



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 29, 2016
Comment Deadline: May 31, 2016
Corps Action ID Number: SAW-2011-01241

The Wilmington District, Corps of Engineers (Corps) is publishing the Final Environmental Impact Statement (EIS) for a proposed project. The Draft EIS has previously been published and all comments addressed. **This notice is strictly for the Final EIS.** The Town of Ocean Isle Beach is seeking Department of the Army authorization to discharge fill material into waters of the U.S., associated with the construction of a 750ft terminal groin with a 300ft shore anchorage system and associated beach nourishment component, in order to address erosion and protect infrastructure, roads, homes, beaches, dunes, and habitat in Ocean Isle Beach, Brunswick County, North Carolina. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/MajorProjects>

Applicant: Town of Ocean Isle Beach
Attn: Mayor Debbie Smith
Town of Ocean Isle Beach
3 West Third Street
Ocean Isle Beach, North Carolina 28469

AGENT (if applicable): Coastal Planning and Engineering of North Carolina
Attn: Mr. Brad A. Rosov
4038 Masonboro Loop Road
Wilmington, North Carolina 28409

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

borrow area (approximately 83.1 acres) within the Shallotte Inlet. Construction would occur between November 16 and April 30. Stone rubble would consist of 7.5 to 12-ton stones, approximately 5 ft in diameter, to a crest height of 4.9 ft NAVD. A 50 ft construction buffer will be in place around the construction zone. Off loading of construction materials, including rubble, will occur by barge at the shoreline of Shallotte Inlet. The proposed work is the applicant's preferred alternative to address erosion and protect property. This alternative includes the Federal project. The following additional alternatives are being considered in the evaluation of the least environmentally damaging practicable alternative:

Alternative 1 – No Action: Under this alternative, the Town would continue current management practices. The Town of Ocean Isle Beach and individual property owners on the east end of Ocean Isle Beach would continue to respond to erosion threats in the same manner as in the past. These measures include possible intermittent beach nourishment as a result of the Federal storm damage reduction project, deployment of sandbags, and beach scraping.

Alternative 2 – Abandon/Retreat: Under this alternative, the Town of Ocean Isle Beach, the North Carolina Department of Transportation, and the individual property owners would not take any action to slow erosion in the area east of Shallotte Boulevard to Shallotte Inlet. This would include installation of new sandbags, beach scraping/bulldozing, or intermittent beach nourishment projects described in Alternative 1. Also, the Town of Ocean Isle Beach would not make any effort to pursue a long-term beach nourishment project or inlet channel relocation project.

Alternative 3 – Beach Fill Only: Under this alternative, the Town would nourish a 3,500 ft section of Ocean Isle Beach's oceanfront shoreline every two years. This would supplement the Federal project, which is authorized to nourish the beach every three years. The 3,500-ft section proposed for nourishment would occur on the east end of Ocean Isle Beach situated between baseline station -5+00 (500 ft east of the end of development) and station 30+00 (located just west of Lumberton Street).

Alternative 4 – Shallotte Inlet Bar Channel Realignment with Beach Fill: Under this alternative, the Federal project dredging scheme employed by the Corps would be modified to concentrate sediment removal for periodic nourishment along a channel close, and generally parallel, to the west boundary of the Corps borrow area in Shallotte Inlet. This alternative includes the Federal project.

Alternative 5 (Preferred Alternative) - See description, above.

In accordance with 33 CFR 325.3(a)(8)), the proposed project (preferred alternative) and the additional alternatives are being evaluated in accordance with the National Environmental Policy Act through the preparation of an Environmental Impact Statement (EIS). A draft EIS will be available on our website for a 45-day comment period beginning on January 23rd, 2015.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The following are some measures being taken to avoid and/or minimize impacts to aquatic resources:

Construction would occur between between the environmental dredge window of November 16 and April 30.

A hydraulic cutterhead is proposed for dredging the proposed borrow area within Shallotte Inlet. A cutterhead dredge creates minimal disturbance to the seafloor resulting in lower sedimentation and turbidity levels.

Construction observations will be periodically performed during periods of active construction for material color and composition, turbidity, and escarpments (escarpments that exceed 18 inches or greater than 100 ft shall be graded to match adjacent grades on the beach).

Monitoring for shorebirds, and threatened and endangered species is expected to continue.

The design of the groin will be “leaky” in nature, which will permit seawater and fish larvae to flow over the top and through the structure serving to minimize impacts associated with restricting the passage of fish larvae.

In order to minimize impacts on wintering piping plover, the pipeline alignment will be designed to avoid potential piping plover wintering habitat.

Sediment obtained from the Shallotte Inlet will be required to adhere to criteria outlined in 15A NCAC 07H.0312.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The project as proposed will not impact wetlands. Therefore, no compensatory mitigation will be required for the applicant's project as proposed. Changes to the project and/or additional information received which suggest impacts to wetlands and or waters of the United States, will warrant further evaluation for avoidance and minimization of wetland impacts and any compensatory mitigation.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project may adversely affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. Consultation with the National Marine Fisheries Service on EFH is being requested under separate letter.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Formal consultation with the U.S. Fish and Wildlife Service on nesting sea turtles is being requested under separate letter. A preliminary determination that the project may affect, but is not likely to adversely affect whales, marine sea turtles, seabeach amaranth, red knot, piping plover, Atlantic sturgeon, and manatee is being coordinated with the National Marine Fisheries Service and U.S. Fish and Wildlife Service under separate letters. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by May 31, 2016 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.

- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA).

The Corps of Engineers, Wilmington District will receive written comments pertinent to the Final EIS, as outlined above, until 5pm, May 31, 2016. Comments should be submitted to Mr. Tyler Crumbley, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 , at (910) 251-4170.