



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 18, 2015
Comment Deadline: October 19, 2015
Corps Action ID Number: SAW-2015-01612

The Wilmington District, Corps of Engineers (Corps) has received an application from Dare County seeking Department of the Army authorization to dredge 2.6 million cubic yards of beach-quality sediments from an offshore borrow source located 1.7 miles east of Cape Hatteras, and deposit the material along approximately 2.9 miles of oceanfront shoreline at the Cape Hatteras National Seashore and the Village of Buxton, in Dare County, North Carolina.

The National Park Service and the Corps will be cooperating agencies during the environmental review of this project as part of the project area involves ocean front beach within the Cape Hatteras National Seashore. The Corps will be the lead agency for National Environmental Policy Act (NEPA) purposes but will coordinate closely with the Park Service on resource management related issues.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Dare County – Buxton Beach Restoration Project
C/O Mr. Robert Outten
954 Marshall Collins Drive
Manteo, North Carolina 27954

AGENT (if applicable): Coastal Science & Engineering, Inc.
C/O Dr. Tim Kana
160 Gills Creek Parkway
Columbia, South Carolina 29209

Authority

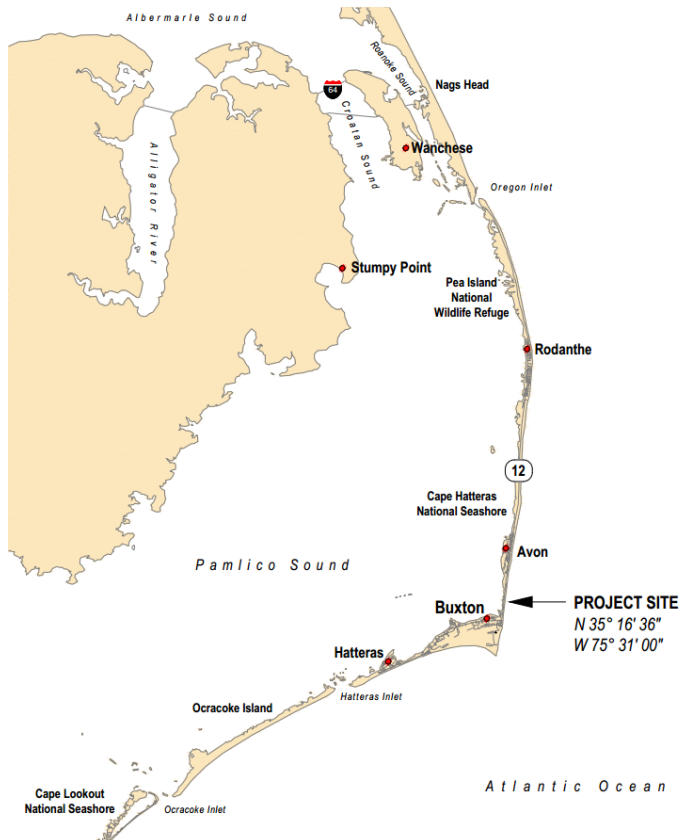
The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

Section 404 of the Clean Water Act (33 U.S.C. 1344)

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location



Directions to Site: The South Project limits begin in the vicinity of the old Cape Hatteras Lighthouse location in the Village of Buxton and extend approximately 15,500 linear feet to the North and terminate on property owned by the National Park Service at the Cape Hatteras National Seashore, in Dare County, North Carolina.

Project Area (acres): 473 acres Nearest Town: Buxton
Nearest Waterway: Atlantic Ocean River Basin: Atlantic Ocean
Mid-Project Coordinates: 35.278664 N / -75.516509

Existing Site Conditions

The proposed project encompasses approximately 2.9 miles of ocean shoreline on a barrier island located near the southern end of North Carolina's Outer Banks. The project involves approximately 4,500 linear feet of beach restoration on property owned by Dare County in the Village of Buxton and approximately 11,000 linear feet of beach

restoration on property owned by the National Park Service. The width of the berm of the island's dune system varies along the project area beaches due primarily to impacts associated with seasonal accretion and erosion events. The narrow isthmus immediately north of Buxton has breached in the past and remains highly vulnerable to future erosion events. Dune habitat is currently decreasing due to excessive erosion of the base or toe of the dunes by waves that travel unimpeded over eroded wet beach to directly impact dunes.

Applicant's Stated Purpose

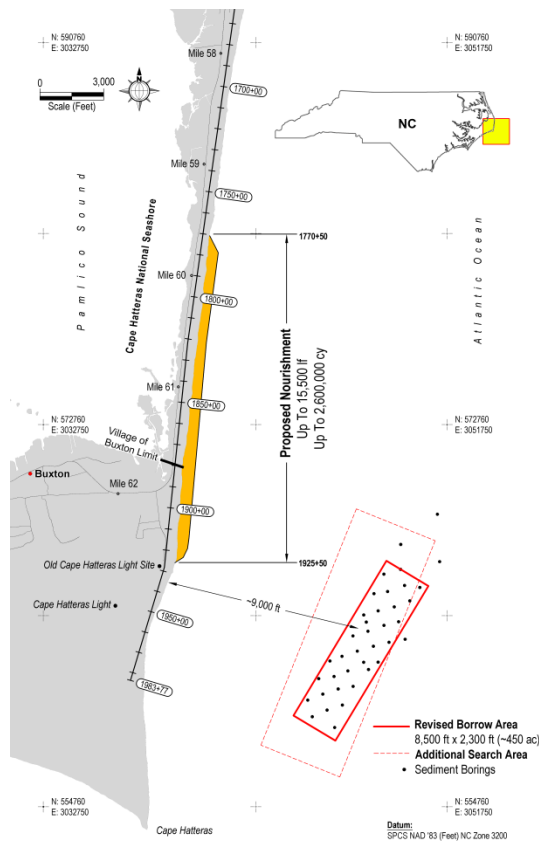
The purpose of the proposed action is to secure permission to conduct a beach nourishment project to provide a wider beach and buffer storm waves along critically eroding sections of Hatteras Island and to protect NC Highway 12 and community infrastructure. Sand placed along portions of the Seashore would be expected to migrate south (down coast) and feed other sections of Hatteras Island while reducing run-up and damage to existing dunes, backshore habitat, and infrastructure in the Buxton area. The Proposed Action would provide a wider beach to serve as a critical buffer for storm waves between the ocean and the highway.

Project Description

The proposed project will involve excavation of beach-quality sand from an offshore borrow area near Buxton Village via hydraulic and/or hopper dredge. Borrow sediment will be pumped to the beach and spread by land-based equipment in the beach zone between the toe of dune/mid-dry sand beach and the low watermark. The elevation of the nourishment berm will be set at or below the normal dry-beach level so that it is naturally over-topped by waves during minor storms. The nourishment profile will be designed to adjust rapidly to changing wave conditions with an expected gradual shift of sand into deeper water as the profile equilibrates. Backshore areas are expected to be enhanced gradually after construction by natural dune building processes.

The maximum project length will extend up to 2.9 miles. The northern 2.1 miles of the project will be located within the Cape Hatteras National Seashore and the remaining 4,500 linear feet will be located within the Village of Buxton. Maximum nourishment volume will be 2.6 million cubic yards, and the average maximum fill density will be approximately 168 cubic yards per foot, which is equivalent to an average beach width increase after natural profile adjustment of 150 feet in the Cape Hatteras area. The anticipated maximum impact area during construction for a 2.9 mile-long project is approximately 200 acres, among which 140 acres are directly in front of the seashore property. The maximum project is expected to create approximately 40 acres of dry-beach habitat with 28 acres of this being located at the Park Service property. This expanded dry-beach area will eventually produce approximately 10 acres of new dune habitat via natural processes after equipment is removed from the beach. The maximum scale is expected to provide at least ten years of erosion relief, dune growth, and NC 12 protection under normal conditions. The final project volume will be determined

according to the State and Federal permits, the County's final construction fund, and the responsible bid.



Avoidance and Minimization

An extensive alternatives analysis was performed and reviewed for this project. This included the evaluation of a no action alternative, nourishment with offshore sand source and winter construction only, and the preferred alternative with offshore sand source and summer construction. Additional alternatives were considered during the early planning stages, but were dismissed from further analysis for environmental, geological, technical, or economical reasons.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project may affect, but not likely to adversely affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. As part of the pre-application and scoping process, the applicant submitted an EFH assessment to The National Marine Fisheries Service for review and has incorporated those comments in the assessment.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Further detailed descriptions of ESA issues are addressed in an applicant prepared Biological Assessment which is included with an applicant prepared Environmental Assessment for the proposed work.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by November 16, 2015 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.

- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision 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. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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 discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, October 19, 2015. Comments should be submitted to Mr. Raleigh Bland, PWS, at the Washington Regulatory Field Office, 2407 West Fifth Street, Washington, North Carolina 27889, telephone (910) 251-4564.