



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 4, 2015
Comment Deadline: October 5, 2015
Corps Action ID Number: SAW-2015-01856

The Wilmington District, Corps of Engineers (Corps) received an application from North Carolina Department of Transportation, Ferry Division seeking Department of the Army authorization to excavate a 3,350 foot long by 150 foot wide channel to a depth of -12' generating 88,132 cubic yards of spoil material that will be disposed of via side cast dredge, associated with opening a safe navigable channel on the south side of Hatteras Inlet between the north end of Ocracoke Island and the Gorge in Hatteras Inlet in Dare County, North Carolina.

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: N. C. Department of Transportation-Ferry Division
Attention: Catherine Peele
159 Lucinda Lane
Powells Point, North Carolina 27966

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 project area is located in Pamlico Sound on the northeast side of Ocracoke Island east of the South Dock ferry terminal and west of Hatteras Island in Dare and Hyde Counties, North Carolina.

Project Area (acres): 11.54 acres

Nearest Town: Hatteras

Nearest Waterway: Pamlico Sound

River Basin: 03020105

Latitude and Longitude: 35.189949N, -75.773400W



Existing Site Conditions

Hatteras Inlet is one of only two navigable openings connecting Pamlico Sound with the Atlantic Ocean in Dare County. The Inlet is used by commercial and recreational vessels as well as by the U.S. Coast Guard. The Inlet has widened from one half mile wide in 1993 to approximately two miles wide due to erosion of the south end of Hatteras Island. Shoaling in the Inlet has reduced water depths to an average of six feet, creating a navigation hazard for boaters. The North Carolina Department of Transportation Ferry Division and the U.S. Army Corps of Engineers have been maintaining channels through the area to allow continued use by ferries between Hatteras Island and Ocracoke Island. However, since 2013, the Ferry Division has been utilizing a longer route through Barney Slough and Sloop Channel and has abandoned the route across the Inlet. The volatile nature of the Inlet creates dangerous conditions for the state owned pipeline dredges to operate and rapid sand movement in the area makes it difficult to maintain the channel.

Applicant's Stated Purpose

The stated purpose of the project is to create deep water access to allow for safe passage in and out of Hatteras Inlet for private and commercial vessels.

Project Description

The applicant proposes to excavate a 3,350 foot by 150 foot channel to a depth of -12 feet using a side cast dredge. Approximately 88,000 cubic yards of material would be excavated from Hateras Inlet.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Applicant states that the side cast dredge will only be used in areas that are inaccessible to the state owned pipeline dredge.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: No mitigation is proposed.

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. 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 essential fish habitat assessment and/or consultation with the National Marine Fisheries Service.

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 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.

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 October 5, 2015 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation 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 included 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 included the consistency certification, the Corps requests, via this Public Notice, 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 5, 2015. Comments should be submitted to Tracey L. Wheeler, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4627.

Map Produced By: NCDOT, Location & Surveys

**HATTERAS INLET
MAJOR PERMIT #224-87**

MAP DATE: AUGUST 31, 2015

North Carolina Dept. of Transportation
Location & Surveys Unit
1020 Birch Ridge Drive
Raleigh, NC 27610
(919)-707-6800

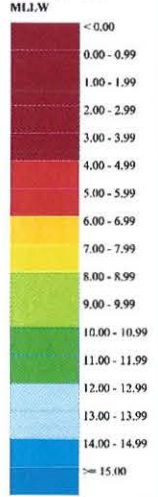
DATES OF SURVEY:
AUG 12-19, 2015 (USACE)
SURVEYED BY:
USACE SONAR DATA
MAPPED BY:
KMB



NAVIGATION AIDS

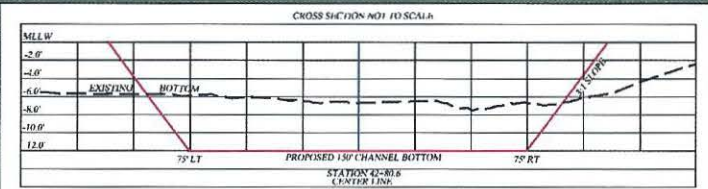
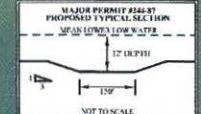
- CAN
- NUN
- GREEN LIGHT BUOY
- RED LIGHT BUOY
- JUNCTION MARKER
- GREEN LIGHT
- RED LIGHT
- GREEN DAY BEACON
- RED DAY BEACON
- INFLATABLE BUOY
- WAYPOINT
- DANGER SIGN
- MILIBOARD
- TIDE GAUGE

**DEPTHS IN FEET
MLLW**



NOTES:
HORIZONTAL DATUM NAD 1983 / NA2011.
MAP PREPARED BY NCDOT/LOCATION SURVEYS/SONAR SURVEYS GROUP
USING USACE FIELD SURVEY DATA.
PROJECT SURVEYED BY USACE. SURVEY DATA TAKEN FROM
Hatteras-Ocracoke Data 2015-08-12-19.ZIP (RC 05 HST 20150812_A.XYZ)
DATA SHOWN ON THIS MAP REPRESENTS THE RESULT OF THE SURVEYS
MADE ON THE DATES INDICATED AND REPRESENT CONDITIONS EXISTING
AT THAT TIME.
EXISTING NAVIGATION AIDS NOT LOCATED.

DATUM:
GRIDS - NAD-83
DISTANCE UNIT - US SURVEY FOOT
DEPTH UNIT - US SURVEY FOOT
VERTICAL DATUM - NOAA REPORTED MLLW
RELEVANT TO ILL 1983-2001
TIDAL EPOCH (per USACE)



TOTAL VOLUME TO BE REMOVED = 88,132. Cubic Yards

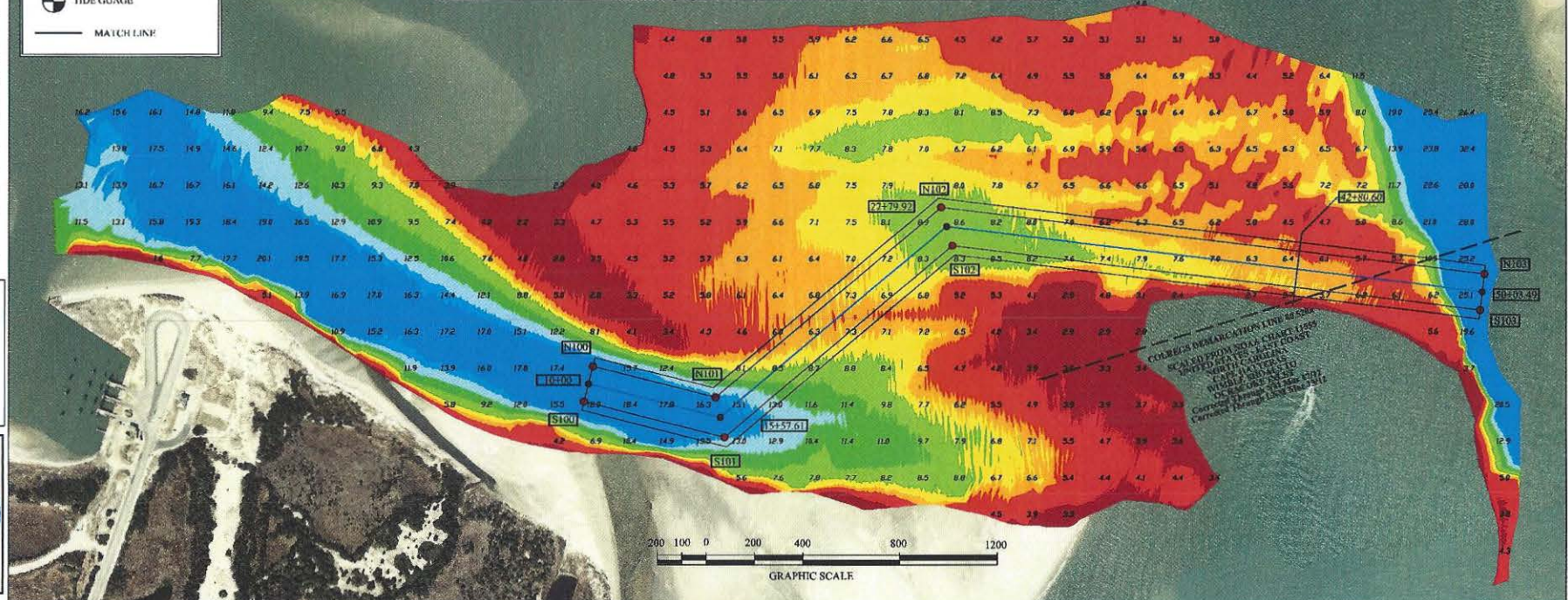
WAYPOINTS ALONG PROPOSED CHANNEL BOTTOM 2015-08-31

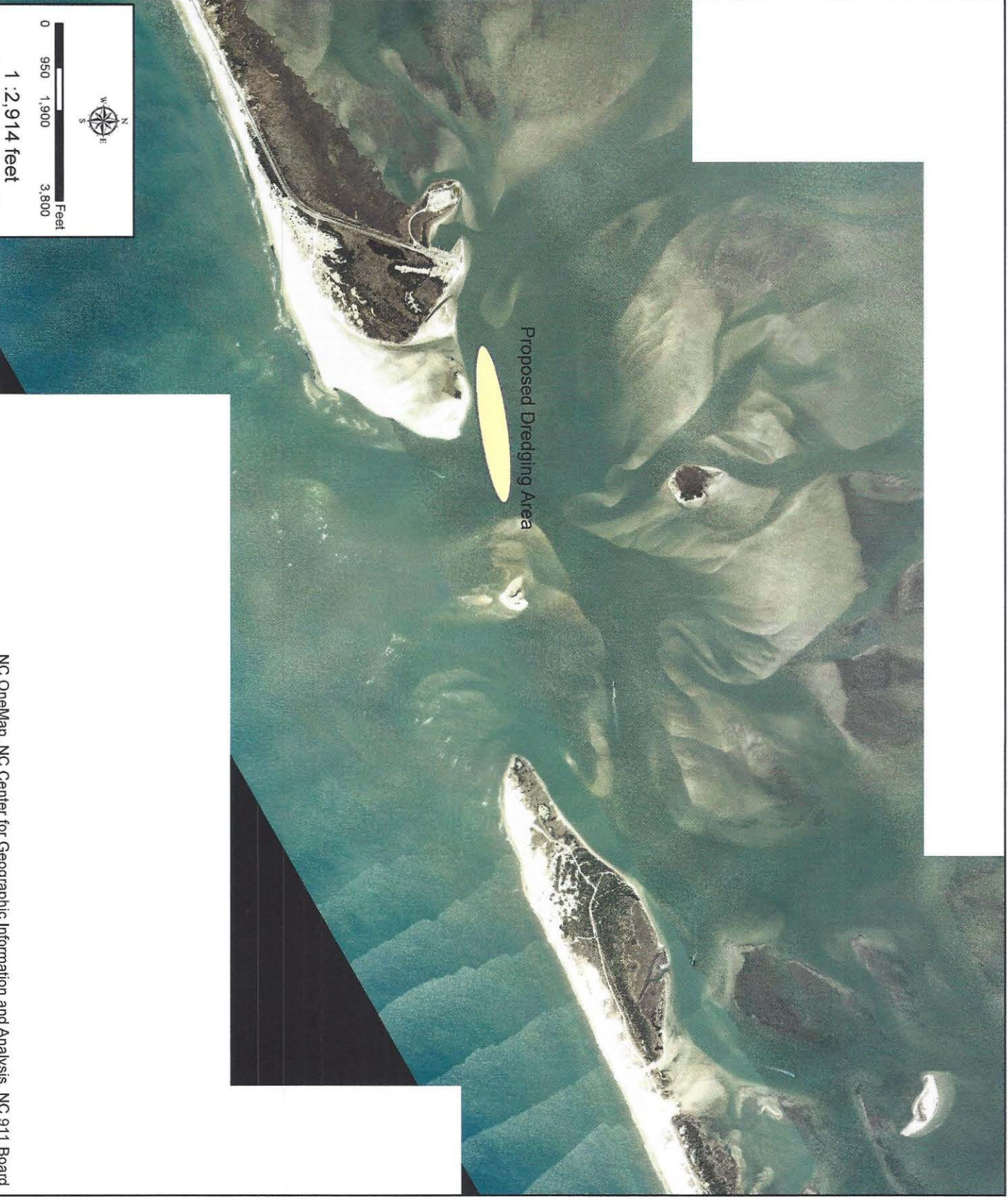
Waypoint	Latitude	Longitude	NC SPC 83/2011
N100	35.189949078 N	75.773400945 W	N 539724.0910 E 2963840.0000
N101	35.189553213 N	75.771731277 W	N 539596.3105 E 2964343.2670
N102	35.191615141 N	75.768526648 W	N 540377.4828 E 2965275.7870
N103	35.190662993 N	75.761064781 W	N 540103.7807 E 2967515.2408

S100	35.189553108 N	75.773540247 W	N 539578.7041 E 2963803.0860
S101	35.189098723 N	75.771623764 W	N 539432.0340 E 2964380.7502
S102	35.191180409 N	75.768388435 W	N 540220.6932 E 2965322.2077
S103	35.190255733 N	75.761141914 W	N 539954.8886 E 2967497.0435

DESIGN CENTERLINE ALIGNMENT

Station	Latitude	Longitude	NC SPC 83/2011
10+00.00	35.189751093 N	75.773470596 W	N 539651.3975 E 2963821.5430
15+57.61	35.189325968 N	75.771677520 W	N 539514.1722 E 2964362.0086
27+79.92	35.191397775 N	75.768457541 W	N 540299.0880 E 2965298.9974
50+03.49	35.190459363 N	75.761103348 W	N 539954.8886 E 2967506.1422





Proposed Dredging Area

NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

TITLE
 North Carolina Department of Transportation
 Ferry Division
 Proposed Dredging Area for Hatteras Channel

Prepared By:
 Catherine Peele
 NCDOT - Ferry Division
 Environmental Specialist

Map Date: September 1, 2015

Map Scale: 1:2914 ft

