



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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March 25, 2015

Mickey Sugg, Project Manager
Regulatory Division
Wilmington District, Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403-1343

Subject: North Topsail Beach: Phase V Beach Nourishment

Dear Mr. Sugg:

This letter is to follow-up discussions at a March 17, 2015 field meeting with the U.S. Army Corps of Engineers (Corps), the Town of North Topsail Beach, North Carolina Wildlife Resources Commission (NCWRC), North Carolina Division of Coastal Management (NCDCM), National Marine Fisheries Service (NMFS), and North Carolina Division of Water Resources (NCDWR). The U.S. Fish and Wildlife Service (Service). During the field meeting, the consultant for the Town and representatives of the dredging company were also present. We walked along the project area and viewed rock removal progress along the shoreline. We also dug several holes at various points in the project area, and noted that the rock picker and rock box do not remove smaller rock (less than 2 inch or so diameter) from the beach. The rock picker and rock box do appear to remove very large rock from most of the beach areas.

As we discussed in the field, the Service does not believe any of the beach that has received nourishment to this date is suitable for nesting sea turtles due to the amount of rock that remains embedded in the sand. Based on the holes dug by the group there appears to be varying amounts of rock in not only the areas that were nourished early in the process but also in those that have been filled using the rock boxes. The Section 7 consultation and other Service comments were based upon suitable sand being placed upon the beach. It is also the Service's understanding that the State of North Carolina has determined the material is not consistent with the sediment criteria standards.

Based on these findings the Service believes there are at least three courses of action the Corps and the Town of North Topsail Beach could take to be protected from take under the Endangered Species Act (ESA). These are:

1. Cease operations and seek a new borrow site that has compatible material;
2. Cease operations and reinitiate consultation to utilize the same borrow sites and fill material;
3. Continue to operate utilizing enhanced measures which avoid rock reaching the shoreline, minimizing the amount of rock being deposited by removing as much of the rock before deposition, picking up rock that has made it past these two screenings, and performing remediation in the areas that are filled before all these measures are put into place.

If the Corps chooses to move forward with the third approach, the Service recommends that the following measures be incorporated.

Avoidance:

1. The dredge should avoid areas of known rocky material, and cease operations and move away from an area if large amounts of rock are found. The rock screen and rock boxes would be a way to monitor the amount of rock the dredge is encountering. Records should be kept regarding the timing of when the rock boxes are emptied. A map showing areas mined and rock concentrations should be developed and distributed to the Service and other agencies weekly.
2. The rock screen proposed in the March 6, 2015 North Topsail Beach Phase 5 Shoreline Protection Project Restoration/Remediation Plan (Plan) should be reinstalled. This will greatly reduce the amount of rock reaching the beach and potentially being deposited there. It would also reduce the amount of rock removal and hauling that is needed on the beach.

Minimization:

1. To capture rock that has passed through the screen on the dredge, finer mesh should be installed in the rock boxes.
2. Rock boxes should be emptied into a dump truck when full. Pumping should cease until an empty replacement box can be installed (rock boxes should not be allowed to overflow).
3. Rock storage areas on the beach should be as close to where they can be loaded onto the dump truck as possible. When onsite, we witnessed that the rock was stored on one side of the pipeline, picked up by a front end loader and hauled across the pipeline to be loaded into the truck. Loose rock was visible where the truck had been loaded.

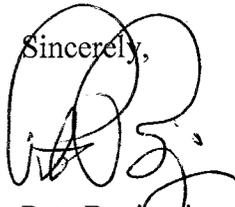
4. Hand cleaning to remove remaining rock from the rock storage areas should be conducted after the front end loader has removed as much rock as possible from the storage area.
5. The Plan states the rock is being hauled approximately three miles down the beach to be stored in a Beach Access Area. Additional storage sites should be utilized to decrease the amount of traffic on the beach, thus minimizing disturbance to birds foraging in the surf zone or resting on the beach.

Remediation:

1. In any areas which have received or will receive fill prior to installation of the screen on the dredge and finer mesh on the rock boxes, remove material to a depth of 48" or the original beach elevation and sift to remove as much rock as possible. The depth of the egg cavity depends on the extended length of a turtle's rear flippers which may be as deep as 36 inches (Dodd 1988). Removing the rock to this depth will ensure that the rock material will not interfere with the nesting of sea turtles at this time and the additional foot is to provide protection for a period of time into the future as the project erodes away.

Additionally, the Service recommends the Corps not allow the Town to use this offshore borrow site for work on this phase in future years or other phases of this project. Should the Corps allow the use of this borrow site in the future, a new biological assessment and biological opinion should be prepared that addresses the true nature of the material in the site.

Please also be advised that any proposals to continue work or utilize any rock removal equipment on the beach after April 30 will require initiation of formal consultation under Section 7 of the ESA, and issuance of a biological opinion and incidental take statement. If you have any questions or concerns, please contact Kathy Matthews or John Ellis, of my staff, at 919-856-4520.

Sincerely,


Pete Benjamin
Field Supervisor

cc:

Fritz Rohde, NMFS

Dan Holliman, USEPA

Todd Bowers, USEPA

Maria Dunn, NC Wildlife Resources Commission

Doug Huggett, NC Division of Coastal Management

Debra Wilson, NC DWR

References:

Dodd C.K.J. 1988. Synopsis of the Biological Data on the Loggerhead Sea Turtle *Caretta caretta* (Linnaeus 1758). In: USFWS Biological Report 88(14), 110pp.