US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 22, 2021
Comment Deadline: December 24, 2021
Corps Action ID Number: SAW-2020-01305

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Dale McFarland at the United States Marine Corps Air Station (MCAS) Cherry Point seeking Department of the Army authorization to discharge 12,321 cubic yards of granite rip rap material and 181 cubic yards of loose oyster shells in the Neuse River associated with the installation of a 12,036 linear foot rip rap sill parallel to the shoreline between the mouth of Slocum Creek and Hancock Creek in Havelock, Craven County, North Carolina. Smooth cordgrass (*Spartina alterniflora*) would be planted by hand within the intertidal zone of the existing shoreline.

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:
United States Marine Corps Air Station Cherry Point
Attn: Mr. Dale McFarland
Environmental Affairs Department
PSC Box 8006 / Bldg. 4223 Access Road
Cherry Point, North Carolina 28533

AGENT (if applicable):
Mr. J. Kevin Avolis
Avolis Engineering
Post Office Box 15564 / 5405 Morton Road
New Bern, North Carolina 28562

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:

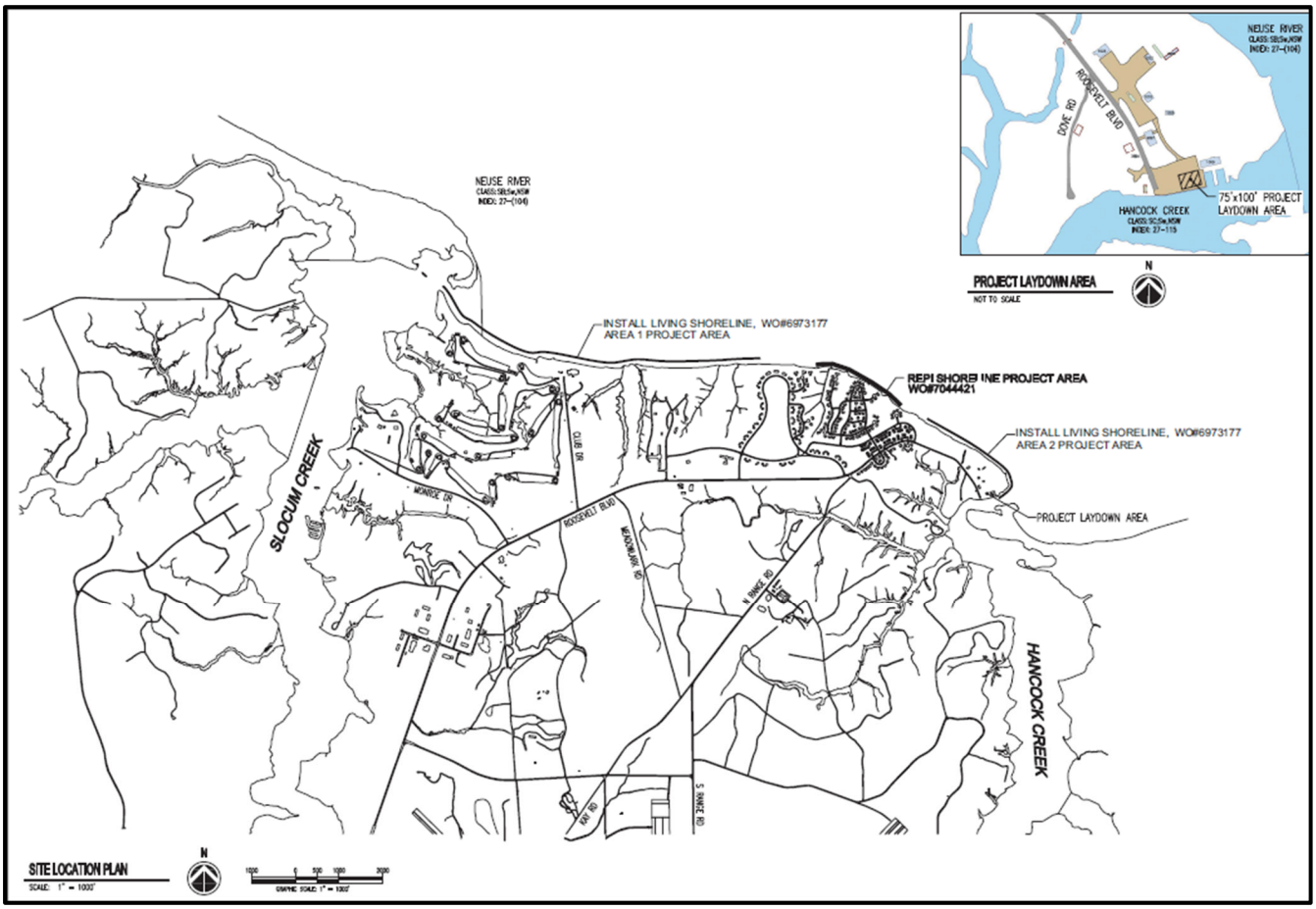

Figure 1. Project area.

Project Area (acres): 4.14 Nearest Town: Havelock
Nearest Waterway: Slocum Creek River Basin: Neuse
Latitude and Longitude: 34.947764 N, -76.886696 W

Existing Site Conditions

The northern boundary of MCAS Cherry Point consists of both hardened and natural, unprotected shorelines. There are approximately 5,500 feet of existing bulkhead structures along 8 distinct segments that protect waterfront property along the Neuse River shoreline. None of the structures are contiguous (i.e., there are varying lengths of unarmored shoreline between each segment). The distance between a bulkhead to any building structure varies from 50 to 100 feet. In addition to these bulkheads are segments of sporadically placed rock and/or broken concrete revetments. Bulkhead structures comprise approximately 35% of the northern boundary.

The natural shoreline areas comprise approximately 10,500 linear feet of the northern boundary. The unprotected shorelines are predominantly a mixture of mature trees, forested wetlands, marsh grass, bare sediments, and stream outlets into the Neuse River. The unarmored shoreline segments vary in length from approximately 150 feet to 3,000 feet and generally maintain a gradual nearshore slope. The shorelines also exhibit visual indicators of erosion such as escarpments, undercut banks, and fallen trees.

Nautical charts depict water depths of 0.5 to 3 feet along the Cherry Point shoreline. The tide range is low, so the predominant water currents in the system are wind driven. There is a NOAA gauge located at the Marine Corps Air Station at 10 meters (32.8 feet) above the ground. These data show predominant average hourly wind direction at Cherry Point varies throughout the year. For approximately half of the year (from September through March), the wind is from the north, which is blowing toward the Cherry Point shoreline. The fetch from the north is over 3 ½ miles promoting wind waves that interact with the shoreline.

Applicant's Stated Purpose

The purpose of this project is to install shoreline stabilization measures along shoreline areas at MCAS Cherry Point, North Carolina. Existing estuarine shorelines were eroded from recent hurricane events. The purpose of the proposed work is to provide shoreline stabilization utilizing Living Shoreline techniques that would protect the shoreline areas from further degradation and erosion.

Project Description

MCAS Cherry Point proposes to implement shoreline stabilization measures along its northern boundary, adjacent to the Neuse River. The project encompasses three distinct areas along the Neuse River shoreline (Figure 1):

a. Project Areas 1 and 2 are identified on the project drawings, *"Install Living Shoreline, WO# 6973177."*

b. The third area, presented as part of the Department of Defense's Readiness and Environmental Protection Integration (REPI) Program, is identified as *"REPI Shoreline Project, WO# 7044421."*

Total proposed discharge within the Neuse River equals 12,321 cubic yards of granite rip rap material and 181 cubic yards of loose oyster shells associated with the installation of a rip rap sill along 12,036 linear feet of shoreline with 129 sill openings. The rip rap sill would be constructed with a 2:1 side slope with a 3-foot-wide flat top. The rip rap would be placed on a geogrid fabric on the natural bottom (see below for details).

All fill material would be obtained from an NC Division of Energy, Mineral, and Land Resources (DEMLR) permitted borrow pit. Only quarried granite with angular clean edges and relatively flat faces would be used. The stone would be well graded and

conform to a maximum of 30 inches, average of 18 inches, and a minimum of 9 inches. No more than 5.0% of the material furnished would be less than the minimum size nor more than 10% of the material can exceed the maximum size.

The outer toe of the rip rap sill would be constructed a maximum of 15 feet to 30 feet from the normal water level. The sill openings would be constructed 100 feet apart, or less, and the openings would be 10 feet wide. United States Coast Guard retroreflective signage would be installed at toe of slope of the rip rap sill on the waterside at 50 feet on center maximum to ensure visibility of approaching vessels. Approximately 1.40 cubic yards of loose oyster shells would be placed within each of the sill openings and extend landward to natural grade. The oyster shells would be sourced from a supplier in North Carolina.

The granite rip rap would be installed from the waterward side of the sill utilizing long reach excavators and shallow water barges. No granite material is to be placed from the shoreline side of the project. The granite rip rap would be staged in Navy Docks area of MCAS Cherry Point at the designated contractor laydown area. Granite would be transported to the laydown area via dump truck and loaded onto barges utilizing excavators along the existing wharf area at the Navy Docks. The barges would be transported to the appropriate sill location and off loaded. The geogrid fabric would be placed on the river bottom by hand labor. A turbidity curtain would extend the entire length of the work area and would be anchored to upland shoreline on each end of the work area. The turbidity curtain would be maintained for the entire duration of construction on any sill segment.

Smooth cordgrass (*Spartina alterniflora*) would be planted by hand within the 8 to 10-foot-wide intertidal zone staggered and spaced at 12 inches on center. The planting material would be sourced from a North Carolina nursery.

Avoidance and Minimization

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

There are no impacts proposed to wetlands or streams.

The original project design included backfill of the rip rap sill with sand that would have adversely impacted a total of 6.81 acres of open waters of the Neuse River. The backfill aspect of the project included the planting of certain areas with smooth cordgrass *(Spartina alterniflora)* that would have replaced existing open waters.

The project as proposed was designed to minimize impacts to navigable waters of the United States by moving the landward toe of the rip rap approximately 15 feet from the normal water line. The proposed alignment also reduces the size (width and height) of the structure and the volume of rip rap needed due to shallower water depths closer to shore.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: No compensatory mitigation plan was offered.

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 (CHOOSE ALL THAT APPLY- marine substrate, estuarine substrate, water columns, emergent wetlands, submerged aquatic vegetation, artificial reefs, hardbottoms) (see project description) utilized by various life stages of the following species: (CHOOSE ALL THAT APPLY – 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 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, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat.

☐ By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☒ 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 applicant did not provide or satisfy all 9 elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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 the date of this public notice. 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 Friday, January 21, 2022 to:

NCDWR Central Office
Attention: Mr. Paul Wojowski, 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. 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, December 24, 2021. Comments should be submitted to Ms. Emily Thompson, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at Emily.b.thompson@usace.army.mil or (910) 251-4629.