



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: August 19, 2019

Comment Deadline: September 19, 2019

Corps Action ID Number: SAW-2007-03344-16

The Wilmington District, Corps of Engineers (Corps) received an application from the U.S. Coast Guard (USCG) Station Emerald Isle seeking Department of the Army (DA) authorization to perform maintenance dredging from 10,000 cubic yards to 80,000 cubic yards (pending on shoaling amounts) within navigable waters pursuant to Section 10 of the Rivers and Harbors Act with the potential of disposing the material in waters subject to both Section 10 and Section 404 of the Clean Water Act. The proposal allows for maintenance dredging to be repeated as necessary over the next ten years within the Coast Guard Channel/Bogue Inlet Channel and the Atlantic Intracoastal Waterway (AIWW), near Emerald Isle, Carteret County, North Carolina.

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

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/>

Applicant: U.S. Coast Guard
Attn: Mr. Gerard S. Placzek
Technical Director
USCG CEU Cleveland
1240 East Ninth Street
Cleveland Ohio 44199-2060

AGENT (if applicable): US Army Corps of Engineers
Attn: Ms. Keleigh Cox, Biologist

69 Darlington Avenue
Wilmington NC 28403-1343

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344)

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972
(33 U.S.C. 1413)

Location

Location Description: The project site is located at 34.659°, -77.097°, within the Bogue Inlet Complex and Coast Guard Channel, off Channel Drive and Bogue Court, at Coast Guard Station Emerald Isle, northwest end of Emerald Isle, Carteret County, North Carolina.

Project Area (acres): 100 Nearest Town: Emerald Isle
Nearest Waterway: Coast Guard Channel, Bogue Inlet, and AIWW River
Basin: 03020301 Bogue Banks-Bogue Sound
Latitude and Longitude: 34.659°, -77.097°

Existing Site Conditions

The 100-acre project site begins in Coast Guard Station facility and moves northward where it fans out toward Bogue Inlet Channel and the Atlantic Intracoastal Waterway (AIWW). In August of 2008, the Corps issued a 10-year permit to allow maintenance dredging of unconsolidated shoals from the connecting channel from Coast Guard Channel and the Bogue Inlet/AIWW. The permit expired in 2018, and the USCG is requesting a permit for the same scope of work as the 2008 Corps Permit.

The USCG Station Emerald Isle, established in 1790, covers approximately 50 nautical miles of the Atlantic Intracoastal Waterway from Bogue Inlet to Surf City and 30 nautical miles offshore. The Station consists of a basin and access channel (known as Coast Guard Channel) to accommodate different sized vessels. Sediment testing conducted in May 2007 revealed that shoaled material in the access channel and basin is composed of sand containing less than 10 percent fine-grained sediments (90% sand). "Fine-grained" is defined as being less than 0.0625 mm in size. Therefore, the material will likely be acceptable for beach and nearshore placement. The channel and basin are not fixed, but follow naturally occurring deep water. The access channel extends approximately 4,000 to 5,000 feet to the north of the basin, connecting to the existing federal navigation channel between Bogue Inlet and the AIWW. Bathymetric surveys of USCG Station Emerald Isle basin and access channel were last completed on June 12, 2019, to capture the shoaling conditions of the USCG basin and access channel and the federal navigation channel connecting Bogue Inlet to the AIWW.

Applicant's Stated Purpose

The U.S. Coast Guard (USCG) Station Emerald Isle requires maintenance dredging of the basin and access channel to allow for their offshore search and rescue vessel to navigate in and out of the channel safely. Past shoaling conditions have resulted in the channel not

being navigable and the USCG having to utilize a boat ramp in Cedar Point to conduct operations. The maintained basin and channel will allow the USCG to provide the best possible and timely response coastal homeland security and law enforcement for their region.

Project Description

The applicant's proposed action involves the removal of unconsolidated shoals from the connecting channel from Coast Guard Channel and the Bogue Inlet/AIWW. The amount of material to be dredge is contingent on the amount present in the shoals at the time of dredging, but is not expected to exceed 80,000 cubic yards per event. Planned dredging operations would not change from previous maintenance events authorized under the August 2008 DA permit. Proposed dredging depth of the channel and basin remains at -6 Mean Lower Low Water (MLLW) with 2 feet of allowable overdepth and the channel and basin width would not exceed 90 feet. Several alternative methods of dredging and disposal are proposed for accomplishing the work. For dredging, methods include hydraulic pipeline dredge, mechanical (clamshell) dredge, government owned sidecast dredge (Merritt or Fry), and government-owned special purpose, hopper-type, dredge (Currituck). The dredging type is dependent on availability, conditions, and cost. It is the USCG's intention to coincide the dredging work with contracts overseen by the U.S. Army Corps of Engineers, Wilmington District, when maintenance dredging is being conducted in nearby Federally maintained channels.

The disposal of dredge material is contingent on the dredging method used each time and the composition of the material being removed. For any occurrence with unsuitable sediment, it will be pumped to a confined upland disposal facility. All beach compatible material will be placed along the oceanfront shoreline approximately 1/4 miles from the shoulder of Bogue Inlet on the west end of Emerald Isle or in the designated near-shore area. This beach placement operation will likely occur with the use of hydraulic cutterhead pipeline dredge. With the use of the sidecast dredge, material will be extracted with a dragline and pumped 100 feet to either side of the dredge.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Based on the size of their vessels, the applicant is proposing the minimal amount of dredging necessary for the USCG to utilize the basin and access channel for the successful conduct of its mission. Additionally, all beach compatible material will be disposed along the oceanfront in order to keep the material within the littoral system. For sidecast dredging, all material will be disposed in a manner to avoid impacts to intertidal salt marsh, shellfish, and submerged aquatic vegetation areas. Maintenance events are proposed to coincide with adjacent Corps dredging projects in the AIWW. As was the case with the previous permit, with the exception of necessary emergency sidecast dredging, the moratorium from April 1 through November 15 will be in place. Sidecast dredging within the moratorium will only

be conducted during emergency conditions and is expected to be conducted when only minimal amounts of material are needed to be removed.

Compensatory Mitigation

No compensatory mitigation is being proposed by the applicant.

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. It should be noted that during the prior permitting process, Consultation was initiated via our November 1, 2007 Public Notice and the submittal of the USCG EA in September/October 2007. In a May 14, 2008 e-mail, the NMFS expressed concerns that the project would substantially and adversely affect EFH and Federally managed fishery species. In order for their office to concur with issuance of a permit, the NMFS asked that their EFH Conservation Recommendation be implemented. This recommendation states that the NMFS be provided with an analysis of the material to be dredged and a description of the disposal method prior to any dredging event. Our office agreed to this in a May 22, 2008 e-mail to NMFS that the authorization would be conditioned accordingly.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act 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 District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, 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. It should be noted that Section 106 consultation for the original August 2008 DA authorization resulting in a No Effect determination.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps 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 determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- ☒ The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
- ☒ The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. It should be noted that Section 7 consultation for the original August 2008 DA authorization occurred for the original permit. Previously, the USFWS stated that the proposed activity will not have significant adverse and /or irreversible effects on fish and wildlife and will not likely to adversely affect any Federally threatened or endangered species, or designated habitat for such species provided the following is adhered to: 1) incorporate a dredging window of November 16 to April 30 of any year and 2) implement the Service's manatee guidelines entitled "Precautions for General Construction in Areas Which May Be Used by the West Indian

Manatee in North Carolina." Since 2008 authorization, no new species or critical habitat has been federally listed or being proposed for listing that is present within the project's action area.

☐ The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☐ The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☒ The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS. In a May 14, 2008 (which includes a May 14, 2008 letter attachment) from NMFS, their office determined that the proposal would substantially and adversely affect EFH and Federally managed fishery species and enclosed an EFH Conservation Recommendation for the project. The recommendation states that prior to each dredging event, NMFS shall be provided with a geological characterization of the material that will be dredged and a description of the disposal options under consideration for that dredging event. It further states that based on this information, NMFS may issue event-specific EFH conservation recommendations to protect larval and juvenile fish and shrimp that may be migrating through the area.

☐ The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a

401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by 8/30/2019 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- ☒ The application included a certification that the proposed work complies with and would 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 Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.
- ☐ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

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 will 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, August 30, 2019. Comments should be submitted to Jordan Jessop, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 or Jordan.e.jessop@usace.army.mil. Questions may be directed to him , at (910) 251-4810.



Figure 1. USCG Emerald Isle Project Location Map

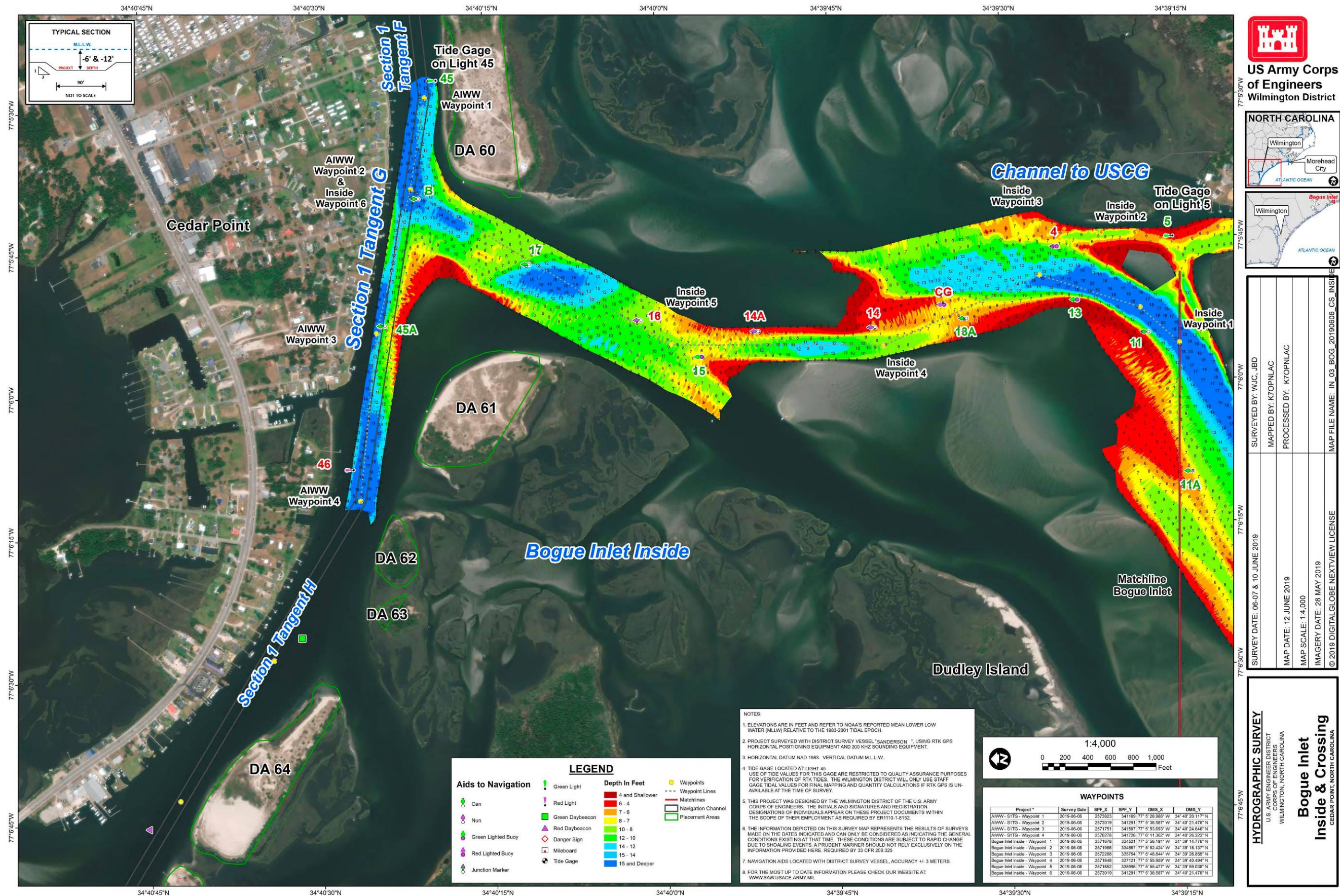


Figure 2. Current Depth Conditions in the USCG Emerald Isle Access Channel