



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 2, 2006
Comment Deadline: December 4, 2006
Corps Action ID #: SAW-2006-41252-128

The Wilmington District, Corps of Engineers (Corps) has received an application from the **North Carolina Department of Transportation, Ferry Division** seeking Department of the Army authorization to impact **0.48 acres of estuarine shallow bottom habitat** associated with **the proposed expansion of the Stumpy Point Emergency Ferry Terminal** in **Dare County**, North Carolina.

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

Applicant: North Carolina Department of Transportation Ferry Division
113 Airport Drive, Suite 100
Edenton, North Carolina 27932

Authority

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

Location

The proposed project is located off North Carolina State Road 1164, adjacent to the existing NCDOT Stumpy Point Ferry basin in Stumpy Point Bay, near the community of Stumpy Point, in Dare County, North Carolina. The proposed project is located in the Pasquotank River Basin, Hydrologic Unit 03020105. Latitude 35.6973174N, Longitude 75.7707431W

Existing Site Conditions

The proposed work would permanently impact 0.48 acres (60' X 350' proposed dredge area located on the north end of the existing basin) of estuarine shallow bottom habitat by changing the current water depths from 2 – 3.5 feet deep to the proposed water depth of 8 feet. The existing ferry basin is currently 300 X 350 feet by 8 feet deep and the proposed

expansion would create a 360 X 350 foot, 8 foot deep ferry basin. A survey for Submerged Aquatic Vegetation (SAV's) was conducted by NCDOT in the project area by two divers and one person using a rake. No SAV's were found in the project area. NCDOT conducted an Essential Fish Habitat Assessment and concluded that due to the small size of the proposed work area no significant impacts to Essential Fish Habitat would occur.

Applicant's Stated Purpose

The existing Stumpy Point Ferry currently can operate 4 boats between Rodanthe and Stumpy Point. The proposed project will allow 6 boats to operate, which will increase transportation ability between Hatteras Island and mainland Dare County during emergency situations if the NC 12 corridor becomes impassable for extended periods of time. The existing basin includes two slips for the overnight storage of ferry vessels. The proposed project would create space for two additional slips in the turning basin so that additional vessels can be incorporated into the Stumpy Point-Rodanthe emergency route.

Project Description

The following description of work is taken from data provided by the applicant. Plans submitted with the application show the proposed project expanding the existing Stumpy Point Ferry basin to accommodate two additional berthing spaces. This will allow the Stumpy Point to Rodanthe Ferry route the option of running six ferries during a cycle. The proposed project will require dredging an area that is 60 X 350 feet to a depth of 8 feet. The proposed depth of 8 feet will allow enough depth for the ferries to operate safely in and maintain a consistent depth with the state and federal channels that provide access to the deeper waters of the Pamlico Sound. The proposed dredging project will create between 3000-4000 cubic yards of dredge spoil that will be placed at the Corps of Engineers (COE) dredge spoil site located on U.S. Fish and Wildlife (USFWS) property located south of Stumpy Point Bay. The proposed dredging would be accomplished by using a cutter head dredge with lift pump and several thousand feet of pipeline to transfer the material into the containment basin. The USFWS will be coordinated with through a special use permit to allow this activity. The two berthing areas will be accessed by a new elevated walkway that will consist of two sections. The main section will be 6 foot by 100 foot with two finger walkways that will be 6 foot X 25 foot as shown on the provided work plan. These walkways will be made from salt treated wood and pilings. The walkway and finger piers will be located over the water except where the landing ties into land. There are also 6 new pile clusters (dolphins) being proposed for the berthing areas. These pile clusters will be made of salt treated wood pilings with 9-19 piles in each cluster. If a pile cluster uses 19 piles, the total surface area impacted by each cluster

would be 10.26 square feet or 61.56 square feet for all six clusters. The piles will be driven using a vibratory hammer.

There will not be fill impacts to wetlands or surface waters associated with this project.

The applicant has considered several alternatives to the proposed project. NCDOT examined the possibility of providing additional berthing space at the Rodanthe terminal rather than the Stumpy Point terminal. However, the expansion of the Rodanthe terminal would require extensive dredging in order to provide additional berthing spaces. Additionally, expansion was considered at the Stumpy Point terminal to the south side of the existing basin; however this alternative was not pursued as potential dredging would be required outside the boundaries of state owned property.

The project is identified as TIP Project No. R-3116J.

The following commitments were included in the original State Environmental Assessment/Finding of No Significant Impact, published in 2002 and the Addendum published in September 2006 and NCDOT plans to honor the following project commitments:

1. A special use permit is required with the Alligator River National Wildlife Refuge for the use of their spoil storage site.
2. NCDOT will coordinate with the Division of Marine Fisheries regarding seasonal construction moratoriums. Note – The Ferry Division anticipates completing this project prior to February 15, 2007, before any in-water work moratoriums would be required.
3. All construction work will be performed outside the limits of the adjacent Stumpy Point wetland mitigation site.
4. NCDOT should adhere to “Guidelines for Avoiding Impacts to the West Indian Manatee: Precautionary Measures for Construction Activities in North Carolina Waters” for this project.
5. NCDOT’s design standards in sensitive watersheds will be implemented.
6. A general submerged aquatic vegetation (SAV) search will be conducted by the Division of Marine Fisheries prior to construction. The need for additional surveys will be determined at that time. Note – NCDOT has completed a SAV survey in the study area and found no SAV’s.
7. The need for underwater archaeology studies was pending. Note – NCDOT has coordinated with the Office of State Archaeology; it was determined that no underwater archaeology studies are warranted for this project. However, dredging work will cease and the OSA will be notified immediately if any potential artifacts are located during construction.
8. NCDOT will coordinate with the U.S. Fish and Wildlife Service regarding all “May Affect, Not Likely to Adversely Affect” biological conclusions. Note – NCDOT has coordinated with USFWS and has received a concurrence with their biological conclusions.

9. NCDOT will prepare an Essential Fish Habitat Assessment and coordinate with the National Marine Fisheries Service on this work. Note – NCDOT conducted an Essential Fish Habitat Assessment in August 2006 and no significant impacts to EFH are anticipated.

Overall plans showing the location of the proposed dredging, construction and impact sites are included with this public notice. Additional detailed plans and findings for the project, including NCDOT's February 15, 2002 Administrative Action, State Environmental Assessment/Finding of No Significant Impact and NCDOT's September 14, 2006 Addendum to the State Environmental Assessment/Finding of No Significant Impact, may be reviewed at the U.S. Army Corps of Engineers Regulatory Field Office at 107 Union Drive, Suite 202, Washington, North Carolina 27889, or at the offices of the North Carolina Division of Water Quality at the address shown below.

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 combined with the appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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, the Transportation Permitting 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 by December 4, 2006.

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 will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

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. On September 18, 2006, USFWS issued a letter of concurrence to NCDOT stating that the Service concurs with the determination that the project "may affect, but is not likely to adversely affect" the bald eagle and the federally listed red wolf. Additionally, USFWS concurred that the proposed project "may affect, but is not likely to adversely affect" the West Indian Manatee based on the commitment by NCDOT to implement the Service's "Guidelines For Avoiding Impacts to The West Indian Manatee: Precautionary Measures for Construction Activities in North Carolina Waters." The Service also concurred in their September 18, 2006, letter that in regard to beach nesting habitat, the project will have no effect on any sea turtle species and do to the lack of suitable habitat, the Service concurred that the project will have no effect on the piping plover, red-cockaded woodpecker, roseate tern, and seabeach amaranth. The aquatic range of the federally protected sea turtles are under the purview of the National Marine Fisheries Service (NMFS) and NCDOT has requested by letter dated September 28, 2006, a concurrence with the biological determination of "may effect, not likely to adversely affect" for the listed sea turtles. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

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.

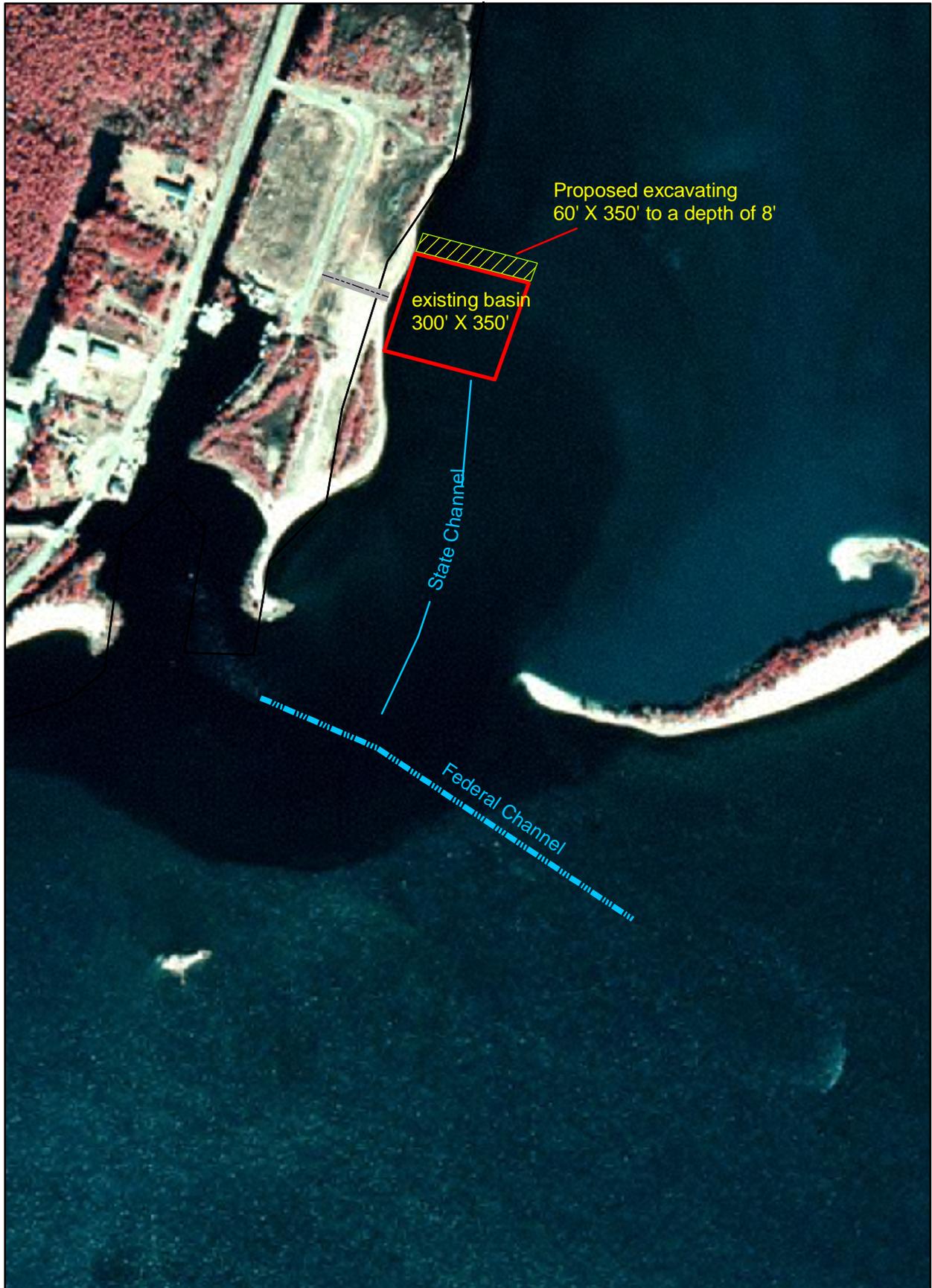
Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; 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, December 4, 2006. Comments should be submitted to Mr. William Biddlecome, Post Office Box 1000, Washington, North Carolina 27889-1000, telephone (252) 975-1616, extension 26.

Stumpy Point, Dare County



0 250 500 1,000 Feet

Stumpy Point, Dare County



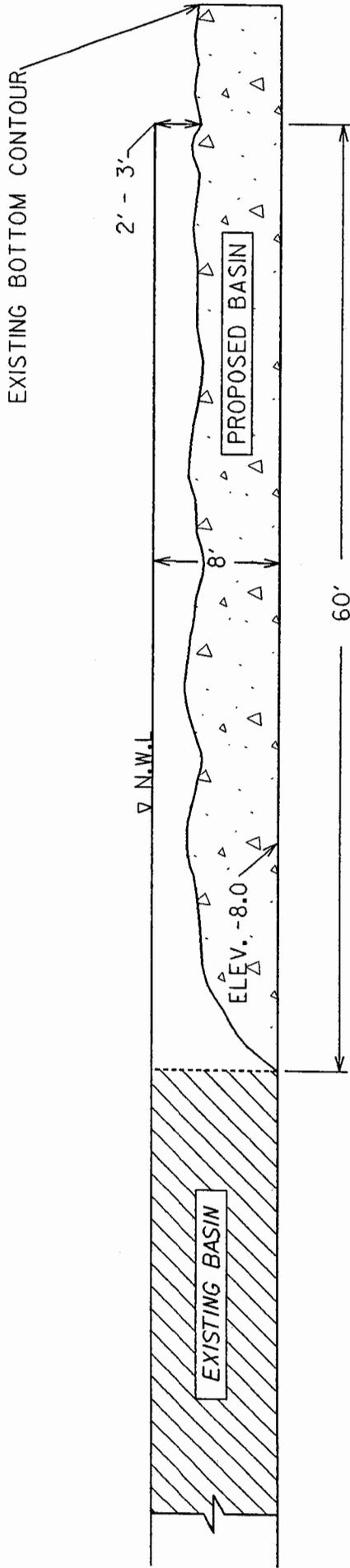
0 1 2 4 Miles

Stumpy Point Ferry Project Dare County



0 0.3 0.6 1.2 Miles

TYPICAL SECTION FOR PROPOSED BASIN EXTENSION



Prepared in the Office of
DIVISION OF HIGHWAYS
 111 Airport Dr., Raleigh, NC, 27610

2006 STANDARD SPECIFICATIONS

REVISION DATE
 SEPTEMBER 1, 2006

CLAY WILLIS
 HYDROLOGICAL ENGINEER

C. E. SLACHTA
 DRAFTY

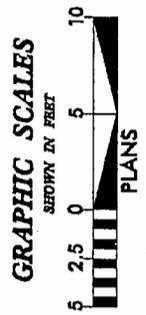


Photo Illustration (not to scale)

Existing Ramp



Berthing Slip 1

Berthing Slip 2

25' finger pier

25' finger pier

100' main pier

MAR 23 11 17 2:40 PM

ADJACENT RIPARIAN
PROPERTY OWNER:
ROBERT MIDGETT
178 BAYVIEW DR.
STUMPY POINT, NC 27978

ADJACENT RIPARIAN PROPERTY OWNERS:
CONGREGATION HOULNESS CHURCH
STUMPY POINT, NC
USFWS
P.O. BOX 1969
MANTEO, NC 27954

ADJACENT RIPARIAN
PROPERTY OWNER:
MARIETTA W. TRAINOR
P.O. BOX 634
MANTEO, NC 27954

Prepared in the Office of:
DIVISION OF HIGHWAYS
113 Airport Dr., Edenton, NC, 27840

REVISION DATE
SEPTEMBER 1, 2006

CLAY WILLIS
PROFESSIONAL REGISTERED

C. E. SLACHTA
DRAWN BY

200 STANDARD SPECIFICATIONS

