



**US Army Corps
of Engineers**
Wilmington District

Cape Fear River above Wilmington, NC Disposition Study

- **Administration funding disposition studies with Investigations Remaining Items**
- **Potential transfer of Locks and Dams 1, 2, and 3**
- **Study initiated in FY 2018; Scheduled to conclude in January 2020**



CONGRESSIONAL DISTRICT: NC 7, 9

DATE: 25 March 2019

1. **AUTHORIZATION:** River and Harbor Act of 1910, 1934, 1935, 1965; Section 4 of the Flood Control Act of 1944; Section 216 of the Flood Control Act of 1970.
2. **LOCATION AND DESCRIPTION:** The Cape Fear River Locks and Dams (CFRL&D), located in Bladen County in southeastern North Carolina, consist of three federally built and maintained locks and dams. They are part of the Cape Fear River above Wilmington, NC project. Two of the locks and dams were constructed between 1915 and 1917, while the third was constructed in 1935. The locks and dams were constructed to ensure a navigable channel for commercial barges from Wilmington to Fayetteville. A disposition study would review the completed project and determine if part or all features of a project could be deauthorized and transferred to a non-Federal entity with no project modification.
3. **PURPOSE:** The U.S. Army Corps of Engineers (Corps) defines divestiture as the process of identifying properties which no longer support the missions of the Corps and eliminating these identified properties from the Corps inventory permanently through disposal, transfer, re-purposing or temporarily through outgrant or contribution of funds.
4. **FEDERAL FUNDING FOR FEDERAL DISPOSITION STUDIES:** Disposition studies to be initiated within the divestiture process are streamlined and are expected to be completed within two years at a target cost of \$600,000. Study scope would determine if it is feasible to divest the project to a non-Federal entity or not. The National Environmental Policy Act considerations will also reflect only no action formulation conditions. This study is 100% Federally funded. The Corps initiated the study in April 2018. Preliminary stakeholder meetings have been held to outline the scope and timeline of this disposition study.

PROJECT INFORMATION – Cape Fear River above Wilmington, NC Disposition Study –
Continued

5. **OTHER INFORMATION:** The CFRL&D were constructed to ensure a navigable channel for commercial barges from Wilmington to Fayetteville. In recent years, this commercial traffic has ceased operations. The annual maintenance expenditure on the CFRL&D by the Corps is about \$800,000 annually. With the demise of commercial traffic between Wilmington and Fayetteville, the economic viability of the continued maintenance of the locks and dams for the purpose of commercial navigation is nullified.

The North Carolina General Assembly enacted legislation (HB 2785) in August 2008 to accept the transfer of the three locks and dams once they have been “properly refurbished and rock arch rapids fish ladders have been successfully constructed”. To date, the construction of rock arch rapids was completed in FY 2012 at Lock and Dam No. 1 only using Federal American Recovery and Reinvestment Act and state of North Carolina funds as a mitigation requirement for the Wilmington Harbor 96 Act navigation deepening project. Also, local communities and industry withdraw water from pools behind all three dams, although this is not an authorized project purpose.

The second and third lock and dam structures are each more than 80 years old and as such will require considerable Federal investment to restore the structures to a refurbished state. Lock and Dam No. 1 was rated as a DSAC II structure in 2009 under the Dam Safety Action Code before the 2012 improvements. Lock No. 2 was rated a DSAC II in 2010. A DSAC II rated structure is defined as urgent (unsafe or potentially unsafe). A construction contract to repair the scour hole below Lock and Dam No. 2 was awarded in FY 2017, with construction completion scheduled for October 2018. Lock & Dam No. 3 was rated a DSAC IV in 2009.

6. **Status:** A public meeting was held in May 2018 and the Decision Meeting Milestone was held on 28 June 2018. The decision meeting resulted in a decision to continue with the disposition study. Additionally, a public scoping meeting was held in December 2018 and a stakeholder engagement meeting was held in March 2019, with high level officials of the state of North Carolina and the Corps of Engineers. The goal of this meeting was to discuss the possibility of the state becoming a willing partner to take over the locks and dams if disposition is recommended.

The disposition study is ongoing with the TSP Milestone planned for the end of April 2019 and submittal of the final report in January 2020.