

Appendix A: Meeting Minutes and List of Attendees from the Inter-Agency meeting

(June 19<sup>th</sup>, 2013)

## **Town of Kitty Hawk Beach Nourishment Project and How it Relates to the Proposed Projects at Kill Devil Hills and Duck, NC**

### **Interagency Scoping Meeting June 19, 2013**

An interagency meeting was held in Washington, NC on June 19, 2013 to discuss proposed permitting and environmental documentation approaches for a beach nourishment project along the oceanfront shoreline at Kitty Hawk. Recognizing the fact that Kill Devil Hills and Duck, both in proximity to Kitty Hawk, are proceeding with similar beach nourishment projects, the meeting also focused on approaches to permit and develop supporting environmental documentation for these three projects in tandem. Attendees included representatives from the Town of Kitty Hawk, Town of Duck, Town of Kill Devil Hills, Dare County, and federal and state resource agencies including the US Army Corps of Engineers (USACE) US Fish and Wildlife Service (USFWS), National Marine Fisheries (NMFS), Bureau of Ocean Energy Management (BOEM), North Carolina Division of Marine Fisheries (DMF), North Carolina Division of Water Quality (DWQ), North Carolina Division of Coastal Management (DCM), North Carolina Shellfish Sanitation/Recreational Water Quality (NC SSRWQ), and the North Carolina Wildlife Resource Commission (WRC) (Table 1).

The meeting began with a brief presentation by CPE's geologist **Ken Willson** and marine biologist **Brad Rosov**. Ken provided details on the design of the three projects including the location of the proposed borrow areas, volume of material to be placed along the shorelines, and the extend of the fill. He also provided context for the attendees by discussing the status of the federally authorized Dare County Beaches project which was formulated to include portions of the oceanfront shoreline in both Kitty Hawk and Kill Devil Hills. Due to funding shortfalls, the federal project has yet to be constructed and is not expected to receive funds within the near future. In consideration of high rates of erosion and the fact the federal project will most likely not go to construction in the near future, Kitty Hawk and Kill Devil Hills are looking to obtain permits to implement non-federal beach nourishment projects in order to protect threatened homes and infrastructure. The Town of Duck is facing significant erosion problems as well; however, no portion of their shoreline was included within the Dare County federal project.

Several borrow areas are under consideration for these three projects. One of which, called S1, was initially identified by the US Army Corps of Engineers (USACE) during the formulation of the federal project. This borrow source was later utilized for the nourishment of Nags Head in 2010. Other borrow sources under consideration for these projects are located beyond state waters and fall under the jurisdiction of the Bureau of Ocean Energy Management (BOEM). Following **Ken's** project overview, **Brad** reviewed a list of recent environmental documents and biological data which were developed in support of the Federal project and the Nags head project to demonstrate to the agency representatives of the breadth of relevant biological information that has been compiled within recent years and would be available for environmental documentation for these three projects. This information was previously utilized by the USACE to determine that the proposed Kill Devil Hills project could proceed with permits with the development of an Environmental Assessment (EA) along with an Essential Fish Habitat (EFH) assessment and a Biological Assessment (BA). **Brad** then concluded the presentation with a list

of specific items for the group to discuss, which would provide input to the towns on how they could best proceed with their projects.

**Raleigh Bland** (USACE) asked for the total length of shoreline and the total volume of material proposed for the three beach nourishment projects. **Ken** and **Brad** responded that although the plans are not finalized at this time, the total extent would cover approximately 8-10 miles and the total volume would be approximately 4 million cubic yards (which would summate to a lesser extent and amount than the Nags Head Project). **Ken** then asked if the BOEM representatives could address how BOEM would be involved with their coordination and involvement with the development of the environmental documents. **Jennifer Culbertson** (BOEM) responded stating that a programmatic EIS is being developed for the Bogue Banks Master Beach Nourishment Project that a. A programmatic NEPA document (either EA or EIS) involving all three beach projects could be used for this project. In the case of the Bogue Banks project, BOEM and USACE developed an outline in a letter that specified which agency would take the lead on the various aspects of the document and also identified which agency would take the lead with consultations involving other federal agencies. Because BOEM is not included in the current SARBO, a separate Section 7 consultation with NMFS would need to be sought. She encouraged that early coordination from the beginning would be helpful to ensure a smooth process. **Raleigh** agreed with Jennifer's assessment and added that there is already a significant amount of information available following the Nags Head project which could be fed into these documents. **Brad** inquired if the previous determination that an EA would most likely suffice for the Kill Devil Hills project would still stand for that project considering that we are now looking to expand the project beyond the footprint formulated in the federal project and utilizing borrow sources in BOEM jurisdiction. And furthermore, he asked if the inclusion of these additional projects at Kitty Hawk and at Duck provide any concern for any significant impacts. **Raleigh** stated that it is difficult to make a determination without all the details laid out, however, he stated that the USACE did not see any issues that "jumped out" at him causing concern at this time. He felt that if an EA was prepared, it should be prepared as an "EIS level" document. **Brad** asked what was meant by "EIS level document". **Raleigh** explained that he meant a document with enough information for the agencies to evaluate it properly which would include information gleaned from the Nags Head EIS. The scoping aspect of the EIS process would not be included should an EA be the approach taken for this project. **Brad** asked if the BOEM representatives agreed with Raleigh's assessment. **Jennifer** agreed with Raleigh as far as the path forward. However, she would need more information regarding the borrow sites prior to making a determination. Ideally, she said an EA would be preferred. **Raleigh** then added that his assessment would be based off the portion of the project occurring within state waters. **Jennifer** added that BOEM also likes to be involved with the potential impacts that would be incurred as a result of placement of material as well. **Ken** inquired if only one programmatic document would be developed rather than one document for BOEM and one for USACE. **Jennifer** responded that one document would be best. **Brad** asked **Doug Huggett** (DCM) what his opinion was on this issue. **Doug** responded by stating that following the 2011 Regulatory Reform Act, the state no longer has the ability to apply SEPA to beach nourishment projects and the state is merely a commenting agency.

**Brad** inquired if a single BA and a single EFH could suffice if a programmatic approach is taken. **Fritz Rohde** (NMFS) responded that indeed one EFH would be preferred. **Kathy**

**Matthews** (USFWS) agreed that a single BA would make sense. She also raised the issue that a 30 year permit for these projects may not be ideal considering that monitoring requirements must be complied with over the life of the project. **Doug** added that some monitoring requirements can be modified along the life span of a project depending on the trends over the years. **Raleigh** mentioned that the Nags Head project, meanwhile, was only a one-time interim project and, accordingly, any comparisons to that project should recognize that it was not permitted as a long-term project. **Ken** added that the driving force for a 30 year permit is that clients are looking to avoid “starting over” each time they look to maintain a project recognizing that there are many complicating factors imbedded with each project. **Doug** responded that a programmatic approach is preferred and recognized that the approach takes additional effort up front, but would result in efficiencies along the way. **Jennifer** headed caution regarding the 30 year permit request. She stated that they BOEM leases do not extend that long and would recommend 5-10 years. Furthermore, the new SARBO is expected which would then cover BOEM within that Biological Opinion. **Raleigh** agreed that a 5-10 year permit would be more likely opposed to a 30 year permit. **Doug** mentioned that North Topsail Beach and the Mason’s Inlet projects were 30 year permits. Kathy added that the BO issued for the Mason’s Inlet project was not a 30 year BO- rather, it was based off of 9 maintenance events and not time. **Doug** interjected that a 30 year permit does not mean that these projects do not get revisited by permitting agencies. He mentioned that for each subsequent maintenance event, the applicant would notify the agency prior to each event such that the agencies could evaluate the performance of the project as a whole. **Ken** expressed concerns that while a programmatic document could be efficient, there are many contingencies due to the fact that these three beach towns have a certain level of complexities that could hinder a programmatic approach. He then asked if there is potential for the development of 3 individual EAs or EISs for the three beach town with the development of 1 BA and 1 EFH for all three. **Fritz** responded that it would be preferred in that manner. **Kathy** added that she also felt that could be accomplished as well. **Colleen Finnegan** (BEOM) stated that it may make sense to have multiple leases with each town, although one lease could be granted with multiple applicants tied to it as well.

Ken asked if any of the representatives from the County and the beach communities had any questions or concerns. **John Stockton** (Kitty Hawk) stated that his town would be interested in working together with the other towns, however expressed concerns that the timing could present an issue. **Bobby Outten** (Dare County) stated that the goal of the County is to leverage their beach nourishment funds to put as much sand on the beach as possible and therefore would be interested in seeking any efficiency. **Chris Layton** (Duck) stated that Duck is interested in moving forward as quickly as possible, and while they would be interested working together, are interested in moving forward as quickly as possible. **Greg Loy** (Kill Devil Hills) expressed similar thoughts and expressed concern that any monitoring requirements take into consideration previous studies and lessons learned.

**Brad** asked if the state agencies had any concerns or comments to provide. **Sara Schweitzer** (WRC) stated that due to a lot of human activity and usage, nesting birds is not much of a concern along the beaches in Dare County; however, the beaches are utilized for resting and foraging. This applies to piping plovers as well. **Sara** also questioned if there may be effects on the removal of sand from the proposed borrow area in terms of longshore transport. **Maria Dunn** (WRC) cautioned that the permit allowing for summer time dredging at Nags Head was a

one-time event and that the projects in Dare County may consider a one-time event as well due to concerns on impacts. **Kevin Heart** (DMF) also indicated that the Division of Marine Fisheries would also recommend that the project abide by the dredging moratorium period. **Roberto Scheller** (DWQ) suggested that a 5-10 year permit would be preferable over a 30 year permit from DWQ's perspective. **Doug** added that while a programmatic approach is a very viable approach, he added that other options including individual permits for each town could be reasonable as well. **Raleigh** stated that if the projects do use borrow area S1 that we coordinate with civil works division of the USACE. **Doug** reminded us that SHPO and the military would need to be coordinated with as well. **Jennifer** asked about the time frame of the project(s). **Ken** responded that, realistically, the process would take between 18 months to 2 years. **Jennifer** responded that she felt that NMFS could take a bit longer to review a programmatic Biological Assessment and therefore a 2 year timeframe could be hopeful. **Ken** asked if a separate BO would be granted if we used material from within BOEM waters. **Jennifer** responded stating that BOEM is not covered within the SARBO, and therefore a new BO would be needed. However, the new SARBA is intended to include BOEM and therefore would be covered within the new SARBO. The timing of the SARBO is not known yet at this point.

**Brad** thanked everyone for participating and the meeting adjourned at 12pm.

**Meeting Attendees:**

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