

Final Notice and Public Explanation of a Proposed Activity in a Wetland

Harkins Avenue Subdivision Development

Haywood County, North Carolina

To: All interested Federal, State, and Local Agencies, Groups, and Individuals

This is to give notice that the North Carolina Department of Commerce (NCDOC), Division of Community Revitalization (DCR) under 24 CFR Part 58 has conducted an evaluation as required by Executive Order 11990 and in accordance with HUD regulations at 24 CFR 55.20 in Subpart C, Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The activity is funded through the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant – Disaster Recovery Program. The proposed project is located in Haywood County between Harkins Avenue and Keith Street in Canton, North Carolina 28721 (Parcel 8647-83-7739; Coordinates: - 82.870754, 35.540037) and is located partially in the wetland.

The project proposes the construction of approximately 18 detached single-family homes based on current design plans. The development will be situated on 5.97-acres of undeveloped, cleared land previously used for agriculture. Project activities will include all necessary site work, utilities, and infrastructure necessary to support the development of the property. Areas of disturbance associated with the proposed development will extend along Keith Street through the intersection of Keith Street and James Street. This work will facilitate the installation of a new stormwater conveyance pipe along the centerline of Keith Street, replacement of the culvert running beneath James Street just south of Keith Street, and new public infrastructure and utilities within Keith Street right-of-way. The existing neighborhood has experienced episodes of flooding due to insufficiently sized stormwater pipes and drainage systems. The proposed work will upgrade the existing system and develop on-site stormwater control measures to reduce strain on the drainage infrastructure.

The proposed project area contains an area of NWI-mapped Riverine wetland, classified as R4SBC, defined as a seasonally or intermittently flooded channel which contains flowing water only part of the year. This wetland is located on the southern edge of the property which drains into the partially culverted channel running parallel along the south side of Keith Street. Riverine systems are critical for nutrient cycling and providing passage for migratory aquatic species, while also maintaining water flow and quality in watersheds. They act as natural water filters, slowing surface runoff, storing floodwater, and trapping sediment and nutrients, which improves water quality. This channelized wetland system extends beyond Keith Street and connects to a much larger wetland area surrounding Patton Branch and eventually drains into the Pigeon River to the northwest. The proposed project has the potential to directly impact approximately 0.27 acres of wetlands located along the southern edge of the property being developed. While proposed work along Keith St. has potential to directly impact another 0.50 acres of wetlands along the southern edge of Keith St., indirect construction impacts to these wetland areas directly adjacent to planned work may also occur. Additionally, the project has the potential to indirectly impact offsite wetlands west of James Street along the Patton Branch as stormwater from the project area is conveyed towards the Pigeon River.

The DCR has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing wetland:

Alternative 1 – Locate the project outside of wetlands at an alternative site. Identifying a viable new site would involve significant logistical challenges and costs, including land acquisition and modifications to infrastructure and utilities. Additionally, the selected location must meet the Program’s national objective criteria and be feasible in terms of cost and constructability to achieve the Program’s affordability and performance objectives. While identifying a site outside of wetlands may be practicable, given the limited extent and type of wetlands to be impacted by this project, relocating the entirety of the project outside of wetlands would have a very minimal benefit in terms of protecting and preserving wetlands. Construction in a different location may require additional work to connect to existing utility systems, which may be cost-prohibitive and could unnecessarily impede efforts to increase the stock of safe affordable housing in this community. Therefore, this alternative was rejected.

Alternative 2 – Evaluate alternative design(s) to limit impacts to the wetlands. One of the design alternatives considered was the construction of twenty-three single family homes in a different configuration on the subject property. The design incorporated a stormwater management system fully contained within the property and consisted of a series of stormwater control structures designed to collect, store and manage stormwater onsite without the need to construct a detention basin. As a result, work within the wetland was limited to construction of the access road and utility connections in the southwest corner of the property. While this design allowed for additional houses on the southern side of the lot (compared to the current layout) with less infringement on wetlands, it also restricted the size and efficacy of planned stormwater control measures. This alternative design would add additional housing at the cost of increasing the strain on the already overburdened drainage system. Based on the historic drainage issues and periodic flooding episodes in the adjacent neighborhood, any increase in stormwater without making improvements to the existing drainage system is likely to adversely impact the surrounding community. Therefore, this alternative design was rejected.

Alternative 3 - No Action Alternative. The alternative to not approve any action, essentially a “No Action” alternative means that the proposed project would not be implemented, and additional housing would not be constructed. Following extensive damage from Tropical Storm Fred in 2021, affordable housing has become a scarce commodity in this area of Haywood County. This alternative would fail to address the need for safe and affordable housing in the West Canton area, which currently has insufficient stock of housing. As the “No Action” Alternative does not provide a solution to the housing crisis, this alternative does not provide any benefit and was therefore rejected.

The following mitigation measures and standards have been identified to minimize adverse impacts and benefit wetland values:

1. The project will incorporate Low Impact Development (LID) technologies as practicable into the design and construction of the subdivision and residences to help mitigate some of the stormwater runoff resulting from increased impervious surfaces.
2. As necessary, the project will include an erosion and sedimentation control plan filed with the Regional Land and Quality section office a minimum of 30 days prior to beginning of construction activities as part of a NPDES construction stormwater permit. The plan will be in accordance with all state and local approved stormwater program.
3. As required for impacts to jurisdictional streams or wetlands, a Section 404 permit from the US Army Corps of Engineers and corresponding Section 401 Water Quality Certification from the

Division of Water Resources will be obtained. Regardless of permitting requirements, all activities will be conducted in compliance with North Carolina Surface Water and Wetland Standards found in 15A NCAC 02B.0200 and .0231, including adherence to turbidity standards. Appropriate best management practices will be employed when working around streams and wetlands to ensure compliance with the standards.

4. The project will implement all Best Management Practices (BMP) associated with applicable federal and/or state permits during construction to minimize sedimentation in streams.
5. The proposed project will not involve the broad application of pesticides or herbicides.

The DCR has reevaluated alternatives to building in wetlands and has determined that it has no practicable alternative. Environmental files documenting compliance with Executive Order 11990 and 24 CFR 55, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

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 should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in a wetland, it must inform those who may be put at greater or continued risk.

Written comments must be received by the North Carolina Department of Commerce (NCDOC), Division of Community Revitalization (DCR) at the following address on or before July 10, 2026 [a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]: North Carolina Department of Commerce (NCDOC), Division of Community Revitalization (DCR), 4301 Mail Service Center, Raleigh NC 27699-4346, Attention: Daniel Herrera, Environmental Program Manager. A full description of the project may also be reviewed from 8:00am to 4:00pm at the same address as above and on the [DCR website](#). Comments may also be submitted via email to dcr.environmental@commerce.nc.gov.

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