



US Army Corps
Of Engineers

PUBLIC NOTICE

Wilmington District

Issue Date: February 8, 2017

Comment Deadline: March 9, 2017

Corps Action ID #: SAW-2012-00040

On November 19, 2014, the Wilmington District, Corps of Engineers (Corps) issued a permit to the Village of Bald Head Island for the construction of a terminal groin along with dredging, groin fillet maintenance and beach nourishment. On January 5, 2017, the Wilmington District, Corps of Engineers, received a request from the Village of Bald Head Island to dredge Frying Pan Shoals and discharge the dredged material along the shoreline of Bald Head Island, including West Beach and South Beach, for groin fillet maintenance and beach nourishment.

Specific plans and location information are described below and shown on the attached plans and application. This Public Notice, the application and all attached plans are also available on the Wilmington District Web Site at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/MajorProjects>

Applicant: Village of Bald Head Island
Mr. Chris McCall, Village Manager
Post Office Box 3009
Bald Head Island, North Carolina 28461-7000

AGENT (if applicable): Christian Preziosi
Land Management Group, Inc.
3805 Wrightsville Avenue, Suite 15 Wilmington,
North Carolina 28403

Authority

The Corps will evaluate this request and decide whether to issue, conditionally issue or deny the proposed work pursuant to applicable procedures under Section 10 of the River and Harbors Act and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

Bald Head Island is located in Brunswick County, North Carolina at approximately 33.85°N, 77.9889°W. It is roughly 25 miles south of the City of Wilmington and 32 miles east of the South Carolina state line. It is the southernmost of the coastal barrier islands that form the Smith Island complex at the mouth of the Cape Fear River. The southeastern tip of the island is Cape Fear (also referred to as Cape Fear Point) from which Frying Pan Shoals extends seaward 30 miles to the southeast.

The island's east and south shorelines, "East Beach" and "South Beach, front the Atlantic shoreline. The west shoreline, or "West Beach," fronts the Cape Fear River. A depositional spit feature known as the "Point" is near where the terminal groin was constructed and lies at the juncture of West Beach and South Beach. The north side of the island is bounded by the Bald Head Creek estuary, Middle Island and Bluff Island. The Cape Fear River separates Bald Head Island from Oak Island and Caswell Beach. See Figures 1 and 2 for a maps of Bald Head Island and Frying Pan Shoals.

Background Information

An Environmental Impact Statement was prepared for the completed terminal groin construction project in accordance with 40 CFR Parts 1500-1508. A Draft EIS was published in Federal Register on January 10, 2014 and a public hearing was held on March 4, 2014. A Final EIS was published in the Federal Register on August 1, 2014. The Record of Decision was signed on November 7, 2014 and the Corps issued the permit on November 19, 2014.

The permit authorized the construction of a 1,900 linear foot terminal groin concurrent with, and following a federal beach disposal operation on Bald Head Island. The structure would be constructed in two phases, in which only the first phase has been completed. Federal beach disposal activities on South Beach typically proceed from west to east. Historically, the western most limit of direct federal beach disposal in proximity to the channel (by design specification) has been approximately South Beach baseline station 44+00.

As required by current North Carolina General Statute, construction of the terminal groin required the construction of a beach fillet up-drift and east of the constructed terminal groin structure. The beach fillet was constructed with material placed from the federal navigation channel maintenance and beach disposal project. This permit also authorizes dredging for fillet maintenance and beach nourishment. The permittee has identified the following sand sources for nourishment and fillet maintenance: (1) Wilmington Harbor Channel; (2) Jay Bird Shoals; (3) Bald Head Creek Shoal; and (4) Frying Pan Shoals.

Jay Bird Shoals was identified as the applicant's preferred primary sand source for fillet maintenance and nourishment events and the permit authorized dredging of Jay Bird Shoals in cases where the applicant could demonstrate that dredging the federal channel was not practicable. However, the applicant now wishes to use Frying Pan Shoals as the preferred primary sand source for maintenance and nourishment events. The EIS described and evaluated impacts associated with dredging Frying Pan Shoals, but the DA permit did not authorize the dredging of Frying Pan Shoals because Essential Fish Habitat (EFH) consultation and National Historic Preservation Act (NHPA) consultation was not complete.

Existing Site Conditions

The project area's discharge site is located along Bald Head Island's West Beach and South Beach. Bald Head Island is a 3 mile long, south-facing barrier island located immediately eastward of the mouth of the Cape Fear River. West Beach and South Beach are composed primarily of sandy wet and dry beach, vegetated dune systems and un-vegetated subtidal and intertidal marine and estuarine bottoms. Over recent years, the Village of Bald Head Island has received permits for dredging in Jay Bird Shoals and Bald Head Creek Shoals to obtain material to nourish and stabilize South Beach and West

Beach. Also, the Wilmington District Corps of Engineers has placed material along the South Beach shoreline during the Cape Fear River channel deepening/widening project and channel maintenance projects. The Village of Bald Head Island was authorized to construct a temporary sand-filled tube groin field along the westernmost portion of South Beach in March 1996, immediately following completion of a dredge disposal project constructed by the Wilmington District. Sixteen sand-filled tube groins were constructed of geotextile material and filled with sand. These temporary groins were replaced by the applicant in 2005 and in 2009. The applicant constructed a terminal groin in 2015 and left most of the tube groins in place under the groin beach fillet.

The proposed dredge site in the project area is located within Frying Pan Shoals. Frying Pan Shoals is a submerged extension of a large-scale cusped foreland (i.e. accretional feature formed by processes of longshore drift and prevailing wind and wave conditions). Frying Pan Shoals extend over thirty miles offshore from the eastern end of Bald Head Island and is composed primarily of marine soft bottom habitat. There is no record that dredging has occurred within the feature.

Applicant's Stated Purpose

The project purpose is to provide a current and future source of beach compatible sand to address documented sand losses between federal disposal events and to ensure adequate beach widths along South Beach and West Beach. The proposed Village sponsored nourishment is intended to maintain beach resources while concurrently protecting adjacent residential homes, businesses and infrastructure from the effects erosion.

Project Description

The applicant proposes to dredge a portion of Frying Pan Shoals to place the dredged material along West Beach and South Beach of Bald Head Island for groin fillet maintenance and beach nourishment.

The applicant has identified an approximate 460-acre sand source site for the acquisition of beach-compatible material suitable for placement along the South and West Beach shorelines to plan for and address expected sediment deficits over the next several decades. The volume of sand placed for the project should be sufficient to both address expected sediment losses between federal disposal events, as well as ensure improved beach widths along the entirety of the South Beach shorefront. The proposed borrow source is located on the western portion of the Frying Pan Shoals formation, approximately 1 mile off the southeast shoreline of Bald Head Island. Sediment identified within the Frying Pan Shoals borrow site will be excavated by cutter suction dredge and pumped by submerged pipeline to the South Beach shoreline. With a sand volume to -20 feet NAVD88, the identified borrow site could yield up to 5.2 million cubic yards (mcy). With an elevation of -25 feet NAVD88, the sand volume is estimated to be approximately 8.5 mcy. Within the borrow area there is a 9.73 acre exclusion zone intended to avoid impact to potential historic properties/cultural resources.

The South Beach construction berm will maintain an approximate average elevation of +8 ft. NGVD, which is consistent with prior beach disposal berms constructed by the Wilmington District USACOE since 2001. If dune erosion or benching is evident at the time of construction, up to 5 cy of sand per ft. of shorefront would be mechanically moved and graded to repair the dune line. Any revegetation necessary for dune stabilization would be performed by the Village under separate contract subsequent to fill placement completion by the dredge contractor. Post-construction beach tilling will be performed based upon consultation with resource agencies after each future fill event.

The applicant proposes to use a 27"- 30" cutter suction dredge (Ocean Certified) to excavate material from the proposed dredge site. The applicant proposes to excavate a fairway between the -20 feet contour and the westernmost boundary of the borrow site to provide draft for the dredge plant. Any beach compatible material removed from a fairway (if constructed) would be placed within the shorefront beach fill site. The effective width of the fairway would not exceed 400 feet and the affected area would be approximately 22.5 acres.

The applicant proposes to coordinate with all State and Federal regulatory agencies prior to the initiation of each excavation within the overall permitted area. The applicant proposes to conduct physical monitoring of the dredged borrow site immediately after construction, annually for three (3) years and biennially thereafter. The footprint of each monitoring survey would include the entire permitted site as well as the area of excavation within and any changes in morphology to the Frying Pan Shoals formation

will be evaluated. The results of the monitoring will be incorporated into the Village's existing Shoreline Monitoring Program and reported annually. The frequency of physical monitoring surveys will be re-initiated after each dredging event.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant states that the selection of the proposed borrow site capitalized on the findings of hydrographic surveys, geotechnical investigations, and two phases of cultural resource investigation. Of specific interest in the development of the borrow site were the following characteristics:

- (1) accessibility to Bald Head Island;
- (2) documented strata of beach compatible sediment suitable for meeting both State Standards and post-placement performance criteria acceptable to the Engineer and the project Sponsor;
- (3) desirable constructability characteristics for purposes of sand excavation and beach fill construction by an ocean-certified cutter suction dredge;
- (4) avoidance of cultural resources necessary for operational feasibility; and
- (5) siting the borrow area in a known dynamic depositional area for purposes of ensuring rapid substrate recovery.

The applicant also states that the project will incorporate the following protection measures identified by the South Atlantic Fisheries Management Council (SAFMC) specific for dredge and fill projects in areas designated as Habitat Areas of Particular Concern (HAPC). These include the following:

- (1) Impact assessment document (description of direct, indirect, and cumulative impacts; baseline information; alternatives analysis; construction monitoring; post-construction monitoring plan);
- (2) Fill material should match that of the recipient beach as closely as possible;
- (3) Dredging would be located in areas characterized by strong currents and sand movement to promote more rapid infilling rates (and thus reducing the duration of impacts to benthic habitats); and
- (4) Dredging should be performed in a manner intended to minimize impacts to wave energy and currents, "thus reducing the likelihood of infilling with finegrained sediments".

In addition to the SAFMC protection measures, the applicant proposes to incorporate the following design elements to help reduce or avoid impacts to natural resources:

- (1) The site is a dynamic shoal feature;

- (2) The position of borrow site on the western flank would represent a sediment sink;
- (3) The combination of size and position of sand source site results in least impacts to shoal integrity;
- (4) Dredging would occur during winter months (reduced biological activity);
- (5) Un-dredged areas will not be disturbed to promote more rapid recolonization of benthos;
- (6) The project will avoid hard-bottom habitat;
- (7) The project will avoid Primary Nursery Area (PNA) impacts;
- (8) The project will avoid inlet and associated shoals for large-scale sand volume needs;
- (9) The project will utilize a hydraulic cutter suction dredge to avoid and minimize physical entrainment of species located near the dredge operation);
- (10) The project will include post-project physical monitoring of borrow site (i.e. assessment of physical recovery); and
- (11) Any revegetation necessary for dune stabilization at the nourishment site would be performed by the Village under separate contract subsequent to fill placement completion by the dredge contractor.

All efforts to avoid and minimize effects on aquatic resources will be evaluated during the permit process.

Compensatory Mitigation

The applicant did not propose a compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment. The project will have no direct or indirect effects on wetlands or other special aquatic sites.

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 adversely affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. An EFH assessment for this project is currently in preparation and we will initiate EFH consultation with the National Marine Fisheries Service upon completion of the EFH assessment. No DA permit will be issued for this project until all requirements under the Magnuson-Stevens Fisheries Conservation and Management Act have been met.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) 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 applicant has completed a Remote-Sensing Reconnaissance Survey to identify potential historic properties. The applicant has identified a 9.73 acre area that will be avoided in order to avoid impacts to the potential resources and to avoid further archeological investigations and potential impacts. The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, 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. No DA permit will be issued until all requirements for coordination with the SHPO have been met and the provisions of Section 106 of the NHPA have been satisfied.

Endangered Species

The Corps has 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 has determined pursuant to the Endangered Species Act of 1973 (ESA), that the proposed project may affect, but is not likely to adversely affect several federally listed endangered or threatened species or their formally designated critical habitat. Upon completion of a Biological Assessment, the Corps will initiate consultation with the United States Fish and Wildlife Service in accordance with Section 7 of the ESA, under separate letter. No permit will be issued until all requirements of the ESA have been met. Consultation with National Marine Fisheries Service (NMFS) is complete as West Beach, South Beach and Frying Pan Shoals are within the action area evaluated by the NMFS during the permit process for the terminal groin project. Therefore, additional consultation with NMFS will not be required.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Resources (NCDWR) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Resources central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWR Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWR Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Resources (NCDWR), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Karen Higgins by **March 9, 2017**.

The applicant did not provide to the Corps, a certification statement that his/her proposed activity complies with and will 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 permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the

applicant's consistency certification. The applicant is seeking a Coastal Area Management Act permit form the North Carolina Division of Coastal Management.

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.

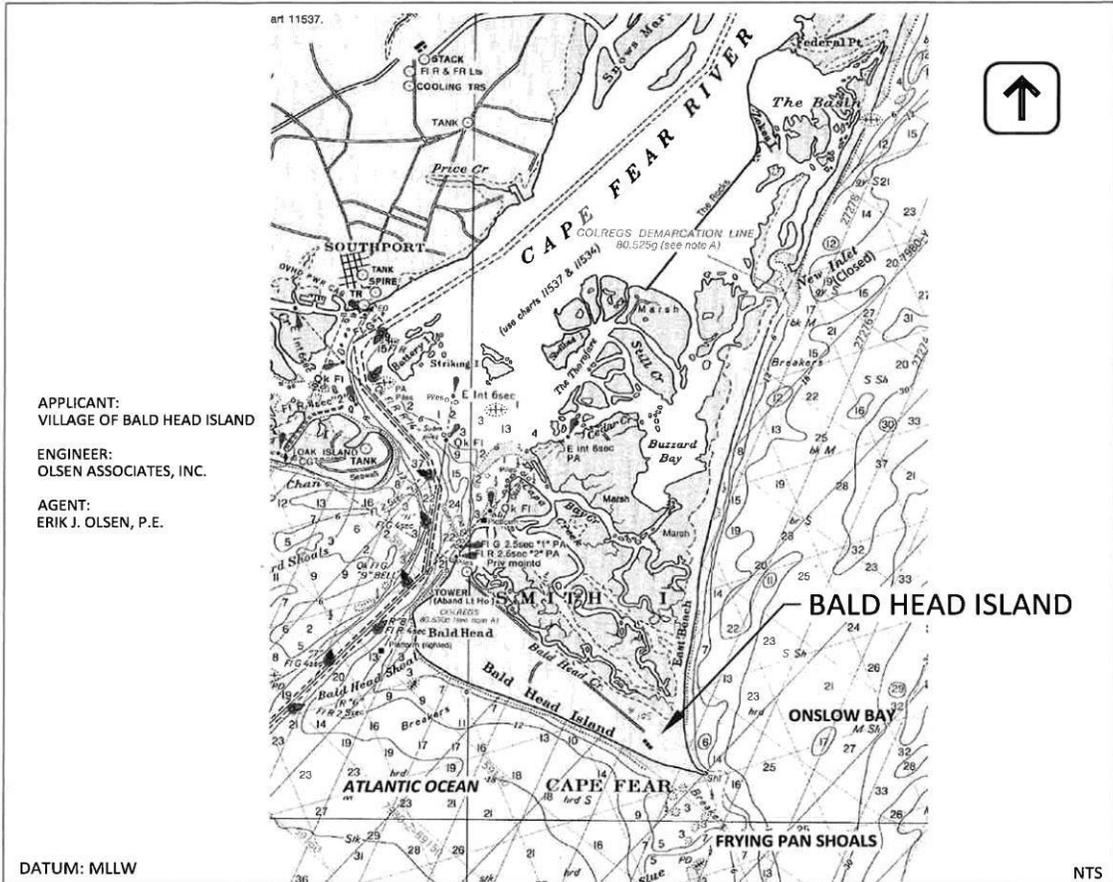
The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, **March 9, 2017**. Comments should be

submitted to Comments should be submitted to Mr. Ronnie Smith, Wilmington Regulatory Division Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 or Ronnie.d.smith@usace.army.mil.

Distribution:

64	Adjacent Property Owners
15	Mr. Doug Huggett, North Carolina Division of Coastal Management
1	Bald Head Island Post Office, 104 Lighthouse Wynd, Bald Head Island, North Carolina 28461
1	Postmaster, Brunswick County, North Carolina 28445
1	Postmaster, New Hanover County North Carolina 28540
1	Honorable David Rouser, 1605 Longworth House Office Building, Washington, DC 20515
1	Dr. Ken Riley, National Marine Fisheries Service
1	Mr. Tony Able, Chief, Wetlands Regulatory Section
1	Mr. Pete Benjamin, U.S. Fish and Wildlife Service
1	Mr. Roy Crabtree, Nation Marine Fisheries Service
1	Mr. John Barbour, NC State Property Office, 1320 Mail Service Center, Raleigh, North Carolina, 27699-1321
1	Ms. Renee Gledhill-Early, NC State Historic Preservation Office, 4617 Mail Service Center, Raleigh, NC 27601
89	TOTAL

Figure 1.



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VILLAGE OF BALD HEAD ISLAND
FRYING PAN SHOALS BORROW SITE AND
BEACH RENOURISHMENT

PROJECT LOCATION

DATE	APPROVED	REVISION
		12/5/2016
DRAWN BY: ML		
SHEET 1 of 9		

Figure 2.

