

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

ACTION ID: 200411492

June 21, 2004

PUBLIC NOTICE

Eastern North Carolina Natural Gas (ENCNG), c/o Mr. John M. Monaghan, Jr., 5625 Dillard Drive, Cary, North Carolina 27511, has applied for a Department of the Army (DA) individual permit TO TEMPORARILY IMPACT APPROXIMATELY 7,500 LINEAR FEET (3.44 ACRES) OF DA JURISDICTIONAL WATERS WITHIN CURRITUCK SOUND TO FACILITATE THE INSTALLATION OF 4.5 MILES OF NATURAL GAS TRANSMISSION LINE WITHIN THE PASQUOTANK RIVER BASIN, IN NORTH CAROLINA. The proposed project is located within North Carolina Department of Transportation (NCDOT) right-of-ways in Currituck and Dare Counties. Mr. Jeff Harbour, Environmental Services Inc., 524 New Hope Road, Raleigh, North Carolina 27610, is acting as agent for ENCNG in the processing of this application.

The following description of this project is taken from data provided by the applicant and from observations made during onsite inspections by representatives of the Corps of Engineers. ENCNG proposes to install 4.5 miles of natural gas transmission line associated with Phase 7B of a larger project utilizing horizontal directional drilling (HDD), excavated trench, and jetting methodologies. The Phase 7B project will begin in Point Harbor in Currituck at the terminus of Phase 7A project along US Highway 158 in Currituck County and continue to the intersection of US Highway 158 and NC 12 in Kitty Hawk in Dare County. The transmission system will consist of an 6-inch diameter pipe. The gas line is being installed primarily to service existing residential, commercial, and industrial customers. The construction corridor ranges from 10 to 20 feet wide.

The project crosses two (2) perennial surface-water bodies, Jean Guite Creek and Currituck Sound. ENCNG will utilize HDD, excavated trench, and jetting methodologies in its crossing of Currituck Sound. Jean Guite Creek will be directionally bored.

The project will cross four (4) separate wetland areas located within NCDOT road right-of-ways. Wetland types to be crossed include maritime swamp forest, and successional shrub/scrub and herbaceous wetlands. All wetland areas will be directionally bored.

The applicant proposes to utilize HDD methods to avoid impacts to Areas of Environmental Concern as designated by the North Carolina Division of Coastal Management. The applicant proposes to minimize impacts to aquatic resources and habitats by conducting all in-water work outside the recommended fisheries moratorium of February 15 to September 30. The applicant proposes to

utilize HDD methodology to avoid areas of submerged aquatic vegetation (SAV) and potential SAV habitat. The applicant does not propose compensatory mitigation for this project.

Plans showing the work are included with this public notice. The plans and additional information provided by the applicant detailing avoidance and minimization efforts can also be reviewed at the Washington Regulatory Field Office, U. S. Army Corps of Engineers Wilmington District, 107 Union Drive Suite 200, Washington, North Carolina 27889.

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).

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.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; 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.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, NCDWQ, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction cost.

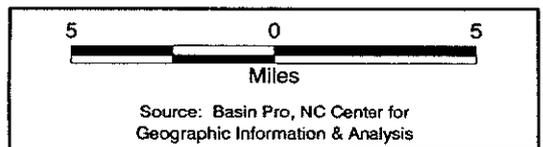
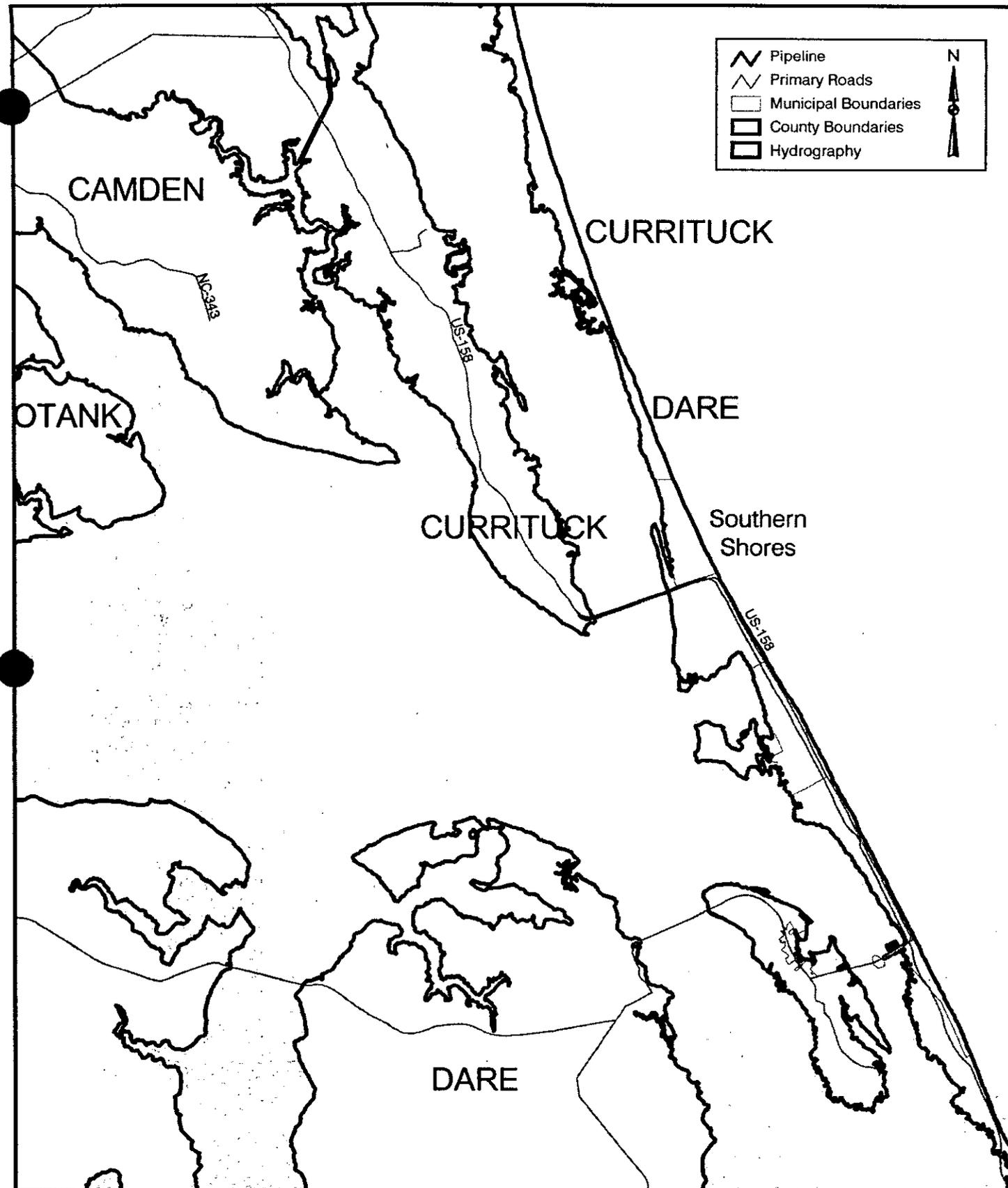
**Written comments pertinent to the proposed work, as outlined above, will be received in the Corps of Engineers, Wilmington District, Washington Regulatory Field Office, Attn: Mr. William Wescott, Post Office Box 1000, Washington, North Carolina, 27889, until 4:15 p.m., July 23, 2004, telephone (252) 975-1616, extension 25.**

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899. 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 constitutes 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, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

Based upon available information, the District Engineer 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 which 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 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 determined 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 thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with 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 by such permit 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.



Sheets 1 through 6  
Extension Line  
Dare/Currituck County

Key
ER01-150.07
May 2004



Main Line - Sheet 1 of 6

Field Work and Graphics By:

Prepared Date

Environmental Services, Inc.

May 2004



Environmental Services, Inc.  
524 New Hope Road  
Raleigh, North Carolina 27610



1998 Ortho Photo Quad  
Point Harbor  
Currituck County

0 250 500 750 1000

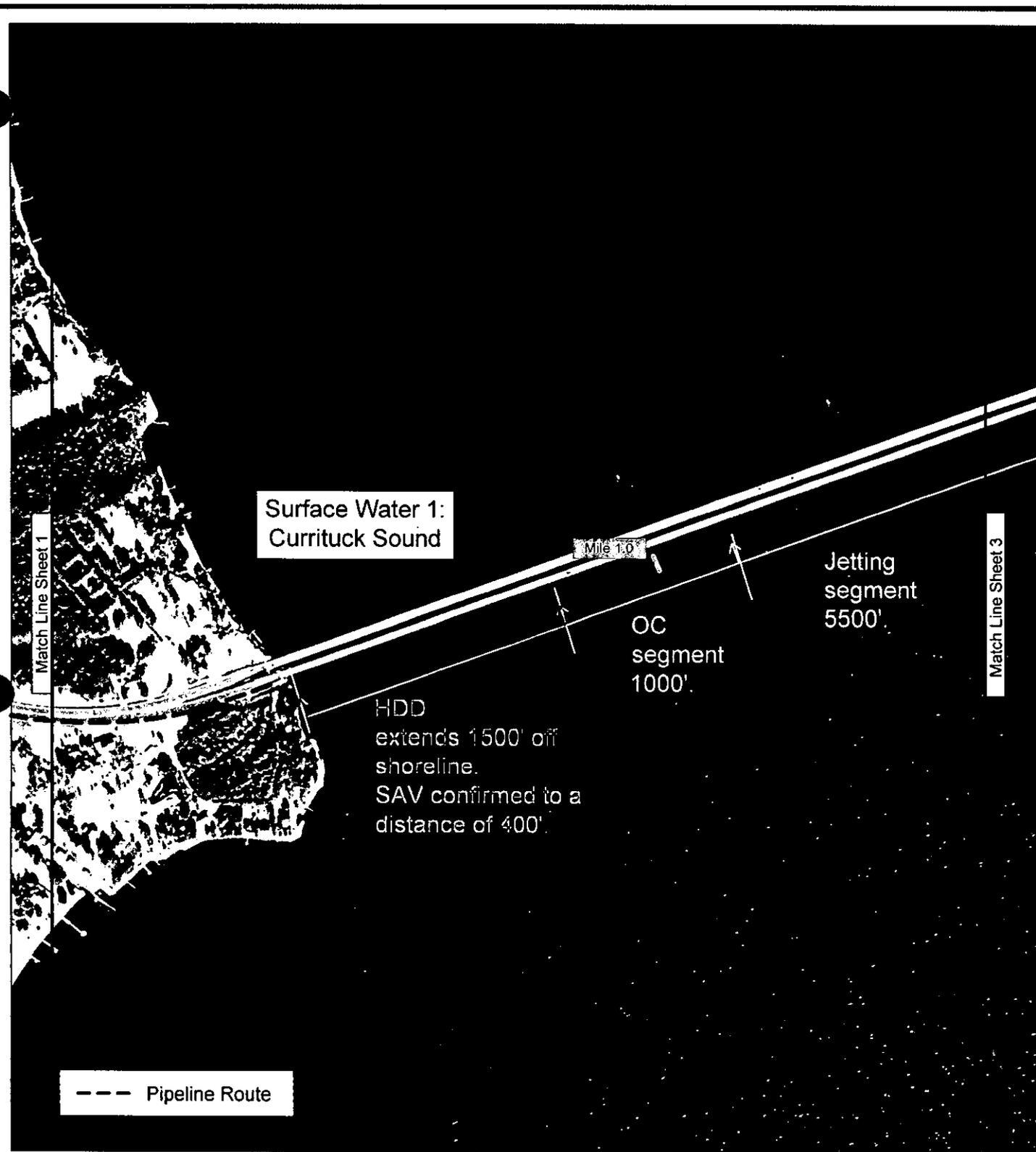


Scale in Feet

**EasternNC**

Eastern North Carolina Natural Gas

Proposed Eastern NC Natural Gas  
Phase VII-B Pipeline  
Wetland and Stream Identification



Main Line - Sheet 2 of 6

Field Work and Graphics By

Prepared Date

Environmental Services, Inc.

May 2004



Environmental Services, Inc.  
524 New Hope Road  
Raleigh, North Carolina 27610

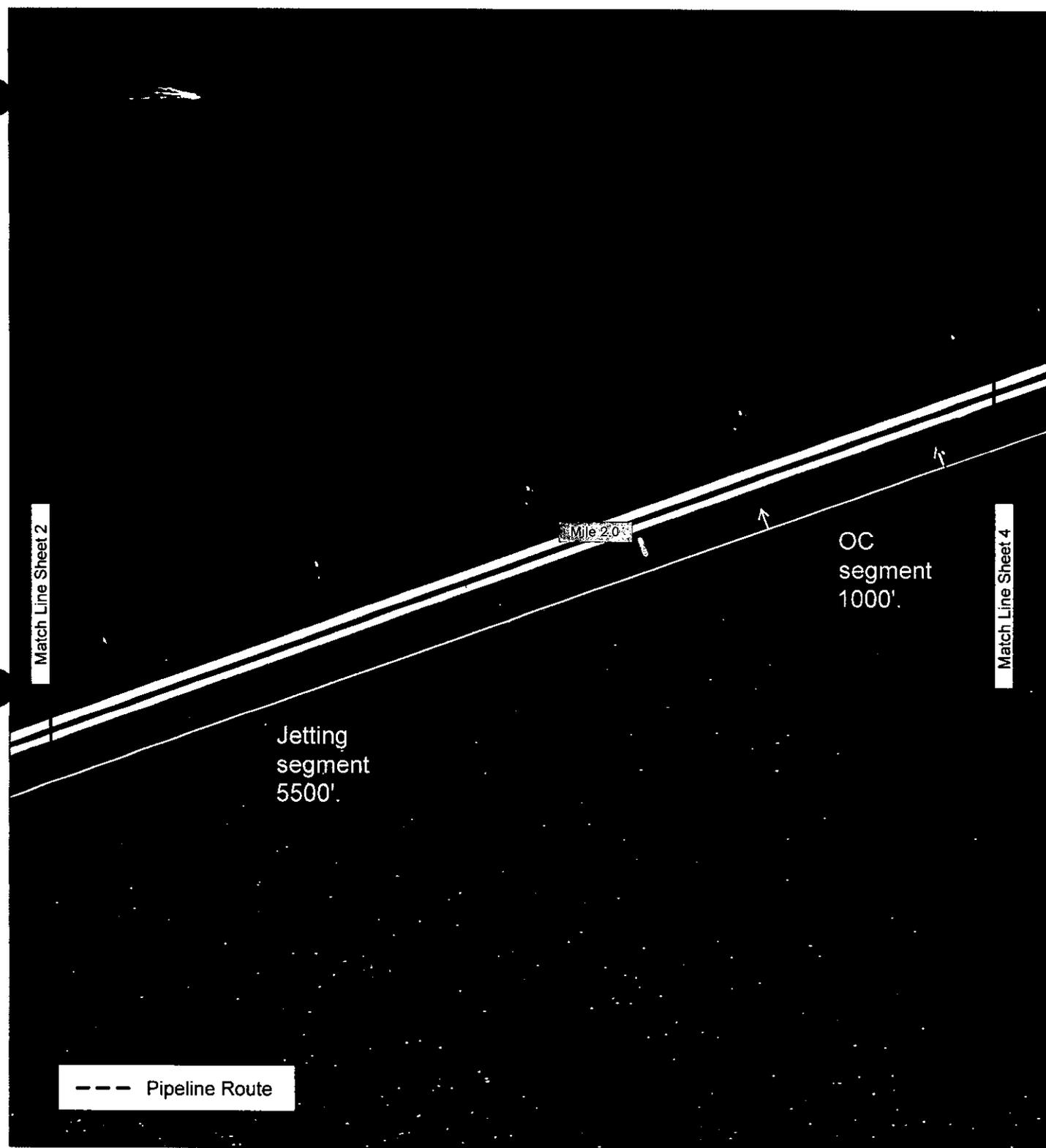


1998 Ortho Photo Quad  
Point Harbor  
Currituck County



**EasternNC**  
Eastern North Carolina Natural Gas

Proposed Eastern NC Natural Gas  
Phase VII-B Pipeline  
Wetland and Stream Identification



Main Line - Sheet 3 of 6

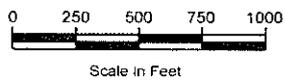
Field Work and Graphics By:	Prepared Date
Environmental Services, Inc.	May 2004



Environmental Services, Inc.  
524 New Hope Road  
Raleigh, North Carolina 27610



1998 Ortho Photo Quad  
Point Harbor  
Currituck County



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Match Line Sheet 3

Match Line Sheet 5

Surface Water 1:  
Currituck Sound

W 1  
N36° 05' 34"  
W75° 44' 34"

3.0 Mile

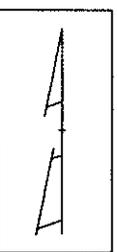
HDD  
extends 5500' off  
shoreline.  
SAV confirmed to a  
distance of 1250'.

--- Pipeline Route

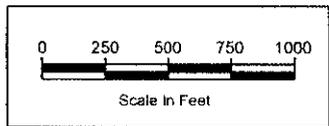
Main Line - Sheet 4 of 6

Field Work and Graphics By:	Prepared Date:
Environmental Services, Inc.	May 2004

 Environmental Services, Inc.  
524 New Hope Road  
Raleigh, North Carolina 27610

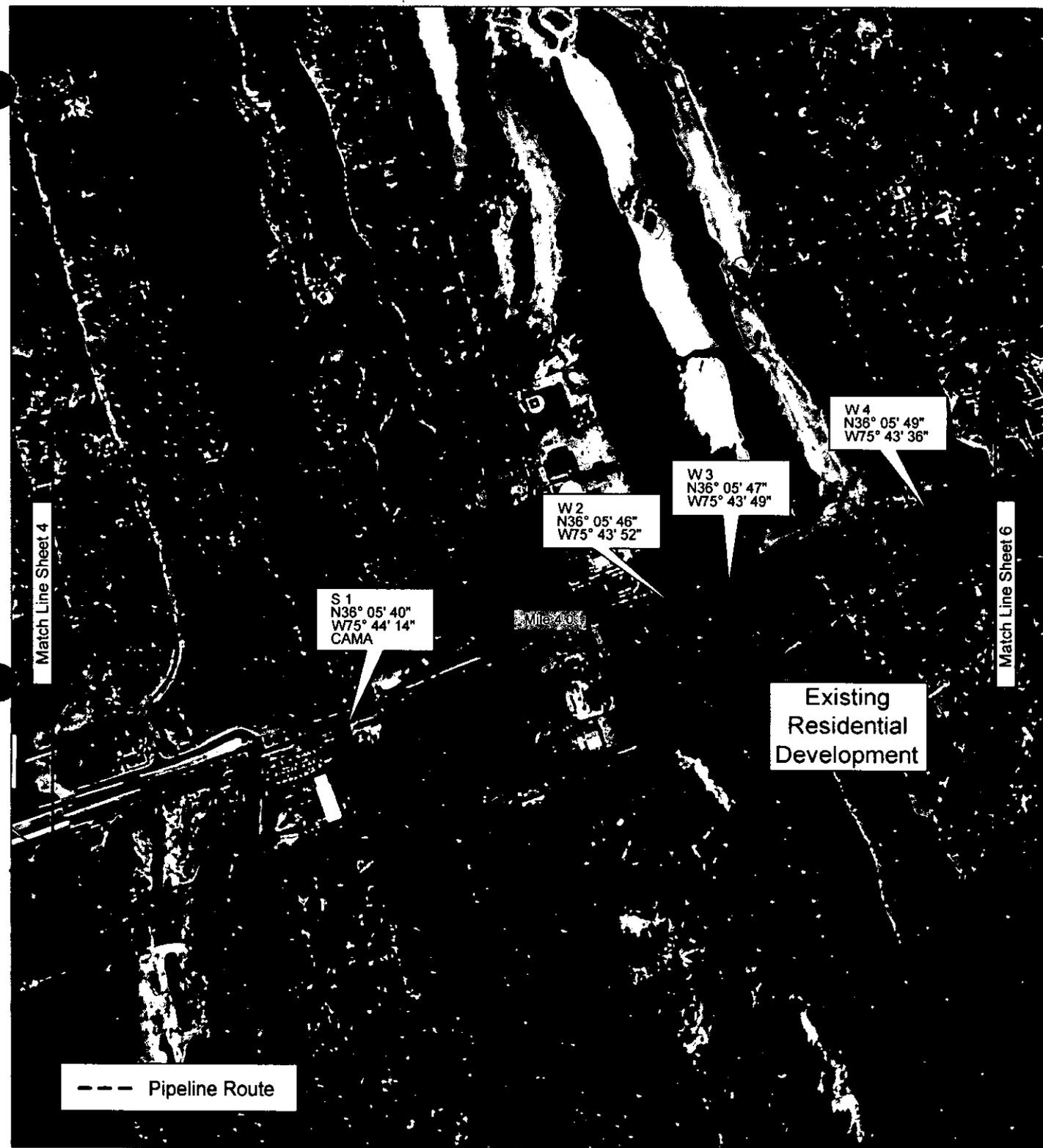


1998 Ortho Photo Quad  
Point Harbor/ Kitty Hawk  
Currituck and Dare  
Counties



**EasternNC**  
Eastern North Carolina Natural Gas

Proposed Eastern NC Natural Gas  
Phase VII-B Pipeline  
Wetland and Stream Identification



Main Line - Sheet 5 of 6

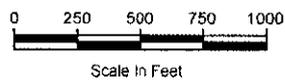
Field Work and Graphics By:	Prepared Date
Environmental Services, Inc.	May 2004



Environmental Services, Inc.  
524 New Hope Road  
Raleigh, North Carolina 27610



1998 Ortho Photo Quad  
Kitty Hawk  
Dare County



**EasternNC**  
Eastern North Carolina Natural Gas

Proposed Eastern NC Natural Gas  
Phase VII-B Pipeline  
Wetland and Stream Identification



Match Line Sheet 5

--- Pipeline Route

Main Line - Sheet 6 of 6

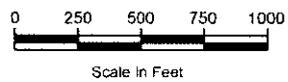
Field Work and Graphics By:	Prepared Date:
Environmental Services, Inc.	May 2004



Environmental Services, Inc.  
524 New Hope Road  
Raleigh, North Carolina 27810



1998 Ortho Photo Quad  
Kitty Hawk  
Dare County

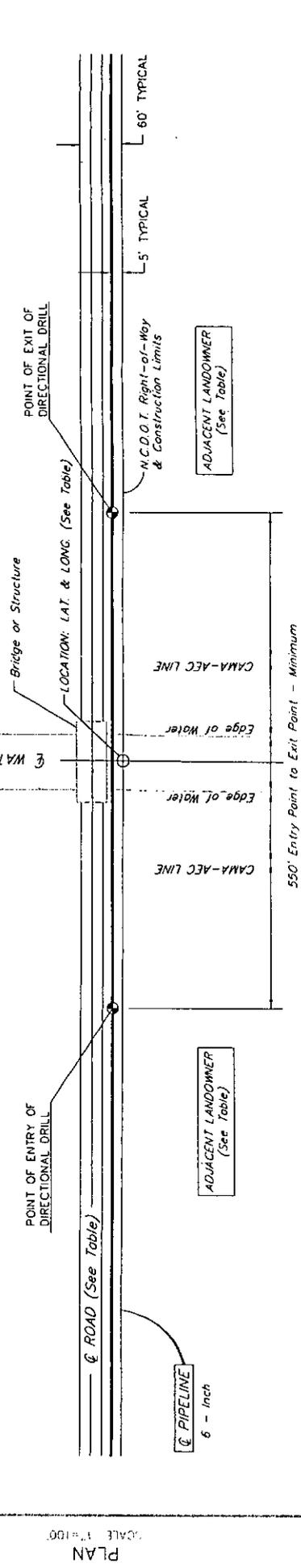


**EasternNC**  
Eastern North Carolina Natural Gas

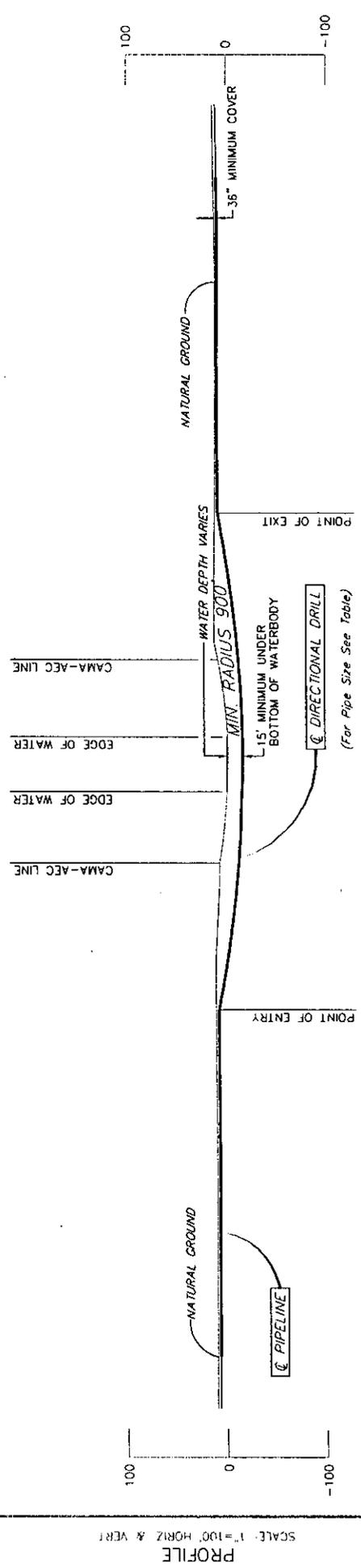
Proposed Eastern NC Natural Gas  
Phase VII-B Pipeline  
Wetland and Stream Identification

# DARE COUNTY, NORTH CAROLINA

THIS METHOD APPLIES TO JEAN CUIE CREEK.



PLAN  
SCALE: 1"=100'



PROFILE  
SCALE: 1"=100' HORIZ & VERT

LOCATION-MILEPOST (See Table)

REFERENCE DRAWINGS		REVISIONS	
NO.	DESCRIPTION	NO.	DESCRIPTION
		A	ISSUED FOR CAMA-AEC PERMIT
		1	REVISED & ISSUED FOR CONSTRUCTION
MATERIAL SUMMARY			
NO.	DESCRIPTION	QTY.	

SCALE: 1"=100'	SCALE: 1"=100'	SCALE: 1"=100'
DRAWN B.C.	DATE 02/25/02	DATE 02/25/02
CHK'D DAN	DATE 02/25/02	DATE 02/25/02
APPROVED DAN	DATE 02/25/02	DATE 02/25/02
DWS JOB NO. 1588		
ATE/P.O.M.O.		
CLIENT FILE NO.		
DWS FILE NO. 5472331-1		

P.O. BOX 1531 - PER 18 410 S. WILMINGTON STREET RALEIGH, NC 27602-1531 TEL: (919) 546-4641 FAX: (919) 544-4707	
WATER CROSSING DETAIL TYPICAL WATERBODY CROSSING ENCLING NATURAL GAS SYSTEM PROJECT PHASE VI B	
TITLE	NO.
REV.	1