BEFORE THE U.S. ARMY CORP OF ENGINEERS
WILMINGTON DISTRICT

In the Matter of The Application of Figure "8" Beach Homeowners Association, Inc. to develop a management plan for the central and northern portion of Figure Eight Island to preserve the integrity of its infrastructure, provide protection to existing development and ensure the continued use of the oceanfront beach.

TRANSCRIPT OF PUBLIC HEARING

REPORTED BY:
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The following hearing was held before the U.S. Army Corps of Engineers, Wilmington District, on the 7th day of June, 2012, beginning at 6:35 P.M. in the Assembly Hall of Ogden Elementary School, 3637 Middle Sound Loop Road, Wilmington, North Carolina, and was reported by PETER BROWNE RUFFIN, III, Notary Public and Court Reporter for the Firm of AURELIA RUFFIN & ASSOCIATES, INC.

COLONEL BAKER: In the interest of everybody's time, we have some stragglers still coming in. We are going to go ahead and get started, okay? I am Colonel Steve Baker. I am the District Engineer and Commander of the Wilmington District of the U.S. Army Corps of Engineers and I would like to welcome you to the public hearing today. Welcome.

You know, it has been said by some smart people much smarter than me that the strength of a democracy is sometimes based on the access that people have and the willingness they have to make decisions that affect their own lives and by the participation that I see in the room tonight, that makes me happy that the process is working and that you today will have a voice that can be heard by the people that will be making decisions about this later on so I congratulate you for being a

part of the process because there are a whole lot of people sitting in front of a TV right now that probably should be part of the process that are not and you are so thanks for being here.

I want to start tonight by introducing our head table. I have already introduced myself. To my left, your right, is my Chief of Regulatory at the Wilmington District, Ken Jolly, looking very good in a tie tonight. I did not tell him to wear a tie either by the way just so you know.

To his left is our Project Manager for this project, Mickey Sugg, and our District Counsel, Justin McCorkle. To my right, your left, from the North Carolina Division of Coastal Management, we have Doug Huggett and Debbie Willis.

UNIDENTIFIED MALE: Wilson.

COLONEL BAKER: Wilson, I am sorry, and to their right is Tom Jarrett, Figure Eight's engineer from CP & E of North Carolina. That is the head table. The purpose of the visit tonight -- before I go any further, do we have any elected officials that need to be recognized in the audience tonight?

MS. SCOTT: That need to be?

COLONEL BAKER: They probably ought to be if they were here but they are not so they will not be.

MS. SCOTT: I am an elected official.

COLONEL BAKER: Okay, please.

MS. SCOTT: Carol Scott, the Council of Wilmington, the Town of Sunset Beach.

COLONEL BAKER: Well, thank you for being here, ma'am.

MR. HOLDEN: Allen Holden, Mayor of Holden Beach.

COLONEL BAKER: And thank you for being here, sir. The purpose of the public hearing tonight is defined by 33 of the Code of Federal Regulations 327-3. The purpose is acquiring information or evidence which will be considered in evaluating the Department of the Army permit action which affords the public an opportunity to present their views, opinions and information on such permit action.

Most importantly, tonight is a chance for us to collect those comments but tonight is not a question and answer dialogue, okay? We are going to present some things up front and then I am going to give you a chance to say your piece and we have several people that have already volunteered to talk and we have other people that have already volunteered comments which we have already accepted and will log into the public record.

The names will be called and you will come to the mike once your name is called and you will have three

minutes to speak. Please keep in mind that everyone wants to have an equal shot so I am going to try to keep you to your three minutes. I am going to be your timekeeper so I will be helping you along if you get a little verbose and I also want to reiterate that we have a recorder here tonight and we want to make sure we get everything accurately so if you would, please try to speak as loudly and clearly as you can and as is possible so that we get everything correctly for the public record. All right. Without any further ado, I am going to turn it over to my Regulatory Chief, Ken, who is going to take us through NEPA Section 104 and 404 and the permit requirements. Thank you.

MR. JOLLY: Thank you. Again, I am Ken Jolly, Chief of Regulatory with the Wilmington District Corps of Engineers. Briefly, I would like to provide an overview of the Department of the Army permit process. During development of this project, the Figure Eight Homeowners Association in coordination with the Corps of Engineers identified waters and wetlands that would be impacted by the project that are regulated by the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

Again, as the Colonel mentioned previously, tonight's hearing will provide us, the Wilmington

District, with information to be considered during our preparation and evaluation of the EIS in accordance with the National Environmental Policy Act pending an application by the Figure Eight Homeowners Association for a Department of the Army permit. NEPA or the National Environmental Policy Act, is a parent act for most environmental laws ensuring consideration of environmental impacts by all federal agencies.

Under NEPA, the scope of the project or the federal action will require the preparation of an EIS if the action will significantly affect the quality of the human environment. Significant affects include both beneficial and detrimental impacts. We have preliminarily made a decision that this project will require an EIS.

Section 10 of the Rivers and Harbors Act authorizes the Secretary of the Army through the Chief of Engineers to issue permits after notice and opportunity for public input for structures or work affecting navigable waters of the United States. Section 404 of the Clean Water Act authorizes the Secretary of the Army to issue permits for the discharge of excavated or fill material within waters of the United States including wetlands.

The decision to issue a Department of the Army permit is based upon an evaluation of the probable

impacts including secondary and cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing and balancing of the factors that become relevant in each particular case.

The benefits that may be expected to occur or to approve the proposal must be balanced against foreseeable detriments. The decision whether to authorize a proposal and if so the conditions under which it would be allowed to occur are decided by the outcome of our general balancing process. That decision should reflect the national concern for both protection and wise use of important resources.

All factors that may be relevant to the proposal must be considered including cumulative impacts of the project. These include factors such as conservation, economics, flood control, fish and wildlife values, safety and the needs and welfare of the people just to name a few.

Importantly, criteria that must be considered in our decision whether to issue a Department of the Army permit includes the relative extent of the public and private need for the proposed work. Second, the extent and permanence of the beneficial and detrimental effects

that the proposed work is likely to have on public and private uses within the area to be affected and third, the practicability of using reasonable alternatives and methods to accomplish the objectives of the proposed work.

Again, all oral and written comments or statements that you provide today will be a part of the hearing record. Those comments as well as all written comments provided prior to the close of our public commenting period will be carefully considered and utilized in the preparation of a Final EIS and any decision, permit decision, we make.

We do appreciate you being here tonight and your willingness to participate in this important part of our public review process. At this time, I would like to pass it to Mickey Sugg, the Project Manager of the Corps.

MR. SUGG: Thanks, Ken. As the Colonel introduced, my name is Mickey Sugg with the Wilmington Regulatory Field Office. I am the assigned Corps Project Manager for overseeing the regulations as it pertains to Figure Eight's proposal. I too would also like to thank you for your participation and your showing up tonight because this part is valuable to us and we look at it as highly important so your voices are heard. We accept

them, we look through them, we evaluate them so we certainly encourage you to either verbally provide your comments or provide them by writing.

There is a few important parts that I would like to immediately address tonight; a couple of items. The first item that some of you may not be aware of is our NEPA process. From the very beginning since we were approached by Figure Eight Island, I think back in early or late '06, early '07, we have been coordinating heavily with the State of North Carolina Division of Coastal Management so we tried to streamline the federal and the state program so there is no duplication at the same time and efforts for that and publicly I would like to thank Doug and Debbie and their staff for helping us to go through this.

Secondly, to draw your attention to the slide up here, you will notice my name and the contact information. I have my phone number, my e-mail address, the physical address so feel free to call me, send me e-mails, mail me comments. I am certainly open at anytime and will certainly get back to you as soon as I can but if there is any questions, any confusions, any comments that you would like to make, feel free to contact me personally and hopefully I can clarify that.

Also, which I think is just as important, you will

notice our web link on the bottom. That is a link that goes directly to a page set up for the Figure Eight project. We have on our website a page for special projects, the Figure Eight Shoreline Management Project being one of those, so that link right there will take you directly to the Figure Eight page and on that page, we dump files such as our Public Notices.

On that page, you will be able to access the Draft EIS in its complete form and we will also be putting future information on that page. The transcript tonight once that is finalized and provided to us, that will be placed on that website so if you want the accurate minutes for tonight's proceedings, you can go to that link and download them or you can call me and I can try to provide them and even send you a copy of some sort.

With that, I would like to speak of the Public Notices on that page. In the handout that you got tonight, I would like to draw your attention to the second Public Notice. It is dated on the top right May the 18th. That was our initial Public Notice that announced the public hearing and the release of the Draft EIS.

You will notice that the commenting deadline is June the 22nd and as you turn to the first Public Notice, that deadline, commenting deadline, has been

extended so this notice is amending the commenting period to July the 6th. I wanted to draw that to your attention so that gives you an additional fourteen days to read through the Draft EIS and formulate your comments and it gives you a little extra time to do that.

Not to confuse things, but if you go to the web page and you pull up this May 18th, underneath it is the Public Notice attachments. If you pull up those attachments, it has drawings and those drawings are not the right project. Well, it is the right project but it is the wrong alternative. It is not the Applicant's alternative. It is the Alternative 5A and it should be the drawings of the Alternative 5B. Both of them include the terminal groin structure but the footprint of the dredging in Nixon Channel is different as well as the placement of fill material on the beach. That will be corrected soon but I did want to draw your attention in case you do go to the website and pull that up and you get confused but the drawings on the poster board, that is the Applicant's preferred alternative as well as the Draft EIS has the correct drawings so it is only on that Public Notice.

Since the release of the Draft EIS back on May 18th, I have received a lot of phone calls, a lot of e-

mails, and there appears to be some confusion on what the Corps' regulatory role is with the project so I want to take this time real quickly to just explain what our role is.

I get the impression that some people think that the Corps is actually in the process of designing and planning for the Applicant's proposal. We do not do any designing. We do not do any planning. We do not do any implementation of any project. Our role is simply a permit reviewer.

Going to Ken's presentation, he mentioned Section 404 and Section 10. With this project, the discharge of fill material, the placement on the shoreline, the oceanfront shoreline, the Nixon Channel shoreline below the mean high water, the placement of the terminal groin structure below the mean high water, the 700 feet, the actual dredging of Nixon Channel, those are the activities that are triggering our permit requirement. If the Applicant approached us and their activity was outside the waters of the U.S., then they would not be seeking a permit from our office so what triggers the permit is the actual activity in the waters of the U.S.

It is understandable that there is some confusion about Regulatory maybe planning and designing the project because the Corps of Engineers civil work side

does do planning and designing and implementing federal projects as delegated by Congress but we are another wing of the Corps of Engineers and we do not do any designing and planning. Both wings are obviously under the supervision of District Commander Colonel Baker so I wanted to make sure that was clear.

What we will be doing is looking at the alternatives, looking at the Applicant's preferred alternative which is Alternative 5B and we will be evaluating each one of those alternatives and determining the least environmentally damaging practicable alternative.

At this stage as I noted, it has been going on since late '06. Just to let you know the permitting process and where we are for releasing the Draft EIS, at the end of the commenting period, we will sort through and evaluate and accept each of the comments and prepare a Final EIS. At that stage once the Final EIS is completed, that is when the Applicant, Figure Eight Island Homeowners Association, will submit a permit request; an application to our office as well as an application to Division of Coastal Management.

At that time, there will be another commenting period so you will have a chance. The public which includes other federal and state agencies will have a

comment or a chance to comment on the final as well as the Applicant's preferred alternative so this is not your last chance of providing any comments whether you are for or against it so I do again want to stress that if you have any questions, please feel free to call me or e-mail me. I want to make sure that everybody fully understands the process.

With that, I am going to turn it over to Tom Jarrett, the Applicant's Coastal Engineer, and he is going to do a brief presentation of the project proposal and then we are going to go into the Colonel opening the floor to comments. Thank you.

MR. JARRETT: Thank you, Mickey, and again, we appreciate everyone showing up this evening and we hope to explain things to you a little bit clearer. It is a big document. I know a lot of you kind of walked through it and it is quite a task to go through that thing and it is a draft. There are still some glitches in it that need to be straightened out but in your commenting, do not limit your comments to just the editorial stuff. We are looking for more substantive input as to what your concerns are.

When Figure Eight decided they needed to do something to try to address erosion at the north end of the inlet or the island, they sent out a solicitation

for proposals for engineering companies to provide that assistance to them. They selected CP & E NC and that selection was offered to the Corps for its approval.

The Corps then has to approve a third-party preparer or EIS so as a result of that process, we are now involved with the development of the Environmental Impact Statement for the Figure Eight Homeowners Association. I want to mention that I have with me tonight Brad Rosov who was the primary author of most of the document so he will be here listening to your comments and things and will huddle with the Corps once all the comments are in and try to address and will address each and every concern that is expressed.

I guess we will move to a few slides here if this thing works. Yeah, it works. During the development of the Applicant's preferred alternative, we went through a selection process or an evaluation process looking at these various and sundry alternatives. There was an evolutionary process in which the initial effort was aimed at a channel relocation project. Of course, this began back in '06 and prior to any legislation that would authorize the use of a terminal structure so the purpose at that time was looking at alternatives for a possible moving of the Rich Inlet Channel to a position that would provide some favorable impacts on the north

end of Figure Eight Island and no impacts or minimal impacts on Hutaff.

So we went through a long process of developing that particular alternative and developing beach villas and things associated with that alternative. That particular project would have involved the dredging of about 1.8 million cubic yards of material out of Rich Inlet and building a dike off the end of Hutaff and spreading the rest of the material over 12,000 feet on the north end of Figure Eight Island.

From that particular alternative, we then looked at Alternative 4 which is basically a beach fill project with no inlet manipulation. We would have had to find sand from other sources other than the inlet and that would prove to be pretty problematic in this particular case.

We then moved from Alternative 4 and went to looking at, once the legislation passed, the alternatives involving terminal structures and so we went through a whole process there of looking at various and sundry configurations of a terminal structure on the north end to try to address inlet induced losses off the end of the island.

As a matter of history, the Figure Eight Homeowners Association has tried on numerous occasions to place

beach fill at the north end with very little success and so the idea here was to put a structure on the very tip of the island and help slow down some of the inlet induced currents and wave induced currents that transport sediment off the end of the island and so that was the result of that.

We looked at two alternatives for the terminal groin; one involving a new channel connector from Nixon Channel into the inlet throat primarily to try to divert flow away from the back side of Figure Eight Island which is also suffering erosion. Then we moved from there into what ultimately became the Applicant's preferred alternative which is a greatly reduced beach fill but with the same terminal groin.

I am getting a little bit ahead of the game here but Alternative 5B basically involves a dredging option that duplicates pretty much what the Figure Eight Homeowners Association has been doing for the past ten or fifteen years and the only addition then would be the placement of some fill on the back side of the island in Nixon Channel and the addition of the terminal structure.

All the alternatives that I listed before were looked at and evaluated in a model called the Delft 3D. It is a very complicated model but it involves the

combination of waves, currents, tides, wind generated currents and tide generated currents that move sediment around so this model is able to produce changes into configuration of an inlet or ocean bottom and so we ran this particular model for a known set of conditions for each and every alternative.

That is kind of an important thing to keep in mind; that we were not modeling future conditions. We selected a history of known wave conditions for the area and known tide conditions for the area. We developed those input conditions and we input those same conditions for each and every alternative that we evaluated so what the model then would do is respond in a certain way based on that given known set of input conditions so these are not predictions of what will happen in the future. We cannot predict the weather and we cannot predict the waves so we cannot really predict what the future may hold.

What these model results show us is that for the existing conditions, the inlet would respond in a certain way to these known conditions. Then we go in and we put in a structure, we run the model with the same known conditions and see how the inlet responded to those conditions so it is just a relative comparison to give us an indication of how the system may respond to a

certain activity.

We also did all of this with the channel relocation and that sort of stuff. It is all contained in the EIS and it is too much to get involved with here. I just want to focus on the results that we came up with for Alternative 5B versus the existing conditions.

This is the model representation of what the inlet looked like that we began with. The channel is located on the south end of Hutaff Island and we had the spit on the north end projecting out. I think this was based on 2007 bathymetry for the most part so then we go through a five-year simulation of waves, tides, winds and let the sediment move around and then we end up with a new configuration of the inlet.

Of course, before we go through this model simulation, we also try to do what we call calibrate the model to replicate known changes that have occurred in the past so for this particular calibration process, we looked at changes that occurred in the inlet from the mid fifties. Excuse me; about 2005 to 2007, somewhere in there. We ran the model and looked at the results and compared it to the 2007 condition and, you know, made a determination that the model was doing a pretty decent job of replicating Mother Nature so once we had that done, we ran the condition for basically the

without project condition and came up with these results.

Then everything else being equal, we stuck the terminal groin in the model in the location that we proposed and that was the result that the model produced and you can see it. I do not know if I can back up but there was very similar behavior of the inlet. The channel, if you recall where it was before, the channel behaved similarly. The end of the island actually behaved very similarly on both sides and as further evidence of that, this is a close-up of the very tip end of Figure Eight Island for the existing condition and then with the terminal groin condition.

The model in both cases indicated that spit would go away. Will it go away? Not necessarily. This is the model result. Again, we are not predicting that this would happen. This is the way the model responded to a known set of conditions but in either case with or without that terminal structure, the model is suggesting that that northern spit would erode away and become a submerged sand trap so looking at those results, there is really no net negative impact of the structure in this particular area.

We move to the southern tip of Hutaff with very similar results for the without project condition and

the with project condition. We did not see any real big indications of some massive changes occurring based on the results of the numerical model so a lot of the evaluations that are in the EIS are based on the assessment of changes that are being suggested or indicated by these model runs for the without project and with the proposed project conditions so ultimately, the plan recommended or at least preferred by the Homeowners Association involves these aspects.

Oops, can I back up? It involves the dredging of this particular area in Nixon Channel. That is an area that has been dredged probably six or seven times in the past by the Homeowners Association and so we refer to it in the document as a previously permitted area. The authorized depth is nine feet below mean low water or eleven feet or eleven and a half feet below NAVD. The width, length and all of those other dimensions would remain the same so that particular area would be used to obtain the sediment needed to build two beach fills; one covering 1,800 feet on the sound side of Figure Eight Island to address the erosion associated with flows out of that particular channel and then about a 4,000 foot beach fill extending south of the terminal groin down to about 320 Beach Road North or something like that but it is our Station 60.

So it is about a 4,000 foot beach fill and the total volume of material that would be removed to build both of these is about 290,000 cubic yards give or take so that fill would be placed in here to fill the fillet. We would also place some sand in here to cover up the existing sandbags. Of course, the state has rules against that kind of thing so we would have to be working with them on whether or not those sandbags could stay in the future but the plan initially calls for placement of sand on the sandbags and vegetating and then the placement of this fill.

The terminal groin being proposed actually consists of two main parts. One we call the shore anchorage section which on this particular drawing is shown to be about 700 feet. That particular section would be built with a sheet pile, either concrete or steel, and the top of it would be below ground.

If you went out there and looked today from the north end of Figure Eight Island out this way and went out there after the structure was built, you would see the same thing because the top of that structure is below grade. You will not see it. The reason it is being put in is a contingency. You know, there could be sometime in the future where a storm came along and the tail end of the structure, if it was only extended a

short distance back, could become compromised with erosion around the end of it.

So most of these type structures you see up and down the coast include a shore anchorage or a section that runs further back into the island to guard against what is called flacking so that particular portion, again, is buried out of sight and you will not see it once it is built.

The conditions out there today are much different than what is shown on this photograph and so what is ultimately built may vary differently; may vary quite a bit from what we are showing here today. There is a chance that the sheet pile wall could be extended even further and shorten the length of the rubblemound portion but the rubblemound portion that is shown here would extend about 900 feet basically starting near the dune line and going seaward.

The crest elevation of that particular structure is right now six feet above basically sea level. There may be an opportunity here once we get into the project design to even lower that further. It looks like the elevations of the natural beach up in that particular area may be in the neighborhood of five or five and a half so the goal there would be to design the crest of that structure to be right at or near the elevation of

the adjacent beach so that that structure would be buried under sand.

Out toward the outer area, the top of the structure would slope from six down to three and a half and the last 250 feet of that or so would be at that elevation pretty much visible at high water but almost submerged. We would put a navigation aid at the end approved by the Coast Guard with a light on it to identify where the end of that structure is.

So for the most part, everything that you see from this point back would be pretty much under sand. There might be a rock or two sticking out but you would not be walking down the beach and all of a sudden run into this six foot high wall. It would be gradual and the fill would run right up to the structure and then you might see a stone or two popping up through the sand.

Just an example: One of our engineers from Florida happened to be up at Tybee Island and snapped some shots of the Tybee Island north groin and this particular structure is a rubblemound structure, very porous, and a lot of the openings here -- I mean, the physical appearance of that particular structure is pretty much what we kind of have envisioned that the Figure Eight Island terminal groin may look like.

It may not be that high toward the end. It could

be but it will look very similar to this toward the landward end but, again, as we move forward on the design of the very landward end of this thing, we may extend that concrete or the sheet pile a little further out so that the rubblemound portion would be 900 feet. It may be reduced to 700 feet or something like that. So with that, that is pretty much what the proposal entails and with that, I guess I will turn it back over to the Colonel.

COLONEL BAKER: All right. At this time, we are going to move into the public hearing portion of it where we can have the public come up and speak. We are going to read off names in no particular order and let you come up and have your three minutes at the microphone here. I will again remind you to try to speak as clearly as possible so that the recorder can accurately get your comments.

Just a reminder again that the Corps of Engineers is neither a proponent of this project or opposing the project. We are a proponent of the process and we are going to facilitate the process and that is what we are doing here tonight so with no further ado, we will start reading off the names and let you come up and I will be your cue if you are going on too long. Thank you.

MR. SUGG: I will try not to butcher your name so I

apologize if I do. Richard Hilderman.

COURT REPORTER: Could you give your name and spell it, please?

DOCTOR HILDERMAN: Thank you for the opportunity.

COURT REPORTER: Could you ask him to give his name at the microphone and spell it?

MR. SUGG: When you come up, if you could give your name so the...

DOCTOR HILDERMAN: Oh, okay. My name is Richard Hilderman and we have a house in Sunset Beach and I am a retired Professor from Clemson University. One of the things I do not think you have really addressed is the impact that these terminal groins are going to have on barrier island beaches downstream. Unfortunately, this impact is going to be a profound negative impact because it is going to accelerate the erosion of these beaches downstream.

All barrier islands have erosion; wind erosion and water erosion. This is a natural process. Some islands erode faster than others and that depends on the physical parameters around the island and the ocean. There are islands like Sunset Beach which are actually growing. Unfortunately, there is another type of erosion and that is human induced erosion where humans are building structures on islands where they should not

be, destroying dunes, draining wetlands and marshes for development and this accelerates the natural erosion and it makes it very difficult for Mother Nature to combat that or even stop it.

When you permit a terminal groin, that is going to affect the beaches downstream because when a beach erodes, the sand comes into the ocean and it travels parallel to the ocean in a longitudinal current so when that groin goes in, what is it doing? It is going to block that sand and keep the beach upstream with sand but what is going to happen to the beaches downstream? They are going to erode. This is analogous to what happened in the 17th and 18th century when big cities dumped raw sewage into rivers upstream and the people downstream suffered the consequences.

The effect of what groins do on onshore current is not new information. This has been known since about the 1960s. In fact, there are aerial photographs in undergraduate oceanography textbooks which show you the effect before and after groins were put in and upstream there is a temporary blockage. Downstream there is accelerated erosion.

It seems to me we should not be dealing with these structures that have been proven over the years to be only temporarily effective upstream and totally

disastrous downstream in putting these in. What we should be looking at is on each island trying to figure out why that island has accelerated erosion and try to figure out mechanisms to solve it for that island. People who live downstream should not have to suffer because an island above them has accelerated too rapidly to handle it. Thank you.

MR. SUGG: Thank you, Richard. Priss Endu.

MS. ENDO: It is Priss Endo.

COURT REPORTER: Would you spell it, please?

MS. ENDO: P-r-i-s-s Endo, E-n-d-o. I have lived in Middle Sound off and on for the past forty years. I recently retired here last fall and you can imagine my shock and awe when I first heard about this hearing tonight because I knew nothing about this project going on.

I knew that the state had decided that terminal groins could go up and there were a couple of places interested. I did not know about Figure Eight but it is like opening the Star-News and looking at the obituary page and finding out that an old friend had expired and that is what I think will happen to Rich Inlet. It will expire as I know it today and it is heartbreaking to me.

Rich Inlet is one of the last great places on the southeastern coast of North Carolina. It is a stable

inlet which is a much beloved gem in our natural infrastructure and this is an infrastructure that all of you know has been ravaged by development over the past fifty years before and after we had scientific verification about the value of barrier islands and natural inlets in our ecosystem.

In the 19060s and 70s as Figure Eight developed, I watched the dredging and fill going on behind Figure Eight and I watched how it altered the normal flow of the tides and consequently, Mason's Inlet right across from where I lived at that time filled in and eventually completely filled in with almost no egress into the Waterway.

We all know what happened. The movement of Figure Eight which, of course, had been down on the southern part of the island had moved through the years. That movement was accelerated and the movement at the northern end of Shell Island was accelerated south too and finally the inlet was right up against the Shell Island Resort.

Meanwhile those of us who are living behind all of this on Middle Sound watched the water in Howe's Creek go up in temperature. We watched the sediment come in. The tide actually had to flow from Wrightsville Beach to give us any flushing out in that area.

The temporary solution which a lot of people have felt has been very successful, the solution of dredging a new inlet there at Mason's all the way to the Intracoastal Waterway, is showing signs of failing. I was stuck in mid tide in a medium sized motorboat right where the channel behind Figure Eight comes out into Mason's. I was stuck there yesterday so what will the unintended consequences be to the areas behind Rich Inlet, the Intracoastal Waterway, Pages Creek, Futch Creek and Lee Hutaff if dredging in Nixon Channel, removing sand from dredge islands and creating massive barriers on the northern end of Figure Eight is carried out as presented in this proposal.

How will citizens that cherish this last great place be able to access public water and the beach if they have this massive barrier at one end of the beach? The sea wall and terminal groin will set a precedent on the coast. When the next plea to manipulate a natural estuary arises, will the judge turn down other homeowners who built on compromised sites? I doubt it.

And finally but most importantly, what will the destruction of habitat do to the ecology of the vast system behind Rich Inlet? It is simply wrong for a small group of homeowners to tamper with Rich Inlet. No to destroying Rich Inlet, no to terminal groins, no to

restricting public access to water and beach and no to the State of North Carolina for recently returning to failed coastal management policies.

MR. SUGG: Thank you. One thing: If you have written comments, after you speak if you want to provide those to us for the record as well to make sure so if you have written, you certainly can verbalize it and then you can provide it here if you would like. Thank you. Mike Giles.

MR. GILES: I am going to give mine up.

MR. SUGG: Walker Golder.

MR. GOLDER: My name is Walker Golder, W-a-l-k-e-r, G-o-l-d-e-r. I am Deputy State Director of the National Audubon Society, a North Carolina state office. Thank you for the opportunity to speak here today about this important issue. Rich Inlet is one of the most stable inlets in North Carolina. It has been proven time and time again that the inlet has basically stayed within the same 500 meter area since at least the 1930s. Very few other inlets in the state have ever done that. The orientation of the channel may change over time as it always has, as it always should, but the main location of the inlet has stayed the same.

Six alternatives were proposed here to be considered. The only alternatives that were ever really

considered were the options involving terminal groins. The other alternatives were not objectively considered. Of the alternatives considered, three would have direct negative impacts on natural resources, direct negative impacts on the beach, the environment and direct negative impacts on the inlet system itself including direct negative impacts on federally listed species.

These three alternatives would be extremely disruptive to public trust resources as well. The assessment in the DEIS of state and federally listed species is woefully inadequate. It selectively presents and omits data that should have clearly been available to any public agency, private consultant or anybody. It is out there. It is easy to find.

It leaves out state and federally listed species that occur within the project area; not just one or two, several. It leaves out data on the abundance and seasonality of these species. It does a poor job of presenting the impacts of this project on the species. All of this information is readily available and it leads one to believe that the omission of so much information was deliberate.

Regardless of the intent, the omission of so much information is inexcusable in a DEIS. The purpose of a DEIS is to present and describe the impacts on the

environment as a result of the proposed action. It is pretty clear that that bit of information, positive impacts, negative impacts, presence or absence of species, should have been considered but this DEIS fails miserably at this.

Terminal groins are destructive structures on the coastal environment. They have been shown time and time again to cause more harm than good. There is no difference in this case. Terminal groins will be destructive to the inlet. They will be destructive to public trust resources and will be destructive to federally listed species. They disrupt the barrier island processes and they disrupt the species that depend on these processes. They were banned in 1985 for good reason. They harm our coast.

I do not object to the protection of real estate. I do not object to the Figure Eight homeowners trying everything they can to protect real estate. It is unfortunate that there is erosion on Figure Eight that threatens some of the structures. If I owned a home, I would want to protect it; however, terminal groins are not the way to do it. Terminal groins cause more harm than good. It causes so much harm to the public trust resources and these public trust resources belong to every citizen of this state, not just an island property

owner.

I hope that in the future, you will consider the impacts to natural resources that belong to every citizen of this state and that you will accurately and objectively address the impacts of this project on these resources. This information is clearly available and that should be part of your DEIS process. Thank you for the opportunity.

MR. SUGG: Nia. Did I pronounce that right? Nia or Nina.

MS. MARABLE: Nina.

MR. SUGG: Nina Marable.

MS. MARABLE: Oh, I thought you were not even going to try the last name.

MR. SUGG: Did I get that right?

MS. MARABLE: Yes. Nina, N-i-n-a, Marable, M-a-r-a-b-l-e. I am a native of North Carolina and I currently reside on Sunset Beach not far from Wrightsville Beach where I grew up. I am sure you know that North Carolina is being ridiculed in the press lately for its proposed legislation relative to sea level rise.

If you do not know, basically the proposed legislation would mandate that North Carolina plan for future sea level rise based on data from the past

hundred years; i.e., eight inches thus ignoring scientific warnings that sea level rise will accelerate. The Star-News reports that major science organizations including the National Academy of Sciences agree that sea level rise will accelerate and that North Carolina will be bucking a trend among other states that are planning for an accelerated rise.

The Coastal Resource Commission Science Panel on Coastal Hazards recommends planning based on a thirty-nine inch rise. The legislature wants to say "Uh-uh, it is not going to happen here. We are not even going to think about it; not even going to plan for it. In fact, we are going to pass a law that says it will not happen. We cannot think about it." By analogy, Coastal Sciences have presented overwhelming scientific evidence that terminal groins have a negative impact on adjacent shorelines.

As Doctor Hilderman said, somehow this Environmental Impact Statement under consideration tonight fails to acknowledge this evidence. It also fails to acknowledge other evidence such as that presented by the gentleman from the Audubon Society. "Uh-uh, it will not happen here." I hope that is not the way this ends. I think we need as citizens to insist that a more reasonable Environmental Impact

Statement at the very least be presented.

My friends are already asking if I will leave the state where I was born. They say, "Wait until the late night comics get hold of this issue." We hope the damage to North Carolina's image can be repaired with time relative to the sea level rise. I hope we do not have to repair relative to terminal groins.

MR. SUGG: Mr. Harold Burton.

MR. BURTON: Thank you for the opportunity for being here. Harold Burton, B-u-r-t-o-n. I live at Porters Neck. Porters Neck is a gated community and other surrounding communities of somewhere around a thousand homes. We have what has been advertised for years and years as a deep water boat ramp. The deep water boat ramp is now about eighteen inches deep and it is eighteen inches deep because of the dredging that has taken place in Nixon Channel. It turns out that that boat ramp is right across from Nixon Channel and every time it gets dredged, more dirt comes in and fills it up.

About ten years ago, it was about four foot deep and I could actually launch a boat there. Today I can almost launch a kayak there. That is what has happened so as a part of this project and as a part of the EIS, I think that you should consider dredging our boat ramp so

that we have access to the water because we would like to use it. We have a thousand homes. We are not worth a million dollars but we are worth pretty close to that maybe and we would appreciate your consideration of that. Thank you.

MR. SUGG: Mr. Don Ellson.

MR. ELLSON: My name is Don Ellson, E-l-l-s-o-n. I live in Pender County and I am a member of Pender Watch. The Draft EIS seems to be a carefully prepared document and I assume that the experts on all sides are checking it out as we are hearing this evening. After reading quickly through it, I focused on the final two pages of the final chapter which addressed the question of how does the construction of the terminal groin relate to Senate Bill 110?

The answer outlines four elements of the Figure Eight Homeowners Association's legal obligation to set aside funds to make sure the outcome is properly monitored and the groin is fully removed if it does not work as hoped. I think their response illustrates how unreal this proposal is. I think all four elements are severely flawed.

The first element commits $480,000.00 for shoreline monitoring. The HOA promises to do thirty-three detailed studies of the environmental consequences of

the groin; two each year for the first three years and annually thereafter until the thirtieth year. That is a paltry $14,000.00 for each of the thirty-three studies to follow up on all of the hundreds of environmental concerns raised by the groin project.

Second is maintenance. There is no allocation at all for repair or maintenance no matter what the monitoring studies may find. The groin itself would get no maintenance whatever nor would neighboring Hutaff Island which is in Pender County. They say "Mitigation beach fill for Hutaff Island is not anticipated due to the lack of private property and structures on the island," as if that is all that matters there. So it appears that environmental damage caused by borrowing sand from around Hutaff Island may not be repaired at all.

Third is $1,821,000.00 for beach nourishment on Figure Eight Island. The text of the EIS says that there will be "Periodic nourishment approximately every five years at an estimated cost of $1,821,000.00 for each operation," which would total $10,926,000.00 for six refills over thirty years. I assume this would be going on whether or not they built the groin.

Finally, they propose to hold one million dollars to remove the terminal groin if it does not work. This

seems awfully low. They plan to use 16,000 tons of rock and pulling that out of the ocean cannot be easy or cheap. Also, I am struck that the tax value of the 558 houses and lots on Figure Eight is reported as 1.2 billion dollars. That is an average of 2.1 million dollars per property. Is it reasonable that they would expect to spend only half of the cost of a single average house there to completely dismantle and remove the 1,600 foot stone groin?

The HOA adds up those four numbers and says they will set aside $3,301,000.00 to comply with the law. More than half of that is to pay for just one beach re-nourishment out of six that the HOA would probably be doing anyway. The remaining 1.5 million dollars seems dangerously minimal to me. I certainly hope the state will do its own estimate of what it would really cost to monitor the effects of this project and to take it away when it fails. Thank you.

MR. SUGG: Mr. Jack Spruill.

MR. SPRUILL: Good evening. I am Jack Spruill, S-p-r-u-i-l-l. I live in Hampstead and could I begin with an administrative question for Mickey? You were talking about things that will be posted on the website. Do you plan to post the written comments that are received ss well?

MR. SUGG: Probably not. We will talk about that in house. I am not sure if we would do that.

MR. SPRUILL: Well, would you please consider that?

MR. SUGG: Yes, we will.

MR. SPRUILL: Okay, thank you. I subscribe to the adage that a little honesty is good for the soul and to be very honest, this is a sand mining project. Over the six years that this has been worked on by the Applicant and the Corps, it has had different names and different stated objectives but the ultimate truth is that it is all about sand mining to try to protect some properties which were unfortunately built in a high risk coastal zone.

Regardless of what the models may or may not show, this is going to be done largely by tampering with Rich Inlet and the Lee Hutaff Island complex. Rich Inlet works. Lee Hutaff works because we humans have not messed with them. They have been left alone to function as coastal islands and inlets should be and now we are proposing to muck with them.

It is very hard to predict what the negative impacts will be but there are a lot of stakeholders involved and some of these stakeholders do not even speak with the same language that we speak but those creatures rely on us as humans to consider them and take

care of them as much as we can when we are mucking with their natural environment as this project will.

Even the human stakeholders in this are diverse. Some are not represented in any organization but all need to be sought out and listened to. Even the stakeholders that are represented through organizations, I dare say none of them have the staff that the Corps has or would be able to hire the experts that the Applicant has hired over the last six years to push sand mining to try to take care of those properties.

I understand that the Applicant does not want anymore comments. That is only a natural process on their part but I trust that the Corps admits it is their responsibility under NEPA to seek out the full range of stakeholders and encourage them to participate in this process.

I insist that it is grossly unfair for the Applicant and the Corps to work on this for six years and then give the stakeholders thirty days to try to get our arms around it and comment on it. I respectfully request that the Corps extend the comment period to be ninety days and let's all work together to try to seek out those stakeholders and brief them and get them to provide their input to this process. Thank you very much for listening.

MR. SUGG: Mr. Bill Mansfield.

MR. MANSFIELD: Bill Mansfield, M—a-n-s-f-i-e-l-d. I am a Biologist. I have lived here sixty-five years so far so I have gotten to watch a whole lot of things evolve around here and while I appreciate your model that you showed us the depiction of, do we not have a model of Wrightsville Beach already?

If you look at what has happened on Masonboro Island, we have already had to refurbish Masonboro Island because it did dig out halfway down based upon flow interruption and exacerbation causing that current to come in there and eat the sand out halfway down the island. That is history. We have that.

Also, Masonboro Island used to stretch out a couple of hundred yards north of where it is now and your sand spit that you have depicted over here -- I am telling you, you have got a model right down here. That sand spit is going to be gone. Now, if you plan to re-nourish that, that is fine because what I want you to consider here, which I am sure you have to, is the socio-economic impact from this.

You have got hundreds and hundreds of boaters that go up there and use that spit of sand every weekend. They all buy boats that do not cost two million dollars. I am sorry but they do cost a half a million in some

cases. They cost many hundreds of thousands of dollars. They buy a lot of gas and they support all the businesses around Wrightsville Beach, Topsail Beach and eastern North Carolina.

Where are they going to go if that goes away? They cannot go to Hutaff because it is not deep enough to get in there so unless you look at the socio-economic of this, you could be harming a lot of local businesses for the favor of a bunch of wealthy people that built their houses where they should not have.

MR. SUGG: Ms. Allie Sheffield.

MS. SHEFFIELD: My name is Allie Sheffield. It is A-l-l-i-e, Sheffield. I am the President of Pender Watch and Conservancy, an organization with about 500 members in Pender County that looks after the environment. I am also a resident of Topsail Island and have spent -- I grew up in eastern North Carolina and spent my whole life on the islands that we are talking about.

Topsail. My family had one of the first houses on Topsail. My mother's best friend had one of the first houses on Figure Eight. I spent thousands -- I mean, a countless number of hours in the water, the inlets and the islands that we are talking about and if there is one thing I have learned, it is that you cannot control

what is going to happen to them. They change. I mean, you know, I live on an island.

Before I bought a house on an island, I had to come to terms with that, you know, anything can happen and I am so sorry for the folks on Figure Eight whose houses are threatened. I mean, I really am so sorry about it but it is the risk that you take if you live on an island and to essentially destroy Rich Inlet, to try sort of a pig in a poke effort, to try to save these ten or twelve houses is absurd. It is just absurd.

As the gentleman before me said, Rich Inlet is a thing of -- I mean, I will venture that thousands of people in a year use that inlet. We do. There are always just tons of people. People really do buy boats, they buy food, they go fish there, they socialize there, children learn to swim there. It is a whole social network and it would be tragic to destroy it.

And then there is Lee Hutaff Island which is in our jurisdiction which is in Pender County and it is a treasure and as the gentleman from Audubon said, the species in there are numerous. Certainly, the piped clover is threatened and considering that the U.S. Fish and Wildlife Service bans traffic on beaches up and down the east coast because there are piped clover nests there, I cannot imagine anybody thinking that they are

going to allow Figure Eight Island to construct this edifice in the middle of their nesting territory and just the commotion aside from the destruction to the inlet and to that part of Figure Eight Island. I cannot imagine anybody thinking that is going to happen. I certainly hope that the U.S. Fish and Wildlife Service is looking after those birds. We strongly oppose this for numerous reasons. Those are the primary ones and we plan to file written comments with more detailed discussion. Thank you.

MR. SUGG: Ms. Jessica Dixon.

MS. DIXON: Good evening. My name is Jessica Dixon, D-i-x-o-n. I am a graduate of the United States Naval Academy with a degree in Ocean Engineering. When I found out about this last night, I said, "I am going to use what my major is and I am going to go through and I am going to review this."

Many of you may have seen me walking around. I have those two handsome very active boys. Concentration is not something that is very high in my household. I was sitting there and I was working on it and my four-year-old son came up to me and said, "Well, mom, what are you looking at? What are you trying to figure out?" So I tried to explain to a four-year-old about ecosystems and groins and how sand flows and talking

about what are some of the effects.

Just this last winter, we purchased -- talking about the local economy, we purchased a $70,000.00 boat at a local Marine Max and we purchase fuel and we spend $15.00 at Scotts Hill Marina every time we go and we launch our boat which is about once a week and we go out and we enjoy this area that we are talking about right here.

Last Sunday, we were on that spit of sand and we found two blue crabs and a hermit crab and whether these were females or a male and we were talking about all that stuff and my son was learning how to swim in the shallow water and so I am having this conversation with him about what is going to be happening. What does this groin affect?

He looked at me and said, "So the crabs are not going to have a home anymore?" and he started crying and I am trying to explain to him and he is like "So people's homes are threatened but the crabs are not going to have a home anymore." I did not know what to tell him. I said, "Well, this is why we are coming to this meeting."

You know, our houses are very important to us but we have to understand where we place our homes. I know when we moved to this area, we immediately discounted

any homes on a barrier island because they are islands made of sand. They are islands that are supposed to be fluid. They are islands that change over time and our environment is so important and critical for our fish and our living and I think it would be detrimental for us to put more hardened barriers on our coastline when it is such a fragile place even as you can see by, you know, the pictures and the models. Our models are not perfect. They cannot replicate everything. We have to see what we have and how beautiful our coast is compared to maybe another coast like New Jersey that heavily implemented hardened coastlines.

Yes, their houses are not falling into the water and that is great but what kind of environment is that? What kind of environment are we trying to promote here in North Carolina and keep for those little children like that who are learning to swim and are fascinated by blue crabs and hermit crabs?

So please look very hard into your consideration. This is such a huge project. It is not just about protecting a couple dozen homes. It is about protecting our environment for our kids and our grandkids that want to love it and appreciate it as much as possible. Thank you.

MR. SUGG: Joe Clem.

MR. CLEM: Good evening. I am Joe Clem, C-l-e-m. Thank you very much for having this hearing and the opportunity to talk to you about this project. I am a retired Marine Biologist with NOAA. I live on Futch Creek. I have lived on Futch Creek twenty years and a very frequent user of Rich's Inlet and the beautiful environment we have there.

I have a couple of concerns that I wanted to express. Certainly in the area of the environment, anything that we might do that would impede the tidal exchange is very critical to Futch Creek or Pages Creek or any of these others. Anything that in anyway could reduce the flow through that inlet would have a negative impact on all of our species. Really, tidal flow is the life blood of our biological systems.

There is also an aesthetic concern here too. You know, we just love getting out on the beach where there is no evidence at all of man's impact anywhere. Just playing on the beach in the sand and going through that inlet is just a total delight.

There is also a concern for those of us that do navigate through Rich's Inlet. Anything that might in anyway dilute the flow or in anyway broaden the channel or something, I think we would be very sensitive to and concerned about that. Hundreds and probably thousands

of folks use that inlet. Topsail. You know the problems we have at Topsail. When Topsail sands in, everyone comes to Rich's. A lot of charter boats even come out. They were fishing last Saturday and the charter boats from Topsail ran through Rich's. Lastly, again, we have got to be extremely sensitive to any alteration of this natural historic and functional ocean inlet. This could be a very dangerous experiment. Thank you.

MR. SUGG: Michael Zambrowski.

MR. ZAMBROWSKI: My name is Michael Zambrowski. It is spelled Z-a-m-b-r-o-w-s-k-i. I am a UNCW student and I have grown up in Hampstead all my life and I love Rich's Inlet. I am an avid recreational fisherman and that is the go-to spot to get some fish and my concern with this terminal groin is that it would change the current in the area and disrupt the marine ecosystem. I know that it is very rich. You can go out there and catch four or five different species of fish every time.

Also, another concern that I have is that from my understanding, the North Carolina taxpayers would be paying for this project and I do not know if it is fair for taxpayers to pay for something on a private island where there is really no tourism involved. I could see it if it was on an island where there was tourism but

there is not really anything there besides houses.

I would also be concerned if a large storm such as a hurricane came and hit this area. What would be the impact of this terminal groin area, how that would affect the area, and I want to end by saying that houses can be replaced but the environment cannot. Thank you.

MR. SUGG: I was doing all right until this last name here. Kent...

MR. TOMASELLI: Tomaselli.

MR. SUGG: Tomaselli.

MR. TOMASELLI: I feel like I should be addressing the people and not the panel. I am not sure how -- anyway, my name is Kent Tomaselli, T-o-m-a-s-e-l-l-i. I have a home on the Intracoastal Waterway in Hampstead. I have lived there for fifteen years. The area from Topsail Inlet to Rich's Inlet is my backyard. I know just about every inch of it. I play out there on a daily basis by boat, by land, by air. I am very, very familiar with the area.

I was born and raised on the Jersey shore so I have a long history of experience with terminal groins. That is what I grew up with. They are not pretty. They are ugly and they do not work. I really do not understand the State of North Carolina -- we have a law banning rigid structures -- and how they could possibly consider

a terminal groin at this point under the context or pretext of it being experimental. There is nothing experimental about it. We have been doing it for 200 years in the northeast.

I might have forgotten to mention that I have a degree in Coastal Ecology. That is what I studied at university so I am very familiar with the situation going on there. I am also very saddened at the fact that you are even considering such an absurd idea. The groins do not work.

The stated purpose of the project is to develop a management plan for the central and northern portion of Figure Eight Island. I hope the people at the central to southern portion of Figure Eight Island are paying attention because you are next. If they build a groin from the north end of the island, the south end of the island will be starved for sand.

It is going to cut off the supply of sand to the rest of the island, erosion is going to take place on the southern end and then you will be up here applying for groins down there. That is the process that has happened over and over again for hundreds of years and eventually you will look like the New Jersey shore with a groin every hundred feet. That does not fix the problem.

Even after you have a groin every hundred feet, you still must pump sand continuously for eternity. You must replenish the supply that you are cutting off. This is not experimental. Like I say, we have been doing it for years. It even says in here that, you know, replenishment will be required; approximately one every five years. That is fine unless we have a storm and then you can just add another replenishment with every storm.

Mr. Sugg, I believe, put it very well and I quote: "The least environmentally destructive alternative," so right off the bat, it is being called an environmentally destructive alternative. Think about it. The models are very pretty. We all know. Anybody that has studied this or has a scientific background knows that models are models.

As the gentleman who talked about the models said and I quote: "They are an indication of how the inlet may respond. We cannot predict the future; how it may respond under current conditions." Barrier islands are dynamic environments. They continuously migrate. On the east coast of the United States, barrier islands migrate naturally in a southwesterly direction. That means the northeasterly end of the island erodes and the southwestern side of the island grows on an average.

That is exactly what Figure Eight Island is doing. It is no surprise. It has never been a problem. We have never had an erosion problem on Figure Eight Island until houses were built there and then it became a problem. I do not understand how we can possibly consider the project and I will be heartbroken and I will be watching. Thank you.

MR. SUGG: Is there anybody in the audience that would like to speak?

MR. GILES: Can I recoup my spot?

MR. SUGG: Okay, go ahead.

MR. GILES: I am Mike Giles. I am with the North Carolina Coastal Federation. I gave up my spot so these people could speak. Their passion is eloquent; their knowledge is eloquent. What I hear is they need more time to look at this project. I have been involved in the Figure Eight project development team -- I hate that term and I think we need to change it to project review team -- since 2007.

At first, the intent was about an inlet relocation project. We went through years and years of looking with stakeholders; good dialogue, back and forth discussion. The terminal groin was always mentioned but it was against the law so we did not delve too much into that. When the law passed, we started -- well, the

Applicant and the Corps started delving into the terminal groin modeling. There never was another project development team meeting. There never was interaction between the stakeholders and the state and federal agencies.

The June 22nd cutoff, we noticed in the Public Notice and through one of our organizations, the Southern Environmental Law Center, we requested the extension. Technically, legally, it was a forty-five-day comment period. What I would like to request in hearing from these people is another thirty days at least on the comment period and what I would like to remind everyone of is the state law and the North Carolina Coastal Federation is going to be following this project every bit of the way to be sure it follows the state law.

N.C.G.S. 113A-115-1-E1 requires the Applicant for the permit to submit information to demonstrate that non-structural approaches to erosion control including relocation of threatened structures are impractical. Under state law, no permit for a terminal groin can be issued if non-structural alternatives are practical and will achieve the project's purpose.

The key word, the key definition here -- and this is something you all will have to delve into -- is what

does practical mean and what is impractical and I want you to take those words with heedance because we are going to be looking at whether the determination is practical. Thank you.

MR. SUGG: Anyone else?

UNIDENTIFIED FEMALE: How will we know when there is another meeting?

MR. SUGG: The question was how will we learn about another meeting. At this time, again, we are through the commenting period. As we collect the comments and we go through them and evaluate them, we will prepare a Final EIS and that will be released through a commenting period as well and generally, the way we notify a release to the media is through a Public Notice.

To get a copy or to know about that Public Notice, you have to be on the mailing list. We do go to the papers and we do try to put a press release in the papers. Sometimes they put it in there; sometimes they do not. What I would recommend is to probably check the website. I know that is kind of cumbersome but...

UNIDENTIFIED FEMALE: How about e-mailing you?

MR. SUGG: Or you can e-mail me on when to expect the Final EIS to be released but it is not going to be anytime soon. I can tell you that. Generally, it will take several months. You know, I do not want to be

pinpointed with a time. We just do not know. It will not be, you know, thirty days after the commenting period ends. That is for sure because it will take a lot of time to go through the comments.

And we also have some coordination that we have to do with the Fish and Wildlife Service and the National Marine Fisheries and that adds more time so you are probably looking at many, many more months before we get to the point of releasing a Final EIS. Yes, sir.

UNIDENTIFIED MALE: You need to make it a little easier for us to be informed; the public. Do you have a sign-up sheet over here?

MR. SUGG: If you want to get on our mailing list...

UNIDENTIFIED MALE: I am writing this down.

MR. SUGG: Okay. If you want to get on our mailing list, I think through our website you can sign up to receive the Public Notices but unfortunately, you are going to get every Public Notice that we ever issue and that is for the whole entire North Carolina.

UNIDENTIFIED MALE: You need to make an effort to do that. I work a lot with the South Atlantic Fishery Council and we would have a sheet right over here to sign up. You do not have one.

SECOND UNIDENTIFIED MALE: We can definitely put

you on the Public Notice list. That is not an issue. Mickey was cautioning that you will get all Public Notices and they are electronic by e-mail and you can delete the ones that you are not interested in.

MR. SPRUILL: Why not create a separate directory just for this project? That is not a big problem. Mickey says I am on it so why can these other people not be on it, Mickey?

MR. SUGG: That was for the project delivery team.

MR. SPRUILL: Whatever it is, why can we not have a list for this project?

MR. SUGG: By all means, go to the website.

MR. SPRUILL: No, I am talking about an e-mail list.

MR. SUGG: From our standpoint, first of all, our first concern is making sure that the website is kept up to date and everything that we have is on there and that is accessible. I think the best way, no question, is to get you on the mailing list, the Public Notice mailing list, if that is what you mean.

COLONEL BAKER: All right. We appreciate your attendance.

(Whereupon, the proceedings were concluded at 8:02 P.M.)

STATE OF NORTH CAROLINA)
COUNTY OF NEW HANOVER)

CERTIFICATION

I, PETER BROWNE RUFFIN, III, Notary Public, Court Reporter and President of AURELIA RUFFIN & ASSOCIATES, INC., do hereby certify that the foregoing transcript constitutes a true and correct record of the proceedings held in the above-entitled matter, the same having been taken down by me on the date and at the place set forth in the record and before those persons named therein, and that said proceedings were transcribed by MARY HEIDEN;

FURTHER, that we are not related to any of Counsel; we are not employed by any of Counsel or parties to this proceeding, save and except for the explicit purpose of taking down the proceedings herein and transcribing same; and that we, in no way, are interested in the outcome of said proceeding;

FURTHER, that the original of this transcript will be bound and will be forwarded to MICKEY T. SUGG, Project Manager, Regulatory Field Office, U.S. Army Corps of Engineers, Wilmington District, 69 Darlington Avenue, Wilmington, North Carolina 28403.

This the 19th day of June, 2012.

Notary Public, #19971470080