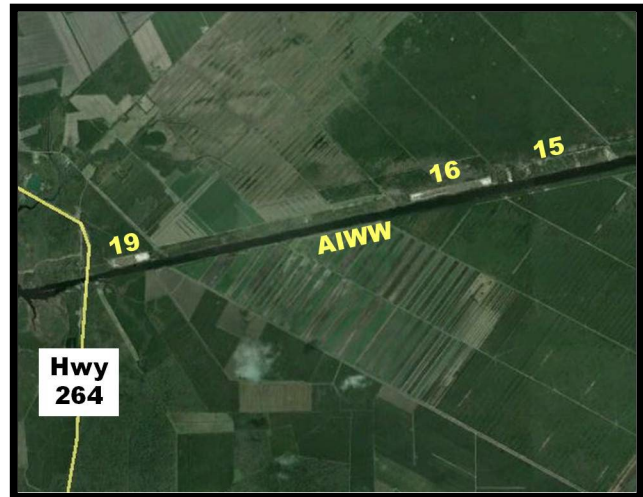




US Army Corps  
of Engineers  
Wilmington District

## AIWW – Hyde County Disposal Facility, NC (Navigation) (O&M)

- **Unconstructed dredged material disposal area (DA-15) located in Hyde County, NC has been encroached on by private development which prevents deposition of dredged material within the high commercial use portion of the AIWW**



CONGRESSIONAL DISTRICT: NC 3

DATE: 01 APRIL 2022

1. **AUTHORIZATION:** River and Harbor Acts of 1912, 1927, and 1937, as amended.
2. **LOCATION AND DESCRIPTION:** The Atlantic Intracoastal Waterway (AIWW) is located on the east coast of the United States, between Norfolk, Virginia and the St. Johns River, Florida. The section within North Carolina begins at the Virginia-North Carolina state line and extends generally southerly and southwestwardly to the North Carolina-South Carolina state line, a total of 308 channel miles. The authorized project consists of a waterway, 12 feet deep, with varying widths of 90 to 300 feet.

The 28-mile stretch of AIWW, extending from the Pungo River north to the Alligator River, is known as the Alligator/Pungo Land Cut. Prior to the construction of the land cut, the property was acquired by the USACE in the 1920s, and perpetual easements, known as the AIWW right of way, were retained when the property was sold in the late 1950s. The easements are necessary to assure that there is sufficient real estate to operate and maintain the AIWW both now and in the future. The easements also allow USACE to construct upland diked areas for dredged material disposal.

3. **ISSUES AND OTHER INFORMATION:** USACE has a need to dispose of material dredged from the Alligator/Pungo Land Cut portion of the AIWW into disposal area (DA) 15. DA-15 is an unconstructed environmentally permitted 65-acre site located approximately 4.5 miles east of the Walter B. Jones Bridge (Hwy 264). Unfortunately, lots 1-25 of the Waterway Landing subdivision currently interfere with USACE's rights to use DA-15. Although the USACE has recorded these easements on file in the Hyde County Registrar of Deeds and has made other efforts to inform property owners of USACE's interest in the property, lot owners have constructed various structures

PROJECT INFORMATION - AIWW – Hyde County Disposal Facility, NC (Navigation) (O&M)–  
Continued

within the easement area needed for disposal. Construction and use of DA-15 would require removal of these existing structures.

Currently, there are two active disposal areas (DA) along the Alligator/Pungo Land Cut, DA-19 and DA-16. The future use of DA-15 along with DA-16 and 19 allows USACE to cycle the dredged material between the disposal areas in the most efficient manner. In addition to DA-15, there are two unconstructed suitable upland sites available for disposal area construction; DA-18 and DA-17, but they are not the most cost efficient and most practicable locations, consistent with sound engineering and environmental requirements. Hydrographic surveys of the channel show that maintenance dredging is needed east of the DA-15 site.

In order to most efficiently dredge the shoaled section of the Alligator/Pungo Land Cut, USACE needs to construct DA-15, to provide the least cost disposal location for the dredged material east of Waterway Landing and provide for future dredge material management options. It is the easternmost site within the Alligator/Pungo Land Cut suitable for upland disposal of dredged material with all necessary environmental assessments and permits.

4. **CURRENT STANDING:** Since 2003, USACE has advised the Waterway Landing Homeowners Association and Hyde County of its concerns and has agreed to review any proposals to the USACE to exchange these easement rights for similar interest on nearby lands that would be suitable for disposal of dredged material. To date, there has been no suitable land trades proposed. Some of the proposed sites were found to be wetlands. The current controlling depth through the Alligator/Pungo Land Cut is approximately 8 feet within the 12-foot authorized channel. Beginning in 2015, towing companies and the NC State Ports Authority significantly increased the amount of barge traffic from Morehead City, NC to NUCOR Steel in Hertford, NC. The land cut makes up one third of the route between these two destinations. The USACE last met with the State of North Carolina on July 25, 2019, concerning the issue with DA-15 to discuss potential alternative lands for placement of a new site. During the meeting, it was acknowledged that the USACE rights-of-way through the Buckridge Reserve, a State-owned conservation area, could be evaluated for a potential placement site, however, it could not serve as a potential land transfer location, since USACE already possessed the easement. USACE met with State Senator Bob Steinburg's Office several times in August / September 2020 to resolve the encroachment issue with the local homeowners. In the last meeting, Mr. Steinburg contacted U.S. Senator Thom Tillis' (NC) Office to request assistance from the White House to have the easement released to the homeowners using an Executive Order. Senator Tillis' staff requested an interpretation from USACE whether any of the Executive Orders could potentially be utilized for the easement release. A response was provided on October 9, 2020, effectively stating none of the Executive Orders were applicable for releasing the easement. In January 2021, Mr. Steinburg's office reached out interested in coordinating a follow up meeting. As of January 2022, discussions continue with the State and the homeowners regarding alternative placement sites, however, to date no viable site has been determined.