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Presentation to the NC Environmental Review Commission March 6, 2024

Dredging Process and Permitting

DEQ, Division of Coastal Management
Tancred Miller
Jonathan Howell

US Army Corps of Engineers
Justin McCorcle
Tyler Crumbley



IMPORTANCE OF DREDGING

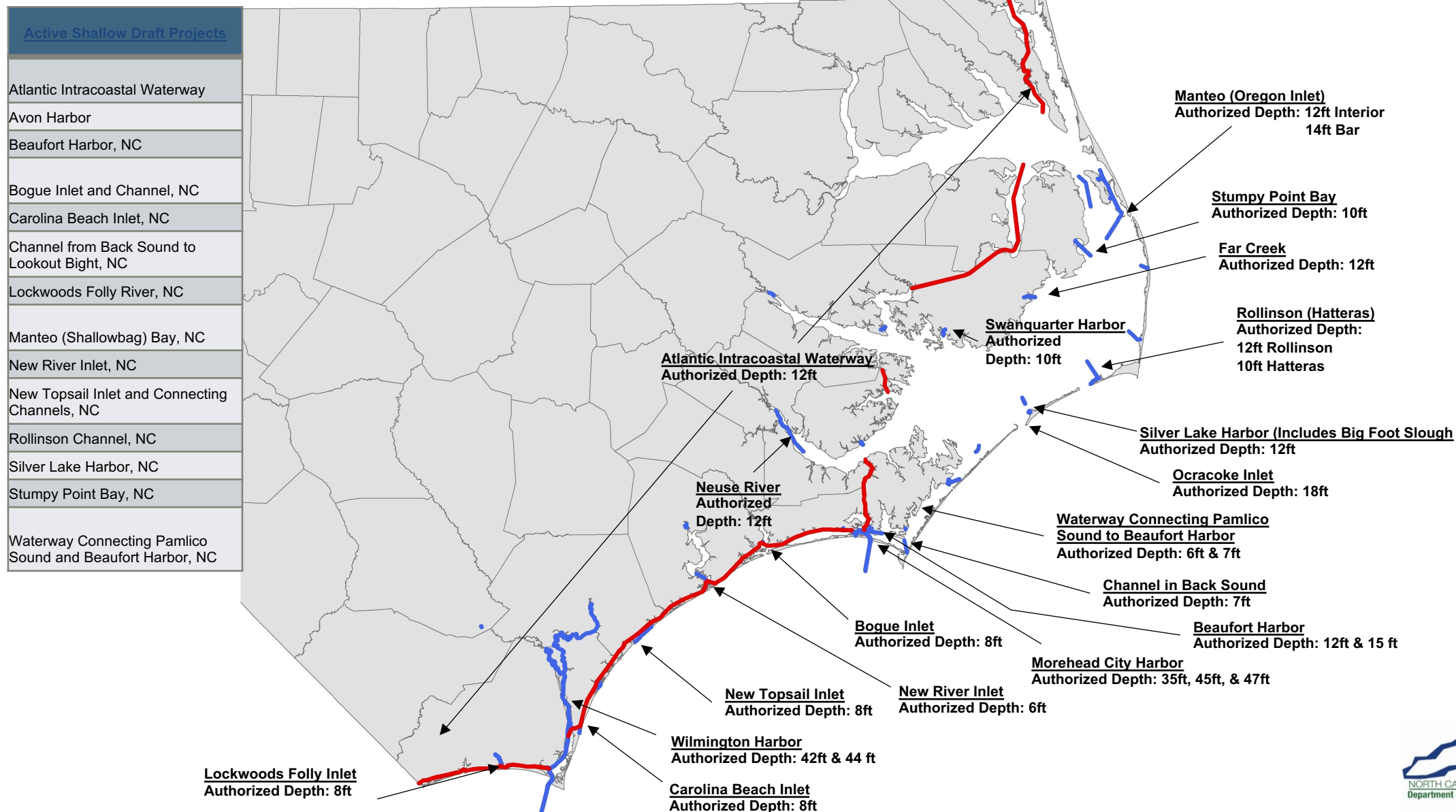
- Dredging serves many important functions:
 - Maintain safe water depths for navigation (commercial, recreational, transportation)
 - Primary source of beach nourishment material
 - Support military readiness
- NC is unique in our extent and variety of shallow and deep draft waterways
- Tremendous economic impact



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WILMINGTON DISTRICT NAVIGATION CHANNELS



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STATE & FEDERAL ROLES IN DREDGING

- Dredging has impacts involving public trust resources (waters, wildlife, habitat, navigation, natural resources)
- Sediment is a state resource; agencies have an interest in its removal or relocation, including volume, timing, methods, and location
- Permitting is a mechanism to balance the need for dredging with public trust and environmental protection
- State & Federal agencies have complementary statutory directives to protect public trust resources



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INDUSTRY CONTRACT DREDGE TYPES

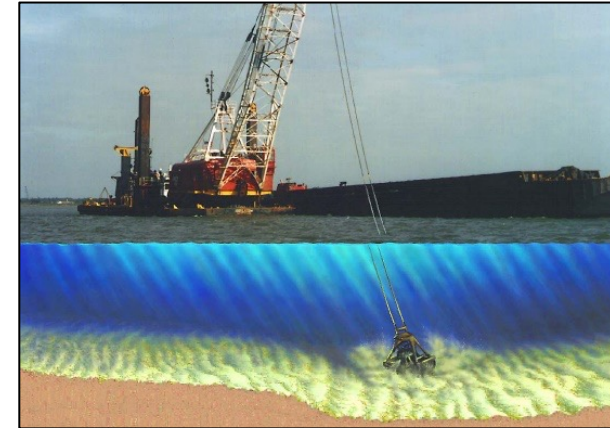
Cutterhead / Pipeline



Hopper



Bucket & Barge



Examples of various types of dredges that may be used through a contract with industry

USACE SHALLOW DRAFT FLEET



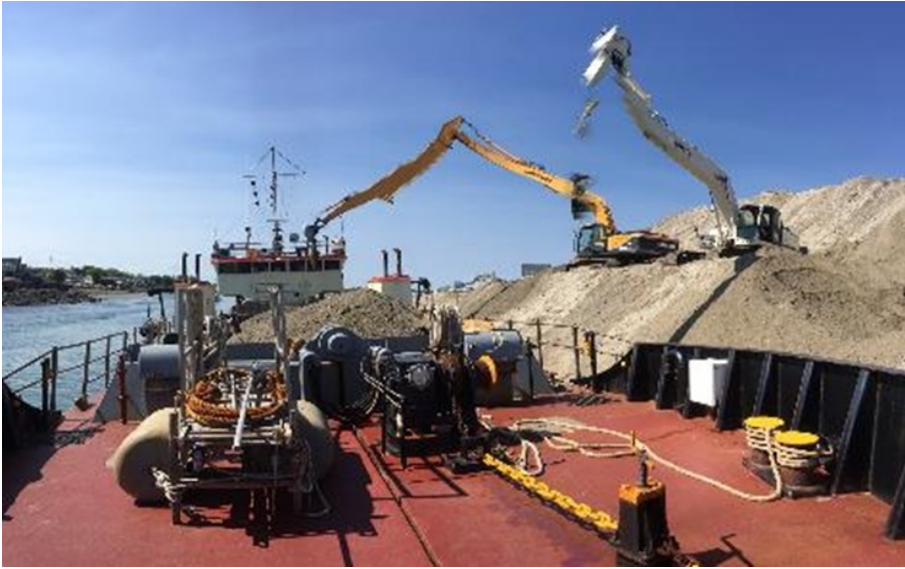
- Dredge Murden
- Built: 2012
- Split hull – 500 CY capacity

- Dredge Merritt
- Built: 1943/1964
- Side-casts approximately 80 feet



*** Public Law 95-269 April 78 - “ shall be maintained ”

USACE SHALLOW DRAFT FLEET



- Dredge: Currituck
- Built: 1974
- Split hull – 300 CY capacity

- Multipurpose: Brandy Station
- Built: 1990
- Debris removal, vibracore, marine construction, buoy / anchor installation, etc.



HOW PROJECTS ARE CHOSEN

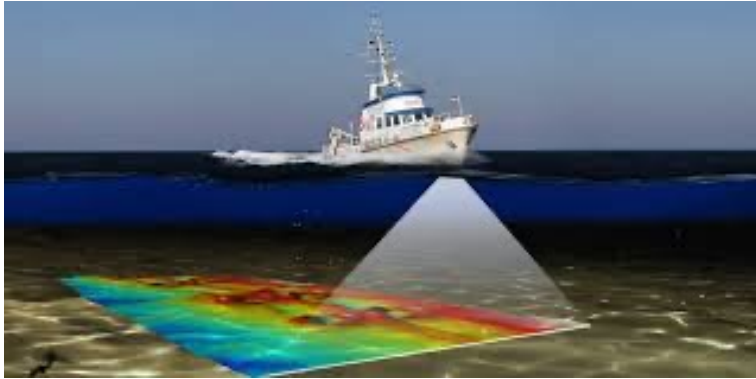
- Federal projects are authorized and funded by Congress.
- Non-federal projects can be initiated by the State, a local government, or a private entity that has the necessary funding.



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INPUTS TO FUNDING REQUESTS



Survey to Identify Water Depths

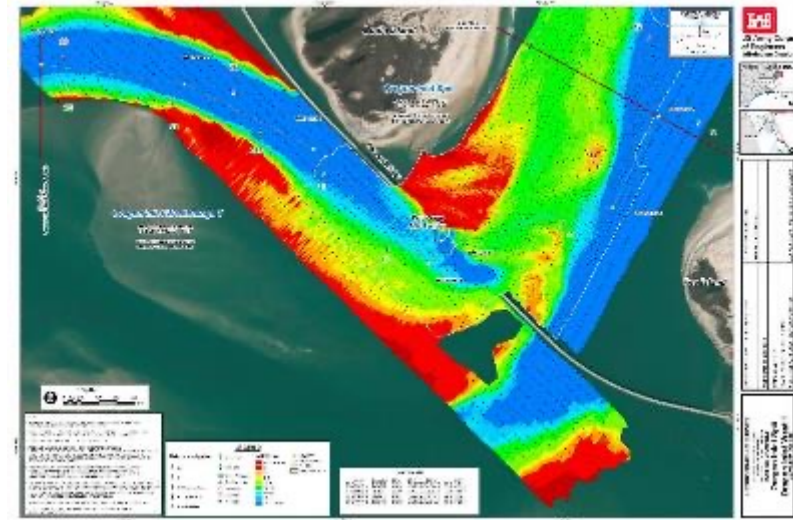
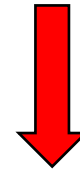
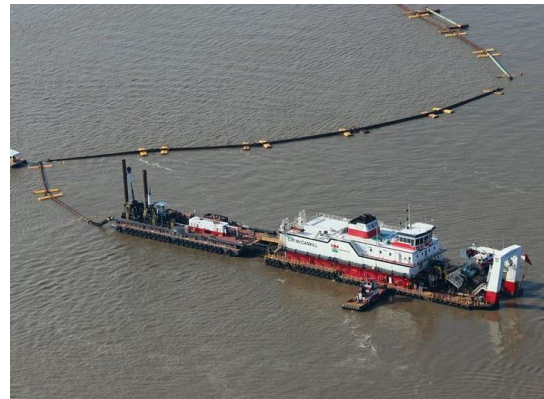
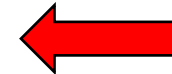


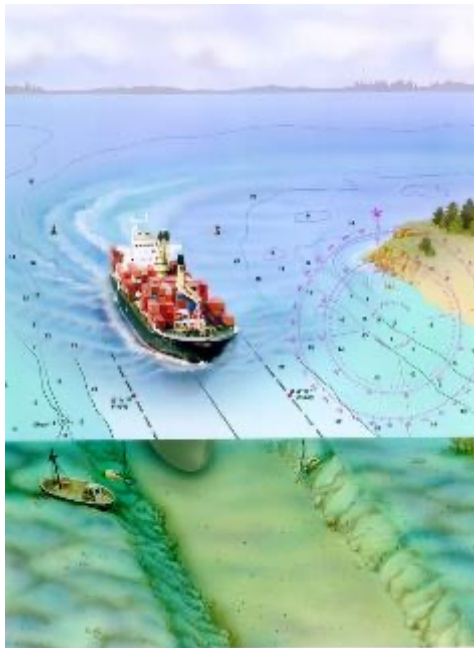
Chart and analyze data, Obtain/maintain Environmental Clearances



Request & Receive Funding



Dredge



REQUIRED AUTHORIZATIONS

- Federal Consistency
- CAMA Major Permit/State Dredge and Fill Permit
- 401 Water Quality Certification
- Army Corps of Engineers Permit (Section 404, Section 10)



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FEDERAL CONSISTENCY UNDER CZMA

- 60 days from receipt to conclude review
- Consistencies do not expire unless project changes
- No modification process; changes require a new CD
- Can be expedited in emergencies (e.g., Ferry safety)
- State can place conditions and limit to one-time authorization



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CAMA MAJOR PERMIT STEPS

- 1) Applicant contacts Division of Coastal Management
- 2) Scoping meeting (not mandatory but helpful)
- 3) Application Submittal
- 4) DCM Field Representative Reviews Application;
Requests any necessary changes
- 5) Re-submittal – Accepted as Complete
- 6) Field Investigation Report – Public Notice (30-day)
- 7) Agency Distribution



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FEDERAL PERMIT REQUIREMENTS

US Army Corps of Engineers, Section 404 (Clean Water Act) and Section 10 (Rivers and Harbors Act)

- National Environmental Policy Act compliance (EIS, EA)
- Endangered Species Act compliance (USFWS, NOAA)
- Essential Fish Habitat compliance (NMFS)
- Cultural Resources compliance (SHPO, THPO)
(administered by State)
- 401 Water Quality Certificate (administered by State)
- Coastal Zone Management Act compliance (administered
by State)



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FEDERAL PERMIT MECHANISMS

- Standard Permit (Individual Permit) – requires a stand-alone NEPA document
- Nationwide Permit (e.g., Maintenance of Existing Structures)
- Regional General Permit (includes several permits for dredging)
- Programmatic General Permit (GP291)
 - Catch-all permit for CZMA/CAMA
 - Provides process for expeditious review for work in navigable/coastal waters.
 - Eliminates duplication of effort between District and State Regulatory Programs.
 - Reduction in administrative coordination.
 - Allows for projects that don't “fit the mold”



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PERMIT PROCESS: CORPS ROLE

- Corps assigns an Action ID (AID) and acknowledges receipt to the State and the applicant.
- Corps determines eligibility for Joint Permit or other General Permit, Nationwide, or Standard Permit process.
- Corps provides copies of DCM's Field Investigation Report, to the federal agencies (USFWS, NOAA NMFS and PRD, EPA, USCG, Corps Civil Works, and SHPO).
- Review Agencies have 30 Days to provide comments or recommendations to the Corps for inclusion in the Joint Permit.



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PERMIT APPLICATIONS-CORPS STANDARDS

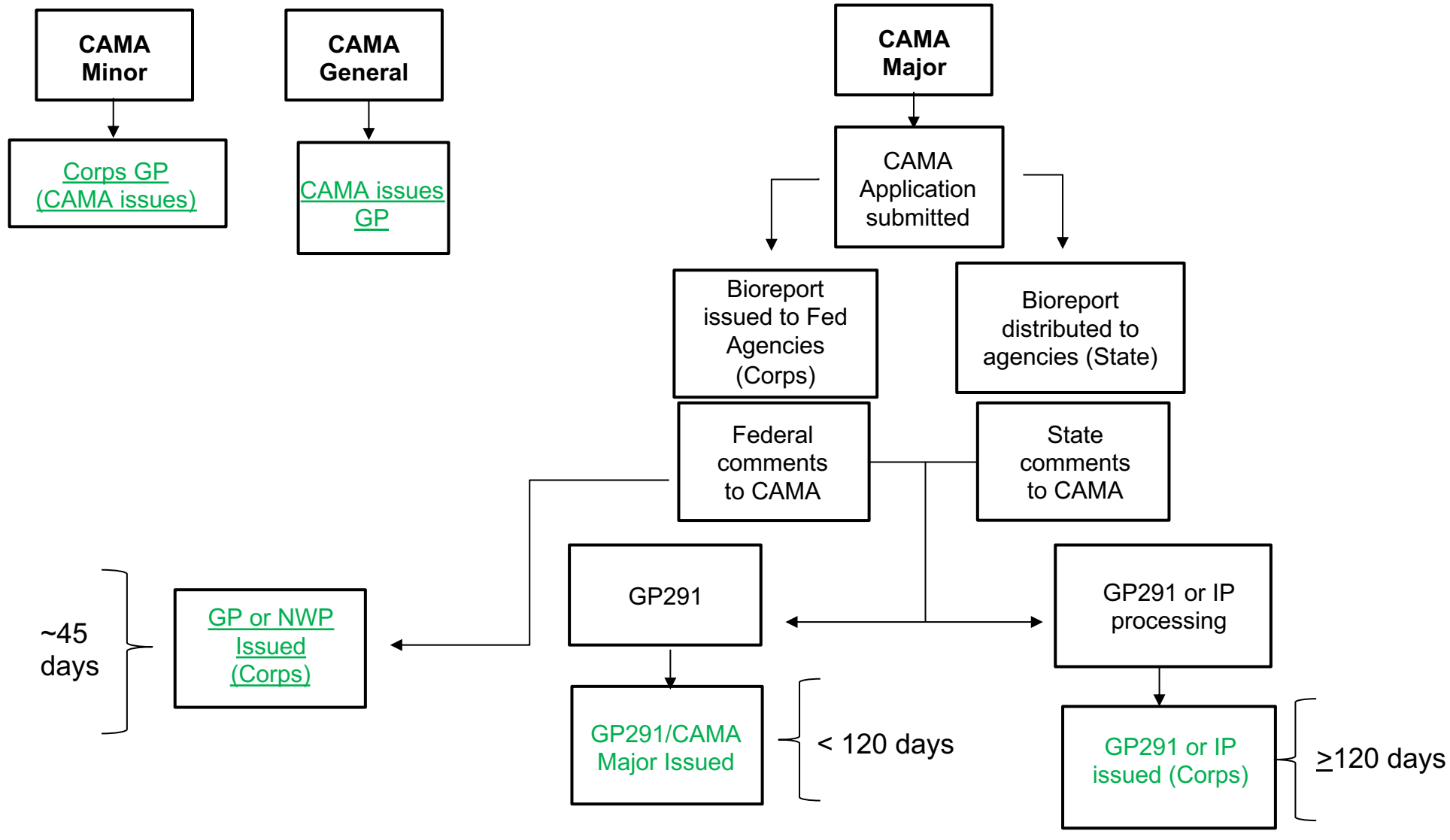
- Legible project plans
- Clear project description
- Purpose and Need
- Avoidance and minimization
- Compensatory mitigation
- Species and Resources Impacts (BA, EFHA, etc.)
- Jurisdictional Delineation related to the presence/absence of waters of the U.S.



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Preapplication Meeting



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CAMA MAJOR PERMIT

- **Umbrella Process (by Statute) (Presently 9 state)**

- Division of Water Resources (401 Water Quality Cert.)
- Division of Marine Fisheries
- Wildlife Resources Commission
- Department of Natural and Cultural Resources
- Division of Energy Mineral and Land Resources – Sedimentation and Erosion Control
- State Property Office
- Division of Energy Mineral and Land Resources – Stormwater
- Department of Transportation
- Department of Public Health
- Local Government (City or County)
- US Army Corps of Engineers



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BENEFITS (COORDINATION THROUGH CAMA)

- Point of Contact during/after process
- Historic knowledge of similar projects
- Comprehensive permitting
- Process guidance
- Moratorium relief
- CAMA Permit “Maintenance Clause” allows for multiple dredging events under an active permit (5 years plus renewals)



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COORDINATION PROCESS – ENVIRONMENTAL IMPACTS

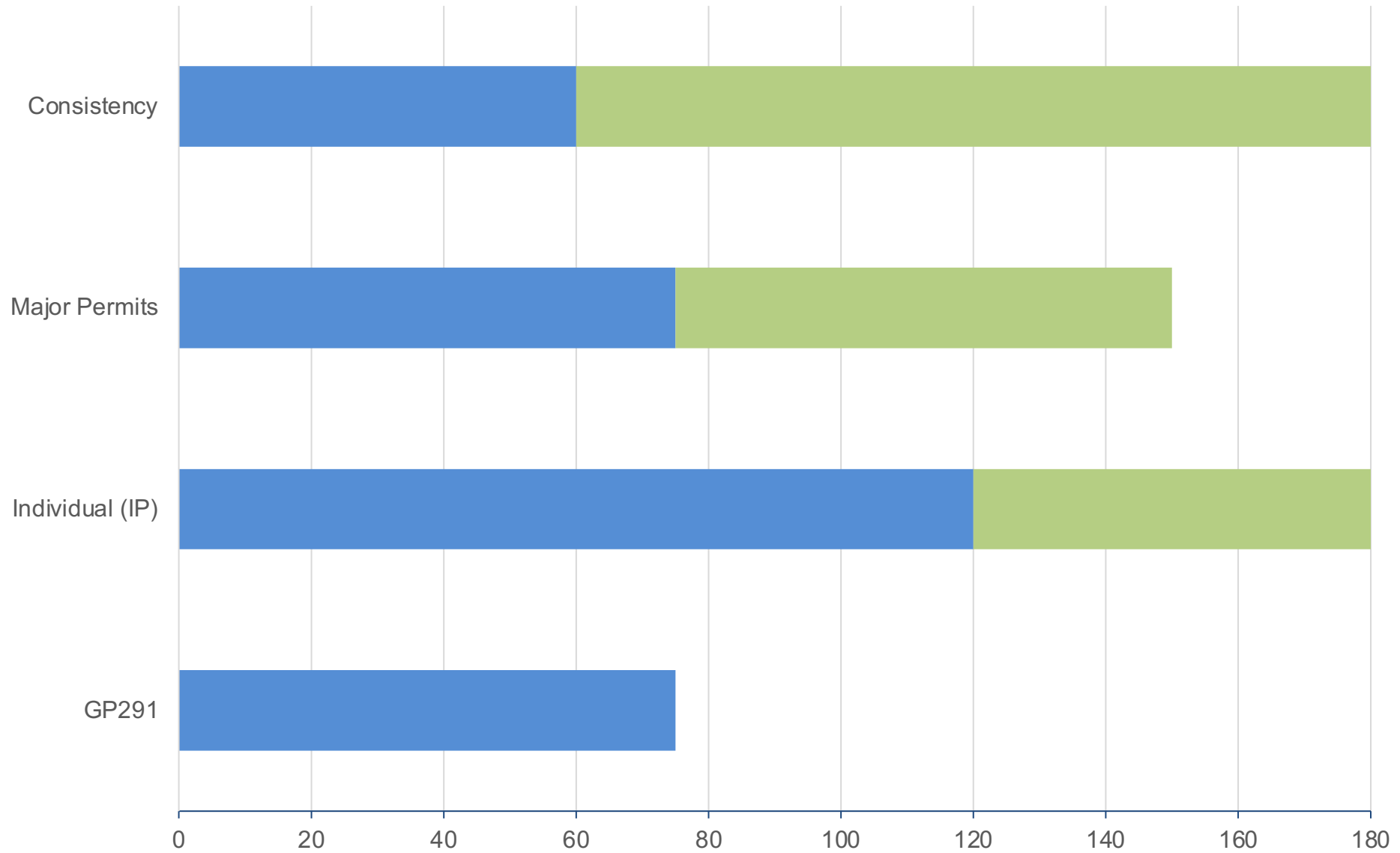
- Wildlife (Turtles, Birds)
- Fisheries (From Larvae to Adult)
- Habitat (SAV – Shallow Bottom – Nesting)
- Will not violate water quality standards (401 Certification)



Photo credit: National Park Service



PERMIT PROCESSING TIMES



FEDERAL CIVIL WORKS PROCESS

- Two types of Corps Projects that involve dredging:
 - Navigation (deep draft or shallow draft)
 - Purpose is to keep federal navigation channels open for commerce, placement of material should be least-cost, engineeringly feasible, environmentally acceptable
 - Placement of dredged material may be:
 - An upland diked placement site
 - Beneficial use (beach placement, thin-layer placement, bird island)
 - In-water (nearshore, offshore, or sidecast)
 - Coastal Storm Risk Management (i.e., beach nourishment)
 - Purpose is to reduce the impact of storms on coastal property and infrastructure
 - Positive Benefit/Cost Ratio is required



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FEDERAL CIVIL WORKS PROCESS

- Civil Works Projects (Navigation and CSRM) generally require Congressional authorization and a stand-alone NEPA document, with all of the same federal authorizations needed in a permit (CWA 404/401, ESA, EFH, CZMA, NHPA/Cultural)
- The only differences from a federal perspective are that the CZMA approval is a consistency determination, not a permit, and the CWA 404 analysis is a determination, not a permit (we don't permit ourselves).
- Changes to the project (including shifts in channel location or dredged material placement) generally do not require Congressional action but do require a re-evaluation effort and additional NEPA and environmental coordination.



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CORPS OPERATION & MAINTENANCE BUDGET COASTAL NAVIGATION

	<u>FY 2023</u> <u>PRESIDENT'S</u> <u>BUDGET</u>	<u>FY 2023 OMNIBUS</u>	<u>FY2023</u> <u>Bipartisan Infra.</u> <u>Law</u>	<u>FY2023</u> <u>WORKPLAN</u>	<u>FY 2024</u> <u>PRESIDENT'S BUD</u> <u>GET</u>
Wilmington Harbor	\$21,657,000	\$21,657,000	\$0	\$200,000	\$25,821,000
Morehead City Harbor	\$24,919,000	\$24,919,000	\$0	\$0	\$18,381,000
Manteo (Shallowbag) Bay	\$1,420,000	\$7,265,000	\$0	\$0	\$1,050,000
Atlantic Intracoastal Waterway, NC*	\$15,955,000	15,805,000	\$0	\$0	\$6,373,000
Rollinson Channel	\$2,605,000	\$3,665,000	\$0	\$0	\$1,820,000
Silver Lake Harbor	\$560,000	\$560,000	\$0	\$530,000	\$910,000
New River Inlet	\$560,000	\$560,000	\$0	\$0	\$565,000
Back Sound To Lookout Bight*	\$0	\$0	\$0	\$1,923,000	\$0
Beaufort Harbor	\$0	\$0	\$0	\$0	\$0
Bogue Inlet And Channel	\$0	\$0	\$0	\$0	\$0
Carolina Beach Inlet	\$0	\$0	\$0	\$0	\$0
Masonboro Inlet And Connecting Channels	\$0	\$0	\$0	\$0	\$0
New Topsail Inlet And Connecting Channels	\$0	\$0	\$0	\$0	\$535,000
Lockwoods Folly River	\$0	\$0	\$0	\$0	\$0
Waterway Connecting Pamlico Sound and Beaufort Harbor	\$0	\$2,615,000	\$0	\$0	\$0
TOTAL (Navigation only)	\$67,676,000	\$77,046,000		\$2,653,000	\$55,455,000

*AIWW to receive \$20M; Wilmington Harbor \$5M in Bipartisan Infrastructure Law (BIL) funding in FY24

Dredge Merritt at New Topsail Inlet, NC

RECAP

Importance of Dredging

- Navigation (Commercial, Recreational, Transportation)
- Beneficial Use of Material
- National Security
- Economic Impact

Process Benefits

- Time Savings
- Cost Savings
- Umbrella Review



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QUESTIONS?

Tancred Miller, Director, DCM

Tancred.Miller@deq.nc.gov

Jonathan Howell, Regulatory Section Chief, DCM

Jonathan.Howell@deq.nc.gov

Tyler Crumbley, Deputy Chief, USACE Wilmington District

Tyler.A.Crumbley2@usace.army.mil

Justin McCorcle, District Counsel, USACE Wilmington District

Justin.P.Mccorcle@usace.army.mil



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