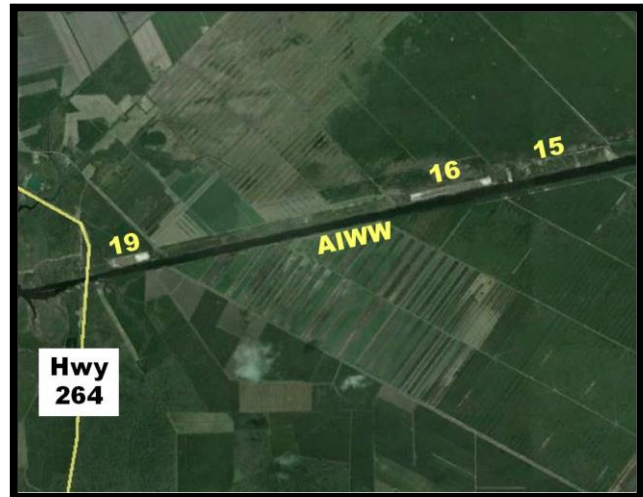




US Army Corps
of Engineers
Wilmington District

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: 10 MARCH 2023

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 allow USACE to construct diked upland areas for dredged material placement.

3. **ISSUES AND STATUS:** USACE needs to place 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 to 25 of the Waterway Landing subdivision currently interfere with the USACE's right to use DA-15. Although USACE has recorded easements on file in the Hyde County Registrar of Deeds and has made other efforts to inform property owners of USACE's easements on the property, lot owners have constructed various structures within the easement

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

area needed for dredged material placement. 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 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.

The current controlling depth through the Alligator/Pungo Land Cut is approximately 8 feet within the 12-foot authorized channel and maintenance dredging is needed east of the DA-15 site as NUCOR Steel uses the waterway from the Port of Morehead City, NC to Hertford, NC. USACE needs to construct DA-15 to provide the least cost placement location for the dredged material east of Waterway Landing and provide for future dredged material management options. It is the easternmost site within the Alligator/Pungo Land Cut suitable for upland placement of dredged material and has all necessary environmental assessments and permits.

4. **OTHER INFORMATION:** Since 2003, USACE has advised the Waterway Landing Homeowners Association and Hyde County of its concerns and has agreed to review any proposals to exchange these easement rights for similar interest on nearby lands that would be suitable for placement of dredged material. USACE met with State Senator Bob Steinburg's Office several times in 2020 in attempts to resolve the encroachment issue with the local homeowners. 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 dated October 9, 2020, effectively stated none of the Executive Orders were applicable to release the easements. Discussions continue with the state and the homeowners regarding alternative placement sites, however, to date no viable site has been determined.