



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

May 7, 2007

John E. Pulliam, Jr.
District Commander
Wilmington District Office
US Army Corps of Engineers
P.O. Box 1890
Wilmington, NC 28402-1890

SUBJECT: CD07-025 Through CD07-072 - Consistency Concurrence for Proposed Reauthorization of the Existing Nationwide Permits, Approval of Six New Nationwide Permits, and the Approval of One New General Condition, Coastal, North Carolina (DCM#20060088 Through DCM#20060137)

Dear Col. Pulliam:

The Division of Coastal Management (DCM) received (October 19, 2006) a consistency determination from the US Army Corps of Engineers (Corps) finding that the proposed reauthorization of the existing forty-four nationwide permits, the addition of six new nationwide permits, the addition of two new general conditions, and thirteen new definitions would be consistent with the State's coastal management program. Due the size and complexity of the consistency submission, the deadline for completing the consistency review was extended on March 7, 2007 to June 15, 2007.

North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, Chapter 7 of Title 15A of North Carolina's Administrative Code, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of the Division of Coastal Management (DCM) to manage the State's coastal resources to ensure that proposed Federal activities would be compatible with safeguarding and perpetuating the biological, social, economic, and aesthetic values of the State's coastal waters.

DCM has reviewed the submitted information pursuant to the management objectives and enforceable policies of Subchapters 15A NCAC 07H and 15A NCAC 07M of Chapter 7 of Title 15A of North Carolina's Administrative Code which are a part of the State's certified coastal management program and concurs, as conditioned below, that the proposed Federal activity is consistent, to the maximum extent practicable, with the enforceable policies of North Carolina's coastal management program.

- In order to be found consistent with North Carolina's coastal management program, as part of the process of issuing a nationwide permit for a proposed project in North Carolina, the

400 Commerce Avenue, Morehead City, North Carolina 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: www.nccoastalmanagement.net

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled \ 10% Post Consumer Paper

Corps shall require that the proposed project comply with “*The Wilmington District Regional Conditions for Nationwide Permits*”.

- In order to be found consistent with North Carolina’s coastal management program, the Corps will be required to obtain a supplemental consistency concurrence before making any changes to “*The Wilmington District Regional Conditions for Nationwide Permits*” document. Typographic corrections are exempted from this requirement.
- In order to be found consistent with North Carolina’s coastal management program and in keeping with a request from the Corps, this concurrence does **not** apply to Nationwide Permit 48 (Existing Commercial Shellfish Aquaculture Activities). Nationwide Permit 48 will be subject to a separate future consistency concurrence action.

The table below is a matrix for correlating the Corps nationwide permits with the respective DCM project numbers and consistency concurrences. Nationwide Permit #26 is a “*place holder*”.

Corps Nationwide Permit Matrix			
Nationwide Permit	DCM Project Number	DCM CD Number	Notes
1	20060088	CD07-025	
2	20060089	CD07-026	
3	20060090	CD07-027	
4	20060091	CD07-028	
5	20060092	CD07-029	
6	20060093	CD07-030	
7	20060094	CD07-031	
7	20060095	CD07-032	
9	20060096	CD07-033	
10	20060097	CD07-034	
11	20060098	CD07-035	
12	20060099	CD07-036	
13	20060100	CD07-037	
14	20060101	CD07-038	
15	20060102	CD07-039	
16	20060103	CD07-040	
17	20060104	CD07-041	
18	20060105	CD07-042	
19	20060106	CD07-043	
20	20060107	CD07-044	
21	20060108	CD07-045	
22	20060109	CD07-046	
23	20060110	CD07-047	
24	20060111	CD07-048	
25	20060112	CD07-049	
26	20060113	None	Reserved
27	20060114	CD07-050	
28	20060115	CD07-051	
29	20060116	CD07-052	
30	20060117	CD07-053	

Corps Nationwide Permit Matrix			
Nationwide Permit	DCM Project Number	DCM CD Number	Notes
31	20060118	CD07-054	
32	20060119	CD07-055	
33	20060120	CD07-056	
34	20060121	CD07-057	
35	20060122	CD07-058	
36	20060123	CD07-059	
37	20060124	CD07-060	
38	20060125	CD07-061	
39	20060126	CD07-062	
40	20060127	CD07-063	
41	20060128	CD07-064	
42	20060129	CD07-065	
43	20060130	CD07-066	
44	20060131	CD07-067	
45	20060132	CD07-068	
46	20060133	CD07-069	
47	20060134	CD07-070	
48	20060135	None	Consistency Concurrence Deferred
49	20060136	CD07-072	
50	20060137	CD07-073	

Should the proposed action be modified, a revised consistency determination could be necessary. This might take the form of either a supplemental consistency determination pursuant to 15 CFR 930.46, or a new consistency determination pursuant to 15 CFR 930.36. Likewise, if further project assessments reveal environmental effects not previously considered by the proposed development, a supplemental consistency certification may be required. If you have any questions, please contact Stephen Rynas at 252-808-2808. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,



Doug Huggett
 Manager, Major Permits and Consistency Unit

Cc: Mike Street, NC Division of Marine Fisheries
 Frank Jennings, Division of Coastal Management
 Terry Moore, Division of Coastal Management
 Tere Barrett, Division of Coastal Management
 Jim Gregson, Division of Coastal Management