



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: June 30, 2005  
Comment Deadline: July 29, 2005  
Corps Action ID #: 200500641

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Town of Belville/Brunswick County  
Post Office Box 249  
Bolivia, North Carolina 28422

**AGENT (if applicable):** Land Management Group, Inc.  
Post Office Box 2522  
Wilmington, North Carolina 28402

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers Act of 1899.

## Location

The 60' x 437' dredge project site is located at the John D. Long Park, adjacent to the Brunswick River, in the Town of Belville, Brunswick County, North Carolina, Latitude 34-13-37 and Longitude 77-59-05.

## Existing Site Conditions

The 11.52-acre project site is located on the east side of NC 133, approximately one mile south of the intersection with US 17/74. The park is immediately adjacent to the Brunswick River and contains a ramp for boating access to the river. The tract is bound by Brunswick River to the east and NC Highway 133 to the west. According to the Brunswick County Generalized Soil Survey, the site consists of well-drained soils including Leon fine sand, Baymeade fine sand, and a Baymeade/Marvyn complex near the river. Land use to the north and south of the tract is undeveloped and forested. Belville Elementary School is located directly across from the park, on the opposite side of Highway 133.

Two parking areas exist on the tract; a large one located to the north and a small one located near the southern property line. The large parking lot provides access to the boat ramp and restroom facilities. A paved walkway extends from this parking lot southward to picnic shelters and a wooden deck that overlooks the river. Parking areas and walkways are paved and areas around the picnic tables and the parking lots are kept in a mowed condition. Other areas within the tract are densely vegetated. Vegetated uplands contain loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), sweetgum (*Liquidambar styraciflua*), wax myrtle (*Myrica cerifera*), and privet (*Ligustrum sinense*). Wetlands are located adjacent to the river and support pond pine (*Pinus serotina*), black willow (*Salix nigra*), wax myrtle (*Myrica cerifera*), and red maple (*Acer rubrum*).

The existing boat ramp is located on the edge of a large basin off of the Brunswick River. This basin was excavated by the NCDOT in the 1980's to provide sand for the construction of US 74/76 and Highway 17. This section of the Brunswick River is classified as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries and as SC by the N.C. Division of Water Quality. The PNA classification means that a variety of juvenile finfish and shrimp develop in these waters. The SC classification designates tidal salt waters that are protected for secondary recreation such as fishing, boating and other activities involving minimal skin contact; aquatic life propagation and survival; and wildlife. Existing elevations within the cove range from -0.26' to 1.98' MLW.

On May 2, 2005, staff of Land Management Group, Inc. evaluated the tract for its potential to support federally listed threatened or endangered species. This tract has been developed into a park, and approximately half of it is either paved or maintained in a mowed condition. The other half is densely vegetated. Wetlands exist adjacent to Brunswick River and support a thick assemblage of pond pine (*Pinus serotina*), black willow (*Salix nigra*), and wax myrtle (*Myrica cerifera*). These wetlands are too densely vegetated to support rough-leaf loosestrife (*Lysimachia asperulifolia*) or Cooley's meadowrue (*Thalictrum cooleyi*), both of which require fairly open habitat. However, Brunswick River is located adjacent to the tract and provides suitable habitat for the American alligator and Shortnose sturgeon. In fact, the N.C. Natural Heritage Program database has records of both of these species in the river. Large trees located adjacent to the river were inspected for bald eagle nests, but none were observed.

Forested uplands within the tract contain scattered loblolly pine trees and live oaks (*Quercus virginiana*). Most of the pine trees are young, with a diameter at breast height (DBH) approximately 4" to 6". However, some pine trees are mature and have a DBH greater than 12". All mature pine trees were inspected for the presence of red-cockaded woodpecker cavities. No individuals or cavities were observed. This forested habitat is too small and fragmented to provide suitable habitat for the red-cockaded woodpecker.

#### **Applicant's Stated Purpose**

The purpose of the proposed 60' x 437' dredging project is to provide better boating access from the park to Brunswick River.

## **Project History and Description**

In 1994, the Town of Belville, in conjunction with Brunswick County, developed John D. Long Park and boat ramp on the east side of NC 133, approximately one mile south of the intersection with US 17/74. A Department of the Army Permit (AID 199403042) and CAMA Major Permit (#95-94) was obtained in order to build this ramp. The ramp and surrounding park were built, in part, with a \$50,000 grant from the State. Total public capital expenditures on the ramp and surrounding park facility exceed \$172,000. The park is now part of Brunswick County's regional park system. The applicant states that after completion of the park and ramp, the western side of the river immediately adjacent to the ramp began to silt up. In 1995, the Town requested permission from the Division of Coastal Management (DCM) to dredge a channel 60 feet wide and 300 feet long from the foot of the ramp eastward to deeper water. Permission was denied by DCM on April 25, 1996, (Corps AID 199602807) because this section of the Brunswick River is classified as a PNA and DCM rules prohibit new dredging in a PNA.

The applicant states the project was set-aside for several years. However, bottom conditions in the area worsened considerably, with the short channel that the ramp enters having silted to the point that it became dry at low tide. Boaters frequently scrape the bottom of the river when departing or entering the ramp, disturbing sediment and creating excessive turbidity. In 2004, the Town again requested permission from DCM to dredge and maintain a boating channel from the ramp to the river. Although the permit application was denied by DCM, a variance was granted on October 18, 2004 by the Coastal Resources Commission (CRC).

It should be noted that during the variance process, an updated map was produced by the applicant that depicted a 60' x 437' dredging area. This longer dredging distance was required because water depths in the area had significantly changed since 1995. CRC members reviewed this updated map and agreed with the longer length. However, the CAMA Major Permit that was issued referenced the older map with a 300' dredging length. DCM concurred that the permit should have referenced the updated map and the applicant is in the process of getting the permit revised.

Presently the Town of Belville is applying for Federal authorization to dredge a channel 60' wide x 437' long from the boat ramp to the Brunswick River.

## **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center,

Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by July 22, 2005.

The applicant has certified that the proposed work complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps is, by this notice, forwarding this certification to the North Carolina Division of Coastal Management (NCDCM) and requesting its concurrence or objection. Generally, the Corps will not issue a Department of the Army (DA) permit until the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. The proposed project will require new dredging in waters classified as a PNA by the North Carolina Division of Marine Fisheries. The PNA classification means that a variety of juvenile finfish and shrimp develop in these waters. Normally new dredging is not authorized in areas classified as PNA's.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973 (ESA), that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. The proposed project will take place in habitat that the American alligator (*Alligator mississippiensis*), Shortnose sturgeon (*Acipenser brevirostrum*) and the West Indian Manatee (*Trichechus manatus*) are known to occur. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

### **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics,

aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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 discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps 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 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 29, 2005. Comments should be submitted to Henry Wicker, Wilmington Regulatory Field Office, Post Office Box 1890, Wilmington, North Carolina 28402.

## **ALTERNATIVES ANALYSIS**

The alternatives that were evaluated are no-action alternative, off-site alternatives, an on-site alternative site layout, and the preferred project.

### **No-Action Alternative**

The no-action alternative would keep the site in its current condition, with a boat ramp but no dredging. Boaters who use this ramp would only be able to do so at high tide and would likely continue to ground out and increase turbidity in the river. Because of the limited use of the current boat ramp and the negative environmental effects to this system, this is not a feasible alternative.

### **Alternate Sites**

An evaluation of alternative boat ramp sites that would be accessible to residents of Belville was conducted. Since this entire stretch of the Brunswick River is classified as a PNA, the Town would need to locate an area that would not require dredging. No section of shoreline was observed that would not require some dredging or wetland fill to construct a boat ramp off of the Brunswick River. Furthermore, the Town of Belville and the Wildlife Resources Commission have already invested approximately \$172,000 in this park. To abandon it for another site would mean starting over financially. This is not considered a feasible alternative.

### **On-site Alternative**

This site was inspected to determine if there was any other location along the river where a boat ramp could be installed without requiring dredging within a PNA. However, no deep water (at least 3' MLW) located adjacent to high ground was encountered. In addition, many other areas along the shoreline contain adjacent 404 wetlands that would have to be impacted. The only other on-site alternative would be to build an elevated boat ramp that extended from uplands to waters at least 3' MLW (approximately 440 feet). This structure would be a considerable safety hazard for boaters attempting to back their boats along a wooden structure 400' over the river. In addition, the cost to construct this ramp would be at least \$400,000. Based on safety concerns and costs, this alternative is not feasible.

## **Preferred Project**

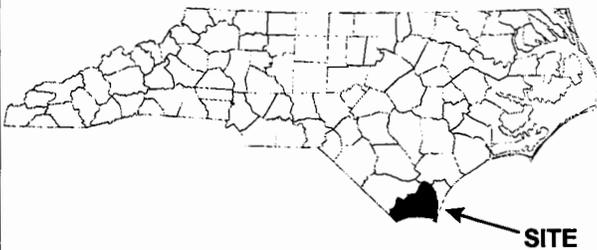
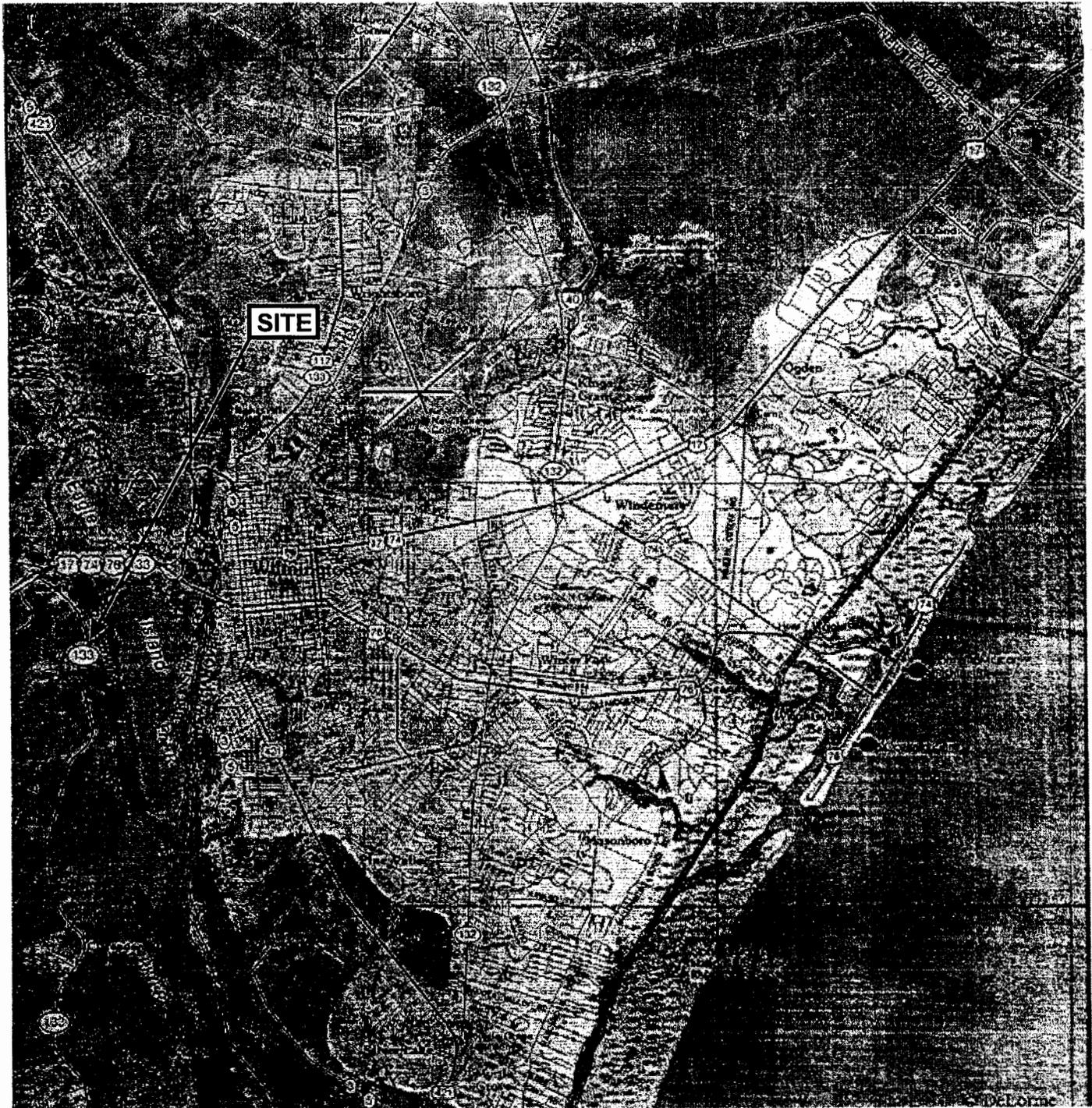
The preferred project is to dredge a 60' wide and 437' long area off of the existing boat ramp (26,220 sf; approximately 1800 cubic yards of material). The distance of 437' would allow boaters to reach waters that are 3' MLW in the river (Figures 7 & 8). This material would be dewatered and then placed within a designated upland disposal area within the NCDOT Bridge Unit Yard. The Town proposes to dredge and maintain the channel to a depth of 3 feet MLW. Dredging will occur with a dragline. The Town and Brunswick County will work to ensure that the proposed channel is properly maintained and well marked to direct boaters to the channel and to minimize negative impacts to areas adjacent to the channel.

## **POTENTIAL ENVIRONMENTAL IMPACTS**

No 404 or coastal wetland impacts would occur from the proposed project. The boat ramp has already been built and the only proposed construction would be dredging within the river and placing the material within an upland disposal area. This section of the Brunswick River is classified as a Primary Nursery Area (PNA) by the NC Division of Marine Fisheries.

The proposed dredging would likely result in the short-term elevation of turbidity levels. However, the dredging by dragline would occur during periods of reduced biological activity to avoid and/or reduce potential impacts to marine and estuarine fauna. There will be abrupt, short-term impacts to existing benthic infauna, however, the dredging will not occur during peak recruitment periods in the spring (April 1 - September 30). Therefore, anticipated impacts from the dredging are considered short-term and relatively minor. Excavated materials will be retained behind temporary berms and silt fencing and will be dewatered before it is spread within the designated upland disposal area.

It should be noted that impacts to this PNA already occur from boaters who disturb the river bottom while attempting to utilize this boat ramp. Dredging a small section will indeed disturb a part of the PNA, but it will also create a defined accessway from the ramp to deep water for boaters to navigate, which will help to protect the remaining PNA habitat in the cove.



SCALE 1" = 2.0 miles

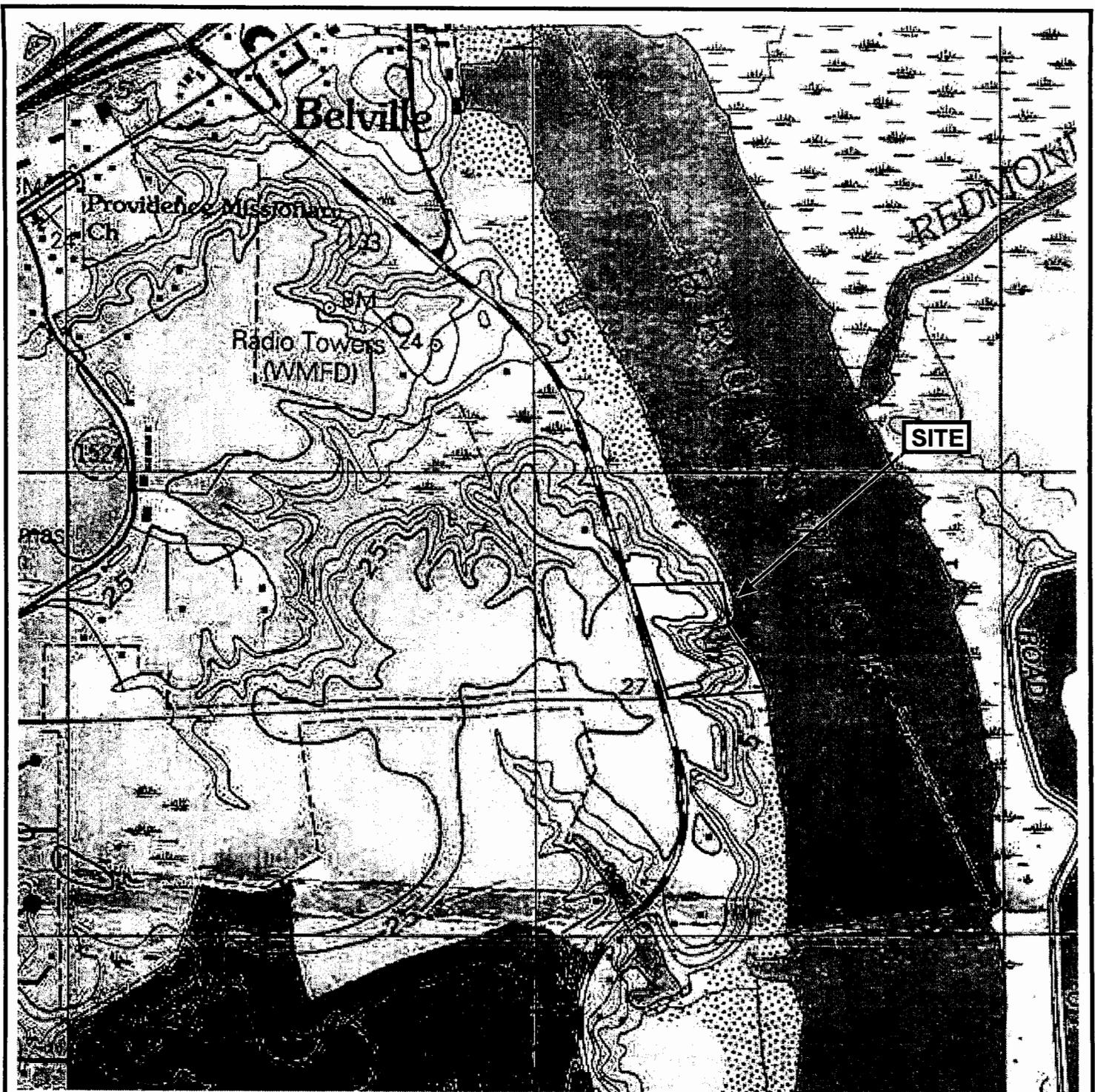
Map Source: DeLorme: North Carolina Atlas and Gazetteer., 1997 p. 84.

**Land Management Group, Inc.**  
 Environmental Consultants  
 P. O. Box 2522  
 Wilmington, NC 28402  
 910-452-0001

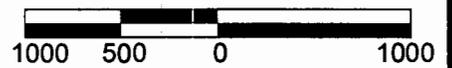
**Figure 1. Vicinity Map**

**Town of Belville  
 Regional Access Park  
 Brunswick County, NC**

01-05-127



\*Project Area boundaries are approximate and not meant to be absolute.



SCALE 1" = 1000'

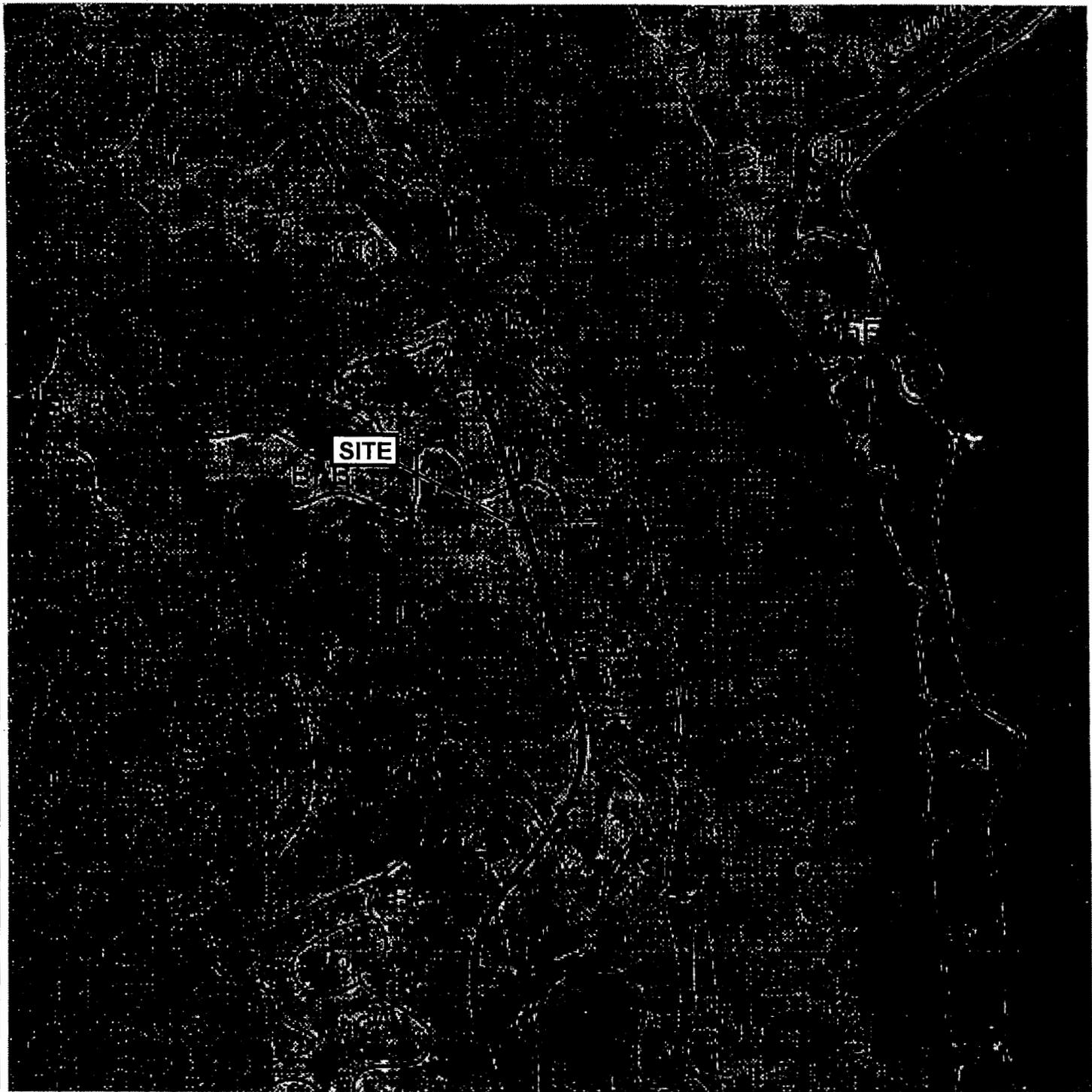
Map Source: Wilmington, N.C., 1993, USGS 7.5' Topographic quadrangle.

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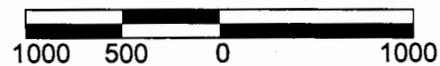
**Figure 2. USGS Topo Quad**

**Town of Belville  
 Regional Access Park  
 Brunswick County, NC**

01-05-127



\*Boundaries are approximate and not meant to be absolute.



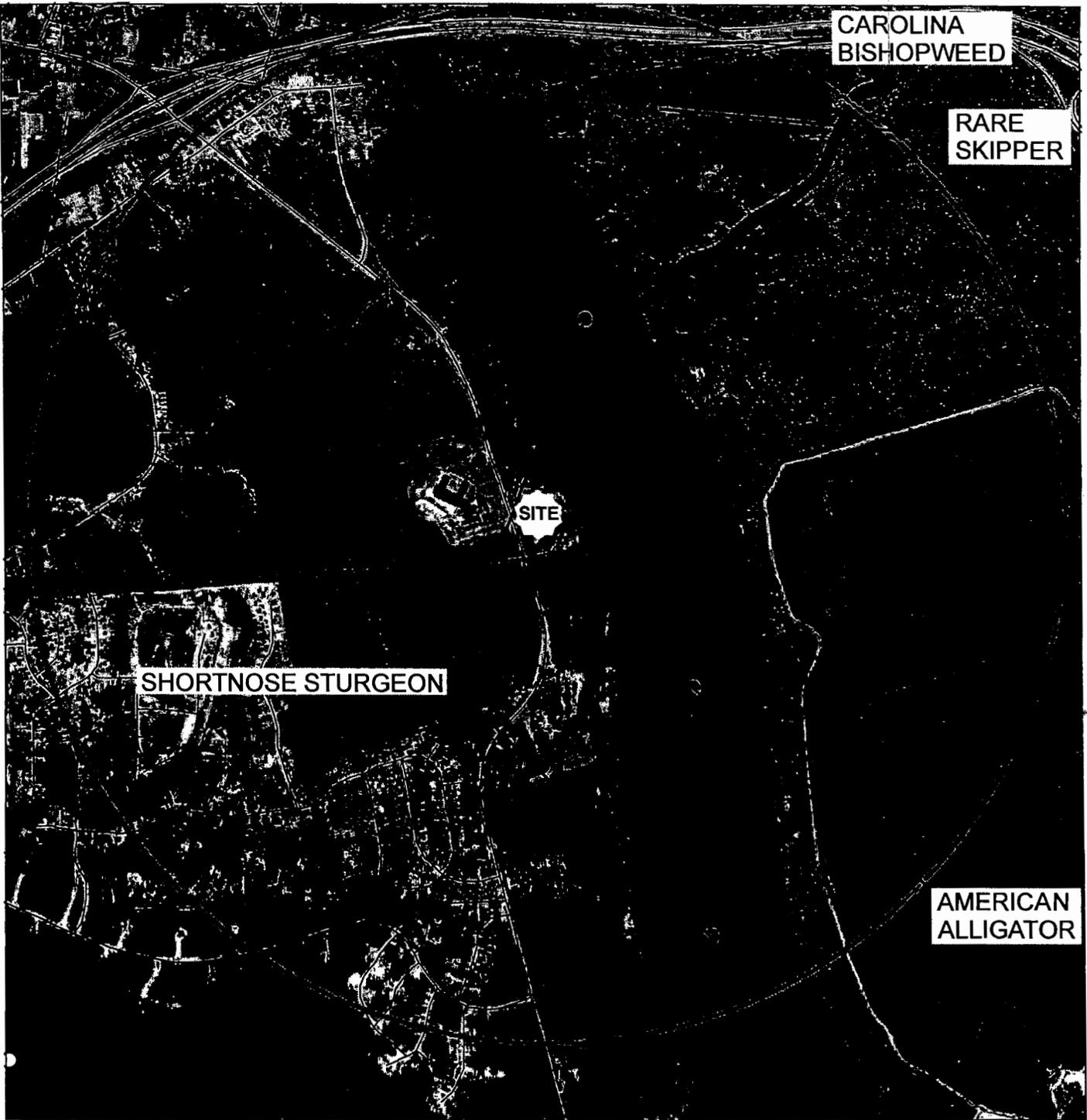
SCALE 1" = 1000'

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**Figure 3. Brunswick County  
Soils Survey (p.7)**

01-05-127

**Town of Belville  
Regional Access Park  
Brunswick County, NC**



○ = 1 MILE RADIUS



1500 750 0 1500

SCALE 1" = 1500'

NOTE: Data provided by NC Natural Heritage Program.

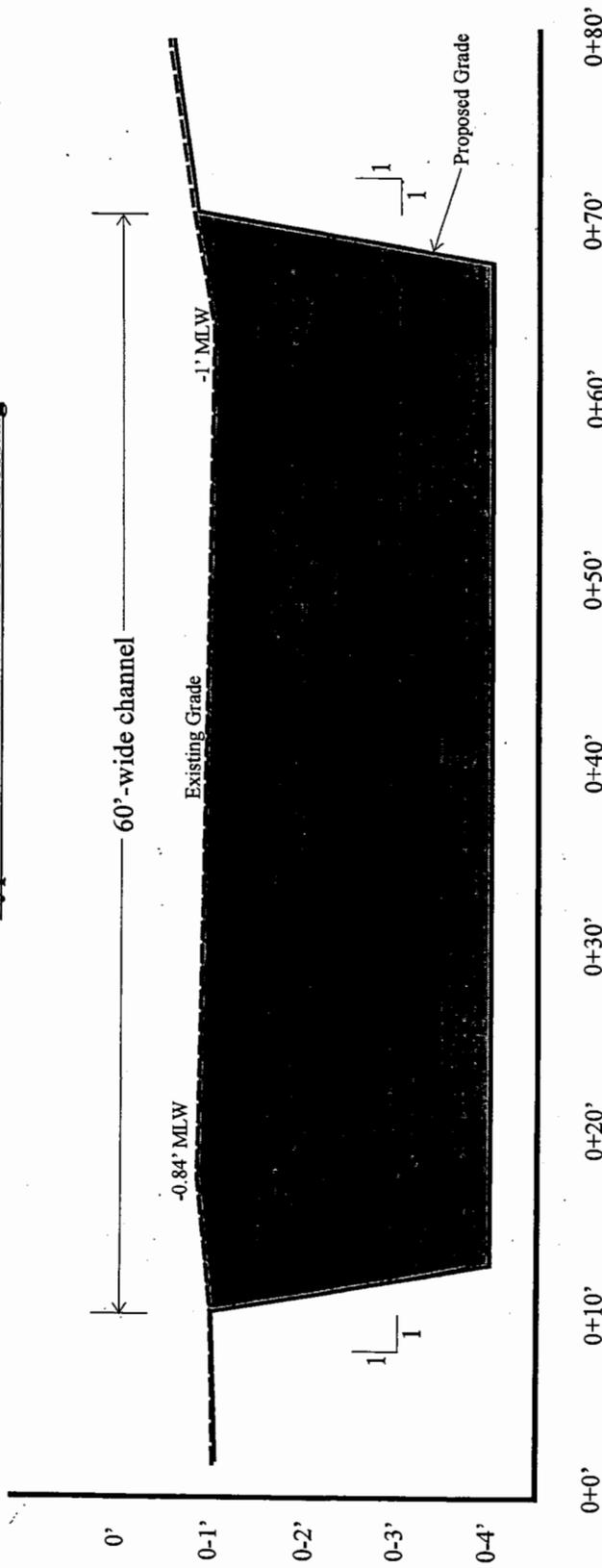
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**Figure 6.**  
**Threatened and Endangered**  
**Species / Habitat Locations**

01-05-127

**Town of Belville**  
**Regional Access Park**  
**Brunswick County, NC**

**Typical Cross-Section of Road Crossing**



Area to be Excavated

Horizontal: 1" = 10'  
Vertical: 1" = 2'

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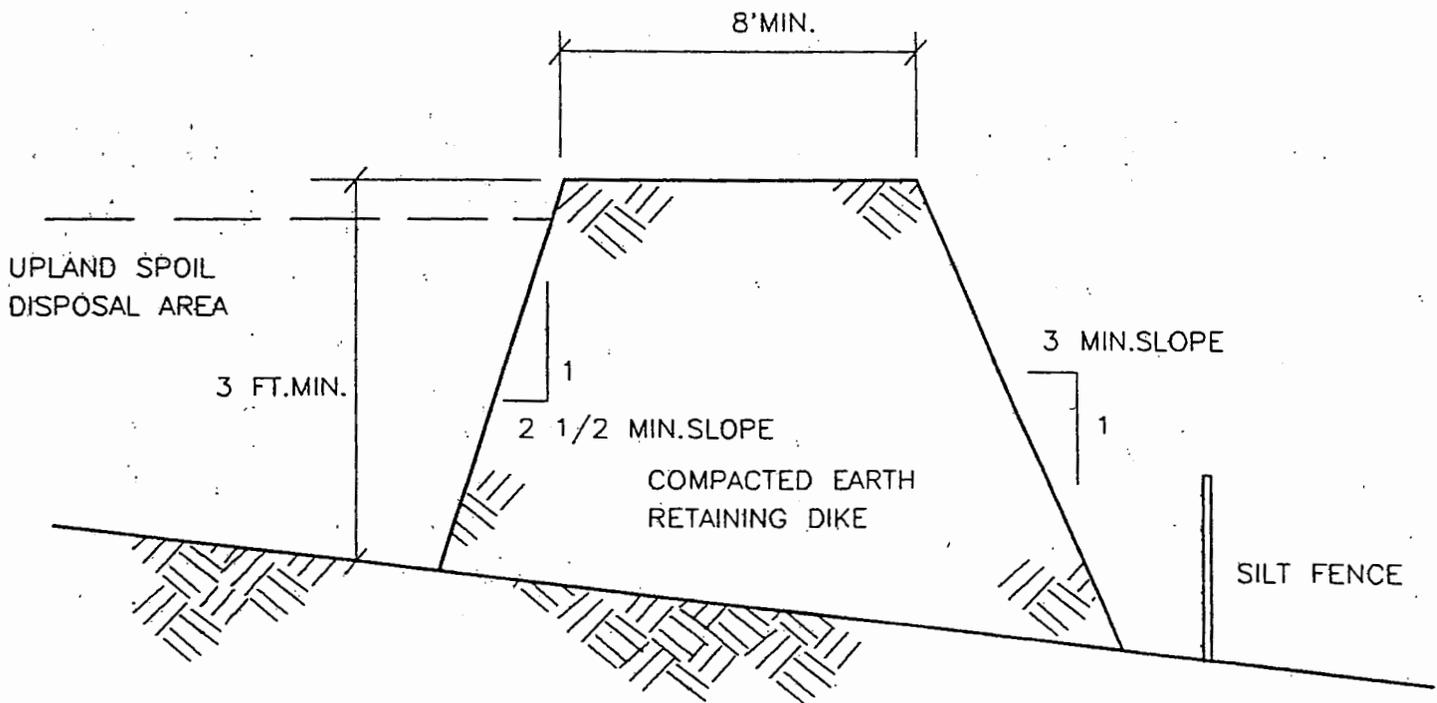
Figure 8. Cross-Section of  
Proposed Entrance Channel

01-05-127

Town of Belville Regional  
Access Park  
Brunswick County, NC

FIGURE 9.

EARTHEN CONTAINMENT BERM  
SECTIONAL VIEW



EXCAVATION OF MATERIALS FOR COMPACTED EARTH DIKE SHALL MAKE USE OF EXCAVATION FROM WITHIN UPLAND SPOIL DISPOSAL AREA.

WIDTH OF DIKE AND ELEVATION TO BE SET IN FIELD TO MATCH ANTICIPATED SPOILS DISPOSAL VOLUME

ALL EXPOSED OUTSIDE SURFACES OF EARTH DIKE & DOWNHILL SLOPE SHALL BE SEEDING IN ACCORDANCE WITH N.C. SEDIMENT CONTROL SPECIFICATIONS

TOTAL DISTURBED AREA SHALL BE LIMITED TO LESS THAN 1 ACRE IN SIZE

DIKE AND UPLAND DISPOSAL AREA TO BE LOCATED SO AS NOT TO ENCROACH UPON 404 WETLAND AREAS

