



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: January 30, 2020  
Comment Deadline: February 29, 2020  
Corps Action ID Number: SAW-2019-00658

The Wilmington District, Corps of Engineers (Corps) received an application from the Town of Surf City seeking Department of the Army authorization to perform excavation of Banks Channel, and place approximately 1.6 million cubic yards of sand along the oceanfront shoreline, associated with a beach nourishment project in Surf City, in Pender and Onslow Counties, 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/Public-Notices/>

**Applicant:** Town of Surf City  
Ashley Loftis, Town Manager  
P.O. Box 2475  
Surf City, North Carolina 28445

**AGENT (if applicable):** Chris Gibson, PE  
Jamie Pratt  
TI Coastal Services, Inc  
P.O. Box 11056  
Wilmington, North Carolina 28404

## 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)



3) Maintain safe navigation throughout all interior channels surrounding Surf City that are utilized by both commercial businesses as well as the public for pleasure boating, fishing, and water sports.

4) Provide dry sand habitat for shorebird and sea turtle nesting and reduce the probability of overwash during storm events for nests.

The town's objectives are further detailed in the narrative section of the permit application (attached).

### **Project Description**

The applicant proposes a beach nourishment project along the entire extent of the Town's limits. The project area would extend from south of Humphrey Ave at the Topsail Beach town limit to north of 9th Street at the North Topsail Beach town limit. The overall proposed project length is approximately 6 miles (32,500 linear feet). The beach would be filled to an elevation of +5' NA VD 88 with a 20:1 slope out to tie into existing grade around -10' NA VD88. The berm fill would vary from approximately 50' to 125' (with an average of 85') in width. According to the application, dune construction is not proposed under this authorization, as work would follow upon work conducted under the Town's dune restoration project. The applicant has stated that any repairs of scarped dunes is also proposed to be restored at a 5: 1 slope. A volume of 1.6 million cubic yards of sand has been calculated as needed to fill the template under current conditions. It is currently estimated that 11,185,009 square feet (256. 77 acres and 1,518,248 cubic yards) would be filled below mean high water (MHW). Of that material, approximately 10,020,425 square feet (1,127,029 cubic yards) would also be located below mean low water (MLW). Approximately 1,578,541 square feet (36.24 acres and 231,752 cubic yards) of beach fill material would be placed above the MHW line. The applicant has identified the dredging of Banks Channel for the project's primary sand source with additional material trucked in from the ST Wooten mine to complete the beach template, as needed. The ST Wooten mine is the same sand source originally approved for the Town's dune restoration project, authorized through a recent DCM modification of Permit No. 190-05, which did not require federal authorization as all work was above MHW.

This project proposes to extend from Station 35+00 north in Banks Channel, following the same footprint, but with an increased dredge distance of 3,500' to the north from Station 210+00 to Station 245+00. Dredging is proposed at the same depths as that for Topsail Beach. Station 35+00 to 40+00 would be excavated to a depth of -16' +2' Mean Low Water (MLW) and from Stations 41+00 to 245+00, excavation would only be performed to a depth of -12'+2' MLW. Channel width is still proposed at 200'. The applicant has estimated that approximately 1.3 million cubic yards would be dredged from Banks Channel, with an additional 450,000 cubic yards to be hauled from the ST Wooten site (acknowledging additional material may be needed to account for losses during dredging and placement). Material within the proposed dredge area in Banks Channel was calculated to contain 94.1 % sand with a mean grain size of 0.33mm, 0.1 % fines, less than 3% gravel and 16.5% calcium carbonate. Material from the ST Wooten

site is calculated with a mean grain size of 0.27mm, with nearly 98% sand, less than 2% fines and 0.1 % gravel. Due to the presence of larger material discovered during a previous dune restoration project in Surf City post-Florence, the applicant has committed to screening all material from the ST Wooten site using a<sup>3</sup>/<sub>4</sub>" MEC basket.

The proposed dredge method is cutterhead with dredged material disposal via pipeline through an existing pipeline sleeve located in Topsail Beach at Queens Grant, and through a new temporary crossing at Oleander Drive. The new pipeline crossing sleeve is proposed to run over NC Highway 210. Crush and run would be installed over the pipeline with an additional 2' of cover for a length of 30', width of 24' to allow two 12' lanes of traffic, and with a 6H: IV slope on either side of the crossing crest. Gravel would be installed at a 2H: IV slope along the lateral sides of the roadway crossing and water barriers would also be installed to separate the vehicular traffic from pedestrians. The applicant has indicated that this design is preferred by the Department of Transportation (NCDOT). This work would be temporary and removed and restored to pre-project conditions after completion of work in this area.

Trucks hauling material from ST Wooten and other equipment needed by the contractor would access the beach at existing vehicle crossovers at Kinston Avenue and Broadway Avenue. Approximately 450,000 cubic yards would be brought in from the ST Wooten site. Should unsuitable material be encountered during dredging, the applicant has proposed to remove and stockpile any non-compatible material at the Broadway Avenue staging area. At the end of project completion, the material would be removed with proposed placement outside of the USACE right-of-way at DA-203, or used to repair any eroded dike areas, as needed. DA-203 is state-owned property. The applicant has also stated that specifications in the contract will also require the contractor to closely monitor the material being discharged onto the beach.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Efforts to reduce the overall environmental footprint of the project have been built into the design, from following the azimuths of the Federally authorized navigation channel in Banks Channel to a natural beach design that minimizes scarping and mimics the existing beach profile. All work proposed for Surf City would fall within the guidelines of already established Biological Opinions (BOs).

Additionally, the applicant proposes to conduct dredging from November 16, 2018 to March 31, 2019 in order to avoid times of peak biologic activity.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant does not propose to provide any compensatory mitigation.

## Essential Fish Habitat

The Corps' 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.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact (marine substrate, estuarine substrate, water columns,) (see project description) utilized by various life stages of the following species: (coastal migratory pelagics, corals, golden crab, shrimp, snapper grouper, spiny lobster, Atlantic highly migratory species). Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The Corps will consult under the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.

The Corps has initiated consultation the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.

## 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.

### **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, likely to adversely 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. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the United States Fish and Wildlife Service (USFWS) in the North Carolina Beach Sand Placement Statewide Programmatic Biological Opinion. A copy of this public notice will be sent to the USFWS.
- 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.
- 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. Unless NCDWR is granted a time review extension, 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 **February 20, 2020** to:

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

Or,

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

**North Carolina Division of Coastal Management (NCDWM):**

- 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. As the application did not include the consistency certification, the Corps requests, via this Public Notice, concurrence or objection from the NCDCM.
- 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, **February 29, 2020**. Comments should be submitted to Ms. Liz Hair, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 , by email: [saraeh.e.hair@usace.army.mil](mailto:saraeh.e.hair@usace.army.mil) or by phone at (910) 251-4049.