



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON DAVIS
Director, Division of Coastal
Management

November 15, 2018

MEMORANDUM:

FROM: Courtney Spears, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
127 Cardinal Drive Ext., Wilmington, NC 28405
Fax: 910-395-3964 (Courier 04-16-33)
courtney.spears@ncdenr.gov

SUBJECT: CAMA / Dredge & Fill Application Review

Applicant: N.C. State Ports Authority Major Mod. 47-87
Project Location: 1 Shipyard Blvd., adjacent to the Cape Fear River, in Wilm., New Hanover County

Proposed Project: To improve and expand an existing turning basin

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Courtney Spears** at the address above by **December 9, 2018**. If you have any questions regarding the proposed project, contact Tyler McGuire at (910) 796-7423 when appropriate, in-depth comments with supporting data is requested.

REPLY: _____ This agency has no objection to the project as proposed.
_____ **Additional comments may be attached**

_____ This agency has no comment on the proposed project.

_____ This agency approves of the project only if the recommended changes are incorporated. See attached.

_____ This agency objects to the project for reasons described in the attached comments.

* Phase see attached

PRINT NAME Maria T Dunn

AGENCY NCNRC

SIGNATURE [Signature]

DATE 12-17-2018

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DCM WILMINGTON, NC



☒ North Carolina Wildlife Resources Commission ☒

Gordon Myers, Executive Director

MEMORANDUM

TO: Courtney Spears
Division of Coastal Management
North Carolina Department of Environmental Quality

FROM: Maria T. Dunn, Coastal Coordinator
Habitat Conservation Division *Maria T. Dunn*

DATE: December 17, 2018

SUBJECT: CAMA Dredge/Fill Permit Application for NC State Port Authority 47-87MM,
New Hanover County, North Carolina.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) reviewed the permit application with regard to impacts on fish and wildlife resources. The project site is located at 1 Shipyard Blvd, adjacent the Cape Fear River in Wilmington, NC. Our comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, Sections 401 and 404 of the Clean Water Act, as amended, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The NC State Port Authority (NCSPA) proposes to improve and expand the existing turning basin at the Port of Wilmington (Port) to accommodate larger container ships. A new 1,416' toe wall is proposed to be installed along the eastern perimeter of the proposed dredge footprint approximately 25' to 100' waterward NHW. The sheet pile toe wall would be installed in one of two ways with both alternatives having the top of the structure submerged at -10' below MLLW to match the new proposed grade of the river bottom on the landward side. The new toe wall would support the 19.6 acre excavated area to a water depth of -42' MLLW with +2' overdredge, +1' advanced maintenance dredge (-45' MLLW). The project area would be encircled with turbidity curtains during material removal. Dredged material would be barge transported to the USACE Eagle Island confined disposal facility. Approximately 1.4 acres of vegetated wetlands (1.01 acres coastal wetlands and 0.39 acre Section 404 wetlands) and 1.68 acres of shallow bottom habitat would be removed with the expansion. To offset the impacts, the NCSPA proposes to create 3 acres of coastal wetlands adjacent Shellbed Island in the lower Cape Fear River. Funds are also proposed to be donated to complete construction of the Lock and Dam #1 Fish Passage Modification project. The Cape Fear River at this location is classified SC by the Environmental Management Commission and is designated a primary nursery area (PNA) and anadromous fish spawning

area (AFSA) by the NC Division of Marine Fisheries (NCDMF) and is designated critical habitat for Atlantic sturgeon (*Acipenser oxyrinchus*) by the National Marine Fisheries Service (NMFS).

The NCWRC has reviewed the permit application and understands the project as proposed will have an impact on marine PNA resources. In general we do not support projects that significantly impact PNA resources due to the importance of these areas to spawning adults, egg, larvae, and juvenile aquatic species. In addition to this area being designated a PNA by NCDMF, it is also designated an AFSA and is therefore important to several anadromous species including American shad (*Alosa sapidissima*), hickory shad (*Alosa mediocris*), striped bass (*Morone saxatilis*), and blueback herring (*Alosa aestivalis*). Fish listed on the Endangered Species Act (ESA) list can also be found in these waters and include Atlantic sturgeon and shortnose sturgeon (*Acipenser brevirostrum*). Therefore, best management practices and preservation of this area's habitat opportunities are of utmost importance.

We understand the concerns regarding marine PNA habitats presented by the NCDMF and encourage the applicant to coordinate with state and federal resource agencies to minimize impacts and implement mitigation that satisfies agency concerns. These discussions should also include provisions to protect anadromous and listed species as well. In addition to the concerns with the impacts from this expansion project, the cumulative and reoccurring impacts from expansion and maintenance projects, including working within the moratorium, should be addressed. We believe previous Permit No. 47-87 conditions, including the February 1 – June 30 moratorium, should be maintained.

The loss of over 1 acre of coastal wetlands is an impact that cannot be mitigated under NC Division of Coastal Management rule. However, considerations and variances can be received for projects that provide overriding public benefit. Mitigation of large scale impacts should include coordination with several regulatory and resource agencies to create a mitigation and monitoring plan that insures the success of the mitigation project.

We appreciate the opportunity to review and comment on this permit application and look forward to any forthcoming information. If you need further assistance or additional information, please contact me at (252) 948-3916 or at maria.dunn@ncwildlife.org

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