

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Action ID No. 200100632

April 5, 2004

PUBLIC NOTICE

The Town of Emerald Isle, c/o: Mr. Frank Rush- Town Manager, 7500 Emerald Drive, Emerald Isle, North Carolina 28594, at (252) 354-3424, has applied for a Department of the Army (DA) Permit TO DREDGE APPROXIMATELY 1,009,500 CUBIC YARDS WITHIN SECTION 10 NAVIGABLE WATERS OF BOGUE INLET AND TO DISCHARGE 200,000 CUBIC YARDS WITHIN THE EXISTING INLET CHANNEL AND APPROXIMATELY 809,500 CUBIC YARDS ALONG THE OCEAN SHORELINE TO NOURISH APPROXIMATELY 23,831 FEET, OR 4.5 MILES, OF BEACH. THIS ACTIVITY IS TO PROTECT RESIDENTIAL HOMES AND TOWN INFRASTRUCTURES, AND TO NOURISH THE BEACH WITH MORE COMPATIBLE MATERIAL. The dredging project site is located in Bogue Inlet, between Emerald Isle and Hammocks Beach State Park (Bear Island), and the nourishment activity will take place on the beach of Emerald Isle, Carteret County, North Carolina.

The following description of the work is taken from data provided by the applicant and from previous information submitted to our office. Proposed plans involve relocating the main ebb channel in Bogue Inlet approximately 3,550 feet west, to a more central location between the west end of Bogue Banks and the east end of Bear Island (Hammocks Beach State Park). The main ebb channel through Bogue Inlet presently occupies a position juxtaposed to the west end of the Town of Emerald Isle and is causing severe erosion that threatens development in the subdivision known as The Pointe. The relocation of the main ebb channel to a central location would restore the channel to a position it occupied in the late 1970's and is anticipated to eliminate the erosive impact of tidal currents on the east shoulder of the inlet. The dimensions of the relocated channel would have a depth of -13.5 feet NGVD and a maximum width of 500 feet. These dimensions were based on characteristics of the existing ebb tide channel, numerical model studies of tides and currents in the inlet, and channel stability criteria. An ocean certified cutter suction hydraulic dredge would be used to remove approximately 1,009,500 cubic yards of material for the new channel. Approximately 200,000 cubic yards of this material will be used to construct a sand dike across the existing channel to aid in closing the flow and redirecting it into the new channel. The maximum elevation of the dike is projected to be +4.5 feet NGVD, with a top width of 50 feet and a maximum bottom width of approximately 700 feet. The dike will extend approximately 1,700 feet across the channel from the existing middle ground shoals west of the existing channel to the Bogue Banks sand spit. Construction of the new channel would begin on the seaward side and proceed toward the sound.

As this dredging takes place, the 809,500 cubic yards of extracted material will be pumped onto 23,831 linear feet of ocean shoreline, approximately 4.5 miles, to nourish the beach on the west end of the Town of Emerald Isle. Sediment analysis shows the material to have a mean diameter of 0.30 mm, a silt/mud content of 1.25%, and minimal shell content. In comparison to the native material, the dredge sediment will be slightly coarser, but otherwise is considered completely compatible with the native beach sands. This nourishment activity of the project will start at Pinta Drive and will extend westward near the intersection of Sea Breeze Road and Windjammer South. In regards to beach nourishment, the Town of Emerald Isle presently has permits to nourish approximately 51,100 feet (9.68 miles) of ocean shoreline using offshore borrow areas. Approximately 5.8 miles of this shoreline was nourished between January and March 2003, and approximately 12,500 linear feet of this was renourished in March 2004 due to erosion caused by Hurricane Isabel.

The stated purpose of the project is to reposition the main ebb tide channel (or bar channel) in Bogue Inlet as a means to address a severe erosion problem that is threatening development and town infrastructure located on the west end of the town in an area known as The Pointe. The severe erosion at The Pointe is occurring as a result of the eastward migration of the main ebb channel of Bogue Inlet. An analysis of historic photographs of the inlet indicates that the midpoint of the channel has experienced movements to both the west and east with the latest trend being toward the east. Since September 1981, the channel midpoint migrated a total of over 3,900 feet to the east, however, a majority of this movement occurred between September 1981 and February 1984. From February 1984 to September 2001, the channel moved slightly more than 1,500 feet to the east, which represents an annual rate of 104 feet/year. The eastward movement of the channel has been accompanied by erosion of the Bogue Banks shoulder of the inlet (The Pointe shoreline) with the rate of erosion of this shoreline averaging 56 feet/year between February 1984 and September 2001. If this rate of erosion of the Pointe shoreline continues unabated, it is estimated that 30 to 50 structures could be lost or severely damaged during the next 5 to 10 years. In addition, 300 to 600 feet of Inlet Drive could be lost along with side streets and utilities serving the Pointe subdivision and other residents on the west end of the isle.

The channel through Bogue Inlet has been maintained by the COE for commercial and recreational boating interest since 1981. The COE is authorized to maintain the channel to a depth of 8 feet mean low water (mlw) over a width of 150 feet. Any changes in the location of the ebb tide delta channel would be consistent with these maintenance criteria.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and will be submitting this determination to the North Carolina Division of Coastal Management (NCDQM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).

b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).

c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.

d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.

e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

Essential Fish Habitat (EFH) consultation, pursuant to requirements of the Magnuson-Stevens Fishery Conservation and Management Act, has been initiated and an EFH assessment has been provided to the NOAA National Marine Fisheries Service to determine project compliance. The District Engineer's initial determination is that the proposed project may impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the NMFS.

Also, the District Engineer has determined that the proposed activity may affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act (ESA) of 1973. Consultation, pursuant to the ESA, has been initiated, and a Biological Assessment has been submitted and is being reviewed by the U.S. Fish and Wildlife Service to determine project compliance.

For culture resources, the District Engineer has determined that the proposed activity will have no effect on resources pursuant to Section 106 of the National Historic Preservation Act. A submerged cultural resources remote sensing survey was conducted within Bogue Inlet and provided to the NC State Historic Preservation Office (SHPO). By letter dated October 27, 2003, the SHPO has concurred that the project will not involve significant archeological resources.

The requested DA permit will be denied if any required State or local authorization and/or certification are denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This application is being considered pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular

case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agencies' 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide 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.

An EIS has been prepared for this project, and the Draft EIS was sent out on Public Notice dated November 5, 2003 and published in the DA Federal Register on November 13, 2003. A Public Hearing for the subject proposal was held on December 8, 2003 at the Emerald Isle Parks & Recreation Center.

By copy of this notice, the Final EIS has been completed and released, and the Notice of Availability (NOA) will be published in the DA Federal Register by April 8, 2004. The NOA can be found on the Federal Register website, [www.access.gpo.gov/su\\_docs/fedreg/a021016c.html](http://www.access.gpo.gov/su_docs/fedreg/a021016c.html) (that is an underscore "\_" after su). Once you have connected with the website, go to Engineers Corps to locate subject matter. Also, copies of the Final EIS will be placed on the Wilmington District Regulatory homepage located at [www.saw.usace.army.mil/WETLANDS/](http://www.saw.usace.army.mil/WETLANDS/).

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality

(NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260, on or before April 27, 2004 Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, or the Final EIS will be received in this office, Attention: Mickey T. Sugg, until 4:15 p.m., May 4, 2004. Questions can be directed to Mr. Sugg at (910) 251-4811, in the Wilmington Regulatory Field Office.

Bogue Inlet Channel Erosion Response Project  
Form 4345 Attachments

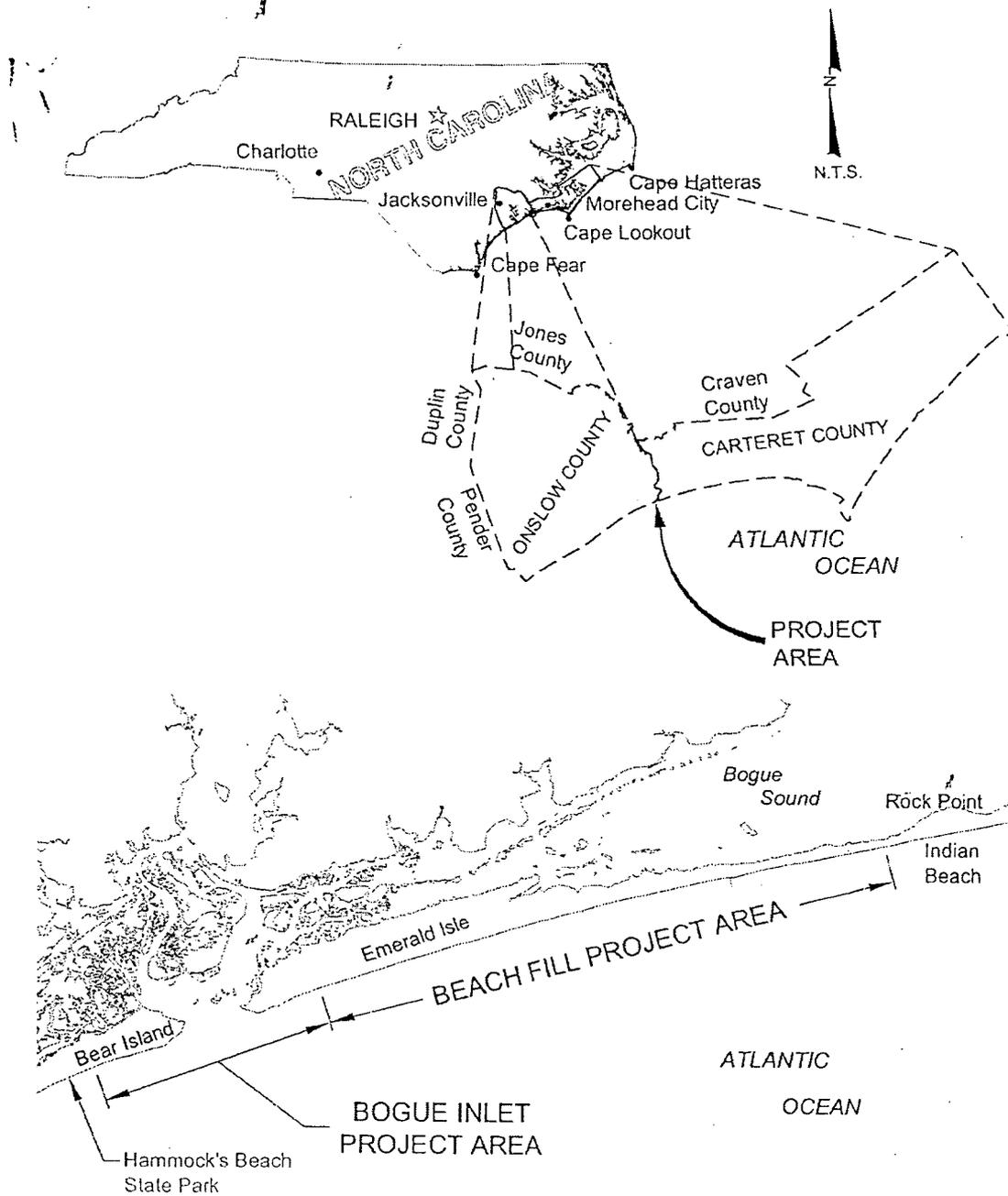


Figure No. 1 - Project Location Map

**Bogue Inlet Channel Erosion Response Project  
Form 4345 Attachments**

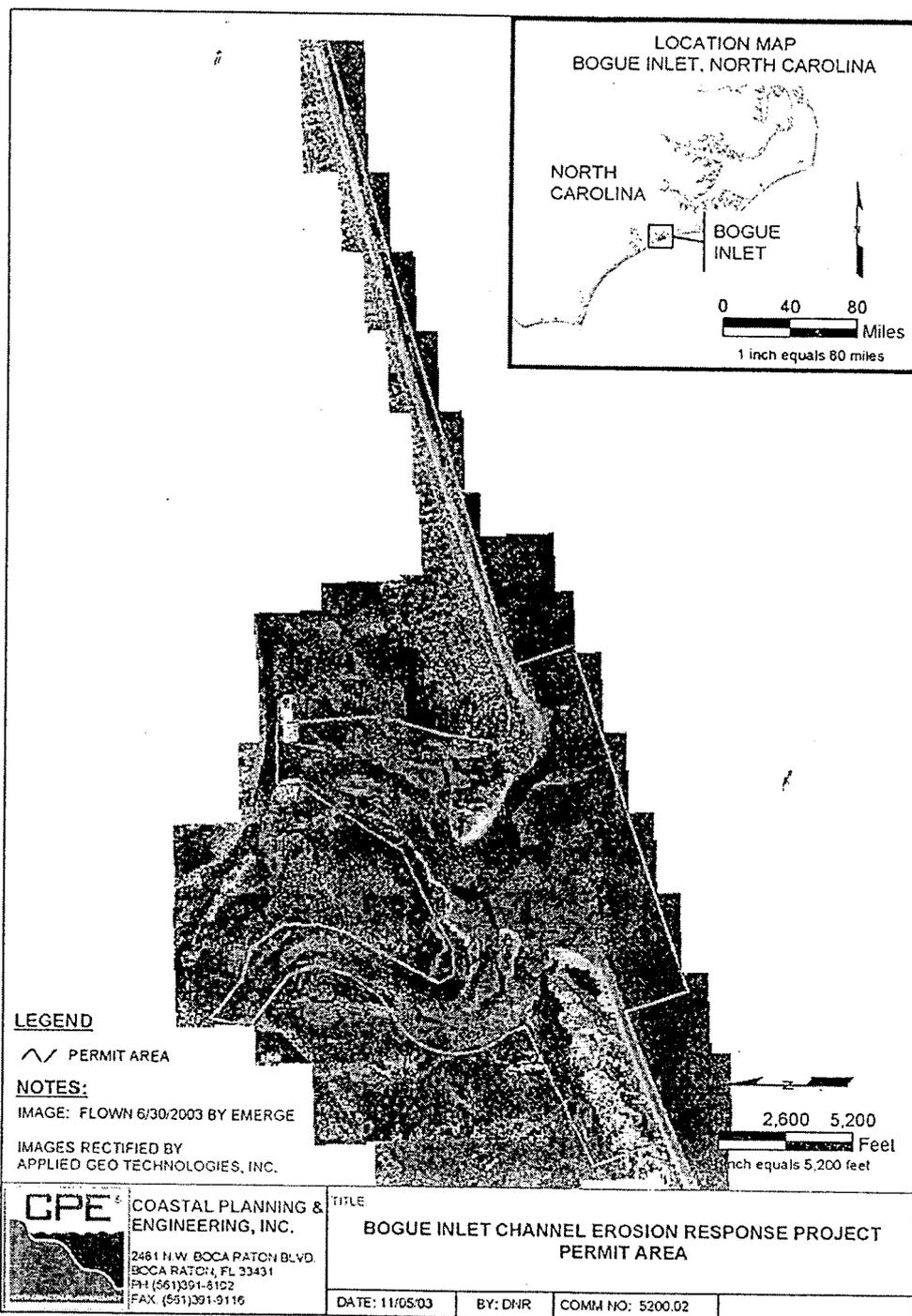
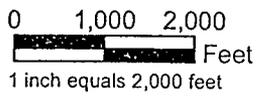
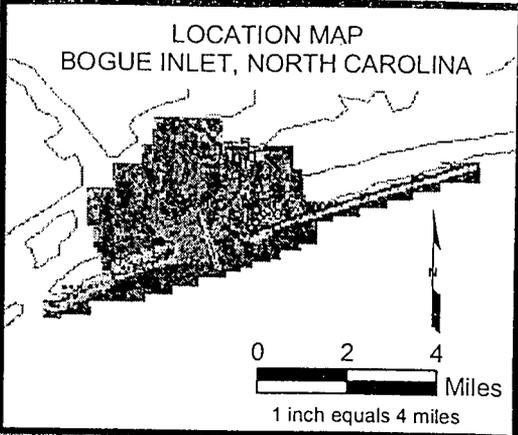
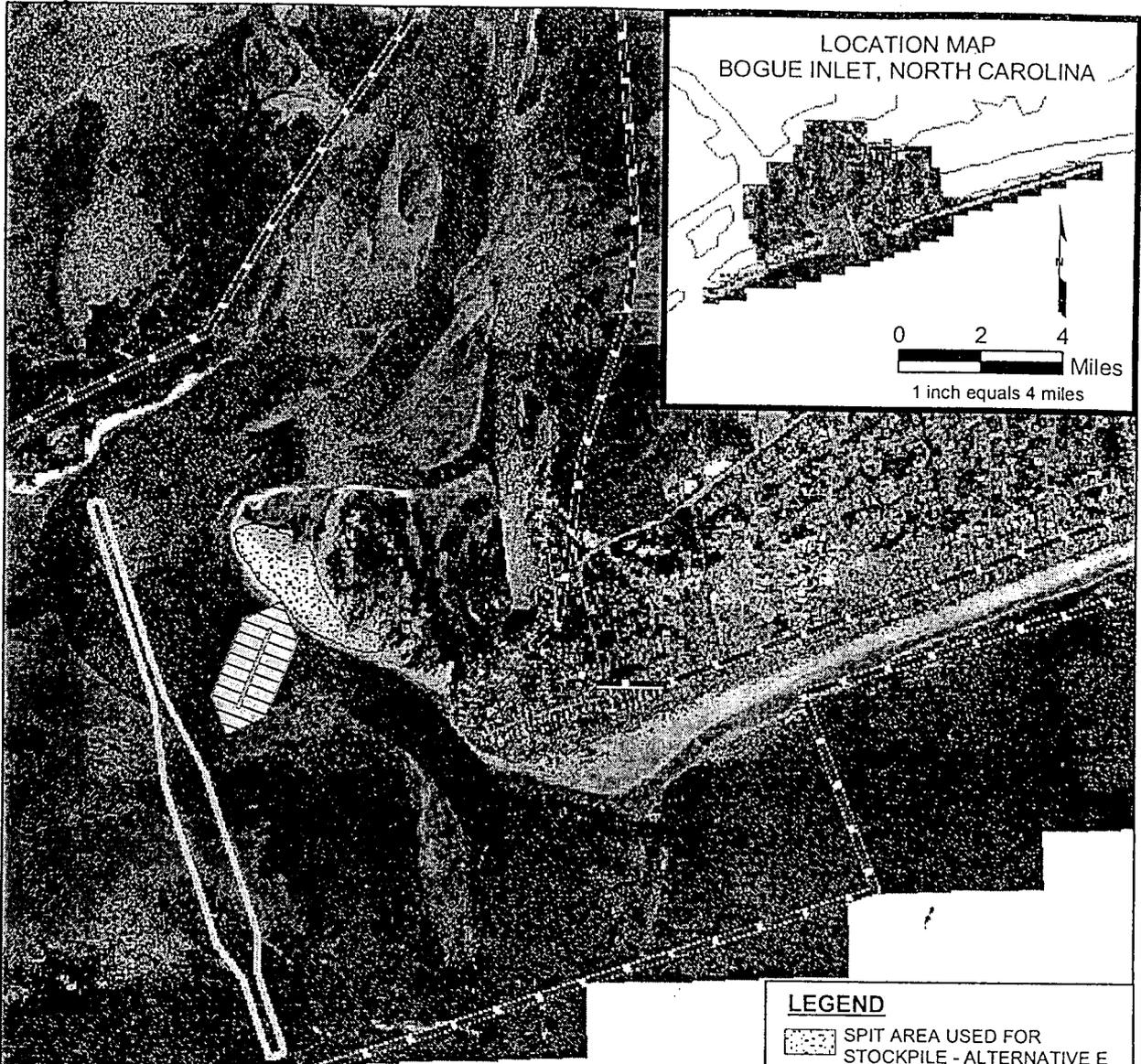


Figure No. 2 - Permit Area Map



**LEGEND**

- SPIT AREA USED FOR STOCKPILE - ALTERNATIVE E
- DIKE FOOTPRINT
- PROPOSED CHANNEL
- PERMIT AREA

**NOTES:**

ALTERNATIVE E: PARTIALLY FILLED WITH MATERIAL REMOVED TO CONSTRUCT NEW CHANNEL.

ALTERNATIVE F: FILLED BY LITTORAL MATERIAL.

IMAGE: FLOWN 6/30/2003 BY EMERGE

IMAGES RECTIFIED BY APPLIED GEO TECHNOLOGIES, INC.

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<b>TITLE:</b>			
<b>BOGUE INLET CHANNEL EROSION RESPONSE PROJECT</b>			
DATE: 11/5/03	BY: DNR	COMM NO: 4500.02	FIGURE 3