

APPENDIX K

NEPA Coordination Letters



North Carolina
Department of Administration

Pat McCrory, Governor

Bill Daughtride, Jr., Secretary

May 30, 2013

Ms. Jessica Mallindine
Department of the Army
Wilmington District
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Re: SCH File # 13-E-0000-0405; EA; Draft Detailed Project Report and EA for the Manteo, Old House Channel, NC Section 204 Beneficial Use of Dredged Material Restoration Project.

Dear Ms. Mallindine:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best

State Environmental Review Clearinghouse

Attachments

cc: Region R

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail state.clearinghouse@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

MEMORANDUM

TO: Crystal Best
State Clearinghouse

FROM: Lyn Hardison 
Division of Environmental Assistance and Outreach
Permit Assistance & Project Review Coordinator

RE: 13-0405
Environmental Assessment
Draft Detailed Project Report and EA for the Manteo, Old House Channel, NV Section
204 Beneficial Use of Dredged Material Restoration Project
Dare County

Date: May 28, 2013

The Department of Environment and Natural Resources has reviewed the proposal for the referenced project. The comments are attached for the applicant's consideration.

The Department encourages the applicant to continue communicating with the agencies to address their concerns as they move forward with the project.

Thank you for the opportunity to respond.

Attachment

DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES
LAND QUALITY SECTION
May 7, 2013

MEMORANDUM

TO: Lyn Hardison
SEPA Coordinator

FROM: Pat McClain 
Regional Engineer
Washington Regional Office

RE: Comments on Beneficial Use of Dredged Material Restoration Project
Manteo. Old House Channel
Dare County

The involves the creation, through the use dredge spoils, of three (3) 5.07 acre submerged "oyster reefs" in the vicinity of the Old House Channel within the Pamlico Sound. The "reefs" are to be contained with rock dikes.

The Land Quality Section has no permitting authority on this project unless more than one acre (in total) of the "reefs" become exposed (above the water surface) during normal tidal action. An erosion and sedimentation control plan will be required if there is at least one acre of expose "reef".



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Charles Wakild, P. E.

Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

MEMO

To: Lynn Hardison, Environmental Coordinator

Through: Amy Adams, Supervisor Surface Water Protection *AA*

From: Anthony Scarbraugh, Senior Environmental Specialist *AS*

Subject: **CDBG Environmental Review – Project Number 13-0405 – Draft Detailed Project Report and EA for the Manteo, Old House Channel, NC Section 204 Beneficial Use of Dredged Material Restoration Project.**

Date: May 8, 2013

The following comments are in response to the proposed use of dredged material from Range 2 of Old House Channel within Manteo (Shallowbag Bay) navigation channel project area to establish three submerged oyster reefs. Upon review of the proposed project, this Office has the following comments:

- The proposed project should account for possible contaminated sediments that will be dredged and relocated to establish oyster reefs. This Office encourages the established oyster beds not to be for human consumption until it can be determined that the oysters are not contaminated from the dredge material.
- This Office is concerned on the potential for structural failure of the "Preferred Alternative" due to the proximity of Oregon Inlet and potential impact on submerged aquatic vegetation within the project area.

If you should have any questions or require additional information you may e-mail me at anthony.scarbraugh@ncdenr.gov or contact me by phone at 252-948-3924.



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

TO: Lyn Hardison, Environmental Coordinator

FROM: Scott Bullock, Regional UST Supervisor *ASB*

COPY: Robert Davies, Corrective Action Branch Head

COPY: Kathleen Lance, Administrative Secretary

DATE: May 6, 2013

RE: CDBG Environmental Review – Project Number 13-0405 – Draft Detailed Project Report and EA for the Manteo, Old House Channel, NC Section 204 Beneficial Use of Dredged Material Restoration Project.

The concerns for the UST Section are the staging areas for the dredge material. I searched the Petroleum Underground Storage Tank (UST) and Non-UST Databases and those databases did not indicate any petroleum releases in the vicinity of the proposed project. I reviewed the above proposal and determined that this project should not have any adverse impact upon groundwater. The following comments are pertinent to my review:

1. The Washington Regional Office (WaRO) UST Section recommends removal of any abandoned or out-of-use petroleum USTs or petroleum above ground storage tanks (ASTs) within the project area. The UST Section should be contacted regarding use of any proposed or on-site petroleum USTs or ASTs. We may be reached at (252) 946-6481.
2. Any petroleum USTs or ASTs must be installed and maintained in accordance with applicable local, state, and federal regulations. For additional information on petroleum ASTs it is advisable that the North Carolina Department of Insurance at (919) 661-5880 ext. 239, USEPA (404) 562-8761, local fire department, and Local Building Inspectors be contacted.
3. Any petroleum spills must be contained and the area of impact must be properly restored. Petroleum spills of significant quantity must be reported to the North Carolina Department of Environment & Natural Resources – Division of Waste Management Underground Storage Tank Section in the Washington Regional Office at (252) 946-6481.
4. Any soils excavated during demolition or construction that show evidence of petroleum contamination, such as stained soil, odors, or free product must be reported immediately to the local Fire Marshall to determine whether explosion or inhalation hazards exist. Also, notify the UST Section of the Washington Regional Office at (252) 946-6481. Petroleum contaminated soils must be handled in accordance with all applicable regulations.
5. Any questions or concerns regarding spills from petroleum USTs, ASTs, or vehicles should be directed to the UST Section at (252) 946-6481.

If you have any questions or need additional information, please contact me at 252-948-3906.

943 Washington Sq. Mall, Washington, NC 27889
Phone: 252-946-6481 \ Internet: <http://portal.ncdenr.org/web/wm>

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NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

Kerry Morrow

COUNTY: DARE

H07: CONSERVATION OF COASTAL FISH
& WILDLIFE HABITATS

STATE NUMBER: 13-E-0000-0405
DATE RECEIVED: 04/29/2013
AGENCY RESPONSE: 05/24/2013
REVIEW CLOSED: 05/29/2013

MS CARRIE ATKINSON
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION
STATEWIDE PLANNING - MSC #1554
RALEIGH NC

REVIEW DISTRIBUTION

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CC&PS - DIV OF EMERGENCY MANAGEMENT
DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: Department of the Army
TYPE: National Environmental Policy Act
Environmental Assessment

DESC: Draft Detailed Project Report and EA for the Manteo, Old House Channel, NC
Section 204 Beneficial Use of Dredged Material Restoration Project.

The attached project has been submitted to the N. C. State Clearinghouse for
intergovernmental review. Please review and submit your response by the above
indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.



AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY: _____

DATE: _____

5/6/13



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

May 13, 2013



MEMORANDUM

TO: North Carolina State Clearinghouse

FROM: Kerry Morrow, NCDOT Transportation Planning Branch

SUBJECT: Draft Detailed Project Report and EA for the Manteo, Old House Channel, NC Section 204 Beneficial Use of Dredged Material Restoration Project.

STATE NUMBER: 13-E-0000-0405

There are TIP projects that may be located within the aforementioned project limits:

B-2500
R-3116

Please coordinate with the NCDOT Division 1 Engineer, Jerry Jennings, PE, before beginning any work associated with the subject project.

I can be reached at (919) 707-0924 and would be happy to discuss any related concerns you may have about the project.

KM

cc: Jerry Jennings, PE, Division 1 Engineer

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING BRANCH
1554 MAIL SERVICE CENTER
RALEIGH NC 27699-1554



<https://connect.ncdot.gov/projects/planning/>

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601
Phone: 919-707-0900
Fax: 919-733-9794

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: DARE

H07: CONSERVATION OF COASTAL FISH
& WILDLIFE HABITATS

STATE NUMBER: 13-E-0000-0405
DATE RECEIVED: 04/29/2013
AGENCY RESPONSE: 05/24/2013
REVIEW CLOSED: 05/29/2013

MS CAROLYN PENNY
CLEARINGHOUSE COORDINATOR
CC&PS - DIV OF EMERGENCY MANAGEMENT
FLOODPLAIN MANAGEMENT PROGRAM
MSC # 4719
RALEIGH NC



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DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION

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intergovernmental review. Please review and submit your response by the above
indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY:

John D. Bumbaker

DATE: 03 May 2013

Explicitly avoiding vegetation. No SFHA impacts.

38

RECEIVED
MAY 2 2013
N.C. Floodplain Mapping Program



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

Braxton C. Davis
Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

April 30, 2013

Elden Gatwood, Chief
Planning and Environmental Branch
Wilmington District, US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403-1343

SUBJECT: Status of Consistency Submission Concerning the Beneficial Use of Dredged Material to Establish Three Submerged Oyster Reefs, Pamlico Sound, Dare County, North Carolina (DCM#20130042)

Dear Mr. Gatwood:

We received your consistency submission on April 26, 2013 concerning the beneficial use of dredged material from the Manteo (Shallowbag Bay) Federal Navigation Project to establish three submerged oyster reefs in Pamlico Sound, Dare County, North Carolina. On April 29, 2013 we initiated the public review period. The proposed activity has been distributed to State agencies that would have a regulatory interest in the proposed activity for review and comment. The public review period will close on May 24, 2013. We intend to make a decision regarding whether the proposed activity would be consistent with the State's coastal program soon after. Please be aware that as we continue to review this submission that we may request additional information.

The State of North Carolina has sixty (60) days from the receipt of the consistency submission to either "concur" or "object" to your consistency determination unless an extension is agreed to. The sixtieth day is June 25, 2013. The State is entitled to an extension of up to fifteen (15) days if additional review time is necessary. Furthermore, final Federal agency action cannot be taken sooner than ninety (90) days from the State's receipt of the consistency determination unless State concurrence is obtained. Please feel free to contact me at 252-808-2808 x209 should you have any questions. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

Stephen Rynas, AICP
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management
Frank Jennings, Division of Coastal Management
Jessica Mallindine, US Army Corps of Engineers

400 Commerce Ave., Morehead City, NC 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 Internet: www.nccoastalmanagement.net

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United States Department of the Interior

NATIONAL PARK SERVICE

Fort Raleigh National Historic Site Wright Brothers National Memorial
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954
252-473-2111



IN REPLY REFER TO:

L30 (CAHA-RM)

MAY 21 2013

Mr. Elden Gatwood
Chief, Planning and Environmental Branch
U.S. Army Corps of Engineers, Wilmington District
69 Darlington Ave
Wilmington, NC 28403-1343

Dear Mr. Gatwood:

Subject: Section 204 Feasibility Report and Environmental Assessment, Manteo, Old House Channel, N.C. - Beneficial Use of Dredged Material Project, dated April 2013

The Outer Banks Group of the National Park Service (NPS) has reviewed the subject documents. The proposed disposal areas are not on property under the custody and control of NPS and the impacts of the project would not appear to affect NPS property. We agree that the use of NPS property for dredged material disposal in the vicinity of the project would be problematic and likely not permitted by us. We support the creation of oyster habitat in the proposed area by beneficial use of the dredged material to create habitat.

Thank you for the opportunity to comment. If you have questions, please contact Thayer Broili, Resource Management Chief, at 252-475-9016.

Sincerely,

Barclay C. Trimble
Superintendent



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

Braxton C. Davis
Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

April 30, 2013

Elden Gatwood, Chief
Planning and Environmental Branch
Wilmington District, US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403-1343

SUBJECT: Status of Consistency Submission Concerning the Beneficial Use of Dredged Material to Establish Three Submerged Oyster Reefs, Pamlico Sound, Dare County, North Carolina (DCM#20130042)

Dear Mr. Gatwood:

We received your consistency submission on April 26, 2013 concerning the beneficial use of dredged material from the Manteo (Shallowbag Bay) Federal Navigation Project to establish three submerged oyster reefs in Pamlico Sound, Dare County, North Carolina. On April 29, 2013 we initiated the public review period. The proposed activity has been distributed to State agencies that would have a regulatory interest in the proposed activity for review and comment. The public review period will close on May 24, 2013. We intend to make a decision regarding whether the proposed activity would be consistent with the State's coastal program soon after. Please be aware that as we continue to review this submission that we may request additional information.

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Sincerely,

Stephen Rynas, AICP
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management
Frank Jennings, Division of Coastal Management
Jessica Mallindine, US Army Corps of Engineers

400 Commerce Ave., Morehead City, NC 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 Internet: www.nccoastalmanagement.net

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North Carolina Department of Environment and Natural Resources

Division of Marine Fisheries

Dr. Louis B. Daniel III

Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

TO: Stephen Rynas
THROUGH: Anne Deaton *AD*
FROM: Kevin Hart
DATE: May 16, 2013
SUBJECT: Draft Detailed Project Report and EA for the Manteo Old House Channel NC Section 204 Beneficial Use of Dredged Material Restoration Project (Project Number 13-0405)

The following comments by the North Carolina Division of Marine Fisheries (NCDMF) on the subject project are offered pursuant to G.S. 113-131. The applicant is proposing three submerged oyster reefs would be constructed within close proximity of each other, approximately 1.7 miles from Old House Channel. Stone sills made of NCDOT Class 2 armor stone (9"-23") would be constructed to create three 5.07 acre containment areas for dredged material. The three 5.07 acre containment areas would contain a total of approximately 135,000 cubic yards of dredged material. The three separate containment areas would be constructed in close proximity of each other with spacing of approximately 100 yards. The core portion of the containment structures would be constructed of NCDOT Class B Stone (5"-12"). Reefs would be constructed during a regularly scheduled maintenance dredging cycle for the navigation channels. Dredged material from maintenance dredging of the federal navigation channel would be pumped into the containment areas and would, most likely, utilize a hydraulic pipeline dredge. However, other dredges could be used. The dredged material would be covered with NCDOT Class A stone and oyster shell to provide habitat for establishment of oysters. Approximately 18 acres of new oyster reef habitat would be created. These reefs will be marked with three legged pilings that are expected to be replaced one time within 25 years. The USACE has proposed monitoring oyster density at the site for 5 years utilizing the NCDMF oyster sanctuary program survey methods and assessing the structure at end of year 1 and 5. The USACE has stated that if the oyster density is not at least 25 oysters/m² for 3 of the 5 years sampled, the project will not be considered a success and more cultch material will be placed on the project location. The proposed project is not inconsistent with DMF rules but there are a few potential concerns.

Submerged Aquatic Vegetation (SAV) and shellfish, critical habitat for fishes and invertebrates, are present in the project vicinity. The USACE performed a side scan survey to ensure that no fill will be placed on either SAV or shellfish. Due to the depth and clearance requirements of the reef, SAV habitat will be avoided. However within the northern portion of the identified area, there is an existing shellfish resource and areas that are permitted for shellfish enhancement by DMF (cultch planting). The DMF cultch planting areas should be avoided.

The NCDMF has concerns that the proposed reefs will impact known fishing areas. The proposed site is a commercial crab pot area, crab dredge area; crab trawl area and oyster dredge area. The area to the north and west of Old House Channel contains a commercially viable oyster resource that has been historically utilized by commercial oystermen. This area was very productive during last year's season. The oyster rocks are also used by recreational fishermen and head boats as they hold recreational finfish species. The USACE should continue to work with NCDMF staff and fishermen in the project area to avoid impacts to known fishing areas. The NCDMF avoids and minimizes these impacts by hosting public meetings when siting oyster sanctuaries as to avoid any potential conflicts. The USACE should follow similar procedures to ensure no adverse impacts to current fishing areas.

The NCDMF supports oyster restoration in the region but this project should be a onetime project. It should not be designed as a continual project unless monitoring concludes that it was a biological and structural success. The NCDMF has concerns that in this high energy environment it is possible that the "cap" layer of Class B stone may not stay in the designed location leaving the material uncontained. If the material is not contained it may have adverse impacts on nearby SAV and shellfish through sedimentation. Has this method been successful in other areas or is this the first design? If this

has been constructed successfully in the past please provide additional information from that project. The USACE should include surveys yearly and after large storm event if oysters have not formed a more stable cap layer. If the cap layer has not stayed in place the USACE should place more material to prevent sediment movement to avoid impacts to other nearby resources. The NCDMF requests that the USACE provides reports as to the progress and success of the project.

All previous conditions required for the dredging of Old House Channel should remain. The moratorium requested for the channel dredging should also apply to the placement of the rip rap and piles as well as the filling of the "reef". The purpose of the moratorium is to avoid and minimize impacts from turbidity and sedimentation to fish.

The NCDMF appreciates the opportunity to review and comment on this project. If you have any comments or questions, please call me at (252) 948-3878 or email me at Kevin.Hart@ncdenr.gov .



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Pat McCrory
Governor

Braxton C. Davis
Director

John E. Skvarla, III
Secretary

July 8, 2013

Elden J. Gatwood, Chief
Planning and Environmental Branch
Wilmington District, US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403-1343

SUBJECT: CD13-037 – Consistency Concurrence Concerning the Beneficial Use of Dredged Material to Establish Three Submerged Oyster Reefs, Pamlico Sound, Dare County, North Carolina (DCM#20130042)

Dear Mr. Gatwood:

We received your consistency submission on April 26, 2013 concerning the beneficial use of dredged material from the Manteo (Shallowbag Bay) Federal Navigation Project to establish three submerged oyster reefs in Pamlico Sound, Dare County, North Carolina. The consistency review deadline was extended to July 9, 2013 by mutual consent.

North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, Chapter 7 of Title 15A of North Carolina's Administrative Code, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of the Division of Coastal Management (DCM) to manage the State's coastal resources to ensure that proposed Federal activities would be compatible with safeguarding and perpetuating the biological, social, economic, and aesthetic values of the State's coastal waters.

To solicit public comments, DCM circulated a description of the proposed project to State agencies that would have a regulatory interest. No comments asserting that the proposed activity would be inconsistent with the State's coastal management program were received. However, the North Carolina Division of Marine Fisheries (NCDMF) noted that the proposed work needed to be coordinated with various stakeholders to minimize adverse effects on fishing opportunities. In response the US Army of Engineers (USACOE) agreed to continue to coordinate implementation of the proposed project with commercial fishermen consistent with NCDMF protocols.

NCDMF also noted that the proposed work would have the potential to occur during an in-water work moratorium period. The NCDMF agreed with the request of the USACOE to grant partial relief from the moratorium requirement to allow the placement of rock on sandy bottoms since it would not create significant turbidity.

DCM has reviewed the submitted information pursuant to the management objectives and enforceable policies of Subchapters 7H and 7M of Chapter 7 in Title 15A of the North Carolina Administrative Code and concurs that the proposed Federal activity by the US Army Corps of Engineers is consistent, to the maximum extent practicable, with North Carolina's certified coastal management program.

Should the proposed action be modified, a revised consistency determination could be necessary. This might take the form of either a supplemental consistency determination pursuant to 15 CFR 930.46, or a new consistency determination pursuant to 15 CFR 930.36. Likewise, if further project assessments reveal environmental effects not previously considered by the proposed development, a supplemental consistency certification may be required. If you have any questions, please contact Stephen Rynas at 252-808-2808 x209. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

A handwritten signature in black ink that reads "Doug Huggett". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Doug Huggett
Manager, Major Permits and Consistency Unit

Cc: Frank Jennings, Division of Coastal Management
Kevin Hart, North Carolina Division of Marine Fisheries
Chuck Wilson, US Army Corps of Engineers