

# Starway Village Apartments

Protection of Wetlands (EO 11990) Determination

**Starway Village Apartments Project**  
**EO 11990 Protection of Wetlands Determination**  
***Affordable Housing Development Fund Program***  
November 17, 2022

**Introduction & Overview**

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 new affordable, multifamily housing consisting of seven buildings containing 278 apartment units for low- and moderate-income families. The analysis that follows focuses on wetland impacts, as there are direct wetland impacts associated with this project. Based on the type of land use and facility and other case characteristics described herein, it is concluded that there is a reasonable basis to proceed with funding for this proposed action within a wetland. The 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 moderate-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 & Land Use**

The proposed action consists of an affordable housing multifamily development located on an approximate 15.67-acre tract located at 2346 Carolina Beach Road in Wilmington, New Hanover County, North Carolina 28401. The four parcels that comprise the project site include R06013-021-001-000, R06018-002-006-001, R06014-001-001-000, and R06014-001-004-000. The proposed action entails construction of 278 units in seven apartment buildings (three and four stories), two playgrounds, a clubhouse, a pool, parking, two stormwater detention ponds, and landscaping improvements. An extension of Maryland Avenue to Carolina Beach Road across the southern portion of the site is also proposed. The development will be conducted in two phases.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel Number 3720312600K (eff. 8/28/18), the proposed action site is wholly located in Zone X (Areas of Minimal Flood Hazard), outside of the Special Flood Hazard Area (SFHA) and 100-year floodplain. The proposed action site does not include any areas of regulatory floodway. There are no Preliminary FIRMs available at the FEMA Flood Map Service Center for the proposed action site. A manmade ditch located on the southern and eastern portions of the proposed action site is not considered a HUD wetland or open water and, thus, is excluded from this EO 11990 Determination.

This proposed action will assist the City of Wilmington and New Hanover County in providing affordable housing for the local community. The City is seeking to address the shortage in affordable housing inventory exacerbated by the effects of Hurricane Florence. The State of North Carolina was adversely impacted by the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). These hurricanes damaged or destroyed hundreds of homes worsening the affordable housing shortage.

## **Applicable Regulatory Procedure Per EO 11990**

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12. Funding is permissible for new construction in the wetland if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the project may proceed. Based on information from the U.S. Army Corps of Engineers (USACE) Jurisdictional Determination (JD) (see **Appendix 1**), there will be new construction within an isolated, freshwater, emergent/scrub-shrub wetland (0.24-acre) on the northern portion of the proposed action site. Due to the use of HUD funds, compliance with EO 11990 through completion of the 8-step process under 24 CFR 55.20 is required for projects with wetland impacts regardless of whether the USACE has authorized or requires a general or regional Clean Water Act (CWA) Section 404 permit. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on wetlands.

### ***Step 1. Determine Whether the Proposed Action Results in New Construction in Wetland.***

Based on the USACE Jurisdictional Determination, the proposed action is located in non-federal (isolated/non-jurisdictional), freshwater wetland, as shown in **Appendix 1**. The HUD definition of wetlands under 24 CFR 55.2(b)(11) includes non-jurisdictional, isolated wetlands. The proposed action is considered new construction in wetlands as the development will involve fill and grading for a proposed stormwater management pond and fill for a stable foundation for one of the apartment buildings (Building 2).

According to the USACE, the proposed action will not require a CWA Section 404 Permit. However, the proposed impact to the wetland qualifies to use the North Carolina Department of Environmental Quality (DEQ), Division of Water Resources (DWR) State General Permit for Impacts to Isolated Wetlands and Isolated Waters (Permit Number: IWGP100000) issued on July 15, 2022. This General Permit is issued in conformity with the requirements of North Carolina Regulations in 15A NCAC 02H .1300, as amended by Session Law 2015-286, for the discharge of fill material to isolated wetlands and isolated surface waters of the State of North Carolina. Per the North Carolina Wetland Assessment Method (NCWAM) manual, the onsite wetland has been classified as a Basin Wetland (see **Appendix 1**). The proposed action's activities will be completed in accordance with all applicable federal, State, and local laws, regulations, and permit requirements and conditions. Permits required for this proposed project shall be obtained before commencing work and appended to the environmental review record when received from the permitting agencies.

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

Because the proposed action involves new construction in wetlands, NCORR published an early notice that allowed for public and agency input on the decision to provide funding for construction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

The early notice and corresponding 15-day public comment period started on October 21, 2022 with the "Early Notice and Public Review of a Proposed Activity in a Wetland" being published in the Wilmington Star-News newspaper, with the 15-day period expiring on November 7, 2022. The notice targeted local residents within the community. 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 federal and state agencies on October 21, 2022: HUD NC Field Office; Federal Emergency Management Agency (FEMA); U.S. Environmental Protection Agency (EPA); U.S. Fish and Wildlife Service (USFWS); USACE; NC State Environmental Clearinghouse; and NC Housing Finance Agency. The notice was also sent to New Hanover County and the City of Wilmington. (See **Appendix 2** for the early notice distributed to these agencies, the newspaper publication affidavit, and distribution documentation).

### **Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 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 reconstruction plans to build physically, socially, and economically resilient and sustainable communities.

Multiple alternatives were considered for the current proposed action. The four sites that were considered include:

- Site 1: 1149 N. Kerr Avenue, Wilmington NC 28405: Site 1 was unfeasible for three reasons: (1) NCDOT is improving the Kerr/MLK intersection and the contemplated future southbound turn lane on Kerr Avenue will block access to the site; (2) the site location required building an expensive bridge over an environmentally sensitive creek; and (3) the site location sits at the back end of the Wilmington International Airport and there was concern about noise pollution adversely impacting future tenants.
- Site 2: 316 Marlboro St., Wilmington NC 28403: Site 2 was unfeasible because the seller was unwilling to sell at a price that allowed the applicant to build a 100% affordable apartment development.
- Site 3: 5529 Park Avenue, Wilmington NC 28403: Site 3 was unfeasible because the seller was unwilling to sell at a price that allowed the applicant to build a 100% affordable apartment development.
- Site 4: 2346 Carolina Beach Road, Wilmington, NC 28401 (Preferred Alternative): Site 4 was considered the preferred alternative as it was ideal for the development due to the close proximity and availability of existing utility services to the site. The proposed action will be a multifamily, affordable housing complex that will provide new, safe housing that is needed in the area for low- and middle-income households. The proposed action will assist the City of Wilmington and New Hanover County to provide affordable housing for the local community. The site is zoned MD-17 (High-density multiple-dwelling residential) that allows for an increase in housing diversity and allows those residents to utilize existing goods and services within one mile of the site according to the Staff Summary Report. This site was found to be a suitable site with minimal adverse environmental impacts for affordable, multifamily housing in an area that needs it.

In summary, alternative Sites 1-3 were evaluated, but were determined not feasible for the reasons listed above. In addition, these sites were not as competitive using the State's scoring criteria for LIHTC awards. Site 4 was chosen because it met most of the NCHFA 2021 QAP scoring criteria. There are very few sites in the southern Wilmington area that fall within the 1.5-mile driving distances from grocery stores, pharmacies, etc., that make up the most consequential portion of the scoring criteria. Ultimately, Site 4 was chosen as the most suitable location for the proposed action.

Another alternative for the current proposed action is the "No Action" Alternative. With the No Action Alternative, affordable housing would not be provided for low-income families in the local community. The 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 the City.

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

#### **Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of the Wetland and Potential Direct & Indirect Support of Wetland Development that Could Result from Proposed Action.**

The proposed direct impacts include new construction within a freshwater, emergent/scrub-shrub wetland (0.24-acre) on the northern portion of the proposed action site that involve fill and grading for a proposed stormwater management pond and fill for a stable foundation for one of the apartment buildings (Building 2).

#### **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 (including 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. The USACE Jurisdictional Determination and wetland delineation map indicate one wetland area located on the proposed action site. The proposed action will result in permanent impacts to approximately 0.24 acre of isolated wetland. These impacts will consist of fill and grading for a proposed stormwater management pond and fill for a stable foundation for one of the apartment buildings (Building 2). Further, mitigation measures are incorporated into the design plans, and permit requirements and conditions will be complied with during construction.

*Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.*

The onsite, depressional basin wetland functions as collection point for stormwater from the Starway Flea Market and surrounding commercial properties. 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 two stormwater management ponds for the proposed action will assist with reducing potential flooding on the site and in the immediate area. According to a University of Florida/IFAS article (<https://edis.ifas.ufl.edu/publication/SS695>), "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, there are no 100-year or 500-year floodplains or regulatory floodway present on the site. Therefore, the proposed action should not increase impacts to *public health, safety, and welfare*.

Water supply wells were not identified at the proposed action site. The site will be provided with municipal water from the Cape Fear Public Utility Authority (CFPUA). The proposed action should not negatively affect the municipal water supply of the region. Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the NC DEQ 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. All public water supply systems must comply with state and federal drinking water monitoring requirements. If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the NC DEQ DWR Public Water Supply Section. The proposed action will not include the discharge of sewer to surfaces of the site or surrounding properties. The site will be provided with municipal waste water service.

The proposed project will have a state stormwater permit, Stormwater Pollution Prevention Plan (SWPPP), and Erosion and Sedimentation Control Plan and Approval, which is being developed as required. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. BMPs for erosion and sedimentation control will be utilized during construction. Further, the proposed project will comply, if required, with 15A NCAC 2H 1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. According to NC DEQ, areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the State. The proposed project will conform to construction requirements of the State of North Carolina and New Hanover County.

According to the USACE, the proposed project will not require a CWA Section 404 Permit. However, the NC DEQ, DWR State General Permit for Impacts to Isolated Wetlands and Isolated Waters (Permit Number: IWGP100000) issued on July 15, 2022 applies to this project. This General Permit is issued in conformity with the requirements of North Carolina regulations in 15A NCAC 02H .1300, as amended by Session Law 2015-286, for the discharge of fill material to isolated wetlands and isolated surface waters of the State of North Carolina. Per the NCWAM manual, the onsite wetland has been classified as a Basin Wetland. According to the NC DEQ DWR-WQRS Section comments (Starway Village Apartments Project Environmental Assessment [EA] - Attachment 34), it is “recommended to schedule a site visit with 401 Water quality staff to discuss the proposal and to ensure compliance will be maintained per 401 surface Water requirements, surface water standards and buffer rules. If wetland, riparian buffers or stream impacts are proposed, this project will need to comply with/secure a 404 permit from the USACE, obtain a 401 Water Quality Certification authorization and a riparian buffer authorization.” The proposed action’s activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions. Permits required for this proposed action shall be obtained before commencing work and appended to the environmental review record when received from the permitting agencies.

*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.*

Two stormwater ponds will be built for the proposed action and provide stormwater retention functions, thus, replacing the natural function of the onsite, isolated wetland to be impacted. These ponds can also provide wildlife habitat. Native plants will be utilized in the site’s landscaping design. Thus, the proposed action has been designed and mitigation measures incorporated to have the minimal impacts on these features.

According to the Phase I ESA and Protected Species Assessment site visits, the proposed action site consists of cleared dirt and gravel parking areas and a large commercial building with large bay doors formerly operated as the Starway Flea Market. The smaller parcels along Carolina Beach Road consist of two single-family residential lots with grass lawns, a commercial car retail outbuilding, and associated parking areas. There are approximately 3 acres of pine-mixed hardwood wooded areas, a depression, basin wetland (0.24 acre) surrounded by uplands on the northern portion of the site, and a manmade ditch on the southern and eastern portions of the proposed action site. The proposed action site is situated in an area of dense residential, commercial, and industrial development. During the 24 CFR 58 environmental review process, “no effect” determinations were made for federally-listed, protected (threatened or endangered), candidate and proposed species, except for the NLEB, and a “no Eagle Act permit required” determination. The proposed action’s Self-certification Letter, 10-step project review package, and signed NLEB 4(d) Rule Streamlined Consultation Form were submitted to the USFWS on October 17, 2022 as notification of its determination and requested acknowledgement of receipt and determination that the proposed action “may affect, but is not likely to adversely affect the NLEB.” Under the NLEB 4(d) Rule Streamlined Consultation

Form, “[i]f the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. USFWS has not contacted NCORR for additional information. A response has not been received from the USFWS, however, if a response is received then it will be included in the environmental review record. The Grant Recipient will update this determination annually for multi-year activities. The USFWS recommends to avoid tree clearing from April 1 to October 31 for the NLEB. It is also recommended to conduct vegetation and tree clearing from September 1-April 30 to avoid impacts to nesting migratory birds (nesting season is typically May-August).

The proposed action’s activities will be completed in accordance with all applicable federal, State, and local laws, regulations, and permit requirements and conditions. Permits required for this proposed action shall be obtained before commencing work and appended to the environmental review record when received from the permitting agencies. Thus, there will be minimal to no effect on living resources such as natural systems such as flora and fauna, 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 proposed scope of work involves native plants used in landscaping and two stormwater retention ponds built on the site, including one large pond in the location of the wetland. The stormwater retention ponds will require regular maintenance, as needed, but retention ponds are standard requirements for similar development sites in Wilmington. These additional costs are minimal along with additional work and reports required. These costs include Wetland Delineation (field work): \$4,000, Permits (civil engineer’s time to file/coordinate): \$3,500, and Army Corps Jurisdictional Determination Application Fee: \$500. The alternative sites that were evaluated and discussed in Step 3 had a significantly higher purchase price than those that can be attributed to these additional wetland-required costs. There are no anticipated cost increases attributed to additional mitigation measures to minimize harm to wetlands as these measures are built into existing plans. Since the impacts to wetlands are less than one acre, no compensatory mitigation is required.

*Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.*

The wetland located on the northern portion of the proposed action site is surrounded by development on all sides. The wetland is proposed to be completely filled. There are no identifiable recreational, scientific, or cultural uses of the wetland that will be impacted by the proposed action.

As part of the 24 CFR 58 environmental review, the NC State Historic Preservation Office (SHPO) and Chief Bill Harris and the Tribal Historic Preservation Office (THPO) of the Catawba Indian Nation were consulted regarding any historic or tribal resources in the area that could be affected by the proposed action. On November 14, 2022, the NC SHPO responded that the project will have no effect on historic properties. On November 10, 2022, 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 project 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 Catawba Indian Nation consultation documentation is included in the Starway Village Apartments Project EA.

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

The onsite, depressional, basin wetland functions as collection point for stormwater from the Starway Flea Market and surrounding commercial properties. 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 two stormwater management ponds for the proposed action will assist with reducing potential flooding on the site and in the immediate area. The proposed action was designed to minimize impacts from removal of the wetland by constructing a larger stormwater pond in the same location. It was not feasible to design the proposed action to avoid the wetland due to the size of the site, four-story building limit by local zoning, NCHFA design criteria, and the need for at least 278 units. As the impacts to wetlands are less than one acre, no compensatory mitigation is required.

The proposed project will have a state stormwater permit, SWPPP, and Erosion and Sedimentation Control Plan and Approval, which is being developed as required. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. BMPs for erosion and sedimentation control will be utilized during construction. Further, the proposed project will comply, if required, with 15A NCAC 2H 1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. According to NC DEQ, areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the State. The proposed project will conform to construction requirements of the State of North Carolina and New Hanover County. The short-term construction impacts will be mitigated by BMPs for debris, dust, and erosion control during construction activities. Native plants will be used in the site's landscaping design.

The two proposed stormwater ponds will also assist with erosion control and sedimentation. Stormwater ponds can provide services like a place for sediment to settle out of the water column, habitat for wildlife, recreational opportunities like birding, and pollutant removal. A University of Florida/IFAS article notes “[o]verall, stormwater ponds help mitigate the impacts of urban stormwater runoff while protecting our natural waterways from nutrient loading, erosion, sedimentation, and algal blooms.” An Erosion and Sedimentation Control Plan and Approval will be required for the site. Further, the proposed action will comply with all federal, State and local permit conditions and requirements. These mitigation measures will help minimize flood water level for the area, intercept stormwater runoff, and filter out pollutants. The stormwater ponds will intercept runoff similar to the functions of the onsite wetland, with one large pond being constructed in the area of the wetland.

***Step 6. Reevaluate the Alternatives and Proposed Action.***

Sites 1-3 were not feasible due to anticipated traffic issues, bridge expenses over an environmentally sensitive creek, airport noise issues, economic viability of the proposed action related to seller's high purchase price, and non-competitive scores within the State's scoring criteria for LIHTC awards.

Site 4 at 2346 Carolina Beach Road (Preferred Alternative) was determined to be a suitable site using the NCHFA scoring system and its close proximity and availability of existing utility services and surrounding existing development. No other suitable alternative sites were identified and reviewed. As such, this option was deemed most feasible. The proposed action was designed to minimize impacts from removal of the wetland by constructing a larger stormwater pond in the same location.

The “No Action” Alternative would not address the purpose and need of the proposed action. The 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. Therefore, the “No Action” Alternative examined is not considered desirable, and the proposed action is still practicable in light of potential adverse



impacts on the wetland and the potential to disrupt the natural and beneficial functions and values of this isolated wetland.

Implementation of the proposed action will abide by all applicable federal, State and local laws, regulations, and permit requirements and conditions. Permits required for this proposed project shall be obtained before commencing work and appended to the environmental review record when received from the permitting agencies. The impacts of these alternatives will be re-evaluated in response to any 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 Starway Village Apartments Project. The City would need to find other suitable options to address the shortage in affordable housing inventory exacerbated by the effects of the recent hurricanes.

A final notice, formally known as “Final Notice and Public Explanation of a Proposed Activity in a Wetland” was being 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 Wilmington Star-News newspaper on November 18, 2022 and expires on December 5, 2022. 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 on November 18, 2022: HUD NC Field Office; FEMA; EPA; USFWS; USACE; NC State Environmental Clearinghouse; and NC Housing Finance Agency. The notice was also sent to New Hanover County and the City of Wilmington. (See **Appendix 3** for the final notice distributed to these agencies). Any comments received will be addressed, if significant, and added to the EA.

***Step 8. Continuing Responsibility of Responsible Entity & Recipient.***

NCORR 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**

**USACE Jurisdictional Determination**

**USFWS NWI Map**

**Site Plans**

**NCDEQ-DWR State General Permit for Impacts to Isolated Wetlands and Isolated Waters  
(Permit Number: IWGP100000)**

**Dichotomous Key to General North Carolina Wetland Types**

**NCWAM Wetland Rating Sheet/Assessment Form**

**Site Photographs**

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

Action Id. SAW-2021-01647 County: New Hanover U.S.G.S. Quad: NC-Wilmington

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Requestor: Bradley Housing Developers, LLC  
Brad Queener  
Address: P.O. Box 526  
Aynor, SC 29511  
E-mail: brad@bradleydevelopers.com

Size (acres)	<u>16</u>	Nearest Town	<u>Wilmington</u>
Nearest Waterway	<u>Cape Fear River</u>	River Basin	<u>Cape Fear</u>
USGS HUC	<u>03030005</u>	Coordinates	Latitude: <u>34.196388</u> Longitude: <u>-77.939694</u>

Location description: The project area is located at 2346 Carolina Beach Road in Wilmington.

**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 **DATE**. 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.
- 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

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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 **DATE**. 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 **Brad Shaver at 910-251-4611 or brad.e.shaver@usace.army.mil**.

**C. Basis For Determination: Basis For Determination: See the approved jurisdictional determination form dated 08/04/2021.**

**D. Remarks:** *Desktop determination.*

**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)**

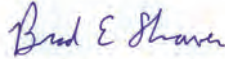
If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed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

US Army Corps of Engineers  
South Atlantic Division  
Attn: Mr. Philip A. Shannin  
Administrative Appeal Review Officer  
60 Forsyth Street SW, Floor M9  
Atlanta, Georgia 30303-8803  
**AND**  
**PHILIP.A.SHANNIN@USACE.ARMY.MIL**

**SAW-2021-01647**

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 **10/03/2021**.

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



Digitally signed by Brad  
Shaver  
Date: 2021.08.04 15:15:23  
-04'00'

Corps Regulatory Official: \_\_\_\_\_

Date of JD: **08/04/2021**    Expiration Date of JD: **08/03/2026**

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 our Customer Satisfaction Survey, located online at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Copy Furnished(electronic):

**Kimley-Horn attn: Mackenzie Richards**



**Figure 3: Delineated Features Map**  
 Starway Village  
 Wilmington, New Hanover County, NC  
 June 2021



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 08/04/2021

ORM Number: SAW-2021-01647

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: NC City: Wilmington County/Parish/Borough: New Hanover

Center Coordinates of Review Area: Latitude 34.196388 Longitude -77.939694

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS  
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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
W1	0.24	acre(s)	(b)(1) Non-adjacent wetland.	Wetland W1 is a low lying, concave depression located in the northeast corner of the project site adjacent to a gravel roadway. Hydrology within wetland W1 was at the surface, with standing/ponded water present throughout the area. No potentially jurisdictional connections were observed flowing from the wetland feature nor was there any signatures on available lidar. Wetland W1 is not adjacent to an (a)(1), (2), or (3) water.
Ditch 1	733	Linear Feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch 1 is a manmade, constructed ditch within uplands. Ditch 1 is not a tributary under (a)(2), was not a tributary under (a)(2) when it was constructed, was not constructed in an adjacent wetland, and does not contribute surface flow to an (a)(1) water in a typical year. According to soils data the ditch was constructed in non-hydric soils, Lynchburg.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: **Title(s) and date(s)**  
This information is sufficient for purposes of this AJD.  
Rationale: **N/A or describe rationale for insufficiency (including partial insufficiency).**
- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Select. Title(s) and/or date(s).**
- Corps site visit(s) conducted on: **Date(s).**
- Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s).**
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey: **NHC 1977**

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.





**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Wilmington](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	Lidar QL2

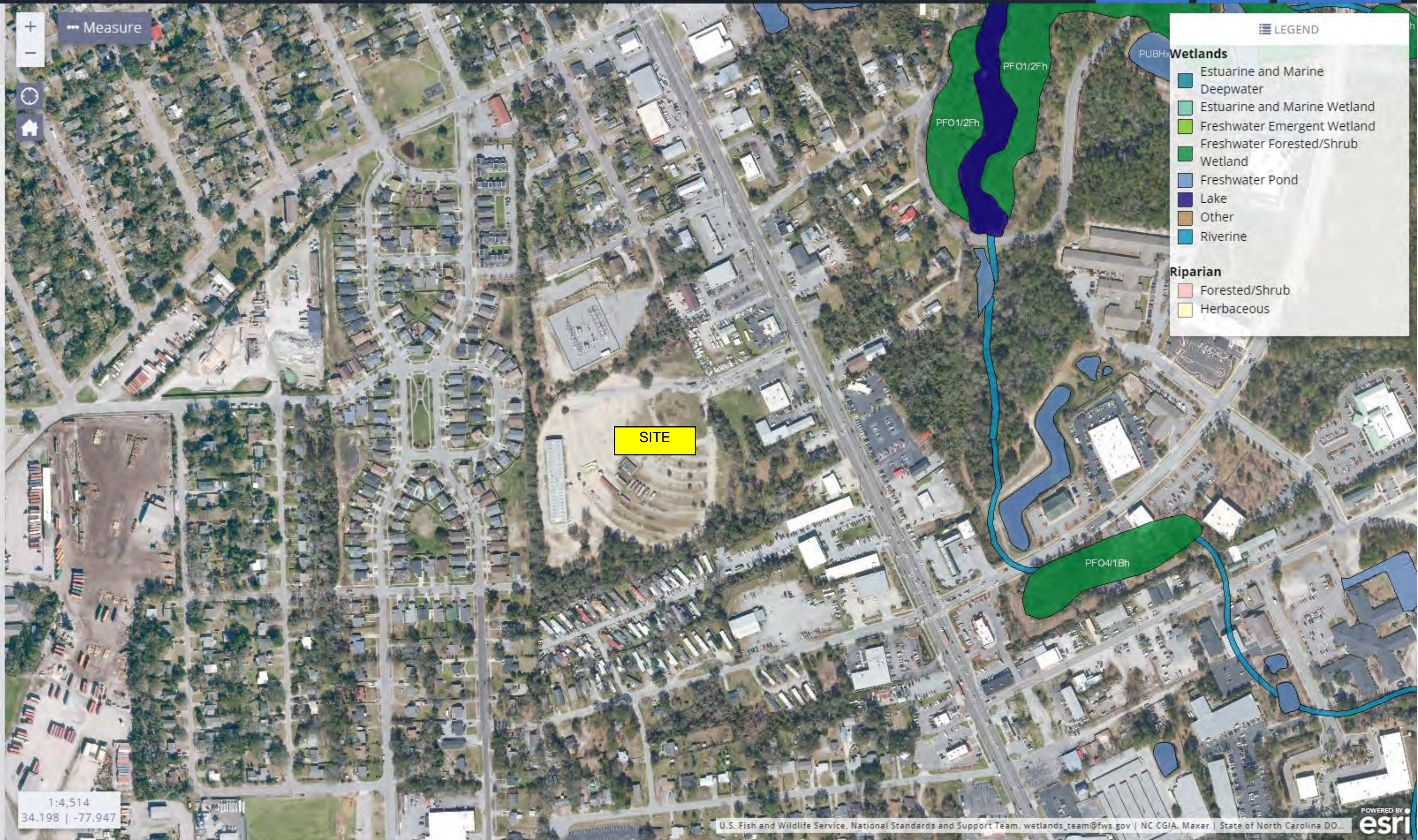
**B. Typical year assessment(s):** [The results of the Antecedent Precipitation Tool \(APT\)](#) indicate that prior to the day of our detail delineation ([June 19, 2021](#)), the project study area and its vicinity were experiencing normal conditions.

**C. Additional comments to support AJD:** [N/A](#)

BASEMAPS >

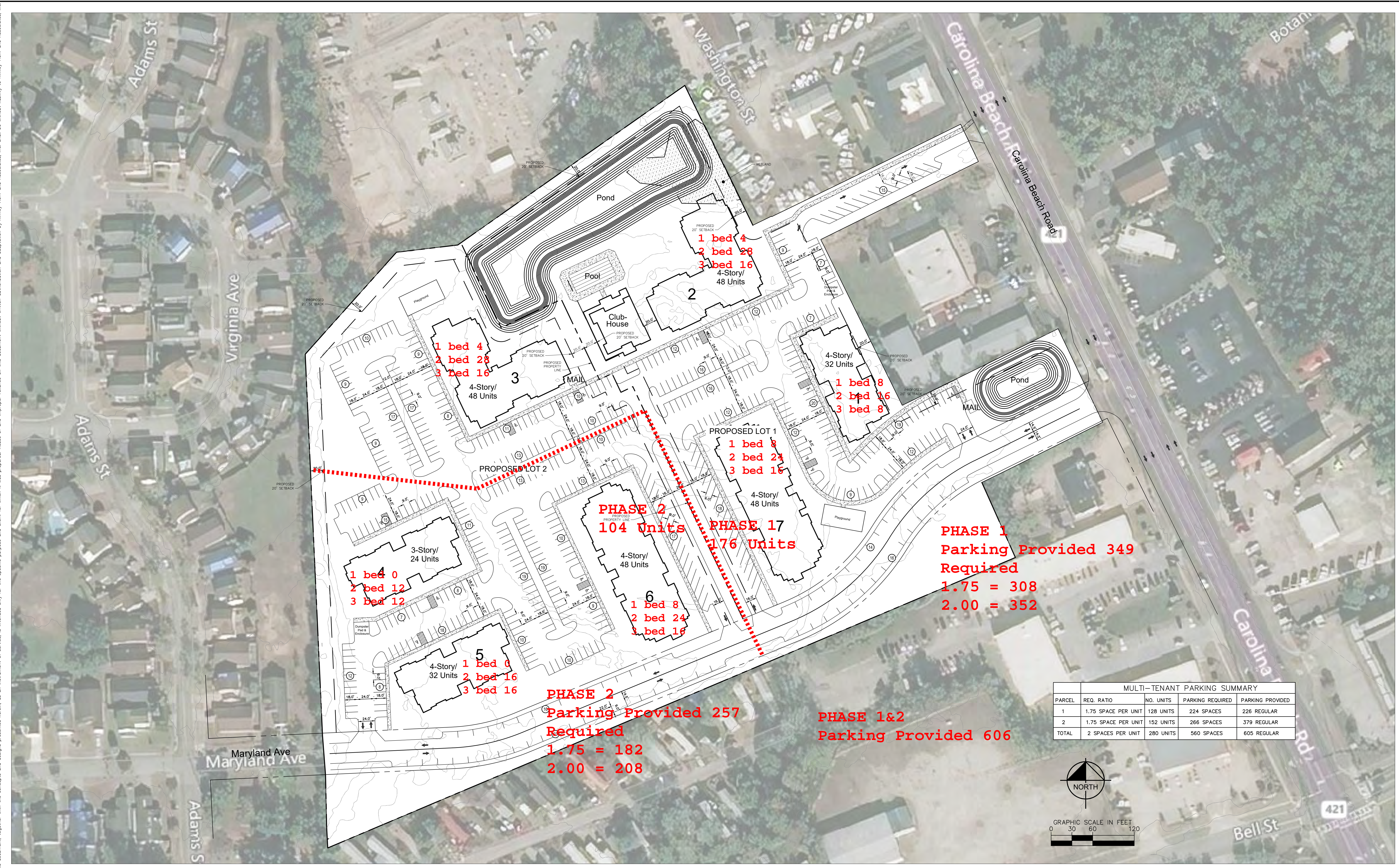
MAP LAYERS >

- Wetlands
- Riparian
- Riparian Mapping Areas
- Data Source
  - Source Type
  - Image Scale
  - Image Year
- Areas of Interest
- FWS Managed Lands
- Historic Wetland Data



1:4,514  
34,198 | -77,947

Plotted By: juds, Katie Sheet: Set-Holly Springs Retail Layout: Layout1 July 29, 2021 12:25:45pm \\kimley-horn.com\SE-RALI\REAL\_DEV\013856002 - Kimley-Horn.com\SE-RALI\REAL\_DEV\013856002 - Kelly-Wilmington\Planning\Phase 1\15-CAD\_Files\Exhibits\2021-07-12\_Preliminary\_Site\_Layout\2021-07-29\_Wilmington\_MF\_PSD.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

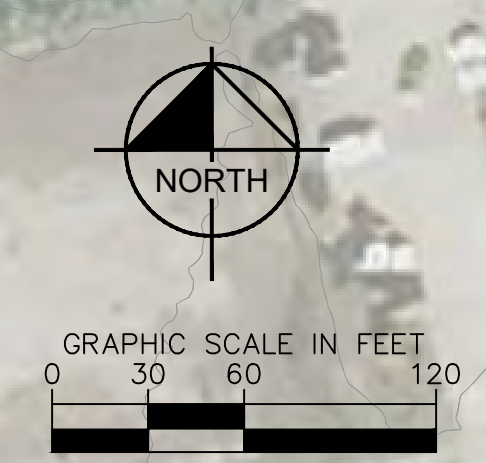


**PHASE 1**  
 Parking Provided 349  
 Required  
 1.75 = 308  
 2.00 = 352

**PHASE 2**  
 Parking Provided 257  
 Required  
 1.75 = 182  
 2.00 = 208

**PHASE 1&2**  
 Parking Provided 606

MULTI-TENANT PARKING SUMMARY				
PARCEL	REQ. RATIO	NO. UNITS	PARKING REQUIRED	PARKING PROVIDED
1	1.75 SPACE PER UNIT	128 UNITS	224 SPACES	226 REGULAR
2	1.75 SPACE PER UNIT	152 UNITS	266 SPACES	379 REGULAR
TOTAL	2 SPACES PER UNIT	280 UNITS	560 SPACES	605 REGULAR



	<h2 style="margin: 0;">Kimley»Horn</h2> <p style="font-size: small; margin: 0;">© 2021 KIMLEY-HORN AND ASSOCIATES, INC. 421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601 PHONE: 919-677-2000 WWW.KIMLEY-HORN.COM</p>	KHA PROJECT 013856002 DATE 07/29/2021 SCALE AS SHOWN DESIGNED BY KEJ DRAWN BY KEJ CHECKED BY COB	<h3 style="margin: 0;">STARWAY VILLAGE</h3> <p style="margin: 0;">2346 CAROLINA BEACH RD NEW HAVEN COUNTY NORTH CAROLINA</p>	<div style="border: 1px solid black; padding: 5px; transform: rotate(-45deg); display: inline-block;"> <b>PRELIMINARY</b> NOT FOR CONSTRUCTION         </div>	<h3 style="margin: 0;">PRELIMINARY SITE LAYOUT</h3> <p style="margin: 0;">PREPARED FOR <b>KELLEY PROPERTIES</b></p>	SHEET NUMBER  <b>PSL-1</b>	
No.	REVISIONS	DATE	BY				



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

**STATE GENERAL PERMIT FOR IMPACTS TO ISOLATED WETLANDS AND ISOLATED WATERS  
PERMIT NUMBER: IWGP100000**

**FOR PROJECTS IMPACTING LESS THAN OR EQUAL TO ONE (1) ACRE OF ISOLATED  
WETLANDS OR ISOLATED OPEN WATERS AND/OR LESS THAN OR EQUAL TO THREE  
HUNDRED (300) FEET OF ISOLATED STREAMS**

In accordance with the provision of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other lawful standards and regulations, including 15A NCAC 02H .1300, as amended by Session Law 2015-286, and 15A NCAC 02B .0200, promulgated and adopted by the North Carolina Environmental Management Commission, permission is hereby granted to all owners or operators of activities which impact isolated wetlands and isolated surface waters in accordance with the conditions set forth in this General Permit.

This General Permit is issued in conformity with the requirements of North Carolina Regulations in 15A NCAC 02H .1300 as amended by Session Law 2015-286 for the discharge of fill material to isolated wetlands and isolated surface waters of the State of North Carolina.

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.

This General Permit shall become effective on July 15, 2022.

This General Permit shall expire on July 15, 2027 or unless otherwise rescinded after public notice or until deemed appropriate by the Director of the NC Division of Water Resources.

Signed this day: July 15, 2022

By

DocuSigned by:  
  
D7CE45A225784E9...

for Richard E. Rogers, Jr.  
Director

## IWGP100000

Pursuant to Session Law 2015-286, this Permit shall apply only to isolated wetlands as defined in 15A NCAC 02H .1301 that are Basin Wetlands and Bogs and no other wetland types as described in the North Carolina Wetland Assessment User Manual prepared by the North Carolina Wetland Functional Assessment Team, version 4.1 October 2010.

Pursuant to 15A NCAC 02H .1305 as amended by Session Law 2015-286 impacts less than or equal to one (1) acre of isolated wetlands for the entire project in the coastal region, less than or equal to one-half (1/2) acre of isolated wetlands for the entire project in the piedmont region, or less than or equal to one-third (1/3) acre of isolated in the mountain region for the entire project are deemed to be permitted as long as they comply with 15A NCAC 02H .1305. The Coastal, Piedmont and Mountain Regions are depicted in Attachment A.

For streams that are isolated surface waters as defined in 15A NCAC 02H .1301, this Permit shall only apply to intermittent and perennial streams as determined by the most current version of the DWR Surface Water Identification Manual.

**Activities meeting any one (1) of the following thresholds or circumstances require written approval from the Division of Water Resources (DWR):**

- a) If any of the conditions of this Permit (listed below) cannot be met; or
- b) Any impacts to isolated streams from excavation or dredging other than excavation or dredging that is conducted as preparation for installing temporary or permanent fill or structures; or
- c) Any isolated stream relocation or stream restoration other than stream relocations that are conducted for the purpose of proper culvert installation, alignment, protection, repair or maintenance where the relocation length is equal to or less than 50 feet in length and the relocated stream is designed and installed based on current natural channel techniques; or
- d) Total temporary and permanent impacts to isolated streams for the entire project greater than 150 linear feet; or
- e) Total temporary and permanent impacts to isolated wetlands or isolated open waters equal to or greater than one (1) acre for the entire project in the Coastal Region;
- f) Total temporary and permanent impacts to isolated wetlands or isolated open waters equal to or greater than one-half (1/2) acre for the entire project in the Piedmont Region; or
- g) Total temporary and permanent impacts to isolated wetlands or isolated open waters equal to or greater than one-third (1/3) acre for the entire project in the Mountain Region; or
- h) 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 isolated wetland, isolated stream or isolated open water impacts; and
  - iii. Is proposing new built-upon area; and

## IWGP100000

- iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program<sup>1</sup> or a state-approved local government stormwater program<sup>2</sup>.

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;

- i) Any impacts to isolated subject water bodies and/or state regulated riparian buffers along isolated 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” or “DEEMED ALLOWABLE” from these rules; or
  - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
  - iii. A Buffer Authorization Certificate, Certificate with Exception, 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 Permit that do not meet one of the thresholds listed above do *not* require written approval from the DWR.**

In accordance with 15A NCAC 02H .1303(f), the Director of the North Carolina Division of Water Resources may require submission of a formal application for an Individual Permit for any project 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 will degrade the waters so that existing uses of the waters or downstream waters are precluded.

### GENERAL CONDITIONS:

1. In accordance with 15A NCAC 02H .1305(c) & (d) as amended by Session Law 2015-286 and in accordance with Session Law 2017-10, compensatory mitigation may be required for losses greater than 300 linear feet of isolated perennial streams and/or greater than one (1) acre of isolated wetland impacts in the Coastal Region, one-half (1/2) acre of isolated impacts in the Piedmont Region, and one-third (1/3) acre of isolated wetland impacts in the Mountain Region. 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 wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact

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

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

## IWGP100000

thresholds trigger a mitigation requirement. Pursuant to Session Law 2015-286, mitigation requirements for impacts to isolated wetlands shall only apply to the amount of impact that exceeds the thresholds set out in this Condition. 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. Citation: 15A NCAC 02H .1305(c)(6)

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.

2. The plans and specifications for the project are incorporated into the Certificate of Coverage by reference and are an enforceable part of the Permit. Any modifications to the project requires notification to DWR and may require submittal of an application for a modification to DWR with the appropriate fee. Citation: 15A NCAC 02H .1301; 15A NCAC 02H .1302
3. If this General Permit is used to access residential, commercial or industrial building sites, then all parcels owned by the permittee that are part of the single and complete project authorized by this General Permit must be buildable without additional impacts to streams or wetlands. Citation: 15A NCAC 02H .1302(a); 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
4. For road construction purposes, this General Permit shall only be utilized from natural high ground to natural high ground. Citation: 15A NCAC 02H .1302(a); 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
5. Deed notifications or similar mechanisms shall be placed on all lots/parcels with retained wetlands, waters, and state regulated riparian buffers within the project boundaries in order to assure compliance with NC Water Quality Certification Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), Federally Non-Jurisdictional Wetland Rules (15A NCAC 02H .1400) 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. Citation: 15A NCAC 02H .1302(a); 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
6. 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. Citation: 15A NCAC 02H .1302; 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200; S.L. 2017-145;



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7. If this General Permit is used for utility related impacts, then the following Conditions shall apply to those impacts.
- a. All sewer lines shall be designed, constructed and maintained in accordance with Title 15A NCAC Chapter 02T, applicable Minimum Design Criteria (MDC), and/or Alternative Design Criteria. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
  - b. Any utility construction corridor that is parallel to a stream or open water shall not be closer than 10 feet to the top of bank or ordinary high-water mark. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
  - c. Where there are temporary or permanent impacts from stream crossings, utility lines shall cross the stream channel at a perpendicular angle (i.e., intersect the surface water at an angle between 75 degrees and 105 degrees). Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
  - d. Construction corridors in wetlands and/or across stream channels shall be minimized to the maximum extent practicable and shall not exceed 50 feet wide for oil and gas utility lines and 40 feet wide for all other utility lines.

For construction corridors in wetlands and across stream channels, stumps shall be grubbed only as needed to install the utility and remaining stumps shall be cut off at grade level. The general stripping of topsoil within wetlands along the construction corridor is prohibited. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)

- e. Permanent maintained access corridors in wetlands and across stream channels shall be restricted to the minimum width practicable and shall not exceed 30 feet wide except at manhole locations. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
- f. For all utility lines constructed within wetlands, an anti-seep collar shall be placed at the downstream (utility line gradient) wetland boundary and every 150 feet up the gradient until the utility exits the wetland. Anti-seep collars may be constructed with class B concrete, compacted clay, PVC pipe, or metal collars. Wetland crossings that are directionally drilled, and perpendicular wetland crossings that are open cut and less than 150 feet long do not require anti-seep collars. The compacted clay shall have a specific infiltration of  $1 \times 10^{-5}$  cm/sec or less. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)

The following specifications shall apply to class B concrete:

- i. Minimum cement content, sacks per cubic yard with rounded coarse aggregate 5.0
- ii. Minimum cement content, sacks per cubic yard with angular coarse aggregate 5.5
- iii. Maximum water-cement ratio gallons per sack 6.8
- iv. Slump range 2" to 4"
- v. Minimum strength - 28-day psi 2,500

## IWGP100000

- g. The permittee shall have a specific plan for restoring wetland contours to pre-construction conditions. Any excess material shall be removed to a high ground disposal area.

The mixing of topsoil and subsoils within the wetlands along utility corridors shall be minimized to the greatest extent practical. During excavation, the soils shall be placed on fabric to minimize impacts whenever possible. Topsoil excavated from utility trenches must be piled separately from subsoils and shall be backfilled into the trench only after the subsoils have been placed and compacted. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)

8. The permittee shall report to the appropriate DWR 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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
9. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) established in a Certificate of Coverage for use of this General Permit. Citation: 15A NCAC 02H .1305; 15A NCAC 02H .1304(c)
10. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
11. 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.

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 North Carolina Department of Transportation 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.

## IWGP100000

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. Citation: 15A NCAC 02H .1305(b)(2); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

12. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231
13. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
14. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. 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 Stormwater Permit Number NCS000250. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231
15. 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 Department of Transportation Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200
16. 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.

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.

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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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 04B .0125

17. In-stream structures installed to mimic natural channel geomorphology such as cross-vanes, sills, step-pool structures, etc. shall be designed and installed in such a manner that allow for continued aquatic life movement. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
18. 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. If the width of the culvert is wider than the stream channel, the culvert shall include multiple boxes/pipes, baffles, benches and/or sills to maintain the natural width of the stream channel. If multiple culverts/pipes/barrels are used, low flows shall be accommodated in one culvert/pipe and additional culverts/pipes shall be installed such that they receive only flows above bankfull.

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 for low flow passage of water and aquatic life. If the culvert outlet is submerged within a pool or scour hole and designed to provide for aquatic passage, then culvert burial into the streambed is not required.

For structures less than 72" in diameter/width and in area where topographic constraints dictate culvert slopes will be greater than 2.5%, 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, sills, baffles etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 30 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 30 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.

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

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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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)

19. 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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
20. 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. Citation: 15A 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0231; 15A NCAC 02B .0211
21. 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. Citation: 15A 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200
22. 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. All temporarily impacted sites shall be restored and stabilized with native vegetation. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
23. 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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
24. 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 streambed elevation and streambank contours are restored and maintained and shall consist of clean rock or masonry material free of debris or toxic pollutants. 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 be installed in a manner that precludes aquatic life passage. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)

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25. 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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0201
26. Rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Groins in Estuarine and Public Trust Waters and Ocean Hazard Areas) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405. Citation: 15A NCAC 02H .1304(c); 15A NCAC 07H .1400 et seq.
27. 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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0200
28. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c); 15A NCAC 02B .0231
29. In accordance with G. S. 143-215.85(b), the permittee 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. Citation: 15A NCAC 02H .1304(c); N.C.G.S 143-215.85(b)
30. The permittee 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. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
31. 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 General Permit. A copy of this General Permit shall be available at the project site during the construction and maintenance of this project. Citation: 15A NCAC 02H .1305(b); 15A NCAC 02H .1304(c)
32. This General Permit 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. Citation: G.S. 143-215.3(a)(2)

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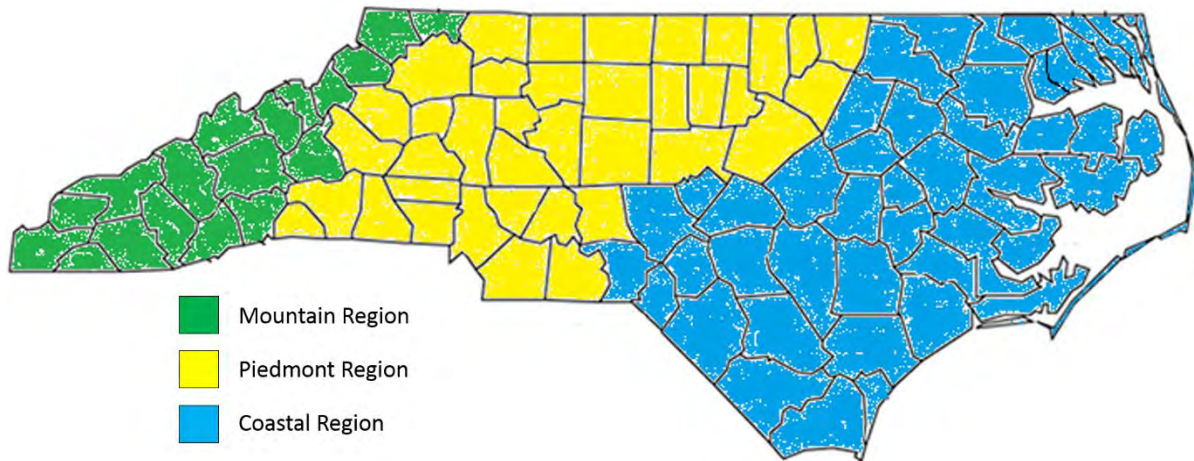
*History Note: This Isolated Wetlands General Permit (IWGP100000) issued July 15, 2022 replaces IWGP100000 issued December 1, 2017; March 3, 2017; March 2, 2016; March 12, 2012; October 31, 2008; and October 3, 2003.*

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**Attachment A**

The Coastal Region, Piedmont Region and Mountain Region shall be as follows:

- “Coastal Region” includes Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond, Robeson, Sampson, Scotland, Tyrrell, Washington, Wayne, and Wilson Counties.
- “Piedmont Region” includes Alamance, Alexander, Anson, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cleveland, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Granville, Guilford, Iredell, Lincoln, Mecklenburg, Montgomery, Orange, Person, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Union, Vance, Wake, Warren, Wilkes, and Yadkin Counties.
- “Mountain Region” includes Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga and Yancey Counties.



When a landowner believes their property is not in the correct region for purposes of regulating impacts to isolated wetlands under Title 15A NCAC 02H .1305(d)(2), they may have a soil scientist conduct a site-specific evaluation to determine the soil series. The soil scientist shall be an individual who is currently licensed or authorized to practice soil science under G.S. 89F by the North Carolina Board for Licensing of Soil Scientists. The landowner shall submit the soil report to the Division of Water Resources. Soil series that occur in North Carolina have been categorized by the Natural Resources Conservation Service of the US Department of Agriculture as follows:



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## Attachment A

Mountains						
Alarka	Chandler	Cullowhee	Hayesville	Maymead	Saluda	Thurmont
Anakeesta	Cheoah	Dellwood	Heintooga	Micaville	Santeetlah	Toccoa
Arkaqua	Chester	Dillard	Hemphill	Nantahala	Saunook	Toecane
Ashe	Chestnut	Dillsboro	Hiwassee	Nikwasi	Sauratown	Toxaway
Balsam	Chestoa	Ditney	Horsetrough	Northcove	Shinbone	Transylvania
Bandana	Chiltoskie	Edneytown	Hunt Dale	Nowhere	Skyuka	Trimont
Biltmore	Cleveland	Edneyville	Iotla	Oconaluftee	Smokemont	Tsali
Braddock	Clifffield	Ela	Jeffrey	Ostin	Snowbird	Tuckasegee
Bradson	Clifford	Ellijay	Junaluska	Oteen	Soco	Tusquitee
Brasstown	Clifton	Elsinboro	Kanuga	Peaks	Spivey	Unaka
Breakneck	Clingman	Evard	Keener	Pigeonroost	Statler	Unicoi
Brevard	Codorus	Fannin	Kinkora	Pineola	Stecoah	Unison
Brownwood	Colvard	Farner	Lauada	Pinnacle	Suches	Walnut
Buladean	Comus	Fontaflora	Leatherwood	Plott	Swannanoa	Watauga
Burton	Cowee	French	Longhope	Porters	Sylco	Wayah
Cades	Craggey	Greenlee	Lonon	Pullback	Sylva	Wesser
Calvin	Crossnore	Guyot	Lostcove	Rabun	Tanasee	Whiteoak
Cashiers	Cruso	Harmiller	Luftee	Reddies	Tate	Whiteside
Cataloochee	Cullasaja	Hatboro	Mars Hill	Rosman	Thunder	Zillicoa
Cataska						

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## Attachment A

Piedmont						
Alamance	Cecil	Exway	Leaksville	Nathalie	Riverview	Turbeville
Altavista	Chewacla	Fairview	Lignum	Oak Level	Ronda	Tussahaw
Appling	Cid	Georgeville	Lloyd	Oakboro	Rowan	Uwharrie
Appomattox	Claycreek	Goldston	Louisa	Orange	Saw	Vance
Armenia	Cliffside	Granville	Louisburg	Ostin	Secrest	Wadesboro
Ashlar	Clover	Green Level	Madison	Pacolet	Sedgefield	Wake
Augusta	Colfax	Grover	Mandale	Pactolus	Siloam	Warne
Ayersville	Congaree	Gwinnett	Masada	Peakin	Skyuka	Wate
Badin	Coronaca	Halifax	Mattaponi	Peawick	Spartanburg	Wateree
Banister	Creedmoor	Hallison	Mayodan	Penhook	Spray	Wedowee
Bannertown	Cullen	Haw River	McQueen	Pfafftown	Spriggs	Wehadkee
Belews Lake	Dan River	Helena	Meadowfield	Picture	Starr	Westfield
Bentley	Danripple	Herndon	Mecklenburg	Pilot Mountain	Stoneville	White Store
Bethera	Davidson	Hibriten	Merry Oaks	Pinkston	Stott Knob	Wickham
Bethlehem	Davie	Hiwassee	Misenheimer	Pinoka	Tarrus	Wilkes
Biscoe	Delila	Hornsboro	Mocksville	Pittsboro	Tatum	Winnsboro
Brickhaven	Devotion	Hulett	Monacan	Poindexter	Tillery	Woolwine
Buncombe	Dorian	Iredell	Moncure	Polkton	Toast	Worsham
Callison	Durham	Jackland	Montonia	Poplar Forest	Toccoa	Wynott
Carbonton	Elbert	Kinkora	Mooshaunee	Rasalo	Tomlin	Yadkin
Cartecay	Enon	Kirksey	Nanford	Rhodhiss	Totier	Zion
Casville	Enott	Lackstown	Nason	Rion		

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## Attachment A

Coastal						
Acredale	Butters	Dogue	Hydeland	McColl	Paxville	Tarboro
Ailey	Byars	Dorovan	Icaria	Meggett	Peakin	Tetotum
Alaga	Cainhoy	Dothan	Invershiel	Mooshaunee	Pelion	Thursa
Alpin	Candor	Dragston	Johns	Muckalee	Pender	Toisnot
Arapahoe	Cape Fear	Duckston	Johnston	Munden	Perquimans	Tomahawk
Argent	Cape Lookout	Dunbar	Kalmia	Murville	Pettigrew	Tomotley
Augusta	Caroline	Duplin	Kenansville	Myatt	Plummer	Torhunta
Autryville	Carteret	Echaw	Kinston	Nahunta	Pocalla	Troup
Aycock	Centenary	Emporia	Kureb	Nakina	Polawana	Uchee
Backbay	Chapanoke	Engelhard	Lakeland	Nankin	Ponzer	Valhalla
Ballahack	Charleston	Exum	Leaf	Nawney	Portsmouth	Varina
Barclay	Chastain	Faceville	Lenoir	Neeses	Pungo	Vaucluse
Bayboro	Chenneby	Foreston	Leon	Newhan	Rains	Wagram
Baymeade	Chesapeake	Fork	Liddell	Newholland	Rimini	Wahee
Belhaven	Chipleby	Fortescue	Lillington	Nimmo	Roanoke	Wakulla
Bertie	Chowan	Fripp	Longshoal	Nixonton	Roper	Wando
Bethera	Conaby	Fuquay	Lucy	Noboco	Rumford	Wasda
Bibb	Conetoe	Gertie	Lumbee	Norfolk	Rutlege	Weeksville
Bladen	Corolla	Gilead	Lynchburg	Ocilla	Scuppernong	Wilbanks
Blaney	Cowarts	Goldsboro	Lynn Haven	Onslow	Seabrook	Winton
Blanton	Coxville	Grantham	Mandarin	Orangeburg	Seagate	Woodington
Bohicket	Craven	Grifton	Mantachie	Osier	Shellbluff	Wrightsboro
Bojac	Croatan	Gritney	Marlboro	Ousley	Stallings	Wysocking
Bolling	Currituck	Gullrock	Marvyn	Pactolus	State	Yaupon
Bonneau	Dare	Hobonny	Masontown	Pamlico	Stockade	Yeopim
Bragg	Deloss	Hobucken	Maxton	Pantego	Suffolk	Yonges
Brookman	Delway	Hyde	Mayodan	Pasquotank		

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## Dichotomous Key to General North Carolina Wetland Types

### Accompanies NC WAM User Manual Version 5

Before using this key, the assessor should read and become familiar with descriptions of the general wetland types. The assessor should use best professional judgment to verify that the wetland type determined with the use of this key matches the written description (see User Manual page number following wetland type name).

The following rule should be used to assist in the selection of the most appropriate general wetland type. Narrative descriptions are also available to assist in this choice (see User Manual Section 3.1).

Wetlands with alterations (man-made or natural) should generally be classified as the original, naturally occurring type if this determination can be made. However, if the full range of stable, existing, wetland parameters (vegetation, hydrology, and soils) better resembles another wetland type because of long-established, permanent alterations, the wetland should be classified as this current, more appropriate type.

If there is evidence suggesting the wetland is a type other than the keyed type, the wetland may be classified as the evidenced type. Also, if the wetland does not appear to conform to any of the following general types, the site should be evaluated based on what the assessor believes is the closest wetland type. If the wetland is “intensively managed” or “intensively disturbed,” the assessor should note this fact on the field assessment form and then select the most appropriate general wetland type based on the guidance provided above.

- I. Wetland affected by lunar or wind tide, may include woody areas contiguous with tidal marsh
  - A. Wetland affected, at least occasionally, by brackish or salt water
    - i. Dominated by herbaceous vegetation – **Salt/Brackish Marsh** (p. 12)
    - ii. Dominated by woody vegetation – **Estuarine Woody Wetland** (p. 15)
  - B. Wetland primarily affected by freshwater
    - i. Dominated by herbaceous vegetation – **Tidal Freshwater Marsh** (p. 17)
    - ii. Dominated by woody vegetation – **Riverine Swamp Forest** (p. 19)
- II. Wetland not affected by tides
  - A. Not in a geomorphic floodplain or a natural topographic crenulation and not contiguous with an open water 20 acres or larger
    - i. On a side slope – **Seep** (p. 24)
    - ii. On interstream divides or on a coastal island
      1. Flats on interstream divides in Coastal Plain ecoregions
        - a. Dominated by deciduous trees
          - i. Seasonally saturated to seasonally inundated (typically dominated by sweetgum and oaks) – **Hardwood Flat** (p. 26)
          - ii. Seasonally to semi-permanently inundated (typically dominated by cypress and black gum) – **Non-Riverine Swamp Forest** (p. 28)
        - b. Dominated by evergreens
          - i. Dominated by dense, waxy shrub species (typically include gallberries, fetterbushes, honeycup, greenbriar); canopy may include pond pine, Atlantic white cedar, and bays – **Pocosin** (p. 30)
          - ii. Not dominated by dense, waxy shrub species
            1. Dominated by long-leaf or pond pine and wire grass – **Pine Savanna** (p. 32)
            2. Dominated by loblolly or slash pines – **Pine Flat** (p. 33)
      2. In depressions surrounded by uplands anywhere in the state (mafic depressions, lime sinks, Carolina bays) or contiguous with an open water

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## Dichotomous Key to General NC Wetland Types, Continued

2. In depressions surrounded by uplands anywhere in the state (mafic depressions, lime sinks, Carolina bays) or contiguous with an open water (repeated from the previous page)
  - a. Dominated by dense, waxy shrub species (typically include gallberries, fetterbushes, honeycup, greenbriar); canopy may include pond pine, Atlantic white cedar, and bays and not characterized by clay-based soils– **Pocosin** (p. 30)
  - b. Not dominated by dense, waxy shrub species and not characterized by a peat-filled bay – **Basin Wetland** (p. 35)
- B. In a geomorphic floodplain or a natural topographic crenulation or contiguous with an open water 20 acres or larger
  - i. Northern Inner Piedmont or Blue Ridge Mountains ecoregions and dense herbaceous or mixed shrub/herbaceous vegetation with characteristic bog species (see wetland type description), with or without tree canopy; at least semi-permanent saturation; typically on organic or mucky soils; sphagnum moss commonly present – **Bog** (p. 37)
  - ii. Anywhere in the state and not Bog
    1. Dominated by herbaceous vegetation. At least semi-permanently inundated or saturated. Includes lacustrine and riparian fringe and beaver ponds with dense herbaceous vegetation; sphagnum moss scarce or absent – **Non-Tidal Freshwater Marsh** (p. 40)
    2. Dominated by woody vegetation. Trees may be present on edges or hummocks.
      - a. Localized depression and semi-permanently inundated – **Floodplain Pool** (p. 43)
      - b. Not “a”
        - i. Less than second-order stream or in a topographic crenulation without a stream. Diffuse surface flow and groundwater more important than overbank flooding.
          1. Seasonally to semi-permanently saturated and/or only intermittently inundated – **Headwater Forest** (p. 45)
          2. Seasonally to semi-permanently inundated – **Riverine Swamp Forest** (p. 19)
        - ii. Second-order or greater stream or contiguous with an open water 20 acres or larger
          1. Intermittently to seasonally inundated (may be dominated by sweetgum, ash, sycamore, and oaks) – **Bottomland Hardwood Forest** (p. 49)
          2. Seasonally to semi-permanently inundated (may be dominated by cypress and blackgums in Coastal Plain and ash, overcup oak, and elms in Piedmont and Mountains) – **Riverine Swamp Forest** (p. 19)

<sup>1</sup>See stream order schematic diagrams in User Manual Appendix F.

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### 3.1.11 Basin Wetland

Basin Wetlands occur throughout the state in depressions surrounded by uplands (usually on interstream flats or in localized depressions). This wetland type may also occur on the fringe of small open waters (less than 20 acres in size). Wetlands fringing larger water bodies are subject to hydrology more closely matching riparian conditions and are therefore considered Riverine Swamp Forest or Non-Tidal Freshwater Marsh. The size threshold used to determine small versus large open waters was taken from Cowardin et al. (1979). Basin Wetlands are seasonally to semi-permanently inundated but may lose surface hydrology during later portions of the growing season. Sources of water are perched groundwater, groundwater discharge, overland runoff, and precipitation. Seasonal waterlines are often apparent on the vegetation. Basin Wetlands generally occur on mineral soils. Basin Wetlands may be characterized by a variety of mineral soil types ranging in particle size and type from sandy soils associated with Coastal Plain lime sinks and inter-dune swales to clay-based soils underlying mafic depressions. Vegetation structure within this wetland type may vary widely from forest in mafic depressions and ephemeral pools, to primarily herbaceous or emergent in lime sinks, man-excavated depressions, and along the shorelines of small open waters.

Reference wetlands (see Section 3.2) are available for some forms of this wetland type, but since this wetland type is so heterogeneous, an assessor must recognize that an appropriate reference must be considered on a case-by-case basis. Sub-types of Basin Wetland that are considered to have reference wetlands include mafic depressions and Carolina bays. Non-reference Basin Wetlands most frequently include the wetland edges of excavated farm ponds. Basin Wetlands vary in size based on the variable landscape positions that they may occupy. This wetland type is generally surrounded by uplands, but may occasionally transition to Pine Savanna, Pocosin, or Pine Flat.

Basin Wetland comprises NCNHP types Vernal Pool, Cypress Savanna, Upland Depression Swamp Forest, Small Depression Pond, Inner Dune Pond, and Upland Pool. This wetland type is not separately identified in the NCDWM methodology, but would likely be included in the Swamp Forest (non-riverine) and Freshwater Marsh in some cases. Basin Wetland corresponds to the HGM classes Depression (sub-classes Isolated Groundwater, Isolated Precipitation, and Human Impounded or Excavated) and Estuarine (sub-class Impounded). Appendix D provides a cross-reference of wetland types across three classification systems.

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

Wetland Site Name Wetland A (0.24 ac) Date 8/31/2022  
Wetland Type Basin Wetland Assessor Name/Organization C. Daves (S&ME)

Notes on Field Assessment Form (Y/N) YES  
Presence of regulatory considerations (Y/N) NO  
Wetland is intensively managed (Y/N) YES  
Assessment area is located within 50 feet of a natural tributary or other open water (Y/N) NO  
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	<u>NA</u>
		Sub-Surface Storage and Retention	<u>NA</u>
Water Quality	Pathogen Change	Condition	<u>NA</u>
		Condition/Opportunity	<u>NA</u>
		Opportunity Presence? (Y/N)	<u>NA</u>
	Particulate Change	Condition	<u>NA</u>
		Condition/Opportunity	<u>NA</u>
		Opportunity Presence? (Y/N)	<u>NA</u>
	Soluble Change	Condition	<u>NA</u>
		Condition/Opportunity	<u>NA</u>
		Opportunity Presence? (Y/N)	<u>NA</u>
	Physical Change	Condition	<u>NA</u>
		Condition/Opportunity	<u>NA</u>
		Opportunity Presence? (Y/N)	<u>NA</u>
Pollution Change	Condition	<u>HIGH</u>	
	Condition/Opportunity	<u>HIGH</u>	
	Opportunity Presence? (Y/N)	<u>NO</u>	
Habitat	Physical Structure	Condition	<u>MEDIUM</u>
	Landscape Patch Structure	Condition	<u>LOW</u>
	Vegetation Composition	Condition	<u>LOW</u>

**Function Rating Summary**

Function	Metrics/Notes	Rating
Hydrology	Condition	<u>HIGH</u>
Water Quality	Condition	<u>HIGH</u>
	Condition/Opportunity	<u>HIGH</u>
	Opportunity Presence? (Y/N)	<u>NO</u>
Habitat	Condition	<u>LOW</u>

**Overall Wetland Rating** HIGH

**NC WAM WETLAND ASSESSMENT FORM**  
**Accompanies User Manual Version 5**

USACE AID#: SAW-2021-01647		NCDWR #:	
Project Name <u>Starway Village Apts.</u>		Date of Evaluation <u>8/31/2022</u>	
Applicant/Owner Name <u>Starway Village Apts. I/II LLC</u>		Wetland Site Name <u>Wetland A (0.24 ac)</u>	
Wetland Type <u>Basin Wetland</u>		Assessor Name/Organization <u>C. Daves (S&amp;ME)</u>	
Level III Ecoregion <u>Middle Atlantic Coastal Plain</u>		Nearest Named Water Body <u>Greenfield Lake</u>	
River Basin <u>Cape Fear</u>		USGS 8-Digit Catalogue Unit <u>03030005 (Cape Fear)</u>	
County <u>New Hanover</u>		NCDWR Region <u>Wilmington</u>	
<input checked="" type="radio"/> Yes <input type="radio"/> No Precipitation within 48 hrs?		Latitude/Longitude (dec-degrees) <u>34.1973°N/-77.9393°W</u>	

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

Please circle and/or make note on last page if evidence of stressors is apparent. Consider departure from reference, if appropriate, in recent past (for instance, approximately 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 of an effect.

- |                                    |                                    |                         |  |
|------------------------------------|------------------------------------|-------------------------|--|
|                                    | GS                                 | VS                      |  |
| <input checked="" type="radio"/> A | <input type="radio"/> A            | <input type="radio"/> A | Not severely altered   |
| <input type="radio"/> B            | <input checked="" type="radio"/> B | <input type="radio"/> 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 checked="" type="radio"/> A | <input checked="" type="radio"/> A | <input type="radio"/> A | Water storage capacity and duration are not altered.   |
| <input type="radio"/> B            | <input type="radio"/> B            | <input type="radio"/> B | Water storage capacity or duration are altered, but not substantially (typically, not sufficient to change vegetation).  |
| <input type="radio"/> C            | <input type="radio"/> C            | <input type="radio"/> 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 for each group below.** Select the appropriate storage for the assessment area (AA) and the wetland type (WT).

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

- A  A Little or no evidence of pollutants or discharges entering the assessment area  
 B  B Noticeable evidence of pollutants or discharges entering the wetland and stressing, but not overwhelming the treatment capacity of the assessment area  
 C  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). Effective riparian buffers are considered to be 50 feet wide in the Coastal Plain and Piedmont ecoregions and 30 feet wide in the Blue Ridge Mountains ecoregion.

WS 5M 2M

- A  A  A ≥ 10% impervious surfaces  
 B  B  B Confined animal operations (or other local, concentrated source of pollutants)  
 C  C  C ≥ 20% coverage of pasture  
 D  D  D ≥ 20% coverage of agricultural land (regularly plowed land)  
 E  E  E ≥ 20% coverage of maintained grass/herb  
 F  F  F ≥ 20% coverage of clear-cut land  
 G  G  G Little or no opportunity to improve water quality. Lack of opportunity may result from little or no disturbance in the watershed or hydrologic alterations that prevent damage and/or 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.

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-foot wide  > 15-foot 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 tributary 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.** 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

- A  A ≥ 100 feet  
 B  B From 80 to < 100 feet  
 C  C From 50 to < 80 feet  
 D  D From 40 to < 50 feet  
 E  E From 30 to < 40 feet  
 F  F From 15 to < 30 feet  
 G  G From 5 to < 15 feet  
 H  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="radio"/> A            | <input type="radio"/> A            | <input type="radio"/> A ≥ 500 acres   |
| <input type="radio"/> B            | <input type="radio"/> B            | <input type="radio"/> B From 100 to < 500 acres                                       |
| <input type="radio"/> C            | <input type="radio"/> C            | <input type="radio"/> C From 50 to < 100 acres  |
| <input type="radio"/> D            | <input type="radio"/> D            | <input type="radio"/> D From 25 to < 50 acres   |
| <input type="radio"/> E            | <input type="radio"/> E            | <input type="radio"/> E From 10 to < 25 acres   |
| <input type="radio"/> F            | <input type="radio"/> F            | <input type="radio"/> F From 5 to < 10 acres  |
| <input type="radio"/> G            | <input type="radio"/> G            | <input type="radio"/> G From 1 to < 5 acres   |
| <input type="radio"/> H            | <input type="radio"/> H            | <input type="radio"/> H From 0.5 to < 1 acre  |
| <input checked="" type="radio"/> I | <input checked="" type="radio"/> I | <input type="radio"/> I From 0.1 to < 0.5 acre  |
| <input type="radio"/> J            | <input type="radio"/> J            | <input type="radio"/> J From 0.01 to < 0.1 acre                                       |
| <input type="radio"/> K            | <input type="radio"/> K            | <input checked="" type="radio"/> 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 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 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, fields (pasture open and agriculture), or water > 300 feet wide.

- | Well                               | Loosely                            |  |
|------------------------------------|------------------------------------|--|
| <input type="radio"/> A            | <input type="radio"/> A            | ≥ 500 acres  |
| <input type="radio"/> B            | <input type="radio"/> B            | From 100 to < 500 acres  |
| <input type="radio"/> C            | <input type="radio"/> C            | From 50 to < 100 acres   |
| <input type="radio"/> D            | <input type="radio"/> D            | From 10 to < 50 acres  |
| <input type="radio"/> E            | <input type="radio"/> E            | < 10 acres   |
| <input checked="" type="radio"/> F | <input checked="" type="radio"/> 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 type="radio"/> A            | <input type="radio"/> A            | Canopy closed, or nearly closed, with natural gaps associated with natural processes |
|           | <input type="radio"/> B            | <input type="radio"/> B            | Canopy present, but opened more than natural gaps                                    |
|           | <input checked="" type="radio"/> C | <input checked="" type="radio"/> C | Canopy sparse or absent  |
| Mid-Story | <input type="radio"/> A            | <input type="radio"/> A            | Dense mid-story/sapling layer  |
|           | <input type="radio"/> B            | <input type="radio"/> B            | Moderate density mid-story/sapling layer   |
|           | <input checked="" type="radio"/> C | <input checked="" type="radio"/> C | Mid-story/sapling layer sparse or absent   |
| Shrub     | <input type="radio"/> A            | <input type="radio"/> A            | Dense shrub layer  |
|           | <input checked="" type="radio"/> B | <input checked="" type="radio"/> B | Moderate density shrub layer   |
|           | <input type="radio"/> C            | <input type="radio"/> C            | Shrub layer sparse or absent   |
| Herb      | <input type="radio"/> A            | <input type="radio"/> A            | Dense herb layer   |
|           | <input type="radio"/> B            | <input type="radio"/> B            | Moderate density herb layer  |
|           | <input checked="" type="radio"/> C | <input checked="" type="radio"/> 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.

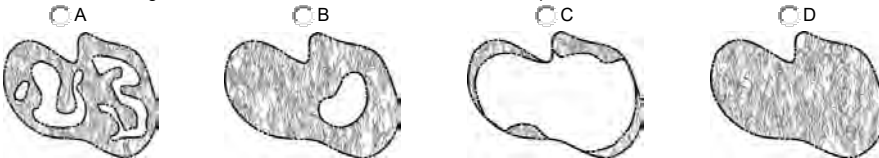
**20. Large Woody Debris – wetland type condition metric (skip for all marshes)**

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**

Wetland is routinely mowed and maintained. Invasives such as Chinese tallow (*Triadica sebifera*) and common reed (*Phragmites australis*) observed in non-mowed area. Depressional, basin-like wetland that appears to collect stormwater runoff from surrounding Starway Flea Market property and commercial business directly to the east and northeast.



**1** Wetland area (Basin) on northern portion of the site facing east.



**2** Wetland area (Basin) on northern portion of the site facing west.



**3** Wetland area (Basin) on northern portion of the site facing north along the eastern edge.



**4** Typical sandy soils observed along wetland margins.



**Site Photographs**  
**Starway Village Apartments**  
**Wilmington, New Hanover County, North Carolina**

S&ME Project No. 21610025

Taken by: CD

Date: August 31, 2022

# **Appendix 2**

**Early Notice and Public Review of a Proposed Activity in a Wetland  
in Wilmington Star-News newspaper (October 21, 2022),  
Newspaper Publication Affidavit, and  
Distribution Documentation**



# 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 WETLAND

**STARWAY VILLAGE APARTMENTS  
2346 CAROLINA BEACH ROAD, WILMINGTON,  
NEW HANOVER COUNTY, NORTH CAROLINA 28401**

**October 21, 2022**

To: All interested Agencies, Groups and Individuals

This is to give notice that the NC Office of Recovery and Resiliency (NCORR) has received an application from Starway Village I/II, LLC to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the Affordable Housing Development Fund Program to construct the Starway Village Apartments (hereinafter, the “Proposed Activity”) and is conducting an evaluation as required by Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express concerns and share information about the Proposed Activity, including alternative locations outside of the wetland. Second, adequate public notice is an important public education tool. The dissemination of information about 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 wetland, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for Hurricane Florence storm recovery activities in North Carolina.

The Proposed Activity is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (Oct. 8, 2016) and Florence (Sept. 14, 2018), when hundreds of homes were damaged or destroyed. Starway Village Apartments will provide a multifamily residential development for low- and middle-income households. The Proposed Activity will assist the City of Wilmington and New Hanover County to provide affordable housing options for the local community. The Proposed Activity entails construction of a new multifamily, affordable housing project consisting of seven apartment buildings containing 278 units in seven apartment buildings (3 and 4 stories), two playgrounds, a clubhouse, a pool, parking, two stormwater detention ponds, and landscaped areas. An extension of Maryland Avenue to Carolina Beach Road across the southern portion of the site is also proposed. The development will be conducted in two phases. The proposed development will occur on an approximate 15.67-acre tract located at 2346 Carolina Beach Road, Wilmington, New Hanover

**Mailing Address:**  
Post Office Box 110465  
Durham, NC 27709



**Phone: (984) 833-5350**  
[www.ncdps.gov](http://www.ncdps.gov)  
[www.rebuild.nc.gov](http://www.rebuild.nc.gov)

*An Equal Opportunity Employer*

County, NC.

The Proposed Activity will result in only permanent impacts to an approximately 0.24 acre isolated wetland. This depression, basin wetland functions as collection point for stormwater from the Starway Flea Market and surrounding commercial properties. 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. Proposed Activity impacts will consist of fill and grading for a proposed stormwater management pond and fill for a stable foundation for one of the apartment buildings (Building 2).

Wetland maps based on the U.S. Army Corps of Engineers Jurisdictional Determination and the NC Division of Water Resources General Permit and Wetland Assessment Form with further information on functions and values are available for review at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. A full description of the Proposed Activity and maps may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833-5350 to make an appointment.

Written comments must be received by NCORR at the following address on or before November 7, 2022: Laura Hogshead, Director, NCORR, ATTN: Starway Village Apartments, P.O. Box 110465, Durham, NC 27709. Comments may also be submitted by email to [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) with “ATTN: Starway Village Apartments Comments” in the subject line.

Date: October 21, 2022

## PROOF OF PUBLICATION

Ted Heilbron  
Kelley Development Company  
912 Village Crossing DR  
Chapel Hill NC 27517-7567

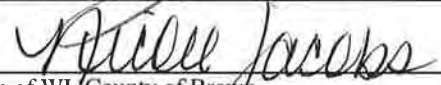
STATE OF NORTH CAROLINA, COUNTY OF NEW HANOVER

The Wilmington Star-News, a newspaper printed and published in the city of Wilmington, and of general circulation in the County of New Hanover, State of North Carolina, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

10/21/2022

and that the fees charged are legal.  
Sworn to and subscribed before on 10/21/2022

  
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State of Wisconsin

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED  
ACTIVITY IN A WETLAND  
STARWAY VILLAGE APARTMENTS  
2346 CAROLINA BEACH ROAD, WILMINGTON, NEW HANOVER  
COUNTY, NORTH CAROLINA 28401  
October 21, 2022

To: All interested Agencies, Groups and Individuals  
This is to give notice that the NC Office of Recovery and Resiliency (NCORR) has received an application from Starway Village I/II, LLC to use Community Development Block Grant - Disaster Recovery (CDBG-DR) funding from the Affordable Housing Development Fund Program to construct the Starway Village Apartments (hereinafter, the "Proposed Activity") and is conducting an evaluation as required by Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express concerns and share information about the Proposed Activity, including alternative locations outside of the wetland. Second, adequate public notice is an important public education tool. The dissemination of information about 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 wetland, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for Hurricane Florence storm recovery activities in North Carolina.

The Proposed Activity is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (Oct. 8, 2016) and Florence (Sept. 14, 2018), when hundreds of homes were damaged or destroyed. Starway Village Apartments will provide a multifamily residential development for low- and middle-income households, thus, assisting the City of Wilmington and New Hanover County to provide affordable housing options for the local community. The Proposed Activity entails new construction of a multifamily, affordable housing project consisting of 278 units in seven apartment buildings (3 and 4 stories), two playgrounds, a clubhouse, a pool, parking, two stormwater detention ponds, and landscaped areas. An extension of Maryland Avenue to Carolina Beach Road across the southern portion of the site is also proposed. The development will be conducted in two phases. The proposed development will occur on an approximate 15.67-acre tract located at 2346 Carolina Beach Road, Wilmington, New Hanover County, NC 28401.

The Proposed Activity will result in only permanent impacts to an approximately 0.24-acre isolated wetland. This depressional, basin wetland functions as collection point for stormwater from the Starway Flea Market and surrounding commercial properties. 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. Proposed Activity impacts will consist of fill and grading for a proposed stormwater management pond and fill for a stable foundation for Apartment Building 2.

Wetland maps based on the U.S. Army Corps of Engineers Jurisdictional Determination and the NC Division of Water Resources General Permit and Wetland Assessment Form with further information on functions and values are available for review at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. A full description of the Proposed Activity and maps may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833- 5350 to make an appointment.

Written comments must be received by NCORR at the following address on or before November 7, 2022: Laura Hogshead, Director, NCORR, ATTN: Starway Village Apartments, P.O. Box 110465, Durham, NC 27709. Comments may also be submitted by email to [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) with "ATTN: Starway Village Apartments Comments" in the subject line.  
Date: October 21, 2022  
Oct 21, 2022 (adv) 7940893





# classifieds

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All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Wilmington Star News reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Wilmington Star News shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

**Community Announce**  
lost, found, happy ads, novena...

**Announcements**

**I'M LOOKING FOR A CAREER!** New To Wilmington. Have years of experience managing a small business, including direct responsibility for 6 - 8 people. Tech savvy, with successful day trading experience. Three years at a major university. Early forties. More interested in where I can go with your company, than where I start. Phone / Text at 336-451-9441.

**Adopt Me Pets**  
all your favorites...

**Domestic Pets**

**Bulldog Pups IOEBA** Oldies, Details on website, DogBluff.com 843-340-5818

**Assorted Stuff**  
all kinds of things...

**Antiques & Collectibles**

**GOLD AND SILVER COINS AND BULLION**  
Free and fair appraisals on coins and bullion. I am a USMC veteran and experienced coin dealer local to the Wilmington area. I guarantee the best prices for your collections, and I will beat any other coin shop quote. Physically located at 411 Chestnut Street in Wilmington, but willing to travel. Call Archie at 910-232-2342. References available upon request.

**Garage sales Market**  
neighborly deals...

**Garage Sales**

**MESSIAH LUTHERAN CHURCH Fall Bazaar**  
3302 S. College Rd. Sat. Oct. 22, 8-12. Wide variety of crafts, baked goods, handmade chocolates. Money goes to Fellowship Hall Renovation Fund.

**Professional Service**  
all your needs...

**Clean Up and Removal**  
C\*\*SPRAY Power washing & gutter cleaning. Patios, driveways, houses. Services as low as \$90. 910-262-1133

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Cook's Home Improvement  
•Painting •Decks  
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carlton4365@yahoo.com

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**Real Estate Homes**  
starting fresh...

**Acreage**  
LAND WANTED IF WE DON'T BUY IT - WE'LL SELL IT Call Doug-Acreage Brokers 910-251-8011

**Real Estate Rentals**  
PUBLISHER'S NOTICE  
All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination. "We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis."

**Apartments**  
2703 NEWKIRK AVE, 28412. 2 bdr, 1.5 bath, Unfurn., all appl. incl., totally remodeled, new everything, avil. 1/1/23, \$1,800/mo, 1 yr/lease. 910-431-6865

**Single Family Rentals**  
AAA PARKS Wilmington & Leland, 2-3BR all electric \$640.No Pet 910-799-9870

**Your Source Public Notices**  
for the latest...

**Govt Public Notices**  
Planning Board - Wrightsville Beach  
The public shall take notice that in accordance with NCGS 160D-601, the Wrightsville Beach Planning Board will meet at 5:30 p.m. on November 1, 2022, or as soon thereafter in the Town Hall Council Chambers, 321 Causeway Drive, Wrightsville Beach, NC, to consider the following:  
• Discuss and review a text amendment to the Unified Development ordinance:  
• Amend Exhibit A, Definitions "Mixed Use Commercial-Residential"  
• Amend Section 155.9.1.5 Required Off-Street Parking  
• Amend Section 155.6.5.5 Minimum Side and Rear Yard Setbacks for Special Uses  
• Amend Section 155.7.26 by Adding Subsection K Screening for Mechanical Equipment on Flat Roof Structures in the C-3 district  
• Amend Section 155.7.6 (C) Procedures Subsection (1) Application Submittal Requirements Oct 21, 2022 (adv) 7924558

**Govt Public Notices**  
Planning Board - Wrightsville Beach  
The public shall take notice that in accordance with chapter 155.4.1.3 of the town's Unified Development Ordinance, the Wrightsville Beach Planning Board will meet at 5:30 p.m. on November 1, 2022, or as soon thereafter in the Town Hall Council Chambers, 321 Causeway Drive, Wrightsville Beach, NC, to consider the following:  
• Section 155.2.10 (B) (15) Elevators and lifts are allowed in the setbacks and may encroach 4 feet into the side-yard or rear-yard setback area.

**Notice To Creditors**  
EXECUTOR NOTICE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of Thomas Christopher Meyers, deceased on 8/28/2022, of New Hanover County, North Carolina, do hereby notify all persons, firms and corporations having claims against the estate to exhibit them to the undersigned on or before the 29th day of December, 2022, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said estate will please make immediate payment to the undersigned. This 30th day of September, 2022.  
Amy Lauren Meyers 3211 Kellerton Place Wilmington, NC 28409  
Executrix of the Estate of Thomas Christopher Meyers

**Notice To Creditors**  
EXECUTOR NOTICE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of Jonathan Todd Turner, deceased, late of New Hanover County, this is to notify all persons having claims against said Estate to exhibit them to the undersigned on or before the 21st day of January, 2023, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 21st day of October, 2022.  
Stephen Eric Young, Executor 1204 Buckhorn Court Wilmington, NC 28411  
Executor of the Estate of William Henry Young, Jr. 10/21, 10/28, 11/4, 11/11/2022

**Notice To Creditors**  
EXECUTOR NOTICE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of Barbara Fay Dorman, deceased, late of New Hanover County, this is to notify all persons having claims against said Estate to exhibit them to the undersigned on or before the 7th day of January, 2023, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 7th day of October, 2022.  
James Malcolm Monroe Dorman (Executor) 10/7,10/14,10/21,10/28/22

**Notice To Creditors**  
EXECUTOR NOTICE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of Gail D. Lane, deceased, late of New Hanover County, this is to notify all persons having claims against said Estate to exhibit them to the undersigned on or before the 7th day of January, 2023, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 7th day of October, 2022.  
Karen Ligotino 1111 Silky Dogwood Trail Apex NC 27502  
Executrix of the Estate of Gail D. Lane (adv) #7879056 10/7, 10/14, 10/21, 10/28/2022

**Notice To Creditors**  
NORTH CAROLINA, NEW HANOVER COUNTY  
All persons, firms and corporations having claims against the Estate of Will Forden, File No: 2022E1427, deceased, of New Hanover County, NC, are notified to present the same to exhibit them to the undersigned on or before January 13, 2023, or this notice will be pleaded in bar of recovery. All debtors of the said estate are asked to make immediate payment. This 13th day of October, 2022.  
Theresa Forden, Administrator of the Estate 1880 Lafayette Ave., #20G Bronx, NY 10473

**Notice To Creditors**  
STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of Emma Wells, deceased, late of New Hanover County, this is to notify all persons having claims against the estate to exhibit them to the undersigned on or before the 30th day of December, 2022, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 30th day of September, 2022.  
Fonteler W. Johnson 725 Grathwall Drive Wilmington, NC 28405  
Executor of the Estate of Emma Wells

**Notice To Creditors**  
NOTICE  
STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned, having qualified as Executor of the Estate of Jeanne Bloor Rose, deceased, of New Hanover County, North Carolina, do hereby notify all persons, firms and corporations having claims against the estate to exhibit them to the undersigned on or before the 30th day of December, 2022, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said estate will please make immediate payment to the undersigned.  
This 30th day of September, 2022.  
Samuel Rose III, Executor of the Estate of Jeanne Bloor Rose 8918 Bluff Court Wilmington, NC 28411

**Notice To Creditors**  
MURCHISON, TAYLOR & GIBSON, PLLC  
1979 Eastwood Road, Suite 101 Wilmington, NC 28403

**Notice To Creditors**  
EXECUTOR NOTICE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of Jonathan Todd Turner, deceased, late of New Hanover County, this is to notify all persons having claims against said Estate to exhibit them to the undersigned on or before the 21st day of January, 2023, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 21st day of October, 2022.  
Dr. Lynwood C. Turner 1914 Stanton Road Kinston, NC 28504  
Executor of the Estate of Jonathan Todd Turner

**Notice To Creditors**  
EXECUTOR NOTICE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER  
The undersigned having qualified as Executor of the Estate of William Henry Young, Jr., deceased, late of New Hanover County, this is to notify all persons having claims against said Estate to exhibit them to the undersigned on or before the 21st day of January, 2023, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 21st day of October, 2022.  
Stephen Eric Young, Executor 1204 Buckhorn Court Wilmington, NC 28411  
Executor of the Estate of William Henry Young, Jr. 10/21, 10/28, 11/4, 11/11/2022

**Public Notices**  
TOWN OF BELVILLE BELVILLE PLANNING BOARD PUBLIC HEARING  
DATE: TUES, NOV. 1, 2022 TIME: 6:30 p.m.  
PLACE: BELVILLE TOWN HALL 63 RIVER ROAD BELVILLE, NC 28451  
Notice is hereby given that a public hearing will be held by the Belville Planning Board for the purpose of reviewing and deciding upon a Preliminary Plat and Site Plan Application for the proposed River Road Apartments, as submitted by CSD Engineering, for property owned by Urban Smart Growth Belville LLC, located at 245 River Road (PIN 038KA005), in Belville, North Carolina. A copy of the Site Plan Application is available for public inspection at the Town Hall in advance of the meeting date. Interested persons may appear at the public hearing and comment on the proposed development. Posted: 10-21-22; 10-28-22 Sharon A. Niemann, Town Clerk

**Public Notices**  
State of North Carolina, New Hanover County File No. 22-SP-464, Mary Freeman Ford, et al. vs Heirs of Robert Bruce Freeman, Jr., Notice of Service of Process by Publication To: Unknown Heirs of Robert Bruce Freeman, Jr. Take notice that a pleading seeking relief was filed in the above-entitled action on September 23, 2022. The nature of the relief being sought is as follows: Petitioners are seeking an Order declaring that they are the only true heirs of Robert Bruce Freeman, Jr.. You are required to appear and make presence known to such pleading within 40 days from the date of the first publication of this Notice. Upon your failure to do so the party seeking service against you will apply to the court for the relief sought. This 30th day of September, 2022. Thomas R. Harvey III c/o Shipman & Wright, LLP, 575 Military Cutoff Rd, Suite 106, Wilmington, NC 28405.

**Public Notices**  
EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A WETLAND STARWAY VILLAGE APARTMENTS 2346 CAROLINA BEACH ROAD, WILMINGTON, NEW HANOVER COUNTY, NORTH CAROLINA 28401 October 21, 2022  
To: All interested Agencies, Groups and Individuals  
This is to give notice that the NC Office of Recovery and Resiliency (NCORR) has received an application from Starway Village I/II, LLC to use Community Development Block Grant - Disaster Recovery (CDBG-DR) funding from the Affordable Housing Development Fund Program to construct the Starway Village Apartments (hereinafter, the "Proposed Activity") and is conducting an evaluation as required by Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express concerns and share information about the Proposed Activity, including alternative locations outside of the wetland. Second, adequate public notice is an important public education tool. The dissemination of information about 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 wetland, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG program for Hurricane Florence storm recovery activities in North Carolina. The Proposed Activity is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (Oct. 8, 2016) and Florence (Sept. 14, 2018), when hundreds of homes were damaged or destroyed. Starway Village Apartments will provide a multifamily residential development for low- and middle-income households, thus, assisting the City of Wilmington and New Hanover County to provide affordable housing options for the local community. The Proposed Activity entails new construction of a multi-unit affordable housing project consisting of 278 units in seven apartment buildings (3 and 4 stories), two playgrounds, a clubhouse, a pool, parking, two stormwater detention ponds, and landscaped areas. An extension of Maryland Avenue to Carolina Beach Road across the southern portion of the site is also proposed. The development will be conducted in two phases. The proposed development will occur on an approximate 15.67-acre tract located at 2346 Carolina Beach Road, Wilmington, New Hanover County, NC 28401. The Proposed Activity will result in only permanent impacts to an approximately 0.24-acre isolated wetland. This depressional, basin wetland functions as collection point for stormwater from the Starway Fica Market on surrounding commercial properties. 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. Proposed Activity impacts will consist of fill and grading for a proposed stormwater management pond and fill for a stable foundation for Apartment Building 2. Wetland maps based on the U.S. Army Corps of Engineers Jurisdictional Determination and the NC Division of Water Resources General Permit and Wetland Assessment Form with further information on functions and values are available for review at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. A full description of the Proposed Activity and maps may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833- 5350 to make an appointment. Written comments must be received by NCORR at the following address on or before November 7, 2022: Laura Hogshead, Director, NCORR, ATTN: Starway Village Apartments, P.O. Box 110465, Durham, NC 27709. Comments may also be submitted by email to [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) with "ATTN: Starway Village Apartments Comments" in the subject line. Date: October 21, 2022 Oct 21, 2022 (adv) 7940893

**Public Notices**  
CITY OF WILMINGTON CITY COUNCIL will hold a public meeting Tuesday, November 1, 2022 at 6:30 P.M. in the City Hall, Council Chambers, 102 North 3rd Street, Wilmington, NC. Due to public health and safety concerns from COVID-19, public participation may be limited. Public comments can be submitted via the public comment form (<https://www.wilmingtonnc.gov/departments/city-council/city-council-public-hearing-comment-form>). The meeting will be streaming live at <https://www.wilmingtonnc.gov/gt/v8>. A legislative hearing will be held for the following:  
• **General Rezoning:** Property containing 0.13 acres +/- (Parcel ID: R05409-001-012-000) located at 107 Castle Street from CB Community Business to HDR, Historic District - Residential. Patrick O'Mahony, Associate Planner (Z-5-1022)  
• **LDC Maintenance:** To amend the Land Development Code for various amendments and clean-up items related to Permitted Uses, Use-Specific standards, Site Development Requirements, Administrative Provisions, and Measurements and Definitions. Nicole Smith, Senior Planner (LDC-2-1022)  
• **LDC Amendment:** Amend 18-390 (A)(6) for the number of free-standing signs permitted in the MX district. Abie Bonevac, Associate Planner  
• **LDC Amendment:** Amend Article 5, Division 5. Signs to correct errors and inconsistencies identified during implementation and to align with recent case law pertaining to commercial speech. Kathryn Thurston, Zoning Administrator (LDC-3-1022)  
PLEASE TAKE NOTE: The City Council may change the existing zoning classification of the area covered by a petition, or any part or parts thereof, to the classification requested or to a higher classification or classifications without the necessity of withdrawal or modification of the petition. All interested parties are invited to comment or attend.

**Public Notices**  
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HIRE A HANDYMAN**  
Check out the classified section everyday.

***EARLY NOTICE WETLAND DISTRIBUTION LIST***

**STARWAY VILLAGE APARTMENTS  
2346 CAROLINA BEACH ROAD, WILMINGTON,  
NEW HANOVER COUNTY, NORTH CAROLINA 28401**

Publication 10/21/22, comments end 11/7/22

**FEDERAL AGENCIES**

<b>Agency</b>	<b>Name &amp; Address</b>	<b>Method</b>
<b>HUD NC</b>	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	<a href="mailto:Lenwood.E.Smith@hud.gov">Lenwood.E.Smith@hud.gov</a>
<b>FEMA, Region IV</b>	Ms. Gracia B. Szczech, Regional Administrator U.S. Dept. of Homeland Security FEMA, Region IV 3003 Chamblee Tucker Road Atlanta, GA 30341	FedEx
<b>US EPA, Region 4</b>	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
<b>US EPA, Region 4</b>	Ms. Ntale Kajumba, NEPA Coordinator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720	<a href="mailto:Kajumba.ntale@epa.gov">Kajumba.ntale@epa.gov</a> cc: <a href="mailto:blevins.john@epa.gov">blevins.john@epa.gov</a>
<b>USFWS – Raleigh Field Office</b>	USFWS – Raleigh Field Office ATTN: John Ellis P.O. Box 33726 Raleigh, NC 27636 ph.: 919-856-4520, ext. 26	<a href="mailto:john_ellis@fws.gov">john_ellis@fws.gov</a> cc: <a href="mailto:leigh_mann@fws.gov">leigh_mann@fws.gov</a>
<b>USACE – Wilmington District</b>	Mr. Brad Shaver USACE – Wilmington District 69 Darlington Avenue Wilmington, NC 28403	<a href="mailto:Brad.E.Shaver@usace.army.mil">Brad.E.Shaver@usace.army.mil</a>

<b>TRIBES, NATIONS AND COMMUNITIES (who asked to be notified)</b>		
<b>Catawba Indian Nation</b>	Dr. Wenonah George Haire, THPO ATTN: THPO Archaeology Dept. Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730	Does not want Notice
<b>Catawba Indian Nation</b>	Chief Bill Harris Catawba Indian Nation 996 Avenue of the Nations Rock Hill, SC 29730	Does not want Notice
<b>NC STATE AGENCIES</b>		
<b>STATE CLEARINGHOUSE</b>	Ms. Crystal Best North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, North Carolina 27699-1301	<a href="mailto:State.Clearinghouse@doa.nc.gov">State.Clearinghouse@doa.nc.gov</a> <a href="mailto:crystal.best@doa.nc.gov">crystal.best@doa.nc.gov</a>
<b>NCHFA</b>	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	<a href="mailto:rgmoore@nchfa.com">rgmoore@nchfa.com</a>
<b>LOCAL AGENCIES</b>		
<b>NEW HANOVER COUNTY</b>	Chris Coudriet, County Manager County Government Complex 230 Government Center Drive, Suite 195 Wilmington, NC 28403	<a href="mailto:ccoudriet@nhcgov.com">ccoudriet@nhcgov.com</a>
<b>NEW HANOVER COUNTY</b>	Rebekah Roth, CZO, AICP Planning Director 230 Government Center Dr, Suite 110 Wilmington, NC 28403 Phone 910-798-7165	<a href="mailto:rroth@nhcgov.com">rroth@nhcgov.com</a>
<b>CITY</b>	Ms. Penelope Spicer-Sudbury City Clerk P.O. Box 1810 Wilmington, NC 28402 Phone: 910.341.7816	<a href="mailto:penny.spicer-sidbury@wilmingtonnc.gov">penny.spicer-sidbury@wilmingtonnc.gov</a> (she will disburse/post)

## Gievers, Andrea

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**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:28 AM  
**To:** Smith, Lenwood E  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.pdf

Hello Lenwood:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover 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](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

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**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:32 AM  
**To:** Kajumba.ntale@epa.gov  
**Cc:** blevins.john@epa.gov  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover County, NC. A hard copy is also being sent via Federal Express to Mr. Blevins. 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](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

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**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:33 AM  
**To:** john\_ellis@fws.gov  
**Cc:** leigh\_mann@fws.gov  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover 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](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:34 AM  
**To:** Brad.E.Shaver@usace.army.mil  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover 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.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:36 AM  
**To:** State Clearinghouse  
**Cc:** Best, Crystal  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover County, NC. The last day of the comment period is November 7, 2022. 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](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700



## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:37 AM  
**To:** rgmoore@nchfa.com  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.pdf

Hello:

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

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:38 AM  
**To:** ccloudriet@nhcgov.com  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover County, NC. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

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

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:39 AM  
**To:** rroth@nhcgov.com  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.pdf

Hello:

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Sincerely,

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

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 10:39 AM  
**To:** penny.spicer-sidbury@wilmingtonnc.gov  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC  
**Attachments:** NCORR Early Notice Starway Village Final 10.21.22.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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover 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](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

**1 From** Please print and press hard.  
Date 10/21/22 Sender's FedEx Account Number 8950 9899 0  
Sender's Name Andrea Gievers Phone 845,682-1700  
Company NCORR  
Address 123 Kings Hill Road  
City Walden State NY ZIP 12586

**2 Your Internal Billing Reference** Starway Village-EN  
First 24 characters will appear on invoice.

**3 To**  
Recipient's Name Ms. Gracia Szczech Phone ( )  
Company FEMA, Region 4  
Address 3003 Chamblee Tucker Rd  
City Atlanta State GA ZIP 30341

**4 Express Package Service** \* To most locations.  
NOTE: Service order has changed. Please select carefully.

**Next Business Day**

FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight  
Next business morning\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

**2 or 3 Business Days**

FedEx 2Day A.M.  
Second business morning.\* Saturday Delivery NOT available.

FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

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**

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. **Fee applies.**

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

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

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

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.  Cargo Aircraft Only

**7 Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section I will be billed.  Recipient  Third Party  Credit Card  Cash/Check

FedEx Acct. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
Credit Card No. \_\_\_\_\_

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value<sup>1</sup> \_\_\_\_\_  
lbs. \$ \_\_\_\_\_ .00

**!** Easy new Peel-and-Stick airbill. No pouch needed.  
Apply airbill directly to your package. See directions on back.

**1 From** Please print and press hard.  
Date 10/21/22 Sender's FedEx Account Number 8950 9899 0  
Sender's Name Andrea Gievers Phone 845,682-1700  
Company NCORR  
Address 123 Kings Hill Rd  
City Walden State NY ZIP 12586

**2 Your Internal Billing Reference** Starway Village EN  
First 24 characters will appear on invoice.

**3 To**  
Recipient's Name Mr. John Blevins Phone ( )  
Company USEPA, Region 4  
Address Lab Svcs; Applied Science Div  
980 College Station Rd  
City Athens State GA ZIP 30605-2720

**4 Express Package Service** \* To most locations.  
NOTE: Service order has changed. Please select carefully.

**Next Business Day**

FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight  
Next business morning\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

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Second business morning.\* Saturday Delivery NOT available.

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

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One box must be checked.

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

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.  Cargo Aircraft Only

**7 Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section I will be billed.  Recipient  Third Party  Credit Card  Cash/Check

FedEx Acct. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
Credit Card No. \_\_\_\_\_

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value<sup>1</sup> \_\_\_\_\_  
lbs. \$ \_\_\_\_\_ .00

**!** Easy new Peel-and-Stick airbill. No pouch needed.  
Apply airbill directly to your package. See directions on back.

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Friday, October 21, 2022 3:26 PM  
**To:** State Clearinghouse  
**Subject:** RE: Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC

FYI, this is the Early Notice as a public notice under 24 CFR 55.20. Thanks! Have a great weekend!

Sincerely,

Andrea Gievers

---

**From:** State Clearinghouse  
**Sent:** Friday, October 21, 2022 3:19 PM  
**To:** Gievers, Andrea <[andrea.l.gievers@rebuild.nc.gov](mailto:andrea.l.gievers@rebuild.nc.gov)>  
**Subject:** RE: Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC

This project was previously submitted on October 17, 2022 and is currently circulating for review and comment. The comment period ends November 16, 2022. Comments will be forwarded to you once the project closes.

Thank you,



**Crystal Best**  
Administrative Assistant

984-236-0023  
[State.Clearinghouse@doa.nc.gov](mailto:State.Clearinghouse@doa.nc.gov)  
116 West Jones St., Raleigh, NC 27603  
1301 Mail Service Center  
[ncadmin.nc.gov](http://ncadmin.nc.gov)

---

**From:** Gievers, Andrea <[andrea.l.gievers@rebuild.nc.gov](mailto:andrea.l.gievers@rebuild.nc.gov)>  
**Sent:** Friday, October 21, 2022 10:36 AM  
**To:** State Clearinghouse <[State.Clearinghouse@doa.nc.gov](mailto:State.Clearinghouse@doa.nc.gov)>  
**Cc:** Best, Crystal <[crystal.best@doa.nc.gov](mailto:crystal.best@doa.nc.gov)>  
**Subject:** Public Notice - Early Notice - Starway Village Apartments, Wilmington, New Hanover County, NC

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 Wetland* publishing October 21, 2022 for the NCORR Affordable Housing Development Fund Program's Starway Village Apartments proposed project in the City of Wilmington, New Hanover County, NC. The last day of the comment period is November 7, 2022. 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](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

# Appendix 3

**FONSI/ NOIRROF/ Final Notice and Public Explanation  
of a Proposed Activity in a Wetland in Wilmington Star-  
News newspaper (November 18, 2022), Newspaper  
Publication Affidavit (to be added), and Distribution  
Documentation (to be added in full)**





# 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 REVIEW OF A PROPOSED ACTIVITY IN A WETLAND**

**STARWAY VILLAGE APARTMENTS  
2346 CAROLINA BEACH ROAD,  
WILMINGTON, NEW HANOVER COUNTY, NC 28401**

**NOVEMBER 18, 2022**

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 Review of a Proposed Activity in a 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 of \$9,000,000.00 for the Starway Village Apartments (“Proposed Activity”), which is on an approximate 15.67-acre tract located at 2346 Carolina Beach Rd. (US Highway 421), Wilmington, New Hanover County, North Carolina 28401. The Proposed Activity is anticipated to have a total cost of \$68,759,433.00. The Proposed Activity will involve the new construction of a multifamily, affordable housing project consisting of 278 units in seven apartment buildings (3 and 4 stories) including two playgrounds, a clubhouse, a pool, parking, two stormwater detention ponds, and landscaped areas. An extension of Maryland Avenue east across the southern portion of the site to Carolina Beach Road is also proposed. The development will be conducted in two phases. The City is seeking to address the affordable housing inventory shortage exacerbated by

**Mailing Address:**  
Post Office Box 110465  
Durham, NC 27709



**Phone: (984) 833-5350**  
[www.ncdps.gov](http://www.ncdps.gov)  
[www.rebuild.nc.gov](http://www.rebuild.nc.gov)

*An Equal Opportunity Employer*

the effects of the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). Starway Village Apartments will provide a multifamily residential development for low- and middle-income households in the City of Wilmington. Funding for the Proposed Activity will be provided by the Affordable Housing Development Fund Program for Hurricane Florence storm recovery activities in North Carolina.

### **PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A WETLAND**

NCORR has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Wetlands Protection. The Proposed Activity will result in only permanent impacts to an approximately 0.24-acre isolated, freshwater, emergent/scrub-shrub wetland on the northern portion of the site. This depressional basin wetland functions as a collection point for stormwater from the Starway Flea Market and surrounding commercial properties. 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. Proposed Activity impacts will consist of fill and grading for a proposed stormwater management pond and fill for a stable foundation for one apartment building (Building 2).

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 site is the most suitable, feasible location for this affordable housing project out of four sites considered; the other sites were not selected based on anticipated traffic issues, bridge expenses over an environmentally sensitive creek, airport noise issues, economic viability of the proposed action related to seller's high purchase price, and non-competitive scores within the State's scoring criteria for LIHTC awards; the "No Action" alternative would not address the City's affordable housing shortage; and mitigation measures include two proposed stormwater ponds, project design to minimize impacts from removal of the wetland by constructing a larger stormwater pond in the same location, and native plants in the site's landscaping design.

Since the action will include new construction in wetland, EO 11990 requires that the Proposed Activity not be supported if there are practicable alternatives to new construction in wetlands. NCORR has reevaluated the alternatives to building in wetland, and has determined that it has no practicable alternative. According to the US Army Corps of Engineers, a Clean Water Act Section 404 Permit is not required. The NC Department of Environmental Quality, Division of Water Resources' State General Permit for Impacts to Isolated Wetlands and Isolated Waters #IWGP100000 (July 15, 2022) applies to the Proposed Activity. Erosion and sedimentation control plan approval, stormwater (NPDES and State) permits, and other applicable permits from State and local jurisdictions will be obtained before commencing work. The Proposed Activity will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions. Alternatives and the 8-step process have been further documented in the EO 11990 Protection of Wetlands Determination which is available for review.

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands and those who have an interest in the protection of the natural environment have 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 wetlands can facilitate and enhance federal efforts to reduce the risks 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 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 is 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 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 27713. Call (984) 833-5350 to make an appointment.

Further information may be requested by writing to the above address, emailing [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) or by 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 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 December 5, 2022 at [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov). Written comments may also be submitted by mail, in the proper format, to be received on or before December 5, 2022, and addressed to: Laura Hogshead, Director, NCORR, ATTN: Starway Village Apartments, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before December 5, 2022 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 December 6, 2022, 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 implementing this part of the North Carolina CDBG-DR 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 may 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 responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before 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 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to [disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov).

Laura Hogshead  
Certifying Officer  
November 18, 2022

***FONSI/ NOIRROF/ FINAL NOTICE WETLAND DISTRIBUTION LIST***

**STARWAY VILLAGE APARTMENTS  
2346 CAROLINA BEACH ROAD, WILMINGTON,  
NEW HANOVER COUNTY, NORTH CAROLINA 28401**

Publication 11/18/22, comments end 12/5/22

**FEDERAL AGENCIES**

<b>Agency</b>	<b>Name &amp; Address</b>	<b>Method</b>
<b>HUD NC</b>	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	<a href="mailto:Lenwood.E.Smith@hud.gov">Lenwood.E.Smith@hud.gov</a>
<b>FEMA, Region IV</b>	Ms. Gracia B. Szczech, Regional Administrator U.S. Dept. of Homeland Security FEMA, Region IV 3003 Chamblee Tucker Road Atlanta, GA 30341	FedEx
<b>US EPA, Region 4</b>	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
<b>US EPA, Region 4</b>	Ms. Ntale Kajumba, NEPA Coordinator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720	<a href="mailto:Kajumba.ntale@epa.gov">Kajumba.ntale@epa.gov</a> cc: <a href="mailto:blevins.john@epa.gov">blevins.john@epa.gov</a>
<b>USFWS – Raleigh Field Office</b>	USFWS – Raleigh Field Office ATTN: John Ellis P.O. Box 33726 Raleigh, NC 27636 ph.: 919-856-4520, ext. 26	<a href="mailto:john_ellis@fws.gov">john_ellis@fws.gov</a> cc: <a href="mailto:leigh_mann@fws.gov">leigh_mann@fws.gov</a>
<b>USACE – Wilmington District</b>	Mr. Brad Shaver USACE – Wilmington District 69 Darlington Avenue Wilmington, NC 28403	<a href="mailto:Brad.E.Shaver@usace.army.mil">Brad.E.Shaver@usace.army.mil</a>

<b>TRIBES, NATIONS AND COMMUNITIES (who asked to be notified)</b>		
<b>Catawba Indian Nation</b>	Dr. Wenonah George Haire, THPO ATTN: THPO Archaeology Dept. Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730	Does not want Notice
<b>Catawba Indian Nation</b>	Chief Bill Harris Catawba Indian Nation 996 Avenue of the Nations Rock Hill, SC 29730	Does not want Notice
<b>NC STATE AGENCIES</b>		
<b>STATE CLEARINGHOUSE</b>	Ms. Crystal Best North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, North Carolina 27699-1301	<a href="mailto:State.Clearinghouse@doa.nc.gov">State.Clearinghouse@doa.nc.gov</a> <a href="mailto:crystal.best@doa.nc.gov">crystal.best@doa.nc.gov</a>
<b>NCHFA</b>	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	<a href="mailto:rgmoore@nchfa.com">rgmoore@nchfa.com</a>
<b>LOCAL AGENCIES</b>		
<b>NEW HANOVER COUNTY</b>	Chris Coudriet, County Manager County Government Complex 230 Government Center Drive, Suite 195 Wilmington, NC 28403	<a href="mailto:ccoudriet@nhcgov.com">ccoudriet@nhcgov.com</a>
<b>NEW HANOVER COUNTY</b>	Rebekah Roth, CZO, AICP Planning Director 230 Government Center Dr, Suite 110 Wilmington, NC 28403 Phone 910-798-7165	<a href="mailto:rroth@nhcgov.com">rroth@nhcgov.com</a>
<b>CITY</b>	Ms. Penelope Spicer-Sudbury City Clerk P.O. Box 1810 Wilmington, NC 28402 Phone: 910.341.7816	<a href="mailto:penny.spicer-sidbury@wilmingtonnc.gov">penny.spicer-sidbury@wilmingtonnc.gov</a> (she will disburse/post)

# Request for Jurisdictional Determination

# Jurisdictional Determination Request

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**US Army Corps  
of Engineers**  
Wilmington District

This form is intended for use by anyone requesting a jurisdictional determination (JD) from the U.S. Army Corps of Engineers, Wilmington District (Corps). Please include all supporting information, as described within each category, with your request. You may submit your request via mail, electronic mail, or facsimile. Requests should be sent to the appropriate project manager of the county in which the property is located. A current list of project managers by assigned counties can be found on-line at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact/CountyLocator.aspx>, by calling 910-251-4633, or by contacting any of the field offices listed below. Once your request is received you will be contacted by a Corps project manager.

## **ASHEVILLE & CHARLOTTE REGULATORY FIELD OFFICES**

US Army Corps of Engineers  
151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006  
General Number: (828) 271-7980  
Fax Number: (828) 281-8120

## **WASHINGTON REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
2407 West Fifth Street  
Washington, North Carolina 27889  
General Number: (910) 251-4610  
Fax Number: (252) 975-1399

## **RALEIGH REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, North Carolina 27587  
General Number: (919) 554-4884  
Fax Number: (919) 562-0421

## **WILMINGTON REGULATORY FIELD OFFICE**

US Army Corps of Engineers  
69 Darlington Avenue  
Wilmington, North Carolina 28403  
General Number: 910-251-4633  
Fax Number: (910) 251-4025

## **INSTRUCTIONS:**

**All requestors must complete Parts A, B, C, D, E, F and G.**

**NOTE TO CONSULTANTS AND AGENCIES:** If you are requesting a JD on behalf of a paying client or your agency, please note the specific submittal requirements in **Part H**.

**NOTE ON PART D – PROPERTY OWNER AUTHORIZATION:** Please be aware that all JD requests must include the current property owner authorization for the Corps to proceed with the determination, which may include inspection of the property when necessary. This form must be signed by the current property owner(s) or the owner(s) authorized agent to be considered a complete request.

**NOTE ON PART D - NCDOT REQUESTS:** Property owner authorization/notification for JD requests associated with North Carolina Department of Transportation (NCDOT) projects will be conducted according to the current NCDOT/USACE protocols.

**NOTE TO USDA PROGRAM PARTICIPANTS:** A Corps approved or preliminary JD 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 also request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.



# Jurisdictional Determination Request

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## A. PARCEL INFORMATION

Street Address: 2346 Carolina Beach Road

City, State: Wilmington, NC

County: New Hanover County

Parcel Index Number(s) (PIN): 3126-04-5192; 3126-14-0439; 3126-14-0157; 3126-14-1164; 3126-13-1923

## B. REQUESTOR INFORMATION

Name: Kimley-Horn; ATTN: Mackenzie Richards

Mailing Address: 421 Fayetteville Street, Suite 600

Raleigh, NC 27601

Telephone Number: (919) 678-4154

Electronic Mail Address: Mackenzie.Richards@kimley-horn.com

Select one:

- I am the current property owner.
- I am an Authorized Agent or Environmental Consultant<sup>1</sup>
- Interested Buyer or Under Contract to Purchase
- Other, please explain. \_\_\_\_\_

## C. PROPERTY OWNER INFORMATION<sup>2</sup>

Name: Bradley Housing Developers, LLC; ATTN: Brad Queener

Mailing Address: P.O. Box 526

Aynor, SC 29511

Telephone Number: (840) 222-6483

Electronic Mail Address: brad@bradleydevelopers.com

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<sup>1</sup> Must provide completed Agent Authorization Form/Letter.

<sup>2</sup> Documentation of ownership also needs to be provided with request (copy of Deed, County GIS/Parcel/Tax Record).

# Jurisdictional Determination Request

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## D. PROPERTY ACCESS CERTIFICATION<sup>3,4</sup>

By signing below, I authorize representatives of the Wilmington District, U.S. Army Corps of Engineers (Corps) to enter upon the property herein described for the purpose of conducting on-site investigations, if necessary, and issuing a jurisdictional determination pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Mackenzie Richards

Print Name

Capacity:  Owner  Authorized Agent<sup>5</sup>

7/29/2021

Date



Signature

## E. REASON FOR JD REQUEST: (Check as many as applicable)

- I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.
- I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
- I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
- A Corps JD is required in order obtain my local/state authorization.
- I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- I believe that the site may be comprised entirely of dry land.
- Other: \_\_\_\_\_

<sup>3</sup> For NCDOT requests following the current NCDOT/USACE protocols, skip to Part E.

<sup>4</sup> If there are multiple parcels owned by different parties, please provide the following for each additional parcel on a continuation sheet.

<sup>5</sup> Must provide agent authorization form/letter signed by owner(s).

## Jurisdictional Determination Request

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### F. JURISDICTIONAL DETERMINATION (JD) TYPE (Select One)

I am requesting that the Corps provide a preliminary JD for the property identified herein.

A Preliminary Jurisdictional Determination (PJD) provides an indication that there may be “waters of the United States” or “navigable waters of the United States” on a property. PJDs are sufficient as the basis for permit decisions. For the purposes of permitting, all waters and wetlands on the property will be treated as if they are jurisdictional “waters of the United States”. PJDs cannot be appealed (33 C.F.R. 331.2); however, a PJD is “preliminary” in the sense that an approved JD can be requested at any time. PJDs do not expire.

I am requesting that the Corps provide an approved JD for the property identified herein.

An Approved Jurisdictional Determination (AJD) is a determination that jurisdictional “waters of the United States” or “navigable waters of the United States” are either present or absent on a site. An approved JD identifies the limits of waters on a site determined to be jurisdictional under the Clean Water Act and/or Rivers and Harbors Act. Approved JDs are sufficient as the basis for permit decisions. AJDs are appealable (33 C.F.R. 331.2). The results of the AJD will be posted on the Corps website. A landowner, permit applicant, or other “affected party” (33 C.F.R. 331.2) who receives an AJD may rely upon the AJD for five years (subject to certain limited exceptions explained in Regulatory Guidance Letter 05-02).

I am unclear as to which JD I would like to request and require additional information to inform my decision.

### G. ALL REQUESTS

Map of Property or Project Area. This Map must clearly depict the boundaries of the review area.

Size of Property or Review Area 16 acres.

The property boundary (or review area boundary) is clearly physically marked on the site.

# Jurisdictional Determination Request

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## H. REQUESTS FROM CONSULTANTS



Project Coordinates (Decimal Degrees): Latitude: 34.196388  
Longitude: -77.939694



A legible delineation map depicting the aquatic resources and the property/review area. Delineation maps must be no larger than 11x17 and should contain the following: (Corps signature of submitted survey plats will occur after the submitted delineation map has been reviewed and approved).<sup>6</sup>

- North Arrow
- Graphical Scale
- Boundary of Review Area
- Date
- Location of data points for each Wetland Determination Data Form or tributary assessment reach.

### For Approved Jurisdictional Determinations:

- Jurisdictional wetland features should be labeled as Wetland Waters of the US, 404 wetlands, etc. Please include the acreage of these features.
- Jurisdictional non-wetland features (i.e. tidal/navigable waters, tributaries, impoundments) should be labeled as Non-Wetland Waters of the US, stream, tributary, open water, relatively permanent water, pond, etc. Please include the acreage or linear length of each of these features as appropriate.
- Isolated waters, waters that lack a significant nexus to navigable waters, or non-jurisdictional upland features should be identified as Non-Jurisdictional. Please include a justification in the label regarding why the feature is non-jurisdictional (i.e. “Isolated”, “No Significant Nexus”, or “Upland Feature”). Please include the acreage or linear length of these features as appropriate.

### For Preliminary Jurisdictional Determinations:

- Wetland and non-wetland features should not be identified as Jurisdictional, 404, Waters of the United States, or anything that implies jurisdiction. These features can be identified as Potential Waters of the United States, Potential Non-wetland Waters of the United States, wetland, stream, open water, etc. Please include the acreage and linear length of these features as appropriate.



Completed Wetland Determination Data Forms for appropriate region  
(at least one wetland and one upland form needs to be completed for each wetland type)

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<sup>6</sup> Please refer to the guidance document titled “Survey Standards for Jurisdictional Determinations” to ensure that the supplied map meets the necessary mapping standards. <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Jurisdiction/>

## Jurisdictional Determination Request

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- Completed appropriate Jurisdictional Determination form
  - **PJDs**, please complete a Preliminary Jurisdictional Determination Form<sup>7</sup> and include the Aquatic Resource Table
  - **AJDs**, please complete an Approved Jurisdictional Determination Form<sup>8</sup>
- Vicinity Map
- Aerial Photograph
- USGS Topographic Map
- Soil Survey Map
- Other Maps, as appropriate (e.g. National Wetland Inventory Map, Proposed Site Plan, previous delineation maps, LIDAR maps, FEMA floodplain maps)
- Landscape Photos (if taken)
- NCSAM and/or NCWAM Assessment Forms and Rating Sheets
- NC Division of Water Resources Stream Identification Forms
- Other Assessment Forms

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<sup>7</sup> [www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/JD/RGL\\_08-02\\_App\\_A\\_Prelim\\_JD\\_Form\\_fillable.pdf](http://www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/JD/RGL_08-02_App_A_Prelim_JD_Form_fillable.pdf)

<sup>8</sup> Please see <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Jurisdiction/>

**Principal Purpose:** The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

**Routine Uses:** This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USAGE website.

**Disclosure:** Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): [Select](#).

ORM Number: [N/A](#)

Associated JDs: [N/A](#)

Review Area Location<sup>1</sup>: State/Territory: [NC](#) City: [Wilmington](#) County/Parish/Borough: [New Hanover County](#)

Center Coordinates of Review Area: Latitude [34.196388](#) Longitude [-77.939694](#)

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A](#)
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
W1	0.24	acre(s)	(b)(1) Non-adjacent wetland.	Wetland W1 is a low-lying, concave depression located in the northeast corner of the project site adjacent to a gravel roadway. Hydrology within wetland W1 was at the surface, with standing/ponded water present throughout the area. No potentially jurisdictional connections were observed flowing from the wetland feature. Wetland W1 is not adjacent to an (a)(1), (2), or (3) water.
Ditch 1	733	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch 1 is a manmade, constructed ditch within uplands. Ditch 1 is not a tributary under (a)(2), was not a tributary under (a)(2) when it was constructed, was not constructed in an adjacent wetland, and does not contribute surface flow to an (a)(1) water in a typical year.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Kimley-Horn](#)  
This information **is** sufficient for purposes of this AJD.  
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial: NC Orthoimagery \(2018\)](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [New Hanover County \(1977\)](#)
- USFWS NWI maps: [N/A](#)
- USGS topographic maps: [Wilmington \(1:24,000\)](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USACE Sources</a>	N/A.
<a href="#">LiDAR data/maps</a>	<a href="#">North Carolina Spatial Data Download</a> , accessed June 24, 2021.
<a href="#">FEMA/FIRM maps</a>	N/A.

**B. Typical year assessment(s):** [The results of the Antecedent Precipitation Tool \(APT\) indicate that prior to the day of our detail delineation \(June 19, 2021\), the project study area and its vicinity were experiencing normal conditions.](#)

**C. Additional comments to support AJD:** [N/A](#)



AGENT AUTHORIZATION FORM

Name: Brad Jansen / Bradley Housing Developers

Address: P.O. Box 5246 Ayrone SC 29511

Phone: 843-222-6483

Project Name/Description: Starway Village

Date: 6/25/2021

The Department of the Army  
U.S. Army Corps of Engineers, Wilmington District

Attention: Brad Shaver  
Field Office: Wilmington Regulatory Field Office

Re: Wetland Related Consulting and Permitting

To Whom It May Concern:

**Bradley Housing Developers, LLC** hereby designates and authorizes Kimley-Horn and Associates, Inc. to act in my/our behalf as my/our agent solely for the purpose of processing Jurisdictional Determinations, and to furnish upon request supplemental information in support of applications, etc. from this day forward until successful completion of the permitting process or revocation by the owner.

In addition, I, the undersigned, a duly authorized optionee of the property/properties identified herein, do authorize representatives of the Wilmington District, U.S. Army Corps of Engineers (Corps) to enter upon the property herein described for the purpose of conducting on-site investigations and issuing a determination associated with Waters of the U.S. subject to Federal jurisdiction under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

Authorized this the 25 day of June, 2021

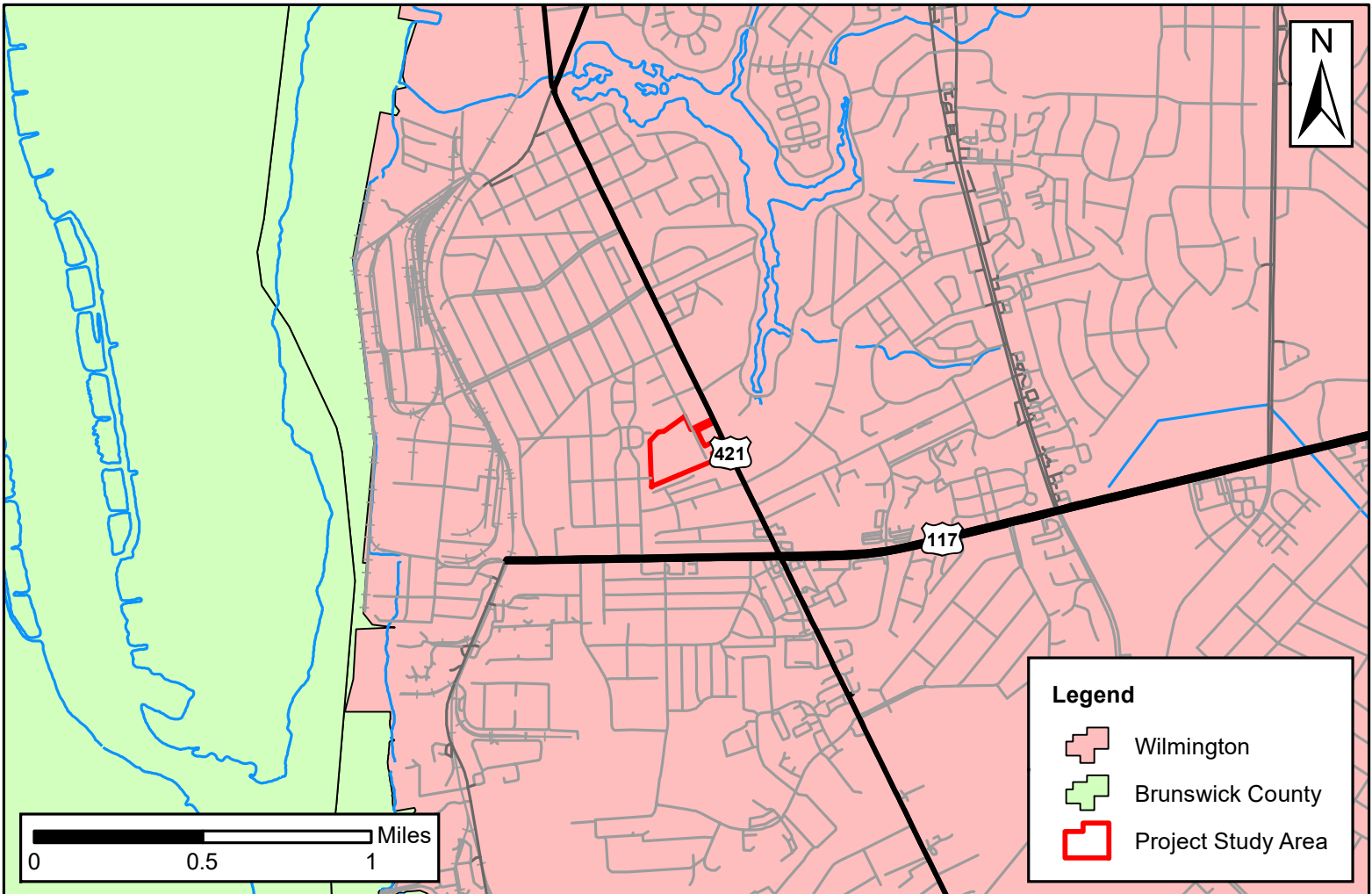
Brad Jansen

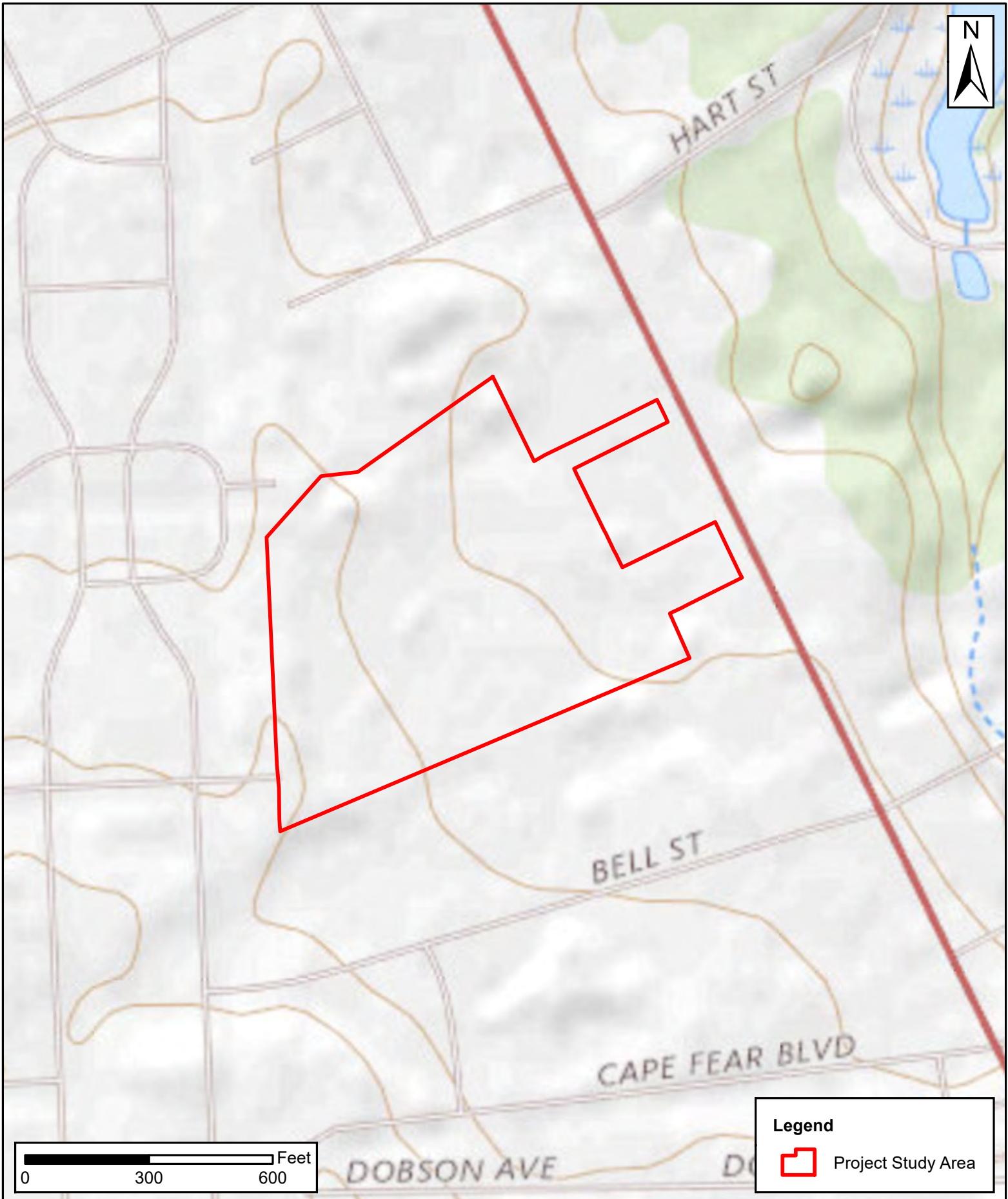
Print Responsible Party's Name

[Signature]

Responsible Party's Signature

Cc: Rick Trone  
NC Division of Water Resources  
401 & Buffer Permitting Unit  
1650 Mail Service Center  
Raleigh, NC 27699-1650







0 300 600 Feet

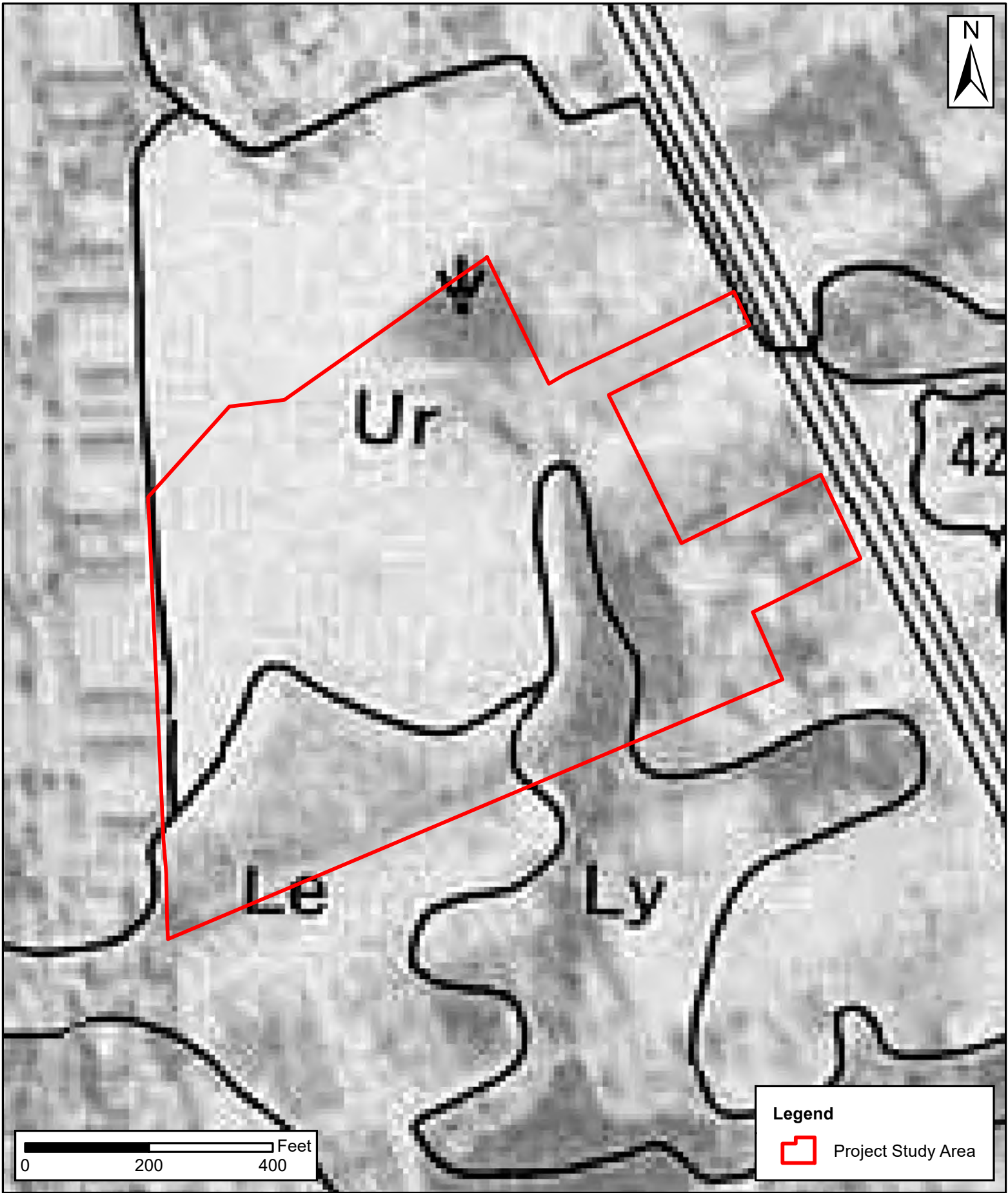
**Legend**

 Project Study Area



**Legend**

-  Excluded Ditch (b)(5)
-  Excluded Wetland (b)(1)
-  Project Study Area



Project/Site: Starway Village City/County: Wilmington/New Hanover Sampling Date: 6/19/21  
 Applicant/Owner: Bradley Housing Developers, LLC State: NC Sampling Point: W1-UP  
 Investigator(s): Mackenzie Richards (Kimley-Horn) Section, Township, Range: N/A  
 Landform (hillside, terrace, etc.): Hillslope Local relief (concave, convex, none): None Slope (%): 1-2  
 Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 34.197110 Long: -77.939104 Datum: NAD83  
 Soil Map Unit Name: Ur - Urban land NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No      (If no, explain in Remarks.)  
 Are Vegetation     , Soil     , or Hydrology      significantly disturbed? Are "Normal Circumstances" present? Yes X No       
 Are Vegetation     , Soil     , or Hydrology      naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <u>X</u> No <u>    </u> Hydric Soil Present? Yes <u>    </u> No <u>X</u> Wetland Hydrology Present? Yes <u>    </u> No <u>X</u>	<b>Is the Sampled Area within a Wetland?</b> Yes <u>    </u> No <u>X</u>
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Remarks:  
 The upland point W1-UP was taken approximately 15 feet from and 6 inches higher in elevation than the W1-WET data point. This data point was located on a slight hillslope adjacent to the gravel roadway on the site. No vegetation or hydrology was present at the time of collection. No apparent surface water or jurisdictional connection was identified flowing from Wetland W1.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> <u>    </u> Primary Indicators (minimum of one is required; check all that apply)	<b>Secondary Indicators (minimum of two required)</b>
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b> <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum Moss (D8) <b>(LRR T, U)</b>

<b>Field Observations:</b> Surface Water Present? Yes <u>    </u> No <u>X</u> Depth (inches): <u>    </u> Water Table Present? Yes <u>    </u> No <u>X</u> Depth (inches): <u>    </u> Saturation Present? Yes <u>    </u> No <u>X</u> Depth (inches): <u>    </u> (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <u>    </u> No <u>X</u>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
 No primary or secondary hydrology indicators were present at the upland data form location.

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: W1-UP

Tree Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
	_____ = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Sapling/Shrub Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
	_____ = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Herb Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Festuca spp.</u>	<u>40</u>	<u>Yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
	<u>40</u> = Total Cover		
	50% of total cover: <u>20</u>	20% of total cover: <u>8</u>	

Woody Vine Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	_____ = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>0</u>	x 2 = <u>0</u>
FAC species <u>40</u>	x 3 = <u>120</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>40</u> (A)	<u>120</u> (B)
Prevalence Index = B/A = <u>3.00</u>	

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

       Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody Vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?**      Yes       No

Remarks: (If observed, list morphological adaptations below.)  
 The area where the upland data point was collected was grassed, but had no other vegetation present to document.

**SOIL**

Sampling Point: W1-UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4	10YR 2/2	100					Sandy	>30% uncoated sand grains
4-16	2.5Y 5/4	100					Sandy	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)
- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Barrier Islands 1 cm Muck (S12) (MLRA 153B, 153D)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Floodplain Soils (F20) (MLRA 149A, 153C, 153D)
- Very Shallow Dark Surface (F22) (MLRA 138, 152A in FL, 154)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Coast Prairie Redox (A16) (outside MLRA 150A)
- Reduced Vertic (F18) (outside MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (LRR P, T)
- Anomalous Bright Floodplain Soils (F20) (MLRA 153B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22) (outside MLRA 138, 152A in FL, 154)
- Barrier Islands Low Chroma Matrix (TS7) (MLRA 153B, 153D)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_  
 Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No X

**Remarks:**

The upper layer of sandy soils had over 30% of uncoated sand grains present.



Project/Site: Starway Village City/County: Wilmington/New Hanover Sampling Date: 6/19/21  
 Applicant/Owner: Bradley Housing Developers, LLC State: NC Sampling Point: W1-WET  
 Investigator(s): Mackenzie Richards (Kimley-Horn) Section, Township, Range: N/A  
 Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 0-1  
 Subregion (LRR or MLRA): LRR T, MLRA 153A Lat: 34.197293 Long: -77.939233 Datum: NAD83  
 Soil Map Unit Name: Ur - Urban land NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No      (If no, explain in Remarks.)  
 Are Vegetation     , Soil     , or Hydrology      significantly disturbed? Are "Normal Circumstances" present? Yes X No       
 Are Vegetation     , Soil     , or Hydrology      naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <u>X</u> No <u>    </u> Hydric Soil Present? Yes <u>X</u> No <u>    </u> Wetland Hydrology Present? Yes <u>X</u> No <u>    </u>	<b>Is the Sampled Area within a Wetland?</b> Yes <u>X</u> No <u>    </u>
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Remarks:  
 Wetland 1 is a low-lying depression located in the northeast corner of the project site adjacent to a gravel roadway. The wetland area had standing water throughout with both saturation and the water table located at the surface. Wetland W1 is a non-adjacent, excluded wetland that has no jurisdictional connections to downstream waters.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (minimum of one is required; check all that apply)</u> <input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) <b>(LRR U)</b> <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input checked="" type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum Moss (D8) <b>(LRR T, U)</b>
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<b>Field Observations:</b> Surface Water Present? Yes <u>X</u> No <u>    </u> Depth (inches): <u>1</u> Water Table Present? Yes <u>X</u> No <u>    </u> Depth (inches): <u>1</u> Saturation Present? Yes <u>X</u> No <u>    </u> Depth (inches): <u>1</u> (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <u>X</u> No <u>    </u>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
 Both saturation and a water table were present at the surface of the wetland, as standing/ponded water was present throughout the site.

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: W1-WET

Tree Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
	_____ = Total Cover		
50% of total cover:	_____	20% of total cover:	_____

Sapling/Shrub Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Triadica sebifera</u>	<u>15</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Salix caroliniana</u>	<u>5</u>	<u>Yes</u>	<u>OBL</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
	_____ = Total Cover		
50% of total cover:	<u>10</u>	20% of total cover:	<u>4</u>

Herb Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Persicaria amphibia</u>	<u>20</u>	<u>Yes</u>	<u>OBL</u>
2. <u>Phragmites australis</u>	<u>40</u>	<u>Yes</u>	<u>FACW</u>
3. <u>Chasmanthium latifolium</u>	<u>10</u>	<u>No</u>	<u>FAC</u>
4. <u>Carex spp.</u>	<u>10</u>	<u>No</u>	<u>FAC</u>
5. <u>Juncus effusus</u>	<u>10</u>	<u>No</u>	<u>OBL</u>
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
	_____ = Total Cover		
50% of total cover:	<u>45</u>	20% of total cover:	<u>18</u>

Woody Vine Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Wisteria frutescens</u>	<u>50</u>	<u>Yes</u>	<u>FACW</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	_____ = Total Cover		
50% of total cover:	<u>25</u>	20% of total cover:	<u>10</u>

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>35</u>	x 1 = <u>35</u>
FACW species <u>90</u>	x 2 = <u>180</u>
FAC species <u>35</u>	x 3 = <u>105</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>160</u> (A)	<u>320</u> (B)
Prevalence Index = B/A = <u>2.00</u>	

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

       Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody Vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes  No

Remarks: (If observed, list morphological adaptations below.)  
 No canopy layer was observed at this point.

**SOIL**

Sampling Point: W1-WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-8	10YR 4/2	95	7.5YR 4/6	5	C	M	Sandy	Prominent redox concentrations
8-16	5YR 2.5/1	100					Mucky Sand	Muck

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)
- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Barrier Islands 1 cm Muck (S12) (MLRA 153B, 153D)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Floodplain Soils (F20) (MLRA 149A, 153C, 153D)
- Very Shallow Dark Surface (F22) (MLRA 138, 152A in FL, 154)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Coast Prairie Redox (A16) (outside MLRA 150A)
- Reduced Vertic (F18) (outside MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (LRR P, T)
- Anomalous Bright Floodplain Soils (F20) (MLRA 153B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22) (outside MLRA 138, 152A in FL, 154)
- Barrier Islands Low Chroma Matrix (TS7) (MLRA 153B, 153D)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

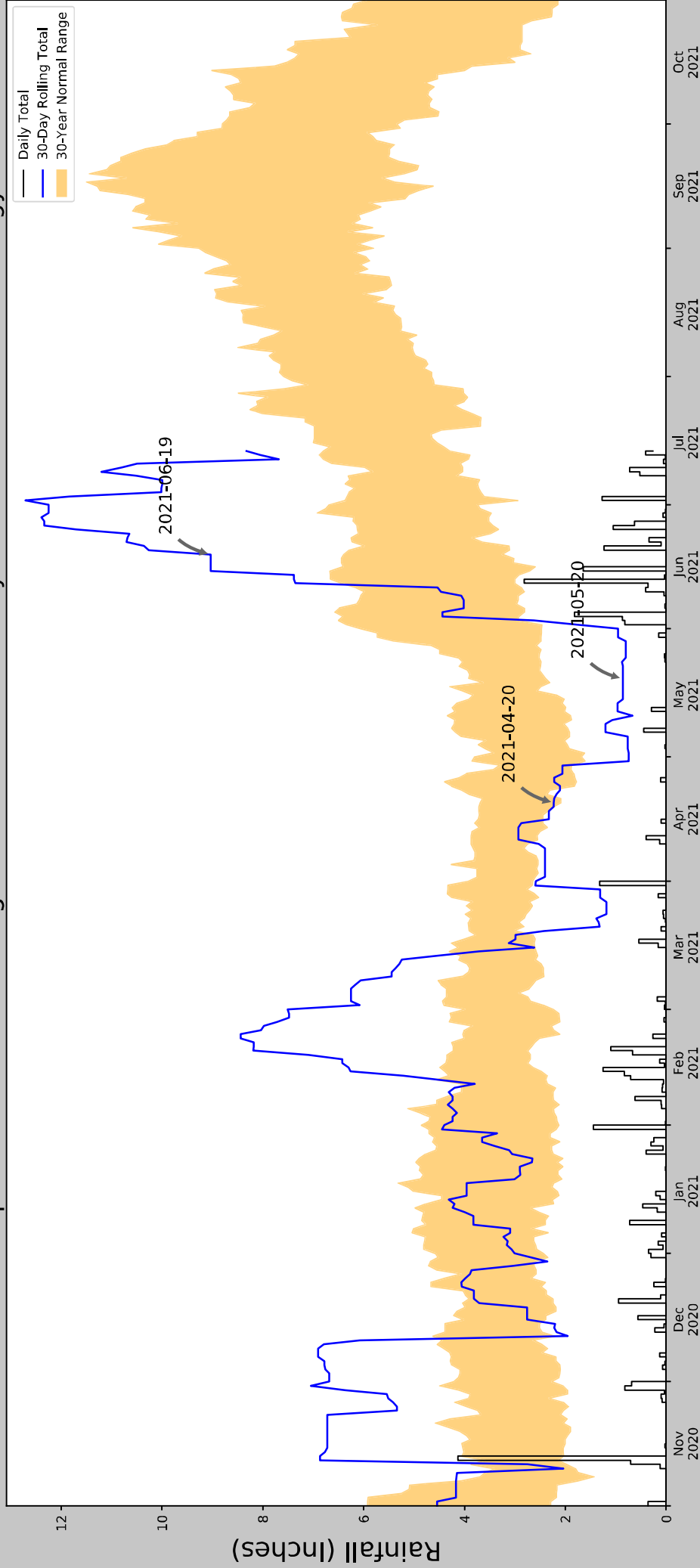
Type: \_\_\_\_\_  
 Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes X No \_\_\_\_\_

**Remarks:**

A presence of muck was found at a depth of 8 inches.

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-06-19	3.250394	6.391732	9.035433	Wet	3	3	9
2021-05-20	2.391339	3.912599	0.862205	Dry	1	2	2
2021-04-20	2.087402	3.685433	2.232284	Normal	2	1	2
Result							
Normal Conditions - 13							

Coordinates	34.196388, -77.939694
Observation Date	2021-06-19
Elevation (ft)	25.07
Drought Index (PDSI)	Mild wetness



Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
WILMINGTON INTL AP	34.2675, -77.8997	33.136	5.419	8.066	2.482	11353	90