



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

**ECP-2019-S408-0001**

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

**TITLE:** Installation of ADA Compliant Access Mat at Wrightsville Beach

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: September 9, 2019  
Expires: September 16, 2019

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 beach 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-2019-S408-0001) and must reach the USACE via email or mail no later than the above comment period expiration date (September 16, 2019) 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 install an ADA-compliant beach access mat that will cross the boundary of the federally-authorized Wrightsville Beach Coastal Storm Risk Management project.

**LOCATION:** The proposed project is located on S. Luminal Avenue, Wrightsville Beach, NC.

**REQUESTER'S PROPOSED ACTION:** The proposed action is the installation of an ADA-compliant beach access mat, made of 100% recycled polyester. The proposed mat would be

five feet wide and would extend approximately 150 feet from the requester's residence to the ocean side toe of the dune. The mat would be installed along the existing path to the beach; no vegetation would be removed and levelling of ground to lay the mat would be accomplished with hand tools. No change in ground elevations would occur. The portion of the proposed mat within the limits of the federal beach project would be removed prior to each beach renourishment event and reinstalled following renourishment.

**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 **September 9, 2019**. 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