



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 10, 2019
Comment Deadline: October 10, 2019
Corps Action ID Number: SAW-2019-01666

The Wilmington District, Corps of Engineers (Corps) received an application from the Carteret County Shoreline Protection Office seeking Department of the Army authorization to conduct dredging and beach nourishment activities, as part of the 50-year Corps permit known as Bogue Banks Master Beach Nourishment Project , on Bogue Banks Island in Carteret County, North Carolina. The proposed work is the second planned shoreline protection event under the terms of the County's 50-year Bogue Banks Master Beach Nourishment Project (BBMBNP). The first event of the BBMBNP occurred in the spring of 2019, with dune planting continuing through the summer of 2019. This permit application is being processed pursuant to the CAMA-Corps Programmatic Permit process.

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:

Carteret County
Attn: Mr. Greg Rudolph, Carteret County Shore Protection office
Post Office Box 4297
Emerald Isle, North Carolina 28594

AGENT (if applicable):

Dawn York
Senior Coastal Scientist
Moffat & Nichol
272 N. Front Street, Suite 204
Wilmington, NC 28401

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 encompasses approximately 21 miles of shoreline on Bogue Banks Island, Carteret County, North Carolina

Nearest Town: Pine Knoll Shores, Indian Beach, Salter Path, Emerald Isle, and Atlantic Beach

Nearest Waterway: Atlantic Ocean, Bogue Inlet, and the Intracoastal Waterway

Latitude and Longitude: 34.678853°, -76.936569°

Existing Site Conditions

The barrier island of Bogue Banks is located entirely within the boundary of Carteret County and is a south-facing island flanked by the undeveloped Bear Island (Hammocks Beach State Park) to the west, separated by Bogue Inlet, and the undeveloped Shackleford Banks Island (part of Cape Lookout National Seashore) to the east, separated by Beaufort Inlet. This approximately 25-mile island contains the four incorporated municipalities of Atlantic Beach, Pine Knoll Shores, Indian Beach, and Emerald Isle; the unincorporated town of Salter Path under County jurisdiction; and the approximately 2.0 mile stretch of North Carolina lands of Fort Macon. It is bordered to the west by Bogue Inlet, which is the mouth of the White Oak River; to the east by Beaufort Inlet, which is the mouth of the Newport River; to the north by Bogue Sound, which includes the Intracoastal Waterway; and to the south by the Atlantic Ocean. Both Bogue and Beaufort Inlets are federally authorized navigational channels and are periodically maintained with all beach compatible material being placed along the oceanfront shoreline and all incompatible material placed on designated disposal island(s). The island is a typical barrier island that has undergone a variety of natural and anthropogenic changes. The majority of the residential and commercial land has been developed, with the exception of Fort Macon State Part to the east and the Roosevelt Preserve in Pine Knoll Shores. The island has undergone several decades of receiving beach fill along the oceanfront by both federal and non-federal projects.

Applicant's Stated Purpose

This second shoreline protection event is a continuation of the ongoing Bogue Banks Master Beach Nourishment Project. The basic purpose and need, as stated by the applicant and identified in Chapter 2 of the FEIS, is to establish and implement a comprehensive, long-term, non-federal beach and inlet management program that would preserve Bogue Banks' tax base, protect its infrastructure, and maintain its tourism-based economy.

Project Description

The proposed work is the second planned shoreline protection event under the terms of the County's 50-year Bogue Banks Master Beach Nourishment Project (BBMBNP). The first event of the BBMBNP occurred in the spring of 2019, with dune planting continuing through the summer of 2019. On November 8, 2018, the United States Army Corps of Engineers (USACE), Wilmington District, issued a 50-year Department of Army (DA) permit (SAW-2009-00293) that authorized a long-term management plan to provide shoreline protection along the approximately 25-mile Bogue Banks barrier island. Included in the permit is the use of an offshore borrow area with placement along 10 nourishment reaches in Emerald Isle, Indian Beach, Salter Path, and Pine Knoll Shores, with an option on Atlantic Beach. A condition of the long-term permit requires the Carteret County Shore Protection Office to submit a notification request for USACE approval prior to each dredge and nourishment event.

The County's request to conduct the second shoreline event (Project #2) consists of a "Base" and "Option" project component. The Base project, to be constructed during winter 2019/2020, consists of 1,995,000 cy of material to be placed along 9.5 miles of four nourishment reaches in Emerald Isle (Reach 2), Salter Path (Reach 7), Pine Knoll Shores (Reach 9), and Atlantic Beach (Reach 10) consisting. The average fill density will range from 35 – 40 cy/ft across each of the four reaches however it is expected that the fill density will vary between 25 cy/ft and 50 cy/ft within each reach. The template will consist of a dune of variable height ranging from 10 ft to 14 ft NAVD88 and variable width generally ranging from 20 ft to 50 ft. In most cases, the landward dune tie in will be constructed to tie in at the dune crest elevation. In cases where the existing vegetation line is below the dune crest, the landward dune tie in will be constructed with a 5:1 back slope down to the existing vegetation elevation. A seaward 5:1 dune slope will be constructed from the dune crest down to a berm of variable width generally ranging from 45 ft to 90 ft at a variable elevation ranging from 6 to 6.5 ft NAVD88. A 20:1 berm slope will be constructed down to tie in with the existing ground offshore between elevation -4 and -10 ft NAVD88. Approximately 2,394,000 cy of beach compatible material is expected be dredged from portions of the Current and Old ODMDS to account for losses between dredging and placement (approximately 20%).

The Option project will be constructed during the winter 2020/2021 dredging window pending receipt of reimbursement funds from FEMA. This project consists of 2,226,900 cy of material to be placed along 11.5 miles of shoreline consisting of six nourishment reaches in Emerald Isle (Reach 1, Reach 3, Reach 4, and Reach 5) and Indian Beach/Salter Path (Reach 6 and Reach 8). The average fill density will range from 30 – 45 cy/ft across each of the six reaches however it is expected that the fill density will vary between 25 cy/ft and 50 cy/ft within each reach. The template in Reaches 1, 3, and 4 will consist of a dune of variable height ranging from 10 ft to 14 ft NAVD88 and variable width generally ranging from 20 ft to 50 ft. In most cases, the landward dune tie in will be constructed to tie in at the dune crest elevation. In cases where the existing vegetation line is below the dune crest, the landward dune tie in will be constructed with a 5:1 back

slope down to the existing vegetation elevation. A seaward 5:1 dune slope will be constructed down to a berm of variable width generally ranging from 45 ft to 90 ft at a variable elevation ranging from 6 to 6.5 ft NAVD88. A 20:1 berm slope will be constructed down to tie in with the existing ground offshore between elevation -4 and -10 ft NAVD88. The dune in Reaches 5, 6, and 8 was previously constructed during the Post-Florence Renourishment Project – Project #1 (winter 2019). Therefore, these reaches will consist of a berm only extension of variable width generally ranging from 45 ft to 90 ft at a variable elevation ranging from 6 to 6.5 ft NAVD88. Approximately 2,672,280 cy of beach compatible material is expected to be dredged from portions of the Current and Old ODMDS to account for losses between dredging and placement (20%).

Project #2 construction will use a hopper dredge with material being transported to an offshore temporary mooring and submerged pipeline near the project area. The hopper dredge will then connect to the pipeline and pump the material from the hopper to the beach where the sand is spread mechanically by bulldozers. This is the same type of dredging placement operation used during the first event (2019). A pre-construction survey of the submerged pipeline crossing will be provided to state and federal agencies prior to construction to ensure placement avoids all hardbottom habitat areas.

Avoidance and Minimization

The County's proposed BBMBNP encompasses several initial avoidance and minimization measures to help minimize potential impacts, and these measures are outlined in Chapter 6 of the FEIS. These measures will also be incorporated in Project Event #2. Some of these measures include the use of compatible beach sediment that meets the North Carolina Technical Standards for Beach Projects (15A NCAC 07H .0312) and limiting construction activity to the period from November 16 to April 30 when biological activity is at its lowest and sea turtle nesting season can be avoided. Additionally, guidelines recommended by USFWS will be used during the dune planting process.

Essential Fish Habitat

This notice seeks confirmation that the initial determination, finalized on April 2, 2018, for the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act remain in compliance with this proposed Project #2. No SAVs or shellfish habitat are present in the project area and no area designated as PNA will be impacted. The applicant has proposed limiting dredging activities to November 16 through April 30 of any given year, in an effort to alleviate concerns regarding impacts to EFH and adjacent PNA.

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). Additionally, in a letter dated April 5, 2018, the SHPO stated that they have no comments on the 50-year BBMBNP project and further revealed they are not aware of any historic resources which would be affected by the project. Furthermore, the permit will be conditioned to require operations to cease in the event that any archaeological or historical resources are discovered.
- 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 federally listed endangered or threatened species or their formally designated critical habitat under purview of U.S. Fish and Wildlife Services and National Marine Fisheries Service Protected Resources Division (PRD).
 - The Corps is reinitiating consultation with the USFWS under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. This re-initiation is due to dune planting occurring along the oceanfront shoreline past the April 30 deadline window. Dune planting will consist of the use of various heavy equipment depending upon the circumstances and USFWS recommendations, this may include tractor with attachments, ATV, pickup truck, and other equipment. Corps requests to initiate formal consultation on the consequences of the dune planting activities by itself, separate from the beach nourishment activities. The applicant has included proposed guidelines from dune planting activities to occur after April 30. For work pertaining to beach nourishment activities, the Corps' revised determination for sea turtles is may affect, but relying on the findings of the August 28, 2017 Statewide Programmatic Biological Opinion (SPBO) for North Carolina Coastal Beach Sand Placement to fulfill our project-specific section 7 responsibilities. All terms and conditions and reasonable and prudent measures of the SPBO will be implemented by the applicant.
- NMFS: In 2018 the National Marine Fisheries Service (NMFS) issued a Biological Opinion for the BBMBNP (SER-2017-18882), which analyzed the potential for the project to affect the following species: green sea turtle (North Atlantic and South Atlantic distinct population segments [DPSs]), hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle (Northwest Atlantic DPS), Atlantic sturgeon (Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic DPSs), giant manta ray, shortnose sturgeon, blue whale, fin whale, North Atlantic right whale, sei whale, and sperm whale. The Opinion also analyzed the potential for the project to have an effect on the following designated critical habitat: loggerhead sea turtle (Northwest Atlantic DPS) (Nearshore Reproductive Habitat, Unit N-03). Best management practices from this BO have been integrated into the terms and conditions of the BBMBNP Corps Permit. For the Project #2 Event, the applicant's plans are to implement the terms and conditions of the SER 2017-18882 BO.
- 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. 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 _____ 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 (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 will request, upon receipt,, 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, October 10, 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.