



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 20, 2017
Comment Deadline: December 20, 2017
Corps Action ID Number: 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. The Wilmington District, Corps of Engineers, received a modification request from the Village of Bald Head Island to dredge Jay Bird Shoals and discharge the dredged material along the shoreline of Bald Head Island, up-drift of and east of the terminal groin for groin fillet maintenance and beach nourishment.

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:

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

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 Prezisosi
Land Management Group, Inc.
3805 Wrightsville Avenue, Suite 15
Wilmington, North Carolina 28403

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: Bald Head Island is located in Brunswick County, North Carolina. 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.

Nearest Town: Bald Head Island

Nearest Waterway: Atlantic Ocean and Cape Fear River

River Basin: Cape Fear

Latitude and Longitude: 33.85 N, -77.9889W

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.

A copy of the Final EIS can be found at the following link:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Major-Projects/>

Existing Site Conditions

The island's southern 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.

The project area's discharge site is located along the western side of the southern shoreline (South Beach) of Bald Head Island. Bald Head Island is a 3 mile long, south-facing barrier island located immediately eastward of the mouth of the Cape Fear River. South Beach is 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 a permit for dredging in Jay Bird Shoals to obtain material to nourish and stabilize South 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 Jay Bird Shoals. Jay Bird Shoals is an accretional feature formed by processes of longshore drift and prevailing wind and wave conditions. Jay Bird Shoals is composed primarily of marine soft bottom habitat.

Applicant's Stated Purpose

The purpose of project is to address erosion at the western end of South Beach and to thereby protect public infrastructure, roads, homes, businesses and rental properties, golf course, beaches, recreational assets, and protective dunes.

Project Description

The applicant proposes to dredge a portion of Jay Bird Shoals to place the dredged material along the western end of South Beach of Bald Head Island for groin fillet maintenance and beach nourishment. The disposal area would extend from the terminal groin to Station # 134+00, which located about 9,000 feet east of the terminal groin.

The applicant has identified an approximate 226-acre sand source site for the acquisition of beach-compatible material suitable for placement along the South Beach shoreline

to address sand losses located in the terminal groin fillet, which is located up-drift of and east of the terminal groin. The applicant proposes to dredge approximately 1 million cubic yards of material from Jay Bird Shoals to address sediment losses, as well as ensure improved beach widths along this portion of South Beach. Sediment identified within the Jay Bird Shoals borrow site will be excavated by cutter suction dredge and pumped by submerged pipeline, across the federal navigation channel, to the South Beach shoreline. The applicant proposes to dredge to a depth of -24 feet NGVD. Within the borrow area there are exclusion zones intended to avoid impacts to historic properties and a tide gauge. A copy of the Jay Bird Shoals Borrow Site Re-evaluation report is posted with this public notice at the following link:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

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 USACE since 2001. Post-construction beach tilling will be performed based upon consultation with resource agencies after each future fill event.

Avoidance and Minimization

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

- Beach compatible sand would be used in the disposal area to minimize impacts to the aquatic ecosystem.
- A hopper dredge would not be used during dredging operations to minimize impacts to aquatic life and aquatic ecosystems.
- Previously dredged borrow areas are being proposed to be used to minimize impacts to the aquatic ecosystem.
- The location of dredging activities were designed and/or reconfigured to avoid impacts to cultural resources subject to the Nation Historic Preservation Act (NHPA).

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

Essential Fish Habitat consultation has been completed for this project pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

The applicant completed an EFH assessment for this project in January 2014. The Corps determined that the proposed project would adversely affect EFH due largely to the temporary suspension of sediments in the water column at the excavation and

nourishment site. In a letter dated June 9, 2014, NMFS stated that the expected activity is expected to adversely impact EFH. NMFS offered an EFH Conservation Recommendation, which is as follows: The permit authorizing the terminal groin and beach nourishment shall not include Frying Pan Shoals. Use of Frying Pan Shoals may be included in the Final EIS provided there is a commitment in the Final EIS to reinitiate EFH consultation with NMFS should the Village actually pursue mining sand from this Habitat Area of Particular Concern (HAPC). The EFH Conservation Recommendation were made a condition of the Corps authorization for this project, and no authorization for use of Frying Pan Shoals as a borrow site will occur until EFH consultation is reinitiated.

Cultural Resources

National Historic Preservation Act consultation has been completed for this project Pursuant to Section 106 of the National Historic Preservation Act of 1966.

The applicant completed a magnetometer and side-scan sonar survey to conduct an archaeological assessment of the proposed terminal groin construction area in May and August of 2012. A shipwreck site was found in the project area and the vessel was determined to be eligible for listing in the National Register of Historic Places (NRHP). The groin structure was designed to create a 150' construction buffer from the historic vessel. The proposed groin structure would result in accretion of sediment along the southwestern shoreline of Bald Head Island and it is likely that the wreck remains would be covered by several feet of sediment. Burial of the remains would offer protection from further degradation thereby resulting in a positive impact to the archeological site. In a letter dated January 17, 2013, the State Historic Preservation Officer (SHPO) stated that in order to avoid impacts to the historic vessel, the applicant should not work within the 150' buffer and that all contractors are made aware of the location of the shipwreck site and all the vessels and equipment engaged in the construction of the groin will not infringe on the 150' buffer.

The applicant completed an archeological survey of the Jay Bird Shoals borrow area. Two potential shipwreck sites were found at the Jay Bird Shoals borrow area and a 200' buffer area would be maintained around the potential sites to avoid impacts. Given the avoidance measures to be employed, future excavation is not anticipated to result in direct or indirect impacts to the two anomalies identified. In a letter dated February 6, 2014, the SHPO had no comment on the proposed project or the DEIS.

In letters dated January 17, 2014 and July 3, 2014, the NC Department of Cultural Resources stated that additional surveying is not necessary and furthermore, no archaeological resources either listed or eligible for listing in the NRHP will be affected by the project.

The permit is conditioned to prohibit work within 150' from the cultural resource near the terminal groin and to prohibit work within 200' from the potential cultural resources near the Jay Bird Shoals borrow area. The permit also includes a conditions that requires

coordination and consultation with the SHPO if any unknown cultural resources are impacted by the project.

Endangered Species

Endangered species consultation has been completed for this project pursuant to the Endangered Species Act of 1973.

The applicant completed a biological assessment dated January 2014 and the Corps initiated consultation with the United States Fish and Wildlife Service (USFWS) and the Nation Marine Fisheries Service (NMFS) in 2014.

The USFWS issued a Biological Opinion (BO) in June 2014, which the USFWS stated that the project may affect, but is not likely to adversely affect the West Indian manatee, Kemp's Ridley and Hawksbill sea turtles. The BO included terms and conditions to protect the piping plover, red knot, sea-beach amaranth, loggerhead sea turtle, green sea turtle and the leatherback sea turtle species that the proposed project may affect and is likely to adversely affect. All terms and conditions of the BO are incorporated as conditions of the Corps authorization.

In a letter dated September 11, 2014, the NMFS concurred with the Corps' initial determination that the project is not likely to adversely affect whales, sturgeons and marine sea turtles. All conservation measures described in the Biological Assessment (BA), related to species under the NMFS' purview, were incorporated as special conditions in the Corps authorization for this project.

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 December 17, 2017 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 did not include 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.

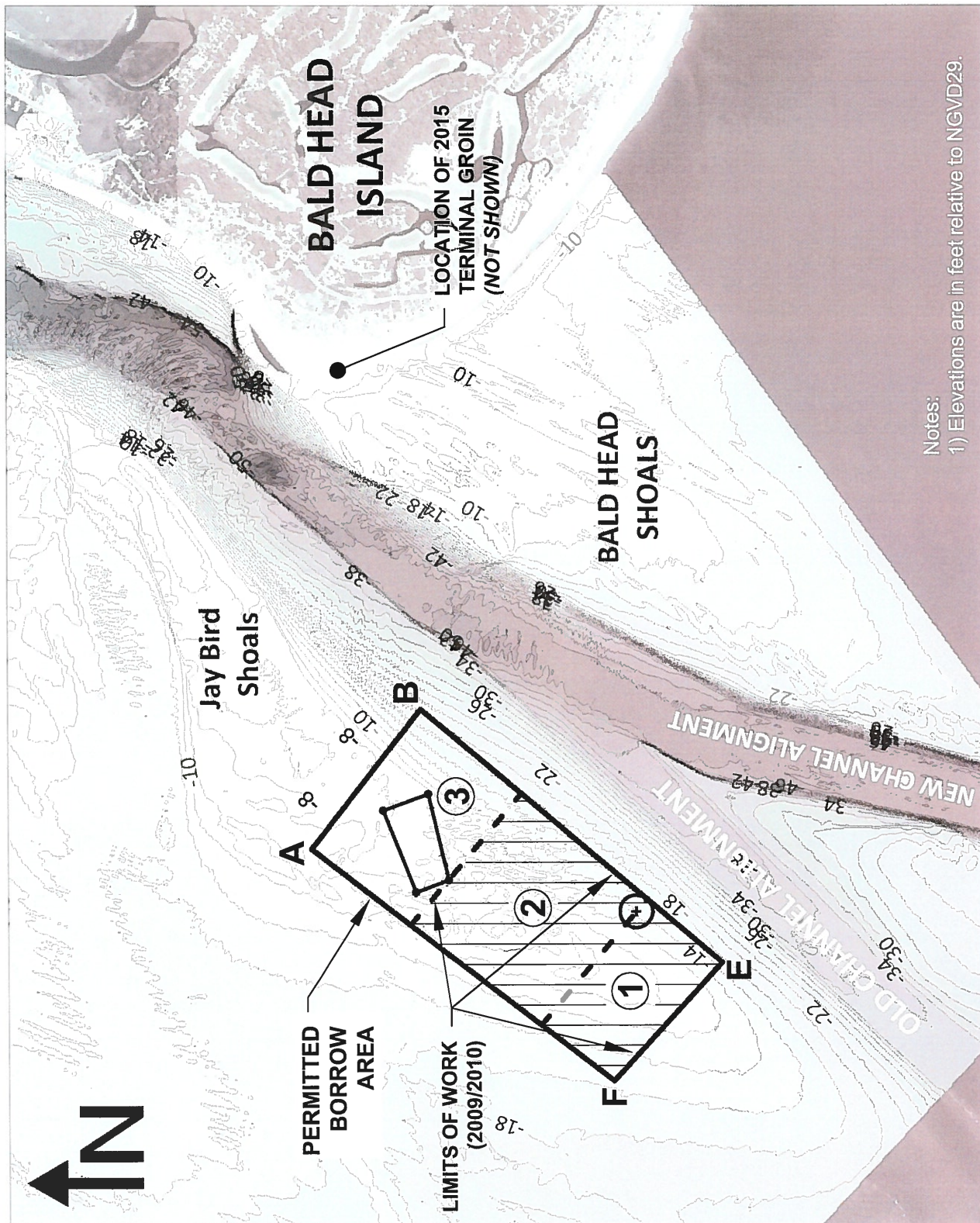
Commenting Information

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, December 20, 2017. Comments should be submitted to Ronnie Smith, Regulatory Division, 69 Darlington Avenue, Wilmington, North Carolina 28403 , at (910) 251-4829.

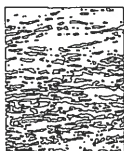


Notes:
1) Elevations are in feet relative to NGVD29.

VBHI RESTORATION PROJECT
2009 BORROW SITE PERMITS:
• CAMA-67-09
• COE-2007-02699

1. ALL PRIOR DREDGING LIMITED TO AREA 1 AND AREA 2 (AS SHOWN).
2. PROJECT DREDGE VOLUME APPROX 1.85 MCY (2009/10).
3. PROPOSED DREDGE VOLUME APPROX 1 MCY (2018/19).

NOT FOR PURPOSES OF CONSTRUCTION



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VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT

JAY BIRD SHOALS BORROW AREA

DATE	APPROVED	REVISION	
10/05/17	EJO	A	09/15/17
			DRAWN BY: ML
			SHEET 1 of 7



REF: CAMA 91-14
SAW-2012-00040
VBHI-TERMINAL GROIN

SCALE



NOTES:

- 1)PROJECT BASELINE UTILIZED FOR BEACH MONITORING AND FEDERAL BEACH DISPOSAL PROJECT CONSTRUCTION BY WILMINGTON DISTRICT, USACE
- 2)STA 44+00 IS TYPICAL WESTERN LIMIT OF FEDERAL S. BEACH DISPOSAL.
- 3)FILL WILL TAPER TO EXISTING GRADE AT STA 134+00

BALD HEAD ISLAND

EAST BEACH

CAPE FEAR

ATLANTIC OCEAN

SOUTH BEACH

PROJECT BASELINE
(STA 00+00)

WEST BEACH

THE POINT

LIMITS OF 1 MCY
INTERIM PROJECT FILL

* **TERMINAL GROIN
(CONSTRUCTED IN 2015)**

OCTOBER 2006 PHOTOGRAPHY

NOT FOR PURPOSES OF CONSTRUCTION

TERMINAL GROIN

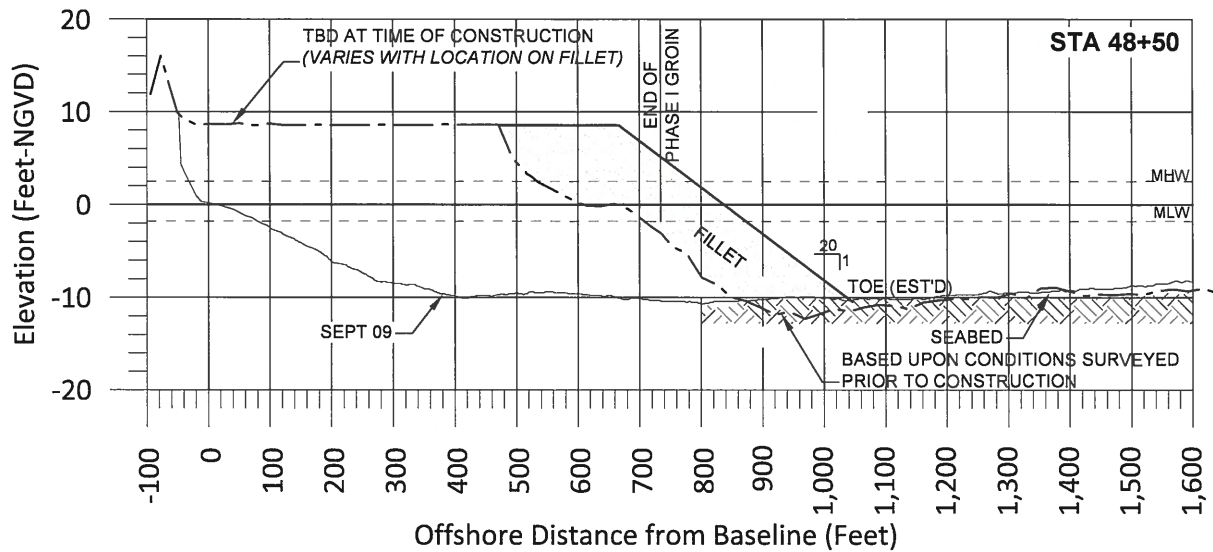


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VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT
**PROJECT BASELINE
AND LIMITS OF INTERIM BEACH FILL**

DATE	APPROVED	REVISION
		09/15/17
		DRAWN BY: ML
		SHEET 2 of 7

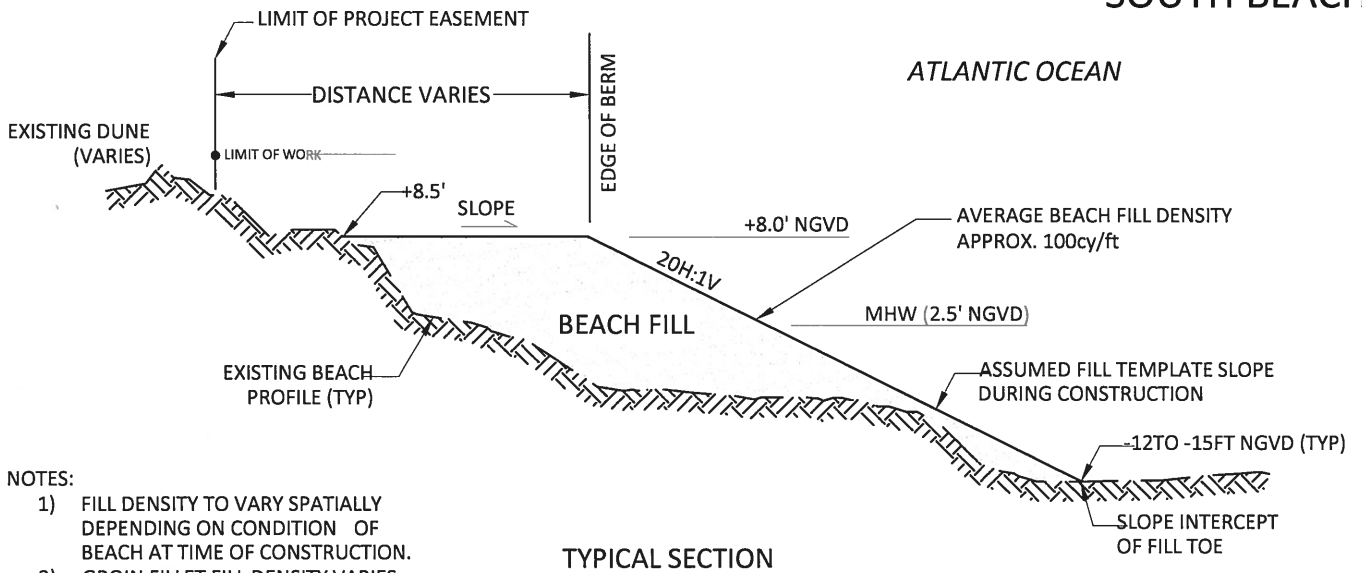
PHASE I - 1300 FT GROIN



NOTES:

1. AT TIME OF CONSTRUCTION, ACTUAL FILL SECTIONS WILL VARY DEPENDING ON LOCATION ALONG THE PROJECT BASELINE.
2. FILL VOLUME TO BE 1 MCY--AS MEASURED IN PLACE.
3. FINAL FILL SECTIONS WILL BE DETERMINED BY A PRE-CONSTRUCTION SURVEY.

SOUTH BEACH



NOTES:

- 1) FILL DENSITY TO VARY SPATIALLY DEPENDING ON CONDITION OF BEACH AT TIME OF CONSTRUCTION.
- 2) GROIN FILLET FILL DENSITY VARIES AND MAY EXCEED 100 CY/FT

LOCAL TIDAL DATUMS (FT)

MHHW +2.8
MHW +2.5
NAVD +1.1
NGVD(29) 0.0
MLW -1.8
MLLW -2.0

NTS
DATUM: NGVD 29

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VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT

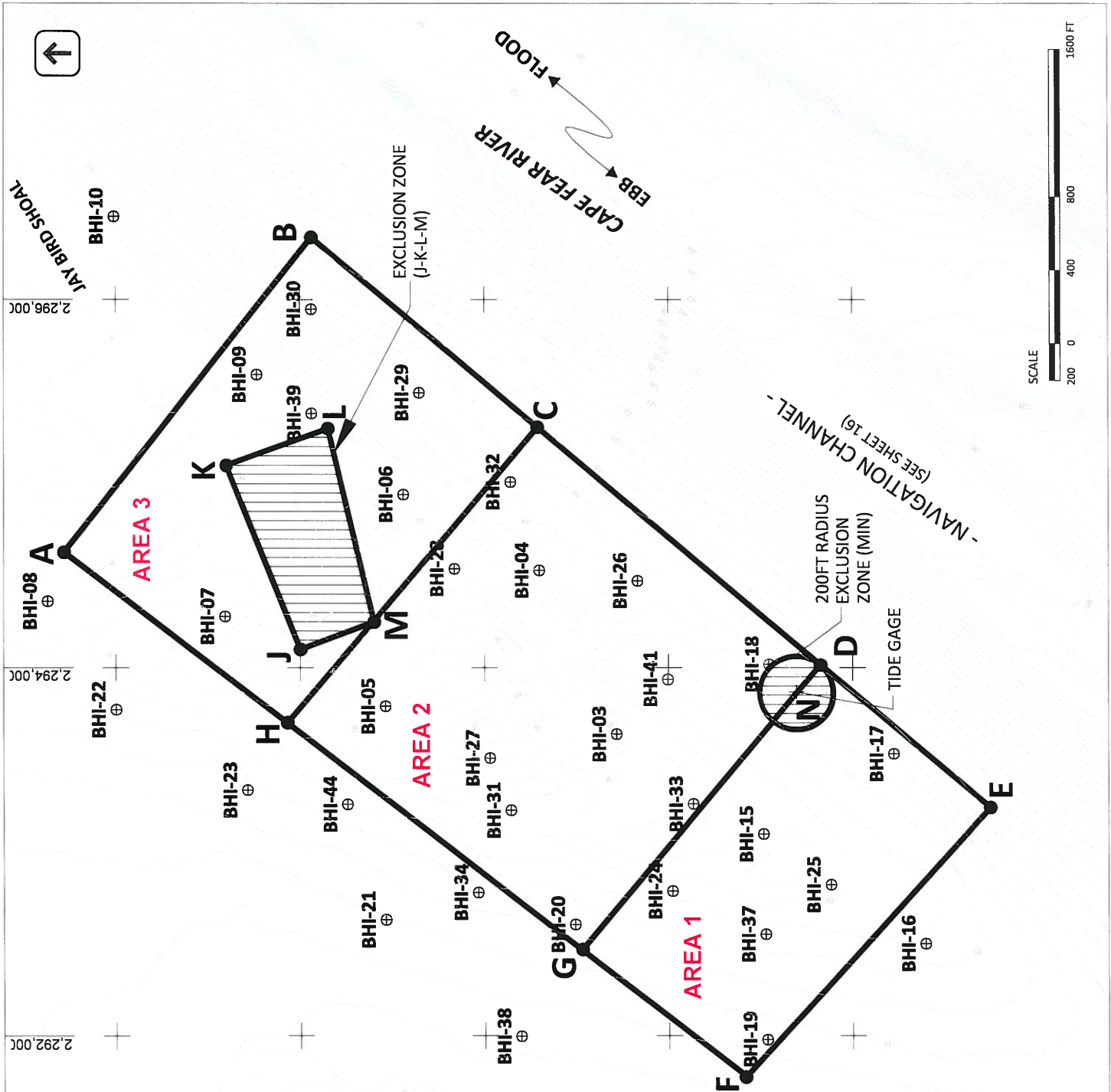
**INTERIM BEACH PROJECT
SAND FILL SECTIONS**

DATE	APPROVED	REVISION

09/15/17

DRAWN BY:
ML



SHEET
3 of 7



NOTES:

- 1) DATUM: NGVD29
- 2) DATE OF SURVEY: APRIL - JUNE 2006
- 3) DREDGING RESTRICTED TO AREAS 1 AND 2.

LEGEND

-  EXCLUSION ZONE (NO EXCAVATION)
 VIBRACORE - 2007

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VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT

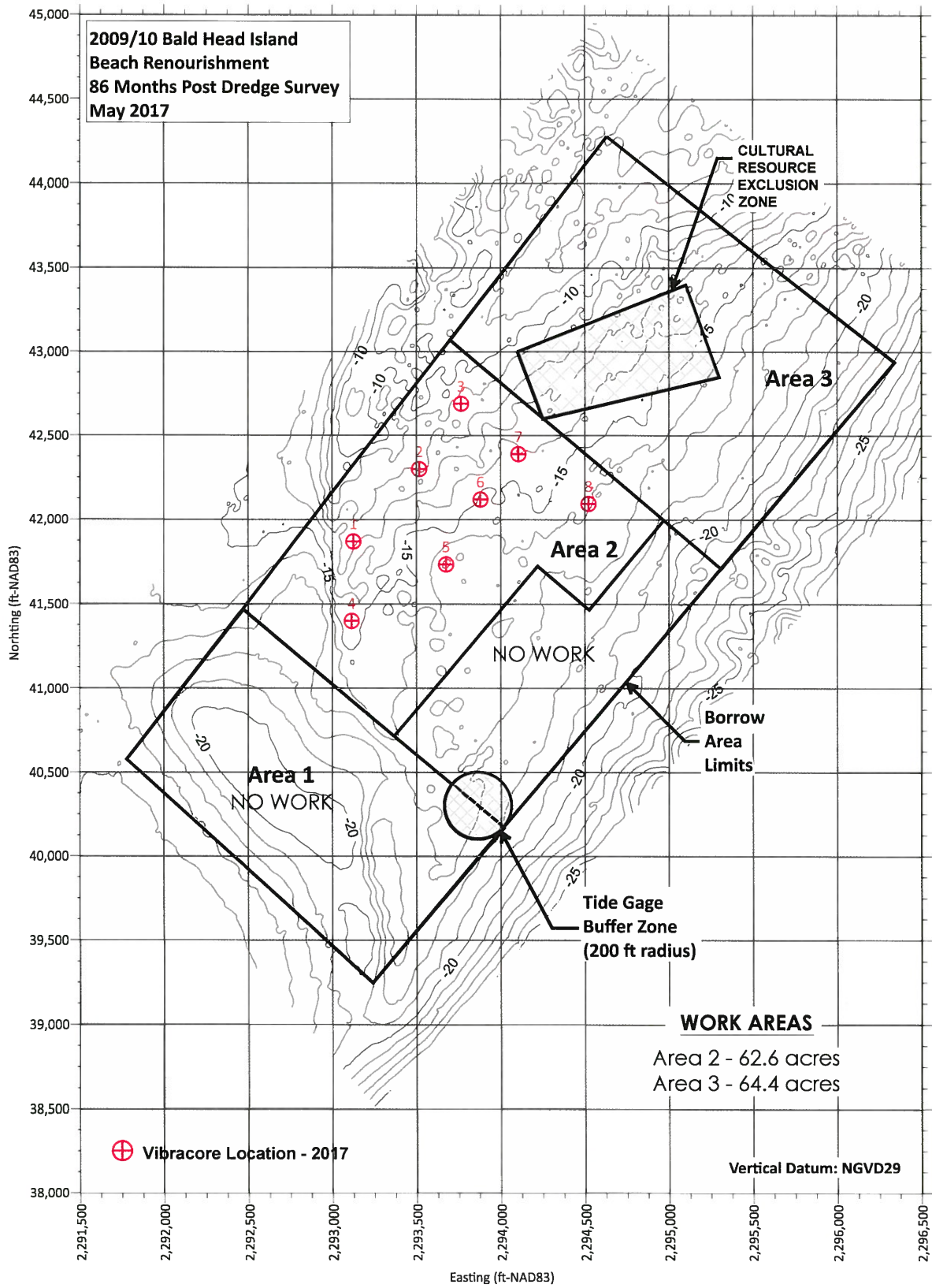
JAYBIRD SHOALS BORROW AREA (2009/10)

DATE	APPROVED	REVISION

09/15/17

DRAWN BY:
ML

SHEET
4 of 7



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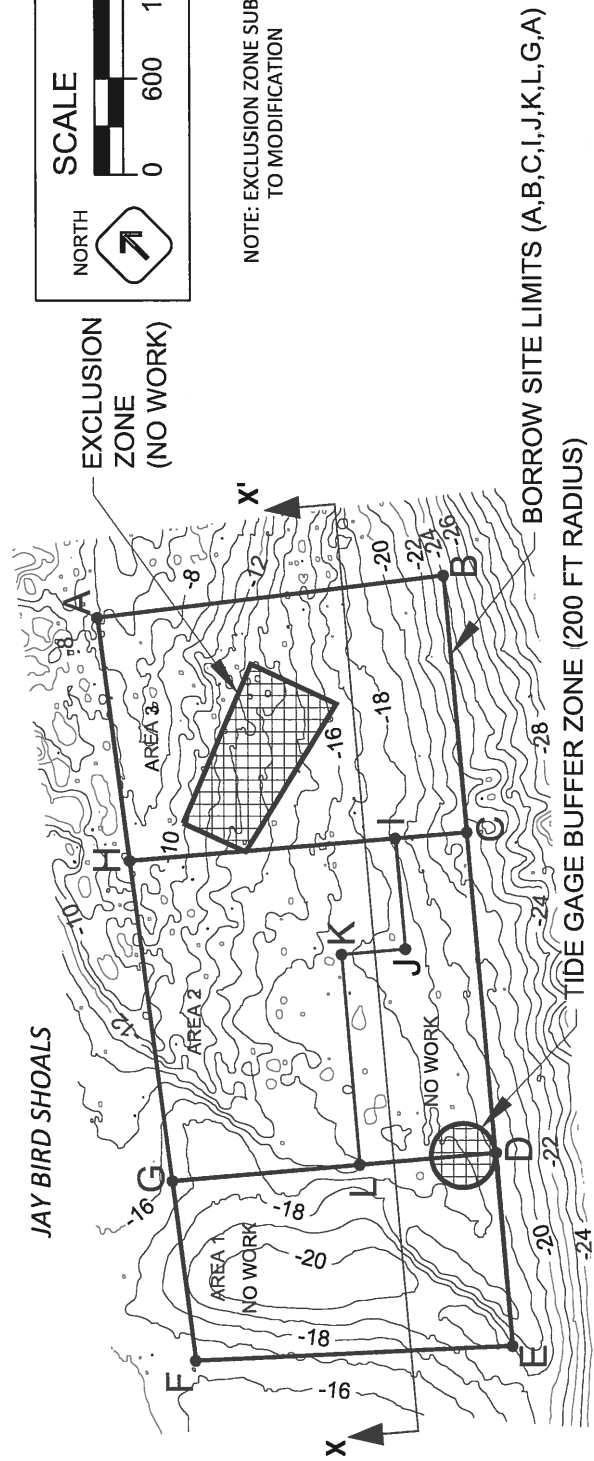
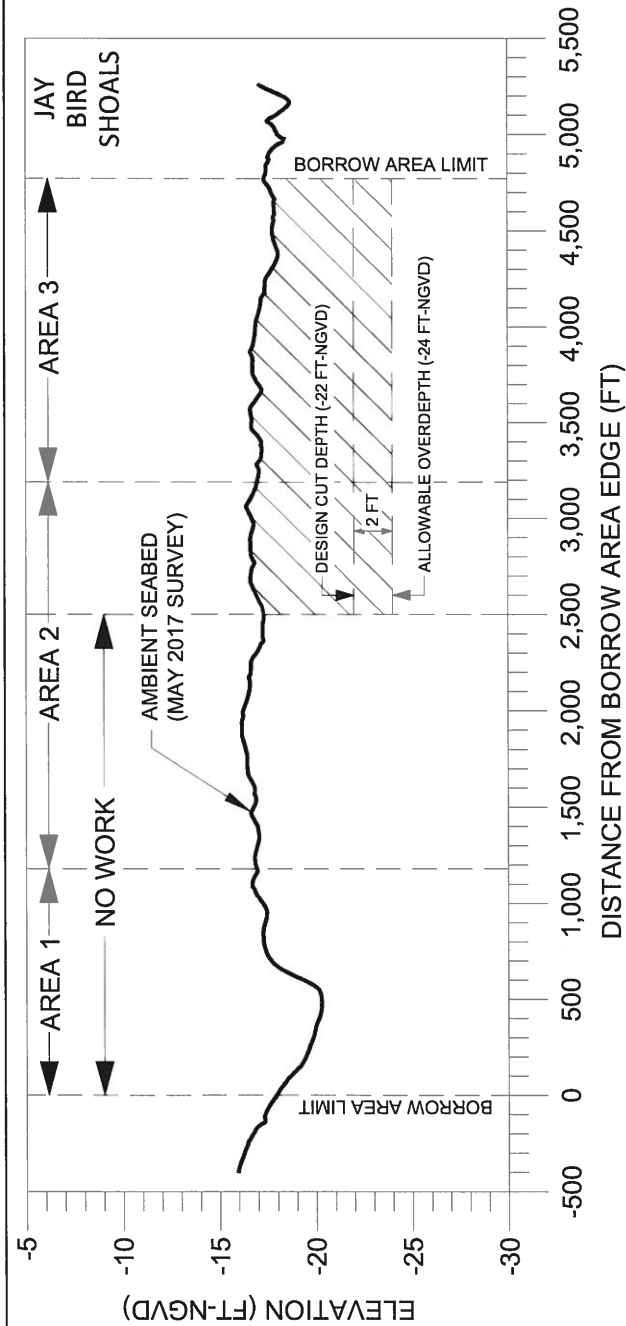
**VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT
ADDITIONAL VIBRACORES
ACQUIRED JULY 2017**

DATE	APPROVED	REVISION
10/23/17	EJO	B

09/15/17

DRAWN BY:
ML

SHEET
5 of 7



SCALES: AS SHOWN

SECTION X-X' LOCATION

JAY BIRD SHOALS BORROW SITE
 DESIGN DEPTH -22 FT-NGVD29
 ALLOWABLE OVERDEPTH -2FT (I.E. -24 FT-NGVD29)
 SURVEY DATE- MAY 2017

NOT FOR PURPOSES OF CONSTRUCTION



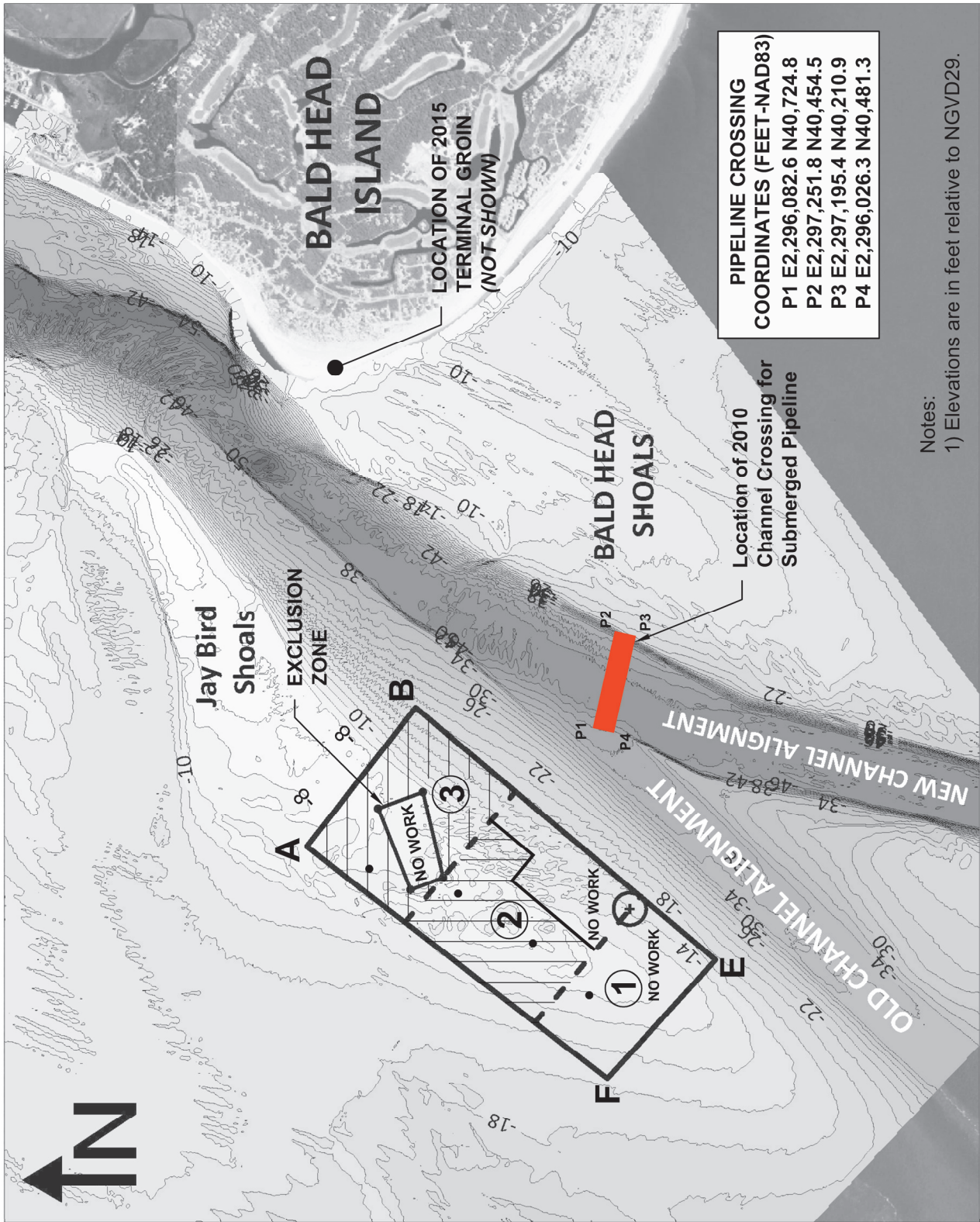
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**VILLAGE OF BALD HEAD ISLAND
 TERMINAL GROIN PROJECT**

BORROW SITE TYPICAL SECTION

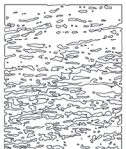
DATE	APPROVED	REVISION
10/05/17	EJO	A
10/23/17	EJO	B

10/3/2017
 DRAWN BY:
 WAH
 SHEET
 7 of 7



1. LIMITS OF WORK AS SHOWN
2. PROJECT DESIGN VOLUME APPROX 1 MCY (AS MEASURED IN PLACE).
3. CULTURAL RESOURCE EXCLUSION ZONE SUBJECT TO POTENTIAL MODIFICATION.

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VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT

DREDGE PLAN (2018/19)

DATE	APPROVED	REVISION	
10/05/17	EJO	A	09/15/17
10/23/17	EJO	B	DRAWN BY: ML
11/06/17	EJO	C	SHEET 6 of 7