



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: June 15, 2023  
Comment Deadline: July 15, 2023  
Corps Action ID Number: SAW-2023-01122

The Wilmington District, Corps of Engineers (Corps) received an application from Dare County seeking Department of the Army authorization to perform maintenance dredging within federal and non-federal channels associated with the Hatteras Inlet complex also increase the dredge spoil material capacity for channels between Hatteras Island, Ocracoke Island and Hatteras Inlet within Dare County, in Manteo, Dare 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/Public-Notices/>

**Applicant:** Dare County  
Attn: Mr. Robert Outten  
954 Marshall C. Collins Drive  
Manteo, North Carolina 27954

**AGENT (if applicable):** Mr. Kenneth Willson  
Coastal Protection Engineering  
4038 Masonboro Loop Road  
Wilmington, North Carolina 28409

## 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



**Figure 1.**

Location Description: The proposed project is located within a portion of the Pamlico Sound in Dare County, North Carolina. Hatteras Inlet is situated between Hyde and Dare County and consists of various federal and local channels allowing access between the Pamlico Sound and the Atlantic Ocean for commercial and recreational vessels as well as the US Coast Guard (USCG). The project limit includes Rollinson Channel Project known as the “horseshoe route”, the Hatteras Inlet Ocean Bar Channel, and various disposal areas.

Project Area (acres): 20,000  
Nearest Waterway: Pamlico Sound

Nearest Town: Hatteras Village  
River Basin: Pasquotank

Latitude and Longitude: 35.211008N, -75.784841W

## **Existing Site Conditions**

Hatteras Inlet is located along the Outer Banks of North Carolina and straddles the boundary between Hyde County and Dare County. The inlet, which separates Hatteras Island to the east and Ocracoke Island to the west, serves as a conduit between the Atlantic Ocean and Pamlico Sound for commercial and recreational vessels as well as by the USCG. The federally authorized Rollinson Channel Project, which includes a series of channels in Pamlico Sound in proximity to Hatteras Inlet, provides access for these vessels as they approach the inlet from both Hatteras Island and Ocracoke Island. The waters surrounding the Rollinson Channel Project and the Hatteras Inlet complex are relatively shallow with limited areas of submerged aquatic vegetation and intermixed with sandy shoals and small ephemeral islands. Over the years, Hatteras Inlet has widened to approximately 2 miles wide due to erosion along the south end of Hatteras Island. A fleet of ferries operated by the North Carolina Department of Transportation (NCDOT) connects NC Highway 12 between the two islands providing passage for passengers and vehicles. Historically maintenance dredging and emergency dredging events have occurred in these channels in order to maintain safe navigation.

## **Applicant's Stated Purpose**

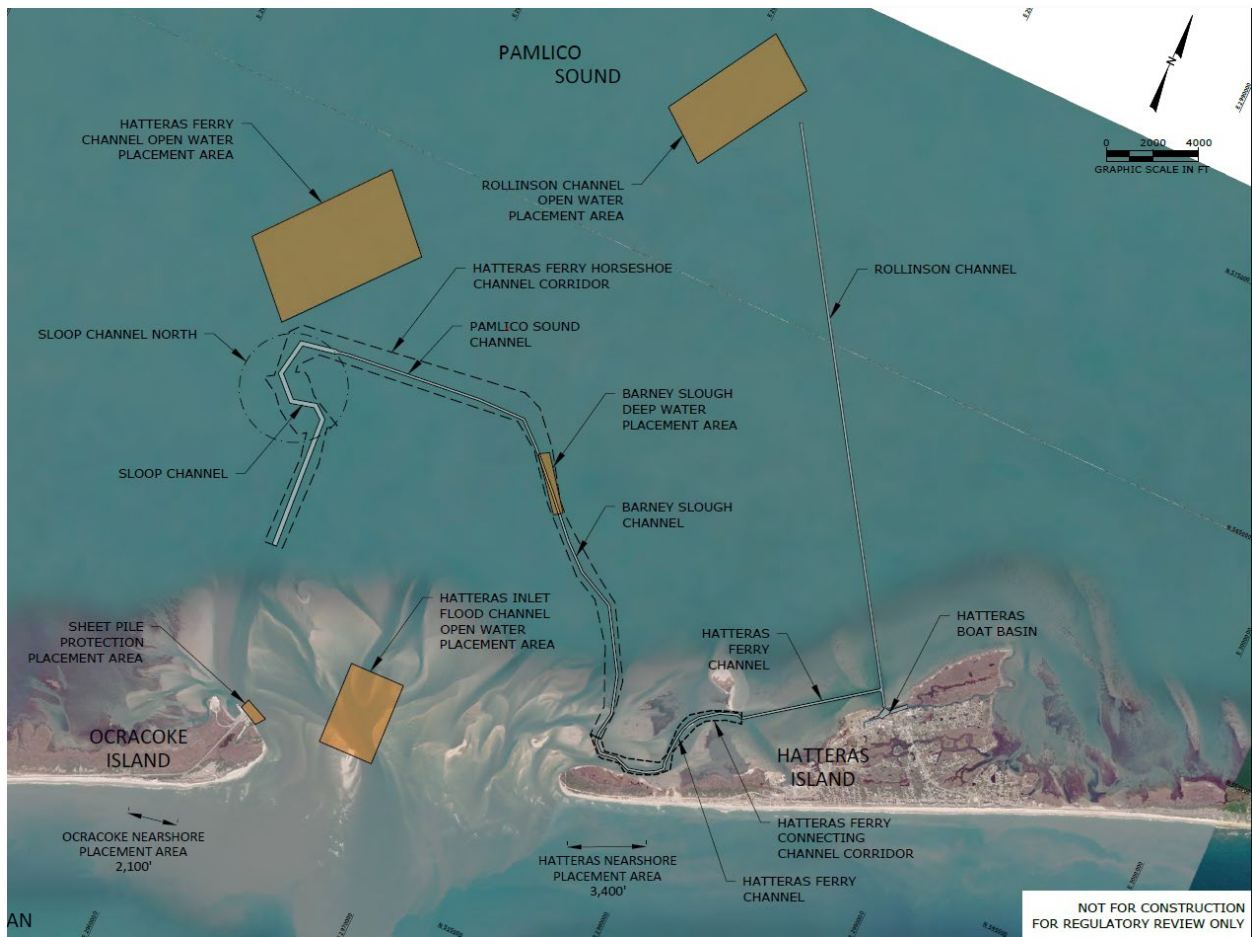
Dare County is seeking permit authorizations for actions to help provide safe and reliable navigation for commercial and recreational boaters and the USCG between Hatteras Island and Ocracoke Island and Pamlico Sound and to/from the Atlantic Ocean. Without adequate accessibility between islands and to/from Pamlico Sound, the local economy will continue to be impacted. As such, the need of this action is to increase dredge capacity using the Miss Katie or a similarly designed privately owned special purpose dredge along with the creation of additional placement locations to help ensure that dredging operations can be performed safely and efficiently while maintaining the county's, region and states economic viability and preserving environmental quality.

## **Project Description**

The applicant's proposed project includes the continuation of routine and emergency maintenance dredging events within federal and non-federal channels associated with the Hatteras Inlet complex. These channels include portions the federal authorized portion of the Rollinson Channel Project known as the "horseshoe route" and a 7,500-foot-long dredge corridor between Cora June Island and the southern terminus of Barney Slough. The proposal also includes the maintenance dredging of the Hatteras Inlet Ocean Bar channel which is not federally authorized. Dredging of these channels would include the use of the USACE fleet of special purpose dredges as well as a small modified hooper dredge, identified as the Miss Katie. Dredging operations would be

limited between October 1 through March 31 to abide by fisheries considerations. Year-round dredging, however, is proposed within the discrete area defined as “Sloop Channel North” and a segment of the channel extending from south of Cora June Island to the southern terminus of Barney Slough. Within federally authorized channels, sidecast dredging operations will be limited to only those channels for which the USACE has also been authorized to conduct sidecast dredging, which includes the horseshoe route and the 1,500-foot westernmost portion of the channel connecting Rollinson Channel to the southern terminus of Barney Slough (previously known as the Hatteras-to-Hatteras Inlet Channel). These actions are described in the USACE’s 2014 and 2022 EA/FONSI (USACE, 2014; USACE, 2022). In addition, sidecast dredging would be used in the Hatteras Inlet Ocean Bar Channel Corridor.

Disposal options for the proposed project include the lateral extent of the federally authorized nearshore placement sites off Ocracoke and Hatteras Islands, the sheet pile protection placement area at the northeast end of Ocracoke Island, two open water placement areas in the Pamlico Sound, a deep-water placement site in Barney Slough and a deep-water placement site in proximity to the Hatteras Island flood channel.



**Figure 2. Proposed channels and disposal areas.**

In addition, the maintenance dredging within Sloop Channel under this proposal will include maintenance dredging of a 200 ft wide channel. This width differs from the USACE authorization and NCDOT permits which allow for maintaining Sloop Channel to 100 ft wide and 225 ft wide, respectively. Other channel dimensions are described as follows:

- 1) The fixed federally authorized Rollinson Channel extending miles from Pamlico Sound to the basin at Hatteras. This channel is authorized to -12 ft MLLW + 2 feet allowable over depth and 100 ft wide.
- 2) The basin at Hatteras measuring approx. 2,500 feet long and 250 feet wide and federally authorized to -12 ft. MLLW +2 ft. allowable over depth.
- 3) The “Hatteras Ferry Channel” component of the Rollinson Channel Project:
  - a. A 100-foot-wide fixed channel with a federally authorized depth of -10 feet MLLW + 2 feet allowable over depth extending ~6,200’ from Rollinson Channel toward the Hatteras Inlet gorge terminating south of Cora June Island.
  - b. A 100-foot-wide channel following best water within the “Hatteras Ferry Connecting Channel Corridor” maintained to a depth of -10 feet MLLW + 2 feet allowable over depth. The Corridor varies in width and extends ~7,500’ from an area south of Cora June Island toward the Hatteras Inlet gorge where it connects to Barney Slough.
  - c. The recently federally realigned 100-foot-wide channel with an authorized depth of -10 feet MLLW + 2 feet allowable over depth that follows the best deep-water route to the Hatteras Inlet gorge. This channel is sometimes referred to as the “horseshoe route” including Barney Slough, a portion of Pamlico Sound, and Sloop Channel. In addition, the proposed action requests a 200-foot-wide channel within the confines of Sloop Channel. Collectively, this domain will be referred to as the “Hatteras Ferry Horseshoe Channel Corridor”.
- 4) Hatteras Inlet Ocean Bar Channel Corridor: a channel following best water to -14 feet MLW +2 feet of allowable over depth, 400 feet wide extending from the edge of the South Ferry Channel corridor through the ocean bar into the Atlantic Ocean.

## **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Any dredging or placement activity will avoid direct impacts to EFH resources (SAV beds or oysters reefs) through the use of a 100 ft no-dredge buffer around any known SAV or shellfish beds when dredging operations are performed during the months of October through March. A 300 ft buffer will be imposed when dredging operations occur during the months of April through September. Dredging and placement activities will be mainly limited between October 1 through March 31 to abide by fisheries considerations. Coordination with the resource agencies would be required prior to every dredging event outside of the 1 October – 31 March timeframe. Year-round dredging, however, is proposed within the discrete area

defined as “Sloop Channel North” and a segment of the channel extending from south of Cora June Island to the southern terminus of Barney Slough as depicted above in Figure 2. These are the same areas where the USACE is already authorized to dredge on year-round basis.

Dredging activities will be completed using the Miss Katie, USACE special purpose dredges or other small-modified type hopper dredges to minimize the risk of impacts to any threatened or endangered species. Specifications of these dredges include reduced draghead sizes and openings as well as low pump horsepower.

No dredging or placement activity will be performed in waters above 0 mean lower low water (MLLW) elevation to ensure no impacts to piping plover or rufa red knot habitat is impacted. Dredging operations will also comply with all precautions outlined within the USFWS’s “Guidelines for Avoiding Impacts to the West Indian Manatee” to help reduce impacts to the Species.

Prior to initial placement and dredging events, physical and biological surveys will be conducted to indicate the presence or extent of any SAV or shellfish resource in order to adhere to any buffers required in the permit conditions.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: No compensatory mitigation is proposed, as no jurisdictional wetlands will be impacted as a part of this project.

### **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 estuarine substrate, water columns, submerged aquatic vegetation, utilized by various life stages of the following species: 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, 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 the 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 120 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 November 15, 2023 to:

NCDWR Central Office  
Attention: Ms. Stephanie Goss, 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, July 15, 2023. Comments should be submitted to Mr. Josh Pelletier, Washington Regulatory Field Office,

2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4605.  
Comments may also be submitted to [WashingtonNCREG@usace.army.mil](mailto:WashingtonNCREG@usace.army.mil)