FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
FINDING OF NO SIGNIFICANT IMPACT
TOWN OF HOLDEN BEACH - BEACH RESTORATION PROJECT
BRUNSWICK COUNTY, NORTH CAROLINA
FEMA-DR-4465-NC

BACKGROUND

On September 14, 2018, and as amended on: September 17, 24, and 27, 2018; October 10, 12, 14, 22, 24, and 25, 2018; November 15, 2018; March 28, 2019, June 27, 2019, and October 13, 2020 President Trump declared a major disaster (FEMA-DR-4393-NC) for the State of North Carolina due to Hurricane Florence. On January 31, 2019, and as amended on: March 28, 2019, June 27, 2019 and October 13, 2020, President Trump declared a major disaster (FEMA-DR-4412-NC) for the State of North Carolina due to Tropical Storm Michael. On October 4, 2019, and as amended on October 13, 2020, President Trump declared a major disaster (FEMA-DR-4465-NC) for the State of North Carolina due to Hurricane Dorian. All three disaster declarations authorized the Federal Emergency Management Agency (FEMA) to provide federal assistance to designated disaster areas.

Due to Hurricane Florence, Tropical Storm Michael, and Hurricane Dorian, Holden Beach's engineered beach suffered substantial erosion. The community has identified the need to restore the capacity of the shoreline to withstand future storm events, reduce erosion, and decrease risk from future events to human life and improved property. The proposed action reduces the risk of storms to the community, provides restoration of sea turtle and shorebird habitat, and increases the potential for recreational use of this open space.

The proposed work is to restore losses attributable to the events to pre-disaster condition as a single re-nourishment project to the engineered and designed beach template, including replacement of 722,994 cubic yards (CY) of sand, 10,000 dune plants, and 800 LF of fence for Hurricane Florence; replacement of 389,304 CY of sand for Tropical Storm Michael; and replacement of 555,297 CY of sand, 80,000 SY of dune plants, and 200 LF of fencing for Hurricane Dorian. The project includes the replacement of a total of approximately 1,667,595 CY of sand, 1,000 LF of fencing, and dune plants. Types of plants will include Sea Oates, American Beach Grass, and Bitter Panicum and fencing will be wire bound wood slat fence with wood stakes. The applicant will obtain sand by hopper dredging from the previously permitted offshore borrow area (Offshore Borrow Area A), located approximately two miles offshore of Oak Island, and a new offshore borrow area located approximately two miles offshore of Holden Beach (Offshore Borrow Area B). The project is located between 240 Ocean Boulevard East (OBE) to 781 Ocean Boulevard West (OBW) (33.914366, -78.255115 to 33.907695, -78.331480).

A public notice is posted on the applicant's website, at the project site, and on FEMA's website. The FEMA Supplemental Environmental Assessment (SEA) adopted findings from the U.S. Army Corps of Engineers (USACE), and is available for viewing at: https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/4.

FINDINGS

The Proposed Action as described in the USACE EA has potential to impact biological, coastal, cultural, floodplains, and social economic resources. During construction, impacts to biological resources are expected to be negligible and have been minimized through selection of sand source, monitoring, and limiting work. Coordination with USACE, US Fish and Wildlife Service (USFWS), and National Marine Fisheries (NMFS) has taken place and will continue throughout the life of the project to ensure any and all biological impacts are addressed and minimized should they occur. Short term impacts to coastal resources are anticipated. Turbidity will be monitored to ensure expected levels are not exceeded. Renourishment of the beach to pre-disaster condition will restore the natural and beneficial impacts of the floodplain. Long-term positive impacts to socio-economic resources are expected. Coordination with the North Carolina State Historic Preservation Office (SHPO) has taken place and concurrence of No Affect to Historic Properties was received.

The proposed action is not expected to have significant adverse cumulative impacts on any resource based on the review conducted when added to past, present, and reasonably foreseeable future actions within the proposed project area.

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize eligibility for federal funding.

USFWS Consultation Conditions

1. Any modifications made to the approved scope of work will require re-evaluation for compliance with all laws and Executive Orders, which includes reinitiation of consultation with resource agencies.
2. The Town of Holden Beach will be required to obtain all applicable federal, state, and local permits, and will adhere to all conditions set forth in each, including those noted below.
3. All construction, including placement of sand fencing and dune vegetation, and beach fill placement activities must adhere to an annual November 16 through April 30 construction window; thereby avoiding the sea turtle nesting season, the majority of the shorebird breeding season, the majority of the seabeach amaranth growing season, and peak benthic invertebrate recruitment periods.
4. Dredging activities must adhere to an annual November 16 through March 31 construction window; thereby avoiding peak estuarine-dependent fish and invertebrate larval ingress periods, peak benthic invertebrate recruitment periods, and periods when sea turtles and manatees are most likely to occur in project area waters.
5. Per the North Carolina Coastal Beach Sand Placement - Statewide Programmatic Biological Opinion (Corps Action ID Number SAW-2016-02262), dated 8/28/2017, the proposed project must adhere to all conditions listed, including those listed in Section 7.3 - Reasonable and Prudent Measures and Terms and Conditions (Pages 187-204) and Section 7.4 - Reporting Requirements (Page 205).

6. The proposed project must adhere to all eligible Project Design Criteria (PDCs), Terms and Conditions, Reasonable and Prudent Measures, and otherwise guidance listed within the 2020 South Atlantic Regional Biological Opinion for Dredging and Material Placement Activities in the Southeast United States (2020 SARBO), dated 3/27/2020.
7. The proposed project must adhere to the 2017 Manatee Guidelines.
8. The proposed project must adhere to the Technical Standards for Beach Fill Projects (15A NCAC 07H.0312).

U.S. Army Corps of Engineers Permit Conditions

1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

<u>Special Conditions:</u>

1. In accordance with 33 U.S.C. 1341(d), all conditions of the North Carolina Division of Water Quality 401 Certification and the North Carolina Division of Coastal Management (CAMA) Major Permit are incorporated as part of the Department of the Army permit. Therefore, they are not listed as special conditions.
2. This Department of the Army permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
3. All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to these plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to implementation.

4. Except as authorized by this permit or any Corps approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.
5. Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.
6. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.
7. Violations of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District Corps within 24 hours of the permittee's discovery of the violation.
8. All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083, ext. 526 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.
9. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.
10. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/ or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, shall be available at the project site during construction and maintenance of this project.
11. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).
12. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with this direction, the

Secretary or his representative may restore the waterway, by contract or otherwise, and recover the cost from the permittee.

13. The authorized structure and associated activity must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work for reason other than safety.

14. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration. The permittee shall notify NOAA NATIONAL OCEAN SERVICE Chief Source Data Unit N CS261, 1315 E West HWY- RM 7316, Silver Spring, MD.20910-3282 at least two weeks prior to beginning work and upon completion of work.

15. If submerged cultural resources are encountered during the operation, the District Engineer will be immediately notified so that coordination can be initiated with the Underwater Archeology Unit (UAU) of the Department of Cultural Resources. In emergency situations, the permittee should immediately contact Mr. Chris Southerly at (910) 458-9042, Fort Fisher, so that a full assessment of the artifacts can be made.

16. The permittee will comply with all U.S. Coast Guard (USCG) regulations for dredging operations. The permittee will contact Mr. Joseph Edge, U.S. Coast Guard, Sector North Carolina Waterways Management at (252) 247-4525 at least 30 days prior to construction. Contact with the U.S. Coast Guard will initiate the Local Notice for Mariners procedures to ensure all safety precautions for aids to navigation are implemented. The permittee will notify our office when this coordination with the U.S. Coast Guard has been commenced and updates will be provided to Wilmington District, Regulatory Division, Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy.

17. This permit authorizes beach nourishment activities to be carried out one time along the entire reach of the requested project area. Any request to carry out additional activities within the area where nourishment activities have been completed under this permit will require additional authorization.

18. The permittee shall provide the Corps a final set of construction plans for the authorized project prior to construction.

19. A pre-construction meeting must be held with our office at least two weeks prior to conducting the work to ensure the contractor fully understands the conditions of this permit. Participants may include, but are not limited to, representatives from NC Division of Coastal Management, NC Division of Water Quality, NC Wildlife Resource Commission, and U.S. Coast Guard.

20. The contractors name, phone number, and address, including a field contact name and number, will be submitted to the Wilmington District prior to any work.

21. In order to protect juvenile finfish resources, no excavation or filling activities will be permitted between the dates of April 1st and September 30th of any year without the prior approval of the North Carolina Division of Coastal Management and the Corps.
22. In order to protect nesting piping plover and sea turtles and to reduce the likelihood of adverse impacts to manatees, the placement of sediment and beach grading from April 1st through November 15th of any year is prohibited.
23. All mobilization and demobilization work shall be conducted outside the shorebird nesting season from April 1st thru August 31st and outside the sea turtle nesting season from May 1st thru November 15th.
24. The Permittee shall conduct surveys for sea beach amaranth both before, and for three years after, sediment placement is totally complete in order to avoid direct burial and to monitor recovery of the plant. The three years of post-construction monitoring for seabeach amaranth should be conducted during the summer months.
25. A representative of the Corps will periodically and randomly inspect the work for compliance with these conditions. Deviations from these procedures may result in cessation of work until the problem is resolved to the satisfaction of the Corps.
26. All necessary precautions and measures will be implemented so that any activity will not kill, injure, capture, pursue, harass, or otherwise harm any protected federally listed species (such as sea turtles, whales, manatee, sturgeon (Shortnose and Atlantic), and piping plover). While accomplishing the authorized work, if the permittee discovers or observes a damaged or hurt listed endangered or threatened species, the District Engineer will be immediately notified so that required coordination can be initiated with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.
27. In the event an incidental sea turtle, whale, manatee, sturgeon (Shortnose and Atlantic) take occurs by a dredge, the permittee must stop all dredging operations and contact the Wilmington District Corps for consultation to determine the appropriate action, including the immediate implementation of sea turtle conservation measures that must be taken. The permittee shall immediately notify the Corps, Wilmington District, Regulatory Division, Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy, by email at: David.L.Timpy@usace.anny.mil, or by telephone at: (910) 251-4634 that an incidental take has occurred.
28. Routine beach surveillance will be conducted during construction to prevent unintentional damage to sea turtles and their nesting areas. If a nest or a turtle crawl is identified in the project area, the permittee will immediately stop all beach disposal activities and contact the Wilmington District and the North Carolina Wildlife Resources Commission to determine appropriate action.
29. The permittee understands and agrees that, even where it is in full compliance with the terms and conditions of this permit and other required authorizations, incidental take of sea turtles or other endangered species by the permittee may require suspension of the permit by the Corps. The amount of incidental take that will trigger suspension, and the need for any such suspension, shall be determined at the time in the sole discretion of the Corps. The permittee understands and agrees on behalf of itself, its agents, contractors, and other representatives,

that no claim, legal action in equity or for damages, adjustment, or other entitlement against the Corps shall arise as a result of such suspension or related action.

30. No dredging shall occur outside of the authorized borrow area without prior approval of the Corps.

31. No dredged material shall be placed at any time in waters outside the permitted beach nourishment disposal area. Material shall be placed on the beach from hopper dredge to the beach via a pipeline.

32. All material used for the beach nourishment must be beach compatible, clean, free of debris and clay, and free of any pollutants except in trace quantities. The permittee shall ensure that an inspector is present during all beach disposal activities and immediately reports to the Corps should any potentially incompatible material be placed on the beach. During dredging operations, material placed on the beach shall be inspected daily to ensure compatibility. During dredging operations, a sediment analysis of the material placed on the beach, including shell content (calcium carbonate) percentage and color shall be submitted to the Wilmington District, Regulatory Division, Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy, on a WEEKLY basis until completion of the project. This analysis shall include, at a. minimum, the location of the sample station, shell percentage, silt/clay content, grain size, and color as indicated by the· Munsell Color Chart. If during the sampling process non-beach compatible material, including large amounts of shell, is or has been placed on the beach all work shall stop immediately and the Corps be notified by the permittee and/or its contractors to determine the appropriate plan of action.

33. All borrow material placed on the beach will be evaluated by color using the Munsell Color Chart. All material placed on the beach must have a hue of 10YR, a value between 5 and 8 (a chroma of 4 or less is required for values of 7 and 8, and a chroma of 3 or less is required for values of 5 and 6). If any material is placed on the beach that does not meet these criteria all work must stop and the Corps must be notified to determine the appropriate action. These measures are to ensure that all sediment placed on the beach is similar to the historic, native beach in sand grain size, density, shear resistance, heavy mineral content, moisture content, and color. The Permittee shall cease all work if any deviations from the accepted levels of beach compatible material are observed and contact Wilmington District, Regulatory Division, Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy.

34. The permittee shall document soil colors along eight sample beach profiles using the Munsell Color Chart. This monitoring should take place as soon after placement of material is complete. The permittee will document soil color at the surface, -0.5 ft, -1 ft and -2 ft at each sample site.

35. Visual surveys of escarpments shall be made along the beach fill area immediately after completion of construction. Between April 1st and December 1st, all escarpments in the newly placed beach fill that exceed 18 inches shall be graded to match adjacent grades on the beach. Removal of any escarpments during the sea turtle hatching season (May 1 through November 15) shall be coordinated with the North Carolina Wildlife Resources Commission.

36. A representative of the Corps, Regulatory Division will periodically and randomly inspect the work for compliance with these conditions. Deviations from these procedures may result in cessation of work until the problem is resolved to the satisfaction of the Corps. No claim,

legal action in equity or for damages, adjustment, or other entitlement shall be asserted against the United States on account of any such required cessation or related action, by the permittee, its agents, contractors, or other representatives.

37. The permittee shall provide written notification of project completion immediately upon completion of the work authorized by this permit.

38. The permittee will provide two copies of the as-built surveys of the offshore borrow dredged during this project and the beach fill areas within 30 days of project completion to the Wilmington District, Regulatory Division, Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy.

Endangered Species Protection:

a. Hopper dredging is being approved under the South Atlantic Regional Biological Opinion (RBO) which can be viewed on the ERDC web site at the following link: http://el.erdc.usace.army.mil/seaturtles/refs-bo.cfm. The National Marine Fisheries Service (NMFS) has directed that the RBO issued to the Corps serve as the formal consultation for the Holden Beach Beach Nourishment project. The RBO includes an Incidental Take Statement (ITS) issued to the Corps for its civil and military hopper dredging projects. Under the RBO/ITS, incidental takes are authorized on a Fiscal Year (FY) (October 1 - September 30) basis to be metered out by the Division Commander, South Atlantic Division, U.S. Army Corps of Engineers for the southeastern United States for Corps ·civil and military projects. The Permittee is hereby advised to avoid any incidental take in that such take may trigger the cessation of hopper dredging for the remainder of that FY. The Permittee understands and agrees that, even where it is in full compliance with the terms and conditions of the RBO/ITS, incidental take by the Permittee may require suspension of the permit by the Corps. The amount of incidental take that will trigger suspension, and the need for any such suspension, shall be determined at the time in the sole discretion of the Corps. The Permittee understands and agrees on behalf of itself, its agents, contractors, and other representatives, that no claim, legal action in equity or for damages, adjustment, or other entitlement against the Corps shall arise as a result of such suspension or related action.

b. Dredging operations shall cease immediately upon the first incidental take, and thereafter as directed by the Corps, until the District Engineer, or his designee, notifies the Permittee to resume dredging. The Permittee shall immediately notify the Corps, Wilmington District, Dave Timpy that an incidental take has occurred. The Sea Turtle Mortality Report, attached to this permit, will be filled out by the Observer immediately (within 6 hours) and e-mailed in pdf format to takereport.nmfsser@noaa.gov and Corps, Wilmington District, Dave Timpy. The permittee shall contact the National Dredging Quality Management (DQM) program (http://dgm.usace.army.mil/) to assure that project information is loaded and data is being appropriately transferred prior to project commencement.

Pre-Dredging Submittals:

c. No dredging shall be performed by a hopper dredge without the inclusion of a rigid sea turtle deflector device. Within 15 days of the anticipated start date, the Permittee shall electronically submit drawings showing the proposed device and its attachment to the

Corps, Wilmington District, Dave Timpy. These drawings shall include the approach angle for any and all depths to be dredged during the dredging.

d. The Permittee shall electronically submit detailed drawings showing the proposed draghead grating system(s) and draghead(s), and documentation that supports grate sizing (such as dredge pump manufacturer's recommended maximum particle size dimension(s), etc.).

e. The permittee shall electronically submit an operational plan to achieve protection of sea turtles during the hopper dredging operation.

A copy of the approved drawings and calculations shall be available on the vessel during the dredging. No dredging work shall be allowed to commence until approval of the turtle deflector device has been granted by the Corps, Wilmington District. Sample Turtle Deflector Design Details are available on the website listed in special condition number 11.

Pre-Dredging Inspection:

A pre-dredging inspection of the hopper dredge shall be performed by the Corps, Wilmington District in accordance with the protocol entitled "COE SEA TURTLE INSPECTION CHECKLIST FOR HOPPER DREDGES for Corps projects or Corps/ Army Permitted Project" located on the website listed in special condition number 11 below.

Hopper Dredge Equipment:

Hopper dredge dragheads shall be equipped with sea turtle deflectors which are rigidly attached. Deflectors shall be solid with no openings in the face. Such designs will be considered provided sufficient information is included indicating a particular modification is effective in minimizing potential turtle takes. Corps technical staff will coordinate with NOAA Fisheries on the effectiveness of this alternate design. No dredging shall be performed by a hopper dredge without an installed turtle deflector device approved by the Corps. Sample Turtle Deflector Design Details are on the first web site indicated in special condition number 11 below.

a. Deflector Design:

i. The leading V-shaped portion of the deflector shall have an included angle of less than 90 degrees. Internal reinforcement shall be installed in the deflector to prevent structural failure of the device. The leading edge of the deflector shall be designed to have a plowing effect of at least 6" depth when the drag head is being operated. Appropriate instrumentation or indicator shall be used and kept in proper calibration to insure the critical "approach angle". (Information Only Note: The design "approach angle" or the angle of lower drag head pipe relative to the average sediment plane is very important to the proper operation of a deflector. If the lower drag head pipe angle in actual dredging conditions varies tremendously from the design angle of approach used in the development of the deflector, the 6" plowing effect does not occur. Therefore, every effort should be made to ensure this design "approach angle" is maintained with the lower drag pipe.)

ii. If adjustable depth deflectors are installed, they shall be rigidly attached to the drag head using either a hinged aft attachment point or an aft trunnion attachment point in association with an adjustable pin front attachment point or cable front

attachment point with a stop set to obtain the 6" plowing effect. This arrangement allows fine-tuning the 6" plowing effect for varying depths. After the deflector is properly adjusted there shall be NO openings between the deflector and the drag head that are more than 4" by 4".

b. In-flow Baskets and overflow screening:

i. The Permittee shall ensure that baskets or screening are installed over the hopper inflow(s) with no greater than 4" x 4" openings. The method selected shall depend on the construction of the dredge used and shall be approved by the District Engineer prior to commencement of dredging. The screening shall provide 100% screening of the hopper inflow(s). The screens and/or baskets shall remain in place throughout the performance of the work. The turtle deflector device and inflow screens shall be maintained in operational condition for the entire dredging operation.

ii. The Permittee shall install and maintain floodlights suitable for illumination of the baskets or screening to allow the observer to safely monitor the hopper baskets or screening to allow the observer to safely monitor the hopper basket(s) during non-daylight hours or other periods of poor visibility. Safe access shall be provided to the inflow baskets or screens to allow the observer to inspect for turtles, turtle parts, or damage.

iii. The Permittee shall implement 100% overflow screening if inflow screening is not practicable and if prior approval has been granted by the Corps, Wilmington District.

c. Draghead grating:

i. Draghead grating may be used to prevent over-sized objects (relative to respective pump and distribution system designs) from reaching and becoming lodged or damaging, the dredge pump and/or slurry distribution system. The Permittee may not use a draghead grating system that would prevent turtle remains from entering the hopper inflow screening. Detailed drawings showing the proposed draghead grating system(s) and draghead(s), and documentation that supports grate sizing (such as dredge pump manufacturer's recommended maximum particle size dimension(s), etc.) shall be submitted. Exceptions for smaller draghead screens will be considered as necessary (e.g., in areas containing ordnance or excessive debris likely to clog or damage the pumps) with supporting justifications. No dredging shall begin until the District has approved all grating and screening.

d. Hopper Dredge Operation:

i. The Permittee shall operate the hopper dredge to minimize the possibility of taking sea turtles and to comply with the requirements stated in the Incidental Take Statement provided by the National Marine Fisheries Service (NMFS) in their Regional Biological Opinion (RBO).

ii. The turtle deflector device and inflow screens shall be maintained in operational condition for the entire dredging operation.

iii. When initiating dredging, suction through the drag heads shall be allowed just long enough to prime the pumps, and then the drag heads must be placed firmly on the bottom. When lifting the drag heads from the bottom, suction through the drag heads shall be allowed just long enough to clear the lines, and then must cease. Pumping water through the drag heads shall cease while maneuvering or during travel to/from the disposal area. If the required dredging section includes compacted fine sands or stiff clays, a properly configured arrangement of teeth may enhance dredge efficiency, which reduces total dredging hours, and "turtle takes." The operation of a drag head with teeth must be monitored for each dredged section to ensure that excessive material is not forced into the suction line. When excess high-density material enters the suction line, suction velocities drop to extremely low levels causing conditions for plugging of the suction pipe. Dredge operators should configure and operate their equipment to eliminate all low-level suction velocities. Pipe plugging in the past was easily corrected, when low suction velocities occurred, by raising the drag head off the bottom until the suction velocities increased to an appropriate level. Pipe plugging cannot be corrected by raising the drag head off the bottom. Arrangements of teeth and/or the reconfiguration of teeth should be made during the dredging process to optimize the suction velocities.

iv. Raising the drag head off the bottom to increase suction velocities is not acceptable. The primary adjustment for providing additional mixing water to the suction line should be through water ports. To ensure that suction velocities do not drop below appropriate levels, the Dredging Inspector for the Permittee shall monitor production meters throughout the job and adjust primarily the number and opening sizes of water ports. Water port openings on top of the drag head or on raised standpipes above the drag head shall be screened before they are utilized on the dredging project. If a dredge section includes sandy shoals on one end of tract line and mud sediments on the other end of the tract line, the equipment shall be adjusted to eliminate drag head pick-ups to clear the suction line.

v. The drag head shall be buried a minimum of 6 inches in the sediment at all times. Although the over depth prism is not the required dredging prism, the Permittee shall achieve the required prism by removing the material from the allowable over depth prism.

vi. During turning operations the pumps must either be shut off or reduced in speed to the point where no suction velocity or vacuum exists.

vii. These operational procedures are intended to stress the importance of balancing the suction pipe densities and velocities in order to keep from taking sea turtles. As stated in Condition #2, the Permittee shall develop and submit a written operational plan to minimize turtle takes.

Recording charts for Hopper Dredge(s):

The recording system shall be capable of capturing data at variable intervals but with a frequency of not less than every 60 seconds. All data shall be time correlated to a 24-hour clock and the recording system shall include a method of daily evaluation of the data collected. This data shall be made available at the request of the issuing District.

The National Dredging Quality Management (DQM) Program:

The Corps former Silent Inspector program has been replaced by the National Dredging Quality Management (DQM) Program. DQM is the Corps' next generation automated dredging monitoring system and analysis tools for the modem Corps dredging manager. The mission of the National DQM Program is to provide the Corps dredging manager with a nationally standardized low-cost remote monitoring and documentation system. This system provides the Corps with timely data access, multiple reporting formats, full technical support, including dredge certifications, data quality control, database management, and support for the DQM operating system. On board the dredge, sensors continually monitor dredge activities, operations, and efficiency. Information from these sensors is routed to the National DQM Support Center for data processing, storage and publishing. The DQM system must have been certified by the Engineer Research and Development Center (EEDC) within the last year and comply with the latest specifications for hopper dredges. Questions regarding certification should be addressed to the DQM support center at 877-840-8024. Additional information, including the current required hopper dredge specifications at DQM is available at http://dqm.usace.army.miVDefault.aspx.

(Atlantic Only) Sea Turtle Non-Capture Trawl Sweeping

In order to minimize or reduce taking of turtles during dredging, non-capture trawling is required. This type of trawling is designed to use non-capture type trawling equipment to sweep in the proximity of the dredging operations in order to stimulate sea turtles to move out of the dredge path. No sea turtles will be captured using this trawling technique. Non-capture trawl sweeping shall be performed 48 hours prior to initiating dredging and shall continue throughout dredging operations. Conduct non-capture trawl sweeping operations in the vicinity of dredge operations but maintain a safe distance from the dredge. Trawl equipment used (e.g. trawling nets) and trawl sweeping operations shall be conducted such that no sea turtles or other marine organism by-catch are captured. As much as possible, non-capture trawl sweeping shall be conducted to maximize the amount of time during each 24-hour trawl day that the trawl equipment (e.g. trawling nets) sweeps the bottom sediment in the vicinity of the dredging operation (i.e. maximize the bottom time with the trawling equipment). Such trawling in the vicinity of the dredge shall be conducted continuously, stopping after every 4 to 6 hours to check the condition of the trawl equipment and assure that no turtles have been captured.

a. Non-capture Trawl Sweeping Period:

   Non-capture trawl sweeping shall be conducted as described below:

   i. A day of non-capture trawl sweeping shall be defined as 24 hours of continuous trawling.

   ii. Non-capture trawl sweeping may be conducted as 24-hours of trawling as a continuous trawl; however, two separate crews must be available on board to work two 12-hour shifts.

b. Turtle Handling and Endangered Species Permits:

   No sea turtles are to be intentionally captured during non-capture trawl sweeping operations. No endangered species permits to handle sea turtles are required for non-capture trawl sweeping. Should a sea turtle become entangled in the trawling nets; the

nearest marine facility will be notified for arrangements to be made to transfer the animal as needed.

c. Reporting:

A daily log will be kept for each non-capture trawl sweeping operations. The non-capture trawl sweeping log will be submitted to the Corps, Wilmington District, Dave Timpy at the completion of the project. Data to be included with this log daily will include:

i. 01S coordinate of trawl locations at the start and end of each sweep

ii. Times recorded for each trawl sweep duration;

iii. Description of dredge proximity during each sweep;

iv. General notes as appropriate (e.g. condition of equipment at the end of each sweep, snags occurring during each sweep, incidental debris, etc.).

v. Water Quality and Physical Measurements: Water temperature measurements shall be taken at the water surface each day using a laboratory thermometer. Weather conditions shall be recorded from visual observations and instruments on the trawler. Weather conditions, air temperature, wind velocity and direction, sea state-wave height, and precipitation shall be recorded on the Sea Turtle Trawling Report on the web site indicated in special conditions number 12 below. High and low tides shall be recorded.

d. Non-Capture Trawl Sweeping Equipment:

i. To reduce the chances of sea turtles becoming entangled and caught in the net webbing during non-capture trawl sweeping, the Contractor shall use standard flat-style shrimp trawling nets. Nets shall have-one to two-inch webbing holes, the webbing should be made of nylon material (preferably dipped.)

ii. The bag end of these nets shall be completely cut out so that the nets remaining on the rigging are approximately 30 to 50-feet long. The nets shall be long enough to provide a trailing length of net in the water to "stimulate turtles" to move but not be long enough to be able to twist when: 1) being pulled in the water; 2) being pulled up and onto the deck; 3) the vessel is stationary; or 4) the trawl vessel turns while trawling. This net length may be shorter or longer depending on the specific configurations of the trawler and its rigging but must be set up to specifically prevent the twisting of the net. The nets should be installed and adjusted such that organisms are not being collected (turtles and other bycatch).

iii. The bag end of the nets shall be cut away to create a large open end on the nets. The webbing shall be monitored so that tears and rips do not occur in the remaining webbing that might entangle and capture organisms (particularly turtles).

iv. To ensure that the lead line and mouth of the trawl nets maintain contact with the seafloor as best as possible, the lead line of each net shall be rigged with weights, mud rollers, tickler chains and/or trawling cookies (as appropriate for the environmental conditions and sediment type).

For the first 48 hours after beginning non-capture trawling operations, pull and check the nets every hour to evaluate and document the:

a) Status of the nets (particularly twisting of the tail end);

b) Net contents (turtles and other bycatch) and, after the first 48-hours and appropriate net configuration has been established, gradually increase trawling times to a maximum of 2-3-hours.

Endangered Species Observers:

During dredging operations, observers approved by the National Oceanic and Atmospheric Administration Fisheries (NOAA-Fisheries) sea turtles, sturgeon (Shortnose and Atlantic) and whales shall be aboard to monitor for the presence of the species. Observer coverage shall be 100 percent (24hr/day) and shall be conducted year-round. During transit to and from the disposal area, the observer shall monitor from the bridge during daylight hours for the presence of endangered species, especially the Northern right whale, during the period December through March. During dredging operations, while dragheads are submerged, the observer shall continuously monitor the inflow and/or overflow screening for turtles and/or turtle parts and sturgeon (Shortnose and Atlantic) and/or sturgeon (Shortnose and Atlantic) parts. Upon completion of each load cycle, dragheads should be monitored as the draghead is lifted from the sea surface and is placed on the saddle in order to assure that sea turtles that may be impinged within draghead are not lost and unaccounted for. Observers shall physically inspect dragheads and inflow and overflow screening/boxes for threatened and endangered species take. Other abiotic and biotic debris found in the screens during their examination for sea turtle or sturgeon (Shortnose and Atlantic) parts shall be recorded and then disposed of so as not to impede the functioning of the screens during the next load cycle.

a. Monitoring Reports: The results of the monitoring shall be recorded on the appropriate observation sheets. There is a sheet for each load, a daily summary sheet, and a weekly summary sheet. In addition, there will be a post dredging summary sheet. Observations sheets will be completed regardless of whether any takes of sturgeon (Shortnose or Atlantic), whales, or sea turtles occur. In the event of any sea turtle or sturgeon (Atlantic or Shortnose) take by the dredge, appropriate incident reporting forms shall be completed. In the event an incidental sea turtle, whales, manatee, sturgeon (Shortnose or Atlantic) take occurs by a dredge, the permittee must stop all dredging operations and contact the Wilmington District for consultation to determine the appropriate action, including the immediate implementation of sea turtle conservation measures that must be taken. The permittee shall immediately notify Wilmington District, Regulatory Division, Wilmington Regulatory Field Office, Attn: Mr. Dave Timpy, by email David L. Timpy@usace.army.mil or by telephone at (910) 251-4634 that an incidental take has occurred. Additionally, all specimens shall be photographed with a digital camera. These photographs shall be attached to respective reports for documentation. Dredging of subsequent loads shall not commence until all appropriate reports are completed from the previous dredging load to ensure completeness and thoroughness of documentation associated with the incidental take Reports shall be submitted to the Corps within 24-hours of the take. Copies of the forms shall be legible. Observer forms may be accessed on the web site indicated in special condition number 12 below.

b. Endangered Species Observer(s): A list of endangered species observer-biologists (ESOs) that have been NMFS-approved to monitor threatened/endangered species takes by hopper dredges can be obtained by contacting NOAA Fisheries' Northeast Region, Protected Resources Division. The main contact is Ms. Julie Crocker; she can be reached at julie.crocker@noaa.gov or 978-281-9300 ext.6530.

c. The Permittee shall provide a digital camera, with an image resolution capability of at least 300 dpi, in order to photographically report all incidental takes, without regard to species, during dredging operations. Immediately following the incidental take of any threatened or endangered species, images shall be provided, via email, CD, DVD, or USB (thumb/flash/jump drive) to the Contracting Officer's Representative in a .jpg or .tif format and shall accompany incidental take forms. The nature of findings shall be fully described in the incidental take forms including references to photographs.

Manatee, Sea Turtle, Sturgeon, and Whale Sighting Reports

Any take concerning a manatee, sea turtle, sturgeon (Shortnose or Atlantic), or whale (Atlantic only); or sighting of any injured or incapacitated manatees, sea turtles, or whales shall be reported immediately to the Corps, Wilmington District, c/o Dave Timpy.

A copy of the incidental take report shall be provided within 24 hours of the incident. The Permittee shall also immediately report any collision with and/or injury to a manatee to the United States Fish and Wildlife Service. If a sea turtle is taken by the dredge (live or dead), the Permittee shall email a PDF version of the incidental take report to NOAA-Fisheries Southeast Region at the following email address within 24 hours of the take: takereport.nmfsser@noaa.gov and to the Corps, Wilmington District, c/o Dave Timpy.

Disposition of Sea Turtles or Turtle Parts

a. Turtles taken by hopper dredge

   i. Dead turtles - Upon removal of sea turtle and/or parts from the draghead or screening, observers shall take photographs as to sufficiently document major characteristics of the turtle or turtle parts including but not limited to dorsal, ventral, anterior, and posterior views. For all photographs taken, a backdrop shall be prepared to document the dredge name, observer company name, contract title, time, date, species, load number, location of dredging, and specific location taken (draghead, screening, etc.). Carcass/turtle parts shall also be scanned for flipper and Passive Integrated Transponder (PIT) tags. Any identified tags shall be recorded on the "Sea Turtle Incidental Take Form" that is included in the "Endangered Species Observer Program Forms" located on the web site indicated in special condition number 12 below. Turtle parts which cannot be positively identified to species, on board the dredge or barge(s) shall be preserved by the observer(s) for later identification. A tissue sample shall be collected from any lethally taken sea turtle and submitted under the process stated in the "Protocol for Collecting Tissue Samples from Turtles for Genetic Analysis" found in the CONSTRUCTION FORMS AND DETAILS below. All genetic samples collected shall be submitted to NMFS within 30-days of collection and verification of submittal to NMFS shall be provided to the Corps, Wilmington District, c/o Dave Timpy. After all data collection is complete, the sea turtle parts shall be placed in plastic bags, labeled as

to the time, date, and dredged reach of collection, kept frozen and transported to the Sea Turtle Hospitable, Surf City, North Carolina. If no local facility is capable of receiving the sea turtle/parts, they should be marked (spray paint works well), weighted down and disposed of in accordance with the direction of the Corps, Wilmington District, c/o Dave Timpy.

ii. Live Turtles - Observer(s) shall measure, weigh, scan for Passive Integrated Transponder (PIT) tags, tag (lnconel flipper and PIT tags (if PIT tag not located during scan, and only if observer is qualified to tag using PIT tags)), and photograph any live turtle(s) incidentally taken by the dredge. Observer(s) (or their authorized representative) shall coordinate with the Corps, Wilmington District, c/o Dave Timpy and Doug Piatkowski, to transport, as soon as possible, the live turtle(s) taken by the dredge to an approved rehabilitation facility in the project area.

Report Submission:

The Permittee shall maintain a log detailing all incidents, including sightings, collisions with, injuries, or killing of manatees, sea turtles, sturgeon (Shortnose or Atlantic), or whales occurring during the contract period. The data shall be recorded on forms available on the website as indicated in special condition number 12. All data in original form shall be forwarded directly to the Wilmington District Corps within 10 days of collection. Following project completion, a report summarizing the above incidents and sightings shall be submitted to:

Dave Timpy
Regulatory Division
Army Corps of Engineers
Wilmington District

Doug Piatkowski
Environmental Resources Branch
Army Corps of Engineers
Wilmington District

National Marine Fisheries Service
Protected Species Management Branch
263 13th Avenue South
St. Petersburg, Florida 33701

Molly Ellwood
Southeastern Permit Coordinator
NCWRC/Habitat Conservation Program
127 Cardinal Drive
Wilmington, NC 28405

Dr. Matthew Godfrey
North Carolina Wildlife Resources Commission
1507 Ann Street

Beaufort, NC 28516

Reporting Forms:

In order to avoid use of outdated forms, the Permittee is directed to the following website for forms and attachments required under this permit. Links to these forms are under the heading "Turtle Information" http://el.erdc.usace.army.mil/seaturtles

(List of forms required under this permit include: Sea Turtle/Pre- and Post-Hopper Dredging Project Checklist, Endangered Species Observer Program Forms, Sea Turtle Tagging and Relocation Report, and Sea Turtle Trawling Report.)

CAMA Permit Conditions

1. In order to protect threatened and endangered species and to minimize adverse impacts to offshore, nearshore, intertidal and beach resources, no excavation or beach nourishment activities shall occur from April 1 to November 15 of any year without prior approval from the Division of Coastal Management in consultation with the Division of Marine Fisheries and the North Carolina Wildlife Resources Commission.
2. All excavation activities shall take place entirely within the areas indicated.
3. Excavation shall be accomplished by a hopper dredge. Use of any other method of excavation shall require modification of this permit.
4. This permit authorizes beach nourishment activities to be carried out one (1) time along the entire reach of the requested project area. Any request to carry out additional activities within an area where nourishment activities have been completed under this permit shall require a modification of this permit.
5. Prior to the initiation of beach nourishment activity along each section of beach, the existing mean high-water line shall be surveyed and a copy provided to the Division of Coastal Management.

NOTE: The permittee is advised that the State of North Carolina claims title to all currently submerged lands and any future lands that are raised above the Mean High-Water level as a result of this project.

6. Prior to the initiation of any beach nourishment activity above the mean high-water contour line within the limits of the permittee's jurisdiction, easements or similar legal instruments shall be obtained from all affected property owners.
7. Prior to the initiation of any beach nourishment activity, the permittee shall coordinate with the Division of Coastal Management to determine the static vegetation line that shall be used as the reference point for future oceanfront setbacks. The static vegetation line, which is defined as the vegetation line that existed within one year prior to the onset of initial project construction, shall be established using on-ground observation and survey or aerial imagery. The static vegetation line shall then be marked and a survey depicting this static vegetation line shall be submitted to the Division of Coastal Management prior to any beach nourishment activities.

8. The seaward nourishment limit shall be conducted in accordance with the approved work plats.
9. Temporary dikes shall be used to retain and direct flow of material parallel to the shoreline to minimize surf zone turbidities. The temporary dikes shall be removed and the beach graded in accordance with approved profiles upon completion of pumping activities in that particular section of beach.
10. Should the dredging operations encounter sand deemed non-compatible with 15A NCAC 07H .0312 (Technical Standards for Beach Fill Projects'), the dredge operator shall immediately cease operation and contact the Division of Coastal Management. Dredge operations shall resume only after resolution of the issue of sand compatibility.
11. In order to prevent leakage, dredge pipes shall be routinely inspected. If leakage is found and repairs cannot be made immediately, pumping of material shall stop until such leaks are fixed.
12. Once a section is complete, piping and heavy equipment shall be removed or shifted to a new section and the area graded and dressed to final approved slopes.
13. Land-based equipment necessary for beach nourishment work shall be brought to the site through existing accesses. Should the work result in any damage to existing accesses, the accesses shall be restored to pre-project conditions immediately upon project completion in that specific area.

NOTE: The permittee is advised that any new access site would require a modification of this permit.

14. Where oceanfront development exists at elevations nearly equal to that of the native beach, a low protective dune shall be pushed up along the back beach to prevent slurry from draining towards the development.
15. Dune disturbance shall be kept to a minimum. Any alteration of existing dunes shall be coordinated with the Division of Coastal Management as well as the appropriate property owner(s). All disturbed areas shall be restored to original contours and configuration with reference to the surveyed normal high-water line and shall be revegetated immediately following project completion in that section of beach.
16. Unless specifically altered herein, the permittee shall implement all mitigation and monitoring commitments made in the permit application, and project purpose and description, that was prepared for this project.
17. Immediately after completion of the beach nourishment project, and prior to the next three sea turtle nesting seasons, beach compaction shall be monitored, and tilling shall be conducted as deemed necessary by the Division of Coastal Management in coordination with appropriate review agencies.
18. Immediately after completion of any phase of the beach nourishment project, and prior to the next three nesting seasons, monitoring shall be conducted to determine if escarpments are present that would adversely affect nesting sea turtles and/or public access. If such escarpments are present, the permittee shall coordinate with the Division of Coastal Management for necessary remediation.

19. Prior to any excavation or beach nourishment activities, the permittee shall contact the NCDCR Underwater Archaeology Branch at (910) 458-9042 to determine the location of any significant historical resources located within the project area to assure avoidance and incidental impacts during operations.
20. There exists the possibility that the authorized activities may unearth a beached shipwreck. Should such a finding occur, the permittee shall immediately move to another area. The NCDCR Underwater Archaeology Branch shall be contacted at (910) 458-9042 to determine appropriate response procedures.
21. This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
22. The permittee and his contractor shall schedule a pre-construction conference with the Division of Coastal Management prior to the initiation of any dredging activities.
23. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.

NOTE: The permittee's contractor is advised to contact the U.S. Coast Guard at (910) 815-4895, ext. 108 to discuss operations and appropriate lighting, markers, etc. for all dredge equipment.

24. The permittee shall obtain any necessary authorizations or approvals from the US Army Corps of Engineers prior to initiation of any permitted activity. All conditions of this Federal approval shall be adhered to.
25. The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals, hydraulic fluids, etc., necessary to carry out the project.
26. The N.C. Division of Water Quality has authorized the proposed project under General Water Quality Certification No. 3780 (DWQ Project No. 20011836, Ver. 3), which was issued on 6/18/12. Any violation of the Water Quality Certification shall also be considered a violation of this CAMA Permit.
27. No sand shall be placed on any sandbags that have been determined by the Division of Coastal Management to be subject to removal under 15A NCAC 07H .0308(a)(2). In order to ensure compliance with this condition, the Division of Coastal Management shall be contacted at (910) 796-7215 prior to project initiation so that Division staff may meet on site with the permittee and/or contractor.
28. This Major Modification shall be attached to the original of Permit No. 14-02, which was issued on 2/1/02, as well as all subsequent modification, renewals and refinements, and copies of all documents shall be readily available on site when Division personnel inspect the project for compliance.
29. All conditions and stipulations of the active permit remain in force under this minor modification unless altered herein.

Water Quality Certification Conditions

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards.

a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.

b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.

c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual.

d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

2. No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the 404/401 Permit Application. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

3. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within six months of the date that the Division of Land Resources has released the project.

4. Mr. David Hewett, Town Manager of the Town of Holden Beach shall conduct construction activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with section 303(d) of the Clean Water Act) and any other appropriate requirements of State law and federal law. Mr. David Hewett, Town Manager of the Town of Holden Beach shall require its contractors (and/or agents) to comply with all of the terms of this Certification and shall provide each of its contractors (and/or agents) a copy of this Certification. A copy of this Certification shall be included in the construction contract and available on the job site at all times. If the Division determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the Division may re-evaluate and modify this Certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with ISA NCAC 2H.0507(d). Before modifying the Certification, the Division shall notify Mr. David Hewett, Town Manager of the Town of Holden Beach, the US Army Corps of Engineers, and provide public notice in accordance with l SA NCAC 2H.0503 and provide opportunity for a public hearing in accordance with ISA NCAC 2H.0504. Any new or revised conditions shall be provided to Mr. David Hewett, Town Manager of the Town of Holden Beach, in writing, shall be provided to the United States Army Corps of Engineers for reference in any Permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project;

5. Any final construction plans for this project must include or reference the application and plans approved by the DWQ under this authorization letter and certification.
6. All applicable moratoriums shall be observed as required by the NC Division of Marine Fisheries, NC Wildlife Resources, US Fish and Wildlife and National Marine Fisheries.
7. This Certification covers the one-time event of beach renourishment for the Town of Holden Beach at the location previously specified. Any future activity that includes work in the inter-tidal zone or additional renourishment will require a new 401 Water Quality application and certification.
8. Certificate of Completion

   Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the 401 Oversight/Express Review Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

CONCLUSION

Based on the findings of the EA, coordination with the appropriate federal and state agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, and in accordance with FEMA Instruction 108-1-1, an EIS will not be prepared and the proposed project as described in the attached EA may proceed.

APPROVAL

STEPHANIE D EVERFIELD Digitally signed by STEPHANIE D EVERFIELD Date: 2021.02.08 14:09:38 -05'00'

Date _____

Stephanie Everfield
Regional Environmental Officer
FEMA, Region IV