FINDING OF NO SIGNIFICANT IMPACT

LITTLE CREEK OYSTER SANCTUARY
NEUSE RIVER, PAMLICO SOUND, NORTH CAROLINA

OCTOBER 2015
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The National Environmental Policy Act of 1969 (NEPA), as amended, requires consideration of the environmental impacts for major federal actions. The Proposed Action and the environmental impacts of the Proposed Action were addressed in the Environmental Assessment, Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina (EA) dated July 2015. The EA was coordinated with various regulatory agencies and the public, and comment letters were received after a 30-day review period. This Finding of No Significant Impact (FONSI) documents environmental considerations, and the determination that no significant impacts would occur should the Proposed Action be implemented. The EA and FONSI have been prepared pursuant to NEPA in accordance with the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508), which direct federal agencies to implement the provisions of NEPA, and pursuant to the U.S. Army Corps of Engineers procedures for implementing NEPA (33 CFR Part 230).

Description of the Proposed Action and Alternatives Considered: The EA dated July 2015 describes the Proposed Action, the Little Creek Oyster Sanctuary (hereafter referred to as Sanctuary). The proposed Sanctuary will have a 20-acre footprint and contain 10 acres of constructed oyster reef (Figures 1 and 2). The Sanctuary will be identified by wooden three-pile dolphins on all four corners, each displaying Sanctuary designation signage. The remaining 10 acres will be buffer zones and void areas. The developed area will consist of 100 construction grids, each 75 feet by 75 feet. The layout will consist of 18 grids with 15 Ultra Balls™ per grid, 18 grids with 150 tons of 4-inch-12 inch processed recycled concrete per grid, 16 grids with five Reef Pyramids per grid, 16 grids with 75 tons of recycled concrete pipe per grid, two grids with 150 tons of basalt riprap per grid, two grids with 150 tons of granite riprap per grid, two grids with 150 tons of limestone riprap per grid, and two grids with 150 tons of concrete blocks per grid. The proposed materials have been proven through extensive field application. The proposed reef architecture within the Sanctuary has been designed to closely match the form of nearby reference reefs and includes alternate materials in addition to conventional stone design. Twenty-four (24) grids will be left undeveloped to serve as anchor zones for recreational fishing. The Sanctuary will provide a net increase in the number of oyster larvae for settlement and re-colonization of oyster reefs within the Neuse River Basin. The Sanctuary will be managed by the North Carolina Division of Marine Fisheries (NCDMF) to preclude oyster harvest, but will allow recreational fin-fishing. Construction of the Sanctuary expands on successful existing practices already employed in the Neuse River Estuary and the Pamlico Sound.

Alternative actions included the No Action alternative, which represents what would occur at the project site if no new sanctuary reefs were built, Alternative 1, which would consist of adding cultch material to existing reefs, Alternative 2, which would include designating high output oyster reefs as sanctuaries to preclude impacts associated with harvest, and Alternative 3, construction of the Sanctuary. The Proposed Action was determined to be the only restoration
measure that is technically feasible and environmentally acceptable and meets NCDMF Oyster Sanctuary Program goals.

**Public and Agency Coordination:** On July 22, 2015, the EA was mailed to Federal and State agencies, local communities, and the interested public for a 30-day review and comment period. Comments received during the review and comment period did not result in any changes to the Proposed Action, and were considered in making the decision to sign a FONSI. Responses to comments are included in Appendix A and the correspondence received is included in Appendix B.

a. **Summary of Environmental Resources and Impacts:** Section 4.00 of the EA provides information on the affected environment present in the proposed project area, which is located in Pamlico Sound, North Carolina. The probable consequences (impacts and effects) of the Proposed Action and the No Action alternative on environmental resources in the proposed project area were evaluated. No adverse long-term effects would be expected should the Proposed Action be implemented. For the No Action alternative, no adverse environmental impacts would occur; however, there would be no re-establishment of oyster reefs in the project area. This would result in no considerable long-term benefits to the environment, perpetuating the status quo of oyster population decline within the estuary.

b. **Facts and Conclusions Leading to the Finding of No Significant Impact (FONSI):** Based on the analysis of alternatives, it has been determined that the Proposed Action would not produce any long-term adverse environmental effects in the proposed project area. Proceeding with the Proposed Action as described in the EA would not significantly or adversely impact the environment. Additionally, no significant cumulative effects would be expected.

c. **Finding of No Significant Impact:** I have reviewed the Environmental Assessment, Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina (EA), dated July 2015, the information provided by interested parties, and the information contained in this Finding of No Significant Impact. I find that the Proposed Action would not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, is not required.

13 Oct 2015

Date

Kevin P. Landers Sr.
Colonel, U.S. Army
District Commander
FIGURES

Little Creek Oyster Sanctuary
Neuse River, Pamlico Sound, North Carolina
Figure 1. Proposed Little Creek Oyster Sanctuary Reference Map.

All existing sanctuaries are denoted by black circles. Proposed Little Creek Sanctuary is denoted by a red circle. South River staging area is denoted by an orange diamond. Little Creek Sanctuary will be located north-northwest of the existing Neuse River Sanctuary in the Lower Neuse River Estuary, North Carolina, USA.
Figure 2. Proposed Little Creek Site Map.

Material types and distribution depicted by symbology. Reference map is inset, with the proposed Little Creek Sanctuary location highlighted in red.
APPENDIX A

Public Comments and U.S. Army Corps of Engineers’ Responses

Little Creek Oyster Sanctuary
Neuse River, Pamlico Sound, North Carolina

Comment 1: Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), the Protected Resources Division (PRD) of NOAA’s National Marine Fisheries Service (NMFS) has reviewed your letter Dated July 22, 2015, concerning the above-referenced subject matter.

USACE has evaluated the proposed action and concluded that the proposed action will have “no-effect” on listed species or critical habitat designated under the ESA under the NMFS’ purview. This concludes ESA section 7 responsibilities; USACE does not need to seek NMFS’ comments or concurrence with their “no-effect” determination.

Response 1: Acknowledged.

A.2 US Environmental Protection Agency, Region IV – Comments received via email dated July 29, 2015.

Comment 1: EPA Region 4 does not have any comments or concerns for this project at this time. We do support Fish and Wildlife’s position.

Response 1: Acknowledged. See section A.6 of this appendix for US Fish and Wildlife comments and responses.


Comment 1: No comment.

Response 1: Acknowledged.


Comment 1: We believe the EA adequately addresses our concerns for historic resources.

Response 1: Acknowledged.


Comment 1: EFH in the Little Creek Sanctuary Area currently includes mud (unconsolidated) bottom. The SAFMC identifies shallow subtidal bottom in estuarine waters as EFH for Brown Shrimp, Pink Shrimp, and White Shrimp. The SAFMC identifies these areas as EFH because fish and shrimp concentrate in these habitats for feeding and refuge and experience high growth and survival rates when located in
these habitats. Detailed information on the EFH requirements of species managed by the SAFMC is provided in a comprehensive amendment to the fishery management plans and *Fishery Ecosystem Plan of the South Atlantic Region*. Other species of commercial or recreational importance found in the project area include Red Drum, Atlantic Croaker, Spot, Atlantic Menhaden, Bay Anchovy, Striped Mullet, Weakfish, and Blue Crab. A number of these species serve as prey for fish that are managed by the SAFMC (e.g., King Mackerel, Spanish Mackerel, and Cobia) or for highly migratory fish managed by the NMFS (e.g., billfishes and sharks). The project area also includes Bluefish and Summer Flounder. These species are managed by the MAFMC and that council designates estuaries as EFH for these species.

As indicated above, the EA dismisses the area as unproductive soft bottom (pages 3 and 4), contrary to the EFH listing of this habitat by SAFMC and MAFMC. But in Section 4.08 (pages 12 and 13), the EA describes how this habitat supports a high diversity of benthic invertebrates and how benthic macro-algae are a key part of the food chain. The Estuarine Fish, EFH discussion in Section 4.10 (pages 14 and 15) reflects what will happen when the oyster reef is built. Most of the fishes listed in this section are not affiliated with oyster reefs, and as pointed out, are residents of soft bottoms. This section concludes no adverse impacts to EFH are anticipated with the proposed action.

**Response 1:** Acknowledged. The proposed project area exists in unconsolidated estuarine soft bottom and will permanently alter 10 acres by conversion to oyster reef. As illustrated in Figure 2 of the *Environmental Assessment* (EA), oyster reef materials will be placed so that purposeful void areas remain. The ecological function of these void areas is to allow species which utilize unconsolidated estuarine soft bottom to remain in the project area and contribute to the overall faunal diversity and ecological functionality of the Little Creek Oyster Sanctuary. Additionally, void areas within the sanctuary will retain connection to unconsolidated estuarine soft bottom outside of the project area. Impacts to populations of species such as Brown Shrimp, Pink Shrimp, and White Shrimp are expected to be temporary and short-lived. The “unproductive” soft bottom mentioned on pages 3 and 4 of the EA is considered to be so only relative to a thriving oyster sanctuary in which species diversity and general ecosystem benefits are elevated. As stated in Section 4.08 of the EA, the existing unconsolidated estuarine soft bottom habitat does support benthic microalgae and invertebrates; however, as mentioned earlier in this response, this Essential Fish Habitat (EFH) type will not be eliminated and purposeful void areas will remain after reef material placement. Concerning Section 4.10 of the EA, and as previously evidenced in this response through discussion of void areas, the proposed action is expected to produce an overall benefit to both fin fishes affiliated with unconsolidated estuarine soft bottom, and other estuarine fish species that may occupy waters within the project area less frequently, through habitat creation for prey species and enhanced cover from predation. The proposed action is not expected to have any adverse affect upon fish that are...
managed by the SAFMC (e.g., King Mackerel, Spanish Mackerel, and Cobia), upon highly migratory fish managed by the NMFS (e.g., billfishes and sharks), or upon estuarine species managed by the MAFMC (Bluefish and Summer Flounder).


Response 2: Acknowledged. The below citation for Lowery and Paynter (2002) was mistakenly omitted from the Environmental Assessment’s (EA) Literature Cited section:


Comment 3: The NMFS disagrees with the statement at the bottom of page 16 that “From historical accounts, it appears that this species (Shortnose Sturgeon) was once fairly abundant throughout North Carolina waters....” Prior to 1985, there are only three plausible records in North Carolina – the Beaufort area, Neuse River, and Salmon Creek of the lower Chowan River.

Response 3: Acknowledged. Directly following the statement in question, which describes historic accounts of Shortnose sturgeon sightings in North Carolina, the text elaborates and states that, “...many of these early records are unreliable because of confusion between this species and the Atlantic sturgeon (Acipenser oxyrhyynchus).” The purpose of these passages in the Environmental Assessment are to convey the morphological similarities in these two sturgeon species, and that historic abundance data for both Atlantic and Shortnose sturgeon species must take into account possible misidentification.

Comment 4: There is an incomplete citation for Oakley and Hightower (2003) on page 17.

Response 4: Acknowledged. In-text citation on page 17 of the Environmental Assessment was mistakenly truncated.

Comment 5: The last sentence in the second paragraph under Atlantic Sturgeon asserts that dams on the Neuse River and its tributaries might have adversely affected sturgeon populations in this basin. This statement should have a citation.

Response 5: Acknowledged. A citation supporting this statement is included here below:


Comment 6: The proposed action would convert 10 acres of subtidal soft bottom EFH to oyster reef EFH, leaving 10 acres of soft bottom habitat scattered throughout the project
area as buffer zones and void areas. While the NMFS views favorably the creation of oyster reef habitat, the NCDMF should recognize that soft bottom habitat is also a valuable resource. This project is trading one EFH for another. While no EFH recommendations are provided for this particular project, the NMFS may provide EFH conservation recommendations in the future based on new information or changes in the project design that show adverse impacts would occur to EFH or federally-managed fishery species.

Response 6: Acknowledged.


Comment 1: In accordance with the Endangered Species Act of 1973, as amended, (ESA) and based on the information provided, and other available information, it appears the action is not likely to adversely affect federally listed species or their critical habitat as defined by the ESA. We believe that the requirements of section 7 (a)(2) of the ESA have been satisfied for this project. Please remember that obligations under the ESA must be reconsidered if: (1) new information identifies impacts of this action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

Response 1: Acknowledged.


Comment 1: The project will require a 401 permit for construction of the oyster reef.

Response 1: Acknowledged. As featured in Appendix A-1 of the Environmental Assessment (EA), the NC Division of Water Quality has determined the project is in compliance with North Carolina’s Water Quality Certification Program and issued General 401 WQ Certification #3642 on 11/14/2011 (Project #11-0952).

A.8 North Carolina Department of Transportation – Comments received via memorandum dated August 31, 2015.

Comment 1: No comment.

Response 1: Acknowledged.
APPENDIX B

Comments Received During 30-Day Public Review

Little Creek Oyster Sanctuary
Neuse River, Pamlico Sound, North Carolina
Afternoon Justin,

I just wanted to let you know that DCM Fisheries comments will be supplied through the State’s SEPA process. To that point though I have submitted a NO COMMENT concerning the project.

Have a great day,

Gregg

Gregg Bodnar
Fisheries Resource Specialist
Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557
(252) 808-2808 ext. 213 (Office)
(252) 247-3300 (Fax)
Gregg.Bodnar@ncdnhr.gov <mailto:Gregg.Bodnar@ncdnhr.gov>
Justin:

EPA Region 4 does not have any comments or concerns for this project at this time. We do support Fish and Wildlife’s position. Thank you for your time.

Larry Long

NEPA
Resource Conservation & Restoration Division
EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9460

404-562-9598 (FAX)

long.larry@epa.gov

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August 17, 2015

Eldon J. Gatwood, Chief
Planning and Environmental Branch
U.S. Army Corps of Engineers Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Attention: Justin Bashaw

Dear Mr. Gatwood:

NOAA’s National Marine Fisheries Service (NMFS) reviewed the letter dated July 22, 2015, and the Environmental Assessment (EA) for the proposed Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, North Carolina, dated July 2015. The North Carolina Division of Marine Fisheries (NCDMF) would build the sanctuary reefs and prepared the EA. The proposed Little Creek Oyster Sanctuary would directly restore 10 acres of what the District and NCDMF describe as “unproductive soft bottom” by conversion to oyster reef habitat, within a 20-acre permitted footprint. Oyster reefs would be constructed with two limestone mounds, 1,000 Ultra-Balls, and 98 Reef Pyramids, and the reef locations would be near other oyster aggregations managed by the NCDMF. The Wilmington District’s initial determination is the proposed project is not likely to affect adversely essential fish habitat (EFH) or associated fisheries managed by the South Atlantic Fishery Management Council (SAFMC), the Mid-Atlantic Fishery Management Council (MAFMC), or the NMFS. As the nation’s federal trustee for the conservation and management of marine, estuarine, and diadromous fishery resources, the following comments and recommendations are provided pursuant to the authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Essential Fish Habitat in the Proposed Project Area

EFH in the Little Creek Sanctuary Area currently includes mud (unconsolidated) bottom. The SAFMC identifies shallow subtidal bottom in estuarine waters as EFH for Brown Shrimp, Pink Shrimp, and White Shrimp. The SAFMC identifies these areas as EFH because fish and shrimp concentrate in these habitats for feeding and refuge and experience high growth and survival rates when located in these habitats. Detailed information on the EFH requirements of species managed by the SAFMC is provided in a comprehensive amendment to the fishery management plans and Fishery Ecosystem Plan of the South Atlantic Region. Other species of commercial or recreational importance found in the project area include Red Drum, Atlantic Creaker, Spot, Atlantic Menhaden, Bay Anchovy, Striped Mullet, Weakfish, and Blue Crab. A number of these species serve as prey for fish that are managed by the SAFMC (e.g., King Mackerel, Spanish Mackerel, and Cobia) or for highly migratory fish managed by the NMFS (e.g., billfishes and sharks). The project area also includes Bluefish and Summer Flounder. These species are managed by the MAFMC and that council designates estuaries as EFH for these species.

As indicated above, the EA dismisses the area as unproductive soft bottom (pages 3 and 4), contrary to the EFH listing of this habitat by SAFMC and MAFMC. But in Section 4.08 (pages 12 and 13), the EA describes how this habitat supports a high diversity of benthic invertebrates and how benthic macroalgae are a key part of the food chain. The Estuarine Fish, EFH discussion in Section 4.10 (pages 14 and 15)
reflects what will happen when the oyster reef is built. Most of the fishes listed in this section are not affiliated with oyster reefs, and as pointed out, are residents of soft bottoms. This section concludes no adverse impacts to EFH are anticipated with the proposed action. One editorial note: the Lowery and Payne (2002) reference on page 15 is not listed in the Literature Cited.

**Threatened and Endangered Species**
The NMFS disagrees with the statement at the bottom of page 16 that “From historical accounts, it appears that this species (Shortnose Sturgeon) was once fairly abundant throughout North Carolina waters....” Prior to 1985, there are only three plausible records in North Carolina - the Beaufort area, Neuse River, and Salmon Creek of the lower Chowan River¹. There is an incomplete citation for Oakley and Rightower (2003) on page 17. The last sentence in the second paragraph under Atlantic Sturgeon asserts that dams on the Neuse River and its tributaries might have adversely affected sturgeon populations in this basin. This statement should have a citation.

**Impacts to Essential Fish Habitat**
The proposed action would convert 10 acres of subtidal soft bottom EFH to oyster reef EFH, leaving 10 acres of soft bottom habitat scattered throughout the project area as buffer zones and void areas. While the NMFS views favorably the creation of oyster reef habitat, the NCDMF should recognize that soft bottom habitat is also a valuable resource. This project is trading one EFH for another. While no EFH recommendations are provided for this particular project, the NMFS may provide EFH conservation recommendations in the future based on new information or changes in the project design that show adverse impacts would occur to EFH or federally-managed fishery species.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Mr. Fritz Rohde at our Beaufort Field Office, 101 Rivers Island Road, Beaufort, North Carolina 28516-9722, or at (252) 838-0828

Sincerely,

Peace Williams
Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: COE, Justin.P.Bashaw@usace.army.mil
USFWS, Pete_Benjamin@fws.gov
NCDCM, Doug.Huggett@ncmail.net, Shane.Staples@ncedn.gov
EPA, Bowers.Todd@epagov
SAFMC, Roger.Pugliese@saefmc.net
F/SER4, David.Dale@noaagov
F/SER47, Fritz.Rohde@noaagov

Pursuant to section 7(a)(2) of the Endangered Species Act (ESA), the Protected Resources Division (PRD) of NOAA’s National Marine Fisheries Service (NMFS) has reviewed your letter dated July 22, 2015, concerning the above-referenced subject matter.

USACE has evaluated the proposed action and concluded that the proposed action will have “no-effect” on listed species or critical habitat designated under the ESA under NMFS’ purview. This concludes ESA section 7 responsibilities; USACE does not need to seek NMFS’ comments or concurrence with their “no-effect” determination.

If you have any questions, please contact our ESA section 7 Coordinator, Ms. Kelly Shotts at (727) 824-5312 or by e-mail at kelly.shotts@noaa.gov.

Thank you.
North Carolina Department of Cultural Resources  
State Historic Preservation Office  
Ramona M. Bartos, Administrator

August 10, 2015

Elden Gatwood  
Department of the Army  
Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403

Re: Environmental Assessment, Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound, Carteret County, ER 11-2086

Dear Mr. Gatwood:

Thank you for your letter of July 22, 2015, transmitting the Environmental Assessment (EA) for the above project. We believe the EA adequately addresses our concerns for historic resources.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation’s Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Renee Gledhill-Earley

for Ramona M. Bartos
North Carolina
Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

August 25, 2015

Mr. Justin Bashaw
Department of Army
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Re: SCH File # 16-E-0000-0027; EA; Proposed is for the Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound.

Dear Mr. Bashaw:

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,

Crystal Best
State Environmental Review Clearinghouse

Attachments

cc: Region P
MEMORANDUM

TO: Crystal Best
   State Clearinghouse

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

RE: 16-0027
   Environmental Assessment
   Proposal is for the Little Creek Oyster Sanctuary within the Neuse River Basin, Pamlico Sound, Carteret County

Date: August 24, 2015

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

The Department’s agencies will continue to be available to assist the applicant through the environmental review processes.

Thank you for the opportunity to respond.

Attachment
State of North Carolina  
Department of Environment and Natural Resources  
INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS  

After review of this project it has been determined that the ENR permit(s) and/or approval(s) indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of this form. All applications, information and guidelines relative to these permits and approvals are available from the same Regional Office.

<table>
<thead>
<tr>
<th>PERMITS</th>
<th>SPECIAL APPLICATION PROCEDURES or REQUIREMENTS</th>
<th>Normal Process Time (minimum time listed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit to construct &amp; operate wastewater treatment facilities, sewer system extensions &amp; sewer systems not discharging into surface waters</td>
<td>Application 90 days before begin construction or award of construction contract. On-site inspection. First applicant inspection technical conference usual.</td>
<td>30 days (60 days)</td>
</tr>
<tr>
<td>NPDES - permit to discharge into surface water under permit to operate and construct wastewater facilities discharging into state surface waters</td>
<td>Application 180 days before begin activity, On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility granted after NPDES. Allow time, 30 days after excess of plans or issue of NPDES permit whichever is later.</td>
<td>59-120 days (N/A)</td>
</tr>
<tr>
<td>Water Use Permit</td>
<td>Pre-application technical conference usually necessary</td>
<td>30 days (N/A)</td>
</tr>
<tr>
<td>Well Construction Permit</td>
<td>Complete application must be received and permit issued prior to the installation of a well.</td>
<td>7 days (15 days)</td>
</tr>
<tr>
<td>Dredge and Fill Permit</td>
<td>Application must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling permit may require Emmenent to fill from N.C. Department of Administration and Federal Design and Fill Permits.</td>
<td>55 days (50 days)</td>
</tr>
<tr>
<td>Permit to construct &amp; operate Air Pollution Abatement facilities and/or Emission Sources as per 15A NCAC (2Q:0109 thru 2Q:0300)</td>
<td>Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and conditions (2Q:0109).</td>
<td>90 days</td>
</tr>
<tr>
<td>Permit to construct &amp; operate Transportation Facility as per 15A NCAC (2Q:0800-2Q:0900)</td>
<td>Application must be submitted at least 90 days prior to construction or modification of the source.</td>
<td>99 days</td>
</tr>
<tr>
<td>Any waste burning associated with subject project must be in compliance with 15A NCAC 2D:1900.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dredging or removal of structures containing asbestos material must be in compliance with 15A NCAC 20:1110 (a) (1) which requires notification and removal prior to demolition. Contact asbestos control group 919-707-5050.</td>
<td>N/A</td>
<td>60 days (50 days)</td>
</tr>
<tr>
<td>Complex Source Permit required under 15A NCAC 20:0800.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion &amp; sedimentation control plan will be required if one or more acres are to be disturbed. Plan filed with proper Regional Office (Land Quality Section). At least 30 days before beginning activity. A fee of $65 for the first acre or any part of an acre. An express review option is available with additional fees.</td>
<td></td>
<td>20 days (30 days)</td>
</tr>
<tr>
<td>Sessimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable streamside conveyances and culverts.</td>
<td></td>
<td>(30 days)</td>
</tr>
<tr>
<td>Mining Permit</td>
<td>On-site inspection usual. Earth fill should be covered with ENR bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.</td>
<td>30 days (60 days)</td>
</tr>
<tr>
<td>North Carolina Burning permit</td>
<td>On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days</td>
<td>1 day (N/A)</td>
</tr>
<tr>
<td>Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils</td>
<td>On-site inspection by N.C. Division Forest Resources required. If more than five acres of ground clearing activities are involved, inspections should be requested at least ten days before actual burn is planned.</td>
<td>1 day (N/A)</td>
</tr>
<tr>
<td>Oil Refining Facilities</td>
<td>N/A</td>
<td>30-120 days (N/A)</td>
</tr>
<tr>
<td>Barn Safety Permit</td>
<td>If permit required, application 60 days before begin construction. Applicants must have N.C. qualified engineer to prepare plans, inspect construction, certify construction is according to ENR approval plans. May also require permit under mosquito control program. Ask a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $200.00 must accompany the application.</td>
<td>30 days (60 days)</td>
</tr>
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</table>

June 15, 2014
<table>
<thead>
<tr>
<th>PERMITS</th>
<th>SPECIAL APPLICATION PROCEDURES or REQUIREMENTS</th>
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</thead>
<tbody>
<tr>
<td>☐ Permit to drill exploratory oil or gas well</td>
<td>File survey bond of $5,000 with E&amp;RS, naming to the NC Geological Survey. The wells operated by the operator shall, upon abandonment, be plugged in accordance with E&amp;RS rules and regulations. 10 days</td>
</tr>
<tr>
<td>☐ Geophysical Exploration Permit</td>
<td>Application filed with E&amp;RS at least 30 days prior to start of survey. Application to be signed. No additional application fee. 10 days</td>
</tr>
<tr>
<td>☐ State Water Construction Permit</td>
<td>Application fee based on structure size. Must include description of structure &amp; proof of ownership of structure property. 15-20 days</td>
</tr>
<tr>
<td>☐ Coastal Water Quality Certification</td>
<td>Fee</td>
</tr>
<tr>
<td>☐ CAMA Permit for MAJOR development</td>
<td>$200.00 fee must accompany application</td>
</tr>
<tr>
<td>☐ CAMA Permit for MINOR development</td>
<td>$100.00 fee must accompany application</td>
</tr>
</tbody>
</table>

Several project movements are located in or near the project area. If any movement needs to be moved or destroyed, please notify NC Geologic Survey, Box 27897, Raleigh, NC 27611.

☐ Abandonment of any wells, if required, must be in accordance with Title 15A. Subchapter 2C(403).

☐ Notification of the proper regional office is requested if "umpire" underground storage tanks (USTs) are discovered during any excavation operation.

☐ Compliance with 15A NCAC 21F 1600 (Coastal Stormwater Rules) is required. 45 days | (N/A) |

☐ Tar Patches or Noise Pollutant Buffer Rules required.

☐ Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resource/Local Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C 6300 et. seq. Plans and specifications shall be submitted to 1614 Mall Service Center, Raleigh, NC 27606-1614. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 747-0100. 30 days |  |

☐ If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resource/Public Water Supply Section at 1614 Mall Service Center, Raleigh, NC 27606-1614. For more information, contact the Public Water Supply Section, (919) 747-0100. 30 days |  |

Other comments (attach additional pages as necessary, bring to the comment authority). Division Initials Initials Comments Date Review

| DWR-WQRS (Aquifer & Surface) | n/a | No comment | The project will require a DWS permit for the construction of the oyster reef. | 8/24/15 |

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ Asheville Regional Office
2050 US Highway 70
Swannanoa, NC 28778
(828) 296-4500

☐ Fayetteville Regional Office
225 North Green Street, Suite 114
Fayetteville, NC 28301-5043
(910) 433-3300

☐ Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115
(704) 663-1699

☐ Raleigh Regional Office
3800 Barranc Drive, Suite 101
Raleigh, NC 27602
(919) 797-4200

☐ Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
(252) 946-6481

☐ Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215

☐ Winston-Salem Regional Office
545 Waughown Street
Winston-Salem, NC 27107
(336) 771-5000

June 16, 2014
COUNTY: CARTERET

MS RENEE GLEDHILL-BARLEY
CLEARINGHOUSE COORDINATOR
DEPT OF CULTURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
MSC 4617 - ARCHIVES BUILDING
RALEIGH NC

REVIEW DISTRIBUTION
DENR - COASTAL MG
DENR LEGISLATIVE AFFAIRS
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
DPS - DIV OF EMERGENCY MANAGEMENT
EASTERN CAROLINA COUNCIL

PROJECT INFORMATION
APPLICANT: Department of Army
TYPE: National Environmental Policy Act
Environmental Assessment

DESC: Proposed is for the Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound.

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: X NO COMMENT □ COMMENTS ATTACHED

SIGNED BY: [Signature]

DATE: 8-6-15
NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: CARTERET

MS CAROLIN PENNY
CLEARINGHOUSE COORDINATOR
DPS - DIV OF EMERGENCY MANAGEMENT
FLOODPLAIN MANAGEMENT PROGRAM
MSC # 4238
RALEIGH NC

REVIEW DISTRIBUTION
DENR - COASTAL MG
DENR LEGISLATIVE AFFAIRS
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
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AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: [ ] NO COMMENT [ ] COMMENTS ATTACHED

SIGNED BY: [Signature]
DATE: 8/7/15
COUNTY: CARTERET
HOT: CONSERVATION OF COASTAL FISH & WILDLIFE HABITATS

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

REVIEW DISTRIBUTION
DENR - COASTAL MIT
DENR LEGISLATIVE AFFAIRS
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
DPS - DIV OF EMERGENCY MANAGEMENT
EASTERN CAROLINA COUNCIL

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

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

SIGNED BY: Lee Coaching    DATE: 8/31/2015
North Carolina
Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

September 3, 2015

Mr. Justin Bashaw
Department of Army
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Re: SCH File # 16-E-0000-0027; EA; Proposed is for the Little Creek Oyster Sanctuary, Neuse River, Pamlico Sound.

Dear Mr. Bashaw:

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 additional 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,

Crystal Best
State Environmental Review Clearinghouse

Attachments

cc: Region P
MEMORANDUM

TO: Crystal Best  
State Clearinghouse

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

RE: 16-0027 Additional Comments  
Environmental Assessment  
Proposal is for the Little Creek Oyster Sanctuary within the Neuse River Basin, Pamlico Sound, Carteret County

Date: September 2, 2015

Please find attached additional comments from the Division of Water Resources, Wilmington Regional Office which was received in this office after the response due date. The comments are attached and should be forwarded to the applicant for further consideration.

Thank you for the opportunity to respond.

Attachment
After review of this project it has been determined that the EDR permits and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated as the reviewer of the firm. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

<table>
<thead>
<tr>
<th>PERMITS</th>
<th>SPECIAL APPLICATION PROCEDURES or REQUIREMENTS</th>
<th>Normal Process Time (county time line)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit to construct &amp; operate wastewater treatment facilities, screen system, &amp; sewer systems not discharging into state surface waters</td>
<td>Application 90 days before begin construction or award of construction contracts. On-site inspection, post-application technical conference staff.</td>
<td>30 days (90 days)</td>
</tr>
<tr>
<td>NPSDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters</td>
<td>Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility granted after NPSDES. Reply time, 30 days after receipt of plans or issue of NPSDES permit-wherever letter is later.</td>
<td>90-120 days (N/A)</td>
</tr>
<tr>
<td>Water Use Permit</td>
<td>Pre-application technical conference usually necessary</td>
<td>30 days (N/A)</td>
</tr>
<tr>
<td>Well Construction Permit</td>
<td>Complete application must be reviewed and permit issued prior to the installation of a well.</td>
<td>7 days (15 days)</td>
</tr>
<tr>
<td>Dredge and Fill Permit</td>
<td>Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filing may require ERO in lieu of N.C. Department of Administration and Federal Dredge and Fill Permit.</td>
<td>55 days (90 days)</td>
</tr>
<tr>
<td>Permit to construct &amp; operate Air Pollution Abatement facility and/or Emission Sources as per 15 A NCAC 20.1.110</td>
<td>Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (20.1.113).</td>
<td>90 days</td>
</tr>
<tr>
<td>Permit to construct &amp; operate Transporation Facility as per 15 A NCAC 20.1.680</td>
<td>Application must be submitted at least 90 days prior to construction or modification of the source.</td>
<td>90 days</td>
</tr>
<tr>
<td>Any stormwater associated with submitted project must be in compliance with 15 A NCAC 20.1.680</td>
<td>N/A</td>
<td>60 days (90 days)</td>
</tr>
<tr>
<td>Demolition or renovation of structures containing asbestos materials must be in compliance with 15 A NCAC 20.1.110 (a) (1) which requires notification and removal prior to demolition. Contact Madison County Health Dept. 859-907-3950.</td>
<td>N/A</td>
<td>60 days (90 days)</td>
</tr>
<tr>
<td>Complex Source Permit required under 15 A NCAC 20.1.680</td>
<td>The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion &amp; sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with county Regional Office (Land Use Regulation) At least 30 days before beginning activity. A fee of $65.00 for the first acre or any part of an acre. An expert review option is available with additional fees.</td>
<td>20 days (90 days)</td>
</tr>
<tr>
<td>Sedimentation and erosion control must be addressed in accordance with NC DOT approved program. Particular attention should be given to design and installation of appropriate pretreatment sediment trapping devices as well as stable stormwater conveyances and outlets.</td>
<td>(30 days)</td>
<td></td>
</tr>
<tr>
<td>Mining Permit</td>
<td>On-site inspection usual. Scoop bucket filled with EDR. Bond amount varies with type mine and number of acres of affected land. Any acre sized greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.</td>
<td>30 days (60 days)</td>
</tr>
<tr>
<td>North Carolina Mining permit</td>
<td>On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days</td>
<td>1 day (N/A)</td>
</tr>
<tr>
<td>Special Ground Clearing Permit - 22 counties in ecotonal N.C. with organic soils</td>
<td>On-site inspection by N.C. Division Forest Resources required. If more than five acres of ground clearing activities involved, inspections should be requested at least 30 days before actual work is planned.</td>
<td>1 day (N/A)</td>
</tr>
<tr>
<td>Oil Refining Facilities</td>
<td>N/A</td>
<td>90-120 days (N/A)</td>
</tr>
<tr>
<td>Dam Safety Permit</td>
<td>If permit required application 60 days before begin construction. Applicant must hire N.C. qualified engineer to prepare plans, inspect construction, certify construction is in accordance to NCDNR approved plans. May also require permit under reservoir control program. Add a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $250.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.</td>
<td>30 days (60 days)</td>
</tr>
</tbody>
</table>

June 16, 2014
PERMITS

- Permit to drill exploratory oil or gas well: File water bond of $5,000 with ENC, running in State of NC, conditioned that any well drilled or drilled shall, upon abandonment, be plugged according to ENC rules and regulations. 40 days NA
- Geophysical Exploration Permit: Application filed with ENC at least 16 days prior to issue of permit. Application by letter. No standard application form. 40 days NA
- State Lands Construction Permit: Application fee of $2500 for each application. Must include drawings of structure & proof of ownership of riparian property. 15-20 days NA
- Imp Water Quality Certification: NOA 60 days (130 days)
- CAMA Permit for MAJOR development: $25,000 fee must accompany application 60 days (130 days)
- CAMA Permit for MINOR development: $50,00 for each application 60 days (130 days)

Several geologic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify:

NC Geologic Survey, 110 Capital Avenue, Raleigh, NC 27611

- Abandonment of any wells, if required, must be in accordance with Title 15A, Subpart 22C.010.
- Notification of the proper regional office if "cyphon" underground storage tanks (USTS) are discovered during any excavation operations.
- Compliance with 15A, NCAC 21H 1000 (Central Stormwater Rules) is required. 45 days (NA)
- Tax Parcels of Wetland Riparian Buffer Rule by rule. 30 days
- Plant and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A, NCAC 18C 0300 et seq. Plans and specifications should be submitted at 1534 Mail Service Center, Raleigh, North Carolina 27614-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 797-9160. 30 days
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Other comments (attach additional pages as necessary, bring to certain site comment with the appropriate supporting documentation):

<table>
<thead>
<tr>
<th>Division</th>
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<th>No comment</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>DWR-WORDS (Aquifer &amp; Surface)</td>
<td>JMS</td>
<td></td>
<td>The project will require a 401 permit for the construction of the oyster reef. 8/26/15</td>
</tr>
<tr>
<td>DWR-PWS</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEMR (EQ &amp; SW)</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DWM - UST</td>
<td>n/a</td>
<td></td>
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- Asheville Regional Office
  2090 US Highway 70
  Swannanoa, NC 28778
  (828) 296-4500

- Fayetteville Regional Office
  225 North Green Street, Suite 714
  Fayetteville, NC 28301-5643
  (910) 433-3200

- Raleigh Regional Office
  300 Barrett Drive, Suite 101
  Raleigh, NC 27609
  (919) 791-4200

- Washington Regional Office
  943 Washington Square Mall
  Washington, NC 27889
  (252) 948-6481

- Mooresville Regional Office
  610 East Center Avenue, Suite 301
  Mooresville, NC 28115
  (704) 663-1699

- Wilmington Regional Office
  127 Cardinal Drive Extension
  Wilmington, NC 28405
  (910) 796-7215

- Winston-Salem Regional Office
  5550 Wauchope Street
  Winston-Salem, NC 27107
  (336) 771-5900

June 16, 2014
Justin Bashaw  
U.S. Army Corps of Engineers, Wilmington District  
Wilmington Regulatory Field Office  
69 Darlington Avenue  
Wilmington, NC 28402  

Re: EA Little Creek Oyster Sanctuary/Carteret County  

Dear Mr. Bashaw:  

The U.S. Fish and Wildlife Service (Service) has reviewed the project advertised in the above referenced Public Notice. The project, as advertised in the Public Notice, is expected to have minimal adverse impacts to fish and wildlife resources. Therefore, we have no objection to the activity as described in the permit application. 

In accordance with the Endangered Species Act of 1973, as amended, (ESA) and based on the information provided, and other available information, it appears the action is not likely to adversely affect federally listed species or their critical habitat as defined by the ESA. We believe that the requirements of section 7 (a)(2) of the ESA have been satisfied for this project. Please remember that obligations under the ESA must be reconsidered if: (1) new information identifies impacts of this action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action. 

For your convenience a list of all federally protected endangered and threatened species in North Carolina is now available on our website at <http://www.fws.gov/raleigh>. Our web page contains a complete and updated list of federally protected species, and a list of federal species of concern known to occur in each county in North Carolina. 

The Service appreciates the opportunity to review and provide comments on the proposed action. Should you have any questions regarding the project, please contact John Ellis at (919) 856-4520, extension 26. 

Sincerely,  

Pete Benjamin,  
Field Supervisor  

cc:  NMFS, Beaufort, NC  
EPA, Atlanta, GA  
WRC, Raleigh