

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200200015

March 8, 2002

PUBLIC NOTICE
MODIFICATION

THE UNITED STATES COAST GUARD (USCG), CIVIL ENGINEERING UNIT, 1240 EAST NINTH STREET, CLEVELAND, OHIO 44199-2060, has modified their application for a Department of the Army (DA) permit TO MAINTAIN A BASIN ON BANKS CHANNEL, UNITED STATES COAST GUARD STATION, WRIGHTSVILLE BEACH, NEW HANOVER COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the proposed maintenance of an 80-foot-wide, 170-foot-long basin to a depth of 10 feet, mean low water (MLW). Approximately 2,100 cubic yards of sand is to be excavated by hydraulic dredge and pumped on the estuarine side of Wrightsville Beach north of the Coast Guard Station along six privately owned properties. The dredge material will be pumped behind a geo-tube containment dike. The geo-tubes will be constructed of 12-foot wide filter fabric that is rolled and seamed together. Dredge material will be pumped into the geo-tube to form the containment dike along the waterfront approximately 20 to 30 feet from the existing beach or bulkhead as found on each property. Dredge material will be pumped behind the containment dike and protected from wave action until drained and stabilized. Once the dredge material has drained, the geo-tubes will be removed and the material uniformly graded.

An Individual Permit was issued on 1 December 1993 for dredging with material to be pumped to an upland, diked retention area on an island adjacent to the Atlantic Intracoastal Waterway, north of Shinn Creek, in accordance with the original plans. Condition number 2 of this permit authorized periodic maintenance for ten years from the date of issuance when the District Engineer was advised of the work at least 2 weeks in advance and the method of dredging and disposal were in strict accordance with the permit. The USCG requested a modification of this permit on October 11, 2001, to allow for the disposal of the dredged material (beach quality sand) on the ocean side of Wrightsville Beach. The modification was to bring the project into compliance with state policies and guidelines for the disposal of dredged material enacted after the original permit was issued. This second modification is requesting authorization to place the fill material to the north of the Coast Guard Station on the estuarine beach.

The jurisdictional areas within the project site consist of mud flats below mean high water along the eastern side of Banks Channel at the disposal site and open water at the dredge site. The entire disposal area is submerged during high tide.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification are denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

This application is being considered pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the

presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, has determined that the proposed activity may result in adverse impacts to species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973. This includes the federally threatened green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles. The carapace of a green sea turtle is smooth and gray, green, brown, and black. The plastron is yellowish white. They may reach a meter in length. Green sea turtles nest along Atlantic beaches from Massachusetts to Florida and along the Gulf of Mexico. Loggerhead sea turtles of the Northern Subpopulation nest from North Carolina to Northeast Florida. The carapace and scales found on the dorsal side of the head and flippers are reddish-brown. The neck, limb bases, and plastron are a medium yellow.

The decision, whether to issue a permit, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer decides that it would be contrary to the public interest.

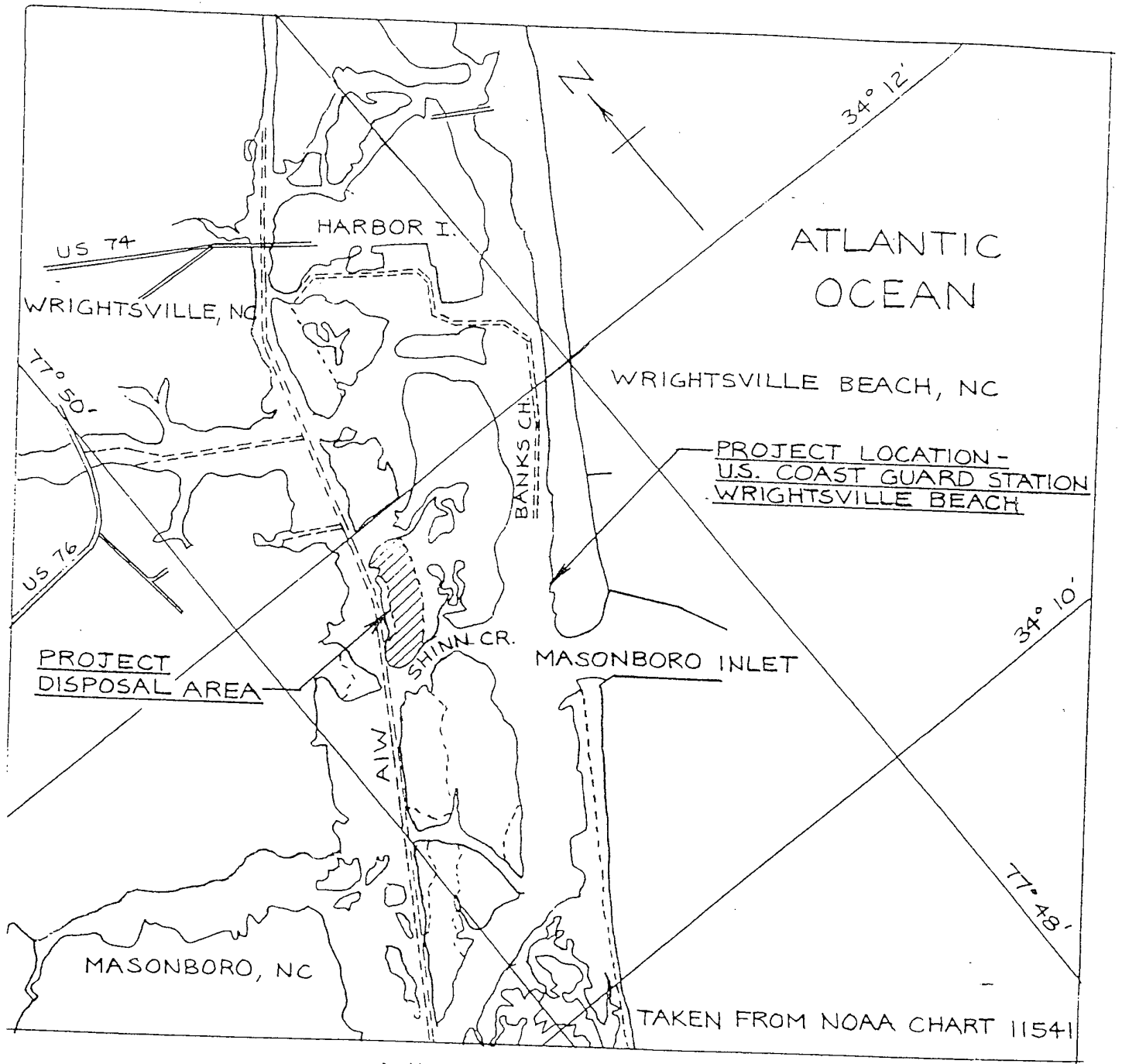
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to decide the need for a public hearing and to decide the public interest of the proposed activity.

Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, NCDWQ, Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

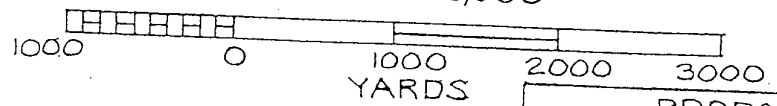
All persons wanting to make comments regarding the application for Clean Water Act certification should do so in writing delivered to NCDWQ, 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before March 25, 2002, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Angie Pennock, until 4:15 p.m., March 25, 2002, or telephone (910) 251-4611.

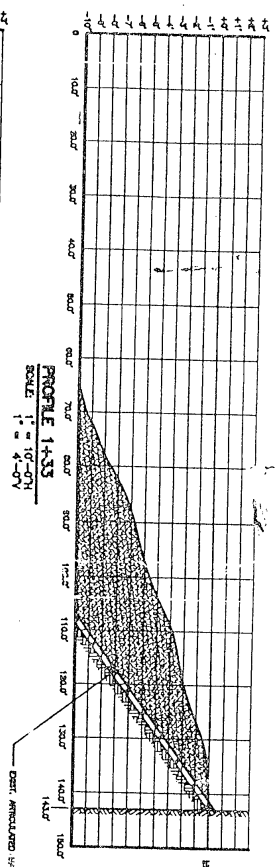


VICINITY MAP

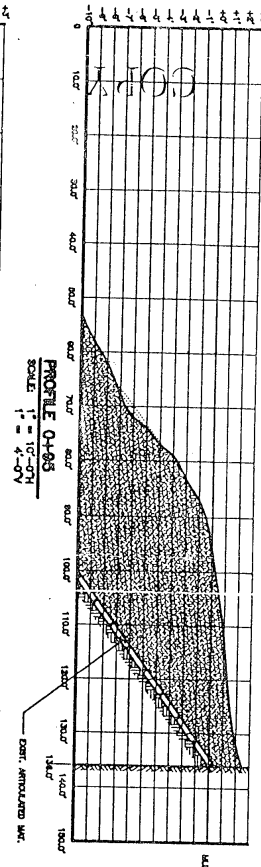
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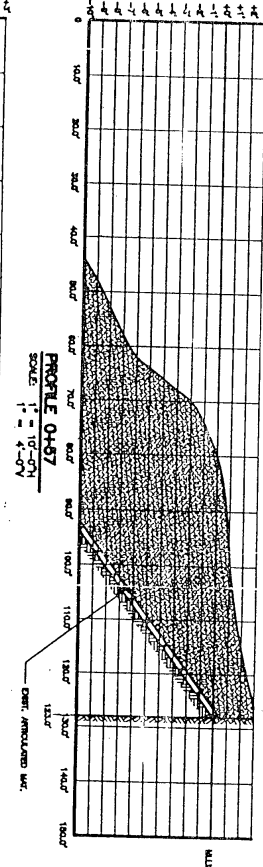
PROPOSED DREDGING
 NEAR MASONBORO INLET
 NEW HANOVER COUNTY, NC
 U.S. COAST GUARD STATION
 WRIGHTSVILLE BEACH
 JUNE 1993



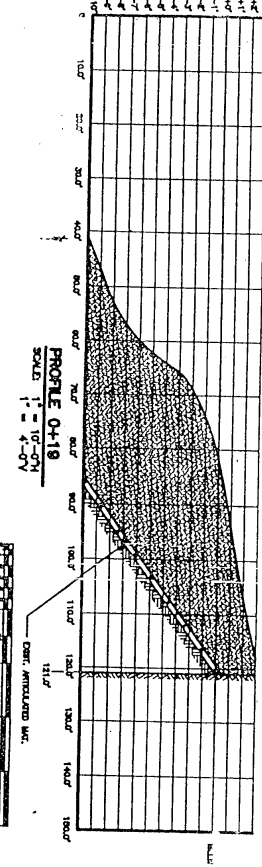
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H. & G. ENGINEERS
 CML ENGINEERING UNIT
 CLEVELAND, OH 44118-2800



LINDA GUY CLEVELAND
 15242 STATE ROUTE 100
 CLEVELAND, OH 44118-2800

DATE	06/07/01
BY	L. GUY
CHECKED BY	L. GUY
DESIGNED BY	L. GUY
SCALE	AS SHOWN

PROJECT NO. 06-0832
 SHEET NO. 3 OF 3
 PROJECT NAME: DREDGING PROFILES
 CLIENT: CML
 PROJECT LOCATION: SCOTLAND WRESTHILL BEACH, WOODHULL BEACH, NORTH COLUMBIA

06-0832 6671-0
 SHEET 3 OF 3

DICROMA, INCORPORATED
ALEXANDRIA, VIRGINIA
(703) 921-1440

CONSULTANTS

U. S. COAST GUARD
CIVIL ENGINEERING UNIT
CLEVELAND



USCG, CEU CLEVELAND
1240 EAST 9TH STREET
CLEVELAND, OH 44119-5080

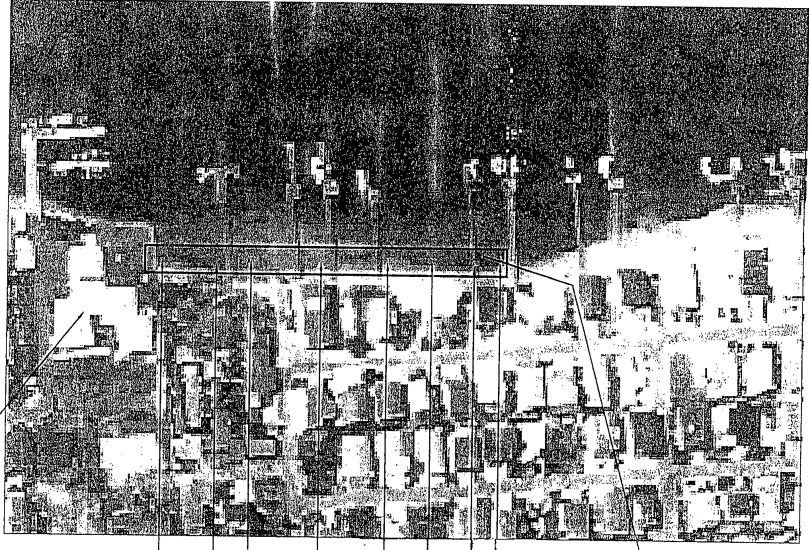
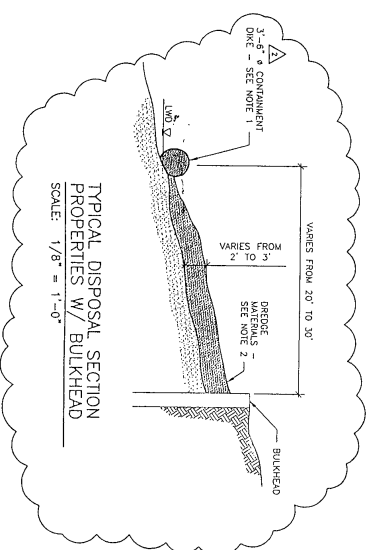
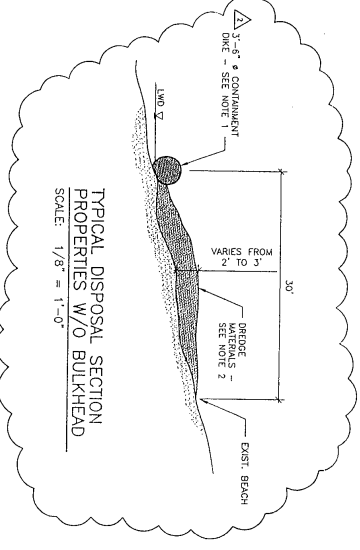
ISSUE	DATE	DESCRIPTION
1	07/09/02	CONTAINMENT DIKE ADDED
2	01/15/03	DISPOSAL SITE CHANGE
3	12/21/01	BM
4		
5		
6		

A/E PROJECT NO. 323
C&D THE NAME: 6567102
DRAWN BY: DOW
EDITED BY: DOW
CHECKED BY:
SCALE AS SHOWN: PLOT SCALE 1" = 80'-0"
SHEET TITLE:
DREDGE BOAT BASIN
STATION WRIGHTSVILLE BEACH
WRIGHTSVILLE BEACH NORTH CAROLINA

DISPOSAL SITE PLAN/DET
CIVIL
REVIEWED BY: [blank] REVIEWED BY:
D.O. WARD D.C. RESSLER L.K. LEKONAIT
PROJECT MANAGER TECHNICAL DIRECTOR
R.E. MOBLEY, COR. USCG 02/09/02
APPROVING OFFICER DATE
PROJECT NUMBER DRAWING NUMBER
05-00932 6671-D
DESIGNER/SCALE NO. SHEET 2 OF 3
C-02

NOTES:

1. THE CONTAINMENT DIKE SHALL BE FORMED FROM 12" WIDE (20-15) TYPICAL FILTER FABRIC AND SHALL BE PLACED DIRECTLY INTO THE FILTER FABRIC TUBE TO FORM THE CONTAINMENT DIKE ALONG THE WATERFRONT AS SHOWN.
2. THE DREDGE MATERIALS SHALL BE PLACED DIRECTLY INTO THE CONTAINMENT DIKE. COMBINED DREDGE SPILL VOLUMES CAUSED BY THE DREDGE MATERIALS SHALL BE LIMITED TO 100,000 CUBIC YARDS.
3. REMOVE FILTER FABRIC ONCE DREDGE MATERIALS HAVE SUFFICIENTLY DRAINED. UNIFORMITY GRADE THE MATERIALS UPON REMOVAL OF THE FILTER FABRIC.



DISPOSAL SITE PLAN
SCALE: 1" = 80'-0"

