



**US Army Corps  
of Engineers**®  
Wilmington District

# **FINDING OF NO SIGNIFICANT IMPACT**

**LITTLE CREEK OYSTER SANCTUARY  
NEUSE RIVER, PAMLICO SOUND, NORTH CAROLINA**

**OCTOBER 2015**

**FINDING OF NO SIGNIFICANT IMPACT**  
**LITTLE CREEK OYSTER SANCTUARY**  
**NEUSE RIVER, PAMLICO SOUND, NORTH CAROLINA**

**OCTOBER 2015**

The National Environmental Policy Act of 1969 (NEPA), as amended, requires consideration of the environmental impacts for major federal actions. The Proposed Action and the environmental impacts of the Proposed Action were addressed in the Environmental Assessment, Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina (EA) dated July 2015. The EA was coordinated with various regulatory agencies and the public, and comment letters were received after a 30-day review period. This Finding of No Significant Impact (FONSI) documents environmental considerations, and the determination that no significant impacts would occur should the Proposed Action be implemented. The EA and FONSI have been prepared pursuant to NEPA in accordance with the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508), which direct federal agencies to implement the provisions of NEPA, and pursuant to the U.S. Army Corps of Engineers procedures for implementing NEPA (33 CFR Part 230).

**Description of the Proposed Action and Alternatives Considered:** The EA dated July 2015 describes the Proposed Action, the Little Creek Oyster Sanctuary (hereafter referred to as Sanctuary). The proposed Sanctuary will have a 20-acre footprint and contain 10 acres of constructed oyster reef (Figures 1 and 2). The Sanctuary will be identified by wooden three-pile dolphins on all four corners, each displaying Sanctuary designation signage. The remaining 10 acres will be buffer zones and void areas. The developed area will consist of 100 construction grids, each 75 feet by 75 feet. The layout will consist of 18 grids with 15 Ultra Balls™ per grid, 18 grids with 150 tons of 4-inch-12 inch processed recycled concrete per grid, 16 grids with five Reef Pyramids per grid, 16 grids with 75 tons of recycled concrete pipe per grid, two grids with 150 tons of basalt riprap per grid, two grids with 150 tons of granite riprap per grid, two grids with 150 tons of limestone riprap per grid, and two grids with 150 tons of concrete blocks per grid. The proposed materials have been proven through extensive field application. The proposed reef architecture within the Sanctuary has been designed to closely match the form of nearby reference reefs and includes alternate materials in addition to conventional stone design. Twenty-four (24) grids will be left undeveloped to serve as anchor zones for recreational fishing. The Sanctuary will provide a net increase in the number of oyster larvae for settlement and recolonization of oyster reefs within the Neuse River Basin. The Sanctuary will be managed by the North Carolina Division of Marine Fisheries (NCDMF) to preclude oyster harvest, but will allow recreational fin-fishing. Construction of the Sanctuary expands on successful existing practices already employed in the Neuse River Estuary and the Pamlico Sound.

Alternative actions included the No Action alternative, which represents what would occur at the project site if no new sanctuary reefs were built, Alternative 1, which would consist of adding cultch material to existing reefs, Alternative 2, which would include designating high output oyster reefs as sanctuaries to preclude impacts associated with harvest, and Alternative 3, construction of the Sanctuary. The Proposed Action was determined to be the only restoration

measure that is technically feasible and environmentally acceptable and meets NCDMF Oyster Sanctuary Program goals.

**Public and Agency Coordination:** On July 22, 2015, the EA was mailed to Federal and State agencies, local communities, and the interested public for a 30-day review and comment period. Comments received during the review and comment period did not result in any changes to the Proposed Action, and were considered in making the decision to sign a FONSI. Responses to comments are included in Appendix A and the correspondence received is included in Appendix B.

- a. **Summary of Environmental Resources and Impacts:** Section 4.00 of the EA provides information on the affected environment present in the proposed project area, which is located in Pamlico Sound, North Carolina. The probable consequences (impacts and effects) of the Proposed Action and the No Action alternative on environmental resources in the proposed project area were evaluated. No adverse long-term effects would be expected should the Proposed Action be implemented. For the No Action alternative, no adverse environmental impacts would occur; however, there would be no re-establishment of oyster reefs in the project area. This would result in no considerable long-term benefits to the environment, perpetuating the status quo of oyster population decline within the estuary.
- b. **Facts and Conclusions Leading to the Finding of No Significant Impact (FONSI):** Based on the analysis of alternatives, it has been determined that the Proposed Action would not produce any long-term adverse environmental effects in the proposed project area. Proceeding with the Proposed Action as described in the EA would not significantly or adversely impact the environment. Additionally, no significant cumulative effects would be expected.
- c. **Finding of No Significant Impact:** I have reviewed the Environmental Assessment, Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina (EA), dated July 2015, the information provided by interested parties, and the information contained in this Finding of No Significant Impact. I find that the Proposed Action would not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, is not required.

13 Oct 2015

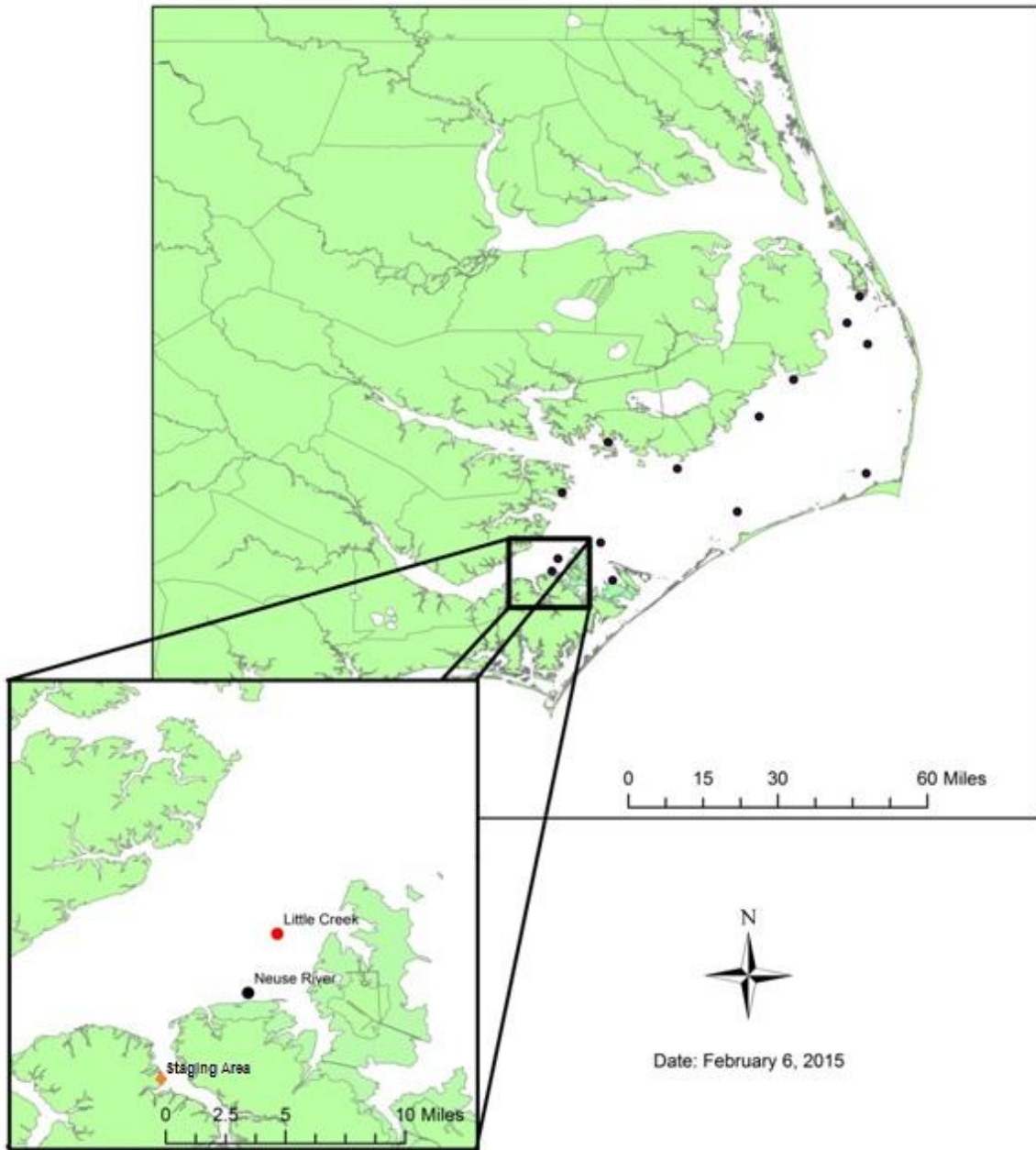
Date



Kevin P. Landers Sr.  
Colonel, U.S. Army  
District Commander

## **FIGURES**

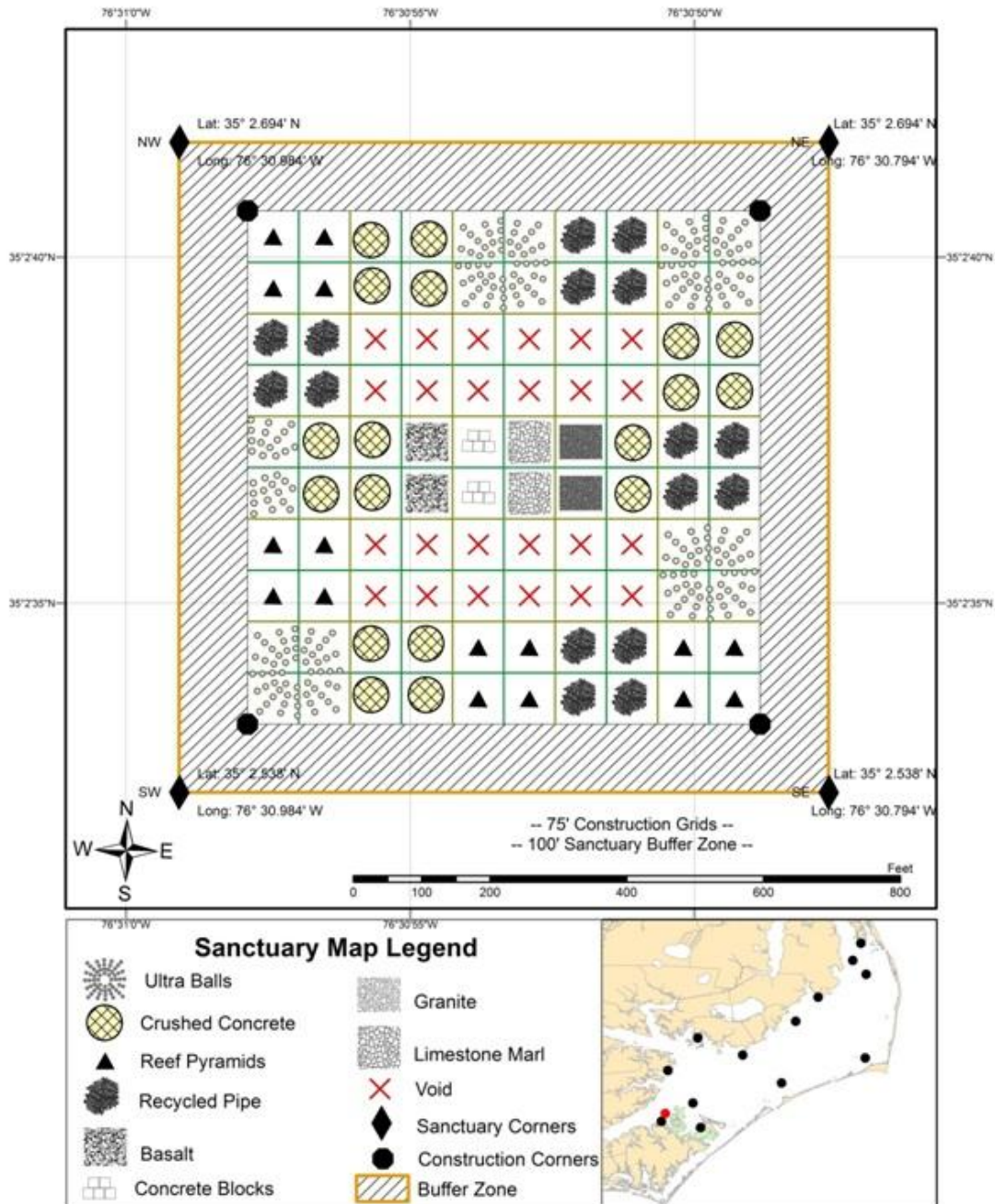
**Little Creek Oyster Sanctuary  
Neuse River, Pamlico Sound, North Carolina**



***Figure 1. Proposed Little Creek Oyster Sanctuary Reference Map.***

All existing sanctuaries are denoted by black circles. Proposed Little Creek Sanctuary is denoted by a red circle. South River staging area is denoted by an orange diamond. Little Creek Sanctuary will be located north-northwest of the existing Neuse River Sanctuary in the Lower Neuse River Estuary, North Carolina, USA.

# Proposed Little Creek Oyster Sanctuary



*Figure 2. Proposed Little Creek Site Map.*

Material types and distribution depicted by symbology. Reference map is inset, with the proposed Little Creek Sanctuary location highlighted in red.

## **APPENDIX A**

**Public Comments and U.S. Army Corps of Engineers' Responses**

**Little Creek Oyster Sanctuary  
Neuse River, Pamlico Sound, North Carolina**

**A.1 National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Protected Resources Division – Comments received via email dated July 28, 2015.**

**Comment 1:** Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), the Protected Resources Division (PRD) of NOAA’s National Marine Fisheries Service (NMFS) has reviewed your letter Dated July 22, 2015, concerning the above-referenced subject matter.

USACE has evaluated the proposed action and concluded that the proposed action will have “no-effect” on listed species or critical habitat designated under the ESA under the NMFS’ purview. This concludes ESA section 7 responsibilities; USACE does not need to seek NMFS’ comments or concurrence with their “no-effect” determination.

**Response 1:** Acknowledged.

**A.2 US Environmental Protection Agency, Region IV – Comments received via email dated July 29, 2015.**

**Comment 1:** EPA Region 4 does not have any comments or concerns for this project at this time. We do support Fish and Wildlife’s position.

**Response 1:** Acknowledged. See section A.6 of this appendix for US Fish and Wildlife comments and responses.

**A.3 North Carolina Department of Public Safety, Division of Emergency Management, Floodplain Management Program – Comments received via memorandum dated August 5, 2015.**

**Comment 1:** No comment.

**Response 1:** Acknowledged.

**A.4 North Carolina Department of Cultural Resources, State Historic Preservation Office – Comments received via letter dated August 10, 2015.**

**Comment 1:** We believe the EA adequately addresses our concerns for historic resources.

**Response 1:** Acknowledged.

**A.5 National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Habitat Conservation Division – Comments received via electronic letter dated August 17, 2015.**

**Comment 1:** EFH in the Little Creek Sanctuary Area currently includes mud (unconsolidated) bottom. The SAFMC identifies shallow subtidal bottom in estuarine waters as EFH for Brown Shrimp, Pink Shrimp, and White Shrimp. The SAFMC identifies these areas as EFH because fish and shrimp concentrate in these habitats for feeding and refuge and experience high growth and survival rates when located in



these habitats. Detailed information on the EFH requirements of species managed by the SAFMC is provided in a comprehensive amendment to the fishery management plans and *Fishery Ecosystem Plan of the South Atlantic Region*. Other species of commercial or recreational importance found in the project area include Red Drum, Atlantic Croaker, Spot, Atlantic Menhaden, Bay Anchovy, Striped Mullet, Weakfish, and Blue Crab. A number of these species serve as prey for fish that are managed by the SAFMC (e.g., King Mackerel, Spanish Mackerel, and Cobia) or for highly migratory fish managed by the NMFS (e.g., billfishes and sharks). The project area also includes Bluefish and Summer Flounder. These species are managed by the MAFMC and that council designates estuaries as EFH for these species.

As indicated above, the EA dismisses the area as unproductive soft bottom (pages 3 and 4), contrary to the EFH listing of this habitat by SAFMC and MAFMC. But in Section 4.08 (pages 12 and 13), the EA describes how this habitat supports a high diversity of benthic invertebrates and how benthic macro-algae are a key part of the food chain. The Estuarine Fish, EFH discussion in Section 4.10 (pages 14 and 15) reflects what will happen when the oyster reef is built. Most of the fishes listed in this section are not affiliated with oyster reefs, and as pointed out, are residents of soft bottoms. This section concludes no adverse impacts to EFH are anticipated with the proposed action.

**Response 1:** Acknowledged. The proposed project area exists in unconsolidated estuarine soft bottom and will permanently alter 10 acres by conversion to oyster reef. As illustrated in Figure 2 of the Environmental Assessment (EA), oyster reef materials will be placed so that purposeful void areas remain. The ecological function of these void areas is to allow species which utilize unconsolidated estuarine soft bottom to remain in the project area and contribute to the overall faunal diversity and ecological functionality of the Little Creek Oyster Sanctuary. Additionally, void areas within the sanctuary will retain connection to unconsolidated estuarine soft bottom outside of the project area. Impacts to populations of species such as Brown Shrimp, Pink Shrimp, and White Shrimp are expected to be temporary and short-lived. The “unproductive” soft bottom mentioned on pages 3 and 4 of the EA is considered to be so only relative to a thriving oyster sanctuary in which species diversity and general ecosystem benefits are elevated. As stated in Section 4.08 of the EA, the existing unconsolidated estuarine soft bottom habitat does support benthic microalgae and invertebrates; however, as mentioned earlier in this response, this Essential Fish Habitat (EFH) type will not be eliminated and purposeful void areas will remain after reef material placement. Concerning Section 4.10 of the EA, and as previously evidenced in this response through discussion of void areas, the proposed action is expected to produce an overall benefit to both fin fishes affiliated with unconsolidated estuarine soft bottom, and other estuarine fish species that may occupy waters within the project area less frequently, through habitat creation for prey species and enhanced cover from predation. The proposed action is not expected to have any adverse affect upon fish that are

managed by the SAFMC (e.g., King Mackerel, Spanish Mackerel, and Cobia), upon highly migratory fish managed by the NMFS (e.g., billfishes and sharks), or upon estuarine species managed by the MAFMC (Bluefish and Summer Flounder).

**Comment 2:** One editorial note: the Lowery and Paynter (2002) reference on page 15 is not listed in the Literature Cited.

**Response 2:** Acknowledged. The below citation for Lowery and Paynter (2002) was mistakenly omitted from the Environmental Assessment's (EA) Literature Cited section:

Lowery, J. and K.T. Paynter. 2002. The importance of molluscan shell substrate. National Marine Fisheries Service, Unpub. rep. 17p.

**Comment 3:** The NMFS disagrees with the statement at the bottom of page 16 that "From historical accounts, it appears that this species (Shortnose Sturgeon) was once fairly abundant throughout North Carolina waters...." Prior to 1985, there are only three plausible records in North Carolina – the Beaufort area, Neuse River, and Salmon Creek of the lower Chowan River.

**Response 3:** Acknowledged. Directly following the statement in question, which describes historic accounts of Shortnose sturgeon sightings in North Carolina, the text elaborates and states that, "...many of these early records are unreliable because of confusion between this species and the Atlantic sturgeon (*Acipenser oxyrinchus*)." The purpose of these passages in the Environmental Assessment are to convey the morphological similarities in these two sturgeon species, and that historic abundance data for both Atlantic and Shortnose sturgeon species must take into account possible misidentification.

**Comment 4:** There is an incomplete citation for Oakley and Hightower (2003) on page 17.

**Response 4:** Acknowledged. In-text citation on page 17 of the Environmental Assessment was mistakenly truncated.

**Comment 5:** The last sentence in the second paragraph under Atlantic Sturgeon asserts that dams on the Neuse River and its tributaries might have adversely affected sturgeon populations in this basin. This statement should have a citation.

**Response 5:** Acknowledged. A citation supporting this statement is included here below:

Atlantic Sturgeon Status Review Team (ASSRT). 2007. Status review of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*). Report to National Marine Fisheries Service, Northeast Regional Office. February 23, 2007. 175pp.  
<http://www.nmfs.noaa.gov/pr/pdfs/statusreviews/atlanticsturgeon2007.pdf>.

**Comment 6:** The proposed action would convert 10 acres of subtidal soft bottom EFH to oyster reef EFH, leaving 10 acres of soft bottom habitat scattered throughout the project

area as buffer zones and void areas. While the NMFS views favorably the creation of oyster reef habitat, the NCDMF should recognize that soft bottom habitat is also a valuable resource. This project is trading one EFH for another. While no EFH recommendations are provided for this particular project, the NMFS may provide EFH conservation recommendations in the future based on new information or changes in the project design that show adverse impacts would occur to EFH or federally-managed fishery species.

**Response 6:** Acknowledged.

**A.6 United States Department of the Interior, Fish and Wildlife Service – Comments received via letter dated August 21, 2015.**

**Comment 1:** In accordance with the Endangered Species Act of 1973, as amended, (ESA) and based on the information provided, and other available information, it appears the action is not likely to adversely affect federally listed species or their critical habitat as defined by the ESA. We believe that the requirements of section 7 (a)(2) of the ESA have been satisfied for this project. Please remember that obligations under the ESA must be reconsidered if: (1) new information identifies impacts of this action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

**Response 1:** Acknowledged.

**A.7 North Carolina Department of Environment and Natural Resources, Division of Water Resources, Water Quality Regional Operations – Comments received via memorandum dated August 24, 2015.**

**Comment 1:** The project will require a 401 permit for construction of the oyster reef.

**Response 1:** Acknowledged. As featured in Appendix A-1 of the Environmental Assessment (EA), the NC Division of Water Quality has determined the project is in compliance with North Carolina's Water Quality Certification Program and issued General 401 WQ Certification #3642 on 11/14/2011 (Project #11-0952).

**A.8 North Carolina Department of Transportation – Comments received via memorandum dated August 31, 2015.**

**Comment 1:** No comment.

**Response 1:** Acknowledged.

## **APPENDIX B**

### **Comments Received During 30-Day Public Review**

**Little Creek Oyster Sanctuary  
Neuse River, Pamlico Sound, North Carolina**

**From:** [Bodnar, Gregg](#)  
**To:** [Bashaw, Justin P SAW](#)  
**Subject:** [EXTERNAL] Little Creek Oyster Sanctuary EA  
**Date:** Tuesday, August 11, 2015 2:58:53 PM

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Afternoon Justin,

I just wanted to let you know that DCM Fisheries comments will be supplied through the State's SEPA process. To that point though I have submitted a NO COMMENT concerning the project.

Have a great day,

Gregg

Gregg Bodnar

Fisheries Resource Specialist

Division of Coastal Management

400 Commerce Ave.

Morehead City, NC 28557

(252) 808-2808 ext. 213 (Office)

(252) 247-3300 (Fax)

Gregg.Bodnar@ncdenr.gov <<mailto:Gregg.Bodnar@ncdenr.gov>>

BLOCKEDportal.ncdenr.org/web/cmBLOCKED

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties

**From:** [Long, Larry](#)  
**To:** [Rashaw, Justin P SAW](#)  
**Subject:** [EXTERNAL] Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina  
**Date:** Wednesday, July 29, 2015 9:36:40 AM

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Justin:

EPA Region 4 does not have any comments or concerns for this project at this time. We do support Fish and Wildlife's position. Thank you for your time.

Larry Long

NEPA  
Resource Conservation & Restoration Division  
EPA Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303  
404-562-9460

404-562-9598(FAX)

[long.larry@epa.gov](mailto:long.larry@epa.gov) <<mailto:long.larry@epa.gov>>

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**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701-5505  
<http://sero.nmfs.noaa.gov>

August 17, 2015

F/SER47:FR/pw

(Sent via Electronic Mail)

Elden J. Gatwood, Chief  
Planning and Environmental Branch  
U.S. Army Corps of Engineers Wilmington District  
69 Darlington Avenue  
Wilmington, North Carolina 28403-1343

Attention: Justin Bashaw

Dear Mr. Gatwood:

NOAA's National Marine Fisheries Service (NMFS) reviewed the letter dated July 22, 2015, and the Environmental Assessment (EA) for the proposed Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina, dated July 2015. The North Carolina Division of Marine Fisheries (NCDMF) would build the sanctuary reefs and prepared the EA. The proposed Little Creek Oyster Sanctuary would directly restore 10 acres of what the District and NCDMF describe as "unproductive soft bottom" by conversion to oyster reef habitat, within a 20-acre permitted footprint. Oyster reefs would be constructed with two limestone mounds, 1,000 Ultra-Balls, and 98 Reef Pyramids, and the reef locations would be near other oyster aggregations managed by the NCDMF. The Wilmington District's initial determination is the proposed project is not likely to affect adversely essential fish habitat (EFH) or associated fisheries managed by the South Atlantic Fishery Management Council (SAFMC), the Mid-Atlantic Fishery Management Council (MAFMC), or the NMFS. As the nation's federal trustee for the conservation and management of marine, estuarine, and diadromous fishery resources, the following comments and recommendations are provided pursuant to the authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

*Essential Fish Habitat in the Proposed Project Area*

EFH in the Little Creek Sanctuary Area currently includes mud (unconsolidated) bottom. The SAFMC identifies shallow subtidal bottom in estuarine waters as EFH for Brown Shrimp, Pink Shrimp, and White Shrimp. The SAFMC identifies these areas as EFH because fish and shrimp concentrate in these habitats for feeding and refuge and experience high growth and survival rates when located in these habitats. Detailed information on the EFH requirements of species managed by the SAFMC is provided in a comprehensive amendment to the fishery management plans and *Fishery Ecosystem Plan of the South Atlantic Region*. Other species of commercial or recreational importance found in the project area include Red Drum, Atlantic Croaker, Spot, Atlantic Menhaden, Bay Anchovy, Striped Mullet, Weakfish, and Blue Crab. A number of these species serve as prey for fish that are managed by the SAFMC (e.g., King Mackerel, Spanish Mackerel, and Cobia) or for highly migratory fish managed by the NMFS (e.g., billfishes and sharks). The project area also includes Bluefish and Summer Flounder. These species are managed by the MAFMC and that council designates estuaries as EFH for these species.

As indicated above, the EA dismisses the area as unproductive soft bottom (pages 3 and 4), contrary to the EFH listing of this habitat by SAFMC and MAFMC. But in Section 4.08 (pages 12 and 13), the EA describes how this habitat supports a high diversity of benthic invertebrates and how benthic macro-algae are a key part of the food chain. The Estuarine Fish, EFH discussion in Section 4.10 (pages 14 and 15)



reflects what will happen when the oyster reef is built. Most of the fishes listed in this section are not affiliated with oyster reefs, and as pointed out, are residents of soft bottoms. This section concludes no adverse impacts to EFH are anticipated with the proposed action. One editorial note: the Lowery and Paynter (2002) reference on page 15 is not listed in the Literature Cited.

*Threatened and Endangered Species*

The NMFS disagrees with the statement at the bottom of page 16 that "From historical accounts, it appears that this species (Shortnose Sturgeon) was once fairly abundant throughout North Carolina waters..." Prior to 1985, there are only three plausible records in North Carolina – the Beaufort area, Neuse River, and Salmon Creek of the lower Chowan River<sup>1</sup>. There is an incomplete citation for Oakley and Hightower (2003) on page 17. The last sentence in the second paragraph under Atlantic Sturgeon asserts that dams on the Neuse River and its tributaries might have adversely affected sturgeon populations in this basin. This statement should have a citation.

*Impacts to Essential Fish Habitat*

The proposed action would convert 10 acres of subtidal soft bottom EFH to oyster reef EFH, leaving 10 acres of soft bottom habitat scattered throughout the project area as buffer zones and void areas. While the NMFS views favorably the creation of oyster reef habitat, the NCDMF should recognize that soft bottom habitat is also a valuable resource. This project is trading one EFH for another. While no EFH recommendations are provided for this particular project, the NMFS may provide EFH conservation recommendations in the future based on new information or changes in the project design that show adverse impacts would occur to EFH or federally-managed fishery species.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Mr. Fritz Rohde at our Beaufort Field Office, 101 Pivers Island Road, Beaufort, North Carolina 28516-9722, or at (252) 838-0828

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc: COE, Justin.P.Bashaw@usace.army.mil  
USFWS, Pete\_Benjamin@fws.gov  
NCDCM, Doug.Huggett@ncmail.net, Shane.Staples@ncdenr.gov  
EPA, Bowers.Todd@epa.gov  
SAFMC, Roger.Pugliese@safmc.net  
F/SER4, David.Dale@noaa.gov  
F/SER47, Fritz.Rohde@noaa.gov

---

<sup>1</sup> Menhinick, EF, and AL Braswell. 1997. Endangered, Threatened, and Rare Fauna of North Carolina. Occasional Papers of the North Carolina Museum of Natural Sciences, North Carolina Biological Survey 11:1-106.



**From:** [nmfs\\_ser\\_esa\\_consultations - NOAA Service Account](#)  
**To:** [Bashaw, Justin P SAW](#)  
**Cc:** [Kelly Shotts - NOAA Federal](#)  
**Subject:** [EXTERNAL] EA - Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, NC, dated July 2015  
**Date:** Tuesday, July 28, 2015 11:18:41 AM

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Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), the Protected Resources Division (PRD) of NOAA's National Marine Fisheries Service (NMFS) has reviewed your letter dated July 22, 2015, concerning the above-referenced subject matter.

USACE has evaluated the proposed action and concluded that the proposed action will have "no-effect" on listed species or critical habitat designated under the ESA under NMFS' purview. This concludes ESA section 7 responsibilities; USACE does not need to seek NMFS' comments or concurrence with their "no-effect" determination.

If you have any questions, please contact our ESA section 7 Coordinator, Ms. Kelly Shotts at (727) 824-5312 <tel:%28727%29%20824-5312> or by e-mail at [kelly.shotts@noaa.gov](mailto:kelly.shotts@noaa.gov) <<mailto:kelly.shotts@noaa.gov>> .

Thank you.



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

Ramona M. Bartos, Administrator

Governor Pat McCrory  
Secretary Susan Kluttz

Office of Archives and History  
Deputy Secretary Kevin Cherry

August 10, 2015

Elden Gatwood  
Department of the Army  
Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403

Re: Environmental Assessment, Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound,  
Carteret County, ER 11-2086


Dear Mr. Gatwood:

Thank you for your letter of July 22, 2015, transmitting the Environmental Assessment (EA) for the above project. We believe the EA adequately addresses our concerns for historic resources.

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or [environmental.review@ncdcr.gov](mailto:environmental.review@ncdcr.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

  
for Ramona M. Bartos



North Carolina  
Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

August 25, 2015

Mr. Justin Bashaw  
Department of Army  
Corps of Engineers  
69 Darlington Avenue  
Wilmington, North Carolina 28403-1343

**Re: SCH File # 16-E-0000-0027; EA; Proposed is for the Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound.**

Dear Mr. Bashaw:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best  
State Environmental Review Clearinghouse

Attachments

cc: Region P

*Mailing Address:*  
1301 Mail Service Center  
Raleigh, NC 27699-1301

*Telephone: (919)807-2425*  
Fax (919)733-9571  
State Courier #51-01-00  
*e-mail state.clearinghouse@doa.nc.gov*

*Location Address:*  
116 West Jones Street  
Raleigh, North Carolina

*An Equal Opportunity/Affirmative Action Employer*



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

MEMORANDUM

TO: Crystal Best  
State Clearinghouse

FROM: Lyn Hardison *Lyn*  
Division of Environmental Assistance and Customer Service  
Permit Assistance & Project Review Coordinator

RE: 16-0027  
Environmental Assessment  
Proposal is for the Little Creek Oyster Sanctuary within the Neuse River Basin, Pamlico  
Sound  
Carteret County

Date: August 24, 2015

The Department of Environment and Natural Resources has reviewed the proposal for the referenced project. The comments are attached for the applicant's review.

The Department's agencies will continue to be available to assist the applicant through the environmental review processes.

Thank you for the opportunity to respond.

Attachment

State of North Carolina  
 Department of Environment and Natural Resources  
 INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Reviewing Office: WRO  
 Project Number 16-0027 Due Date: 8/17/2015  
 County Carteret

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit- whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input checked="" type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.011.3).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

June 16, 2014

Project Number: <u>16-0027</u> Due Date: <u>8/17/2015</u>			Normal Process Time (statutory time limit)
PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input checked="" type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required.		
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days

Other comments (attach additional pages as necessary, being certain to cite comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ	n/a	<input type="checkbox"/>		/ /
DWR-WQROS (Aquifer & Surface)	JHS	<input type="checkbox"/>	The project will require a 401 permit for the construction of the oyster reef.	8/24/15
DWR-PWS	n/a	<input type="checkbox"/>		/ /
DEMLR (LQ & SW)	n/a	<input type="checkbox"/>		/ /
DWM - UST	n/a	<input type="checkbox"/>		/ /

#### REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

**Asheville Regional Office**  
2090 US Highway 70  
Swannanoa, NC 28778  
(828) 296-4500

**Mooreville Regional Office**  
610 East Center Avenue, Suite 301  
Mooreville, NC 28115  
(704) 663-1699

**Wilmington Regional Office**  
127 Cardinal Drive Extension  
Wilmington, NC 28405  
(910) 796-7215

**Fayetteville Regional Office**  
225 North Green Street, Suite 714  
Fayetteville, NC 28301-5043  
(910) 433-3300

**Raleigh Regional Office**  
3800 Barrett Drive, Suite 101  
Raleigh, NC 27609  
(919) 791-4200

**Winston-Salem Regional Office**  
585 Woughtown Street  
Winston-Salem, NC 27107  
(336) 771-5000

**Washington Regional Office**  
943 Washington Square Mall  
Washington, NC 27889  
(252) 946-6481

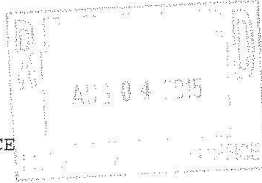
NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: CARTERET

H07: CONSERVATION OF COASTAL FISH  
& WILDLIFE HABITATS

STATE NUMBER: 16-E-0000-0027  
DATE RECEIVED: 07/27/2015  
AGENCY RESPONSE: 08/17/2015  
REVIEW CLOSED: 08/20/2015

MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORDINATOR  
DEPT OF CULTURAL RESOURCES  
STATE HISTORIC PRESERVATION OFFICE  
MSC 4617 - ARCHIVES BUILDING  
RALEIGH NC



ER 11-2086

PREVIOUSLY CLEARED

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DENR LEGISLATIVE AFFAIRS  
DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION  
DPS - DIV OF EMERGENCY MANAGEMENT  
EASTERN CAROLINA COUNCIL

PROJECT INFORMATION

APPLICANT: Department of Army  
TYPE: National Environmental Policy Act  
Environmental Assessment

DESC: Proposed is for the Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound.

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

Renee Gedhill-Earley

DATE:

8.6.15



NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: CARTERET

H07: CONSERVATION OF COASTAL FISH  
& WILDLIFE HABITATS

STATE NUMBER: 16-E-0000-0027  
DATE RECEIVED: 07/27/2015  
AGENCY RESPONSE: 08/17/2015  
REVIEW CLOSED: 08/20/2015

MS CAROLYN PENNY  
CLEARINGHOUSE COORDINATOR  
DPS - DIV OF EMERGENCY MANAGEMENT  
FLOODPLAIN MANAGEMENT PROGRAM  
MSC # 4218  
RALEIGH NC

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DEPT OF TRANSPORTATION  
DPS - DIV OF EMERGENCY MANAGEMENT  
EASTERN CAROLINA COUNCIL

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If additional review time is needed, please contact this office at (919)807-2425.



AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

*David H. [Signature]*

DATE:

*8/5/15*



NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: CARTERET

H07: CONSERVATION OF COASTAL FISH  
& WILDLIFE HABITATS

*Lee Cowhig*  
STATE NUMBER: 16-E-0000-0027  
DATE RECEIVED: 07/27/2015  
AGENCY RESPONSE: 08/17/2015  
REVIEW CLOSED: 08/20/2015

MS CARRIE ATKINSON  
CLEARINGHOUSE COORDINATOR  
DEPT OF TRANSPORTATION  
STATEWIDE PLANNING - MSC #1554  
RALEIGH NC

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DENR LEGISLATIVE AFFAIRS  
DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION  
DPS - DIV OF EMERGENCY MANAGEMENT  
EASTERN CAROLINA COUNCIL

PROJECT INFORMATION

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Environmental Assessment

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If additional review time is needed, please contact this office at (919)807-2425.



AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

*Lee Cowhig*

DATE:

*8/31/2015*





North Carolina  
Department of Administration

Pat McCrory, Governor

Bill Daughtride, Jr., Secretary

September 3, 2015

Mr. Justin Bashaw  
Department of Army  
Corps of Engineers  
69 Darlington Avenue  
Wilmington, North Carolina 28403-1343

**Re: SCH File # 16-E-0000-0027; EA; Proposed is for the Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound.**

Dear Mr. Bashaw:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are additional comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best  
State Environmental Review Clearinghouse

Attachments

cc: Region P

*Mailing Address:*  
1301 Mail Service Center  
Raleigh, NC 27699-1301

*Telephone: (919)807-2425*  
Fax (919)733-9571  
State Courier #51-01-00  
*e-mail state.clearinghouse@doa.nc.gov*

*Location Address:*  
116 West Jones Street  
Raleigh, North Carolina

*An Equal Opportunity/Affirmative Action Employer*



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

MEMORANDUM

TO: Crystal Best  
State Clearinghouse

FROM: Lyn Hardison *Lyn*  
Division of Environmental Assistance and Customer Service  
Permit Assistance & Project Review Coordinator

RE: 16-0027 Additional Comments  
Environmental Assessment  
Proposal is for the Little Creek Oyster Sanctuary within the Neuse River Basin, Pamlico  
Sound  
Carteret County

Date: September 2, 2015

Please find attached additional comments from the Division of Water Resources, Wilmington Regional Office which was received in this office after the response due date. The comments are attached and should be forwarded to the applicant for further consideration.

Thank you for the opportunity to respond.

Attachment

State of North Carolina  
 Department of Environment and Natural Resources  
 INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Reviewing Office: WIRO

Project Number 16-0027 Due Date: 8/17/2015  
 County Carteret

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input checked="" type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground cleaning activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

June 16, 2014

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input checked="" type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required.		
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C 0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days

Other comments (attach additional pages as necessary, being certain to cite comment authority):

Division	Initials	No comment	Comments	Date Review
DAQ	n/a	<input type="checkbox"/>		/ /
DWR-WQROS (Aquifer & Surface)	JHS	<input type="checkbox"/>	The project will require a 401 permit for the construction of the oyster reef.	8/24/15
DWR-PWS	n/a	<input type="checkbox"/>		/ /
DEMLR (LQ & SW)	n/a	<input type="checkbox"/>		/ /
DWM - UST	n/a	<input type="checkbox"/>		/ /

### REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

Asheville Regional Office  
2090 US Highway 70  
Swannanoa, NC 28778  
(828) 296-4500

Mooresville Regional Office  
610 East Center Avenue, Suite 301  
Mooresville, NC 28115  
(704) 663-1699

Wilmington Regional Office  
127 Cardinal Drive Extension  
Wilmington, NC 28405  
(910) 796-7215

Fayetteville Regional Office  
225 North Green Street, Suite 714  
Fayetteville, NC 28301-5043  
(910) 433-3300

Raleigh Regional Office  
3800 Barrett Drive, Suite 101  
Raleigh, NC 27609  
(919) 791-4200

Winston-Salem Regional Office  
585 Waughtown Street  
Winston-Salem, NC 27107  
(336) 771-5000

Washington Regional Office  
943 Washington Square Mall  
Washington, NC 27889  
(252) 946-6481



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh ES Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

August 21, 2015

Justin Bashaw  
U.S. Army Corps of Engineers, Wilmington District  
Wilmington Regulatory Field Office  
69 Darlington Avenue  
Wilmington, NC 28402

Re: EA Little Creek Oyster Sanctuary/Carteret County

Dear Mr. Bashaw:

The U.S. Fish and Wildlife Service (Service) has reviewed the project advertised in the above referenced Public Notice. The project, as advertised in the Public Notice, is expected to have minimal adverse impacts to fish and wildlife resources. Therefore, we have no objection to the activity as described in the permit application.

In accordance with the Endangered Species Act of 1973, as amended, (ESA) and based on the information provided, and other available information, it appears the action is not likely to adversely affect federally listed species or their critical habitat as defined by the ESA. We believe that the requirements of section 7 (a)(2) of the ESA have been satisfied for this project. Please remember that obligations under the ESA must be reconsidered if: (1) new information identifies impacts of this action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

For your convenience a list of all federally protected endangered and threatened species in North Carolina is now available on our website at <http://www.fws.gov/raleigh>. Our web page contains a complete and updated list of federally protected species, and a list of federal species of concern known to occur in each county in North Carolina.

The Service appreciates the opportunity to review and provide comments on the proposed action. Should you have any questions regarding the project, please contact John Ellis at (919) 856-4520, extension 26.

Sincerely,

Pete Benjamin,  
Field Supervisor

cc: NMFS, Beaufort, NC  
EPA, Atlanta, GA  
WRC, Raleigh