



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 31, 2017  
Comment Deadline: May 1, 2017  
Corps Action ID Number: SAW-2017-00407

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation Ferry Division (NCDOT-FD) seeking Department of the Army authorization to utilize NCDOT-FD dredge plants (Manteo) to conduct maintenance dredging of the Southdock Ferry Channel and Basin on an as-needed basis, expand the width of the entrance channel, and pump dredge material as needed on the beach at the Northern terminus of Ocracoke Island, Hyde 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.aspx>

**Applicant:** NCDOT, Ferry Division  
Attn: Catherine Peele  
159 Lucinda Lane  
Powells Point, North Carolina 27966

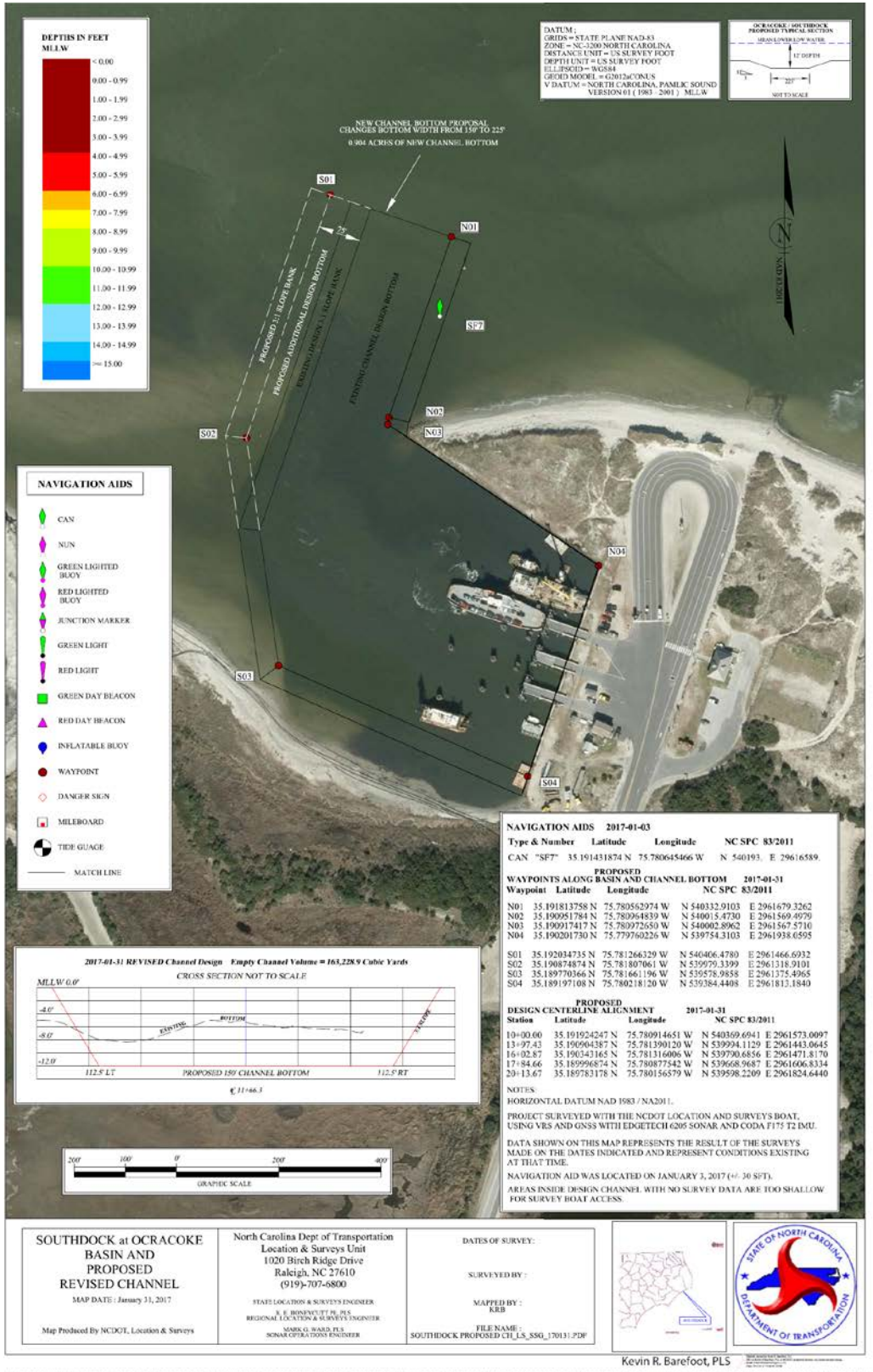
**AGENT (if applicable):**

## 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)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

# Location





dredge material on the northern terminus of the island will prevent the ferry stacking lanes and island terminus from eroding away.



Figure 1



## **Project Description**

The proposed action would allow the NCDOT Ferry Division to expand a portion of the ferry channel by 75 feet in width and to conduct channel and basin maintenance dredging. The newly dredged area will require approximately 20,000 cubic yards of material to be removed and either pumped into the approved Southdock spoils site or deposited on the beach on the northern terminus of the island between the hairpin curve ferry loading area and Hatteras Inlet (see figure 1). All maintenance dredging and the proposed expanded area will be accomplished using the NCDOT-FD cutterhead pipeline dredge. With the expansion of 75' of channel width the permitted channel would expand from 150' wide to 225' wide and create 0.9 acres of new channel bottom. Placement of material on the beach will occur only when erosion reaches a critical point to the safety of the hairpin turn and/or traveling public or if waters are within 85' from the edge of pavement. The amount of material placed on the beach during any dredging project will be up to 20,000 cubic yards and approximately 3,000 cubic yards will be placed above the normal high water mark and approximately 16,000 cubic yards below the high water mark to extend the beach out 100'. Maintenance dredging will be limited to a depth of -12 ft. MLW in the newly proposed channel and existing basin. The limits of dredged area are shown on the enclosed plans. These actions would be performed on an "as needed" basis and are therefore not proposed to be limited to any specific time of year. However as conditioned in the state authorization, the permittee is urged whenever possible to carry out maintenance excavation during the November – February time frame. Additionally, the state permit is conditioned to restrict beach disposal of dredge material on the northern end of the island during sea turtle nesting season (May 1 through October 31). The Ferry Division will be required to coordinate with the Corps of Engineers prior to each maintenance event.

## **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to aquatic environment: Work will occur outside moratorium periods if at all possible. However due to hurricanes/storms and shoaling in the area, emergency situational dredging may have to occur inside the moratorium. Maintenance dredging material not used for beach nourishment will be disposed of in an upland disposal area.

## **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 affect, but not likely to adversely affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **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, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat. 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, Transportation 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, 2017 to:

NCDWR Central Office  
Attention: Ms. Amy Chapman, Transportation 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**

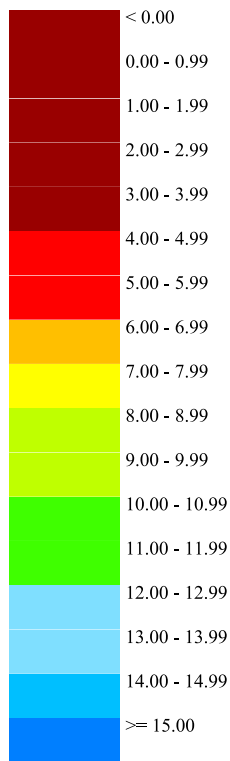
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



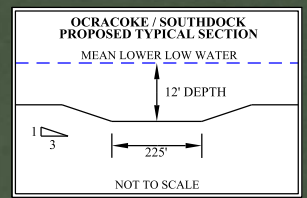
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, May 1, 2017. Comments should be submitted to Bill Biddlecome, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4558.

**DEPTHS IN FEET  
MLLW**



DATUM :  
GRIDS = STATE PLANE NAD-83  
ZONE = NC-3200 NORTH CAROLINA  
DISTANCE UNIT = US SURVEY FOOT  
DEPTH UNIT = US SURVEY FOOT  
ELLIPSOID = WGS84  
GEOID MODEL = G2012aCONUS  
V DATUM = NORTH CAROLINA, PAMLIC SOUND  
VERSION 01 ( 1983 - 2001 ) MLLW



NEW CHANNEL BOTTOM PROPOSAL  
CHANGES BOTTOM WIDTH FROM 150' TO 225'  
0.904 ACRES OF NEW CHANNEL BOTTOM

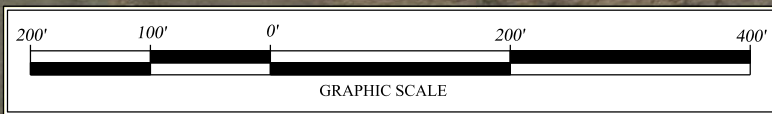
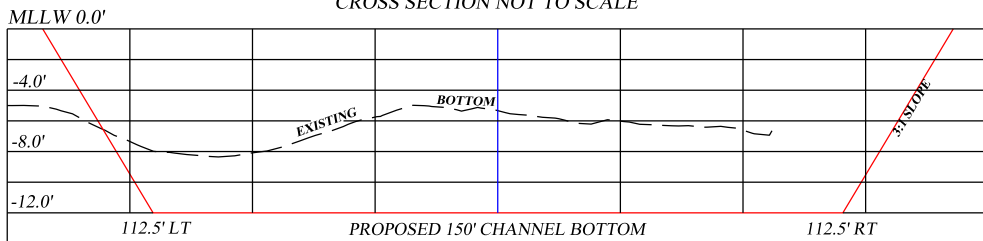


**NAVIGATION AIDS**

- CAN
- NUN
- GREEN LIGHTED BUOY
- RED LIGHTED BUOY
- JUNCTION MARKER
- GREEN LIGHT
- RED LIGHT
- GREEN DAY BEACON
- RED DAY BEACON
- INFLATABLE BUOY
- WAYPOINT
- DANGER SIGN
- MILEBOARD
- TIDE GAUGE
- MATCH LINE

**2017-01-31 REVISED Channel Design Empty Channel Volume = 163,228.9 Cubic Yards**

CROSS SECTION NOT TO SCALE



**NAVIGATION AIDS 2017-01-03**

Type & Number	Latitude	Longitude	NC SPC 83/2011
CAN "SF7"	35.191431874 N	75.780645466 W	N 540193. E 29616589.

**PROPOSED WAYPOINTS ALONG BASIN AND CHANNEL BOTTOM 2017-01-31**

Waypoint	Latitude	Longitude	NC SPC 83/2011
N01	35.191813758 N	75.780562974 W	N 540332.9103 E 2961679.3262
N02	35.190951784 N	75.780964839 W	N 540015.4730 E 2961569.4979
N03	35.190917417 N	75.780972650 W	N 540002.8962 E 2961567.5710
N04	35.190201730 N	75.779760226 W	N 539754.3103 E 2961938.0595
S01	35.192034735 N	75.781266329 W	N 540406.4780 E 2961466.6932
S02	35.190874874 N	75.781807061 W	N 539979.3399 E 2961318.9101
S03	35.189770366 N	75.781661196 W	N 539578.9858 E 2961375.4965
S04	35.189197108 N	75.780218120 W	N 539384.4408 E 2961813.1840

**PROPOSED DESIGN CENTERLINE ALIGNMENT 2017-01-31**

Station	Latitude	Longitude	NC SPC 83/2011
10+00.00	35.191924247 N	75.780914651 W	N 540369.6941 E 2961573.0097
13+97.43	35.190904387 N	75.781390120 W	N 539994.1129 E 2961443.0645
16+02.87	35.190343165 N	75.781316006 W	N 539790.6856 E 2961471.8170
17+84.66	35.189996874 N	75.780877542 W	N 539668.9687 E 2961606.8334
20+13.67	35.189783178 N	75.780156579 W	N 539598.2209 E 2961824.6440

**NOTES:**

- HORIZONTAL DATUM NAD 1983 / NA2011.
- PROJECT SURVEYED WITH THE NCDOT LOCATION AND SURVEYS BOAT, USING VRS AND GNSS WITH EDGETECH 6205 SONAR AND CODA F175 T2 IMU.
- DATA SHOWN ON THIS MAP REPRESENTS THE RESULT OF THE SURVEYS MADE ON THE DATES INDICATED AND REPRESENT CONDITIONS EXISTING AT THAT TIME.
- NAVIGATION AID WAS LOCATED ON JANUARY 3, 2017 (+/- 30 SFT).
- AREAS INSIDE DESIGN CHANNEL WITH NO SURVEY DATA ARE TOO SHALLOW FOR SURVEY BOAT ACCESS.

**SOUTHDOCK at OCRACOKE  
BASIN AND  
PROPOSED  
REVISED CHANNEL**

MAP DATE : January 31, 2017

Map Produced By NCDOT, Location & Surveys

North Carolina Dept of Transportation  
Location & Surveys Unit  
1020 Birch Ridge Drive  
Raleigh, NC 27610  
(919)-707-6800

STATE LOCATION & SURVEYS ENGINEER  
K. E. HONEYCUTT PE, PLS  
REGIONAL LOCATION & SURVEYS ENGINEER  
MARK G. WARD, PLS  
SONAR OPERATIONS ENGINEER

DATES OF SURVEY:

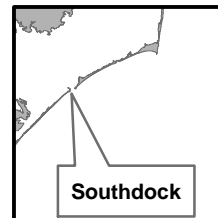
SURVEYED BY :

MAPPED BY :  
KRB

FILE NAME :  
SOUTHDOCK PROPOSED CH\_LS\_SSG\_170131.PDF







Map Date:  
March 13, 2017

Map Scale: 1:150'

North Carolina Dept. of Transportation  
Ferry Division  
Ocracoke Spoil Placement

Prepared By:  
Catherine Peele  
NCDOT - Ferry Division  
Environmental Specialist



0 37.5 75 150 Feet

1 :150 feet