



October 2010

# Bogue Banks

## Master Beach Nourishment Plan

Carteret County, North Carolina

### Public Scoping Report

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## **List of Acronyms**

BA	Biological Assessment
BO	Biological Opinion
BOEMRE	Bureau of Ocean Energy Management, Regulation and Enforcement
DC&A	Dial Cordy and Associates Inc.
DCM	Division of Coastal Management
DMMP	Dredged Material Management Plan
DWQ	Division of Water Quality
MBNP	Master Beach Nourishment Plan
M&N	Moffatt and Nichol
NEPA	National Environmental Policy Act
NPS	National Parks Service
PEIS	Programmatic Environmental Impact Statement
SAW	South Atlantic Wilmington District US Army Corps of Engineers
SPM	Shore Protection Manager
USFWS	United States Fish and Wildlife Service



## **1.0 INTRODUCTION**

The following is a synopsis of the public scoping efforts held for the proposed Bogue Banks Master Beach Nourishment Plan (MBNP) and the associated Programmatic Environmental Impact Statement (PEIS). On 30 September 2010 at the Carteret County Civic Center, an inter-agency meeting was held at 1:00 pm and a public scoping meeting was held at 6:00 pm. This summary report, including figures; tables; and appendices, will be included within the PEIS summarizing the public's involvement, review, and the agencies' comments and coordination.

## **2.0 PROJECT OVERVIEW**

The MBNP will be developed from previous and current shoreline protection initiatives incorporating current coastal monitoring and proposed coastal modeling. The coastal engineering design will consider the volume per linear foot of sand constituting an equivalent level of protection for each recipient beach. Nourishment events will be triggered by a sand volume per linear foot and available sand source locations; volumes; and quality (Figures 1 and 2). These design parameters will determine the capacity of the recipient beaches, projected nourishment timing, and borrow source long term use expectancy. A primary design goal is to maximize high quality sand source capacities along scheduled reaches based on an equivalency of protection, while minimizing natural and anthropogenic effects.

## **3.0 PUBLIC SCOPING PROCESS**

A National Environmental Policy Act (NEPA)/State Environmental Policy Act compliant PEIS will be developed as part of the MBNP. The NEPA (40 C.F.R. 1500 - 1508) includes fundamental objectives such as, but not limited to, disclosure of existing environmental information; resolution of environmental issues; fostering inter-governmental coordination and cooperation; and enhancement of public participation. The NEPA EIS process will include comments received during the project's scoping, coordination, and development. By adhering to the NEPA process, the PEIS will comply with the requirements of the North Carolina State Clearinghouse review process under North Carolina General Statute (G.S.) 113A-1.

A Notice of Intent was placed in the Federal Register on 15 September 2010 with a comment period ending 15 October 2010 (Appendix I). A South Atlantic Wilmington District US Army Corps of Engineers (SAW) public notice was issued on 17 September 2010 and included the Bogue Banks' inter-local government agreement and the proposed MBNP's rationalization (Appendix II).

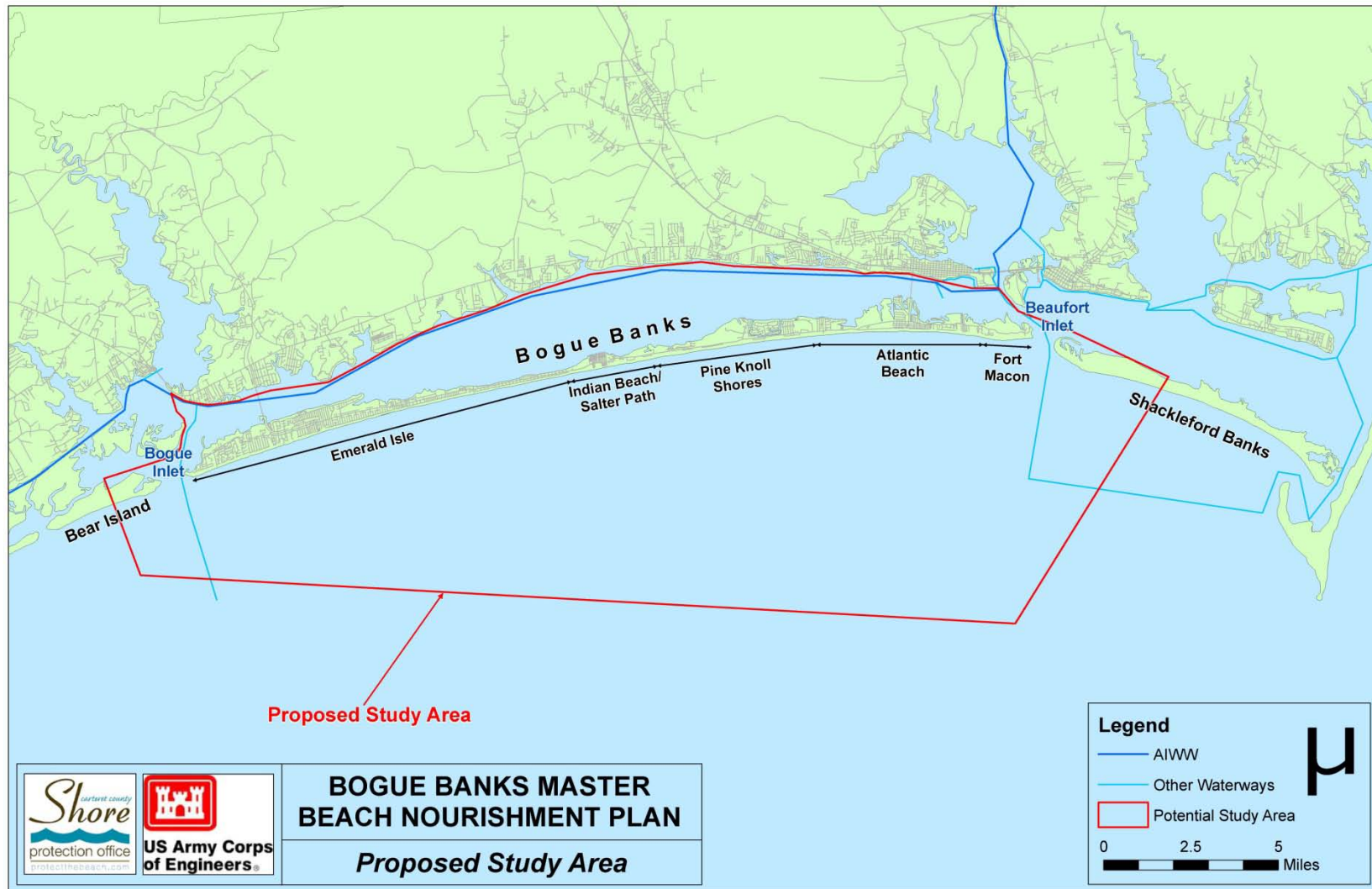
## **4.0 INTER-AGENCY MEETING**

An inter-agency meeting was held initiating formal scoping of Bogue Banks' MBNP and associated PEIS. The participating agencies represent members of the forthcoming Project Delivery Team providing input in the PEIS development. Ten regulatory agencies, both state and federal, were represented; many with multiple staff. The participant sign-in list is found in Appendix III.

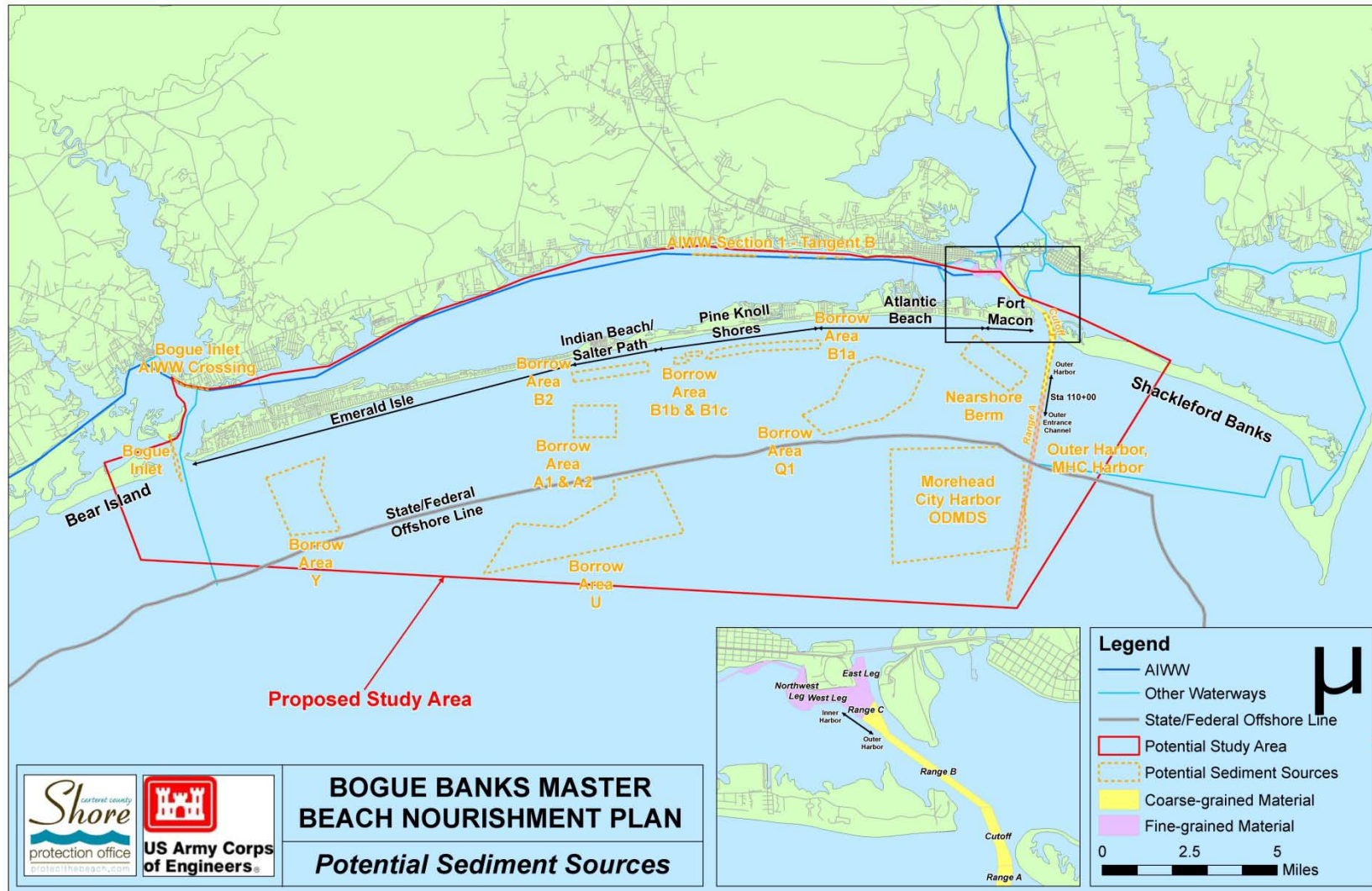
### **4.1 Presentations**

The inter-agency meeting was initiated by Carteret County's Shore Protection Manager (SPM) presenting a summary of Bogue Banks shore protection efforts to date and the resulting decision initiating the MBNP (Figures 3 and 4). Subsequently, a joint presentation was given by





**Figure 1. Proposed Study Area**



**Figure 2. Potential Borrow Sources**

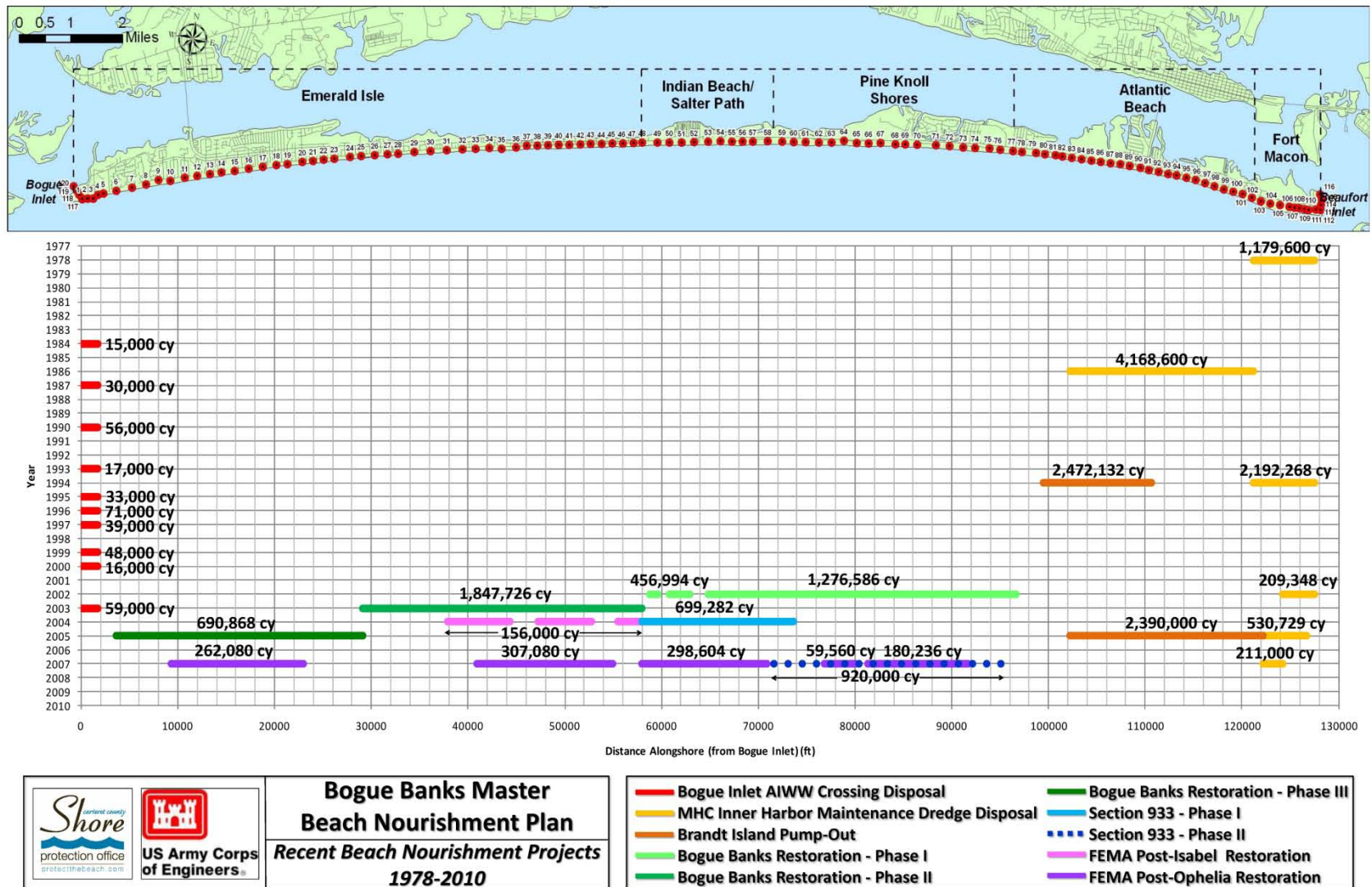


Figure 3. Recent Beach Nourishment Projects





**Figure 4. Bogue Banks Aerial**

Moffatt & Nichol (M&N) the project design lead and Dial Cordy & Associates Inc. (DC&A) the project environmental lead (SAW's third party contractor). Both presentations are provided in Appendix IV; and the following bullet list highlights points made during the opening presentations.

- The SPM gave a brief description of the third party contracting agreement and responsibilities between Carteret County, DC&A, M&N, and SAW/North Carolina Division of Coastal Management (DCM). Carteret County is considered the Applicant.
- The SPM discussed the relationship between Carteret County and each Bogue Banks' municipality and the development and implementation of the Beach Commission.
- The SPM discussed the inter-local government agreement developed between the Bogue Banks' municipalities. The agreement's primary goal is averting individual municipal shore protection permit requests.
- The SPM described a three-pronged solution or proposed approach maximizing storm protection, conforming to Federal Emergency Management Agency plans, and meeting DCM's static vegetation line criteria.
- M&N will incorporate historical data and implement analytical and numerical models to determine specific triggers for nourishment needs of each recipient beach.
- The Coastal Habitat Protection Plan and the forthcoming Beach and Inlet Management Plan have recommended a holistic regional approach to oceanfront shoreline sand management. The Bogue Banks MBNP and PEIS will employ this approach.

#### 4.2 Inter-agency Discussion Points

The following table captures paraphrased comments and initial county/team responses shared in open discussion following the project presentations.

**Table 1. Inter-agency discussion points.**

Agency	Comments	Initial Team Response
SAW	Available sand volumes per potential borrow source must be evaluated against projected or modeled volumes needed.	Agreed
SAW	Based on the potential borrow sources shown on Figure 2, would the loss of any one potential source (e.g. Bogue Inlet) result in project failure?	No, other alternatives would be developed.
SAW	Has a placement volume template been determined based on existing datasets?	No, that determination is underway considering historical placements and future modeling efforts.

**Table 1. (continued).**

Agency	Comments	Initial Team Response
SAW	Is there a plan for Bogue Inlet?	Carteret County plans to maintain Bogue Inlet's current authorized position, depth, and width, but do not plan to use Bogue Inlet as a sand source unless maintenance of the current authorization is required. The inlet's location is a matter of safe recreational/commercial navigation as well as island infrastructure protection. Emerald Isle takes up a majority of Bogue Banks and therefore, their needs are important.
North Carolina Division of Water Quality (DWQ)	Will sea level rise be included in the modeling efforts?	Yes
SAW	SAW Civil Works has sea level rise evaluation procedures and data.	Understood
DCM	Potential borrow sources offshore and outside North Carolina's 3-mile jurisdiction fall under the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE); and these sites may have multiple DCM permit review processes.	Understood
North Carolina Division of Water Resources and SAW	The competition for sand sources between SAW's Civil Work's 50 Year Shoreline Protection Plan (currently in the Feasibility Phase) and Carteret County's MBNP must be well defined and coordinated.	Understood
DWQ	Relocation/retreat within hot spot locations should be evaluated.	Potential physical and fiscal effects will be considered.
SAW	What is the volume of public feedback to date?	The beaches are in fairly good shape; therefore, minimal public concern has been expressed.



**Table 1. (continued).**

Agency	Comments	Initial Team Response
National Parks Service (NPS)	NPS areas with anthropogenic altered environments such as inlet areas are allowed to receive sand if the NPS is so inclined to request. The west end of Shackleford Banks has grown by ~1 mile since the 1800s.	Understood
DCM	SAW's dredged material management plan (DMMP) and the Draft PEIS are tentatively scheduled to be released in October and September 2011 respectively. The DMMP may have elements that should be considered within the Draft PEIS.	Understood
DCM	Potential borrow source locations may have multi-faceted issues e.g. tires; competing issues with offshore energy e.g. transmission corridors. Marine spatial and ocean planning must be considered.	Agreed
North Carolina Division of Parks and Recreation	Maintenance of Cow Channel should be considered as a potential sand source.	Understood
BOEMRE	Borrow sources outside North Carolina's 3-mile offshore jurisdiction requiring sampling/dredging need to address BOEMRE authorization requirements.	Understood
United States Fish and Wildlife Service (USFWS)	Sand transport within Coastal Barrier Resources Act zones should be considered.	Understood
USFWS	The Endangered Species Act regarding mammals, birds, sea turtles, and sea beach amaranth must be considered.	Agreed
USFWS	A Biological Assessment (BA) of potential effects on endangered and threatened species and a resulting Biological Opinion (BO) will be required.	Agreed

**Table 1. (concluded).**

<b>Agency</b>	<b>Comments</b>	<b>Initial Team Response</b>
USFWS	Critical habitat for the piping plover should include a wintering habitat evaluation; the % wintering habitat affected and the % wintering habitat remaining should be addressed.	Understood
National Marine Fisheries Service	An Essential Fish Habitat Assessment will be required and sequencing/guidance is offered	Agreed
SAW	A Project Delivery Team invitation/notification will be sent. Participants will assist in borrow site selections, alternatives' development, and purpose and need determination.	Understood

## 5.0 PUBLIC SCOPING MEETING

A public scoping meeting was held initiating formal scoping of the Bogue Banks MBNP and associated PEIS. The SPM provided a public notice to several media outlets within Carteret County (Table 2) (Appendix V). Private citizens, Carteret County representatives, and several Bogue Banks' municipality representatives participated. The participant list is provided in Appendix VI.

**Table 2. Carteret County Media Advertisements**

<b>Media</b>	<b>Presentation</b>	<b>Date</b>
Carteret News Times	News Print	9/19/10
Tideland News	News Print	9/22/10
107.1 WKTF, Morehead City	Radio Interview	9/21/10, 18:45 – 19:00
County Courthouse	Flyer Posted	9/21/10
Beach News	Web-Posted	9/17/10

## 5.1 Presentations

The public scoping meeting was initiated by SAW's Regulatory Branch Project Manager presenting an oversight of the meeting's purpose, goals, and process. Additional regulatory information was shared by SAW's Regulatory Chief (Appendix VII). Carteret County's SPM provided a history of Bogue Banks shore protection efforts to date and the resulting decision initiating the MBNP. A copy of the county's presentation is provided in Appendix VIII.

## 5.2 Public Scoping Meeting Comments

The following are the public comments received during the scoping meeting and comment period. Each individual was given four (4) opportunities to express comments, concerns, and/or questions. Responses will be addressed within the MBNP and associated PEIS. The public's comments/questions captured during the public scoping meeting are provided below.

- How does the Federal Project affect this project?
- Incorporate DMMP Project impacts on the project.
- Consider navigation in Bogue Inlet.
- Make sure the permitting process is efficient.
- Consider positive benefits of beach restoration on natural resources (sea turtles, sea beach amaranth).
- Include innovative technologies in dredging, water management, groundwater, stormwater, waste water, and aquifer management.
- Evaluate the Olsen report and understand the loss of the ebb tide delta in Beaufort Inlet by dredging and/or nourishment project.
- Need to address/evaluate the direction material is moving along the shore.
- Include effects of sea level rise on renourishment cost.
- Include sand transfer pipe as an alternative.

The following are public comments/questions received during the public scoping comment period ending 15 October 2010. Written comments received are found in Appendix IV including comments from the North Carolina Division of Marine Fisheries.

- Obtain permits to manage Bogue Bank water assets, including Storm, Sanitary and Aquifer.
- Obtain permits to evaluate potential Reverse Osmosis water plants in order to supply potable water from erosion hot spots.
- Obtain permits to utilize near shore sand for nourishment provided by patented dredge Seadozer.
- Obtain permits to manage Bogue Inlet ocean bar using Seadozer.



**APPENDIX I**

**FEDERAL NOTICE OF INTENT**

[Federal Register: September 15, 2010 (Volume 75, Number 178)]  
[Notices]  
[Page 56080-56082]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr15se10-54]

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## DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Intent To Prepare a Draft Programmatic Environmental Impact Statement (PEIS) for the Development of a Multi-Decadal Shoreline Protection Plan, Known as the Bogue Banks Beach Master Nourishment Plan (Master Plan), for the 25-Mile Ocean Shoreline of Bogue Banks in Carteret County, NC

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

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SUMMARY: The U.S. Army Corps of Engineers (USACE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act, from Carteret County to develop and implement, under an inter-local agreement between the towns on Bogue Banks barrier island, a multi-decadal Master Plan that would provide ocean shoreline protection to approximately 25 miles of beach over a minimum period of 30 years.

DATES: A public scoping meeting for the Draft PEIS will be held at Crystal Coast Civic Center near the Carteret County Community College, located at 3505 Arendell Street in Morehead City, on September 30, 2010 at 6 p.m. Written comments will be received until October 15, 2010.

[[Page 56081]]

**ADDRESSES:** Copies of comments and questions regarding scoping of the Draft PEIS may be submitted to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. Attn: File Number 2009-0293, 69 Darlington Avenue, Wilmington, NC 28403.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and Draft PEIS can be directed to Mr. Mickey Sugg, Project Manager, Wilmington Regulatory Field Office, telephone: (910) 251-4811.

**SUPPLEMENTARY INFORMATION:** 1. Project Description. As a result of significant hurricane activity in the 1990's, the County and many of the municipalities on Bogue Banks have implemented several interim beach nourishment activities in order to curb ocean shoreline erosion and to help improve protection against future storms. For the past 10 years, the County has been in a cost share agreement with the USACE, currently in the Reconnaissance Study phase, to conduct a federal 50-year Shore Protection Project for Bogue Banks to help sustain the island long term. However, with the uncertainties of the federal long-term plan, the County and the beach municipalities have determined the need to reevaluate their long-term beach nourishment solutions for Bogue Banks. The development of the Master Plan will involve review all of the previous nourishment efforts and current plans and formulation of a multi-decadal all inclusive nourishment plan for the entire barrier island of Bogue Banks.

The Master Plan and PEIS will include a comprehensive review of present-day beach conditions, a review of Carteret County's and the USACE's previous beach nourishment/beneficial use projects, and the development of a multi-decadal plan based on volumetric/beach elevation thresholds for Fort Macon/Atlantic Beach, Pine Knoll Shores, Indian Beach/Salter Path, and Emerald Isle. The Master Plan will address all anticipated beach nourishment/maintenance activities including but not limited to; Atlantic Intracoastal Waterway (AIWW) dredging with concurrent beach disposal, beneficial use dredging projects/opportunities, FEMA reimbursement projects, and other potential sand placement or beach maintenance activities (beach bulldozing, etc.). Potential sand source locations to be evaluated in the Draft PEIS could include the Ocean Dredged Material Disposal Site (ODMDS) located offshore of Beaufort Inlet, the USACE nearshore placement area, Bogue Inlet, AIWW reaches, preliminary USACE offshore borrow locations, previously permitted Carteret County offshore borrow locations, and upland sources. The Master Plan will: (a) Establish acceptable ranges



of in-situ beach volumes and elevations, (b) establish beach volumetric and elevation triggers for nourishment events, (c) continue a basis for FEMA reimbursement qualifications, (d) conform to the North Carolina Division of Coastal Management's (NCDCM) rules for static vegetation line exceptions, and (e) establish a programmatic approach facilitating the authorization and scheduling of Bogue Banks' nourishment/maintenance events.

Natural resource studies and investigations which may be conducted in support of the plan formulation include: (1) Identification and biological characterization of estuarine habitat types (salt marsh, shellfish, submerged aquatic vegetation) in a defined project area using aerial mapping and/or groundtruth investigations; (2) pre-project monitoring of, and/or use of existing data, on threatened and endangered species and their associated habitats as determined through coordination with project stakeholders; (3) development and/or implementation of project monitoring and mitigation plans based on the project impact assessment, and 4) the development of a cumulative impact assessment.

2. Issues. There are several potential environmental issues that will be addressed in the PEIS. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

- a. Potential impacts to marine biological resources (benthic organisms, passageway for fish and other marine life) and Essential Fish Habitat.
- b. Potential impacts to threatened and endangered marine mammals, birds, fish, and plants.
- c. Potential impacts associated with using inlets as a sand source.
- d. Potential impacts to public lands, such as adjacent State Parks (Hammocks Beach and Forth Macon) and Federal lands (Cape Lookout National Seashore).
- e. Potential impacts to Navigation, commercial and recreational.
- f. Potential impacts to the long-term management.
- g. Potential effects on regional sand sources and how it relates to sand management practices.
- h. Potential effects of shoreline protection.
- i. Potential impacts on public health and safety.
- k. Potential impacts to recreational and commercial fishing.
- l. The compatibility of the material for nourishment.
- m. Potential impacts to cultural resources.
- n. Cumulative impacts of past, present, and foreseeable future dredging and nourishment activities.

3. Alternatives. Several alternatives and sand sources are being

considered for the development of the management plan. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the PEIS.

4. Scoping Process. A public scoping meeting (see DATES) will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft PEIS. Participation in the public meeting by federal, state, and local agencies and other interested organizations and persons is encouraged.

The USACE will consult with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act; with the National Marine Fisheries Service under the Magnuson-Stevens Fishery Conservation and Management Act and the Endangered Species Act; and with the North Carolina State Historic Preservation Office under the National Historic Preservation Act. The USACE will also coordinate with the Bureau of Ocean Energy Management, Regulation and Enforcement, formerly known as Minerals Management Service (MMS), to ensure the plan complies with the Outer Continental Shelf Lands Act (OCSLA). Additionally, the USACE will coordinate the PEIS with the North Carolina Division of Water Quality (NCDWQ) to assess the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and with the North Carolina Division of Coastal Management (NCDCM) to determine the projects consistency with the Coastal Zone Management Act. The USACE will closely work with NCDCM and NCDWQ in the development of the PEIS to ensure the process complies with all State Environmental Policy Act (SEPA) requirements. It is the intention of both the USACE and the State of North Carolina to consolidate the NEPA and SEPA processes thereby eliminating duplication.

6. Availability of the Draft PEIS. The Draft PEIS is expected to be published and circulated by August 2011. A public hearing may be held after the publication of the Draft PEIS.

[[Page 56082]]

Dated: September 3, 2010.  
S. Kenneth Jolly,  
Chief, Regulatory Division.  
[FR Doc. 2010-22708 Filed 9-14-10; 8:45 am]  
BILLING CODE 3720-58-P

Directive 5230.09, Clearance of DoD Information for Public Release; E.O. 12333, as amended, United States Intelligence Activities; E.O. 13526, Classified National Security Information; and NSA/CSS Policy 1–30, Review of NSA/CSS Information for Public Dissemination.

**PURPOSE(S):**

To maintain records relating to the pre-publication review of official NSA/CSS information intended for public dissemination.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal agencies involved in a classification review of information containing National Security Agency as well as other agency and/or government information.

The DoD 'Blanket Routine Uses' published at the beginning of the NSA/CSS's compilation of record systems also apply to this record system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders and electronic media.

**RETRIEVABILITY:**

Individual's name, title of the pre-publication document, and the case number assigned to the pre-publication review request.

**SAFEGUARDS:**

Secured by a series of guarded pedestrian gates and checkpoints. Access to facilities is limited to security-cleared personnel and escorted visitors only. With the facilities themselves, access to paper and computer printouts are controlled by limited-access facilities and lockable containers. Access to electronic means is controlled by computer password protection.

**RETENTION AND DISPOSAL:**

Records are permanently retained and will be transferred to the NSA/CSS Archives when no longer needed for operations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Associate Director for Policy and Records, National Security Agency/Central Security Service, 9800 Savage

Road, Ft. George G. Meade, MD 20755–6000.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the National Security Agency/Central Security Service, Freedom of Information Act/Privacy Act Office, 9800 Savage Road, Suite 6248, Ft. George G. Meade, MD 20755–6248.

Written inquiries should contain the individual's full name, address and telephone number.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the National Security Agency/Central Security Service, Freedom of Information Act/Privacy Act Office, 9800 Savage Road, Suite 6248, Ft. George G. Meade, MD 20755–6248.

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**CONTESTING RECORD PROCEDURES:**

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the National Security Agency/Central Security Service, Freedom of Information Act/Privacy Act Office, 9800 Savage Road, Suite 6248, Ft. George G. Meade, MD 20755–6248.

**RECORD SOURCE CATEGORIES:**

Individuals and other NSA personnel involved in the publications review process.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2010–22969 Filed 9–14–10; 8:45 am]

**BILLING CODE 5001–06–P**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**Sunshine Act Notice**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notification of Change in Meeting Location.

**SUMMARY:** Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's public hearing and meeting.

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 75 FR 43495 (July 26, 2010).

**PREVIOUSLY ANNOUNCED MEETING**

**LOCATION:** Room 133, Richland Federal Building, 825 Jadwin Avenue, Richland, Washington 99352.

**CHANGES IN THE MEETING:** The public meeting will now be held at Three Rivers Convention Center, 7016 W. Grandridge Boulevard, Kennewick, Washington 99336, (509) 737–3700.

**TIME AND DATE OF MEETING:** Session I: 9 a.m.–1 p.m., October 7, 2010; Session II: 5 p.m.–9 p.m., October 7, 2010; Session III: 8 a.m.–12 p.m., October 8, 2010.

**CONTACT PERSON FOR MORE INFORMATION:** Brian Grosner, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

Dated: September 13, 2010.

**Peter S. Winokur,**  
*Chairman.*

[FR Doc. 2010–23158 Filed 9–13–10; 4:15 pm]

**BILLING CODE 3670–01–P**

**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Corps of Engineers**

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borrow locations, previously permitted Carteret County offshore borrow locations, and upland sources. The Master Plan will: (a) Establish acceptable ranges of in-situ beach volumes and elevations, (b) establish beach volumetric and elevation triggers for nourishment events, (c) continue a basis for FEMA reimbursement qualifications, (d) conform to the North Carolina Division of Coastal Management's (NCDCM) rules for static vegetation line exceptions, and (e) establish a programmatic approach facilitating the authorization and scheduling of Bogue Banks' nourishment/maintenance events.

Natural resource studies and investigations which may be conducted in support of the plan formulation include: (1) Identification and biological characterization of estuarine habitat types (salt marsh, shellfish, submerged aquatic vegetation) in a defined project area using aerial mapping and/or groundtruth investigations; (2) pre-project monitoring of, and/or use of existing data, on threatened and endangered species and their associated habitats as determined through coordination with project stakeholders; (3) development and/or implementation of project monitoring and mitigation plans based on the project impact assessment, and 4) the development of a cumulative impact assessment.

2. Issues. There are several potential environmental issues that will be addressed in the PEIS. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

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- f. Potential impacts to the long-term management.
- g. Potential effects on regional sand sources and how it relates to sand management practices.
- h. Potential effects of shoreline protection.
- i. Potential impacts on public health and safety.
- k. Potential impacts to recreational and commercial fishing.

l. The compatibility of the material for nourishment.

m. Potential impacts to cultural resources.

n. Cumulative impacts of past, present, and foreseeable future dredging and nourishment activities.

3. Alternatives. Several alternatives and sand sources are being considered for the development of the management plan. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the PEIS.

4. Scoping Process. A public scoping meeting (*see DATES*) will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft PEIS. Participation in the public meeting by federal, state, and local agencies and other interested organizations and persons is encouraged.

The USACE will consult with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act; with the National Marine Fisheries Service under the Magnuson-Stevens Fishery Conservation and Management Act and the Endangered Species Act; and with the North Carolina State Historic Preservation Office under the National Historic Preservation Act. The USACE will also coordinate with the Bureau of Ocean Energy Management, Regulation and Enforcement, formerly known as Minerals Management Service (MMS), to ensure the plan complies with the Outer Continental Shelf Lands Act (OCSLA). Additionally, the USACE will coordinate the PEIS with the North Carolina Division of Water Quality (NCDWQ) to assess the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and with the North Carolina Division of Coastal Management (NCDCM) to determine the projects consistency with the Coastal Zone Management Act. The USACE will closely work with NCDCM and NCDWQ in the development of the PEIS to ensure the process complies with all State Environmental Policy Act (SEPA) requirements. It is the intention of both the USACE and the State of North Carolina to consolidate the NEPA and SEPA processes thereby eliminating duplication.

6. Availability of the Draft PEIS. The Draft PEIS is expected to be published and circulated by August 2011. A public hearing may be held after the publication of the Draft PEIS.

Dated: September 3, 2010.

**S. Kenneth Jolly,**

*Chief, Regulatory Division.*

[FR Doc. 2010-22708 Filed 9-14-10; 8:45 am]

BILLING CODE 3720-58-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC10-725E-001]

#### Commission Information Collection Activities (FERC-725E); Comment Request; Submitted for OMB Review

September 3, 2010.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission or FERC) has submitted the information collection described below to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (75 FR 35002, 6/21/2010) requesting public comments. FERC received no comments on the FERC-725E and has made this notation in its submission to OMB.

**DATES:** Comments on the collection of information are due by October 15, 2010.

**ADDRESSES:** Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to Created by OMB should be filed electronically, c/o [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) and include the OMB Control Number 1902-0246 for reference. The Desk Officer may be reached by telephone at 202-395-4638.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission and should refer to Docket No. IC10-725E-001. Comments may be filed either electronically or in paper format. Those persons filing electronically do not need to make a paper filing. Documents filed electronically via the Internet must be prepared in an acceptable filing format

and in compliance with the Federal Energy Regulatory Commission submission guidelines. Complete filing instructions and acceptable filing formats are available at <http://www.ferc.gov/help/submission-guide/electronic-media.asp>. To file the document electronically, access the Commission's Web site and click on Documents & Filing, E-Filing (<http://www.ferc.gov/docs-filing/efiling.asp>), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

For paper filings, the comments should be submitted to the Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426, and should refer to Docket No. IC10-725E-001.

Users interested in receiving automatic notification of activity in FERC Docket Number IC10-725E may do so through eSubscription at <http://www.ferc.gov/docs-filing/esubscription.asp>. All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the "eLibrary" link. For user assistance, contact [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

**FOR FURTHER INFORMATION:** Ellen Brown may be reached by e-mail at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), by telephone at (202) 502-8663, and by fax at (202) 273-0873.

#### SUPPLEMENTARY INFORMATION:

**Action:** The Commission is requesting a three-year extension of the information collected by the FERC-725E (OMB Control No. 1902-0246). The information is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate grid through the granting of authority to provide for a system of mandatory Reliability Standards developed by the Electric Reliability Organization (ERO). Reliability Standards that the ERO proposes to the Commission may include Reliability Standards that are proposed to the ERO by a Regional Entity.<sup>1</sup> A Regional Entity is an entity that has been approved by the Commission to enforce Reliability Standards under delegated authority from the ERO.<sup>2</sup> On June 8, 2008 in an

adjudicatory order, the Commission approved eight regional Reliability Standards submitted by the ERO as proposed by the Western Electricity Coordinating Council (WECC).<sup>3</sup>

WECC is responsible for coordinating and promoting electric system reliability. In addition to promoting a reliable electric power system in the Western Interconnection, WECC supports efficient competitive power markets, ensures open and non-discriminatory transmission access among members, and provides a forum for resolving transmission access disputes plus the coordination of operating and planning activities of its members. WECC and the eight other regional reliability councils were formed due to a national concern regarding the reliability of the interconnected bulk power systems, the ability to operate these systems without widespread failures in electric service and the need to foster the preservation of reliability through a formal organization. The eight regional Reliability Standards are translations of existing reliability criteria and are now binding on the applicable subset of users, owners and operators of the Bulk Power System in the United States portion of the Western Interconnection. The Commission's reporting requirements are found in 18 CFR Part 40.

The eight Reliability Standards do not require responsible entities to file information with the Commission. However, the standards do require responsible entities to file periodic reports with WECC and to develop and maintain certain information for a specified period of time, subject to inspection by WECC. Specifically the eight Reliability Standards require the following:

**WECC-BAL-STD-002-0**—balancing authorities and reserve sharing groups are to submit to WECC quarterly reports on operating reserves as well as reports after any instance of non-compliance.

**WECC-IRO-STD-006-0**—transmission operators, balancing authorities and load-serving entities are to document and report to WECC actions taken in response to direction to mitigate unscheduled flow. The standard also requires transmission operators to document required actions that are and are not taken by responsible entities.

**WECC-PRC-STD-001-1**—certain transmission operators are to submit to WECC annual certifications of protective equipment.

<sup>1</sup> 16 U.S.C. 824o(e)(4).

<sup>2</sup> 16 U.S.C. 824o(a)(7) and (e)(4).

<sup>3</sup> 72 FR 33462, June 18, 2007.

## **APPENDIX II**

### **SAW PUBLIC NOTICE/INTER-LOCAL GOVERNMENT AGREEMENT**



**From:** [Robinson, Gwendolyn M SAW](#)  
**Subject:** NOTIFICATION OF A PUBLIC NOTICE FROM WILMINGTON DISTRICT REGULATORY DIVISION, U.  
S. ARMY CORPS OF ENGINEERS  
**Date:** Friday, September 17, 2010 2:54:51 PM

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As you requested, you are hereby notified that Wilmington District, United States Army Corps of Engineers has issued a Public Notice. The text of this document can be found on the Public Notices portion of the Regulatory Division Home Page. Each Public Notice is available in ADOBE ACROBAT (.pdf) format for viewing, printing or download at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands). As with all e-mail attachments, be sure to check for viruses prior to opening the attachment. The current notice involves:

## **PUBLIC NOTICE**

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) is holding a scoping meeting for work within jurisdictional waters of the United States that is proposed by Carteret County.



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: September 17, 2010  
Comment Deadline: October 15, 2010  
Corps Action ID #: 2009-00293

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) is holding a scoping meeting for work within jurisdictional waters of the United States that is proposed by Carteret County. 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 [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:**

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

**AGENT (if applicable):**

Moffatt and Nichol  
Attn: Mr. Timothy Reid  
1616 East Millbrook Road, Suite 160  
Raleigh, North Carolina 27609

**Authority**

The Corps will evaluate this project pursuant to applicable procedures to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor; and will develop a Programmatic Environmental Impact Statement (PEIS) to assess the proposal, for which Bureau of Ocean Energy Management, Regulation and Enforcement, formerly known as Minerals Management Service (MMS), will be a cooperating agency. Additionally, the Corps will coordinate with North Carolina Division of Coastal Management and North Carolina Division of Water Quality in the development of the PEIS to ensure the process complies with all State Environmental Policy Act (SEPA) requirements.

**Location**

The project site is located at 34-38, 77-05 to 34.41, 76.40, along the entire 25-mile ocean shoreline of Bogue Banks, from Bogue Inlet at Emerald Isle to Beaufort Inlet at Fort Macon State Park; and will also encompass parts of the Atlantic Intracoastal Waterway

(AIWW), and the Ocean Dredge Material Disposal Site (ODMDS) which is positioned approximately 3.0 miles offshore from Beaufort Inlet, in Carteret County, North Carolina.

### **Existing Site Conditions**

Bogue Banks is a 25-mile long barrier island situated entirely within the boundaries of Carteret County and consists of the incorporated towns of Emerald Isle, Indian Beach, Pine Knoll Shores, and Atlantic Beach; unincorporated community of Salter Path; and the North Carolina Fort Macon State Park. It is a south facing island, bordered by Bogue Inlet to the west, Beaufort Inlet to the east, Bogue Sound to the north, and the Atlantic Ocean to the south. The island is a typical barrier island that has undergone a variety of natural and anthropogenic changes. The majority of the island has been developed both from commercial and residential activities; and over the last decade, separate authorizations have been granted to the County and different municipalities, as well as individual owners and developments, to conduct various activities, such as dredging, beach bulldozing, and shoreline nourishment, within waters of the U.S. along the ocean shoreline.

### **Applicant's Stated Purpose**

The stated purpose of the project is to develop a management strategy that will formulate and implement a long-term sustainable shoreline protection program for the beaches of Bogue Banks. The comprehensive plan will anticipate shoreline erosion and will help improve protection for the County's beach infrastructure, residential property, and recreational beaches against future storms.

### **Project Description**

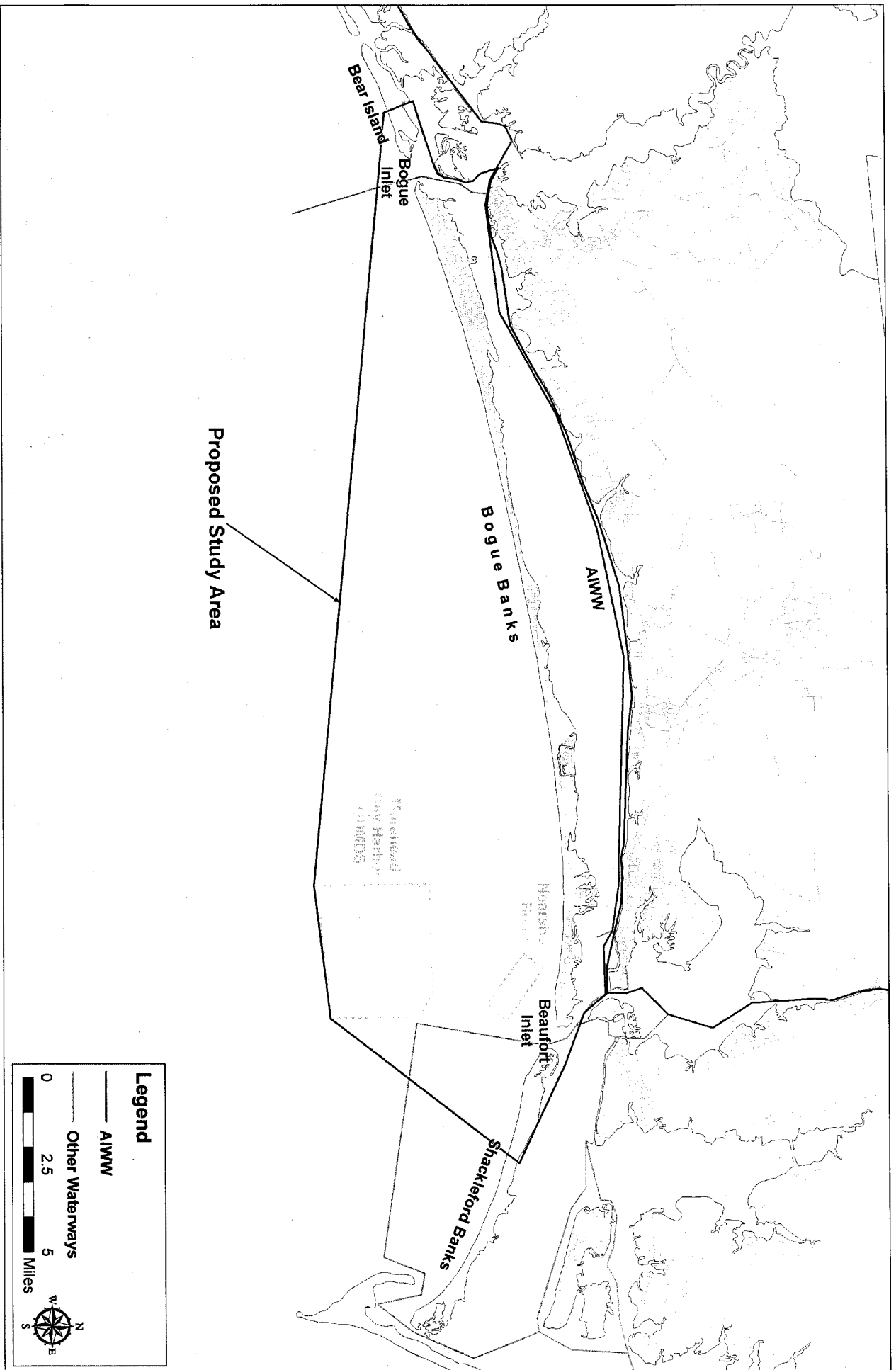
The development of the Master Plan will involve reviewing all of the previous nourishment efforts and current plans to formulate a multi-decadal all inclusive nourishment plan for the entire barrier island of Bogue Banks. The Master Plan and PEIS will include a comprehensive review of present-day beach conditions, a review of Carteret County's and the Corp's previous beach nourishment/beneficial use projects, and the development of a multi-decadal plan based on volumetric/beach elevation thresholds for Fort Macon/Atlantic Beach, Pine Knoll Shores, Indian Beach/Salter Path, and Emerald Isle. The Master Plan will address all anticipated beach nourishment/maintenance activities including but not limited to; AIWW dredging with concurrent beach disposal, beneficial use dredging projects/opportunities, FEMA reimbursement projects, and other potential sand placement or beach maintenance activities (beach bulldozing, etc.). Potential sand source locations to be evaluated in the Draft PEIS could include the ODMDS located offshore of Beaufort Inlet, the Corps nearshore placement area, Bogue Inlet, AIWW reaches, preliminary Corps offshore borrow locations, previously permitted Carteret County offshore borrow locations, and upland sources. The Master Plan will: (a) establish acceptable ranges of in-situ beach volumes and elevations, (b) establish beach volumetric and elevation triggers for

nourishment events, (c) continue a basis for FEMA reimbursement qualifications, (d) conform to the North Carolina Division of Coastal Management's (NCDCM) rules for static vegetation line exceptions, and (e) establish a programmatic approach facilitating the authorization and scheduling of Bogue Banks' nourishment/maintenance events.

Several alternatives and sand sources are being considered for the development of the management plan. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the PEIS.

This notice is to inform interested parties that our Notice of Intent to prepare a PEIS for this project was published in the Federal Register on September 15, 2010 and can be found on the Federal Register website, [www.archives.gov/federal-register/](http://www.archives.gov/federal-register/). After connecting with the website, click on "Today's Federal Register", and go to the bottom of the page. Click on "Search Federal Register"; and on the following page, click on "Advanced Search" on the left side. Check the "Notices" box and type "09/15/2010" in the date line. At the search box, type "Engineers Corps" which will take you to all the notices published on that date. Look under title "Intent to Prepare a Draft Programmatic Environmental Impact" which should be the first document. Additionally, a scheduled public scoping meeting for drafting the PEIS will be held on September 30, 2010 at 6:00 P.M at the main hall in the Crystal Coast Civic Center (beside Carteret County Community College) at #3505 Arendell Street, in Morehead City. The scoping meeting is designed to solicit comments from the public; Federal, State and local agencies and officials; and other interested parties to incorporate in the Draft PEIS document. The purpose of these comments concerning public interest factors, ranging from navigation to biological resources to private and public lands, will identify issues to be addressed in the Draft PEIS.

As disclosed in the Notice of Intent, any written comments pertinent to the proposed work, as outlined above, must be submitted to this office, Attention: Mickey T. Sugg, until 4:15 p.m., October 15, 2010. Question can be directed to Mr. Sugg at telephone (910) 251-4811, Wilmington Regulatory Field Office.



**INTERLOCAL AGREEMENT REGARDING LONG TERM BEACH NOURISHMENT  
BETWEEN CARTERET COUNTY, NORTH CAROLINA,  
AND THE MUNICIPALITIES OF ATLANTIC BEACH, PINE KNOLL SHORES,  
INDIAN BEACH, AND EMERALD ISLE**

This Interlocal Agreement is made for purposes of reference MARCH 15, 2010 by and between the County of Carteret, North Carolina, a body corporate and politic (hereinafter referred to as the "County"), and the Municipalities of Atlantic Beach, Pine Knoll Shores, Indian Beach, and Emerald Isle, bodies politic and corporate (hereinafter referred to as the "Towns").

**PURPOSE**

Whereas, County and Towns are jointly seeking approval by State and Federal Agencies of a 30-year Nourishment Plan for the Bogue Banks Beaches, and the State in anticipation of such a plan is prepared to complete/review one Environmental Impact Study, and State and Federal Agencies involved in the funding have indicated that they strongly prefer and require that Bogue Banks units of local government work on and submit one mutual plan for beach nourishment without individual towns seeking separate funding or individual beach nourishment projects except in emergencies approved in accordance with this Agreement;

Whereas, it is within the contemplation of the Parties hereto and State agencies involved in the approval process that the U.S. Army Corps of Engineers and other federal

approval agencies will issue one permit for the Bogue Banks beaches valid for 30 years and it is anticipated the permit will be constantly updated and amended based upon numerous factors including hurricanes, severe erosion, availability of funding, etc;

Whereas, County and Towns now desire to enter into an agreement that provides a planning mechanism, plan, and compact among the parties for a multi-decadal beach nourishment program for Bogue Banks (hereinafter referred to as the "Master Nourishment Plan", "Master Plan", or "Plan"), which utilizes available funds from the County's occupancy tax administered and collected under S.L. 2007-112, or future modifications to this law, and any State and Federal funding secured for the Master Nourishment Plan;

Whereas, under this Agreement it is contemplated the County as the lead sponsor, with the assistance of its Shore Protection Office, the Carteret County Beach Commission, and consultants hired by the County, in consultation with the Towns, will prepare the Master Nourishment Plan for approval by the Towns which upon approval will then be implemented under this Agreement with the County being the designated permittee for beach nourishment on Bogue Banks under the auspices of the County Beach Commission and Shore Protection Office.



**NOW THEREFORE,** County and Towns pursuant to NCGS 153A-13, NCGS 160A-17 and NCGS 160A-460, hereby contract and agree as follows:

1. Purpose. County and Towns enter into this Agreement in order to approve, carry out and complete under a common plan, one permit and a common source of tax funding and revenues for the Master Beach Nourishment Plan in accordance with the terms and conditions set forth herein.
2. Participation of the Town of Atlantic Beach. It is contemplated the Town of Atlantic Beach will remain eligible for and continue to receive satisfactory sand for its beaches based upon past years from the dredging of the Morehead City Harbor Federal Navigation Project, and will therefore only be involved in the Master Beach Nourishment Plan if the availability of dredged sand is terminated or cut off. The plan will provide for the contingency of providing beach nourishment to the ocean beaches of the Town of Atlantic Beach under the Master Plan and using available revenue sources if the dredged sand currently provided by the US Army Corps becomes unavailable or are restricted or terminated. The Master Plan will provide alternatives if the provision of sand becomes unavailable or insufficient to provide for the needs of the entire ocean shoreline of Atlantic Beach.

3. Development of Master Beach Nourishment Plan. The County, using available occupancy tax revenues will over the next 18 to 36 months develop the Master Plan in consultation with State and Federal Agencies, the Towns, consulting engineers, the Shore Protection Office and the County Beach Commission, and submit the same to the Towns for consideration and approval. Concurrently the County will submit for a State and Federal permit to carry out and complete the plan.

The final approved plan will contain the following principles and encompass and cover the following subjects, goals and objectives:

- a. Beneficiaries. The Towns of Emerald Isle, Indian Beach, and Pine Knoll Shores understand they are the primary beneficiaries of the Master Beach Nourishment Plan and that the Town of Atlantic Beach will be a contingent beneficiary should sand from the Morehead City Harbor Federal Navigation Project and other past sources become unavailable or insufficient to provide for the needs of the entire ocean shoreline of Atlantic Beach.
- b. Easements and Rights-of-Way. Each Town shall be responsible for providing the staging areas, sites or necessary lands, easements, and rights-of-way required for the development, construction, and maintenance of those elements of the Master Beach

Nourishment Plan to be implemented within the Town.

No Town will be obligated to provide sites, staging areas or facilities for nourishment that will take place in another party's jurisdiction. However, the plan will provide that Towns may cooperate in providing staging areas and access to the beach for beach construction equipment regardless of where the beach construction activity is taking place when joint nourishment projects are undertaken.

- c. Public Beach Access and Parking. The Towns shall be responsible for securing, constructing, and maintaining any and all access/parking facilities stipulated as a condition of receiving State or Federal funding. All public beach accesses and parking facilities must be secured prior to issuing a notice to proceed for each construction event.
- d. Funding Contingency. Each party's participation in a nourishment project associated with the Master Beach Nourishment Plan will be contingent on such party being able, in its sole discretion, to fund its portion of the project. Each Town is required to anticipate the need for the local funding share and to either budget for the same over a period of years, provide for and conduct elections in approval of bonds or borrowing under LGC approvals,

or put in place tax districts or similar means of funding the local share. Failure to meet local funding needs by one or more Towns could result in the Beach Commission passing over a project of a Town due to lack of funding.

- e. Inventory of Present Beaches. The Master Plan will inventory, map, survey, describe, and highlight in detail data regarding the Bogue Banks Beaches' ocean shoreline, the heights and elevations of the public trust areas, the elevations of dunes, the location of first lines of vegetation, low areas, "hot spots", and the like.
- f. Sand Resources. The Master Plan will provide a survey of the location, quality, quantity, and usefulness of sand resources which may be selected.
- g. Time Frame and Budget Estimates. The Master Plan will estimate the cost of dredging and the placement of sand within each Town which will be constantly updated, and further provide a time frame and schedule for dredging and the placement of sand on the oceanfront beaches of the participating units of local government over the 30-year plan which may be reasonably relied upon by the Towns so that each Town will be able to fund its local share.

- h. Triggers. The Master Plan will provide a method for the immediate dredging and placement of sand when sand along the oceanfront beaches falls below specified minimum levels or parameters (herein "triggers"). The plan will also provide a mechanism for emergency dredging and placement of spoils when the need arises as a result of hurricanes, natural disasters, and similar acts of God so that hot spots or specified areas of need receive immediate and emergency nourishment to prevent loss of human life, property, structures, and the like.
- i. Methods of Nourishment. The Master Plan will specify the method of nourishment for the beaches within each Town, the probable sources of sand, estimated schedule, estimated cost, and similar details.
- j. Environmental Impact Statement. The Master Plan will include the completion of the Environmental Impact Statements required by State and Federal permitting agencies as a condition of issuing the long term beach nourishment permit covering the 30 year plan.
- k. Construction Administration. The County or a Town may serve in the role as lead administrator for any nourishment event associated with the Master Beach

Nourishment Plan, and accordingly prior to the construction of any nourishment event, the County and Town(s) involved with the project will determine which entity or entities will serve in this capacity (lead administrator). All State and/or Federal funding secured for each nourishment event will be distributed to the lead administrator.

1. Project Cost-Sharing. Cost sharing for the Master Plan as approved and adopted will be implemented generally along the following principles:

- (1) By the Town or Towns receiving sand within its or their city limit(s), and the County for unincorporated areas of Bogue Banks receiving sand, on a prorata basis, and the plan will set out the recommended basis for establishing the formula to be used.
- (2) If only one Town, or the County alone, is scheduled to receive sand in a project, that Town or the County will bear all costs of the same.
- (3) If two or more parties are scheduled to receive sand in a joint project, then it is anticipated that a separate interlocal agreement would be coordinated and executed among the parties involved detailing how

project costs (unit and fixed) would be allocated, sequencing of nourishment, payment responsibilities, etc.

- (4) The Master Plan will provide that project costs to be included in any specific nourishment project will include but not being limited to planning, permitting, engineering, environmental, legal, accounting, administration, construction, mobilization and demobilization. While project costs may include financing costs, each Town, and the County for projects in the un-incorporated areas of Bogue Banks, will bear its own financing costs and any costs relating thereto.

4. Indemnity. The Towns agree to indemnify and save the County harmless from any claim, suit, administrative proceeding, judgment or penalty, including attorneys' fees and other costs incurred in defending the same, of whatsoever nature or kind arising out of or in any way relating to the Master Beach Nourishment Plan, or this Interlocal Agreement including but not being limited to contract claims relating to the Master Beach Nourishment Plan, tort claims from third parties, damages arising from violation of laws protecting endangered species, and contamination claims. This indemnity provision is



applicable to all phases of the Master Beach Nourishment Plan and regardless of which entity serves as lead administrator for individual construction events. Excluded from the indemnity will be claims relating to any of the above arising out of a nourishment project occurring in the un-incorporated areas of Bogue Banks over which the County has exclusive jurisdiction.

5. Withdrawal from Compact. The commitment of each Town to provide public beach access, parking, any other lands or rights-of-way, or any rules or regulations with respect to use of the same, as a party to this agreement, is expressly conditioned on Federal and State laws, regulations, or interpretations thereof, as of the date of approval of this agreement by the signatories herewith, and if there are amendments, changes or interpretations to Federal or State law, regulations, which are more stringent provisions than are currently in effect, after this Agreement is approved, any party that chooses not to meet the requirements shall have a right to withdraw from the same at any time.
6. "Least Cost Method of Disposing of Dredge Spoils." Each party is free to either defend or seek amendments to the policy or practice of the U.S. Army Corps of Engineers in using the "least cost" method of disposing of dredge spoils as such practice impacts the depositing of sand on the beaches of any of the parties to the Plan.

7. Role of the Carteret County Beach Commission. The Parties hereto recognize that the Carteret County Beach Commission is representative of each Town and County. The Commission is directly involved in the promotion of a stable beach shoreline, has oversight in the spending of tax revenues from the occupancy tax on beach nourishment, and has the resources to assist with the formulation and administration of the Plan.

The Parties agree that the Beach Commission shall be the final authority on the scheduling and timing of beach nourishment events for each Town under the following circumstances:

- A. In those circumstances where there are hot spots due to severe erosion, hurricanes, coastal storms, and the like, and there is an immediate need for the placement of spoils and action, the Commission shall have the authority to delay scheduled nourishment under the Plan's approved 30 year plan and schedule for one or more Towns, and to move up and approve beach nourishment for the hot spots or areas in immediate need. In such an event the Commission shall confer with all necessary parties, and have the authority to revise the Plan's schedule.
- B. In the event a Town lacks the necessary local funding for its nourishment event, the Commission

after consultation with the Town, may revise the Plan's schedule and move up one or more Towns in the approved schedule.

C. When circumstances, the availability of funding, unanticipated spoils, timing or similar factors affecting the overall protection and soundness of Bogue Banks oceanfront beaches, arise, which in the opinion of the Beach Commission justify and require a change in the schedule and timing of the Plan's nourishment events and projects, then the Commission following consultation with the Towns and County, may revise the Plan's schedule, and approve alternate nourishment events.

8. Arbitration. In those circumstances where one or more Towns are dissatisfied with decisions made by an event's lead administrator or the Beach Commission, the Town may request arbitration by notifying the County in writing, specifying the reason and requesting a review or arbitration of the decision. Upon such a request, the Town and County shall each appoint one disinterested representative with an extensive education, background, and experience in ocean sciences and engineering, ocean studies, and related fields. The Town and County will subsequently agree upon a third arbitrator. The Town and County shall then present the factors and circumstances leading to the decision in dispute to the panel, and the

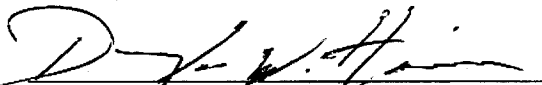
majority decision reached by the panel shall be binding on the parties. The County shall have the authority as the lead agency to establish the time frame, to set the meetings, establish the format and rules, and determine the qualifications of each representative.

9. Withdrawal, Termination, Modifications, Amendments, and Binding Effect. Until the Plan has been carried out and completed as modified and amended from time to time, this Agreement will remain in effect and be binding on the Parties regardless of changes in the composition of boards of the respective units of local government that are parties hereto. This Agreement is a continuing contract until the purposes herein have been completed. No party may withdraw except that a Town upon 12 months written notice to the County following adoption of its own plan providing for its own funding sources may withdraw. Upon such withdrawal the Town shall have the responsibility on its own to provide all sources of funding for beach nourishment by procuring the same from State and Federal agencies and providing the local match other than from County occupancy tax revenues and receipts.

Any amendment or modification to this Agreement shall require the written consent of all Parties.

IN WITNESS WHEREOF, the parties have executed this Agreement.


COUNTY OF CARTERET

By:   
Chairman of the Board

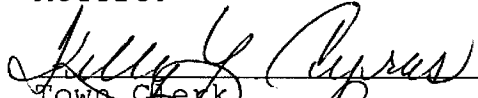
Attest:

  
County Clerk

TOWN OF ATLANTIC BEACH

By:   
Mayor

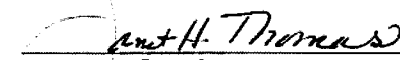
Attest:

  
Town Clerk

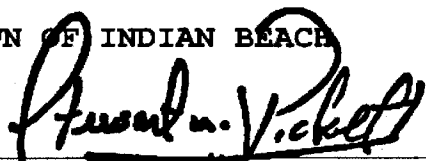
TOWN OF PINE KNOLL SHORES

By:   
Mayor

Attest:

  
Town Clerk

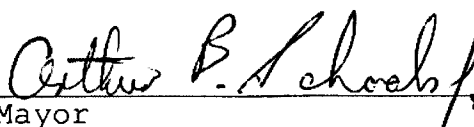
TOWN OF INDIAN BEACH

By:   
Mayor

Attest:

  
Town Clerk

TOWN OF EMERALD ISLE

By:   
Mayor

Attest:

  
Town Clerk





**Bogue Banks Beach Nourishment  
Programmatic Engineering Report & NEPA Coordination  
(February 2009)**

**Purpose**

The County, under the auspices of the Beach Commission/Shore Protection Office, and the Bogue Banks municipalities are poised to develop a comprehensive, multi-decadal nourishment program using objective parameters to gauge beach health and trigger future nourishment events. Consistent with the development of a regional plan and the initial thinking concerning the State's Beach and Inlet Management Plan, the County is also planning to pursue a programmatic NEPA/SEPA document to facilitate the proposed nourishment program. Ideally nourishment activities performed in accordance with those specified in the master engineering report/environmental document will be able to be permitted through a much more streamlined process than conducting projects on a "one-time per one-time basis" with no attachment to a comprehensive plan or coordination of the environmental protection of coastal resources. The purpose of this white paper is to; (1) establish a baseline understanding among the two lead coordination agencies (U.S. Corps of Engineers and N.C. Division of Coastal Management) of the proposed effort, (2) gain some sense of assurance that the NEPA/SEPA course of action herein outlined is agreeable to the agencies, and (3) constrain the scope of the effort in a manner that the County can feel comfortable soliciting consulting firms, whereby their responses and subsequent work (once retained) have a discrete course of action.

**Overview**

Approximately a decade ago, County leadership began to take formal steps to address erosion concerns along the ~25-mile long island of Bogue Banks. Consultants were retained to develop the locally-funded Bogue Banks Restoration Project, the U.S. Army Corps of Engineers was requested to conduct a reconnaissance study to evaluate participation in a 50-year Shore Protection Project, occupancy tax legislation was being developed to create a beach nourishment reserve fund and a County-wide Beach Commission, a Section 111 Report was close to being completed that addressed dredging impacts to the beaches of Bogue Banks, and initial stages of Section 933 beneficial use of dredged material projects were all in the making.

The underlying premise for the past decade has been rooted in the Federally cost-shared, 50-year Shore Protection Project, which conceptually would address our long-term erosion problems and beach nourishment needs. Locally-funded and beneficial use projects were aimed to serve as stop-gap measures to keep our beaches viable until the Shore Protection Project was constructed. Roughly 10 million cubic yards of sand and \$80 million later, the stop-gap efforts have been implemented but the Shore Protection Project appears to be an unrealistic long-term plan thanks in large part to the Federal government's apparent abdication of the Shore Protection Program. While the Corps of Engineers' Dredged Material Management Plan and Interim Operation Plan for the Morehead City Harbor Federal Navigation Project may hold some promise for eastern Bogue Banks, long-term beach nourishment options for the entire island need to be evaluated at the present time to avoid a beach erosion crisis that could develop within the next several years.

Ideally, a new Engineering Report will be developed that reviews our present-day beach conditions, reviews and reassesses the effectiveness of our beach nourishment projects this past decade, and develops a new nourishment plan based on volumetric/beach elevation thresholds for Pine Knoll Shores, Indian Beach/Salter Path, and Emerald Isle. Again, we're assuming that Atlantic Beach's and Ft. Macon's nourishment needs will be met by utilizing dredged material emanating from the Morehead City Harbor Project. However, we will include Atlantic Beach in our analyses and the overall effort as a contingency wing of the plan and in the spirit of developing a regional nourishment plan. If Federal operation & maintenance funding for the Morehead City Harbor dissipates in the future, then the needs for Atlantic Beach will even be more pressing and again warrant participation in regional planning. The engineering report would also outline an idealized sequence of nourishment events and sources of sand; however, the temporal and spatial extent of nourishment would be triggered by the need, and would not be anchored to a "hard" timeline. NEPA coordination would be prepared in consort with the engineering report and would discuss short-term, long-term, and cumulative impacts, and offsetting measures that would be adhered to by the applicant. The NEPA document would also attempt to address and incorporate all foreseeable beach activities into the regional plan. These activities could include AIWW dredging with concurrent beach disposal, beneficial use dredging projects/opportunities, FEMA reimbursement projects, and other potential sand placement, or even beach modification activities. Ultimately, these documents (the Engineering Report and EIS) will become a programmatic instrument whereby any activities detailed in the document will be permitted through a much simpler process than undertaking several nourishment projects individually. The planning horizon will be at a minimum of 30 years, possibly more. Besides establishing the proper parameters for beach health, the final nourishment plan should also; (1) conform to the State's pending rules concerning static line exceptions (30-year nourishment plans) and (2) ensure the municipalities of Bogue Banks continue to qualify for FEMA reimbursement of replacing the volume of sand lost during a Federally-declared disaster. From a permitting standpoint, we're not sure what the tangible end product will be at the conclusion of the review process associated with the programmatic document – i.e., will it simply be "approved" with permits granted later, or will the approval be in the form of a general permit with the understanding that a minor or major permit will need to be secured for each nourishment event?

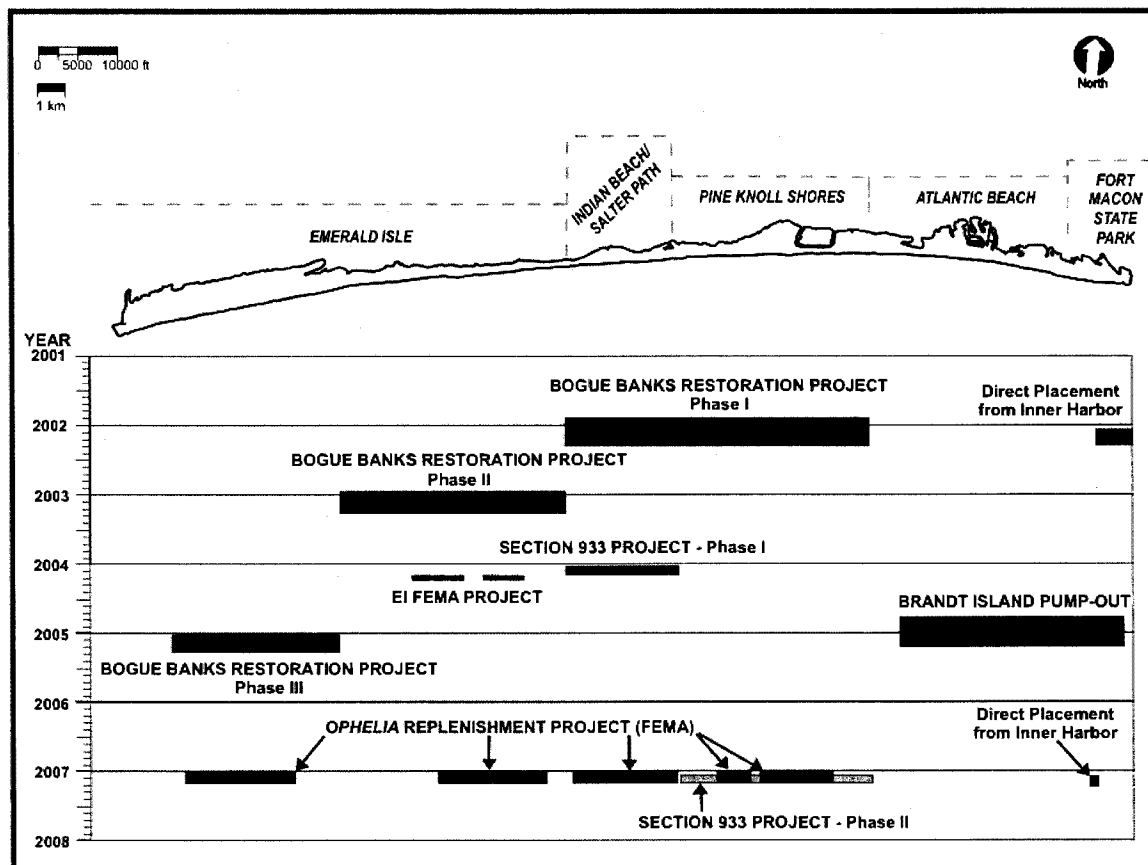
The relationship of this new programmatic document and the Corps of Engineers Feasibility Report for Bogue Banks also needs to be reconciled before a scope of work is developed to solicit and retain engineers. We could quite possibly have two separate EISs (one programmatic – one for the Shore Protection project) completed two or three years from now with the same borrow sites, the same impacts identified, and for the same reaches of beach nourishment. Ideally there should be one document, or if there are to be two documents, then the sponsor of the programmatic effort should not have to undergo the entire discovery process that the Feasibility Study has already completed thus far.

There's also a keen recognition that a major component of the programmatic approach will rest with the local communities and other potential applicants to not deviate significantly from the regional plan with subsequent permit modification requests. To this effect, the County and local communities are exploring options to have a unified sponsor, applicant, permittee, etc. for the programmatic document and construction events. The County already has a Beach Commission stipulated by State law to administer the portion of occupancy tax designated for beach nourishment. While the County would technically be the sponsor, the Beach Commission in consort with the County's Shore Protection Office could administer the program. Coordination with the local communities could be in form of a series of interlocal agreements and resolutions that would delineate the responsibilities of

the County and the municipalities for nourishment projects. Likewise, there will need to be some reciprocity and flexibility from the regulatory community as well because it will be impossible to anticipate all the potential issues that will arise in the next several decades, e.g., the Coast Guard unexpectedly needs to dredge a channel on either end of the island and there is opportunity to cost share the placement of dredged material to the beaches.

Regardless of the governance document(s) that are eventually executed, because the Beach Commission, in a partnership with the State, intends to furnish a majority of the costs associated with the programmatic document and the actual construction of the nourishment projects, it will be difficult for municipalities to deviate from the plans set forth in the programmatic document. Our initial construction cost share formula is County (Beach Commission) 50%, State 40%, and municipality 10%. Municipalities or other applicants would be at a great disadvantage to propose an alternative project that deviates from the scope contained in the programmatic document because the Beach Commission and the State would be philosophically bound to the programmatic plan and would not release 90% of the funding associated with an alternative or modified plan unless that plan was mutually agreed to by all parties. Ideally, the legal instruments concerning local governance would be in place before an engineer is solicited/contracted for the work and well before the scoping process begins. The following is a bullet-point outline briefly summarizing previous nourishment efforts along Bogue Banks (Fig. 1), our current beach nourishment status, future plans, biological monitoring, and local governance issues.

## I. Nourishment Chronology along Bogue Banks



**Fig. 1** – Site map of Bogue Banks depicting the geographic ranges of beach nourishment projects constructed in the 2000s. The general timeline for each construction event is represented along the vertical axis of the graph.

## **< 1999 and 2000**

- Nourishment was generally limited to Ft. Macon and Atlantic Beach prior to 2001, and solely related to disposal activities associated with the Morehead City Harbor. Brandt Island pump-outs in 1986 and 1994.
- Pine Knoll Shores becomes concerned with erosion after the 1994 pump-out, request Corps of Engineers to pursue a Section 111 Study to determine if harbor dredging is impacting municipality's beach. Pine Knoll Shores Beach Preservation Association founded.
- Hurricanes *Bertha* and *Fran* (1996), *Bonnie* (1998), and *Dennis* and *Floyd* (1999) all impact Bogue Banks and result in a major organizational effort including the Bogue Banks Beach Preservation Task Force (County government ad hoc committee) – also, the Pine Knoll Shores Beach Preservation Association becomes the Bogue Banks Beach Preservation Association.
- County retains consultants in 1999 to assess the beaches and develop a locally-funded nourishment plan for Pine Knoll Shores, Indian Beach/Salter Path, and Emerald Isle (~17 miles) – termed the Bogue Banks Restoration Project. County also develops a financing plan for a County-wide bond referendum that fails in a 2000 vote.

## **2001**

- County signs Feasibility Agreement with the Corps of Engineers in 2001 (4 yr study - \$3.3. million estimated cost) for the development of a 50-year Shore Protection Project. Efforts began in 1999 and included a reconnaissance study.
- County also requests a Section 933 Project in 2001 associated with the Morehead City Harbor project (target areas are Indian Beach/Salter Path and Pine Knoll Shores) – 2 year study at \$600,000 total cost.
- County and municipalities successfully introduce a new occupancy tax bill to the State General Assembly that establishes the Carteret County Beach Commission and mandates a portion of the occupancy tax to be designated for the purpose of beach nourishment. General Assembly passes the bill (SL 2001-381 – later modified and currently SL 2007-112). While the taxing concept is not new, the Beach Commission is the first group mandated by the State to address beach nourishment issues. Beach Commission/County develops the Shore Protection Office in the later stages of 2001 – also the first office of its kind in the State.
- Corps of Engineers release the final Section 111 Report and conclude that the Morehead City Federal Navigation Project is not causing damages to the shorelines of Bogue Banks.
- Pine Knoll Shores and Indian Beach/Salter Path develop a new financing plan for the locally funded nourishment project that failed in the County-wide bond referendum. Two tax districts are established (oceanfront and non-oceanfront) – vote passes in all Towns and in all districts in 2001.

## **2002 - 2003**

- First phase of the Bogue Banks Restoration Project is constructed along the shorelines of Pine Knoll Shores and Indian Beach/Salter Path in winter 2001-02 (~7 miles). Issues

develop concerning sediment quality from the offshore borrow sites. A preponderance of tires and turtle takings also create logistical and cost issues that result in a 9% and 41% shortfall of the sand delivered to Pine Knoll Shores and Indian Beach/Salter Path, respectively and leaves a 3,500 foot gap in Indian Beach/Salter Path - 1,733,580 total cubic yards delivered.

- Emerald Isle passes a similarly structured bond referendum in March 2002 for the second and third phases of the Bogue Banks Restoration Project. The second phase of the project is along eastern Emerald Isle (~6 miles) and is constructed in 2003 using the same offshore borrow sites as phase one - 1,867,726 total cubic yards. Emerald Isle also initiates NEPA coordination for the third phase of the restoration project, which includes the realignment of Bogue Inlet with concurrent beach nourishment along western Emerald Isle.

- Municipalities involved with the Bogue Banks Restoration Project also develop FEMA monitoring & maintenance plans to help qualify for the reimbursement of replacing sand lost during a Federally-declared disaster event. *Isabel* impacts Carteret County in 2003.

### **2004 - 2005**

- Phase I of the Section 933 project is constructed along Indian Beach/Salter Path and the western tip of Pine Knoll Shores in 2004 (~3 miles) utilizing dredged sand from the Morehead City Navigation Project (outer harbor) - 699,282 total cubic yards delivered and the sand quality is deemed excellent by all accounts (textural and aesthetic).

- Emerald Isle utilizes the ODMDs associated with the Morehead City Harbor in the waning stages of the 2004 turtle window to deliver 156,000 cubic yards of sand to eastern Emerald Isle (phase two reach of the Bogue Banks Restoration Project) as part of a hurricane *Isabel* FEMA reimbursement effort. Again, sand quality is deemed excellent.

- Brandt Island Pump-Out begins in November 2004 and concludes in March 2005 - 2,920,729 cubic yards are delivered along a roughly 4.3 miles stretch of beach in Ft. Macon and Atlantic Beach. The early portions of the pump-out encounter mud - create a major concern with the resource agencies and public. The second phase of the Section 933 Project was initially planned to utilize a portion of the Brandt Island material to nourish Pine Knoll Shores. The second phase of the Section 933 Project is cancelled and reassessed - actively dredged sand from the outer harbor will be used to complete the project at a later date.

- Phase Three of the Bogue Banks Restoration Project (Bogue Inlet Realignment Project) is constructed in winter 2005 and re-positions the ebb channel roughly 3,000 feet west, near the midway point of the Bogue Inlet floodway separating Bogue Banks from Bear Island. 4.5 miles of beach in western Emerald Isle are nourished with 690,868 cubic yards of sand encountered during the cut of the new inlet. Sediment quality is excellent

- Hurricane *Ophelia* stalls in the SE Atlantic for well over a week before grazing Cape Lookout on September 14, 2005.

### **2006 - 2008**

- Olsen Associates, Inc. completes and releases an Independent Study of the Morehead City Harbor Navigation Project in March 2006 that the Beach Commission (County) commissioned in 2004. The report documents impacts to the beach, inlet and nearshore

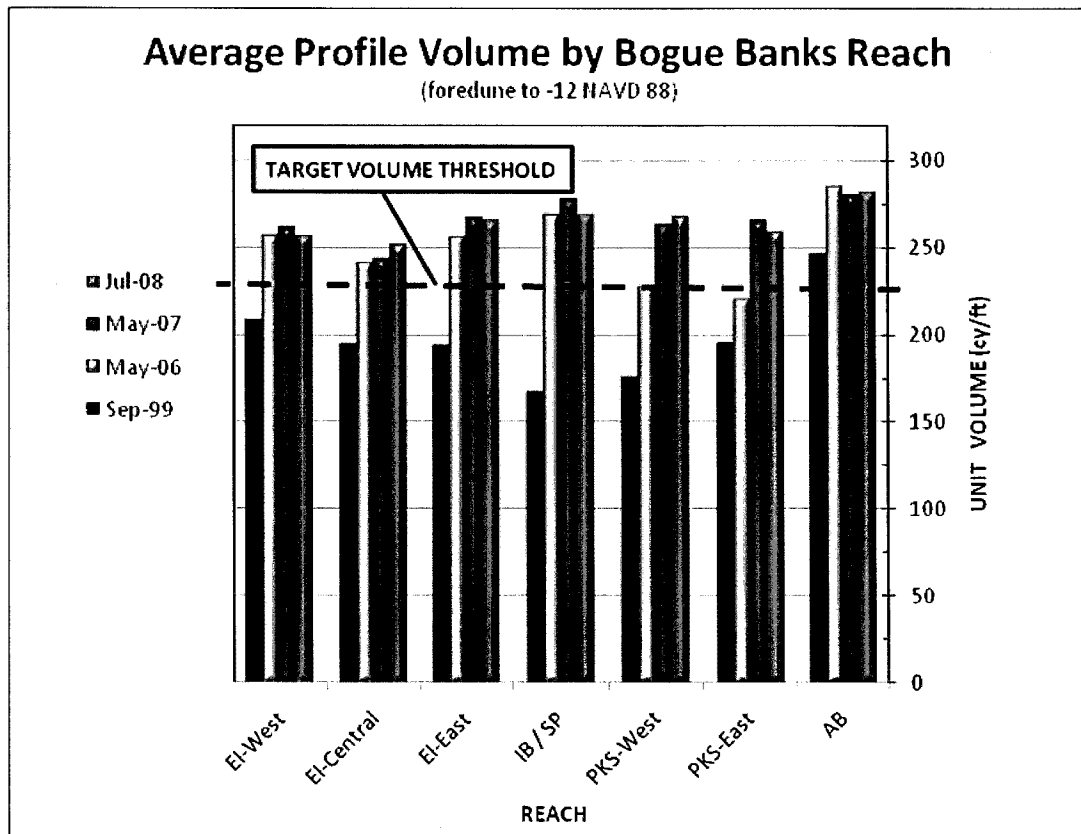
systems the navigation project has caused in the past several decades and compares these results to the Corps Section 111 Report. The Beach Commission retains legal counsel (Kilpatrick Stockton, LLP) later in 2006 to advance the findings of the Independent Study.

- Phase II of the Section 933 Project is constructed along the shorelines of Pine Knoll Shores in winter 2007 using dredged maintenance material from the Morehead City Outer Harbor. 507,939 cubic yards of sand is delivered along ~4 miles of beach. Sediment quality is generally excellent except for muddy material that was encountered toward the distal (seaward) portions of the outer harbor, which was dumped offshore. Issues arise concerning the volume of good quality sand the contractor can dump offshore, and the lack of coordination between the local sponsor and Corps of Engineers during beachfill activities (template issues).
- The Ophelia Replenishment Project is also constructed in winter 2007 utilizing the ODMDS. Sand quality is again excellent as 1,241,560 cubic yards of sand is delivered along a cumulative distance of ~10.5 miles in Emerald Isle, Indian Beach/Salter Path, and Pine Knoll Shores.
- Beach Commission (County) files a legal complaint in December 2007 against the Corps of Engineers concerning Morehead City Harbor dredging and disposal practices. County requests new reporting to develop institutional changes that would address impacts to the beach, inlet and nearshore inlet systems.
- Corps of Engineers develops an Interim Operation Plan in 2008 that constitutes a three-year cycle of dredging in the outer and inner harbors. The beach quality sand recycling capability for Brandt Island is removed, and outer harbor sand is scheduled to be placed along the beach (Ft. Macon and Atlantic Beach) in year 1 of the cycle (FY 2010).
- Corps of Engineers and County reaches a legal settlement in December 2008, and agree upon the preparation of a new Dredge Material Management Plan for the harbor that will be completed by October 2011.

## **II. Current Beach Nourishment Status**

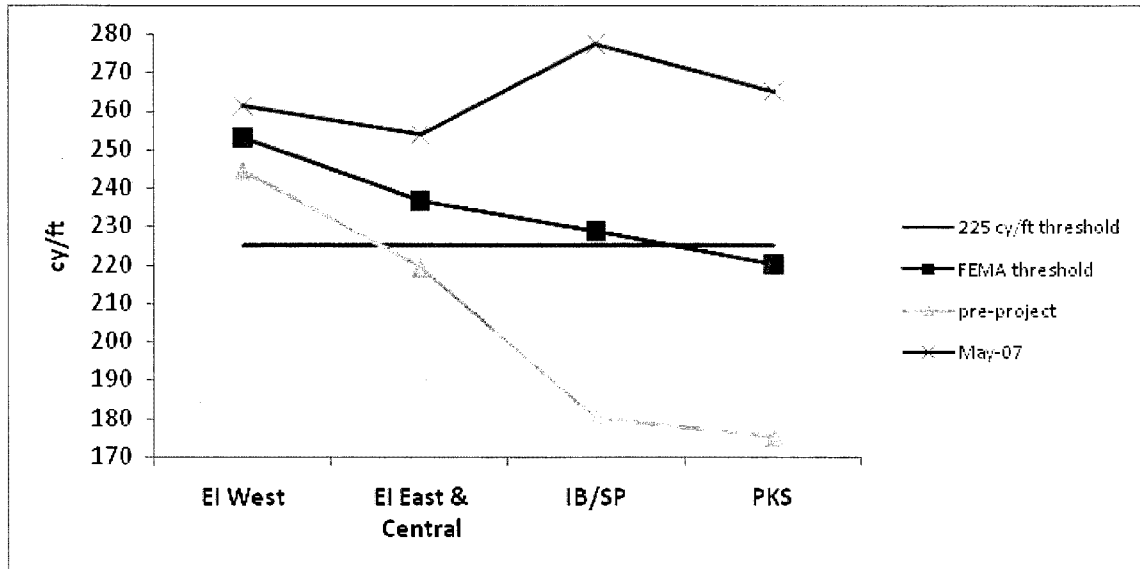
- Shore Protection Project Feasibility Study has reached a standstill – we're entering our eighth year and the total cost is over \$4 million. Even if the study is completed, approved, and authorized; funding prospects from the Federal government are not looking promising.
- County has a dense profiling network dating back to 1999 to monitor beach conditions, assess the longevity of nourishment projects, gain insights to sediment transport, etc.
- Based upon the analysis completed for the Bogue Banks Restoration Project a decade ago, we have been using 225 cubic yards per linear foot (cy/ft) as a minimum volumetric target (Fig. 2). The 225 cy/ft benchmark (as measured from the foredune to -12 NAVD 88) was generally created after surveying work was completed after hurricane *Floyd* (1999) – Atlantic Beach had well over 225 cy/ft on average and sustained no damage. Conversely, the remaining portions of the island (Pine Knoll Shores, Indian Beach/Salter Path, and Emerald Isle) had significantly less than 225 cy/ft and sustained major damage. Our most recent data indicates we are above our target minimums and is a direct result of all the nourishment projects that have taken place this decade.





**Fig. 2** – Average profile volumes for September 1999, May 2006, May 2007, and July 2008 for seven oceanfront reaches along Bogue Banks. A target volume threshold of 225 cubic yards per linear foot (cy/ft) was established in 1999 as a benchmark for beach health.

- For FEMA reimbursement, the municipalities have adopted a maintenance plan whereby nourishment is necessary when/where one half of the beachfill volume only associated with the Bogue Banks Restoration Project has eroded.
- The State is poised to pass new rules allowing for municipalities to be granted static vegetation line exceptions. The exception is contingent upon communities developing and adhering to 30-year nourishment plans. The nourishment trigger(s) will be developed on a community-by-community basis.
- Conceptually, it would be advantageous for Bogue Banks to develop a master nourishment plan, instead of potentially three different benchmarks, or triggers for beach nourishment (Fig. 3). Atlantic Beach, although part of the Corps of Engineers plans for dredged material disposal associated with the Morehead City Harbor, would also be part of a new local nourishment strategy in the event of a contingency and to better gain a sense of regional needs. If Federal operation & maintenance funding for the Morehead City Harbor dissipates in the future, then the needs for Atlantic Beach will even be more pressing and again warrant participation in regional planning.



**Fig. 3** – Average management reach volumes for two different time periods and two different nourishment thresholds. The pre-nourishment, 1999 volumes are in green and the post-nourishment, 2007 volumes are in purple. The 225 cy/ft benchmark that was established for the Bogue Banks Restoration Project is the blue line, and the FEMA maintenance threshold for each reach (when/where 50% of the beachfill has eroded) is in red. Another potential trigger that is not depicted is the threshold for 30-year static line exception plans.

### III. Engineering Report/NEPA Document

- Using the 225 cy/ft benchmark and a 3 cy/ft/yr erosion rate as a hypothetical example, and assuming 1 million cubic yards of sand could be placed on the beach during the environmental window; four nourishment events could be needed to encompass roughly 17 miles of project area. More detailed engineering analyses are needed to constrain the possible nourishment thresholds and identify sources of sand. Most likely, new supplemental benchmarks identifying the beach's capacity for recreation, habitat and shore protection will be developed and implemented. Ideally the nourishment thresholds wouldn't just be utilized for the next cycle of locally-sponsored nourishment but be incorporated into a perpetual, master plan – nourishment would take place based on need, not necessarily under a rigid timeline.

- Sand sources – bulk of sand is envisioned to be dredged from the ODMDS, or actively maintained portions of the outer harbor. The ODMDS is preferable for many reasons; however, we will strive to find the most economical borrow site(s) available that have sediment quality at least equal to the ODMDS. These other borrow sources could include offshore sites preliminarily investigated by the Corps of Engineers for the Bogue Banks Feasibility Study and/or beneficial use material either actively or previously dredged from the maintenance of authorized navigation projects near Bogue Banks. Bogue Inlet will also be evaluated as a source of sand for western Bogue Banks, possibly utilizing shoal material that actively infills the dominant ebb channel or as part of maintenance efforts to keep the channel in a stable position over time.

- The NEPA Document (likely an EIS?) coupled with the Engineering Report should be programmatic in nature. This would be the master document that identifies all the impacts (short and long-term, cumulative) and offsetting measures of as many beach activities as possible. These activities could include AIWW dredging with concurrent beach disposal, beneficial use projects, FEMA replacement projects, and perhaps beach modification efforts

as well (dune planting, beach scraping, etc.). Granted it is impossible to forecast all the possible issues and impacts that may surface years or decades from now.

- From a permitting standpoint, we're not sure what the "end product" will be at the conclusion of the review process associated with the proposed programmatic document. For instance, will the document be acknowledged and approved with permits granted later as beach nourishment projects are constructed?, or will the approval be in the form of a general permit issued for the document with the understanding that a minor or major permits will be needed for each nourishment event?

- The relationship of the programmatic document and the Corps of Engineers Feasibility Report for Bogue Banks also needs to be reconciled before a scope of work is developed to solicit and retain engineers. We could quite possibly have two separate EISs (one programmatic – one for the Shore Protection project) completed two or three years from now with the same borrow sites, the same impacts, and for the same reaches of beach nourishment. Ideally there should be one document, or if there are to be two documents, then the sponsor of the programmatic effort should not have to undergo the entire discovery process that the Feasibility Study has already completed thus far.

#### **IV. Results of Biological Monitoring**

- In terms of biological monitoring and environmental impacts, there have been many permit stipulations associated with the nourishment projects that have taken place this decade and there is strong local consensus to avoid duplicity as a programmatic effort is pursued. We understand the frameworks of the turtle moratoria, essential fish habitats, and other sensitivities regarding beach nourishment and will work within these parameters during the entire formulation process. The following is a very brief summary the major biological monitoring efforts that the County/local governments have recently undertaken.

##### ***Sea Turtle***

- 6-year program (2002 – 2007) that examined nesting, hatching success, and incubation temperature.
- 167 Nests – 182 False Crawls (1 - 1.1 ratio) – no impact
- Hatching Success – good, storms big factor – no impact
- Compaction – no impact
- Sand and Nest temperature – Warmer in nourished areas = more female loggerheads.

##### ***Benthic Infauna***

- Investigate recovery on the beach and borrow sites using controls (~5 yrs.)
- Look at total numbers composition and community structure.
- Staggering of beach nourishment made beach numbers difficult to discern.

##### ***Results***

- Offshore recovered very quickly.
- Beach recovery not as swift = lots of worms, *Donax* suppression.
- Led to Skip Kemp *Donax* harvesting/reproduction study, which was successful.

##### ***Other***

- Ghost crabs monitored in same manner as benthic infauna – very good recovery.

- SAV, marsh benthics, marsh morphology, and bird monitoring were part of the Bogue Inlet Realignment Project (phase three of the Bogue Banks Restoration Project), and the results are forthcoming.

## **V. Local Governance**

- Intuitively it appears more advantageous to have one sponsor/group managing the programmatic document. The Beach Commission, that has an inclusive membership formula of all the municipalities as mandated by State law, and the administrative wing of the Shore Protection Office make a logical choice. In addition, the beach nourishment reserve, also stipulated by State legislation, represents a significant funding source for planning, permitting, and construction.
- The Beach Commission/Shore Protection Office and municipalities understand the need to adhere to the master, programmatic document to the best practical extent in an attempt to avoid future permit modifications. That's a mutual goal of the sponsor and the resource agencies – we all want a sense of predictability. According to our cursory analyses, the Beach Commission in a partnership with the State could provide the funds required to prepare the programmatic engineering report/NEPA document, and construction could use a 50% County, 40% State, and 10% local cost-sharing formula. The cost-sharing formula in itself will likely prevent municipalities or other parties from seeking alternative plans that deviate from the programmatic documents (i.e., 90% of the funding could be from non-local municipal sources).
- The Beach Commission and beach municipalities will likely execute an interlocal agreement (or a series of agreements if necessary) that codifies the Shore Protection Office as the County Government agency generally responsible for the program. The interlocal agreement could articulate terms of local cooperation (procurement of easements, rights-of-way, parking/access, etc.) that would be necessary for beach nourishment events. The municipalities may or may not wish to administer the construction portion of an individual nourishment event once the permit is secured in accordance with the programmatic document. I.e., the funds could be turned over to a municipality where they subsequently release the bid, award the contract, and approve payment. Ideally, the interlocal agreement(s) would be executed before retaining an engineering firm to develop the nourishment program and guide NEPA consultation.

**APPENDIX III**

**INTER-AGENCY PARTICIPANT SIGN-IN LIST**



# DIAL CORDY

AND ASSOCIATES INC  
Environmental Consultants

Crystal Beards	Dial Cordy	lbeards@dialcordy.com
Dawn York	Dial Cordy	dyork@dialcordy.com
Steve Underwood	NC DCM	steve.underwood@ncdenr.gov
Doug Huggett	NC DCM	doug.huggett@ncdenr.gov
Ron Sechler	NORTH Fisheries	ron.sechler@nora.gov
Darren England	NC DWR	darren.england@ncdenr.gov
Michael Rikard	National Park Service	Michael_Rikard@NPS.GOV
Charles Jones	Jones Coastal Consulting	cjones19@cc.rr.com
Joseph M. Edge	U.S.C.G.	Joseph.M.Edge@USCG.mil
Brian Strong	NC State Parks	brian.strong@ncdenr.gov
Paul Donnelly	Hammocks Beach State Park	paul.donnelly@ncdenr.gov
John Fullwood	Fort Macon State Park	John.Fullwood@ncdenr.gov
Johnny Martin	MOFFATT + NICHOL	jmartin@moffattnichol.com
Back FUGATE	CARTERET COUNTY	ifugate1@cc.rr.com
Lia Myott Gilleski	NC DWQ	lia.m.gilleski@ncdenr.gov
Nicole VanderBeke	Moffatt + Nichol	nvanderbeke@moffattnichol.com
Steve Dial	Dial Cordy	sdial@dialcordy.com
Mickey Sugg	USACE	mickey.t.sugg@scw02.usace.army.mil
Tom Walker	USACE	William.T.Walker@USACE.Army.mil
Jessi O'Neal	NC DMF	jessi.oneal@ncdenr.gov
R. J.		

9/2/10 1:00 Interagency Meeting Capitol Civic Center

## **APPENDIX IV**

### **INTER-AGENCY SHORE PROTECTION/MASTER BEACH NOURISHMENT PLAN PRESENTATIONS**





# *Bogue Banks*

## Master Beach Nourishment Plan

Carteret County, North Carolina



**US Army Corps  
of Engineers®**



# Project Goal and Requirements

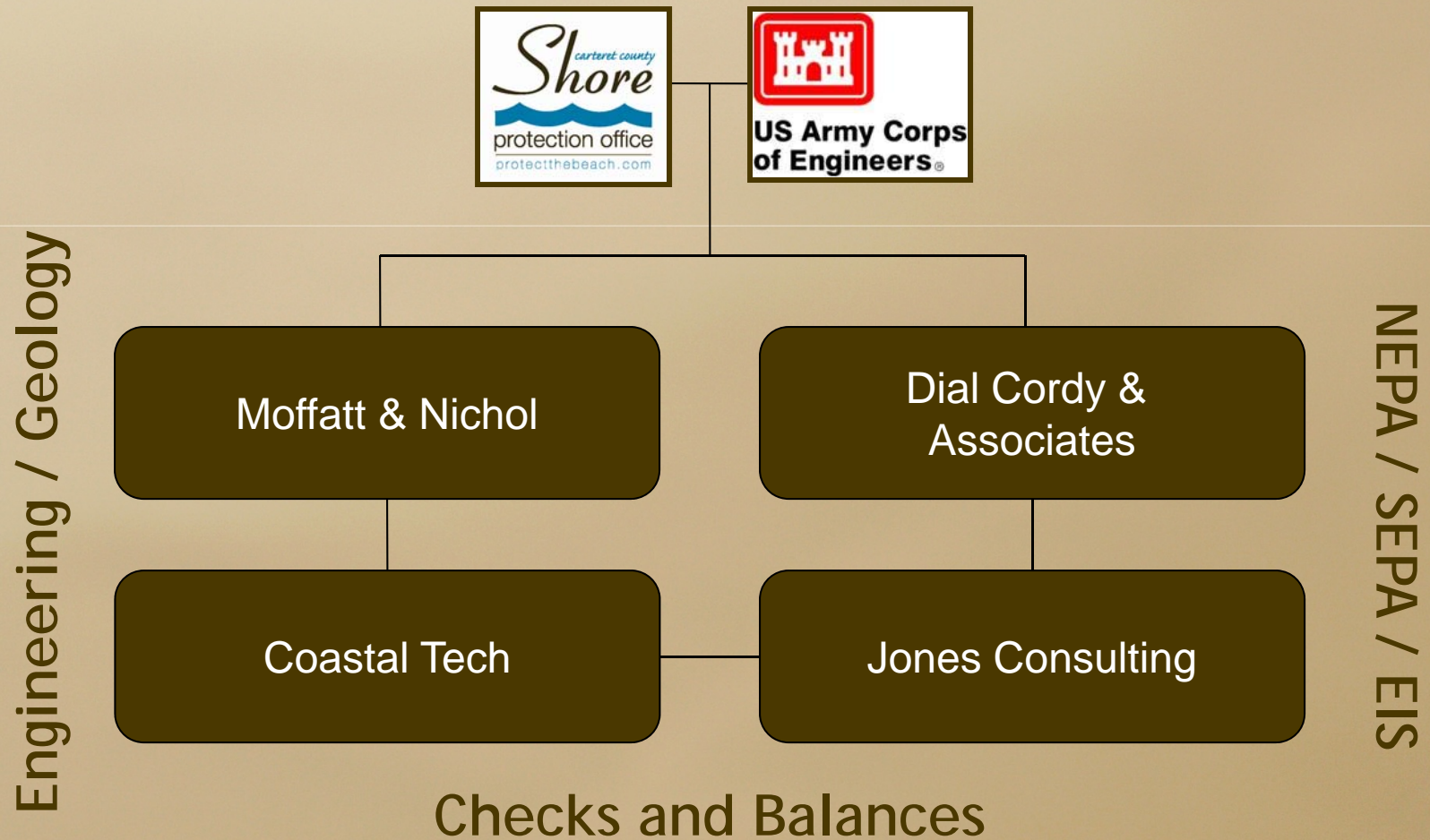
## GOALS

- Develop Master Beach Nourishment Plan for Carteret County's beach protection needs over the next 30-50 years
- Prepare Programmatic EIS that minimizes effects while maximizing resources
- Acquire long-term permits

## REQUIREMENTS

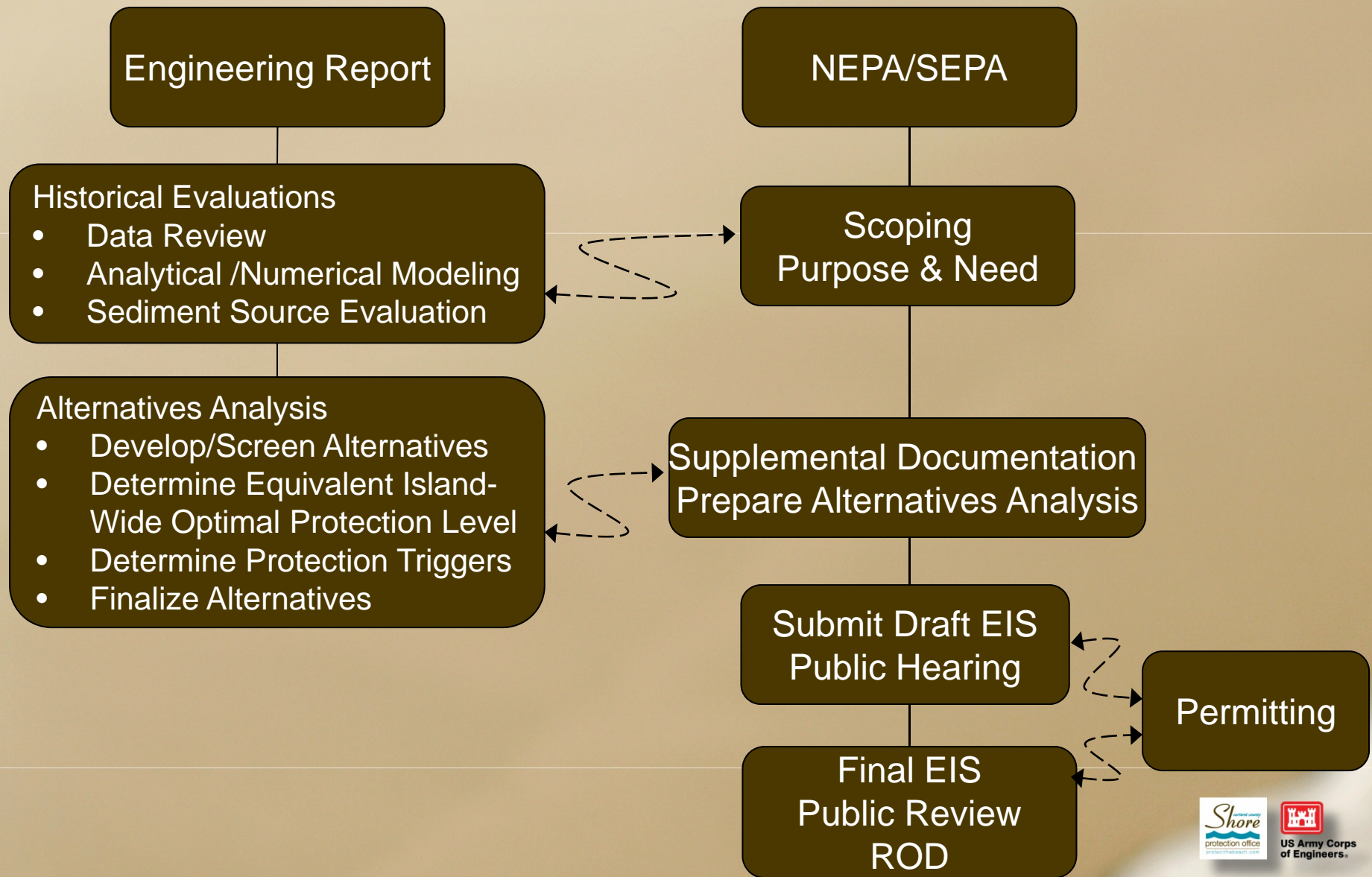
- Determine and optimize sediment needs - fill volumes, placement areas and intervals
- Determine sediment sources - volumes, quality and potential environmental concerns
- Meet FEMA and State Static Line Requirements

# Project Team





# Project Work Plan



# Engineering Report

## Engineering Report - Historical Evaluation

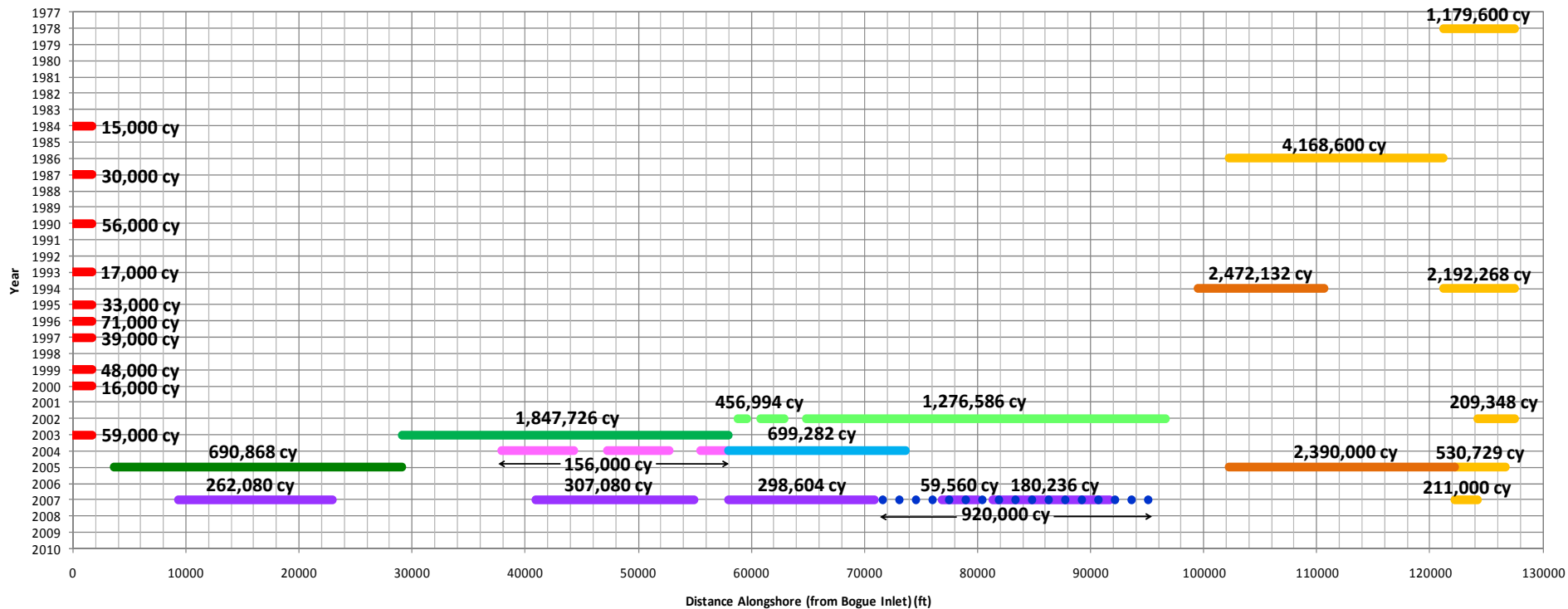
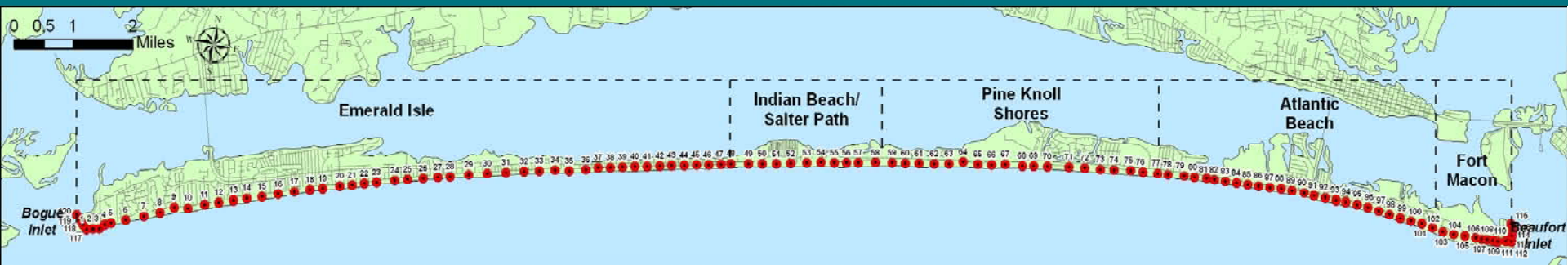
- Gather and review data from past studies and modeling efforts
- Past surveys will be studied using analytical techniques and GENESIS/SBEACH modeling will also be completed to capture potential storm needs (tropical & extratropical)
- Provide true historical background erosion rates to document the project need as well as be used in alternatives analysis

## Review of Inlet/Geologic Studies

- Historical inlet locations
- Hotspot/vulnerability determination



# Engineering Report



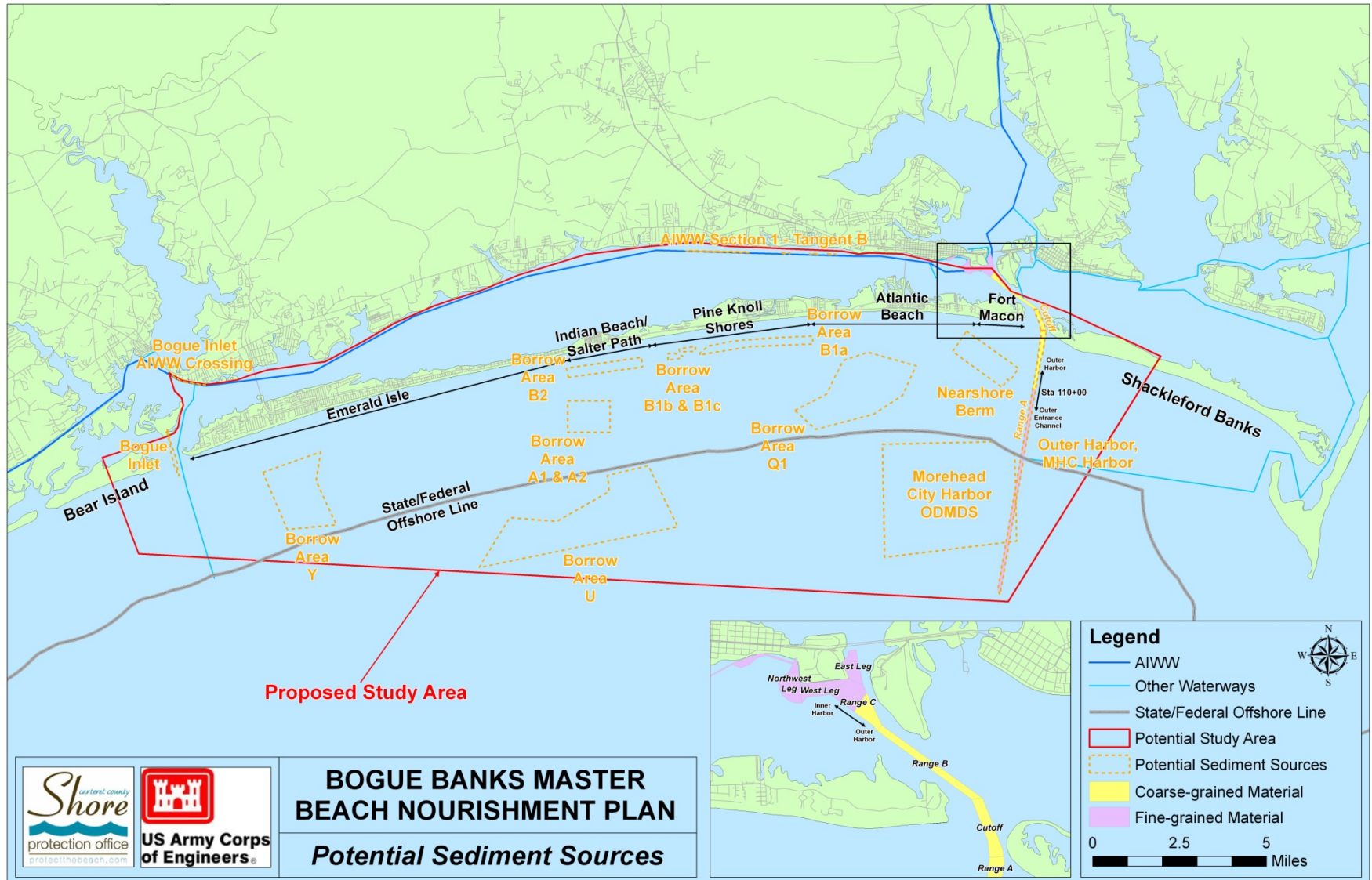
# Engineering Report

## Evaluation of Potential Sediment Sources

- Review existing information on potential borrow areas proximal to Bogue Banks
- Assessment of each potential source for compliance with State technical standards
- Assessment of relative sand value based on sediment quality, location and the probable utilization cost
- Prioritize sources based upon the above
- Past projects show that the ODMDS and Bogue Inlet/AIWW Crossing have very compatible material and the projects have performed quite well



# Engineering Report



# Engineering Report

## Engineering Report - Alternatives Analysis

- Develop a matrix of alternatives
- Potential options
  - Do nothing
  - Beach nourishment
  - Relocation/retreat
  - Combination of above
- Prescreening criteria includes:
  - Cost
  - Sediment compatibility and location
  - Other environmental factors

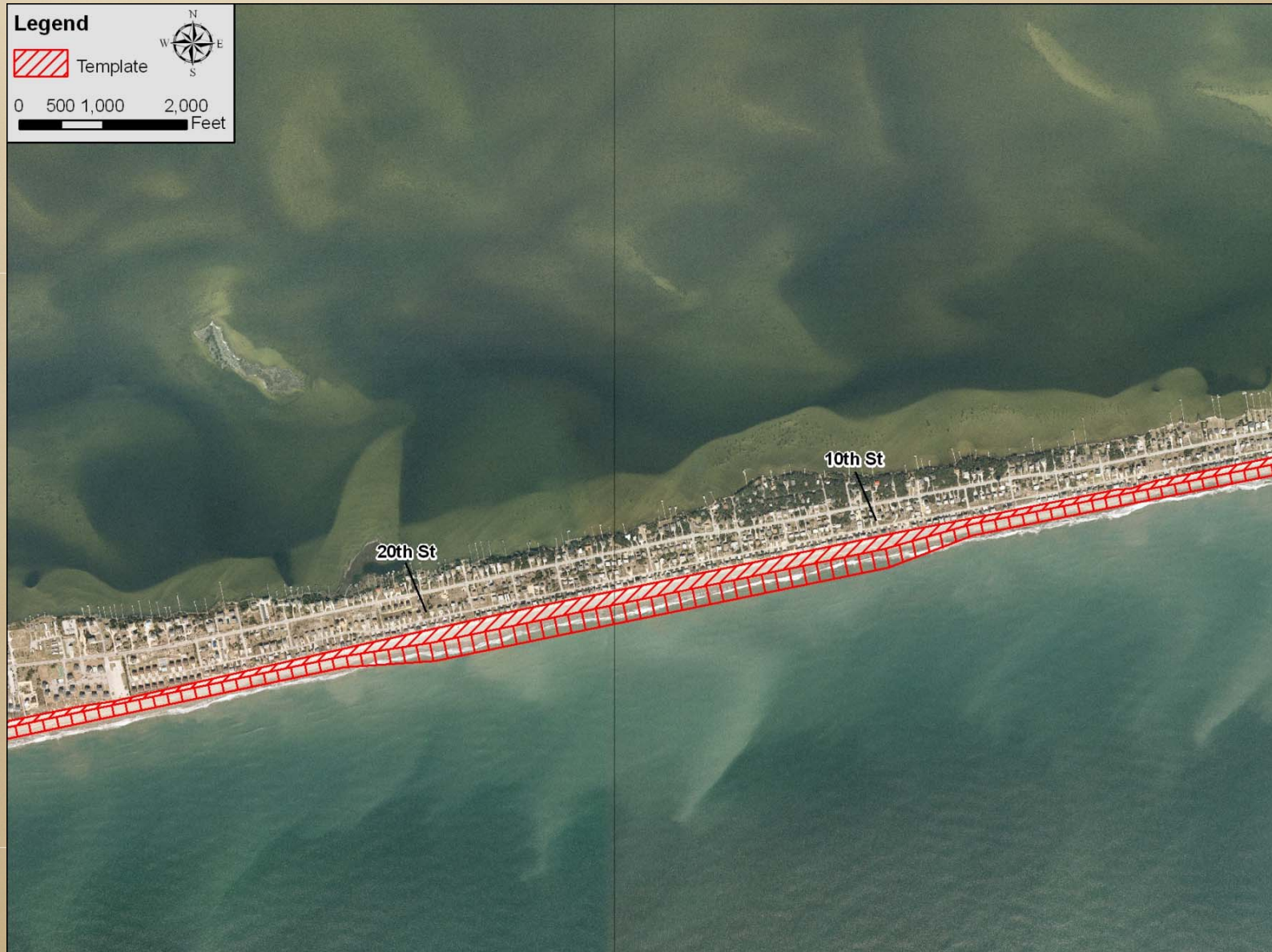


# Engineering Report

- Desired level of protection & template determination
  - Costs, feasibility, etc. all considered to optimize sand utilization and economics
  - Meet FEMA and Static Line Exception requirements
  - Goal is to provide equivalent protection and develop optimal, realistic triggers
  - Include potential storm response
- Identify Preferred Alternative and Sequencing



# Engineering Report





# NEPA/SEPA Process

## NEPA Process

- Early communication
- Agency pre-NEPA involvement
- Agency and Public Scoping
- Purpose and Need
- Alternatives Analysis
- DEIS Public Hearing and Comment Review
- FEIS/Record of Decision
- Administrative Record

# Permitting

## Proposed Permit Approach

- Programmatic approach will reduce the duplication of efforts and optimize resources (sand & funding) and reduce environmental effects
  - Develop event triggers
  - Optimize sequencing and minimize effects
  - Predictability
  - Project performance validation



# Proposed Schedule

## Tentative Timeline

Activity	Timeframe
Notice of Intent	September, 2010
Public Scoping	September, 2010
Draft Environmental Impact Statement	September, 2011
Comments Received and Incorporated	January, 2012
Final Environmental Impact Statement	September, 2012
Record of Decision	June, 2013

# Questions?





Indian Beach/Salter Path, NC (3/6/07)

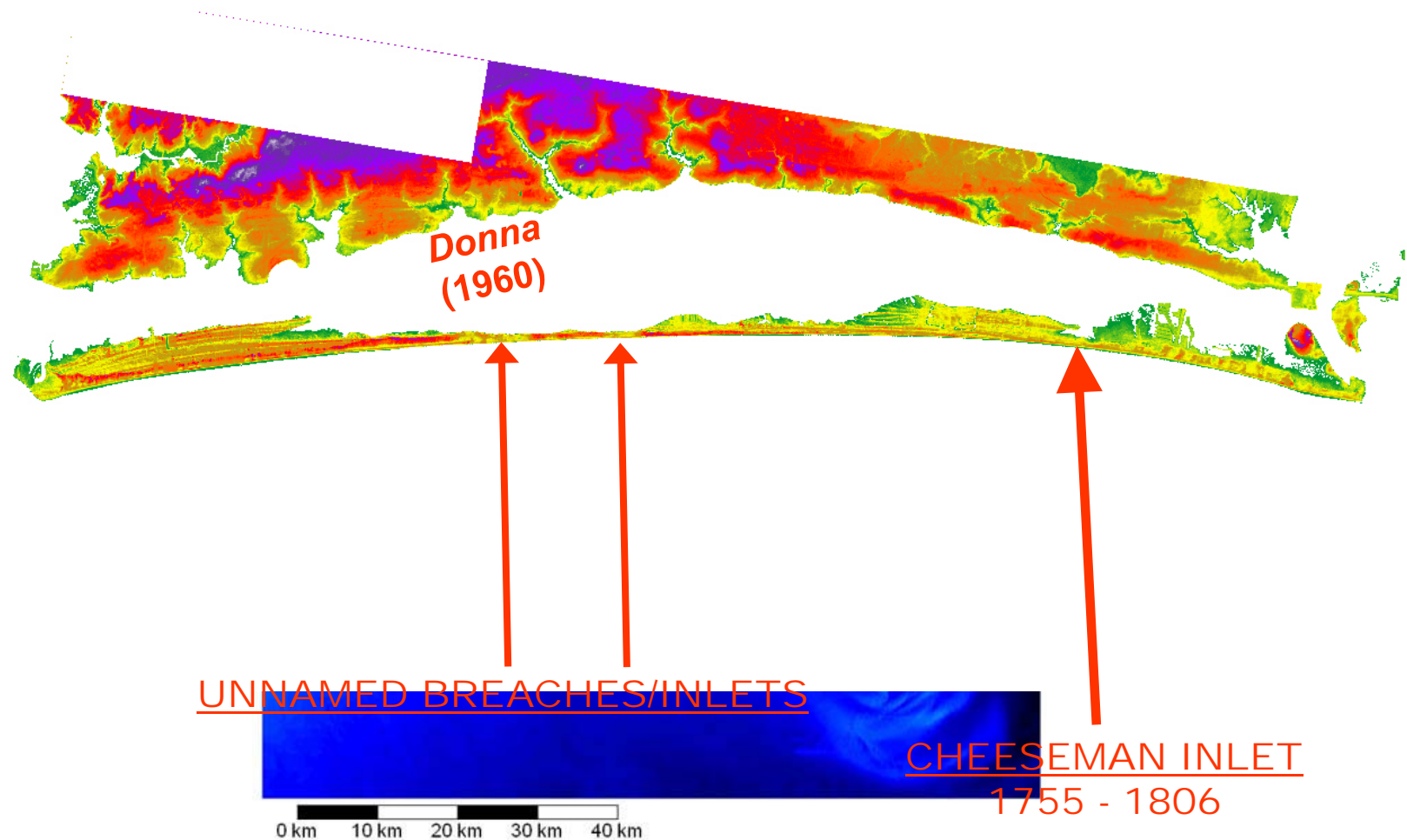


September 30, 2010

# *INTER-AGENCY MEETING* *BOGUE BANKS MASTER BEACH* *NOURISHMENT PLAN / EIS*



# Geomorphic & Historical Primer







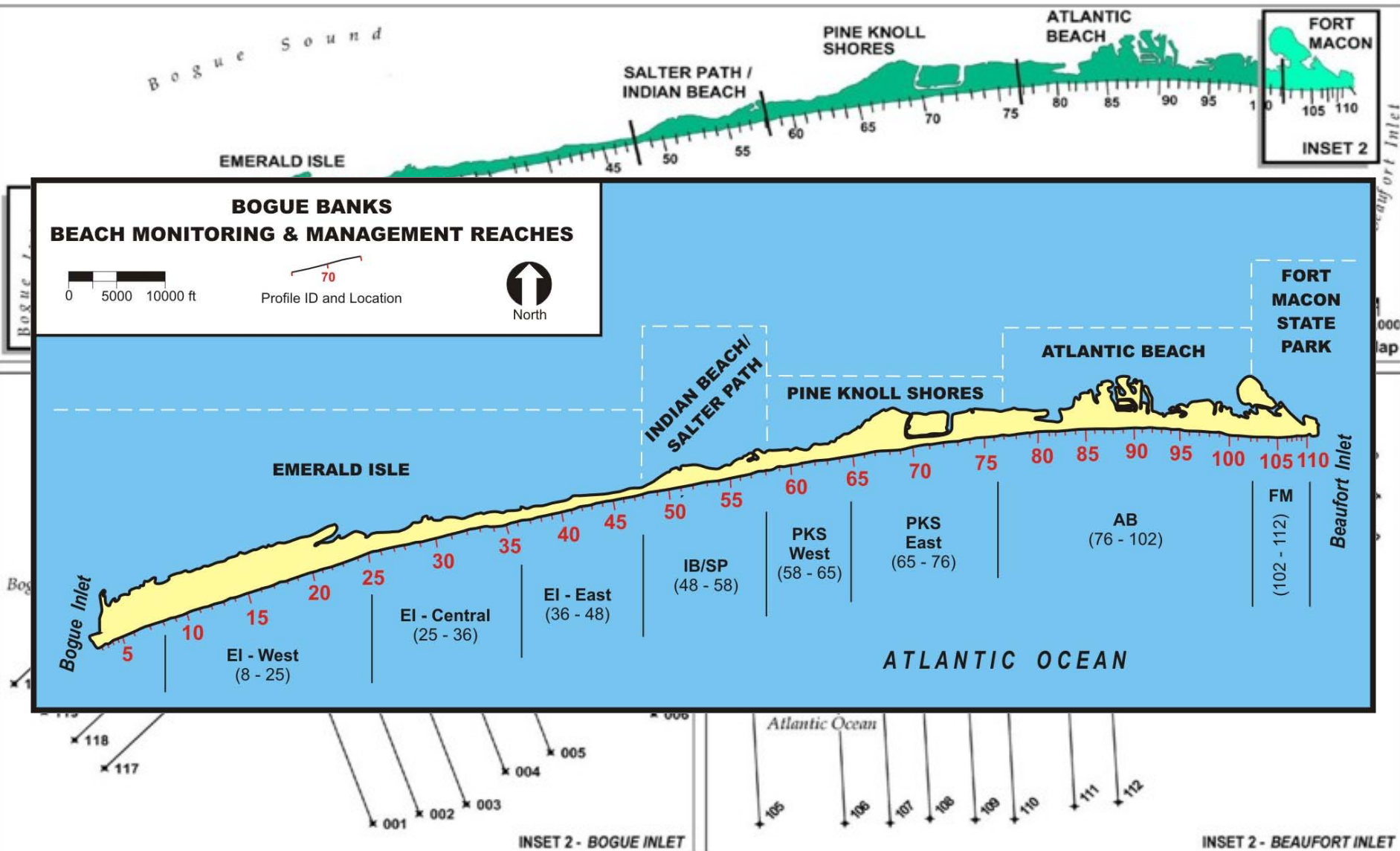
*WHEN TO NOURISH?*

# *THE 1990's: Hurricanes, More Hurricanes, And A Time Of Change.*



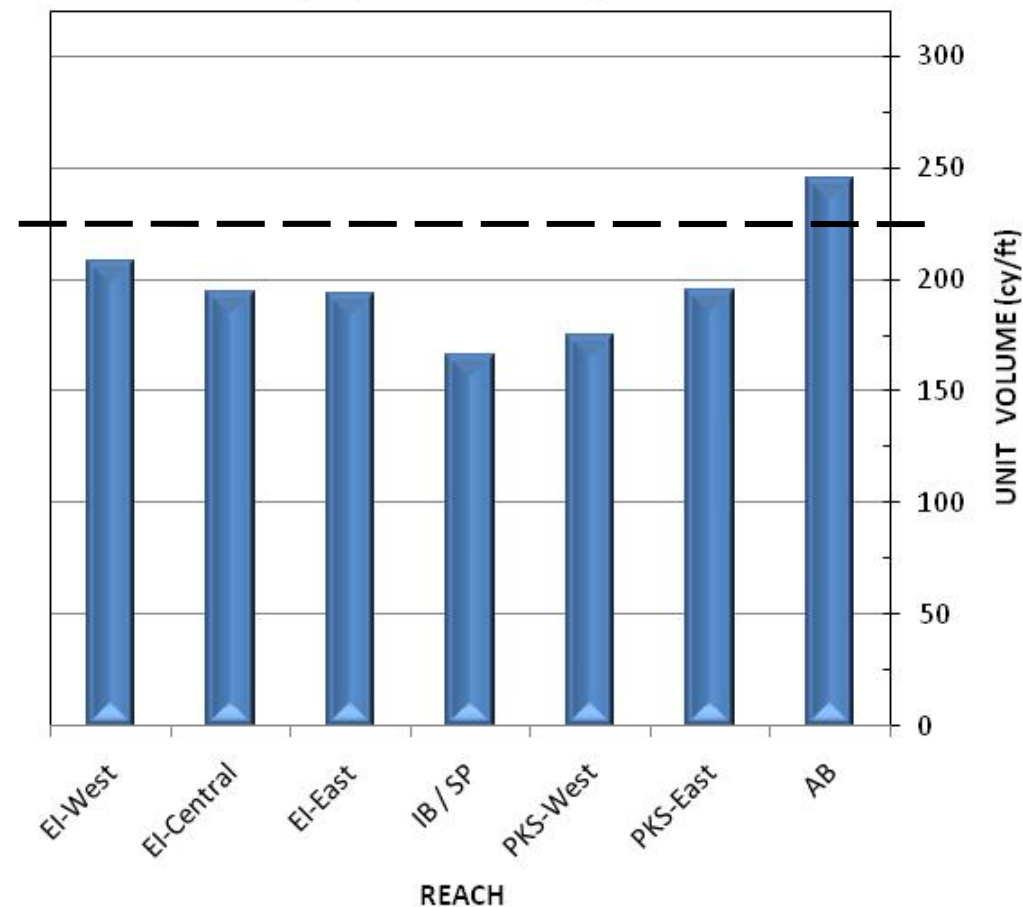


# THE 1990's: Hurricanes, More Hurricanes, And A Time Of Change.



# VOLUME vs. SHORELINE

**Average Profile Volume by Bogue Banks Reach**  
(September 1999)



BOGUE BA

40

70

0 5000 10000

FORT  
MACON  
STATE  
PARK

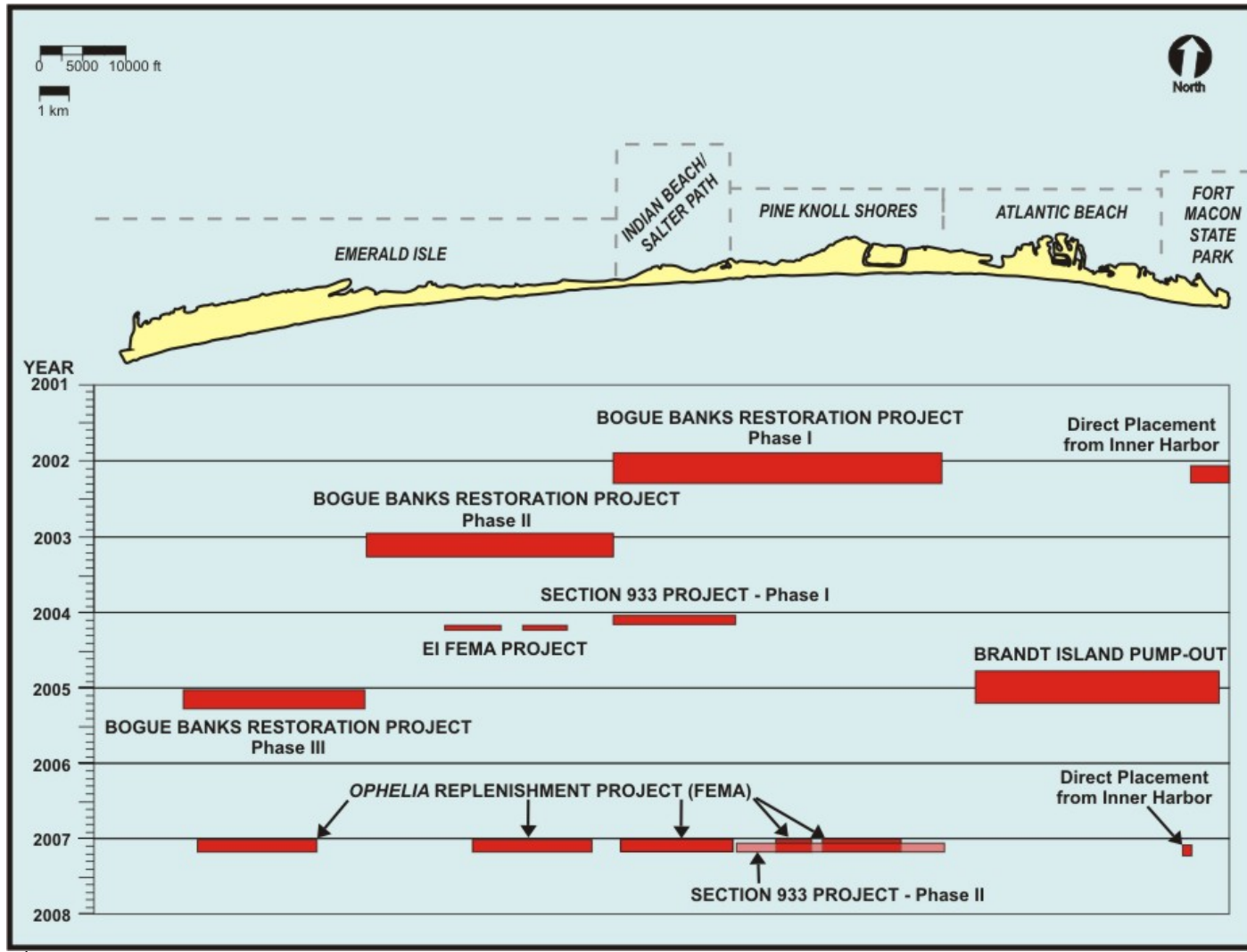
110

40

SHORES)

900 1000

# The 2000's

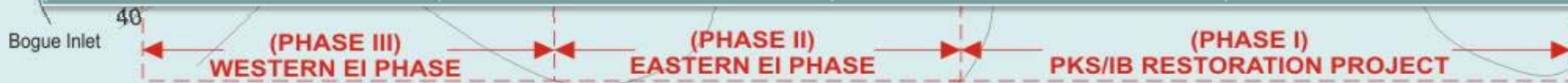


# BOGUE BANKS BEACH RESTORATION PROJECT

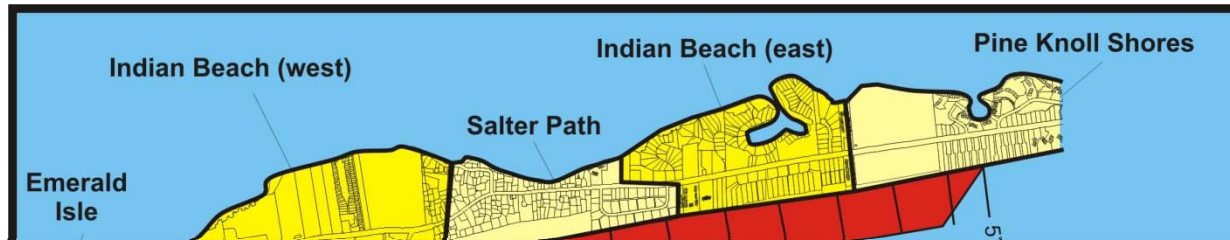
## BOGUE BANKS BEACH RESTORATION PHASE & BORROW SITE LOCATION MAP

B1 Borrow Site

	Local (\$)	State (\$)	cubic yards
PHASE I ('01-'02)	\$11,700,000	\$900,000	1,733,580
PHASE II ('03)	\$11,800,000		1,867,726
PHASE III ('05)	\$7,100,000	\$3,800,000	690,868
<b>Totals</b>	<b>\$30,600,000</b>	<b>\$4,700,000</b>	<b>4,292,174</b>



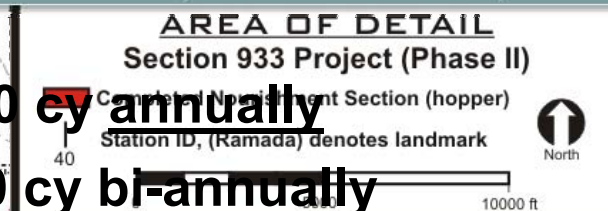
# THE BEACH & THE MOREHEAD CITY HARBOR NAVIGATION PROJECT



	Local (\$)	State (\$)	Federal (\$)	cubic yards
933 PHASE I ('04)	\$400,000	\$1,200,000	\$3,800,000	699,282
PUMP-OUT ('04-'05)	\$0	\$1,000,000	\$9,600,000	2,920,729
933 PHASE II ('07)	~\$678,000	~\$2,000,000	~\$7,600,000	507,939
<b>Totals</b>	<b>\$1,078,000</b>	<b>\$4,200,000</b>	<b>\$21,000,000</b>	<b>4,127,950</b>

Outer Harbor = ~956,100 cy annually

Inner Harbor = ~328,400 cy bi-annually

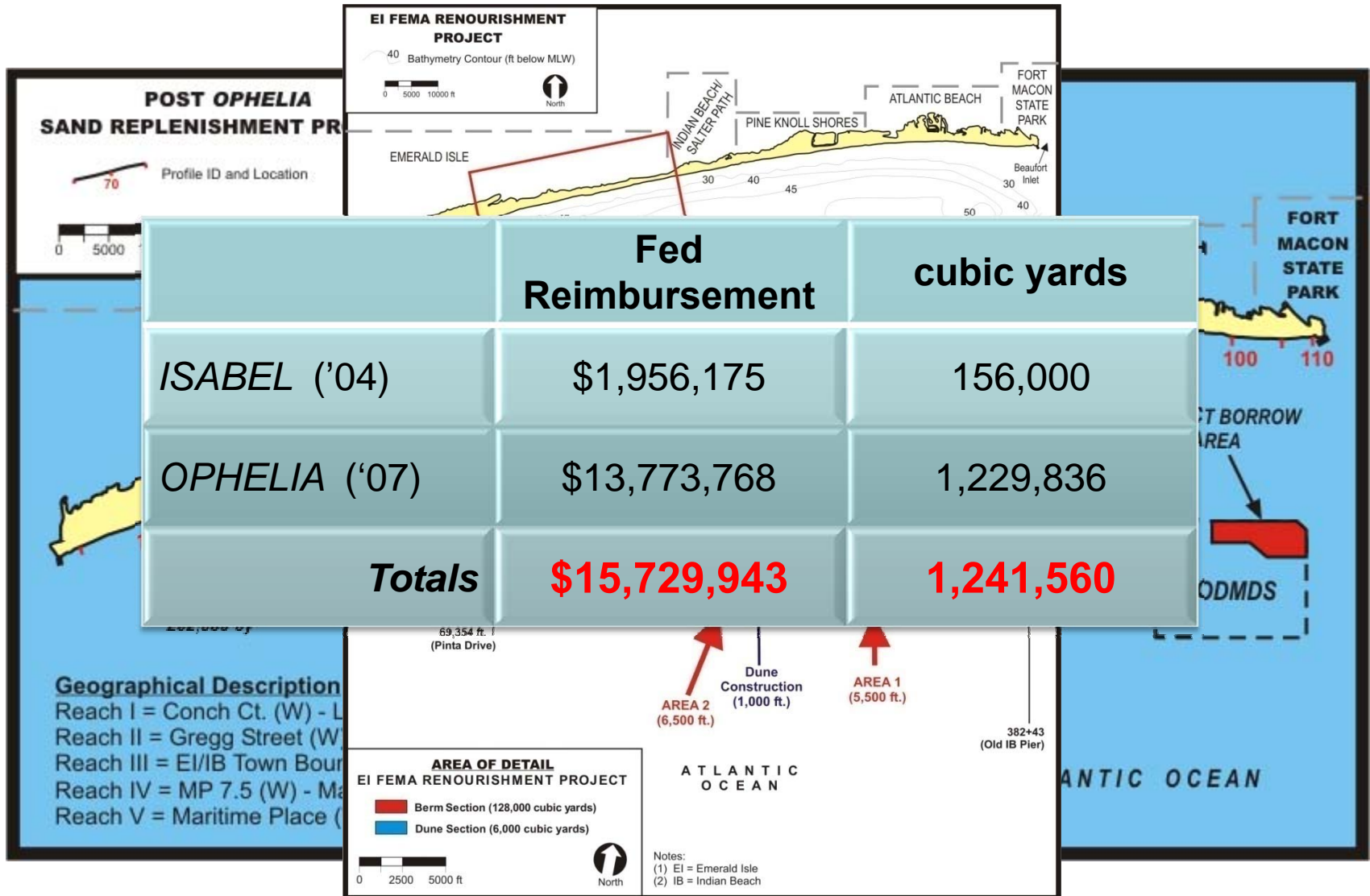


2nd Pipeline Landing

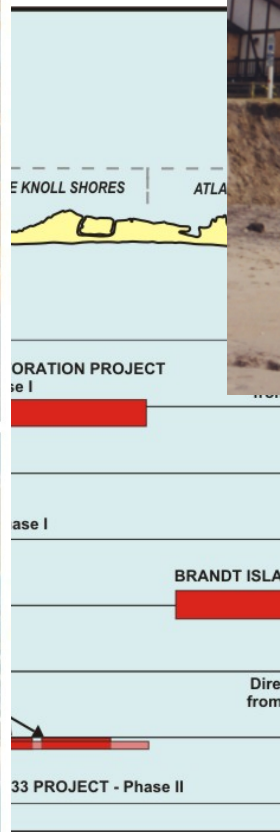
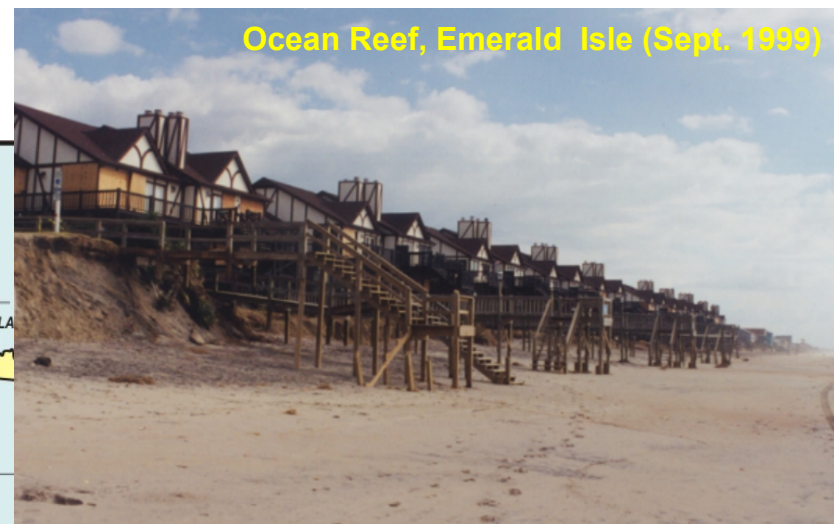
**Final Update - March 26, 2007**



# FEMA REIMBURSEMENT







# BEACH MONITORING

## Average Profile Volume by Bogue Banks Reach

(foredune to -12 NAVD 88)

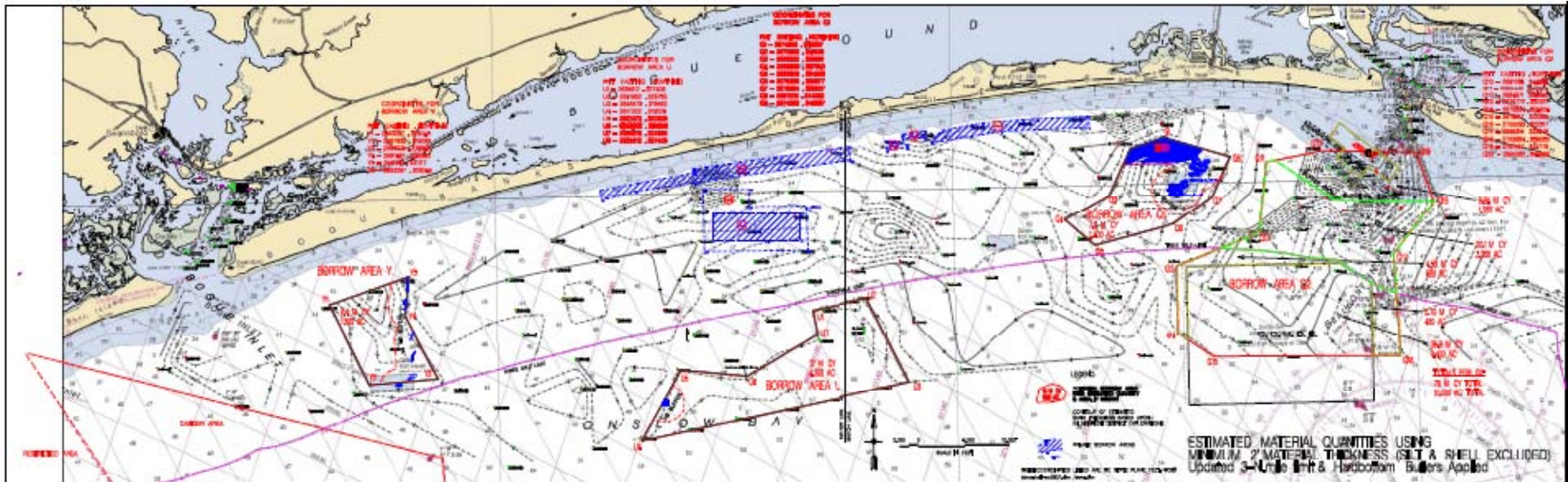
Reach	Profiles	Linear Feet	Average Shoreline Change (Sept. 1999 - July 2009)
Emerald Isle - West	8 - 25	22,344	71 feet seaward (+)
Emerald Isle - Central	25 - 36	15,802	22 feet seaward (+)
Emerald Isle - East	36 - 48	13,220	81 feet seaward (+)
Indian Beach/Salter Path	48 - 58	12,850	60 feet seaward (+)
Pine Knoll Shores - West	58 - 65	9,063	80 feet seaward (+)
Pine Knoll Shores - East	65 - 76	14,815	93 feet seaward (+)
Atlantic Beach	76 - 102	26,176	42 feet seaward (+)
Ft. Macon State Park	102 - 112	6,691	37 feet landward (-)
<b>Totals or Average =</b>	<b>105</b>	<b>120,961</b>	<b>64 feet seaward (+)</b>

REACH

# SHORE PROTECTION PROJECT

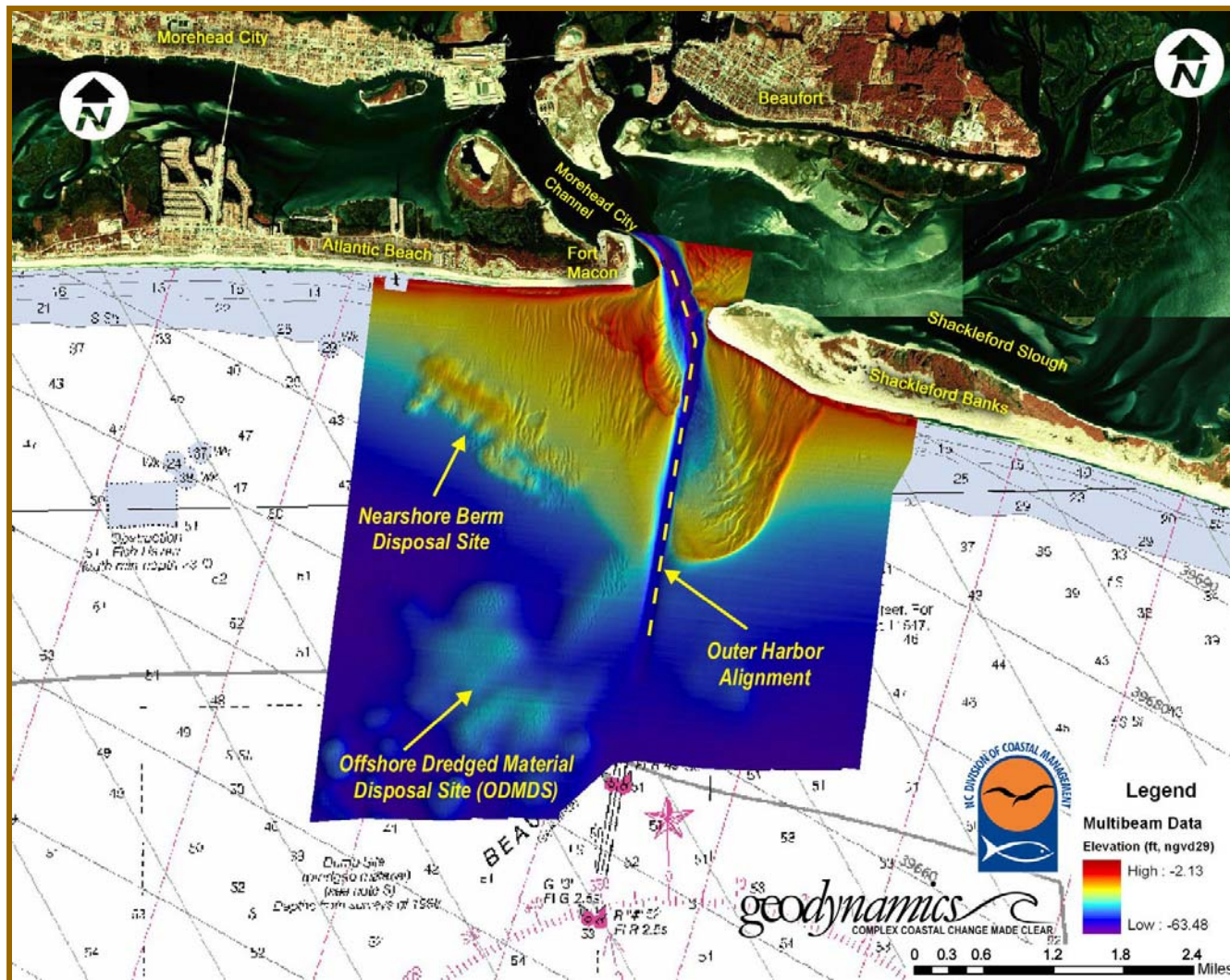
(aka – the 50-year project or the feasibility study)

- FEASIBILITY STUDY (estimate) = \$3.27 million, 4-year study completed by 9/30/04.
- FEASIBILITY STUDY (reality) = \$4.9 million, not completed yet.





Outer Harbor = ~956,100 cy annually  
Inner Harbor = ~328,400 cy bi-annually  
**~1,120,300 annual average**



# *SHORE PROTECTION ISSUE – WHY ARE WE HERE?*



## **Problem**

- East Bogue Banks in “decent” shape for the future.
- SPP prospects looking grim.
- ~\$9 million in reserve, need to ensure East Bogue Banks is addressed adequately via the Harbor Project **AND** develop a long term plan for Central and West Bogue Banks (roughly 18 miles of oceanfront).

## **Solution**

- Maximize nourishment events and costs - reconcile, re-evaluate when and how we need to nourish using objective, realistic triggers.
- Must conform to our FEMA plans **AND** 30-year static line plans for each community.
- **3-PRONGED SOLUTION** – (1) storm protection, (2) FEMA, & (3) Static Line

## **APPENDIX V**

### **CARTERET COUNTY PUBLIC NOTICE AND TRANSMITTALS**

**From:** [Gregory Rudolph](#)  
**To:** [Sugg, Mickey T SAW:](#)  
**cc:** [Layton Bedsole:](#)  
**Subject:** FW: Public Notice printing  
**Date:** Wednesday, September 22, 2010 2:57:06 PM  
**Attachments:** [boguebankseis.press.doc](#)

---

Mickey,

Thanks for the phone call earlier today and below is a list of where/when the Master Plan public notice has been mentioned. Immediately below this e-mail is what we sent to the local papers. Enjoy - rudi

- (1) **Carteret News Times (9/19/10)** – no electronic copy (will try to get you a hard copy).
- (2) **Tideland News (9/22/10)** - no electronic copy (will try to get you a hard copy).
- (3) **107.1 WKTF, Morehead City** – radio interview from 18:45 – 19:00, 9/21/10, Viewpoints program
- (4) **County Courthouse** – posted on corkboard by the Finance Department entrance.
- (5) **Beach News** – e-mailed directly to ~500 recipients (see below)

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**From:** Gregory Rudolph  
**Sent:** Friday, September 17, 2010 2:48 PM  
**To:** beth@thenewstimes.com; jimmy@tidelandnews.com  
**Subject:** Public Notice printing

Beth and Jimmy,

Hope you have been doing well lately and could I get the following (in red font) printed in both the News Times either this (if possible) or next Sunday, and the Tideland News (Wednesday the 22<sup>nd</sup> edition)? You can simply bill us at the address provided below, or if I need to complete any additional forms/paperwork, then please let me know and we'll turn that around for you ASAP. The attached is where the public notice is coming from (the Corps of Engineers). Many thanks in advance and have a nice weekend.

PS – Jimmy, how about the Pirates! Been to both home games but worried about the Hokies in Blacksburg tomorrow.

---

## **PUBLIC NOTICE – BEACH NOURISHMENT PLAN**

**All interested parties are hereby advised that the Wilmington District,**

Corps of Engineers (CORPS), Regulatory Division is holding a public scoping meeting for Carteret County's proposed implementation of a long-term sustainable beach nourishment management plan within jurisdictional waters of the United States. The meeting will be held on September 30, 2010 at 6:00 P.M. at the main hall of the Crystal Coast Civic Center (beside the Carteret County Community College) at #3505 Arendell Street, Morehead City.

The County's proposal is designed to improve protection for residential homes, infrastructure, and recreational beaches against future storms over a period of 30-plus years. The development of a Master Plan will involve reviewing all of the previous nourishment efforts and current plans and will formulate a multi-decadal all inclusive nourishment plan for the entire 25-mile barrier island of Bogue Banks, including all local beach municipalities, in Carteret County.

The CORPS is soliciting comments from the public 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 all other appropriate public interest factors. Comments are used in the preparation of the Record of Decision (ROD) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for an additional public hearing and to determine the overall public interest of the proposed activity.

The Public Notice including specific plans and site information is available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands). Questions concerning this plan may be addressed to Mr. Mickey Sugg, of the Wilmington Regulatory Field Office, at 69 Darlington Avenue, Wilmington NC 28403 and comments on the proposal must be received by close of business on October 15, 2010.

---

Greg "rudi" Rudolph  
Carteret County Shore Protection Office  
P.O. Box 4297



Emerald Isle, N.C. 28594  
252 393-2663  
252 241-3264 (cell)  
252 393-6639 (fax)  
[www.protectthebeach.com](http://www.protectthebeach.com)

**From:** Gregory Rudolph  
**Sent:** Friday, September 17, 2010 4:06 PM  
**Subject:** SCOPING MEETING & PUBLIC NOTICE - Bogue Banks Master  
Nourishment Plan/Programmatic EIS



**US Army Corps  
of Engineers®**

Wilmington District

Immediate Release

Manager

For

September 17, 2010  
POC: Mickey Sugg, Project

(910) 251-4811  
Corps Action ID #: 2009-0293

## Corps Seeks Comment

Wilmington, NC- All interested parties are hereby advised that the Wilmington District, Corps of Engineers (CORPS), Regulatory Division is holding a public scoping meeting for Carteret County's proposed implementation of a long-term sustainable beach nourishment management plan within jurisdictional waters of the United States. The meeting will be held on September 30, 2010 at 6:00 P.M. at the main hall of the Crystal Coast Civic Center (beside the Carteret County Community College) at #3505 Arendell Street, Morehead City.

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**From:** Jeanette Deese  
**Sent:** Tuesday, September 21, 2010 11:20 AM  
**To:** Gregory Rudolph  
**Subject:** RE: US Army Corps of Engineers

Sure, I'll place one on the bulletin board outside Finance. The other bulletin board beside the elevator is for job postings only.

---

**From:** Gregory Rudolph  
**Sent:** Tuesday, September 21, 2010 11:18 AM  
**To:** Jeanette Deese; Wayne Deal  
**Subject:** RE: US Army Corps of Engineers

Thanks Jeanette (hope you are doing well lately too).

We have condensed the attached press release addressing that long-winded public notice for the Carteret County News Times and Tideland News as well. If the attached can be printed and placed on the public notice board near the elevators at the Courthouse, or something to that effect, then that would be great. Nothing critical at all if it can't, or if there simply isn't enough room on the corkboards, etc. – we have a good distribution of the press release between the newspapers and our “Beach News” clipping service.  
Cheers - rudi

**Greg "rudi" Rudolph**  
**Carteret County Shore Protection Office**  
P.O. Box 4297  
Emerald Isle, N.C. 28594  
252 393-2663  
252 241-3264 (cell)  
252 393-6639 (fax)  
[www.protectthebeach.com](http://www.protectthebeach.com)

-----Original Message-----

**From:** Jeanette Deese  
**Sent:** Tuesday, September 21, 2010 11:09 AM  
**To:** wayned@carteretcountygov.org  
**Cc:** Gregory Rudolph  
**Subject:** US Army Corps of Engineers

The attached was received today. << File: corpspr.doc >>

**From:** Gregory Rudolph  
**Sent:** Friday, September 17, 2010 4:06 PM  
**Subject:** SCOPING MEETING & PUBLIC NOTICE - Bogue Banks Master Nourishment Plan/Programmatic EIS



**US Army Corps  
of Engineers®**  
Wilmington District

**For Immediate Release**

**September 17, 2010**

**POC: Mickey Sugg, Project Manager**

**(910) 251-4811**

**Corps Action ID #: 2009-0293**

## **Corps Seeks Comment**

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**APPENDIX VI**

**PUBLIC SCOPING MEETING SIGN-IN LIST**

# GROUP ONE

	NAME	Township/Organization (if applicable)
1	Art Schools	Emerald Isle
2	Tom Hoover	E. I.
3	BIKRAMER	Pine Knoll Shores
4	Ken Jones	Pine Knoll Shores
5	Eren Tatzagasi	News-Times
6	Richard Hunt	Cartersville Commissioner
7	Dennis Breese	
8	Buck Fugate	Cart. County
9	Bill Donnelly	Cart. City Beach Com.
10	LARRY CORSELLO	PINE KNOLL SHORES
11	BOB DANNEY	Pine Knoll Shores
12	JOHN HALADA	PINE KNOLL SHORES
13		
14		
15	BILL PRICE	LAND ALLIANCE (LAST)

## **APPENDIX VII**

### **PUBLIC SCOPING SHORE PROTECTION PRESENTATION**

Indian Beach/Salter Path, NC (3/6/07)



September 30, 2010



US Army Corps  
of Engineers®

# *SCOPING MEETING* *BOGUE BANKS MASTER BEACH* *NOURISHMENT PLAN / EIS*



## U.S. Army Corps of Engineers

POC: Mr. Mickey Sugg, Wilmington Regulatory Field Office

(910) 251-4811

69 Darlington Avenue, Wilmington NC 28403

[mickey.t.sugg@saw02.usace.army.mil](mailto:mickey.t.sugg@saw02.usace.army.mil)

Website: <http://www.saw.usace.army.mil/Wetlands/>

September 30, 2010



*SCOPING MEETING*  
*BOGUE BANKS MASTER BEACH*  
*NOURISHMENT PLAN / EIS*







**US Army Corps  
of Engineers®**

*WHEN TO NOURISH?*



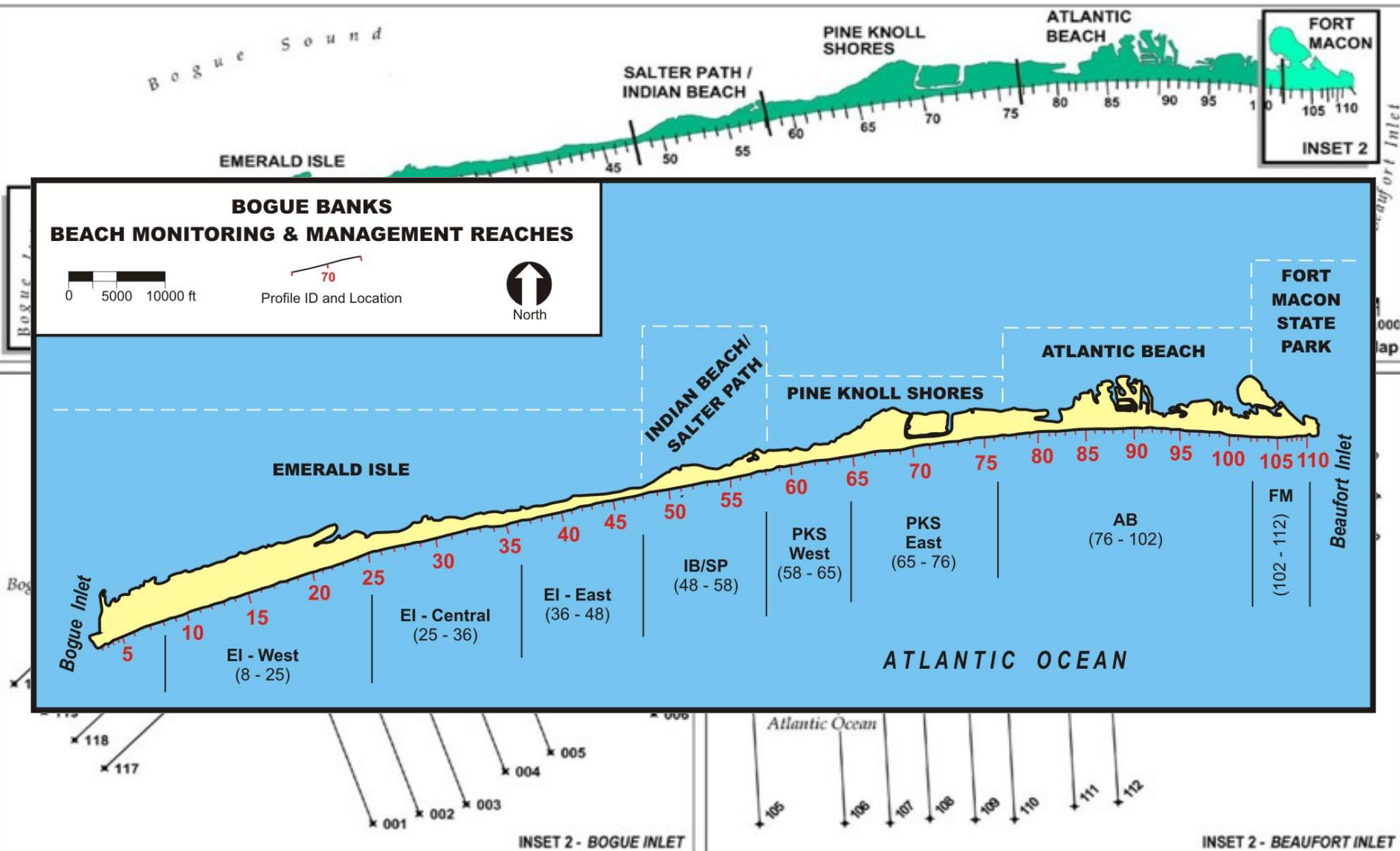
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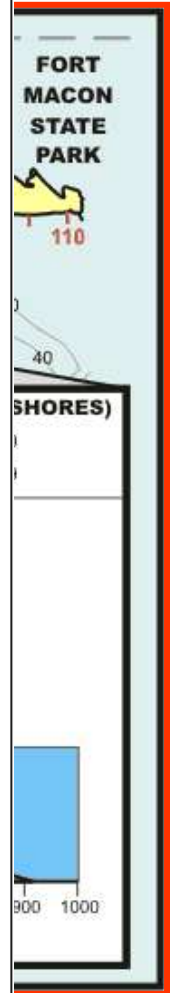
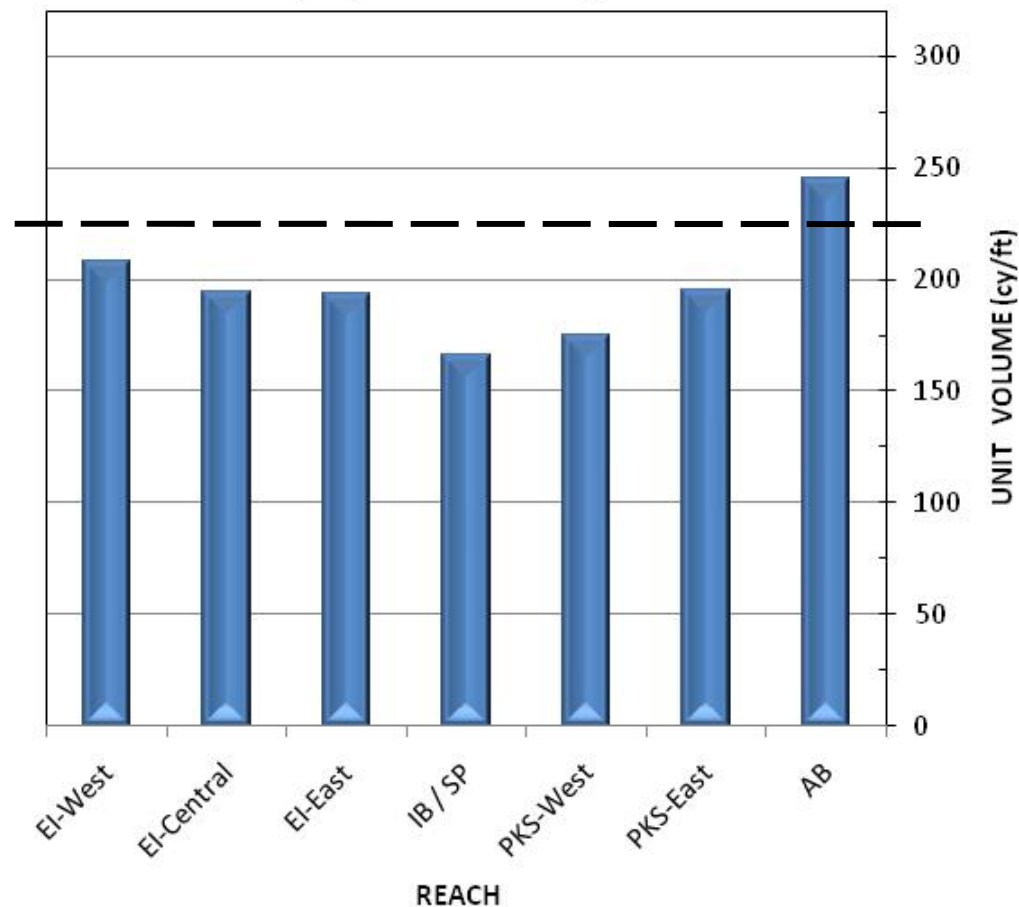


# THE 1990's: Hurricanes, More Hurricanes, And A Time Of Change.



# VOLUME vs. SHORELINE

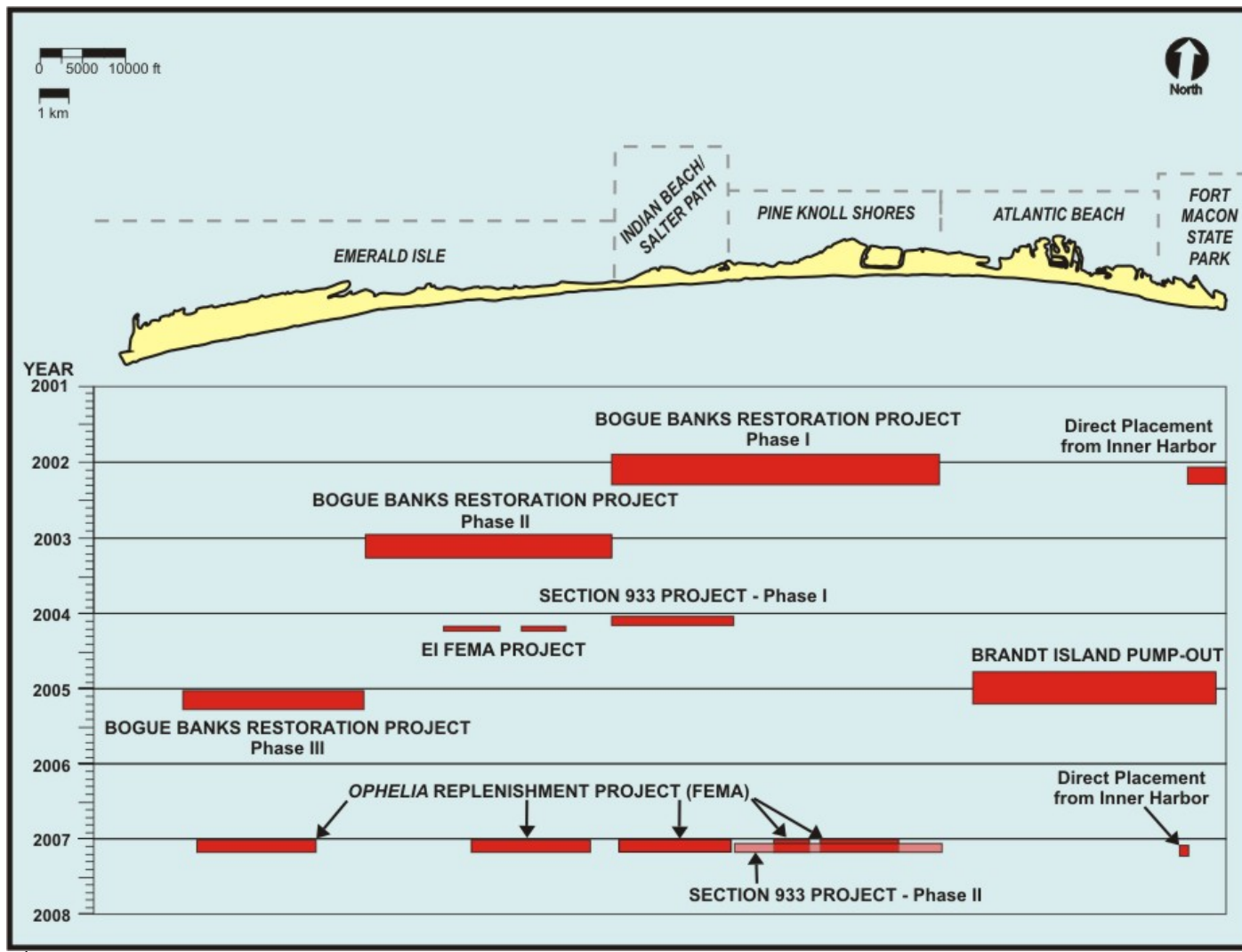
**Average Profile Volume by Bogue Banks Reach**  
(September 1999)





US Army Corps  
of Engineers®

# The 2000's







# *SHORE PROTECTION ISSUE – WHY ARE WE HERE?*



## Problem

- East Bogue Banks in “decent” shape for the future.
- SPP prospects looking grim.
- ~\$9 million in reserve, need to ensure East Bogue Banks is addressed adequately via the Harbor Project **AND** develop a long term plan for Central and West Bogue Banks (roughly 18 miles of oceanfront).

## Solution

- Maximize nourishment events and costs - reconcile, re-evaluate when and how we need to nourish using objective, realistic triggers.
- Must conform to our FEMA plans AND 30-year static line plans for each community.
- **3-PRONGED SOLUTION** – (1) storm protection, (2) FEMA, & (3) Static Line

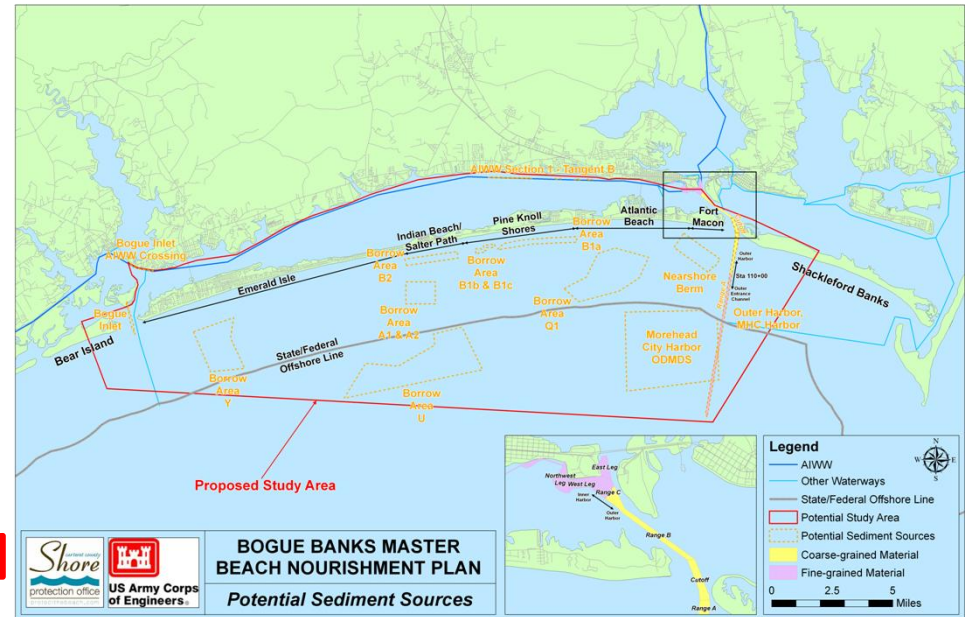


## Potential Options

- **Do nothing**
- **Beach nourishment**
- **Relocation**
- **Combination of above**

## Screening Criteria

- **Cost**
- **Sediment compatibility**
- **Other environmental factors**



## U.S. Army Corps of Engineers

POC: Mr. Mickey Sugg, Wilmington Regulatory Field Office

(910) 251-4811

69 Darlington Avenue, Wilmington NC 28403

[mickey.t.sugg@saw02.usace.army.mil](mailto:mickey.t.sugg@saw02.usace.army.mil)

Website: <http://www.saw.usace.army.mil/Wetlands/>

September 30, 2010



*SCOPING MEETING*  
*BOGUE BANKS MASTER BEACH*  
*NOURISHMENT PLAN / EIS*



**APPENDIX VIII**

**WRITTEN COMMENTS RECEIVED**



DT: September 26, 2010



RE: BOGUE BANKS EROSION  
and  
RENOURISHMENT PLAN

### Comments and Questions.

The Carteret County Beach Commission (CCBC) says Beach Erosion of Bogue Banks is mostly caused by Government dredging of Beaufort Inlet.

The dredging is requested by the State, the State's environmental agencies approve the dredging, and the US Army Corps of Engineers (ACOE) does the work.

The CCBC is proposing a  $\approx$  30 to 50 year \$250,000,000 to \$400,000,000 Beach Re-nourishment Plan to recover the Beach Sand they say the Government has been dumping off-shore, which plan will most likely end up being paid for by the Property Owners (or CAMA/ DCM will outlaw their houses).

- The CCBC v. ACOE settlement proposes that the sand dumped off-shore in the past will be placed on the beach in the future.

Q: If the CCBC's Settlement with the Corps. says dredged sand will be put on the beach, what is the re-nourishment project for?

- CCBC engineer's report says dredging and re-nourishment will further completely deplete the Ebb Tide Delta.

Q: If dredging has and will completely deplete the Ebb Tide Delta, shouldn't we be concerned? Do we know?

- The CCBC also says there may be a much more economical long term solution with much less environmental affect, but it doesn't look like anybody will study or consider the better solution.

Q: Maybe we should consider such options ?

NOTE:: There is theory that most all long term erosion of all NC Beaches is due to dredging of Norfolk, Beaufort, and Cape Fear River inlets . So far our Friendly Government (that is requesting, approving and doing the dredging) , won't study the broad effect of dredging on erosion. It doesn't appear that our educational institutions will either.

Bill Price Land Alliance of North Carolina  
" Better Science for Better Policy. "

B.J.  
PRC



**From:** [Sugg, Mickey T SAW](#)  
**To:** [Layton Bedsole](#); [Gregory Rudolph](#); [Martin, Johnny](#);  
**Subject:** FW: SCOPING MEETING & PUBLIC NOTICE - Bogue Banks Master Nourishment Plan/  
Programmatic EIS  
**Date:** Monday, October 18, 2010 11:52:04 AM

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Additional comments from Mr. Breese, who I believe was at the meeting.

Mickey Sugg, Project Manager  
US Army Corps of Engineers  
69 Darlington Avenue  
Wilmington NC 28403-1343  
(910) 251-4811 (o)  
(910) 251-4025 (fax)

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://per2.nwp.usace.army.mil/survey.html>

to complete the survey online.

-----Original Message-----

From: dennison breese [<mailto:dbreese@ec.rr.com>]  
Sent: Friday, October 15, 2010 2:39 PM  
To: Sugg, Mickey T SAW  
Subject: Fw: SCOPING MEETING & PUBLIC NOTICE - Bogue Banks Master Nourishment Plan/Programmatic EIS

Dear Mr. Su <<image001.jpg>> gg,

I would like to add several comments concerning the Bogue Bank Scoping meetings.

1. Obtain permits to manage Bogue Bank water assets , including Storm, Sanitary and Aquifer

2. obtain permits to evaluate potential Reverse Osmosis water plants in order to supply potable water  
from erosion hot spots.

3. obtain permits to utilize near shore sand for nourishment, provided by patented dredge Seadozer

4. obtain permits to manage Bogue Inlet ocean bar using Seadozer.

Thank you Denny Breese

----- Original Message -----

From: Gregory Rudolph <<mailto:grudolph@protectthebeach.com>>

Sent: Friday, September 17, 2010 4:05 PM

Subject: SCOPING MEETING & PUBLIC NOTICE - Bogue Banks Master Nourishment Plan/Programmatic EIS

For Immediate Release

September 17, 2010

POC: Mickey Sugg, Project Manager

(910) 251-4811

Corps Action ID #: 2009-0293

## Corps Seeks Comment

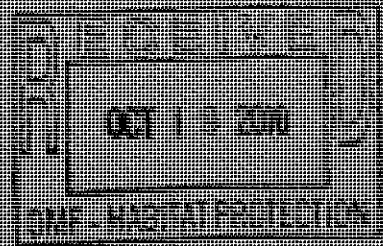
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Date: 09/23/2010

Doc Date: 10/13/2010

County: CARTERET

To:

☐ Jessi D. Neal

☐ Kevin Hart

☐ Kim Giddens

☐ Bill Greenway

☐ Anne Dwyer

☐ Pam Wilson

☐ Lynne Smith

☐ Rick Williams

☐ Rod Hunter

☐ Tim Sullivan

☐ Jeff Thomas

☐ Sam Brown

From: [unclear]  
Hastening Predation

Re: [unclear]  
LARGE PUBLIC NOTICE SODDING  
EASTERN COUNTY SHORELINE PROTECTION PROGRAM

*Project: Banks Beach Master Plan/Project 11/11/10  
SODDING*

REPLY:

As directed:

☐ This office handles the matter as proposed.

☒ This matter is to be handled as directed.

☐ This office should be advised as directed.

SIGNED:

*[Signature]*

DATED:

10/17/10

FOR THE DIRECTOR OF THE DEPARTMENT OF  
NATURAL RESOURCES

*Natural Resources*



North Carolina Department of Environment and Natural Resources  
Division of Marine Fisheries

Beverly Eaves Perdue  
Governor

Dr. Louis B. Daniel III  
Director

Dee Freeman  
Secretary

MEMORANDUM:

TO: Mickey T. Sugg, Project Manager, Wilmington USACE Regulatory Field Office

THROUGH: Anne Deaton, DMF Habitat Section Chief *AD*

FROM: Jessi O'Neal, DMF Habitat Alteration Permit Reviewer *JO*

SUBJECT: Bogue Banks Beach Master Nourishment Plan PEIS - Scoping

DATE: October 13, 2010

The North Carolina Division of Marine Fisheries (DMF) submits the following comments pursuant to General Statute 113-131. Representatives from DMF attended an agency scoping meeting in Morehead City for the Bogue Banks Beach Master Nourishment Plan PEIS Scoping on September 30, 2010. The USACE proposes to develop a multi-decadal plan based on volumetric and beach elevation thresholds for the entirety of the 25-mile Bogue Banks in Carteret County, NC which includes Fort Macon State Park, Atlantic Beach, Pine Knoll Shores, Indian Beach, Salter Path, and Emerald Isle.

DMF continues to be concerned about the fisheries impacts of beach nourishment activities. As reflected in our comments on past beach nourishment projects, we anticipate detailed discussions of the following:

- all Essential Fish Habitat (EFH) and state protected habitats that occurs in this area
- all fish habitats outlined in the most recent NC Coastal Habitat Protection Plan (CHPP) that occur in the area
- Potential impacts to the benthos of the surf/swash zone and a detailed plan to monitor for impacts
- Potential impacts on regional sand budgets and identified sources ability to keep up with proposed need
- Potential impacts to any fishery or fish habitat due to the use of borrow areas and a detailed plan to monitor for impacts
- Potential impacts to commercial or recreational fishing including any indirect impacts due to adverse impacts to fish and fish habitat

Most beach nourishment projects are one-time events that have a specific project schedule. Due to the size, scope, timeframe, and flexibility of this proposed plan, additional topics should be considered:

- Long-term effects of repetitive beach nourishment on beach ecological function
- Long-term effects of repetitive inlet and offshore dredging on inlet and deep soft bottom ecological function





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- Develop maximum limits to the nourishment area and volume per event and overall frequency of events in a specific location
- Development of a monitoring plan that include data thresholds that require changes to the project schedule, borrow sites, nourishment areas, mitigation, or overall plan.
- The monitoring program itself may need to evolve through time per the information gained from monitoring. It may be necessary to monitor different aspects of the project with a different intensity or stop monitoring certain aspects altogether.
- As science progresses, opportunities for ecological enhancement or restoration may arise that should be able to be incorporated.
- Include requirements about monitoring QA/QC and what organization should lead that effort
- It may be necessary to include a provision that if one of the stakeholders involved in the interlocal agreement backs out, that the plan/permit will no longer be valid.

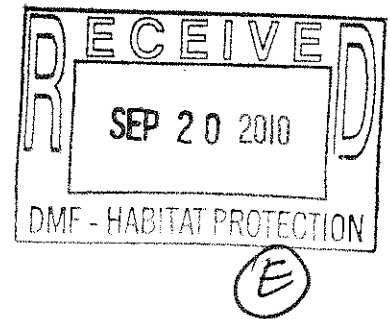
The Coastal Habitat Protection Plan supports the concept of comprehensive regional beach nourishment planning to minimize environmental impacts, identify the highest priority areas for nourishment, and most effectively utilize limited available monetary and sand resources. DMF would not support the use of any hardened structures as a strategy for beach management. Since oceanfront shoreline hardening remains prohibited in NC, DMF does not feel that these structures should be considered as a part of this PEIS. If the USACE would like assistance in locating information regarding the above topics or has any other questions, please contact NCDMF and we will assist in any way possible to ensure a complete Draft PEIS.



US Army Corps  
Of Engineers  
Wilmington District

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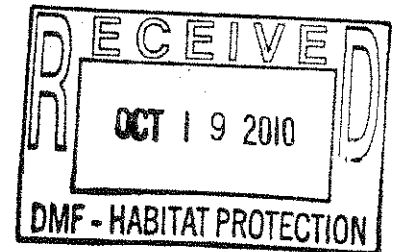
## PUBLIC NOTICE



Issue Date: September 17, 2010  
Comment Deadline: October 15, 2010  
Corps Action ID #: 2009-00293

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) is holding a scoping meeting for work within jurisdictional waters of the United States that is proposed by Carteret County. 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 [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Carteret County  
Attn: Mr. Greg "Rudi" Rudolph  
Shore Protection Manager  
Carteret County Shore Protection Office  
Post Office Box 4297  
Emerald Isle, North Carolina 28594



**AGENT (if applicable):** Moffatt and Nichol  
Attn: Mr. Timothy Reid  
1616 East Millbrook Road, Suite 160  
Raleigh, North Carolina 27609

### Authority

The Corps will evaluate this project pursuant to applicable procedures to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor; and will develop a Programmatic Environmental Impact Statement (PEIS) to assess the proposal, for which Bureau of Ocean Energy Management, Regulation and Enforcement, formerly known as Minerals Management Service (MMS), will be a cooperating agency. Additionally, the Corps will coordinate with North Carolina Division of Coastal Management and North Carolina Division of Water Quality in the development of the PEIS to ensure the process complies with all State Environmental Policy Act (SEPA) requirements.

### Location

The project site is located at 34-38, 77-05 to 34.41, 76.40, along the entire 25-mile ocean shoreline of Bogue Banks, from Bogue Inlet at Emerald Isle to Beaufort Inlet at Fort Macon State Park; and will also encompass parts of the Atlantic Intracoastal Waterway

(AIWW), and the Ocean Dredge Material Disposal Site (ODMDS) which is positioned approximately 3.0 miles offshore from Beaufort Inlet, in Carteret County, North Carolina.

### **Existing Site Conditions**

Bogue Banks is a 25-mile long barrier island situated entirely within the boundaries of Carteret County and consists of the incorporated towns of Emerald Isle, Indian Beach, Pine Knoll Shores, and Atlantic Beach; unincorporated community of Salter Path; and the North Carolina Fort Macon State Park. It is a south facing island, bordered by Bogue Inlet to the west, Beaufort Inlet to the east, Bogue Sound to the north, and the Atlantic Ocean to the south. The island is a typical barrier island that has undergone a variety of natural and anthropogenic changes. The majority of the island has been developed both from commercial and residential activities; and over the last decade, separate authorizations have been granted to the County and different municipalities, as well as individual owners and developments, to conduct various activities, such as dredging, beach bulldozing, and shoreline nourishment, within waters of the U.S. along the ocean shoreline.

### **Applicant's Stated Purpose**

The stated purpose of the project is to develop a management strategy that will formulate and implement a long-term sustainable shoreline protection program for the beaches of Bogue Banks. The comprehensive plan will anticipate shoreline erosion and will help improve protection for the County's beach infrastructure, residential property, and recreational beaches against future storms.

### **Project Description**

The development of the Master Plan will involve reviewing all of the previous nourishment efforts and current plans to formulate a multi-decadal all inclusive nourishment plan for the entire barrier island of Bogue Banks. The Master Plan and PEIS will include a comprehensive review of present-day beach conditions, a review of Carteret County's and the Corp's previous beach nourishment/beneficial use projects, and the development of a multi-decadal plan based on volumetric/beach elevation thresholds for Fort Macon/Atlantic Beach, Pine Knoll Shores, Indian Beach/Salter Path, and Emerald Isle. The Master Plan will address all anticipated beach nourishment/maintenance activities including but not limited to; AIWW dredging with concurrent beach disposal, beneficial use dredging projects/opportunities, FEMA reimbursement projects, and other potential sand placement or beach maintenance activities (beach bulldozing, etc.). Potential sand source locations to be evaluated in the Draft PEIS could include the ODMDS located offshore of Beaufort Inlet, the Corps nearshore placement area, Bogue Inlet, AIWW reaches, preliminary Corps offshore borrow locations, previously permitted Carteret County offshore borrow locations, and upland sources. The Master Plan will: (a) establish acceptable ranges of in-situ beach volumes and elevations, (b) establish beach volumetric and elevation triggers for

nourishment events, (c) continue a basis for FEMA reimbursement qualifications, (d) conform to the North Carolina Division of Coastal Management's (NCDCM) rules for static vegetation line exceptions, and (e) establish a programmatic approach facilitating the authorization and scheduling of Bogue Banks' nourishment/maintenance events.

Several alternatives and sand sources are being considered for the development of the management plan. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the PEIS.

This notice is to inform interested parties that our Notice of Intent to prepare a PEIS for this project was published in the Federal Register on September 15, 2010 and can be found on the Federal Register website, [www.archives.gov/federal-register/](http://www.archives.gov/federal-register/). After connecting with the website, click on "Today's Federal Register", and go to the bottom of the page. Click on "Search Federal Register"; and on the following page, click on "Advanced Search" on the left side. Check the "Notices" box and type "09/15/2010" in the date line. At the search box, type "Engineers Corps" which will take you to all the notices published on that date. Look under title "Intent to Prepare a Draft Programmatic Environmental Impact" which should be the first document. Additionally, a scheduled public scoping meeting for drafting the PEIS will be held on September 30, 2010 at 6:00 P.M at the main hall in the Crystal Coast Civic Center (beside Carteret County Community College) at #3505 Arendell Street, in Morehead City. The scoping meeting is designed to solicit comments from the public; Federal, State and local agencies and officials; and other interested parties to incorporate in the Draft PEIS document. The purpose of these comments concerning public interest factors, ranging from navigation to biological resources to private and public lands, will identify issues to be addressed in the Draft PEIS.

As disclosed in the Notice of Intent, any written comments pertinent to the proposed work, as outlined above, must be submitted to this office, Attention: Mickey T. Sugg, until 4:15 p.m., October 15, 2010. Question can be directed to Mr. Sugg at telephone (910) 251-4811, Wilmington Regulatory Field Office.





**DIAL CORDY**  
**AND ASSOCIATES INC**  
*Environmental Consultants*

201 North Front Street  
Suite 307  
Wilmington, N.C. 28401

Ph: (910) 251 9790

Fax: (910) 251 9409

[www.dialcordy.com](http://www.dialcordy.com)