

Permit Process May Delay Coast Guard Dredging

Lawsuit Expected Over Erosion

By Anita Crone
Contributing Writer

With an April pre-season cutoff looming for the Coast Guard to begin dredging a berthing area near its Wrightsville Beach station, the N.C. Division of Water Quality is awaiting documentation from the military on how its project will impact area waters.

Meanwhile, Kurt Olson, the attorney representing seasonal South End homeowner Brett Taber, said that he intends to file a lawsuit to block the work, authorized under a 1993 permit that gives the Coast Guard the right to perform maintenance dredging for 10 years. That permit expires Dec. 31.

Taber and others contend that the dredging has caused erosion of his property and among other things had requested that the Coast Guard put the dredged material back on his property, a move endorsed by the Wrightsville Beach Association and the town. That request has been denied by the Army Corps of Engineers, which has insisted that the terms of its permit require it to place the sand and other material further away at its Shinn Creek site.

But North Carolina may have a loud voice in the project. The state requires that any project receiving a federal 404 permit, which the project requires, also receive a

state 401 certification, which, in essence, assures the state that the project will not violate water quality standards.

"The documentation on that is not in our files," said John Dorney, who supervises the administration the 401 certification program for the state. "We will be meeting with the Coast Guard this week or next to see about getting that."

Dorney said that his division typically approves about 2,000 401 certifications annually, and about 25 percent of them are delayed for one reason or another.

The Coast Guard, on its side, simply wants to get the dredging finished. It contends that the project is needed so that it can dock its 23-foot utility boat at Coast Guard Station Wrightsville Beach.

"Sometimes, during certain tides and weather conditions, there is only two or three inches clearance," said spokesman Cmdr. Andy Kimross, the commander of the Coast Guard's Civil Engineering Unit in Cleveland.

"Our next step is to meet with the water quality folks in Raleigh and get them whatever they need to get this project going."

Kimross said that the actual onsite work should take about two or three days and involve one dredge pipe.

Among the items required for approval are maps, plan specifics and a fee," said

Danny Smith, an engineer in the water quality office.

Dorney noted that depending on the type of work being done, there are two levels of state certification, one general and one individual. If the Coast Guard's dredging falls under the general category, work could begin as soon as the 401 certification is issued, a basically routine procedure.

However, if the project requires individual certification, there are publishing demands and legal processes that must be adhered to, including publishing notification of the project and a 30-day comment period.

Dorney said it was possible, too, that the state could require that the dredged material be put at a site other than Shinn's Creek.

"We look at what is best for the waters of the state," he said, adding that the state process is simply ensuring that the requirements of the federal Clean Water Act are met.

He said that the time constraints of the permit would not impact his division's work.

The Coast Guard, however, is under a time restriction. It must complete its work before its maintenance permit expires. And, under terms of that document, no actual dredging can take place between April 1 and Sept. 30.

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