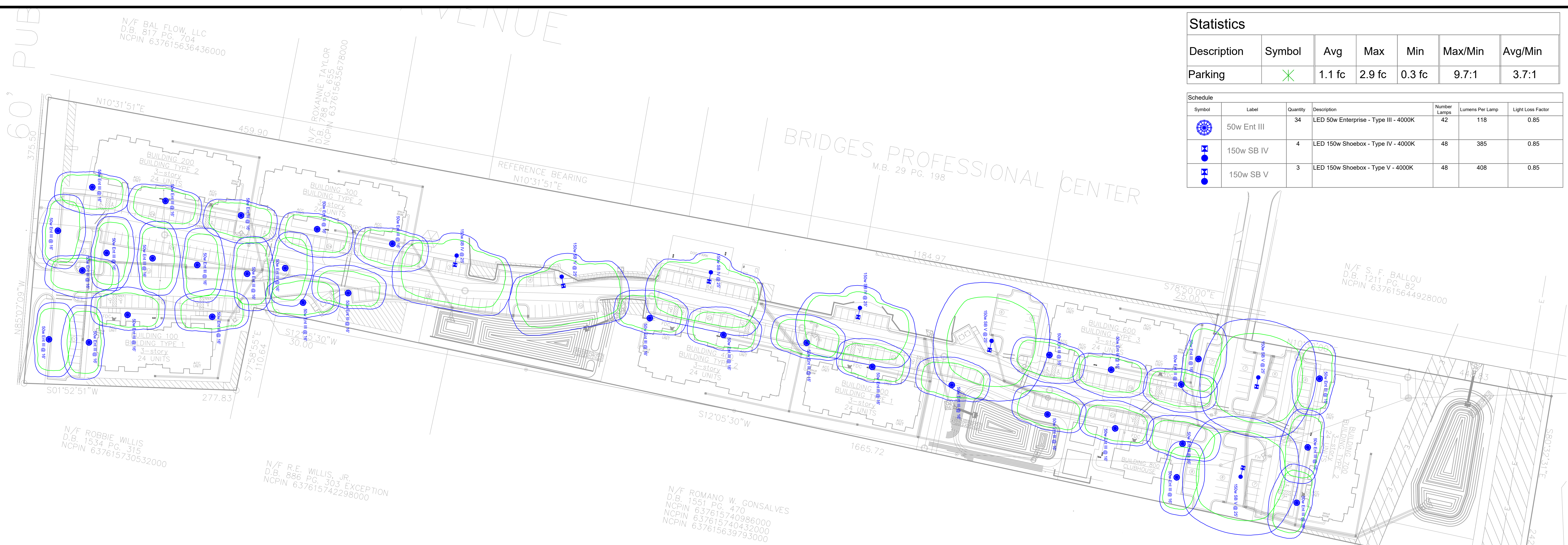
For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

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PROGRESS

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ELIJAH'S LANDING
Morehead City, NC
SITE LIGHTING PLAN
Designed by DEP LIGHTING SOLUTIONS
Reviewed by N. Johnson Scale 1" = 50'
Date 03/23/2021 size Arch D
Description LED 50w Enterprise
Drawing No. 20-0417B Sht. 1 OF 2



Statistics

| Description | Symbol | Avg | Max | Min | Max/Min | Avg/Min |
|-------------|--------|--------|--------|--------|---------|---------|
| Parking | ✕ | 1.1 fc | 2.9 fc | 0.3 fc | 9.7:1 | 3.7:1 |

Schedule

| Symbol | Label | Quantity | Description | Number Lamps | Lumens Per Lamp | Light Loss Factor |
|--------|-------------|----------|---------------------------------------|--------------|-----------------|-------------------|
| ☼ | 50w Ent III | 34 | LED 50w Enterprise - Type III - 4000K | 42 | 118 | 0.85 |
| ⊕ | 150w SB IV | 4 | LED 150w Shoebox - Type IV - 4000K | 48 | 385 | 0.85 |
| ⊕ | 150w SB V | 3 | LED 150w Shoebox - Type V - 4000K | 48 | 408 | 0.85 |

Outdoor Lighting

Enterprise LED

LED (Light Emitting Diode) 50 watts

Wattage: 50
Lumens: 4,921
BUG Rating: B1-UO-G2
Light pattern: IESNA Type III (oval)
Color temperature: 4,000K

Mounting heights: 12', 13', 16'

Color: Black

Poles: Smooth round concrete, Fluted concrete, Fiberglass, Decorative aluminum

For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

Outdoor Lighting

Enterprise LED

Light source: LED (white)
Wattage: 50
Lumens: 4,921
BUG Rating: B1-UO-G2
Light pattern: IESNA Type III (oval)
Color temperature: 4,000K

light distribution pattern

| Poles available: | Name | Mounting height | Color |
|---------------------|-----------------|-----------------|-------|
| Smooth concrete | 12', 16' | Black | |
| | Fluted concrete | 13' | Black |
| | Fiberglass | 16' | Black |
| Decorative aluminum | 12', 16' | Black | |

| Features | Benefits |
|--|--|
| No installation cost | Frees up capital for other projects |
| Design services by lighting professionals included | Meets industry standards and lighting ordinances |
| Maintenance included | Eliminates high and unexpected repair bills |
| Electricity included | Less expensive than metered service |
| Warranty included | Worry-free |
| One low monthly cost on your electric bill | Convenience and savings for you |
| Turnkey operation | Provides hassle-free installation and service |
| Backed by over 40 years of experience | A name you can trust today ... and tomorrow |

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Outdoor Lighting

Shoebox LED

LED (Light Emitting Diode) 150, 220, 420, 530 watts

Mounting heights: 25', 30', 35'

Colors: Black, Bronze, Gray, White

Poles: Fiberglass (1 or 2 fixtures per pole), Decorative tapered metal, Decorative square metal

Note: 35' pole available in black or bronze only.

For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

BUILDING A SMARTER ENERGY FUTURE™

Outdoor Lighting

Shoebox LED

Light source: LED (white)
Replacement for: LED Wattage 150 - 250-watt HPS and metal halide; LED Wattage 205 - up to 400-watt metal halide; LED Wattage 530 - 1,000-watt metal halide

Warm-up and restrike time: Instant on (no warm-up or restrike time)

| Wattage | BUG Rating | Light Pattern | Lumens | Color Temp |
|---------|------------|-------------------------------|--------|------------|
| LED 150 | B5-UO-G3 | IESNA Type V (circular) | 19580 | 4,000K |
| LED 150 | B3-UO-G4 | IESNA Type IV (forward throw) | 18459 | |
| LED 150 | B2-UO-G3 | IESNA Type III (oval) | 19006 | |
| LED 220 | B5-UO-G3 | IESNA Type V (circular) | 25870 | |
| LED 220 | B3-UO-G4 | IESNA Type IV (forward throw) | 24390 | |
| LED 220 | B2-UO-G4 | IESNA Type III (oval) | 25114 | |
| LED 420 | B5-UO-G5 | IESNA Type V (circular) | 48514 | |
| LED 420 | B3-UO-G5 | IESNA Type IV (forward throw) | 43765 | |
| LED 530 | B5-UO-G5 | IESNA Type V (circular) | 60296 | |
| LED 530 | B3-UO-G5 | IESNA Type IV (forward throw) | 54395 | |

* These are approximate replacement suggestions; actual conditions could be different.

light distribution pattern

| Poles available: | Name | Mounting height | Color |
|---------------------------------|-------------|----------------------------------|-------|
| Round tapered decorative metal* | 35' | Black | |
| | | Bronze | |
| Decorative square metal* | 25' and 30' | Black | |
| | | Bronze | |
| | | Gray | |
| Fiberglass | 30' | Black (1 or 2 fixtures per pole) | |
| | | Gray (1 or 2 fixtures per pole) | |

| Features | Benefits |
|--|--|
| Little or no installation cost | Frees up capital for other projects |
| Design services by lighting professionals included | Meets industry standards and lighting ordinances |
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*2' raised foundation available when required on metal poles only.

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LIGHTING DESIGN TOLERANCE
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Customer approval _____ Date _____

SCALE: 1" = 50'

DISTANCE CALIBRATION (INCHES)



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ELIJAH'S LANDING
Morehead City, NC
SITE LIGHTING PLAN

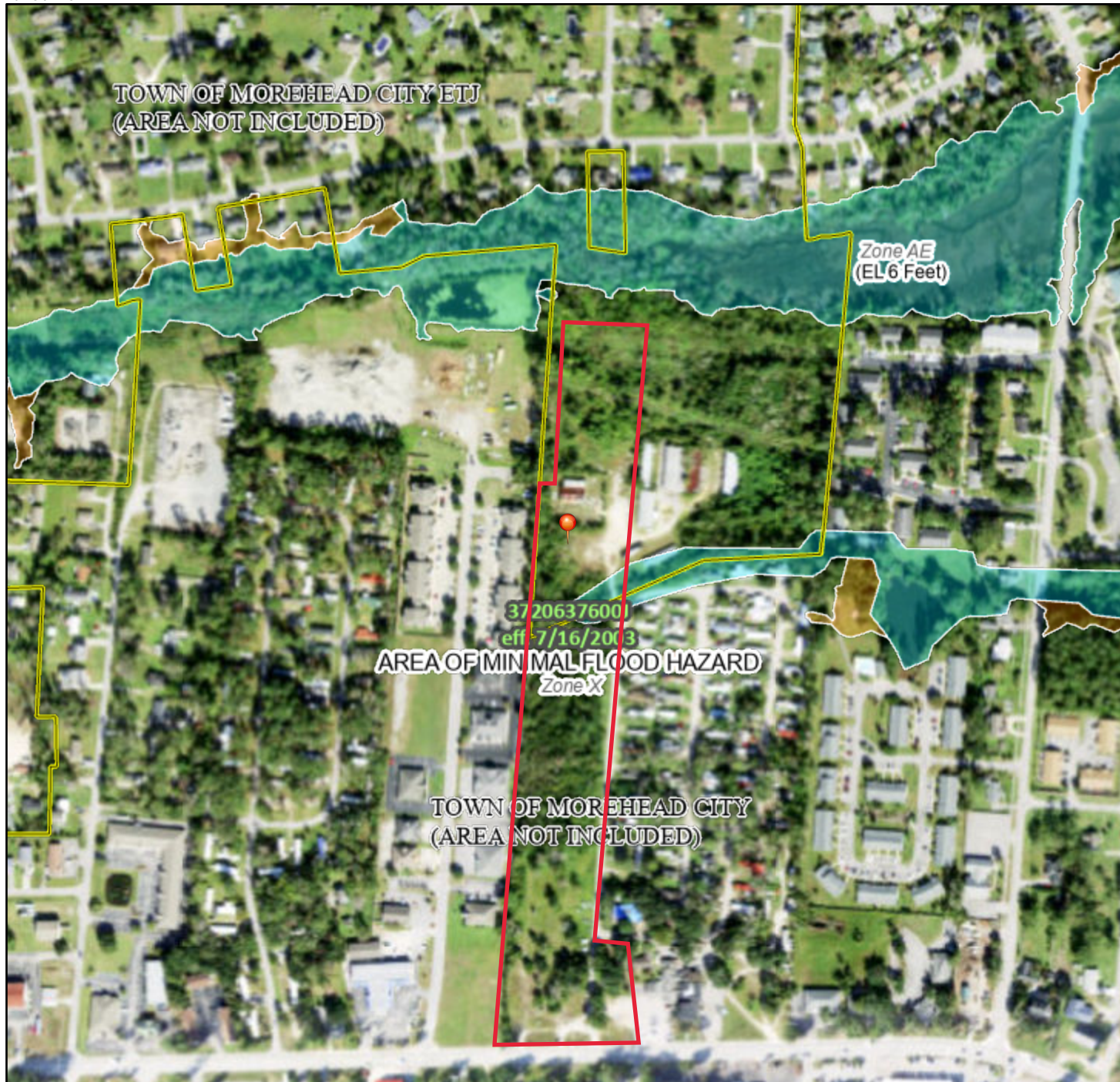
Designed by DEP LIGHTING SOLUTIONS
Reviewed by N. Johnson Scale 1" = 50'
Date 03/23/2021 size "Arch D"
Description LED 50w Enterprise
Drawing No. 20-0417B Sht. 2 OF 2

**FEMA FIRMs and PFIRM with Parcel
Boundary**

National Flood Hazard Layer FIRMMette



76°45'8"W 34°44'7"N



76°44'30"W 34°43'37"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

| | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE) Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| MAP PANELS | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/21/2023 at 10:40 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

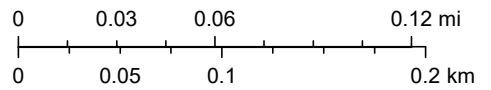
Elijah's Landing Apartments - FEMA FIRM



June 21, 2023

1:4,514

- Elijah's Landing Apartments
- Area of Undetermined Flood Hazard
- 1% Annual Chance Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway



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This digital Flood Insurance Rate Map (FIRM) was produced through a unique cooperative partnership between the State of North Carolina and the Federal Emergency Management Agency (FEMA). The State of North Carolina has implemented a long term approach to floodplain management to decrease the costs associated with flooding. This is demonstrated by the State's commitment to map flood hazard areas at the local level. As a part of this effort, the State of North Carolina has joined in a Cooperating Technical State agreement with FEMA to produce and maintain this digital FIRM.

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTP://FRIS.NC.GOV/FRIS](http://FRIS.NC.GOV/FRIS)

| | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS | Without Base Flood Elevation (BFE) |
| | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | Regulatory Floodway |
| | 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with Average Depth Less Than One Foot or With Drainage Areas of Less Than One Square Mile Zone X |
| | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | Area with Reduced Flood Risk due to Levee See Notes Zone X |
| OTHER AREAS OF FLOOD HAZARD | Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X |
| OTHER AREAS | Channel, Culvert, or Storm Sewer Accredited or Provisionally Accredited Levee, Dike, or Floodwall |
| GENERAL STRUCTURES | Non-accredited Levee, Dike, or Floodwall |
| | North Carolina Geodetic Survey bench mark |
| | National Geodetic Survey bench mark |
| | Contractor Est. NCFMP Survey bench mark |
| | Cross Sections with 1% Annual Chance Water Surface Elevation (BFE) |
| | Coastal Transect |
| | Coastal Transect Baseline |
| | Profile Baseline |
| | Hydrographic Feature |
| OTHER FEATURES | Limit of Study |
| | Jurisdiction Boundary |

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-336-2627 or visit the FEMA Map Service Center website at <http://msc.fema.gov>. An accompanying Flood Insurance Study report, Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) revising portions of this panel, and digital versions of this FIRM may be available. Visit the North Carolina Floodplain Mapping Program website at <http://www.ncfloodmaps.com> or contact the FEMA Map Service Center.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was provided in digital format by the North Carolina Floodplain Mapping Program (NCFMP). The source of this information can be determined from the metadata available in the digital FLOOD database and in the Technical Support Data Notebook (TSDN).

ACCREDITED LEEVE NOTES TO USERS: If an accredited levee note appears on this panel check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent-annual-chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA Website at <http://www.fema.gov/business/index.shtm>.

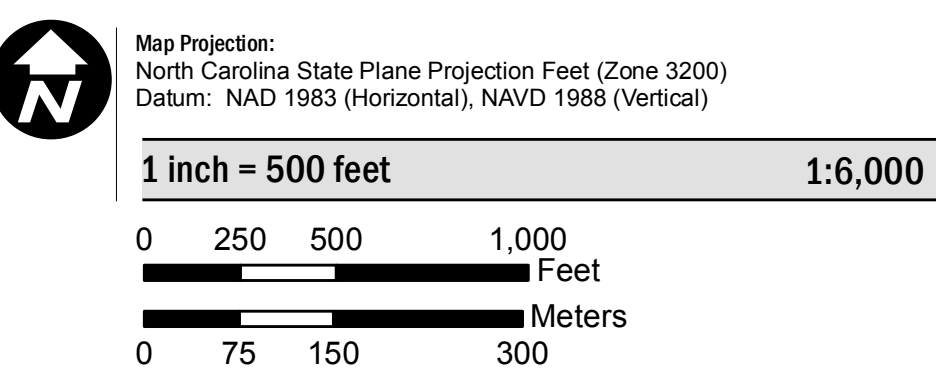
PROVISIONALLY ACCREDITED LEEVE NOTES TO USERS: If a Provisionally Accredited Levee (PAL) note appears on this panel, check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent-annual-chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection. To maintain accreditation, the levee owner or community is required to submit the data and documentation necessary to comply with Section 65.10 of the NFIP regulations. If the community or owner does not provide the necessary data and documentation or if the data and documentation provided indicates the levee system does not comply with Section 65.10 requirements, FEMA will revise the flood hazard and risk information for this area to reflect de-accreditation of the levee system. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA Website at <http://www.fema.gov/business/index.shtm>.

LIMIT OF MODERATE WAVE ACTION NOTES TO USERS: For some coastal flooding zones the AE Zone category has been divided by a Limit of Moderate Wave Action (LMWA). The LMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LMWA (or between the shoreline and the LMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

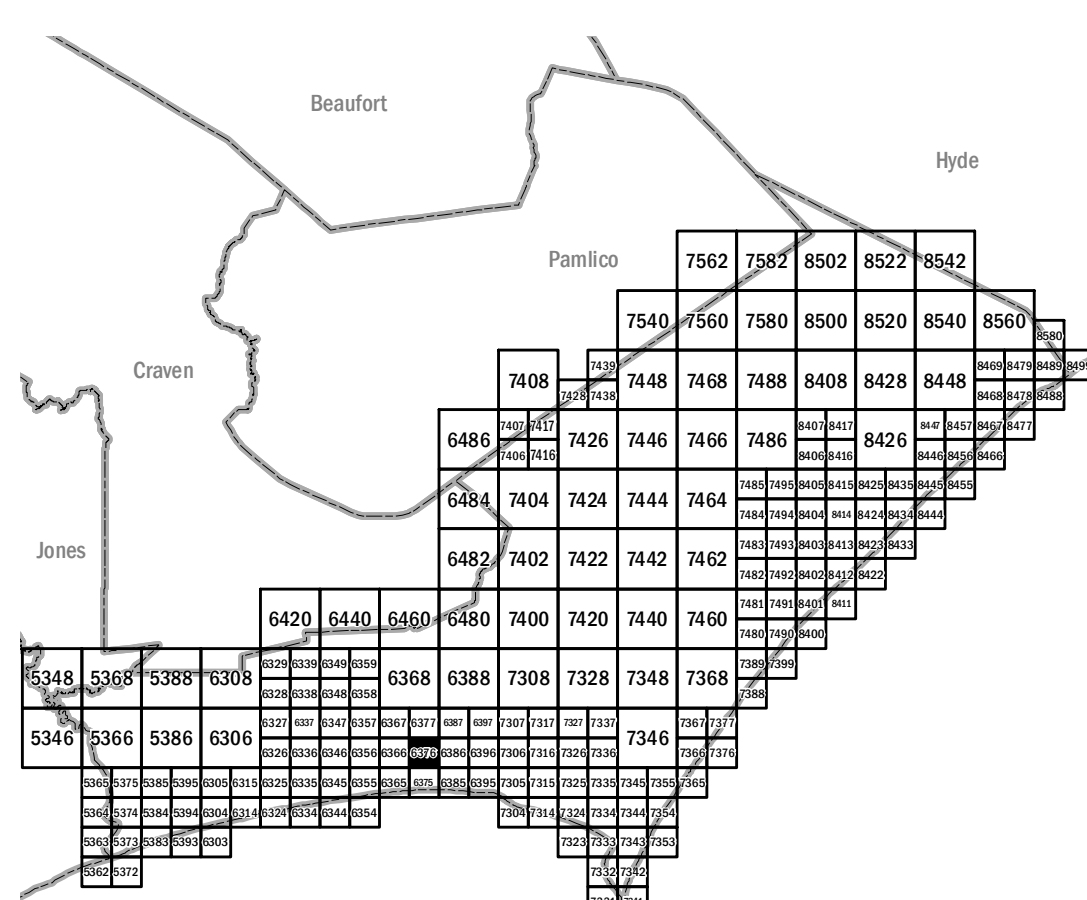
COASTAL BARRIER RESOURCES SYSTEM (CBRS) NOTE
 This map may include approximate boundaries of the CBRS for informational purposes only. Flood insurance is not available within CBRS areas for structures that are newly built or substantially improved on or after the date(s) indicated on the map. For more information see <http://www.fema.gov>, the FIS Report, or call the U.S. Fish and Wildlife Service Customer Service Center at 1-800-344-WILD.

CBRS Area Otherwise Protected Area

SCALE



PANEL LOCATOR



National Flood Insurance Program

NORTH CAROLINA FLOODPLAIN MAPPING PROGRAM
 NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP

NORTH CAROLINA

PANEL 6376

COMMUNITY

CARTERET COUNTY

MOREHEAD CITY, TOWN OF

CID

370043

PANEL

6376

SUFFIX

K

PRELIMINARY

06/30/2016

MAP NUMBER
3720637600K

USFWS NWI Map with Parcel Boundary

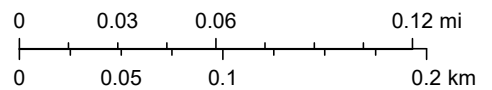
Elijah's Landing Apartments - NWI Map



June 21, 2023

1:4,514

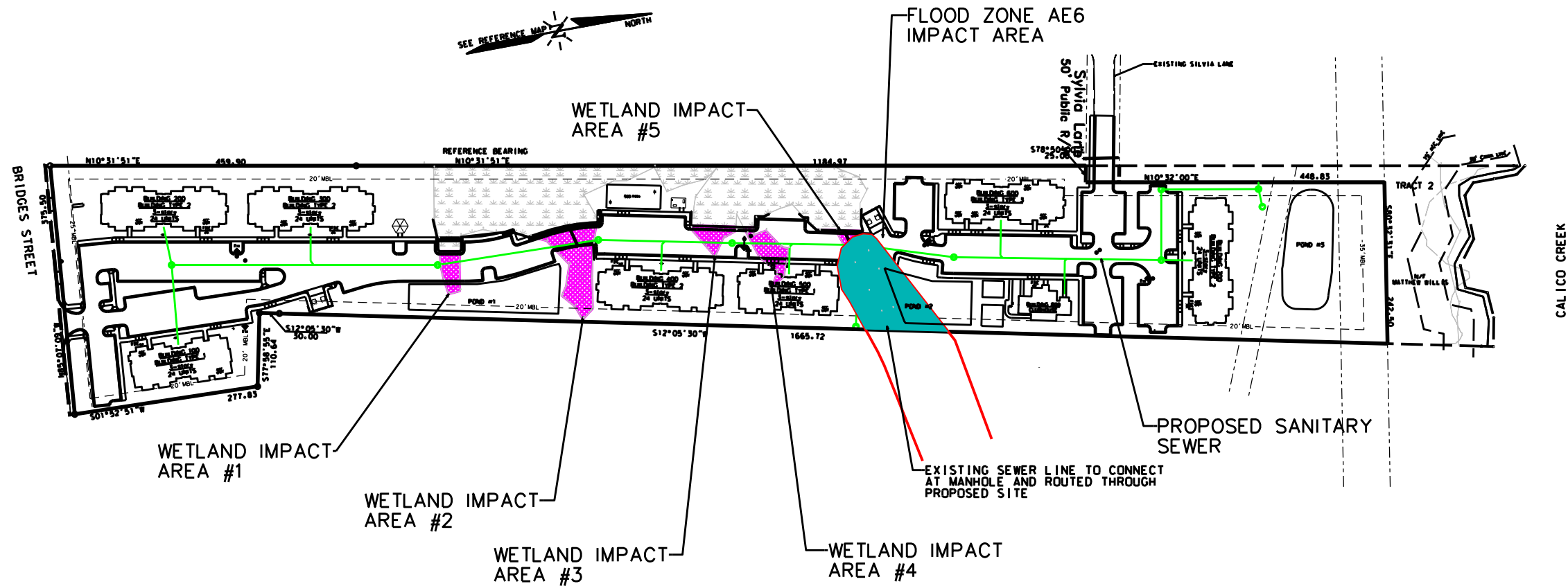
- | | |
|---|--|
| Elijah's Landing Apartments | Freshwater Forested/Shrub Wetland |
| Wetlands | Freshwater Pond |
| Estuarine and Marine Deepwater | Lake |
| Estuarine and Marine Wetland | Other |
| Freshwater Emergent Wetland | Riverine |



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov, NC CGIA, Maxar, Esri Community Maps Contributors, Carteret County, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

**Proposed Floodplain and Wetlands Impacts
Site Plan (*revised with Building #500 moved
outside of 100-year floodplain*)**

ELIJAH'S LANDING APARTMENTS PROPOSED WETLAND AND FLOOD ZONE IMPACTS



IMPACTS TABLE

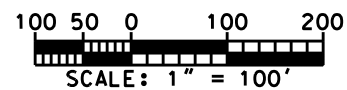
| | |
|---|--------------------------|
| TOTAL WETLANDS AREA = 64,004.06 SF | |
| WETLAND IMPACT AREA #1 | = 1,625.19 SF = 0.037 AC |
| WETLAND IMPACT AREA #2 | = 6,064.18 SF = 0.139 AC |
| WETLAND IMPACT AREA #3 | = 1,542.44 SF = 0.035 AC |
| WETLAND IMPACT AREA #4 | = 2,376.78 SF = 0.055 AC |
| WETLAND IMPACT AREA #5 | = 3,608.10 SF = 0.083 AC |
| TOTAL PROPOSED WETLANDS IMPACTS = 15,216.69 SF = 0.349 AC | |
| TOTAL AE FLOOD ZONE = 13,511.32 SF = 0.310 AC | |
| PROPOSED IMPACT TO FLOOD ZONE = 0.310 AC | |

AVOIDANCE AND MINIMIZATION TABLE

| | |
|------------------------|--|
| WETLAND IMPACT AREA #1 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. CONVERTED CONCRETE SIDEWALK TO ABOVE GRADE BOARDWALK |
| WETLAND IMPACT AREA #2 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON BOTH SIDES OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG BOTH SIDES OF DRIVE AISLE 3. CONVERTED CONCRETE SIDEWALK TO ABOVE GRADE BOARDWALK |
| WETLAND IMPACT AREA #3 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. MOVED ACCESSIBLE ROUTE TO EAST SIDE OF DRIVE AISLE |
| WETLAND IMPACT AREA #4 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. MOVED ACCESSIBLE ROUTE TO EAST SIDE OF DRIVE AISLE |
| WETLAND IMPACT AREA #5 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. MOVED ACCESSIBLE ROUTE TO EAST SIDE OF DRIVE AISLE |

LEGEND

| | |
|--|--------------------------|
| | EXISTING WETLANDS |
| | PROPOSED WETLAND IMPACTS |
| | EXISTING AE FLOOD ZONE |
| | PROPOSED SEWER |



**USACE CWA Section 404 General Permit
Verification (3/5/21) with Special Conditions
and USACE JD (7/24/2018), NC DEQ DWR
CWA Section 401 Water Quality General
Certification No. 4139 with Additional
Conditions**

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2021-00044 County: Carteret County U.S.G.S. Quad: Morehead City

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Owner Information: Elijah's Landing of Morehead City, LLC
C/O Keith Walker
108 Professional Park Drive
Beaufort, NC, 28516

Agent/ Consultant: Kim Williams
Land Management Group
3805 Wrightsville Avenue; Suite 15
Wilmington, NC 28403

| | | | |
|------------------|---------------------|--------------|--|
| Size (acres) | <u>13.3 acres</u> | Nearest Town | <u>Morehead City</u> |
| Nearest Waterway | <u>Calico Creek</u> | River Basin | <u>White Oak</u> |
| USGS HUC | <u>030203010406</u> | Coordinates | Latitude: <u>34.730365</u> Longitude: <u>-76.746681</u> |

Location description: This project is located off of Bridges Street, Pin#'s 637615648235000 & 6376156499070000, in Morehead City, Carteret County, NC.

Description of projects area and activity: This verification authorizes the use of a Nationwide Permit 29 & 18 to impact 0.037 acres of wetland for road crossing & parking site 1, impact 0.139 acres of wetland for road crossing & Grading site 2, impact 0.035 acres of wetland for road & parking site 3, impact 0.055 acres of wetland for road, building & parking site 4 and impact 0.083 acres of wetland for road, parking & grading site 5, total impacts 0.349.

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number and/or Nationwide Permit Number: 29 & 18
SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated 1/6/2021. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Wilmington, NC.


This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Thomas Charles at (910) 251-4101 or Thomas.p.charles@usace.army.mil.

Corps Regulatory Official: Thomas Charles

Date: 3/5/2021

Expiration Date of Verification: March 18, 2022

 Digitally signed by Thomas Charles
Date: 2021.03.05 14:50:18 -05'00'

SPECIAL CONDITIONS

SAW-2021-00044

1. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

Action ID Number: SAW-2021-00044 County: Carteret County

Permittee: Keith Walker

Project Name: Elijah's Landing of Morehead City, LLC

Date Verification Issued: 3/5/2021

Project Manager: Thomas Charles

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification, and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Thomas Charles

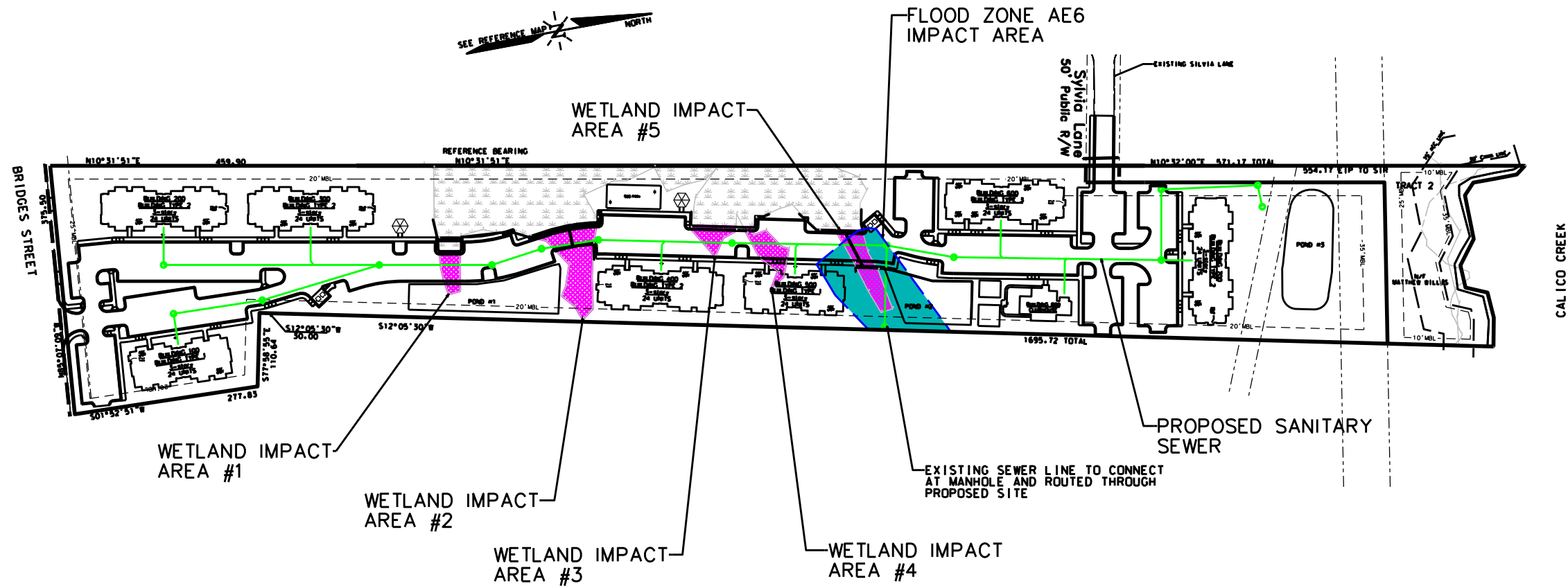
Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying, or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

ELIJAH'S LANDING APARTMENTS PROPOSED WETLAND AND FLOOD ZONE IMPACTS



IMPACTS TABLE

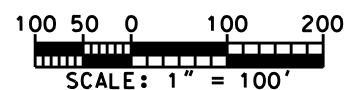
| | |
|---|--------------------------|
| TOTAL WETLANDS AREA = 64,004.06 SF | |
| WETLAND IMPACT AREA #1 | = 1,625.19 SF = 0.037 AC |
| WETLAND IMPACT AREA #2 | = 6,064.18 SF = 0.139 AC |
| WETLAND IMPACT AREA #3 | = 1,542.44 SF = 0.035 AC |
| WETLAND IMPACT AREA #4 | = 2,376.78 SF = 0.055 AC |
| WETLAND IMPACT AREA #5 | = 3,608.10 SF = 0.083 AC |
| TOTAL PROPOSED WETLANDS IMPACTS = 15,216.69 SF = 0.349 AC | |
| TOTAL AE FLOOD ZONE = 16,953.51 SF = 0.389 AC | |
| PROPOSED IMPACT TO FLOOD ZONE = 0.389 AC | |

AVOIDANCE AND MINIMIZATION TABLE

| | |
|------------------------|--|
| WETLAND IMPACT AREA #1 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. CONVERTED CONCRETE SIDEWALK TO ABOVE GRADE BOARDWALK |
| WETLAND IMPACT AREA #2 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON BOTH SIDES OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG BOTH SIDES OF DRIVE AISLE 3. CONVERTED CONCRETE SIDEWALK TO ABOVE GRADE BOARDWALK |
| WETLAND IMPACT AREA #3 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. MOVED ACCESSIBLE ROUTE TO EAST SIDE OF DRIVE AISLE |
| WETLAND IMPACT AREA #4 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. MOVED ACCESSIBLE ROUTE TO EAST SIDE OF DRIVE AISLE |
| WETLAND IMPACT AREA #5 | <ol style="list-style-type: none"> 1. REMOVED PARKING SPACES ON WEST SIDE OF DRIVE AISLE 2. ADDED RETAINING WALL ALONG WEST SIDE OF DRIVE AISLE 3. MOVED ACCESSIBLE ROUTE TO EAST SIDE OF DRIVE AISLE |

LEGEND

| | |
|--|--------------------------|
| | EXISTING WETLANDS |
| | PROPOSED WETLAND IMPACTS |
| | EXISTING AE FLOOD ZONE |
| | PROPOSED SEWER |



Digitally signed by Thomas Charles
 Date: 2021.03.05 14:51:03 -05'00'

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2018-00412 County: Carteret U.S.G.S. Quad: NC- Beaufort

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: Lois Matthews et al
Address: 182 Drum Inlet
Morehead City, NC 28557
Phone No. (252) 726-9050

| | | | |
|------------------|--------------------|--------------|--|
| Size (acres) | <u>13.3</u> | Nearest Town | <u>Morehead City</u> |
| Nearest Waterway | <u>Bogue Sound</u> | River Basin | <u>White Oak</u> |
| USGS HUC | <u>03020301</u> | Coordinates | Latitude: <u>34.7303</u> Longitude: <u>-76.7466</u> |

Location description: The project area is located at 3200 and 3140 N. Bridges Street in Morehead City, Carteret County, North Carolina. The Parcel ID #s are 637615648235000 and 637615649907000.

Indicate Which of the Following Apply:

A. Preliminary Determination

- There appear to be **waters, including wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The **waters, including wetlands** have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation map dated. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There appear to be **waters, including wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the **waters, including wetlands** have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the **waters, including wetlands** at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- There are Navigable Waters of the United States within the above described project area/property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are **waters, including wetlands** on the above described project area/property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- We recommend you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

SAW-2018-00412

- The waters, including wetlands on your project area/property have been delineated and the delineation has been verified by the Corps. The approximate boundaries of these waters are shown on the enclosed delineation map dated. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- The waters, including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on **May 16, 2018**. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are no waters of the U.S., to include wetlands, present on the above described project area/property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in **Morehead City, NC, at (252) 808-2808** to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Mr. Tom Charles at (910) 251-4101 or Thomas.P.Charles@usace.army.mil**.

C. Basis For Determination: Basis For Determination: See the approved jurisdictional determination form dated 7/24/2018.

D. Remarks: None.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **9/23/2018**.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: _____



Date of JD: **7/24/2018** Expiration Date of JD: **7/24/2023**

SAW-2018-00412

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Copy furnished:

Agent: Land Management Group, Inc.
Mr. Paul Farley
Address: 3805 Wrightsville Ave, Suite 15
Wilmington, NC 28403
Telephone Number: (910) 452-0001

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: **Lois Matthews et al,** File Number: **SAW-2018-00412** Date: **7/24/2018**

| | |
|---|-------------------|
| Attached is: | See Section below |
| <input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| <input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| <input type="checkbox"/> PERMIT DENIAL | C |
| <input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION | D |
| <input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or the Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
District Engineer, Wilmington Regulatory Division
Attn: **Mr. Tom Charles**
Wilmington Regulatory Office
U.S Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403

If you only have questions regarding the appeal process you may also contact:
Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

| | | |
|----------------------------------|-------|-------------------|
| Signature of appellant or agent. | Date: | Telephone number: |
|----------------------------------|-------|-------------------|

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: **Mr. Tom Charles**, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and Approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: **Mr. Jason Steele**, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 24, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington District-WFO, Elijah's Landing, SAW-2018-00412

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: North Carolina County/parish/borough: Carteret City: Morehead City
Center coordinates of site (lat/long in degree decimal format): Lat. 34.729263° N, Long. -76.746994° W.
Universal Transverse Mercator: 18 S 340043.65 m E 384411.29 m N

Name of nearest waterbody: unnamed tributary to Calico Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Newport River

Name of watershed or Hydrologic Unit Code (HUC): 03020106

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date:

Field Determination. Date(s): 3/8/18

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: ~ 240 linear feet: 6width (ft) and/or acres.

Wetlands: ~1.4 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 0.16 square miles
Drainage area: 0.16 square miles
Average annual rainfall: 52.52 inches
Average annual snowfall: 13 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through 2 tributaries before entering TNW.

Project waters are 1-2 river miles from TNW.
Project waters are 1-2 river miles from RPW.
Project waters are 1-2 aerial (straight) miles from TNW.
Project waters are 1-2 aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: . Rpw on-site flows into a tributary of Calico Creek and from Calico Creek to the Newport River

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain: On-site rpw appears to be man made ditch.
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 5 feet
Average depth: 2 feet
Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: appears stable.

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 2 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Professional judgement perennial flow.

Other information on duration and volume:

Surface flow is: **Confined.** Characteristics:

Subsurface flow: **Unknown.** Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known: unknown.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: Wetland surface water releases at higher rain events. Wetlands flow into the culvert and then into the tributary.

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

- Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain: .
 - Ecological connection. Explain: .
 - Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: Forested/ 100% cover.
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: Typical depressional/flats function, surface and subsurface water storage, maintenance of characteristic vegetation community and various biogeochemical functions.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: The tributary is a seasonal RPW at the flow analysis point based on annual rainfall, tributary profile/elevations, topography, soils, and drainage area..

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: wetlands connected to the on-site rpw which flows to Calico Creek and eventually to the Newport River.

Provide acreage estimates for jurisdictional wetlands in the review area: ~1.4 acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Carteret County GIS Mosaic, 1:800'.
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil Survey GIS Data.
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): 1998 NAPP and 2012 NC Onemap.
or Other (Name & Date): Site photographs.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): LiDAR Map.

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 24, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington District-WFO, Elijah's Landing, SAW-2018-00412

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: North Carolina County/parish/borough: Carteret City: Morehead City
Center coordinates of site (lat/long in degree decimal format): Lat. 34.729263° N, Long. -76.746994° W.
Universal Transverse Mercator: 18 S 340043.65 m E 384411.29 m N

Name of nearest waterbody: Calico Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Newport River

Name of watershed or Hydrologic Unit Code (HUC): 03020106

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
 Field Determination. Date(s): 3/8/2018

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Pick List** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: ~655 linear feet: 8 width (ft) and/or 0.1 acres.
Wetlands: ~0.2 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 0.73 square miles

Drainage area: 0.73 square miles

Average annual rainfall: 52.52 inches

Average annual snowfall: 1.3 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are 1-2 river miles from TNW.

Project waters are 1-2 river miles from RPW.

Project waters are 1-2 aerial (straight) miles from TNW.

Project waters are 1-2 aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: Calico Creek flows directly into the Newport River

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain: approximately 800' is a man made ditch.
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 20 feet
Average depth: 2 feet
Average side slopes: **4:1 (or greater)**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: appears stable.

Presence of run/riffle/pool complexes. Explain: not observed, coastal plain stream.

Tributary geometry: **Meandering**

Tributary gradient (approximate average slope): 2 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Perennial.

Other information on duration and volume:

Surface flow is: **Discrete and confined**. Characteristics:

Subsurface flow: **Unknown**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known: unknown.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics: Typical coastal plain floodplain vegetation.
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: Wetland surface water releases at higher rain events. Wetlands flow into the culvert and then into the tributary.

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: Forested/ 100% cover.
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Large drainage area with substantial local floodplain.
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **1900** linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetlands fall within floodplain of Calico Creek.**
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **0.2** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: .
 Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
 Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Carteret County GIS Mosaic, 1:800'.
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Soils Survey GIS Data.
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): 1998 NAPP and 2012 NC Onemap .
 or Other (Name & Date): Site photographs.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): LiDAR map .

B. ADDITIONAL COMMENTS TO SUPPORT JD:

NC WAM FIELD ASSESSMENT FORM
Accompanies User Manual Version 5.0

| | | | |
|---|---|-----------------------------------|-----------------------------------|
| USACE AID # | SAW-2018-00412 | NCDWR# | |
| Project Name | Elijah's Landing | Date of Evaluation | 8/2/2018 |
| Applicant/Owner Name | East Carolina Community Development Inc | Wetland Site Name | Wetland 1 |
| Wetland Type | Headwater Forest | Assessor Name/Organization | Wes Fryar / Land Management Group |
| Level III Ecoregion | Middle Atlantic Coastal Plain | Nearest Named Water Body | Calico Creek |
| River Basin | White Oak | USGS 8-Digit Catalogue Unit | 03020301 |
| County | Carteret | NCDWR Region | Wilmington |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Precipitation within 48 hrs? | Latitude/Longitude (deci-degrees) | 34.729263/-76.746994 |

Evidence of stressors affecting the assessment area (may not be within the assessment area)

Please circle and/or make note on the last page if evidence of stressors is apparent. Consider departure from reference, if appropriate, in recent past (for instance, within 10 years). Noteworthy stressors include, but are not limited to the following.

- Hydrological modifications (examples: ditches, dams, beaver dams, dikes, berms, ponds, etc.)
- Surface and sub-surface discharges into the wetland (examples: discharges containing obvious pollutants, presence of nearby septic tanks, underground storage tanks (USTs), hog lagoons, etc.)
- Signs of vegetation stress (examples: vegetation mortality, insect damage, disease, storm damage, salt intrusion, etc.)
- Habitat/plant community alteration (examples: mowing, clear-cutting, exotics, etc.)

Is the assessment area intensively managed? Yes No

Regulatory Considerations - Were regulatory considerations evaluated? Yes No If Yes, check all that apply to the assessment area.

- Anadromous fish
- Federally protected species or State endangered or threatened species
- NCDWR riparian buffer rule in effect
- Abuts a Primary Nursery Area (PNA)
- Publicly owned property
- N.C. Division of Coastal Management Area of Environmental Concern (AEC) (including buffer)
- Abuts a stream with a NCDWQ classification of SA or supplemental classifications of HQW, ORW, or Trout
- Designated NCNHP reference community
- Abuts a 303(d)-listed stream or a tributary to a 303(d)-listed stream

What type of natural stream is associated with the wetland, if any? (check all that apply)

- Blackwater
- Brownwater
- Tidal (if tidal, check one of the following boxes) Lunar Wind Both

Is the assessment area on a coastal island? Yes No

Is the assessment area's surface water storage capacity or duration substantially altered by beaver? Yes No

Does the assessment area experience overbank flooding during normal rainfall conditions? Yes No

1. Ground Surface Condition/Vegetation Condition – assessment area condition metric

Check a box in each column. Consider alteration to the ground surface (GS) in the assessment area and vegetation structure (VS) in the assessment area. Compare to reference wetland if applicable (see User Manual). If a reference is not applicable, then rate the assessment area based on evidence an effect.

- | | | |
|---------------------------------------|---------------------------------------|--|
| GS | VS | |
| <input type="checkbox"/> A | <input type="checkbox"/> A | Not severely altered |
| <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Severely altered over a majority of the assessment area (ground surface alteration examples: vehicle tracks, excessive sedimentation, fire-plow lanes, skidder tracks, bedding, fill, soil compaction, obvious pollutants) (vegetation structure alteration examples: mechanical disturbance, herbicides, salt intrusion [where appropriate], exotic species, grazing, less diversity [if appropriate], hydrologic alteration) |

2. Surface and Sub-Surface Storage Capacity and Duration – assessment area condition metric

Check a box in each column. Consider surface storage capacity and duration (Surf) and sub-surface storage capacity and duration (Sub). Consider both increase and decrease in hydrology. A ditch ≤ 1 foot deep is considered to affect surface water only, while a ditch > 1 foot deep is expected to affect both surface and sub-surface water. Consider tidal flooding regime, if applicable.

- | | | |
|---------------------------------------|---------------------------------------|--|
| Surf | Sub | |
| <input type="checkbox"/> A | <input type="checkbox"/> A | Water storage capacity and duration are not altered. |
| <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Water storage capacity or duration are altered, but not substantially (typically, not sufficient to change vegetation). |
| <input type="checkbox"/> C | <input type="checkbox"/> C | Water storage capacity or duration are substantially altered (typically, alteration sufficient to result in vegetation change) (examples: draining, flooding, soil compaction, filling, excessive sedimentation, underground utility lines). |

3. Water Storage/Surface Relief – assessment area/wetland type condition metric (skip for all marshes)

Check a box in each column. Select the appropriate storage for the assessment area (AA) and the wetland type (WT).

- | | | | |
|-----|---------------------------------------|---------------------------------------|---|
| | AA | WT | |
| 3a. | <input type="checkbox"/> A | <input type="checkbox"/> A | Majority of wetland with depressions able to pond water > 1 deep |
| | <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Majority of wetland with depressions able to pond water 6 inches to 1 foot deep |
| | <input type="checkbox"/> C | <input type="checkbox"/> C | Majority of wetland with depressions able to pond water 3 to 6 inches deep |
| | <input type="checkbox"/> D | <input type="checkbox"/> D | Depressions able to pond water < 3 inches deep |
| 3b. | <input type="checkbox"/> A | | Evidence that maximum depth of inundation is greater than 2 feet |
| | <input type="checkbox"/> B | | Evidence that maximum depth of inundation is between 1 and 2 feet |
| | <input type="checkbox"/> C | | Evidence that maximum depth of inundation is less than 1 foot |

4. **Soil Texture/Structure – assessment area condition metric (skip for all marshes)**

Check a box from each of the three soil property groups below. Dig soil profile in the dominant assessment area landscape feature. Make soil observations within the top 12 inches. Use most recent National Technical Committee for Hydric Soils guidance for regional indicators.

- 4a. A Sandy soil
B Loamy or clayey soils exhibiting redoximorphic features (concentrations, depletions, or rhizospheres)
C Loamy or clayey soils not exhibiting redoximorphic features
D Loamy or clayey gleyed soil
E Histosol or histic epipedon
- 4b. A Soil ribbon < 1 inch
B Soil ribbon ≥ 1 inch
- 4c. A No peat or muck presence
B A peat or muck presence

5. **Discharge into Wetland – opportunity metric**

Check a box in each column. Consider surface pollutants or discharges (Surf) and sub-surface pollutants or discharges (Sub). Examples of sub-surface discharges include presence of nearby septic tank, underground storage tank (UST), etc.

- | | | |
|---------------------------------------|---------------------------------------|---|
| Surf | Sub | |
| <input type="checkbox"/> A | <input type="checkbox"/> A | Little or no evidence of pollutants or discharges entering the assessment area |
| <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Noticeable evidence of pollutants or discharges entering the wetland and stressing, but not overwhelming the treatment capacity of the assessment area |
| <input type="checkbox"/> C | <input type="checkbox"/> C | Noticeable evidence of pollutants or discharges (pathogen, particulate, or soluble) entering the assessment area and potentially overwhelming the treatment capacity of the wetland (water discoloration, dead vegetation, excessive sedimentation, odor) |

6. **Land Use – opportunity metric (skip for non-riparian wetlands)**

Check all that apply (at least one box in each column). Evaluation involves a GIS effort with field adjustment. Consider sources draining to assessment area within entire upstream watershed (WS), within 5 miles and within the watershed draining to the assessment area (5M), and within 2 miles and within the watershed draining to the assessment area (2M).

- | | | | |
|---------------------------------------|---------------------------------------|---------------------------------------|---|
| WS | 5M | 2M | |
| <input checked="" type="checkbox"/> A | <input type="checkbox"/> A | <input type="checkbox"/> A | ≥ 10% impervious surfaces |
| <input type="checkbox"/> B | <input type="checkbox"/> B | <input type="checkbox"/> B | Confined animal operations (or other local, concentrated source of pollutants) |
| <input type="checkbox"/> C | <input type="checkbox"/> C | <input type="checkbox"/> C | ≥ 20% coverage of pasture |
| <input type="checkbox"/> D | <input type="checkbox"/> D | <input type="checkbox"/> D | ≥ 20% coverage of agricultural land (regularly plowed land) |
| <input type="checkbox"/> E | <input type="checkbox"/> E | <input type="checkbox"/> E | ≥ 20% coverage of maintained grass/herb |
| <input type="checkbox"/> F | <input type="checkbox"/> F | <input type="checkbox"/> F | ≥ 20% coverage of clear-cut land |
| <input type="checkbox"/> G | <input checked="" type="checkbox"/> G | <input checked="" type="checkbox"/> G | Little or no opportunity to improve water quality. Lack of opportunity may result from little or no disturbance in the watershed <u>or</u> hydrologic alterations that prevent drainage <u>and/or</u> overbank flow from affecting the assessment area. |

7. **Wetland Acting as Vegetated Buffer – assessment area/wetland complex condition metric (skip for non-riparian wetlands)**

- 7a. Is assessment area within 50 feet of a tributary or other open water?
Yes No If Yes, continue to 7b. If No, skip to Metric 8.
Wetland buffer need only be present on one side of the water body. Make buffer judgment based on the average width of wetland. Record a note if a portion of the buffer has been removed or disturbed.
- 7b. How much of the first 50 feet from the bank is wetland? (Wetland buffer need only be present on one side of the water body. Make buffer judgment based on the average width of wetland. Record a note if a portion of the buffer has been removed or disturbed.)
A ≥ 50 feet
B From 30 to < 50 feet
C From 15 to < 30 feet
D From 5 to < 15 feet
E < 5 feet or buffer bypassed by ditches
- 7c. Tributary width. If the tributary is anastomosed, combine widths of channels/braids for a total width.
≤ 15-feet wide > 15-feet wide Other open water (no tributary present)
- 7d. Do roots of assessment area vegetation extend into the bank of the tributary/open water?
Yes No
- 7e. Is stream or other open water sheltered or exposed?
Sheltered – adjacent open water with width < 2500 feet and no regular boat traffic.
Exposed – adjacent open water with width ≥ 2500 feet or regular boat traffic.

8. **Wetland Width at the Assessment Area – wetland type/wetland complex condition metric (evaluate WT for all marshes and Estuarine Woody Wetland only; evaluate WC for Bottomland Hardwood Forest, Headwater Forest, and Riverine Swamp Forest only)**

Check a box in each column for riverine wetlands only. Select the average width for the wetland type at the assessment area (WT) and the wetland complex at the assessment area (WC). See User Manual for WT and WC boundaries.

- | | | |
|----------------------------|---------------------------------------|-----------------------|
| WT | WC | |
| <input type="checkbox"/> A | <input checked="" type="checkbox"/> A | ≥ 100 feet |
| <input type="checkbox"/> B | <input type="checkbox"/> B | From 80 to < 100 feet |
| <input type="checkbox"/> C | <input type="checkbox"/> C | From 50 to < 80 feet |
| <input type="checkbox"/> D | <input type="checkbox"/> D | From 40 to < 50 feet |
| <input type="checkbox"/> E | <input type="checkbox"/> E | From 30 to < 40 feet |
| <input type="checkbox"/> F | <input type="checkbox"/> F | From 15 to < 30 feet |
| <input type="checkbox"/> G | <input type="checkbox"/> G | From 5 to < 15 feet |
| <input type="checkbox"/> H | <input type="checkbox"/> H | < 5 feet |

9. Inundation Duration – assessment area condition metric (skip for non-riparian wetlands)

Answer for assessment area dominant landform.

- A Evidence of short-duration inundation (< 7 consecutive days)
- B Evidence of saturation, without evidence of inundation
- C Evidence of long-duration inundation or very long-duration inundation (7 to 30 consecutive days or more)

10. Indicators of Deposition – assessment area condition metric (skip for non-riparian wetlands and all marshes)

Consider recent deposition only (no plant growth since deposition).

- A Sediment deposition is not excessive, but at approximately natural levels.
- B Sediment deposition is excessive, but not overwhelming the wetland.
- C Sediment deposition is excessive and is overwhelming the wetland.

11. Wetland Size – wetland type/wetland complex condition metric

Check a box in each column. Involves a GIS effort with field adjustment. This metric evaluates three aspects of the wetland area: the size of the wetland type (WT), the size of the wetland complex (WC), and the size of the forested wetland (FW) (if applicable, see User Manual). See the User Manual for boundaries of these evaluation areas. If assessment area is clear-cut, select "K" for the FW column.

- | WT | WC | FW (if applicable) |
|---------------------------------------|---------------------------------------|---|
| <input type="checkbox"/> A | <input type="checkbox"/> A | <input type="checkbox"/> A ≥ 500 acres |
| <input type="checkbox"/> B | <input type="checkbox"/> B | <input type="checkbox"/> B From 100 to < 500 acres |
| <input type="checkbox"/> C | <input type="checkbox"/> C | <input type="checkbox"/> C From 50 to < 100 acres |
| <input type="checkbox"/> D | <input type="checkbox"/> D | <input type="checkbox"/> D From 25 to < 50 acres |
| <input type="checkbox"/> E | <input type="checkbox"/> E | <input checked="" type="checkbox"/> E From 10 to < 25 acres |
| <input type="checkbox"/> F | <input type="checkbox"/> F | <input type="checkbox"/> F From 5 to < 10 acres |
| <input checked="" type="checkbox"/> G | <input checked="" type="checkbox"/> G | <input type="checkbox"/> G From 1 to < 5 acres |
| <input type="checkbox"/> H | <input type="checkbox"/> H | <input type="checkbox"/> H From 0.5 to < 1 acre |
| <input type="checkbox"/> I | <input type="checkbox"/> I | <input type="checkbox"/> I From 0.1 to < 0.5 acre |
| <input type="checkbox"/> J | <input type="checkbox"/> J | <input type="checkbox"/> J From 0.01 to < 0.1 acre |
| <input type="checkbox"/> K | <input type="checkbox"/> K | <input type="checkbox"/> K < 0.01 acre <u>or</u> assessment area is clear-cut |

12. Wetland Intactness – wetland type condition metric (evaluate for Pocosins only)

- A Pocosin is the full extent (≥ 90%) of its natural landscape size.
- B Pocosin type is < 90% of the full extent of its natural landscape size.

13. Connectivity to Other Natural Areas – landscape condition metric

13a. **Check appropriate box(es) (a box may be checked in each column).** Involves a GIS effort with field adjustment. This metric evaluates whether the wetland is well connected (Well) and/or loosely connected (Loosely) to the landscape patch, the contiguous naturally vegetated area and open water (if appropriate). Boundaries are formed by four-lane roads, regularly maintained utility line corridors the width of a four-lane road or wider, urban landscapes, maintained fields (pasture and agriculture), or open water > 300 feet wide.

- | Well | Loosely | |
|---------------------------------------|----------------------------|--|
| <input checked="" type="checkbox"/> A | <input type="checkbox"/> A | ≥ 500 acres |
| <input type="checkbox"/> B | <input type="checkbox"/> B | From 100 to < 500 acres |
| <input type="checkbox"/> C | <input type="checkbox"/> C | From 50 to < 100 acres |
| <input type="checkbox"/> D | <input type="checkbox"/> D | From 10 to < 50 acres |
| <input type="checkbox"/> E | <input type="checkbox"/> E | < 10 acres |
| <input type="checkbox"/> F | <input type="checkbox"/> F | Wetland type has a poor or no connection to other natural habitats |

13b. **Evaluate for marshes only.**

- Yes No Wetland type has a surface hydrology connection to open waters/stream or tidal wetlands.

14. Edge Effect – wetland type condition metric (skip for all marshes and Estuarine Woody Wetland)

May involve a GIS effort with field adjustment. Estimate distance from wetland type boundary to artificial edges. Artificial edges include non-forested areas ≥ 40 feet wide such as fields, development, roads, regularly maintained utility line corridors, and clear-cuts. Consider the eight main points of the compass. Artificial edge occurs within 150 feet in how many directions? If the assessment area is clear cut, select option "C."

- A 0
- B 1 to 4
- C 5 to 8

15. Vegetative Composition – assessment area condition metric (skip for all marshes and Pine Flat)

- A Vegetation is close to reference condition in species present and their proportions. Lower strata composed of appropriate species, with exotic plants absent or sparse within the assessment area.
- B Vegetation is different from reference condition in species diversity or proportions, but still largely composed of native species characteristic of the wetland type. This may include communities of weedy native species that develop after clearcutting or clearing. It also includes communities with exotics present, but not dominant, over a large portion of the expected strata.
- C Vegetation severely altered from reference in composition, or expected species are unnaturally absent (planted stands of non-characteristic species or at least one stratum inappropriately composed of a single species), or exotic species are dominant in at least one stratum.

16. Vegetative Diversity – assessment area condition metric (evaluate for Non-tidal Freshwater Marsh only)

- A Vegetation diversity is high and is composed primarily of native species (< 10% cover of exotics).
- B Vegetation diversity is low or has > 10% to 50% cover of exotics.
- C Vegetation is dominated by exotic species (> 50 % cover of exotics).

17. Vegetative Structure – assessment area/wetland type condition metric

17a. Is vegetation present?

Yes No If Yes, continue to 17b. If No, skip to Metric 18.

17b. Evaluate percent coverage of assessment area vegetation **for all marshes only**. Skip to 17c for non-marsh wetlands.

A ≥ 25% coverage of vegetation
 B < 25% coverage of vegetation

17c. **Check a box in each column for each stratum.** Evaluate this portion of the metric **for non-marsh wetlands**. Consider structure in airspace above the assessment area (AA) and the wetland type (WT) separately.

| | | | |
|-----------|---------------------------------------|---------------------------------------|--|
| | AA | WT | |
| Canopy | <input checked="" type="checkbox"/> A | <input checked="" type="checkbox"/> A | Canopy closed, or nearly closed, with natural gaps associated with natural processes |
| | <input type="checkbox"/> B | <input type="checkbox"/> B | Canopy present, but opened more than natural gaps |
| | <input type="checkbox"/> C | <input type="checkbox"/> C | Canopy sparse or absent |
| Mid-Story | <input type="checkbox"/> A | <input type="checkbox"/> A | Dense mid-story/sapling layer |
| | <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Moderate density mid-story/sapling layer |
| | <input type="checkbox"/> C | <input type="checkbox"/> C | Mid-story/sapling layer sparse or absent |
| Shrub | <input type="checkbox"/> A | <input type="checkbox"/> A | Dense shrub layer |
| | <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Moderate density shrub layer |
| | <input type="checkbox"/> C | <input type="checkbox"/> C | Shrub layer sparse or absent |
| Herb | <input type="checkbox"/> A | <input type="checkbox"/> A | Dense herb layer |
| | <input checked="" type="checkbox"/> B | <input checked="" type="checkbox"/> B | Moderate density herb layer |
| | <input type="checkbox"/> C | <input type="checkbox"/> C | Herb layer sparse or absent |

18. Snags – wetland type condition metric (skip for all marshes)

A Large snags (more than one) are visible (> 12 inches DBH, or large relative to species present and landscape stability).
 B Not A

19. Diameter Class Distribution – wetland type condition metric (skip for all marshes)

A Majority of canopy trees have stems > 6 inches in diameter at breast height (DBH); many large trees (> 12 inches DBH) are present.
 B Majority of canopy trees have stems between 6 and 12 inches DBH, few are > 12 inch DBH.
 C Majority of canopy trees are < 6 inches DBH or no trees.

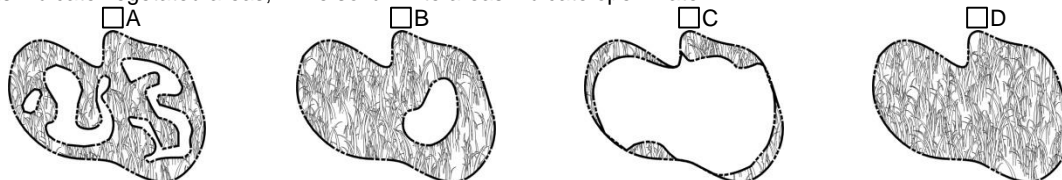
20. Large Woody Debris – wetland type condition metric (skip for all marshes)

Include both natural debris and man-placed natural debris.

A Large logs (more than one) are visible (> 12 inches in diameter, or large relative to species present and landscape stability).
 B Not A

21. Vegetation/Open Water Dispersion – wetland type/open water condition metric (evaluate for Non-Tidal Freshwater Marsh only)

Select the figure that best describes the amount of interspersion between vegetation and open water in the growing season. Patterned areas indicate vegetated areas, while solid white areas indicate open water.



22. Hydrologic Connectivity – assessment area condition metric (evaluate for riparian wetlands and Salt/Brackish Marsh only)

Examples of activities that may severely alter hydrologic connectivity include intensive ditching, fill, sedimentation, channelization, diversion, man-made berms, beaver dams, and stream incision. Documentation required if evaluated as B, C, or D.

A Overbank and overland flow are not severely altered in the assessment area.
 B Overbank flow is severely altered in the assessment area.
 C Overland flow is severely altered in the assessment area.
 D Both overbank and overland flow are severely altered in the assessment area.

Notes
 Wetlands are bound on western side by a large retaining wall. Flow is diverted north and into an unnamed tributary to Calico Creek which has been channelized in the past. Lots of trash and debris were noted in the wetland. Some cloudy water was noted entering the wetland from small ditches entering from the cleared area to the north.

**NC WAM Wetland Rating Sheet
Accompanies User Manual Version 5.0**

Wetland Site Name Wetland 1 Date of Assessment 8/2/2018
 Wetland Type Headwater Forest Assessor Name/Organization Wes Fryar / Land Management Group

Notes on Field Assessment Form (Y/N) YES
 Presence of regulatory considerations (Y/N) YES
 Wetland is intensively managed (Y/N) NO
 Assessment area is located within 50 feet of a natural tributary or other open water (Y/N) YES
 Assessment area is substantially altered by beaver (Y/N) NO
 Assessment area experiences overbank flooding during normal rainfall conditions (Y/N) NO
 Assessment area is on a coastal island (Y/N) NO

Sub-function Rating Summary

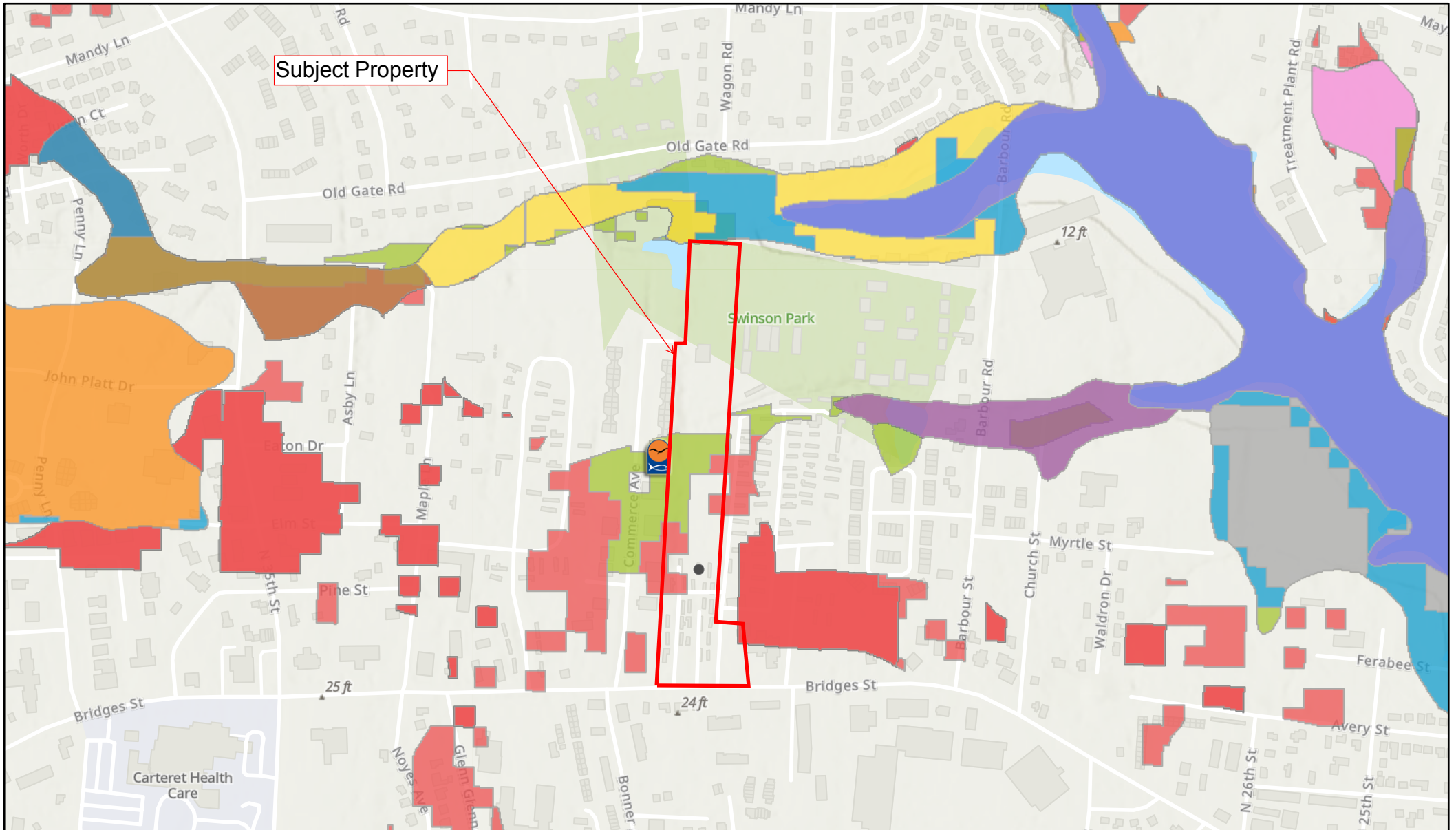
| Function | Sub-function | Metrics | Rating |
|------------------|-----------------------------------|----------------------------|---------------|
| Hydrology | Surface Storage and Retention | Condition | LOW |
| | Sub-surface Storage and Retention | Condition | HIGH |
| Water Quality | Pathogen Change | Condition | LOW |
| | | Condition/Opportunity | LOW |
| | | Opportunity Presence (Y/N) | NO |
| | Particulate Change | Condition | LOW |
| | | Condition/Opportunity | NA |
| | | Opportunity Presence (Y/N) | NA |
| | Soluble Change | Condition | LOW |
| | | Condition/Opportunity | LOW |
| | | Opportunity Presence (Y/N) | NO |
| | Physical Change | Condition | LOW |
| | | Condition/Opportunity | LOW |
| | | Opportunity Presence (Y/N) | NO |
| Pollution Change | Condition | NA | |
| | Condition/Opportunity | NA | |
| | Opportunity Presence (Y/N) | NA | |
| Habitat | Physical Structure | Condition | LOW |
| | Landscape Patch Structure | Condition | HIGH |
| | Vegetation Composition | Condition | MEDIUM |

Function Rating Summary

| Function | Metrics | Rating |
|---------------|----------------------------|---------------|
| Hydrology | Condition | MEDIUM |
| Water Quality | Condition | LOW |
| | Condition/Opportunity | LOW |
| | Opportunity Presence (Y/N) | NO |
| Habitat | Condition | LOW |

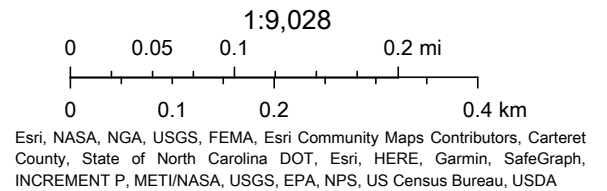
Overall Wetland Rating LOW

Division of Coastal Management



12/22/2020, 2:51:59 PM

- | | | | |
|----------------------|---------------------------|---------------------|---------------------------|
| DCM Office Locations | Managed Pineland | Pine Flat | Freshwater Marsh |
| DCM | Cutover | Bottomland Hardwood | Salt/Brackish Marsh |
| Wetlands | Cleared | Hardwood Flat | Restoration & Enhancement |
| Other | Depressional Swamp Forest | Drained | Salt/Brackish Marsh |





NORTH CAROLINA
Environmental Quality

February 15, 2021

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

DWR # 20201353

Carteret County

Elijah's Landing of Morehead City, LLC
Attn: Keith Walker
108 Professional Park Drive
Beaufort, NC 28516

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS
Elijah's Landing Apartments – Morehead City

Dear Mr. Walker:

You have our approval for the impacts listed below for the purpose described in your application by the Division of Water Resources on January 6, 2021. These impacts are covered by the attached Water Quality General Certification Number 4139 and the conditions listed below. This certification is associated with the use of Nationwide Permit Number 29 once it is issued to you by the U.S. Army Corps of Engineers. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations. **Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.**

The Division has determined that the proposed project will comply with water quality requirements provided that you adhere to the conditions listed in the enclosed certification and to the additional conditions itemized below.

The following proposed impacts are hereby approved. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506(b)]

| Type of Impact | Amount Approved (units) Permanent | Amount Approved (units) Temporary |
|--|--|---|
| Stream | N/A | N/A |
| 404/401 Wetlands (see narrative and drawings 1 thru 5) | 0.349 acres (approx. 15,202 square feet) | N/A |

This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Certification. If you change your project,



you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)].

If you are unable to comply with any of the conditions of the attached Water Quality General Certification or with the additional conditions itemized below, you must notify the Wilmington Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

Additional Conditions:

1. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]

2. The Permittee shall adhere specifically to 15A NCAC 02B .0221 Tidal Salt Water Quality for Class SA Waters (3)(g) pH: shall be normal for waters in the area, which generally shall range between 6.8 and 8.5 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions; (l) Turbidity: the turbidity in the receiving water shall not exceed 25 NTU; **if turbidity exceeds this level due to natural background conditions, the existing turbidity level shall not be increased.** [15A NCAC 02B .0221]

This approval and its conditions are final and binding unless contested. [G.S. 143-215.5]

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.


One (1) copy of the Petition must also be served to the North Carolina Department of Environmental Quality:

William F. Lane, General Counsel
Department of Environmental Quality

1601 Mail Service Center
Raleigh, NC 27699-1601

This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Holley Snider at 910-796-7215 or holley.snider@ncdenr.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:

E3ABA14AC7DC434...

Morella Sanchez-King
Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources
Wilmington Regional Office

Enclosures: GC 4139

cc: Kimberlee Williams, Land Management Group (via email)
Thomas Charles, USACE Wilmington Regulatory Field Office (via email)
DWR 401 & Buffer Permitting Unit file

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES**

WATER QUALITY GENERAL CERTIFICATION NO. 4139

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS

- **NATIONWIDE PERMIT NUMBER 18 (MINOR DISCHARGES),**
- **NATIONWIDE PERMIT NUMBER 29 (RESIDENTIAL DEVELOPMENT),**
- **NATIONWIDE PERMIT NUMBER 39 (COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS),**
- **NATIONWIDE PERMIT NUMBER 40 (AGRICULTURAL ACTIVITIES),**
- **NATIONWIDE PERMIT NUMBER 41 (RESHAPING EXISTING DRAINAGE DITCHES),**
- **NATIONWIDE PERMIT NUMBER 42 (RECREATIONAL FACILITIES),**
- **NATIONWIDE PERMIT NUMBER 44 (MINING ACTIVITIES),**
- **NATIONWIDE PERMIT NUMBER 46 (DISCHARGES IN DITCHES),**
- **NATIONWIDE PERMIT NUMBER 51 (LAND BASED RENEWABLE ENERGY GENERATION FACILITIES), AND**
- **NATIONWIDE PERMIT NUMBER 52 (WATER BASED RENEWABLE ENERGY GENERATION PILOT PROJECTS).**


Water Quality Certification Number 4139 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (18, 29, 39, 40, 41, 42, 44, 46, 51 and 52) of the US Army Corps of Engineers regulations.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: December 1, 2017

Signed this day: December 1, 2017

By


for Linda Culpepper

Interim Director

Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):

- a) If any of the conditions of this Certification (listed below) cannot be met; or
- b) Any impacts to streams from excavation or dredging other than excavation that is conducted as preparation for installing permanent fill or structures; or
- c) Total temporary and permanent impacts to streams greater than 150 feet; or
- d) Any stream relocation or stream restoration; or
- e) Complete dewatering and drawdowns to a sediment layer related to pond/dam maintenance or removal; or
- f) Total temporary and permanent impacts to wetlands or open waters equal to or greater than one-tenth (1/10) acre; or
- g) Any high-density project, as defined in 15A NCAC 02H .1003(2)(a) and by the density thresholds specified in 15A NCAC 02H .1017, which:
 - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
 - ii. Has permanent wetland, stream or open water impacts; and
 - iii. Is proposing new built-upon area; and
 - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program¹ or a state-approved local government stormwater program².

Projects that have vested rights, exemptions, or grandfathering from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu programs **require written approval.**; or

- h) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, Trout, or North Carolina or National Wild and Scenic River; or
- i) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL) [15A NCAC 02H .0506]; or
- j) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or
- k) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:
 - i. The activities are listed as “EXEMPT” from these rules; or

¹ e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

² e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

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- ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
- iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23.

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.

I. ACTIVITY SPECIFIC CONDITIONS:

1. If this Water Quality Certification is used to access residential, commercial or industrial building sites, then all parcels owned by the applicant that are part of the single and complete project authorized by this Certification must be buildable without additional impacts to streams or wetlands. If required in writing by DWR, the applicant shall provide evidence that the parcels are buildable without requiring additional impacts to wetlands, waters, or state regulated riparian buffers. [15A NCAC 02H .0506(b)(4) and (c)(4)]
2. For road construction purposes, this Certification shall only be utilized from natural high ground to natural high ground. [15A NCAC 02H .0506(b)(2) and (c)(2)]
3. Deed notifications or similar mechanisms shall be placed on all lots with retained jurisdictional wetlands, waters, and state regulated riparian buffers within the project boundaries in order to assure compliance with NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), and/or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200). These mechanisms shall be put in place at the time of recording of the property or individual parcels, whichever is appropriate. [15A NCAC 02H .0506(b)(4) and (c)(4)]
4. For all dam removal projects meeting the definition under G.S. 143-215.25 and requirements under G.S. 143-215.27 of a professionally supervised dam removal, the applicant shall provide documentation that any sediment that may be released has similar or lower level of contamination than sediment sampled from downstream of the dam in accordance with Session Law 2017-145.
5. For the North Carolina Department of Transportation, compliance with the NCDOT's individual NPDES permit NCS000250 shall serve to satisfy this condition. All other high-density projects that trigger threshold Item (g) above shall comply with one of the following requirements: [15A NCAC 02H .0506(b)(5) and (c)(5)]

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- a. Provide a completed Stormwater Management Plan (SMP) for review and approval, including all appropriate stormwater control measure (SCM) supplemental forms and associated items, that complies with the high-density development requirements of 15A NCAC 02H .1003. Stormwater management shall be provided throughout the entire project area in accordance with 15A NCAC 02H .1003. For the purposes of 15A NCAC 02H .1003(2)(a), density thresholds shall be determined in accordance with 15A NCAC 02H .1017.
- b. Provide calculations to document that the project will not cause degradation of downstream surface waters. Documentation shall include a detailed analysis of the hydrological impacts from stormwater runoff when considering the volume and velocity of stormwater runoff from the project built upon area and the size and existing condition of the receiving stream(s).

Exceptions to this condition require application to and written approval from DWR.

II. GENERAL CONDITIONS:

1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]
2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

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Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]

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8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]

9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]
10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506(b)(2) and 15A NCAC 04B .0125]

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

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Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as, a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 60 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application to and written approval from DWR.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. -Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]

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13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]
16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]
17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.

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20. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506(b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.
23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency [15A NCAC 01C .0107(a)]
24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.
25. The applicant and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If DWR determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

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27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

III. GENERAL CERTIFICATION ADMINISTRATION:

1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).
2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.
3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.

GC4139

5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the water or downstream waters are precluded.

History Note: Water Quality Certification (WQC) Number 4139 issued December 1, 2017 replaces WQC 4092 issued March 3, 2017; WQC 3890 issued March 19, 2012; replaces WQC Number 3821 issued April 6, 2010; WQC Number 3631 issued March 19, 2007; WQC 3402 issued March 28, 2003; WQC Number 3362, issued March 18, 2002; WQC 3287, issued June 1, 2000; WQCs 3106 and 3108 issued February 11, 1997.

APPENDIX 2

- **Early Notice and Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain**
- **Affidavit for Publication of Early Notice**
- **Distribution List to Interested Agencies, Groups and Individuals**
- **Early Notice Comments**



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

**ELIJAH'S LANDING APARTMENTS
3200 BRIDGES STREET, MOREHEAD CITY
CARTERET COUNTY, NORTH CAROLINA 28557**

June 28, 2023

To: All Interested Agencies, Groups and Individuals

This is to give notice that the North Carolina Office of Recovery and Resiliency (NCORR) has received an application from Elijah's Landing, LLC to use U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the Affordable Housing Development Fund Program to construct the Elijah's Landing Apartments project ("Proposed Activity"). NCORR is conducting an evaluation as required by Executive Orders 11988 and 11990 in accordance with HUD regulations (24 CFR 55) including identifying and evaluating practicable alternatives to locating the Proposed Activity in 100-year floodplain and wetlands and the Proposed Activity's potential impacts on these special areas. The Proposed Activity entails construction of a new 168-unit multifamily affordable housing complex with seven 24-unit, three-story residential buildings, a clubhouse, gazebo, covered picnic area, boardwalk, playground and tot lot, dog park, paved parking areas, landscaped areas, three storm water retention ponds, and associated infrastructure. The site is an approximate 11.64-acre tract located at 3200 Bridges Street, Morehead City, Carteret County, NC 28557.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands, and those who have an interest in the protection of the natural environment, should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative locations outside of the floodplain and wetlands, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplain and wetlands facilitates and enhances governmental efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplain and wetlands, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided, in part, by the HUD CDBG-DR program for Hurricane Florence storm recovery activities in North Carolina.

Mailing Address:
Post Office Box 110465
Durham, NC 27709



Phone: (984) 833-5350
www.ncdps.gov
www.rebuild.nc.gov

An Equal Opportunity Employer

The Proposed Activity is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018) when hundreds of homes were damaged or destroyed. Elijah's Landing Apartments will provide a multifamily residential development for low- and middle-income households. The Proposed Activity will assist Morehead City and Carteret County to provide affordable housing options to the local community.

The Proposed Activity will result in temporary impacts to 0 acres of a 100-year floodplain and 0 acres of National Wetlands Inventory-mapped and U.S. Army Corps of Engineers (USACE) verified delineated wetlands. The Proposed Activity will result in permanent impacts to 0.310 acres of the 100-year floodplain (Zone AE) and 0.349 acres of NWI-mapped wetlands and USACE verified delineated wetlands (PSS1A – Freshwater Palustrine Forested/Scrub-Shrub Wetland). Permanent impacts to the 100-year floodplain and Wetland impact area #5 (0.083 acre) include fill material needed for Building #500's foundation, sanitary sewer and water line placement and connection, grading, and construction of paved parking, drive aisle access, retaining wall (wetland only), landscaping, lighting, and stormwater pond #2 per NC Department of Environmental Quality (NCDEQ). Permanent impacts to Wetland impact areas #1 and #2 (0.176 acre) include fill material, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining walls, landscaping, lighting, and stormwater pond #1 per NCDEQ. A 6-foot wide boardwalk is also proposed over a small portion of Wetland impact areas #1, 2 and 3. Permanent impacts to Wetland impact areas #3 and #4 (0.09 acre) include fill material, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining wall, landscaping, lighting, and Building #500. Best Management Practices and design features will minimize impacts to floodplain and wetlands. The site contains approximately 1.47 acres of wetland and 0.389 acre of floodplain with Calico Creek located north of the site. Side slopes from parking lots and drive aisles shall not exceed 3:1 slope in order to reduce impacts to wetlands. A temporary silt fence around the toe of the slope will prevent sediment from going downstream during a rain event prior to the embankments being stabilized. There is also Class B rip rap installed downstream of the outlet control device will prevent washout of the surrounding material. Natural floodplains and wetlands provide flood risk reduction benefits by slowing runoff and storing flood water. In addition, floodplains and wetlands are beneficial by providing diverse wildlife habitat, flood and erosion control, surface water quality maintenance, groundwater recharge, and educational, scientific, cultural, and recreational opportunities. Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. According to the USACE JD, the wetland impacted has typical coastal plain floodplain vegetation but does not provide ideal habitat for wildlife diversity. The ground surface is considered severely altered with moderately altered water storage function. Due to land use in the area being mostly impervious surfaces, there is little to no opportunity to improve water quality. The USACE determined a mitigation fee was not required due to the low quality of the impacted wetlands. According to the FEMA Flood Insurance Rate Map (FIRM) effective 7/16/2003, the impacted 100-year floodplain is Zone AE and a less restrictive Preliminary FIRM dated 6/30/2016 identifies it as 500-year floodplain along with a small portion on the parcel's northern edge. The Proposed Activity will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE Clean Water Act (CWA) Section 404 Nationwide Permits 18 & 29, NCDEQ CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work.

Floodplain maps based on the FEMA FIRM, NWI maps, USACE Jurisdictional Determination, and supporting documentation are available for review at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. A full description of the Proposed Activity may also be viewed in person, by appointment only, at: NCORR, 200 Park Offices Drive, Durham, NC 27709. Call (984) 833-5350 to make an appointment.

Written comments must be received by NCORR at the following address on or before July 13, 2023: Laura Hogshead, Director, NCORR, ATTN: Elijah’s Landing Apartments, P.O. Box 110465, Durham, NC 27709. Comments may also be submitted by email to publiccomments@rebuild.nc.gov with “ATTN: Elijah’s Landing Apartments Comments” in the subject line.

AFFIDAVIT OF PUBLICATION

CARTERET COUNTY, NORTH CAROLINA

NC Office of Recovery and Resiliency
 Department of Public Safety
 PO Box 110465
 Durham NC 27709

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND
ELIJAH'S LANDING APARTMENTS
3200 BRIDGES STREET, MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA 28557
June 28, 2023

To: All Interested Agencies, Groups and Individuals

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quality maintenance, groundwater recharge, and educational, scientific, cultural, and recreational opportunities. Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. According to the USACE Jurisdictional Determination (JD), the wetland impacted has typical coastal plain floodplain vegetation but does not provide ideal habitat for wildlife diversity. The ground surface is considered severely altered with moderately altered water storage function. Due to land use in the area being mostly impervious surfaces, there is little to no opportunity to improve water quality. The USACE determined a mitigation fee was not required due to the low quality of the impacted wetlands. According to the FEMA Flood Insurance Rate Map (FIRM) effective 7/16/2003, the impacted 100-year floodplain is Zone AE and a less restrictive Preliminary FIRM dated 8/30/2016 identifies it as 500-year floodplain along with a small portion on the parcel's northern edge. The Proposed Activity will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE Clean Water Act (CWA) Section 404 Nationwide Permits 18 & 29, NCDEQ CWA Section 401 Water Quality General Certification, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work.

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Before the undersigned, a notary public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared:

Mona McFerran

first duly sworn, deposes and says that he (she) is: (Owner, partner, publisher or other officer or employee authorized to make this affidavit)

Clerk of THE CARTERET PUBLISHING CO., INC., engaged in the publication of a newspaper known as CARTERET COUNTY NEWS-TIMES, published, issued, and entered as second class mail in the Town of Morehead City, in Carteret County, North Carolina; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached here-to, was published the following publication and dates:

Carteret County News-Times: 6/28/2023

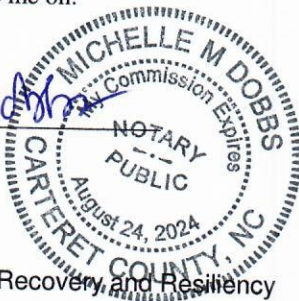
and that said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a new paper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of section 1-597 of the General Statutes of North Carolina.

Date: 6/28/2023

Mona McFerran
 (Signature of person making affidavit)

Sworn and subscribed to before me on: 6/28/2023

Michelle M. Dobbs
 Notary Public
 My commission expires: August 24, 2024



| | |
|---------------|--------------------------------------|
| Name | NC Office of Recovery and Resiliency |
| Order Number | 11813 |
| Order Date | 6/23/2023 |
| Number Issues | 1 |
| First Issue | 6/28/2023 |
| Last Issue | 6/28/2023 |
| Order Price | \$336.54 |
| Publications | Carteret County News-Times |

EARLY NOTICE DISTRIBUTION LIST

**ELIJAH'S LANDING APARTMENTS
3200 BRIDGES STREET, MOREHEAD CITY
CARTERET COUNTY, NORTH CAROLINA 28557**

Publication 6/28/23, comments end 7/13/23

FEDERAL AGENCIES

| Agency | Name & Address | Method |
|---|---|---|
| HUD NC | Mr. Lenwood E. Smith, II Environmental Protection Specialist Greensboro Field Office U.S. Dept. of Housing and Urban Development 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838 | Lenwood.E.Smith@hud.gov |
| FEMA, Region IV | Ms. Gracia B. Szczech, Regional Administrator U.S. Dept. of Homeland Security FEMA, Region IV 3003 Chamblee Tucker Road Atlanta, GA 30341 | FedEx |
| FEMA ATTN: 11988 | <i>Hard copies may also be mailed to</i> Attn: 11988/NEPA Reviewer (EHP) DHS/FEMA RIV 3003 Chamblee Tucker Road Atlanta, GA 30341 | FEMA-R4EHP@fema.dhs.gov with the subject line REVIEW REQUEST: 11988/NEPA |
| US EPA, Region 4 | Mr. John Blevins, Acting Regional Administrator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720 | FedEx |
| US EPA, Region 4 | Ms. Ntale Kajumba, NEPA Coordinator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720 | Kajumba.ntale@epa.gov |
| USFWS – Raleigh Field Office | USFWS – Raleigh Field Office ATTN: John Ellis P.O. Box 33726 Raleigh, NC 27636 ph.: 919-856-4520, ext. 26 | john_ellis@fws.gov cc: leigh_mann@fws.gov |

| | | |
|---|---|--|
| USACE – Wilmington District | Mr. Tom Charles – Carteret County USACE – Wilmington District 69 Darlington Avenue Wilmington, NC 28403 | Thomas.P.Charles@usace.army.mil |
| TRIBES, NATIONS AND COMMUNITIES (who asked to be notified) | | |
| Catawba Indian Nation | Dr. Wenonah George Haire, THPO ATTN: THPO Archaeology Dept. Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730 | Does not want Notice |
| Catawba Indian Nation | Chief Bill Harris Catawba Indian Nation 996 Avenue of the Nations Rock Hill, SC 29730 | Does not want Notice |
| NC STATE AGENCIES | | |
| STATE CLEARING- HOUSE | Ms. Crystal Best North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, North Carolina 27699-1301 | State.Clearinghouse@doa.nc.gov crystal.best@doa.nc.gov |
| NCHFA | Ms. Ronda G. Moore Senior Attorney, Manager of Real Estate Transactions North Carolina Housing Finance Agency P.O. Box 28066 Raleigh, NC 27611-8066 Phone: 919-875-3621 | rgmoore@nchfa.com |
| LOCAL AGENCIES | | |
| COUNTY | Tommy Burns, County Manager County Manager's Office 302 Courthouse Square Beaufort, NC 28516 Phone: 252-728-8450 | tommy.burns@carteretcountync.gov |
| COUNTY | Lori Roberson Turner Clerk to the Board of Commissioners 302 Courthouse Square Beaufort, NC 28516 Phone: 252-728-8450 | lori.turner@carteretcountync.gov |
| COUNTY | Gene Foxworth, Planning Director 402 Broad St. Beaufort, NC 28516 Ph: 252-728-8545 | Gene.foxworth@carteretcountync.gov |

| | | |
|-------------|---|--|
| CITY | Christopher Turner, City Manager Morehead City 1100 Bridges Street Morehead City, NC 28557 | christopher.turner@moreheadcitync.org |
| CITY | Cathy Campbell, City Clerk Morehead City 1100 Bridges Street Morehead City, NC 28557 Phone: 252-726-6848, ext. 139 | cityclerk@moreheadcitync.org |
| CITY | Kelli Jones, Grants Manager Town of Morehead City 1100 Bridges Street Morehead City, NC 28557 (252) 726-6848 Ext. 141 | kelli.jones@moreheadcitync.org |

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:28 AM
To: Smith, Lenwood E
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:27 AM
To: FEMA-R4EHP@fema.dhs.gov
Subject: REVIEW REQUEST: 11988/NEPA - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

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Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:26 AM
To: Kajumba, Ntale
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

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Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:22 AM
To: john_ellis@fws.gov
Cc: Mann, Leigh
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

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Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:21 AM
To: Charles, Thomas P CIV USARMY CESAW (USA)
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

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Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:20 AM
To: State Clearinghouse
Cc: Best, Crystal
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 with comment period ending July 13th for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

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Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:19 AM
To: Ronda Moore
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

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(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:18 AM
To: Burns, Tommy
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

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Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:18 AM
To: lori.turner@carteretcountync.gov
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:17 AM
To: Gene.foxworth@carteretcountync.gov
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

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Andrea

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Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:16 AM
To: christopher.turner@moreheadcitync.org
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:12 AM
To: 'cityclerk@moreheadcitync.org'
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

Gievers, Andrea

From: Gievers, Andrea
Sent: Wednesday, June 28, 2023 11:11 AM
To: Jones, Kelli
Subject: Public Notice - Early Notice - Elijah's Landing Apartments, Morehead City, NC
Attachments: NCORR Elijahs Landing Apts Early Notice 6.28.23.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland publishing June 28, 2023 for the NCORR Affordable Housing Development Fund Program's Elijah's Landing Apartments proposed project in Morehead City, Carteret County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea


Andrea Gievers, JD, MSEL, ERM
Environmental SME
Community Development
NC Office of Recovery and Resiliency
Andrea.L.Gievers@Rebuild.NC.Gov
(845) 682-1700

1 From Please print and press hard.
 Date 6/28/23 Sender's FedEx Account Number 8950-9899-0
 Sender's Name Andrea Gievers Phone (845) 682-1700
 Company NCORR
 Address 123 Kings Hill Rd Dept./Floor/Suite/Room
 City Walden State NY ZIP 12586

2 Your Internal Billing Reference Elijah's EN OPTIONAL
 First 24 characters will appear on invoice.

3 To Recipient's Name Ms. Gracia B. Szczech Phone ()
 Company FEMA, Region 4
 Address 3003 Chamblee Tucker Road Dept./Floor/Suite/Room
 We cannot deliver to P.O. boxes or P.O. ZIP codes.
 Address Use this line for the HOLD location address or for continuation of your shipping address.
 City Atlanta State GA ZIP 30341

Hold Weekday FedEx location address REQUIRED. NOT available for FedEx First Overnight.
 Hold Saturday FedEx location address REQUIRED. Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

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4 Express Package Service *To most locations. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

| Next Business Day | 2 or 3 Business Days |
|---|--|
| <input type="checkbox"/> FedEx First Overnight Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected. | <input type="checkbox"/> FedEx 2Day A.M. Second business morning.* Saturday Delivery NOT available. |
| <input type="checkbox"/> FedEx Priority Overnight Next business morning.* Friday shipments will be delivered on Monday unless Saturday Delivery is selected. | <input checked="" type="checkbox"/> FedEx 2Day Second business afternoon.* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected. |
| <input type="checkbox"/> FedEx Standard Overnight Next business afternoon.* Saturday Delivery NOT available. | <input type="checkbox"/> FedEx Express Saver Third business day.* Saturday Delivery NOT available. |

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

Saturday Delivery
 NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
 Package may be left without obtaining a signature for delivery.

Direct Signature
 Someone at recipient's address may sign for delivery.

Indirect Signature
 If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?
 One box must be checked.

No Yes As per associated Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry ice, 9, UN 1845 _____ x _____ kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide. Cargo Aircraft Only

7 Payment Bill to:
 Enter FedEx Acct. No. below.
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party
 FedEx Acct. No. _____
 Total Packages _____ Total Weight _____ Total Declared Value† _____ lbs. \$ _____ 00
 †Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this airbill and in the current FedEx Service Guide, including terms that limit our liability.
 Rev. Date 4/22 - Part #167002 - ©2012-2022 FedEx - PRINTED IN U.S.A.


644

1 From Please print and press hard.
 Date 6/28/23 Sender's FedEx Account Number 8950-9899-0
 Sender's Name Andrea Gievers Phone (845) 682-1700
 Company NCORR
 Address 123 Kings Hill Rd Dept./Floor/Suite/Room
 City Walden State NY ZIP 12586

2 Your Internal Billing Reference Elijah's EN OPTIONAL
 First 24 characters will appear on invoice.

3 To Recipient's Name Mr. John Blevins Phone ()
 Company EPA, Region 4
 Address Lab Svcs & Applied Science Division Dept./Floor/Suite/Room
 We cannot deliver to P.O. boxes or P.O. ZIP codes.
 Address 980 College Station Road
 Use this line for the HOLD location address or for continuation of your shipping address.
 City Athens State GA ZIP 30605-2720

Hold Weekday FedEx location address REQUIRED. NOT available for FedEx First Overnight.
 Hold Saturday FedEx location address REQUIRED. Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

 **Ship it. Track it. Pay for it. All online.**
 Go to fedex.com

4 Express Package Service *To most locations. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

| Next Business Day | 2 or 3 Business Days |
|---|--|
| <input type="checkbox"/> FedEx First Overnight Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected. | <input type="checkbox"/> FedEx 2Day A.M. Second business morning.* Saturday Delivery NOT available. |
| <input type="checkbox"/> FedEx Priority Overnight Next business morning.* Friday shipments will be delivered on Monday unless Saturday Delivery is selected. | <input checked="" type="checkbox"/> FedEx 2Day Second business afternoon.* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected. |
| <input type="checkbox"/> FedEx Standard Overnight Next business afternoon.* Saturday Delivery NOT available. | <input type="checkbox"/> FedEx Express Saver Third business day.* Saturday Delivery NOT available. |

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

Saturday Delivery
 NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
 Package may be left without obtaining a signature for delivery.

Direct Signature
 Someone at recipient's address may sign for delivery.

Indirect Signature
 If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?
 One box must be checked.

No Yes As per associated Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry ice, 9, UN 1845 _____ x _____ kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide. Cargo Aircraft Only

7 Payment Bill to:
 Enter FedEx Acct. No. below.
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party
 FedEx Acct. No. _____
 Total Packages _____ Total Weight _____ Total Declared Value† _____ lbs. \$ _____ 00
 †Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this airbill and in the current FedEx Service Guide, including terms that limit our liability.
 Rev. Date 4/22 - Part #167002 - ©2012-2022 FedEx - PRINTED IN U.S.A.

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Roy Cooper
Governor

Pamela B. Cashwell
Secretary

July 13, 2023

Andrea Gievers
Elijah's Landing Apartments
c/o NC Department of Public Safety
Office of Recovery and Resiliency
Durham, NC 27709-

Re: SCH File # 23-E-4600-0256 Proposed project is for the construction of Elijah's Landing Apartments, a 168-unit affordable housing apartment complex with a clubhouse, dog park, playground, parking, access and infrastructure. The affordable apartment complex will consist of seven separate apartment buildings with a mix of thirt

Dear Andrea Gievers:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act.

Attached to this letter are comments made by the agencies in the review of this document. If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

If you have any questions, please do not hesitate to contact me at (984) 236-0000.

Sincerely,

KADISHA MOLYNEAUX
State Environmental Review Clearinghouse

Attachments

Mailing
1301 Mail Service Center | Raleigh, NC 27699-1301



ncadmin.nc.gov

Location
116 West Jones St. | Raleigh NC 27603
984-236-0000 T

Control No.: 23-E-4600-0256

Date Received: 6/28/2023

County.: CARTERET

Agency Response: 7/13/2023

Review Closed: 7/13/2023

DEVON BORGARDT
CLEARINGHOUSE COORDINATOR
DEPT OF NATURAL & CULTURAL
RESOURCE

Project Information

Type: National Environmental Policy Act ping

Applicant: Elijah's Landing Apartments

Project Desc.: Proposed project is for the construction of Elijah's Landing Apartments, a 168-unit affordable housing apartment complex with a clubhouse, dog park, playground, parking, access and infrastructure. The affordable apartment complex will consist of seven separate apartment buildings with a mix of thirty (30) one-bedroom units, seventy-eight (78) two-bedroom units and sixty (60) three-bedroom units. Project is located at 3200 Bridges Road, Morehead City, NC.

As a result of this review the following is submitted:

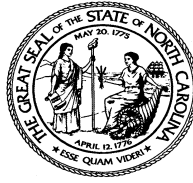
No Comment

Comments Below

Documents Attached

Reviewed By: DEVON BORGARDT

Date: 7/3/2023



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary, Darin J. Waters, Ph.D.

July 3, 2023

MEMORANDUM

TO: Crystal Best
North Carolina State Clearinghouse
Department of Administration

crystal.best@doa.nc.gov

FROM: Ramona M. Bartos, Deputy
State Historic Preservation Officer

RMB for Ramona M. Bartos

SUBJECT: Demolish Buildings & Construct Elijahs Landing Multi Family Housing, 3200 Bridges Street, Morehead City, Carteret County, SCH #23-E-4600-0256, ER 18-1037

Thank you for your submission of June 28, 2023, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Control No.: 23-E-4600-0256

Date Received: 6/28/2023

County.: CARTERET

Agency Response: 7/13/2023

Review Closed: 7/13/2023

JESSICA MOSLEY
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION

Project Information

Type: National Environmental Policy Act ping

Applicant: Elijah's Landing Apartments

Project Desc.: Proposed project is for the construction of Elijah's Landing Apartments, a 168-unit affordable housing apartment complex with a clubhouse, dog park, playground, parking, access and infrastructure. The affordable apartment complex will consist of seven separate apartment buildings with a mix of thirty (30) one-bedroom units, seventy-eight (78) two-bedroom units and sixty (60) three-bedroom units. Project is located at 3200 Bridges Road, Morehead City, NC.

As a result of this review the following is submitted:

No Comment

Comments Below

Documents Attached

Reviewed By: JESSICA MOSLEY

Date: 6/30/2023

Control No.: 23-E-4600-0256

Date Received: 6/28/2023

County.: CARTERET

Agency Response: 7/13/2023

Review Closed: 7/13/2023

LYN HARDISON
CLEARINGHOUSE COORDINATOR
DEPT OF ENVIRONMENTAL QUALITY

Project Information

Type: National Environmental Policy Act ping

Applicant: Elijah's Landing Apartments

Project Desc.: Proposed project is for the construction of Elijah's Landing Apartments, a 168-unit affordable housing apartment complex with a clubhouse, dog park, playground, parking, access and infrastructure. The affordable apartment complex will consist of seven separate apartment buildings with a mix of thirty (30) one-bedroom units, seventy-eight (78) two-bedroom units and sixty (60) three-bedroom units. Project is located at 3200 Bridges Road, Morehead City, NC.

As a result of this review the following is submitted:

No Comment

Comments Below

Documents Attached

Reviewed By: LYN HARDISON

Date: 6/30/2023

Control No.: 23-E-4600-0256

Date Received: 6/28/2023

County.: CARTERET

Agency Response: 7/13/2023

Review Closed: 7/13/2023

JINTAO WEN
CLEARINGHOUSE COORDINATOR
DPS - DIV OF EMERGENCY MANAGEMENT

Project Information

Type: National Environmental Policy Act ping

Applicant: Elijah's Landing Apartments

Project Desc.: Proposed project is for the construction of Elijah's Landing Apartments, a 168-unit affordable housing apartment complex with a clubhouse, dog park, playground, parking, access and infrastructure. The affordable apartment complex will consist of seven separate apartment buildings with a mix of thirty (30) one-bedroom units, seventy-eight (78) two-bedroom units and sixty (60) three-bedroom units. Project is located at 3200 Bridges Road, Morehead City, NC.

As a result of this review the following is submitted:

No Comment

Comments Below

Documents Attached

Reviewed By: JINTAO WEN

Date: 7/10/2023

APPENDIX 3

- **Combined FONSI/NOI-RROF/ Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain and Wetland**
- **Affidavit for Publication of Final Notice (*to be added*)**
- **Distribution List to Interested Agencies, Groups and Individuals**
- **Final Notice Comments (*to be added*)**



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF), AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

**ELIJAH'S LANDING APARTMENTS
3200 BRIDGES STREET, MOREHEAD CITY, CARTERET COUNTY, NC 28557**

August 16, 2023

To: All interested Agencies, Groups and Individuals

Name of Responsible Entity and Recipient: North Carolina Office of Recovery and Resiliency (NCORR), P.O. Box 110465, Durham, NC 27709. Contact: Director Laura Hogshead (984) 833-5350.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Explanation of a Proposed Activity in a Floodplain and Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by NCORR.

Project Description: NCORR is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in North Carolina. NCORR proposes to provide CDBG-DR funding from the Affordable Housing Development Fund Program of \$8,300,000.00 for the Elijah's Landing Apartments Project ("Proposed Activity") located at 3200 Bridges Street, Morehead City, Carteret County, NC 28557 on an approximately 11.64-acre site. The Proposed Activity is anticipated to have a total cost of \$36,521,198.00 and entails new construction of a 168-unit multifamily affordable housing complex with seven 24-unit, three-story residential buildings, a clubhouse, gazebo, covered picnic area, boardwalk, playground, tot lot, dog park, green open spaces, paved parking areas, landscaped areas, three storm water retention ponds, and associated infrastructure.

The Proposed Activity is needed to address an affordable housing inventory shortage, which was

Mailing Address:
Post Office Box 110465
Durham, NC 27709



Phone: (984) 833-5350
www.ncdps.gov
www.rebuild.nc.gov

An Equal Opportunity Employer

exacerbated by the impacts of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018) when hundreds of homes were damaged or destroyed. Elijah's Landing Apartments will provide a multifamily residential development for low- and middle-income households. The Proposed Activity will assist Morehead City and Carteret County in providing affordable housing options to the local community.

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

NCORR has conducted an evaluation as required by Executive Orders (EO) 11988 and 11990, in accordance with HUD regulations at 24 CFR 55 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The Proposed Activity will result in temporary impacts to 0 acres of a 100-year floodplain and 0 acres of National Wetlands Inventory (NWI) mapped and U.S. Army Corps of Engineers (USACE) verified delineated wetlands. The Proposed Activity will result in permanent impacts to 0.310 acre of the 100-year floodplain (Zone AE) and 0.349 acre of NWI-mapped wetlands and USACE verified delineated wetlands (PSS1A – Freshwater Palustrine Forested/Scrub-Shrub Wetland). Permanent impacts to the 100-year floodplain and Wetland impact area #5 (0.083 acre) include fill material needed for Building #500's foundation, sanitary sewer and water line placement and connection, grading, and construction of paved parking, drive aisle access, retaining wall (wetland only), landscaping, lighting, and stormwater pond #2 per NC Department of Environmental Quality (NCDEQ). Permanent impacts to Wetland impact areas #1 and #2 (0.176 acre) include fill material, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining walls, landscaping, lighting, and stormwater pond #1 per NCDEQ. A 6-foot wide boardwalk is also proposed over a small portion of Wetland impact areas #1, 2 and 3. Permanent impacts to Wetland impact areas #3 and #4 (0.09 acre) include fill material, sanitary sewer and water line placement, grading, and construction of paved parking, drive aisle access, retaining wall, landscaping, lighting, and Building #500. The site contains approximately 1.47 acres of wetland and 0.389 acre of 100-year floodplain with Calico Creek located north of the site.

NCORR has considered the alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. This Proposed Activity will be an affordable multifamily housing complex that will provide new, safe housing that is needed in the area. There were three main alternative sites considered for the Proposed Activity. The first site was located on Highway 70 in Newport near the Food Lion. However, this site was not chosen because it did not meet the requirements for NC Housing Finance Agency tax credits and cost over \$3 million for 20 acres. Although this site was positioned next to a multifamily housing development, it would not have been able to sustain itself financially due to the affordable rents. The second site was located in Morehead City off Highway 70 East, Arendell Street 1300 block, Third Street, and Sixth Street. Ultimately, this site was not chosen because of the price and location in an urbanized area with a building that required removal from the site. The third site was located off Highway 70 East near the Walmart Plaza. Although this site was approximately 20 acres and would have scored well, there was a high crane quotation/ radio tower located on the site, which because of this potential fall zone, would not qualify for the NC State affordable housing tax code. Therefore, the Subject Property was determined to be the most suitable location for the Proposed Activity. Further, the Proposed Activity itself was redesigned to remove Building #500 outside of 100-year floodplain and minimize impacts to floodplain and wetlands. The final alternative for the

current Proposed Activity is the “No Action” Alternative. With the “No Action” Alternative, affordable housing would not be provided for low- and middle-income families in the local community. The Town of Morehead City would need to find other options to address the affordable housing inventory shortage exacerbated by the effects of hurricanes that recently damaged and destroyed homes which disproportionately affected older, more affordable housing stock. Thus, the “No Action” Alternative is not feasible in relation to the desired objective of creating affordable housing options in Morehead City. Natural floodplains and wetlands provide flood risk reduction benefits by slowing runoff and storing flood water. In addition, floodplains and wetlands are beneficial by providing diverse wildlife habitat, flood and erosion control, surface water quality maintenance, groundwater recharge, and educational, scientific, cultural, and recreational opportunities. Wetlands have unique natural characteristics that play an integral role in the ecology of the watershed. According to the USACE, the wetland impacted has typical coastal plain floodplain vegetation but does not provide ideal habitat for wildlife diversity. The ground surface is considered severely altered with moderately altered water storage function. Due to land use in the area being mostly impervious surfaces, there is little to no opportunity to improve water quality. The USACE determined a mitigation fee was not required due to the low quality of the impacted wetlands. There are no identifiable educational, scientific, cultural, and recreational values. No additional impacts to floodplain and wetland functions are anticipated. According to the FEMA Flood Insurance Rate Map (FIRM) effective 7/16/2003, the impacted 100-year floodplain is Zone AE and a less restrictive Preliminary FIRM dated 6/30/2016 identifies it as 500-year floodplain along with a small portion on the parcel’s northern edge.

The Proposed Activity will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions including a Floodplain Development Permit, USACE Clean Water Act (CWA) Section 404 Nationwide Permits 18 and 29, NCDEQ CWA Section 401 Water Quality General Certification, NPDES Construction Stormwater Permit, and Morehead City Erosion and Sediment Control Permit which will be obtained prior to starting work. Best Management Practices and design features will minimize impacts to floodplain and wetlands. Side slopes from parking lots and drive aisles shall not exceed 3:1 slope in order to reduce impacts to wetlands. A temporary silt fence around the toe of the slope will prevent sediment from going downstream during a rain event prior to the embankments being stabilized. There is also Class B rip rap installed downstream of the outlet control device to prevent washout of the surrounding material. There are three proposed onsite stormwater retention ponds and five green open spaces, and landscaping will use native plants. The Proposed Activity site is the most suitable location due to market demand and its close proximity to a variety of community amenities and services including public schools, public transportation, shopping, and employment opportunities; the “No Action” alternative would not effectively address the area’s affordable housing needs; and mitigation measures include a project design that minimizes impacts, stormwater and erosion and sedimentation controls, permit conditions, BMPs, green infrastructure, and native plants in landscaping.

Since the action will include modification of floodplain and new construction in wetland, EOs 11988 and 11990 require that the Proposed Activity not be supported if there are practicable alternatives to floodplain and wetland impacts. NCORR has reevaluated the alternatives to modification of floodplain and new construction in wetland, and has determined that it has no practicable alternative. The 8-step process has been further documented in the EO 11988

Floodplain Management and EO 11990 Protection of Wetlands Determination which is available for viewing and copying as described below in Public Review.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment are given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Activity has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA and supporting documentation are incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Activity is anticipated. NCORR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. NCORR has determined that the Proposed Activity will have no significant impact on the human environment and, therefore, does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA, environmental review record, and EO 11988 Floodplain Management and EO 11990 Protection of Wetlands Determination is available online at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. Documents may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27709. Call (984) 833-5350 to make an appointment.

Further information may be requested by writing to the above address, emailing publiccomments@rebuild.nc.gov or calling (984) 833-5350. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on the Proposed Activity within Floodplain and Wetland, FONSI and/or NOIRROF: Any individual, group or agency may submit written comments on the Proposed Activity. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before August 31, 2023 at publiccomments@rebuild.nc.gov. Written comments may also be submitted by mail, in the proper format, to be received on or before August 31, 2023, and addressed to: Laura Hogshead, Director, NCORR, ATTN: Elijah’s Landing Apartments Project, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before August 31, 2023 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the submission of a request for release of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or after September 1, 2023, the NCORR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of undertaking this project under the North Carolina CDBG-DR Affordable Housing Development Fund Program.

NCORR certifies to HUD that Laura Hogshead, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows NCORR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and NCORR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors should contact HUD or the NCORR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) certification was not executed by NCORR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before HUD's release of funds and approval of environmental certification; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR 58.76) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to disaster_recovery@hud.gov.

Laura Hogshead
Certifying Officer
August 16, 2023

FONSI/NOI-RROF/FINAL NOTICE DISTRIBUTION LIST

**ELIJAH'S LANDING APARTMENTS
3200 BRIDGES STREET, MOREHEAD CITY
CARTERET COUNTY, NORTH CAROLINA 28557**

Publication 8/16//23, comments end 8/31/23

FEDERAL AGENCIES

| Agency | Name & Address | Method |
|---|---|---|
| HUD NC | Mr. Lenwood E. Smith, II Environmental Protection Specialist Greensboro Field Office U.S. Dept. of Housing and Urban Development 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838 | Lenwood.E.Smith@hud.gov |
| FEMA, Region IV | Ms. Gracia B. Szczech, Regional Administrator U.S. Dept. of Homeland Security FEMA, Region IV 3003 Chamblee Tucker Road Atlanta, GA 30341 | FedEx |
| FEMA ATTN: 11988 | <i>Hard copies may also be mailed to</i> Attn: 11988/NEPA Reviewer (EHP) DHS/FEMA RIV 3003 Chamblee Tucker Road Atlanta, GA 30341 | FEMA-R4EHP@fema.dhs.gov with the subject line REVIEW REQUEST: 11988/NEPA |
| US EPA, Region 4 | Ms. Ntale Kajumba, NEPA Coordinator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720 | Kajumba.ntale@epa.gov |
| USFWS – Raleigh Field Office | USFWS – Raleigh Field Office ATTN: John Ellis P.O. Box 33726 Raleigh, NC 27636 ph.: 919-856-4520, ext. 26 | john_ellis@fws.gov cc: leigh_mann@fws.gov |
| USACE – Wilmington District | Mr. Tom Charles – Carteret County USACE – Wilmington District 69 Darlington Avenue Wilmington, NC 28403 | Thomas.P.Charles@usace.army.mil |

| TRIBES, NATIONS AND COMMUNITIES (who asked to be notified) | | |
|---|--|--|
| Catawba Indian Nation | Dr. Wenonah George Haire, THPO ATTN: THPO Archaeology Dept. Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730 | Does not want Notice |
| Catawba Indian Nation | Chief Bill Harris Catawba Indian Nation 996 Avenue of the Nations Rock Hill, SC 29730 | Does not want Notice |
| NC STATE AGENCIES | | |
| STATE CLEARING-HOUSE | Ms. Crystal Best North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, North Carolina 27699-1301 | State.Clearinghouse@doa.nc.gov crystal.best@doa.nc.gov |
| NCHFA | Ms. Ronda G. Moore Senior Attorney, Manager of Real Estate Transactions North Carolina Housing Finance Agency P.O. Box 28066 Raleigh, NC 27611-8066 Phone: 919-875-3621 | rgmoore@nchfa.com |
| LOCAL AGENCIES | | |
| COUNTY | Tommy Burns, County Manager County Manager's Office 302 Courthouse Square Beaufort, NC 28516 Phone: 252-728-8450 | tommy.burns@carteretcountync.gov |
| COUNTY | Lori Roberson Turner Clerk to the Board of Commissioners 302 Courthouse Square Beaufort, NC 28516 Phone: 252-728-8450 | lori.turner@carteretcountync.gov |
| COUNTY | Gene Foxworth, Planning Director 402 Broad St. Beaufort, NC 28516 Ph: 252-728-8545 | Gene.foxworth@carteretcountync.gov |
| CITY | Christopher Turner, City Manager Morehead City 1100 Bridges Street Morehead City, NC 28557 | christopher.turner@moreheadcitync.org |

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| CITY | Cathy Campbell, City Clerk Morehead City 1100 Bridges Street Morehead City, NC 28557 Phone: 252-726-6848, ext. 139 | cityclerk@moreheadcitync.org |
| CITY | Kelli Jones, Grants Manager Town of Morehead City 1100 Bridges Street Morehead City, NC 28557 (252) 726-6848 Ext. 141 | kelli.jones@moreheadcitync.org |