



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 15, 2006
Comment Deadline: January 16, 2007
Corps Action ID #SAW-2006-40848-071

The Wilmington District, Corps of Engineers (Corps) has received an application from The Town of Topsail Beach seeking Department of the Army authorization associated with an emergency beach fill project to protect ocean front development and infrastructure until such time that a federally authorized shore protection project can be implemented at Topsail Beach, Pender County, North Carolina.

Preliminary plans and location information are described below and shown on the attached plan. This Public Notice and attached plan are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicants: Town of Topsail Beach
Town Manager
820 South Anderson Blvd
Topsail, North Carolina 28445

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 Rivers and Harbors Act of 1899.

Location

The Town of Topsail Beach is located on the southern end of Topsail Island adjacent to New Topsail Inlet in Pender County on the central North Carolina coast. The fill placement area will occur between the Topsail Beach/Surf City limit to Godwin Avenue, a linear distance of approximately 25,000 feet.

Existing Site Conditions

Topsail Island is a 22 mile long and 0.5 mile barrier island on the Atlantic Ocean. Due to the northeast-southwest shoreline orientation the island faces the Atlantic Ocean on the southeast. Other water bodies in the vicinity include New Topsail Inlet immediately to the southwest, Banks Channel and the Atlantic Intracoastal Waterway (AIWW) to the northwest, and New River Inlet at the far northeastern end of the island.

Applicant's Stated Purpose

To conduct an emergency beach fill project to protect ocean front development and infrastructure until such time that a federally authorized shore protection project can be implemented. At this time, the construction date for the Federal project is uncertain. A Draft General Reevaluation Report-Environmental Impact Statement (GRR-EIS) has been prepared by the U.S. Army Corps of Engineers (USACE) and was released for public review and comment in June 2006 (USACE, 2006). Given the current status of the GRR-EIS and the need for Congressional authorization, funding, preparation of plans and specifications, and right-of-way acquisition, the Federal project may not be implemented until Fiscal Year 2010, or possibly later.

Project Description

The fill placement area will occur between the Topsail Beach/Surf City limit to Godwin Avenue. The project design will remain consistent with the Federal design and will involve a dune and berm system to be constructed to a height of 15 feet NGVD with a 7 foot NGVD berm height. An optimum berm width of 50 feet is proposed.

An offshore sand source area is currently being investigated for sediment compatibility with the native beach. The proposed construction timeframe for the emergency beach fill activities will occur in late calendar year 2007 or early calendar year 2008. Refer to Figure 1 (attached).

BEACH FILL SURVEYS & DESIGN. Typical cross-sections of the beach along the Topsail Beach project area will be surveyed. Nearshore profiles will extend seaward of the monuments to a point equal to or greater than 50 feet seaward of the construction toe of fill. The total volume of beach fill to be placed in front of the existing development and infrastructure will be based on an evaluation of erosion of the project area from 2002 through the expected construction of the Federal project.

GEOTECHNICAL INVESTIGATIONS. The offshore sand search investigations include approximately two square miles (1,220 acres) of seabed. Offshore investigations include bathymetric surveys, sidescan sonar surveys, seismic and cultural resource surveys, as well as vibracore collection and analysis. The results of the offshore investigations coupled with the compatibility of the sand resource area and native beach sand will be assessed to define the borrow area.

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 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, 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: Ms Cyndi Karoly by January 9, 2007.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity 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 can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and 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 EFH assessment for the proposed project will be specific to this project and separate from the EFH assessment that will be prepared for the federally authorized shore protection project for Topsail Beach.

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. A description of the anticipated impacts is currently being investigated and will be provided by the applicant at a later date. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

Evaluation

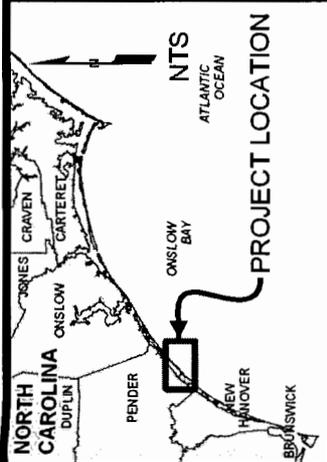
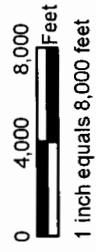
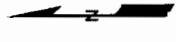
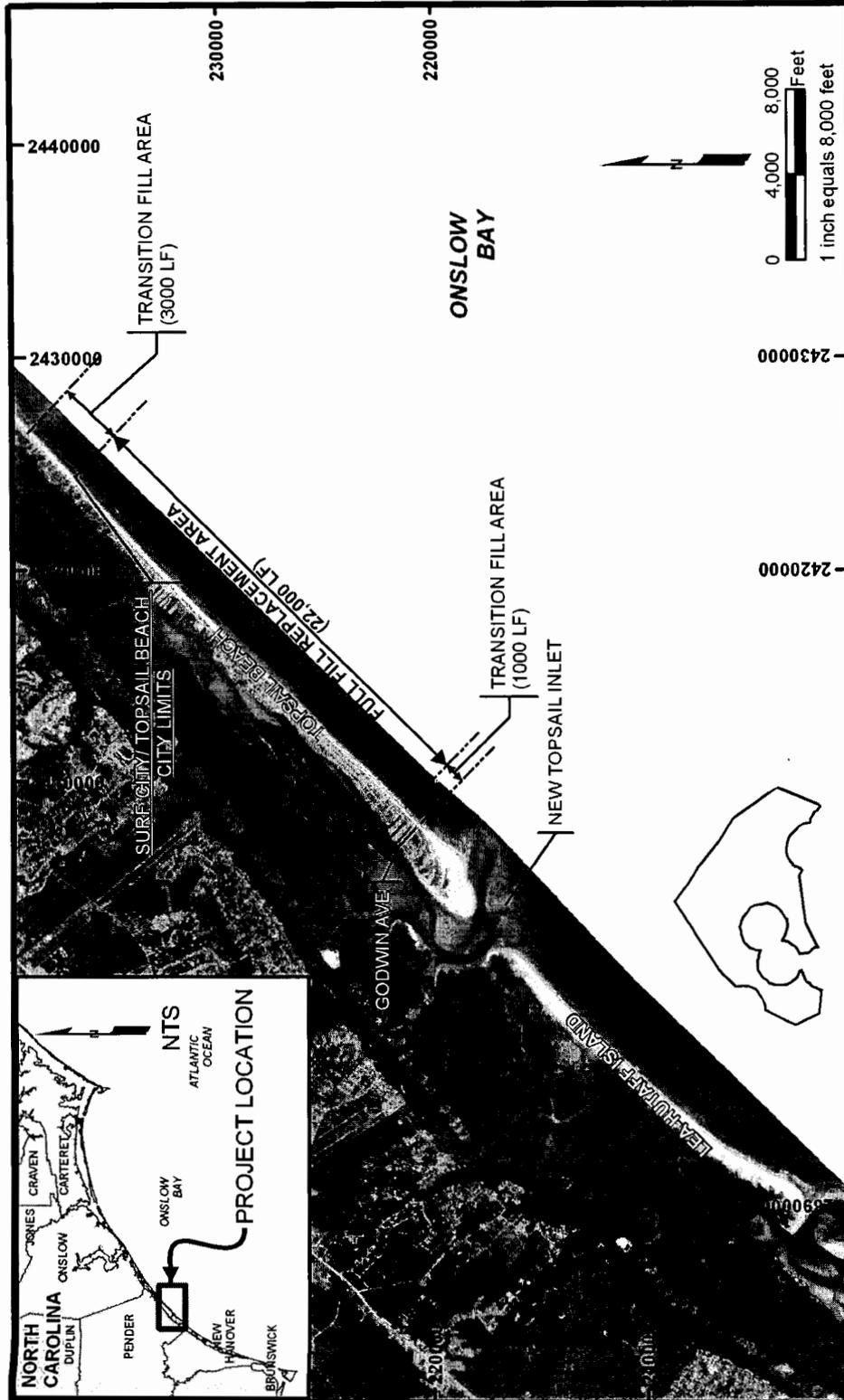
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate 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 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.

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, January 16, 2007. Comments should be submitted to Dave Timpy, Project Manager for this project.



NOTES

- COORDINATES SHOWN HEREON ARE IN FEET BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83).
- AERIAL PHOTOGRAPHY PROVIDED BY PENDER COUNTY GIS DEPARTMENT, DATE FLOWN 2003.

LEGEND

- FULL FILL REPLACEMENT LIMIT
- TRANSITION FILL LIMIT
- SAND RESOURCE AREA