



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

April 29, 2015

Regulatory Division

Action ID: SAW-2005-00344 (ORM #2004-00344)

Mr. Stuart Turille, Manager
Town of North Topsail Beach
2008 Loggerhead Court
North Topsail Beach, North Carolina 28460

Dear Mr. Turille:

Please reference the Town's April 13, 2015 request, submitted by your agent, Coastal Planning & Engineering, Inc., to amend the June 16, 2014 Department of the Army (DA) Permit Modification for Phase 5 construction of the long-term shoreline management plan on North Topsail Beach, Onslow County, North Carolina. This DA authorization, a modification of the original May 27, 2011 permit, is conditioned to restrict work from November 16 to April 30. Specifically, your request is to extend work from April 30 to June 30, 2015 for the construction of Phase 5.

Upon the review of the Town's request, our office was required to reinitiate consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service Protected Resources Division (NMFS PRD) pursuant to Section 7 of the Endangered Species Act (ESA). This consultation was initiated by our letter dated April 13, 2015 to each agency. As a result of the consultation, the USFWS issued the enclosed April 27, 2015 letter and Biological Opinion (BO) for your request, which also included their position on the Town's remediation efforts to remove incompatible rock from the beach. The USFWS concluded the consultation with a concurrence that the Town's onshore activity can be extended to June 30, 2015 provided the Terms and Conditions within the BO are followed.

In regards to the consultation efforts with NMFS PRD, our office has received concurrence from their office, by e-mail dated April 22, 2015, that all in-water activity (below the Mean High Water line) can proceed until May 10, 2015. The results of this agreement were provided to the Town by our office via April 22, 2015. Our Section 7 consultation with NMFS PRD is on-going to address in-water activity beyond the May 10, 2015, and a response from their office is anticipated by May 20, 2015.

Additionally, our office has coordinated your request with other State and Federal resource agencies via April 13, 2015 e-mail and no objections have been received to this date.

Based on the above consultation with USFWS and NMFS PRD, our office has determined that activities associated with your request must be separated into (1) Onshore Activity above the Mean High Water line and (2) In-Water Activity below the Mean High Water line. The issued June 16, 2014 DA Permit Modification has been modified in the following manner to address your request for each activity category:

- I. Onshore Activity: Our office has determined that all beach work activity occurring above the MHW line can continue until 11:59 PM on June 30, 2015 provided that all Reasonable and Prudent Measures and Terms and Conditions outlined in the enclosed USFWS April 27, 2015 BO are adhered to, and that all equipment, including pipeline, must be removed from the oceanfront shoreline by this date.
- II. In-Water Activity: Our office has determined that all activity occurring below the MHW line can continue up to 11:59 PM on May 10, 2015. This includes all demobilization work.

In addition to the extension dates in I and II above, this modification includes the following Special Conditions:

Special Condition (1): This extension modification is only valid for this current construction of Phase 5 and does not include any dredging and/or beach work that may potentially occur in the 2015/2016 construction window.

Special Condition (2): A complete lab sediment analysis of the material placed on the beach will be provided to our office every (3) days to ensure that the material is compatible. The result of the first sampled analysis must be submitted to our office on May 3, 2015.

These conditions supersede previous coinciding conditions outlined in the June 16, 2014 DA permit modification and the original May 27, 2011 DA authorization. All other conditions for those authorizations remain valid.

For the implementation of the Reasonable and Prudent Measures and Terms and Conditions of the April 27, 2015 BO, it is strongly recommended that the Town, or engineer contractor, contact our office to ensure the work is in compliance with the specifics outlined in the BO.

Any deviation from the above permit conditions and/or change in the project may warrant further evaluation and/or consultation with the appropriate agency pursuant to Section 7 of the ESA. If you have any questions or comments, please contact Mr. Mickey Sugg at (910) 251-4811, Wilmington Regulatory Field Office.

Sincerely,



Kevin P. Sanders, Sr.
Colonel, U.S. Army
District Commander

Copies furnished with (MAP only)
enclosures:

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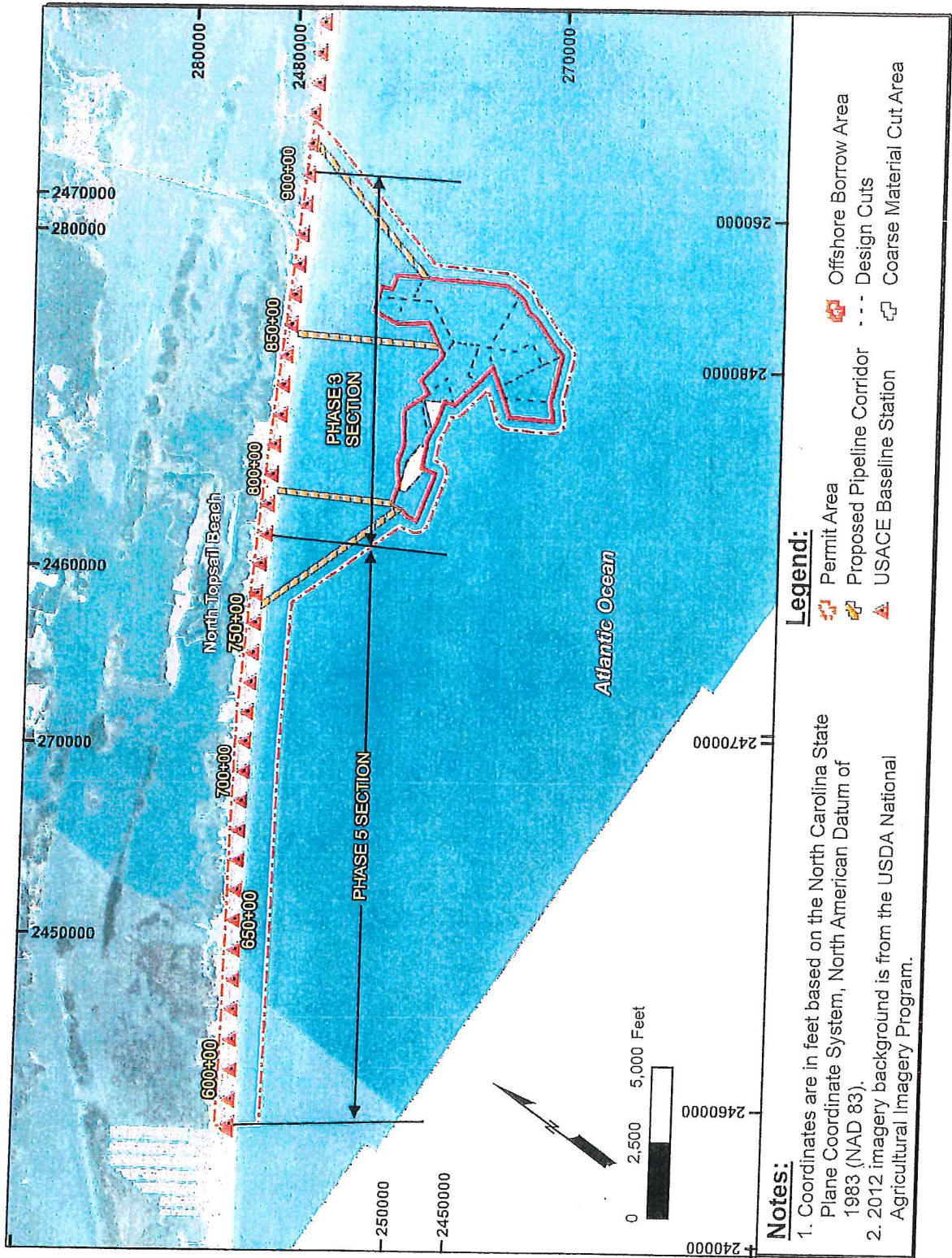
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*Figure 1. Permit Area for the construction of Phase III and Phase V in tandem.

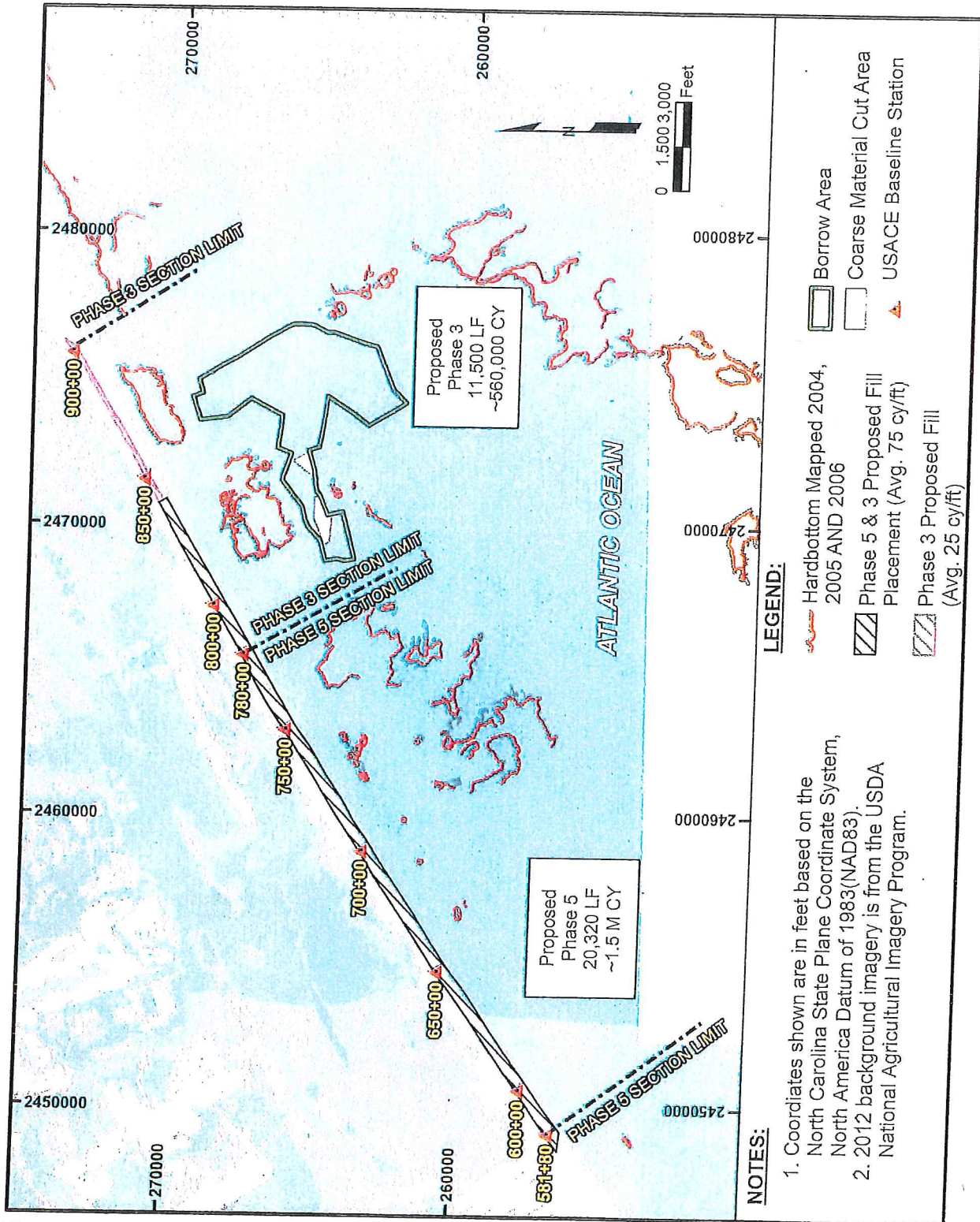


Figure 2. Proposed fill placement for Phase III and Phase V