

PUBLIC NOTICE

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200400895

August 23, 2004

PUBLIC NOTICE

Figure Eight Beach Homeowners Association, 15 Bridge Road, Wilmington, North Carolina 28411 has applied for a Department of the Army (DA) permit TO COMPLETE MAINTENANCE DREDGING OF PREVIOUSLY AUTHORIZED AREAS IN BANKS CHANNEL AND THE WATERWAY CONNECTOR CHANNEL, AND ALSO, COMPLETE MAINTENANCE DREDGING IN THE EXISTING LAGOON AND CANAL AREAS. ALL EXCAVATED SEDIMENTS WOULD BE UTILIZED FOR NOURISHMENT OF THE BEACHFRONT (10,000 LF) AT THE SOUTH END OF FIGURE EIGHT ISLAND, NEW HANOVER COUNTY, NORTH CAROLINA.

Please review the attachments provided by the applicant and the North Carolina Division of Coastal Management (CAMA Major application) for a description of the site and the proposed project. Plans submitted with the application show the proposed limits of the work.

The purpose of the channel maintenance is to enable the re-use of shoaled areas and increase and improve navigation channels. The beach renourishment will enhance recreational usage of the beach and help counter erosion processes. Plans showing the work are included with this public notice.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) 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).

The requested Department of the Army (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 notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

This application is being considered pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

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 that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its 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 use of important resources. All factors that 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 Agency's 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 decides 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. 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 decide the need for a public hearing and to decide the public interest of the proposed activity.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Henry Wicker, until 4:15 p.m. September 23, 2004, or telephone (910) 251-4930.

200400895

DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT

RECEIVED

JUN 15 2004

REGULATORY

1. **APPLICANT'S NAME:** Figure 8 Beach Homeowners Assoc., Inc
2. **LOCATION OF PROJECT SITE:** Figure 8 Island, adjacent to the Atlantic Ocean and Middle Sound, between Rich and Masons Inlets, in northeast New Hanover County.

Photo Index - 2000: 24 Photos 310-312 1995: 24 Photos 292-296 1989: 4 176 Photos 15-18

State Plane Coordinates - X: 2365200 Y: 018200 Rover file: S-051119A

~~INVESTIGATION TYPE - CAMA & D&E~~

4. **PROCESSING PROCEDURE:** Application Received - 4/26/04
Office - Wilmington

5. **SITE DESCRIPTION:**

- (A) **Local Land Use Plan** - New Hanover Co.
Land Classification From LUP - Conservation
- (B) **AEC(s) Involved:** EW, PT, OH
Water Dependent: Yes
- (D) **Intended Use:** Private/Community
- (E) **Wastewater Treatment:** Existing - Individual septic tanks
Planned - N/A
- (F) **Type of Structures:** Existing - Single-family residences
Planned - N/A
- (G) **Estimated Annual Rate of Erosion:** 2 ft./yr.
Source - 1998 LTAASCR

6. **HABITAT DESCRIPTION:**

| | [AREA] | | |
|---|--|--------------|-------|
| | DREDGED | FILLED | OTHER |
| (A) Vegetated Wetlands | | | |
| (B) Non-Vegetated Wetlands - Subtidal shallow bottom Intertidal beach surf zone | <u>2,481,250 sf</u> <u>1,000,000 sf</u> | | |
| (C) Other - Upper beach area | | 1,000,000 sf | |

- (D) **Total Area Disturbed:** 4,481,250 sf (102.9 acres)
- (E) **Primary Nursery Area:** No
- (F) **Water Classification:** SA-ORW Open: YES

7. **PROJECT SUMMARY:** The applicants propose to complete maintenance dredging of previously authorized areas in Banks Channel and the waterway connector channel, and also, complete maintenance dredging in the existing lagoon and canal areas. All of the excavated sediments would be utilized for renourishment of the beachfront (10,000 LF) at the south end of Figure 8 Island.

8. PROJECT DESCRIPTION

Figure 8 Island is a private residential barrier island located in the northeast corner of New Hanover County, adjacent to the Atlantic Ocean and Middle Sound, between Mason and Rich Inlets. The island is accessed from the mainland at the end of Edgewater Club Road (SR-1402), by a private bridge over the Atlantic Intracoastal Waterway (AIWW) and an earthen causeway which traverses Middle Sound.

In the project area, the NC Division of Water Quality classifies the waters of the Atlantic Ocean as SB. The waters of Banks Channel, Middle Sound and the AIWW are classified as SA-ORW, and they are OPEN to the harvest of shellfish. The extensive salt marshes between Figure 8 Island and the Atlantic Intracoastal Waterway are designated as Primary Nursery Area (PNA), by the NC Division of Marine Fisheries, however, in the area of the proposed maintenance dredging, the open water areas of Banks Channel, the finger canals and the waterway connection channel are not designated as PNAs.

Over the years, the Figure 8 Beach Homeowners Association have obtained a number of State permits for channel maintenance, beach renourishment, and beach bulldozing. In 1989, the Association initiated the development of a long range plan that addressed channel maintenance and beach restoration on an island-wide basis. The resulting State permits, #26-92 and #21-93, authorized channel maintenance projects at the north and south ends of the island, both with beach deposition of excavated materials. This beach reconstruction project was completed in 1993. The hurricanes of the mid to late 1990's caused extensive damage and created serious erosion of the beach on Figure 8 Island. In March 1998, the applicants were issued State Permit #29-98 authorizing the maintenance dredging of Banks Channel, with beach disposal of the excavated material (previously State Permit #26-92). Subsequently, in 1999, the applicants received State Permit #12-99 to excavate an existing USACOE spoil disposal island adjacent to the AIWW, and pump the material to the beach at the middle of Figure 8 Island. In 2001, Permit #6-01 was issued to the applicants to dredge a portion of Nixon Channel and renourish the beach at the north end of Figure 8 Island (previously State Permit #21-93). In addition to their own permits, the beach on the southern end of Figure 8 Island was a permitted disposal area for a portion of the beach compatible sands generated from New Hanover County's Mason Inlet Relocation Project (State Permit #151-01). That renourishment activity was completed in 2002, however, future maintenance dredging associated with that project may again propose to utilize the south end of Figure 8 Island as a disposal area for beach compatible spoils material.

The current application proposes to re-establish safe navigation by completing maintenance dredging of the previously authorized channels (State Permits #26-92 & #29-98) and add the four existing (4) canal/lagoons to the area to be maintained. The lagoon and canal systems were originally constructed during the early development of the island and have not needed large-scale maintenance dredging in the past. In fact, except for the shoaling of the entrances to the lagoons (Sounds Point and Salt Meadow), very little dredging is proposed in the lagoon/canal areas. The applicant has included them with this application in an effort to present a comprehensive picture of the island's present and future maintenance dredging needs to be able to maintain existing navigational corridors around the island. All of the excavated material would be used for beach renourishment. The applicant has completed a series of test borings in the proposed dredge area and submitted grain size analysis data of the test results. Grain sizes of the sediments in the canal/lagoon systems were smaller than the beach sands. The applicant proposes that if significant pockets of extremely fine sediments are encountered, they can be compartmentalized in a temporary dike on the upper dry sand beach, dewatered and mechanically mixed by dozers prior to final grading.

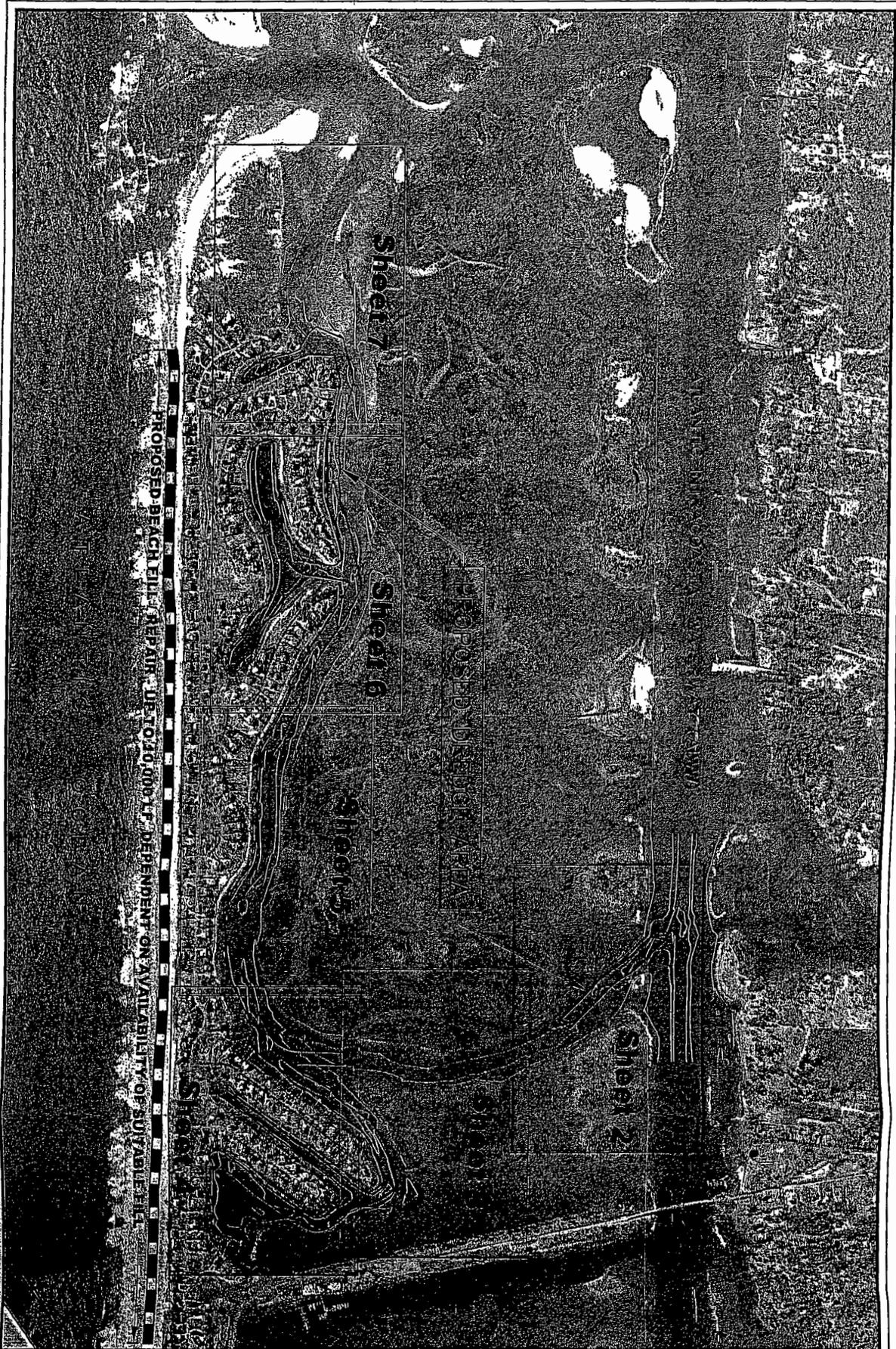
The proposed project includes the following areas:

1. Banks Channel – 7,750' X 125' X –9' MLW.
2. Waterway Connector Channel – 1,850' X 125' X –9' MLW. This includes the 600 LF section connected to Banks Channel, the 800 LF section previously permitted at the channel's connection to the AIWW, and a proposed 450 LF extension on the east end of the waterway connection channel.
3. Backfin/Causeway Canal – 2,450' X 125' X –9' MLW.
4. Sandy Point Canal – 2,200' X 125' X –9' MLW.
5. Backfin Canal – 1,700' X 100' X –9' MLW.
6. Sounds Point Lagoon – 800' X 125' X 9' MLW
Sounds Point Lagoon Entrance – 200' X 300' tapering to 100' X –9' MLW.
7. Salt Meadow Lagoon – 2,800' X 125' X –9' MLW
Salt Meadow Lagoon Entrance – 200' X 300' tapering to 100' X –9' MLW

All excavation would be completed by hydraulic pipeline dredge. The south end of the project would terminate approximately 200 feet south of the southern-most lagoon (Sounds Point), as authorized in the 1998 permit (#29-98). The excavated sand sediments would be pumped to the southern end of the Figure 8 Island oceanfront (up to 10,000 LF) to be utilized in beach renourishment and reconstruction. The resulting beach profile is anticipated to be a continuous berm, constructed to approximately 9.5 feet elevation, with a minimum width of 100 feet, tapering toward the ocean at an approximate 20:1 slope. It is estimated that approximately 230,000 cubic yards of medium to fine grain sandy material would be generated from the proposed maintenance excavation.

9. ANTICIPATED IMPACTS

The project would result in the excavation of 2,481,250 square feet (56.96 acres) of subtidal, shallow bottom within the combined project areas of Banks Channel, the waterway connector channel, and the canal/lagoon system. Approximately 56,628 square feet (1.3 acres) of that total would be inter-tidal sand flats. The only area not previously authorized for excavation is the proposed extension of the waterway connection channel (450' X 125' X –9' MLW). The projected 230,000 cubic yards of dredged sand sediments would be placed on the southern end of Figure 8 Island's upper beach shoreline (10,000' X ±200'). The dredging and beach renourishment activities would create short-term turbidity, as well as, impact the intertidal macro fauna and benthic communities within the proposed excavation and spoil disposal areas. The applicant contends that adverse impacts would be minimized by timing the project to avoid periods of peak biological activity and outside of sea turtle nesting season, and that affected species populations would return to pre-project distributions within one or two years. The applicant's consultants have presented their assessment of all of the project's environmental impacts in Appendix 5A. Channel maintenance would promote and improve navigation in the badly shoaled Banks Channel. The project would serve to reconstruct and renourish the beach on the southern end of Figure 8 Island, thus affording additional protection to oceanfront property owners from seasonal and storm erosion.



CRISER & TROUTMAN
CONSULTING ENGINEERS
 3809 PEACHTREE AVENUE, SUITE 102
 WILMINGTON, NORTH CAROLINA 28403
 (910) 397-2929 Fax (910) 397-2971

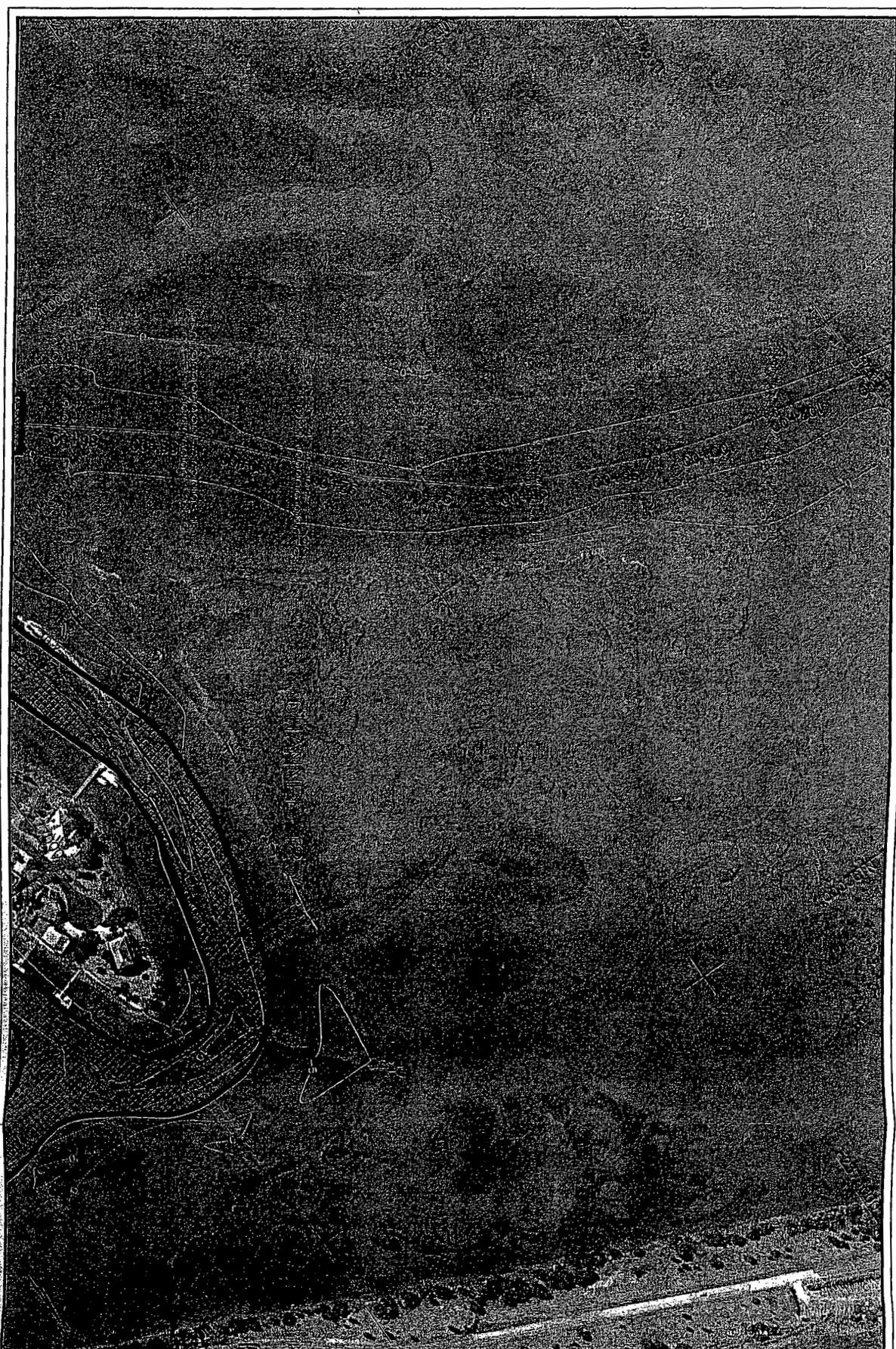
MAINTENANCE DREDGE -- BANKS CHANNEL
 FIGURE B ISLAND
OVERALL SITE PLAN AND INDEX

SURVEY BY:
GBA
Geological & Bryant Associates
 7217 Unit 113 Cedar Barbee Lane
 Washington, NC 29111

Survey Date: 12/12/03
 Vertical Datum: MLW BFT

| REVISIONS | |
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| DATE | COMMENT |
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DESIGNED BY: CED
 DRAWN BY: HML
 QUALITY CONTROL: CED
 SCALE: N.T.S.
 FILE NUMBER: 5272
 DATE: 4/15/04
 SHEET NO.
C1 OF



10-00-00
 PROPOSED CHANNEL
 ABOVE E.L. OF CHANNEL
 (AREA OF NATURAL SOIL REMOVAL)
 E.L. OF CHANNEL LINE
 CROSS SECTION
 SEE CROSS SECTION


CRISER & TROUTMAN
CONSULTING ENGINEERS
 3809 PEACHTREE AVENUE, SUITE 102
 WILMINGTON, NORTH CAROLINA 28403
 (910) 397-2929 FAX (910) 397-2971

MAINTENANCE DREDGE - BANKS CHANNEL
 FIGURE 8 ISLAND
ENLARGED SITE PLAN

SURVEY BY:

 Gaganan & Bryant Associates
 7217 Unit 113 Ogden Business Lane
 Wilmington, NC 28411
 Survey Date: 12/12/03
 Vertical Datum: MLW BFT

| REVISIONS | | DESIGNED BY: |
|-----------|---------|--------------|
| DATE | COMMENT | CD |
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DRAWN BY: HML
 QUALITY CONTROL: CED
 SCALE: AS SHOWN
 FILE NUMBER: 5272
 DATE: 4/15/04
 SHEET NO.
C3 OF **—**



RECEIVED
 APR 16 2004
 DIVISION OF
 CAPITAL MANAGEMENT

CRISER & TROUTMAN
CONSULTING ENGINEERS
 3809 PEACHTREE AVENUE, SUITE 102
 WILMINGTON, NORTH CAROLINA 28403
 (910) 397-2929 FAX (910) 397-2971

MAINTENANCE DREDGE - BANKS CHANNEL
 FIGURE 8 ISLAND
ENLARGED SITE PLAN

SURVEY BY:
GBA
 Cochran & Bryant Associates
 7217 Hill 113 Opdam Business Lane
 Wilmington, NC 28411
 Survey Date: 12/12/03
 Vertical Datum: MLW BFT

| REVISIONS | | DESIGNED BY: CED |
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| DATE REV. NO. | COMMENT | DRAWN BY: HWL |
| | | QUALITY CONTROL: CED |
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| | | FILE NUMBER: 5272 |
| | | DATE: 4/15/04 |
| | | SHEET NO. CA |



10-00
 OWNER OF ACTUAL SITE RECORD
 BY: JF CHURCH LINE
 CROSS SECTION
 (SEE CROSS SECTION)

APR 18 2004
 DIVISION OF
 STATE MANAGEMENT

CRISER & TROUTMAN
CONSULTING ENGINEERS
 3809 PEACHTREE AVENUE, SUITE 102
 WILMINGTON, NORTH CAROLINA 28403
 (910) 397-2929 FAX (910) 397-2971

MAINTENANCE DREDGE - BANKS CHANNEL
 FIGURE 8 ISLAND
ENLARGED SITE PLAN

SURVEY BY:
GBA
 Grogan & Bryant Associates
 7217 Unit 113 Ogden Business Lane
 Wilmington, NC 28411

Survey Date: 12/12/03

Vertical Datum: MLW BFT

| REVISIONS | |
|------------------|---------|
| DATE REV. NO. | COMMENT |
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DESIGNED BY: CED
 DRAWN BY: HWL
 QUALITY CONTROL: CED
 SCALE: AS SHOWN
 FILE NUMBER: 5272
 DATE: 4/15/04
 SHEET NO.
C.5 OF



104-00
 AREA OF ACTUAL SOIL REMOVAL
 B. 4" CONTIGUOUS LINE
 CROSS SECTION
 PROPOSED CHANNEL
 EXTENDS 125' NORTH
 ABOVE EL. 4'
 PROPOSED CHANNEL
 EXTENDS 125' SOUTH
 ABOVE EL. 4'
 CROSS SECTION

APR 6 2004
 DIVISION OF MAINTENANCE DREDGE - BANKS CHANNEL
 GASBORO'S MANAGEMENT

CRISER & TROUTMAN
CONSULTING ENGINEERS
 3809 PEACHTREE AVENUE, SUITE 102
 WILMINGTON, NORTH CAROLINA 28403
 (910) 397-2929 Fax (910) 397-2971

DIVISION OF MAINTENANCE DREDGE - BANKS CHANNEL
 FIGURE 8 ISLAND
ENLARGED SITE PLAN

SURVEY BY:
GBA
 Bahagon & Bryant Associates
 7217 Unit 113 Ogden Business Lane
 Wilmington, NC 28411
 Survey Date: 12/12/03
 Vertical Datum: MLW BFT
 SCALE: 1" = 200'

| REVISIONS | | DESIGNED BY: |
|-----------|---------|--------------|
| DATE | COMMENT | REV. NO. |
| | | CEB |
| | | HML |
| | | CEB |
| | | AS SHOWN |
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| | | 4/15/04 |
| | | C6 |

