



**US Army Corps  
of Engineers** ®  
Wilmington District

**ECP-2020-S408-0001**

**PUBLIC NOTICE**  
**REQUEST FOR PERMISSION TO  
MODIFY A  
U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408**

**TITLE:** Reconstruction of a Fish House, Construction of Finger Piers, and Dredging of Avon Harbor, Avon, NC

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: March 27, 2020

Expires: April 27, 2020

Interested parties are hereby notified that an application has been received for Department of the Army Section 408 (Section 14 of the Rivers and Harbors Act of 1899; 33 U.S.C. 408) approval to conduct proposed work at a federally constructed navigation project of the United States, as described below. Written comments are being solicited from anyone having an interest in the requested alteration. Comments received will become part of the U.S. Army Corps of Engineers' (USACE) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are welcome. Comments providing substantive information and/or a rationale for the commenter's position are the most helpful. Comments regarding the proposed work should reference the USACE public notice number (ECP-2020-S408-0001) and must reach the USACE via email or mail no later than the above comment period expiration date (March 16, 2020) to become part of the public record and be considered in the USACE's decision.

Email: Keleigh.C.Cox@usace.army.mil  
Mail: U.S. Army Corps of Engineers (ATTN: Keleigh  
Cox) 69 Darlington Avenue  
Wilmington, NC 28403

**REQUESTER:** In compliance with Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408; hereinafter Section 408), a private resident has requested permission to reconstruct an existing fish house, construct new finger piers, and dredge a section of Avon Harbor, a federal navigation project.

**LOCATION:** The proposed project is located off of Harbor Road in the Pamlico Sound in Avon, Dare County, North Carolina (Figure 1).

**REQUESTER'S PROPOSED ACTION:** The proposed action is to demolish and reconstruct an

existing 38 foot by 16 foot fish house and install a gutter system; construct four new finger piers, 13 feet long by 3 feet at the base, tapering down to 1 foot at the offshore end (the water depth at the terminus of the proposed piers is 6 feet); and dredge a 29-foot by 9.7-foot section in the northwestern corner of Avon Harbor to four feet (Figure 2). The dredging of Avon Harbor will remove approximately 1,125 cubic yards of material that will be placed in a previously disturbed upland area adjacent to and northeast of the harbor.

**REGULATORY AUTHORITY:** This request will be reviewed according to the provisions of Section 408. A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations. An approval under Section 408 does not grant any property rights or exclusive privileges, nor does it authorize any injury to the property or rights of others.

**EVALUATION:** The decision whether to grant the requested permission for federal project modification under Section 408 will be based on several factors and 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. Review of the request for modification will be reviewed by a USACE technical review team and will consider, but not necessarily be limited to, the following factors:

1. Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
2. Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest.

**SUMMARY:** It should be noted that materials submitted as part of Section 408 requests become part of the public record and will be available to the general public under the provisions of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under the FOIA or make an appointment to view the project file at the USACE Wilmington District's Office of Counsel.

Interested parties wishing to comment on the proposed action must do so in writing no later than **April 27, 2020**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed action as described.

Jenny Owens  
Section 408 Coordinator

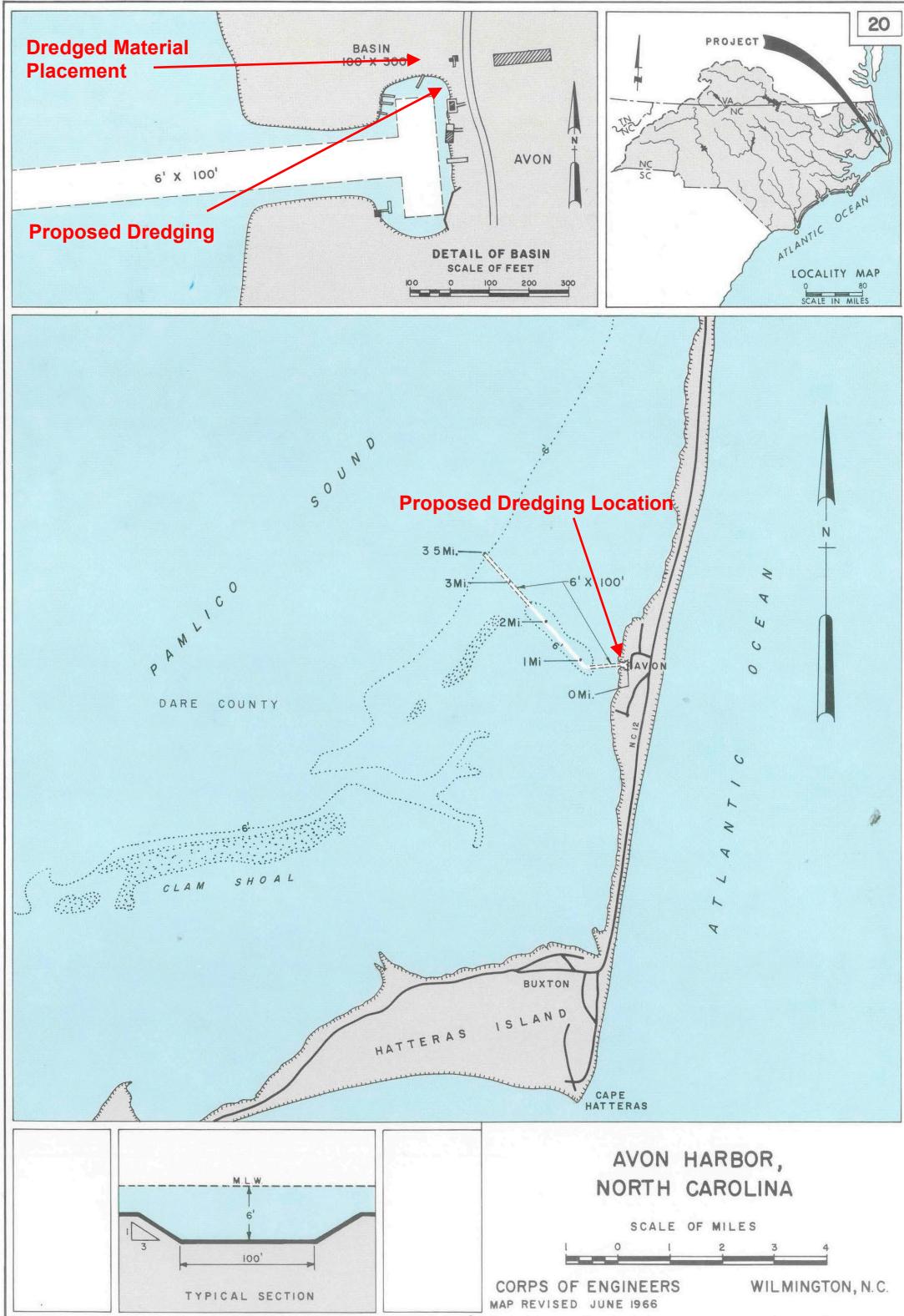


Figure 1. Avon Harbor, North Carolina, Federal Project Map.





Figure 2. Project Location Map.