

## **SECTION 2.0 – SCOPING AND PUBLIC INTEREST REVIEW**

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### **2.1 SUMMARY OF SCOPING**

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The scoping phase of the environmental analysis process was initiated subsequent to the publication of the Notice of Intent (NOI) to Prepare and Environmental Impact Statement in the *Federal Register* on March 14, 2012 (a copy of the NOI is provided in Appendix C). The NOI provided a brief purpose and need statement and identified the Applicant’s proposed action to satisfy the identified need. A Public Notice (PN) was subsequently issued March 14, 2012 by the U.S. Army Corps of Engineers (USACE), Wilmington District (Action ID No. SAW-2012-00040). The PN provided a brief description of the proposed action and information that would allow for the public to submit comment on the proposed action. The PN also identified the date and meeting location for the Public Scoping Meeting. The Public Scoping Meeting was subsequently held in Southport on March 22, 2012.

At the Public Scoping Meeting, the USACE provided a description of the environmental review process and the project engineer provided an overview of the existing conditions and proposed action for the Village’s Shoreline Protection Project. In an effort to include the input of the public, interested stakeholders, and federal and state agencies, the USACE solicited comments regarding topics to be addressed in this EIS from those individuals in attendance at the meeting via the use of smaller break-out sessions. Meeting notes for the Public Scoping Meeting are provided in Appendix C.

### **2.1.1 Project Review Team**

Scoping also included the development of a Project Review Team (PRT) to solicit input on issues to be addressed in the EIS, the range of alternatives to be considered, and the environmental analyses necessary to allow agencies to reach their respective permit decisions. The PRT consists of members representing various entities, including but not limited to: federal and state regulatory agencies; federal and state resource agencies; non-profit environmental organizations; and the Village of Bald Head Island. The complete list of members of the PRT is provided in Table 2.1.

Two PRT meetings were held prior to the development of the Draft EIS (DEIS). These meetings were held on April 24, 2012 and September 12, 2012, respectively. Notes from each of these meetings are provided in Appendix C.

Note that the USACE scheduled and held an interagency meeting via the North Carolina Department of Environment and Natural Resources (DENR) “One-Stop” meeting format in an effort to obtain input and comments from any federal and state agency personnel that did not have the opportunity to attend the Public Scoping Meeting. This meeting was held on March 28, 2012. The notes for this meeting are included in Appendix C.

## **2.2 ISSUES IDENTIFIED DURING SCOPING**

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As part of the Public Scoping and Public Notice process, the USACE received several comment letters regarding the proposed action and the environmental review process. Comment letters received during the scoping process are provided in Appendix C. Appendix C also includes a table summarizing the comments received through scoping and identifies the specific section in the EIS where the comment is addressed. The comments are organized by general category. Note that the summary table is not intended to be an exhaustive description but rather a synopsis of the nature of the comments received during

scoping. Refer to comment letters in Appendix C for specific comments received during scoping. While all comments have been considered in the creation of this EIS, not every issue on this list was evaluated in detail.

**Table 2.1. Project Review Team Members.**

<b>NAME</b>	<b>REPRESENTING</b>
Beter, Dale	USACE – Wilmington District – Regulatory Chief
Timpy, Dave	USACE – Wilmington District – Project Manager
McCorcle, Justin	USACE – Wilmington District – Legal Counsel
Piatkowski, Doug	USACE – Wilmington District (Environmental Section)
Horton, Todd	USACE – Wilmington District (Navigation)
Dennis, Bill	USACE – Wilmington District (Coastal Engineering)
Ellis, John	US Fish and Wildlife Service
Sechler, Ron	National Marine Fisheries Service – Habitat Conservation Division
Huggett, Doug	NC Division of Coastal Management
Wilson, Debbie	NC Division of Coastal Management
Coats, Heather	NC Division of Coastal Management
Dunn, Maria	NC Wildlife Resource Commission
Godfrey, Matthew	NC Wildlife Resource Commission
Allen, David	NC Wildlife Resource Commission
Rohde, Fritz	National Marine Fisheries Service
Baker, Jessie	NC Division of Marine Fisheries – Wilmington
Coburn, Chad	NC Division of Water Quality
Giles, Mike	NC Coastal Federation
Rogers, Spencer	University of North Carolina at Wilmington, NC Sea Grant
Dorsey, Suzanne	Bald Head Island Conservancy
McCall, Chris	Village of Bald Head Island (VBHI) Shoreline Protection Manager
Peck, Calvin	VBHI – Village Manager
Sayre, Andy	VBHI – Mayor
Baldwin, Charles	Attorney for VBHI (Brooks, Pierce, McLendon, Humphrey & Leonard, LLP)
Olsen, Erik	Olsen & Associates, Inc., consultant to the applicant
Howard, Steve	Olsen & Associates, Inc., consultant to the applicant
Preziosi, Christian	Land Management Group, Inc., 3 <sup>rd</sup> party USACE Contractor
Stasavich, Laura	Land Management Group, Inc., 3 <sup>rd</sup> party USACE Contractor

## **2.3 PUBLIC NOTICE OF RELEASE OF DEIS**

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Subsequent to completion of the scoping process, the USACE completed its preparation of the DEIS. The Department of Army (DA) Notice of Availability (NOA) of the DEIS was filed on January 10, 2014. The Wilmington District USACE also issued its local Public Notice releasing the DEIS and the permit application received by the Applicant for the proposed project on January 10, 2014. Digital files of the DEIS document (including all supporting figures and appendices) were made available on the USACE Wilmington District's Regulatory homepage. In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to required public interest review and 404(b)(1) compliance determination, the USACE solicited public comment on the merits of the proposed project. The DEIS was also submitted to the North Carolina State Environmental Review Clearinghouse for distribution and publication of notice in the North Carolina Environmental Bulletin. Both the federal and state release of the DEIS allowed for a 45-day comment period. The USACE subsequently issued a public notice on February 13, 2014 that extended the commenting period on the DEIS to March 17, 2014. A Public Hearing to solicit oral and written comments was held on March 4, 2014. The transcript of the Public Hearing is available on the USACE Wilmington District's website (<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/MajorProjects>).

Comments on the DEIS were provided by various stakeholders including federal and state agencies, local governments, a non-governmental organization, and concerned citizens. These comments were provided to the Applicant for review, consideration, and response. A copy of all comments received on the DEIS and subsequent agency and/or Applicant response, as appropriate, is provided in Appendix D. The USACE has reviewed all comments and has updated the EIS based upon the comments received. A summary spreadsheet of the comments received and considered is included in Appendix D. While all comments have been considered in the creation of the Final EIS (FEIS), not every issue on the list was evaluated in detail.

## 2.4 AGENCY CONSULTATIONS

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Concurrent with the release of the DEIS, the USACE initiated Endangered Species Act (ESA) Section 7 consultation with the USFWS and NMFS via transmittal of the project Biological Assessment (BA) characterizing the potential adverse effects of the proposed action on federally-listed species. The Section 7 consultations are designed to assist federal agencies in fulfilling their duty to ensure federal actions do not jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat. Formal consultation with the USFWS was completed on June 19 (2014) with the transmittal of the USFWS' biological and conference opinions and final effect determinations. As of the publication of this FEIS, the USACE is awaiting the final effect determinations and conservation recommendations for federally-listed species under the jurisdiction of NMFS.

The USACE has also coordinated with NMFS for Essential Fish Habitat (EFH) consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The USACE has since received final comments and conservation recommendations in accordance with the MSA.

As required under Section 106 of the National Historic Preservation Act, the USACE is coordinating with the North Carolina State Historic Preservation Office (SHPO) for an effects determination of the proposed action on significant cultural or archaeological resources. SHPO has provided written concurrence regarding cultural and archaeological assessments performed on behalf of the Applicant for the proposed project area. Based upon correspondence from SHPO, no further investigations are warranted.