



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: January 5, 2007
Comment Deadline: February 5, 2007
Corps Action ID No. 199300088
TIP Project No. B-682
State Project Number 8.2230101

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT) requesting a Department of the Army authorization to impact 0.545 acres of surface waters and 2.37 acres of wetlands to construct a new bridge over the Atlantic Intracoastal Waterway (AIWW) to Sunset Beach, Brunswick County, North Carolina.

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

Applicant: North Carolina Department of Transportation (NCDOT)
c/o Dr. Gregory J. Thorpe, PhD, Manager
Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures under Section 10 of the Rivers and Harbors Act (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The proposed bridge and roadway improvements begin near the existing floating steel barge and swing-span drawbridge on NC 179 extending over the AIWW and connecting with the existing Sunset Boulevard (SR 1172) at Sunset Beach Brunswick County, North Carolina. The proposed project is located in wetlands adjacent to the Atlantic Intracoastal Waterway (AIWW) in the Lumber River Basin (HUC 03040207) at approximately 33.8812 N and 78.5111 W.

Background

The Final Environmental Impacts Statement (FEIS) was approved on October 30, 1997 and the Record of Decision was approved on August 27, 1999. Permanent wetland impacts have

increased by 1.73 acres since the original FEIS was completed in 1997. The FEIS and ROD for TIP Project No. B-0682 are available for review at the Wilmington Regulatory Field Office of the Wilmington District U.S. Army Corps of Engineers, 69 Darlington Avenue, Wilmington, North Carolina, or at the North Carolina Department of Transportation, Project Development and Environmental Analysis Branch, Transportation Building, 1 South Wilmington Street, Raleigh, North Carolina.

Existing Site Conditions

Wetland types that exist in the project area are primarily composed of coastal marsh communities dominated by *Spartina alterniflora* and are found primarily on the east side of the AIWW adjacent to the existing causeway. The mainland side of the project area consists of residential golf course communities with scattered irrigation ponds.

Applicant’s Stated Purpose

The applicants stated purpose is to replace the existing pontoon bridge with a new structure that would provide a more reliable means of transportation between the island and the mainland and would afford a greater degree of public safety by improving emergency response time and emergency evacuation.

Project Description

The proposed project involves the replacement of Bridge No. 198 over the AIWW at Sunset Beach and to relocate a section of East Shoreline Drive (SR 1172) to provide a better alignment with the new bridge approach. The proposed structure is a high level fixed span bridge that will be 2,563 feet in length with a navigational clearance of 65-foot vertical and 90 feet horizontal. The length of the project is approximately 1.1 miles.

B-0682 Wetland Impacts and Descriptions

Structure Type	Permanent Impacts (ac)	Temporary Impacts (ac)
Bridge	1.36	0.003
Detour	0	0.59
Slope Protection	0.005	0
Excavation of Causway	1.001	0
TOTAL	2.37	0.59

The NCDOT is proposing to provide compensatory mitigation for the permanent impacts associated with this project by restoring 2.84 acres of coastal marsh on-site.

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, 401 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 January 29, 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.

Pursuant to Section 9 of the Rivers and Harbors Act of 1899, the United States Coast will also require a separate authorization to construct the bridge structure over the AIWW.

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 is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA)

within the project area. 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

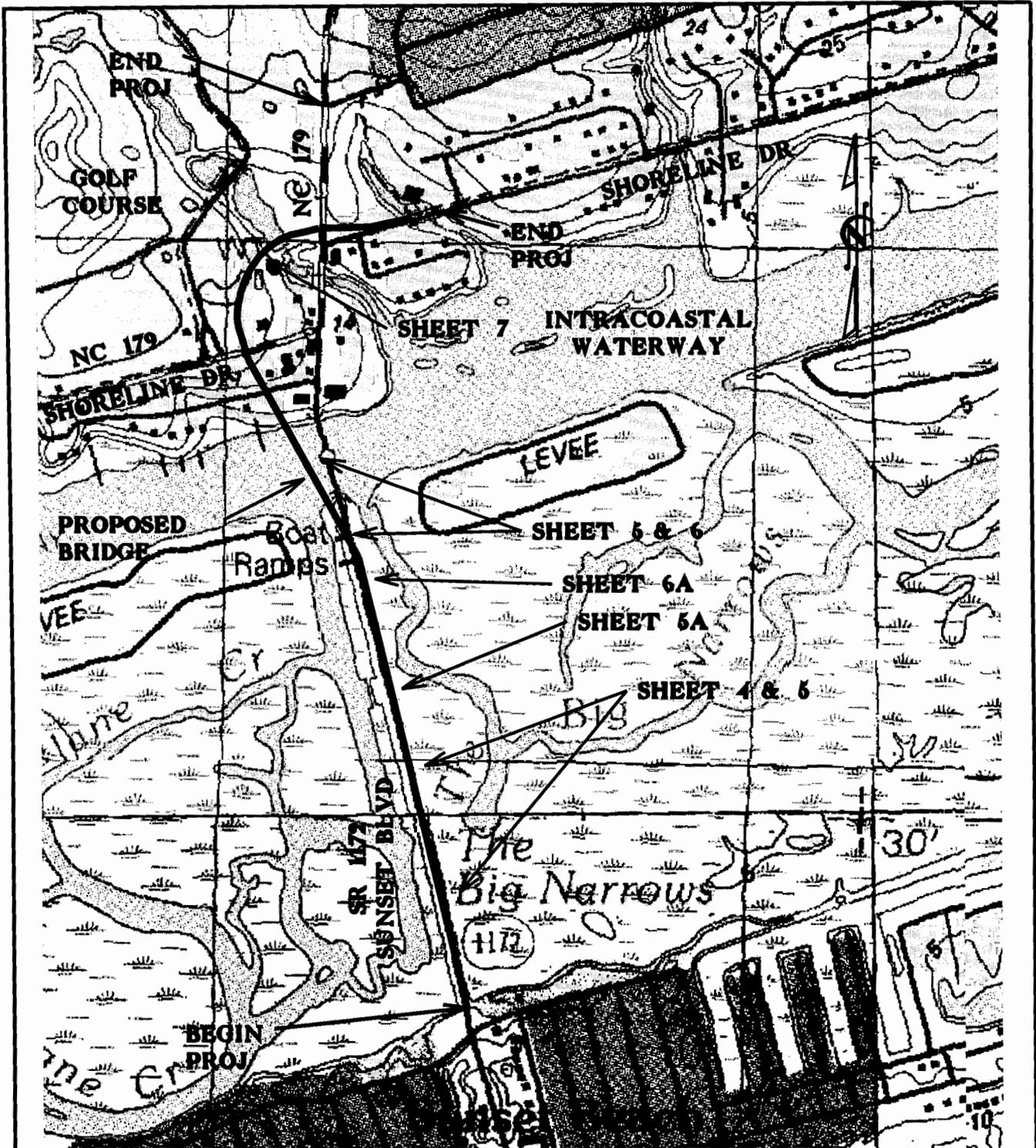
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 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, February 5, 2007. Comments should be submitted to Mr. Dave Timpy, Wilmington Regulatory Field Office, P.O. Box 1890, Wilmington, North Carolina 28402-1890.



VICINITY
MAP

NCDOT
 DIVISION OF HIGHWAYS
 BRUNSWICK COUNTY
 PROJECT: 2257&1.2 (B-0682)
 BRIDGE #196 OVER THE
 INTRACOASTAL WATERWAY AND
 APPROACHES ON SR 1172
 AT SUNSET BEACH

