

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200401038

March 13, 2008

PUBLIC NOTICE

THE NORTH CAROLINA STATE PORTS AUTHORITY (NCSPA), MOREHEAD CITY, NORTH CAROLINA has applied for a Department of the Army (DA) permit TO TRANSPORT 15,000 cubic yards of DREDGED MATERIAL THAT WILL BE EXCAVATED AT THEIR HARBOR FACILITIES ADJACENT TO THE FEDERALLY MAINTAINED NAVIGATION CHANNEL INCLUDING BERTHING AREAS ALONG THE FACE OF THE MOREHEAD CITY STATE PORT WHARFS AND FACILITIES ALONG RADIO ISLAND and dispose of the dredged material in the Morehead City Harbor ODMDS.

The following description of the work is taken from data provided by the applicant and from observations made during onsite by representatives of the Corps of Engineers. The NCSPA maintains harbor facilities that are adjacent to the federally maintained navigation channel. These areas include berthing areas along the face of the Morehead City State Port wharfs and facilities along Radio Island. Maintenance of these facilities is required to realize the benefits of having a channel leading to the port. Maintenance of these areas is usually performed at the same time that the maintenance of the Federal portion is accomplished. . The adjacent deep-water Federal navigation channel, the short distance to the open Atlantic Ocean, and existing rail and road access contribute to the benefits of this site for port development.

The North Carolina State Ports Authority (NCSPA) property also includes approximately 185 acres of Radio Island, including the former Aviation Fuel Terminal Inc. The public uses the eastern portion of Radio Island, known as East Beach, for recreational purposes. The northern end of the island contains a mix of residences, privately owned land,

and marine-related businesses. The southern tip of the island is owned by the US Navy and is used for military deployment activities.

The sediments proposed for transportation and disposal have been evaluated pursuant to Section 103 of the Marine Protection Research and Sanctuaries Act and determined to be acceptable for ocean disposal. This evaluation has been provided to the United States Environmental Agency (USEPA) Region 4 for their review and concurrence by letter dated October 27, 2006. The USEPA letter stated that their concurrence is valid for a period of three years from the letter date. The concurrence is contingent upon full compliance with all the provisions of the Morehead City Harbor ODMDS.

Plans showing work are included with this public notice. 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).

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 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.

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 action would not adversely impact Essential Fish Habitat or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or the National Marine Fisheries Service (50 CFR Part 600).

This application is being considered pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended (33 U.S.C. 1413). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Request for the public hearing shall state, with particularity, the reasons for holding the public hearing.

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 which 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.

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.

Written comments pertinent to the proposed work, as outlined above, will be received in the Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy, Post Office Box 1890, Wilmington, North Carolina, 28402, until 4:15 p.m., March 28, 2008, or telephone (910) 251-4634.

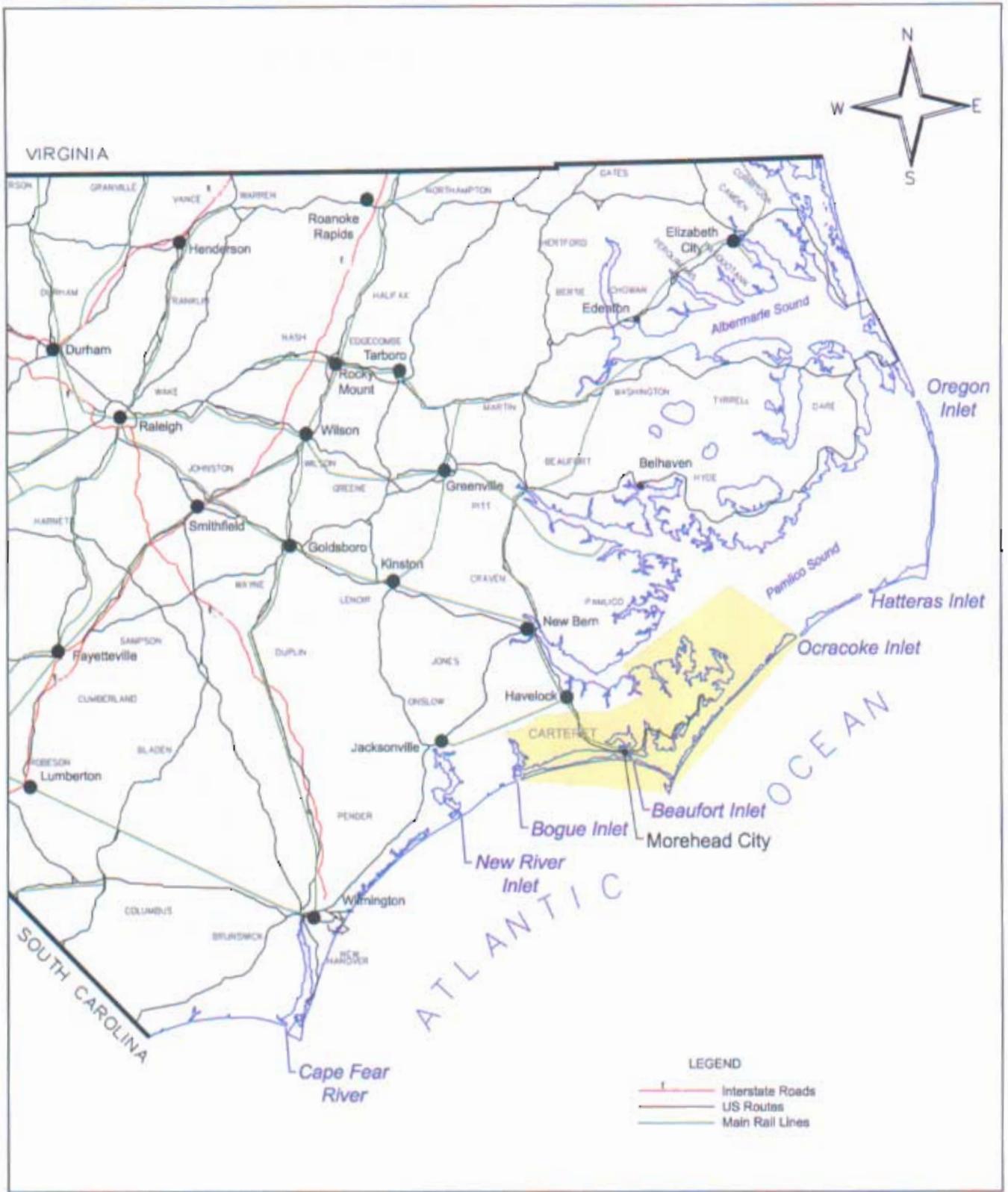


FIGURE 1
 MOREHEAD CITY HARBOR, NC

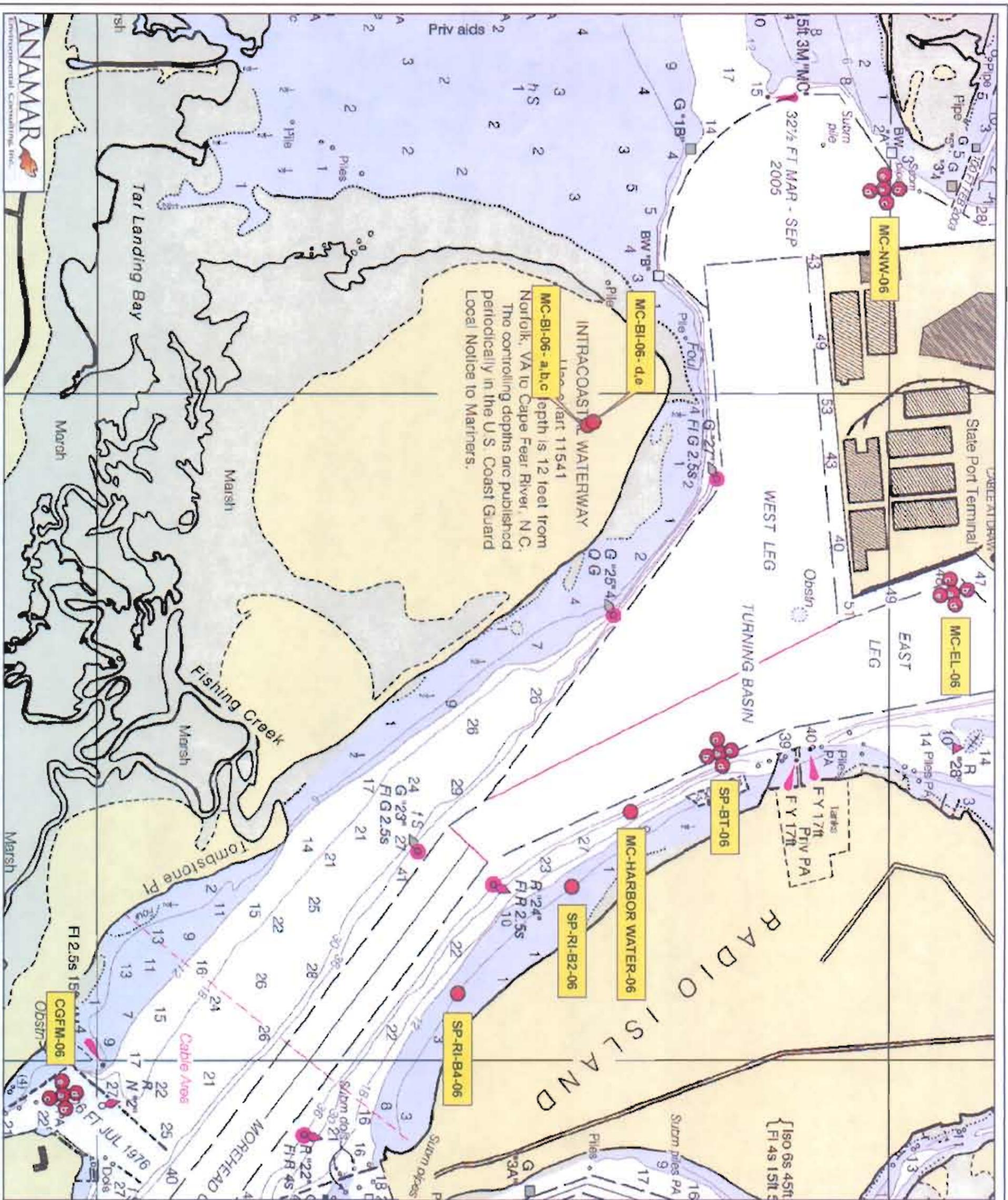


FIGURE 5. Morehead City Inner Harbor, Section 103

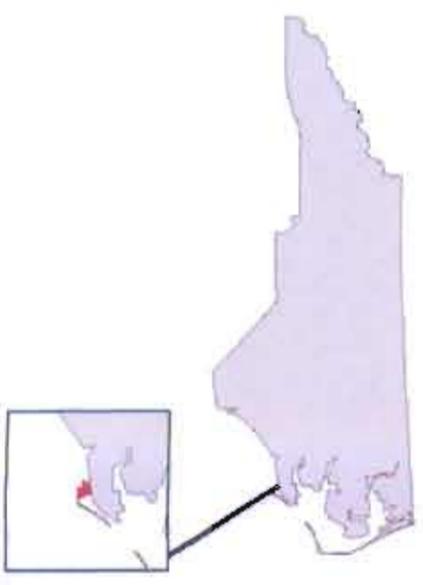
LEGEND

- Sampling Locations

See Table 2 for sample coordinates.



LOCATOR



DISCLAIMER: This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature or for navigation. Acreage approximate and GIS-derived. Data provided as-is. 25MAY06, sampling points, chart.mxd. Data sources: ANAMAR, NOAA.