



United States Department of the Interior

Office of the Secretary
Office of Environmental Policy and Compliance
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Mr. Mickey Sugg
Project Manager
U.S. Army Corps of Engineers
Wilmington District
ATTN: File Number 2006-41158
69 Darlington Avenue
Wilmington, NC 28403

Re: Figure Eight Island Shoreline Management Project, New Hanover County, North Carolina - Final Environmental Impact Statement

Dear Mr. Sugg:

The Department of the Interior (Department) has reviewed the Final Environmental Impact Statement (FEIS) conducted by the U.S. Army Corps of Engineers (USACE) for the Figure Eight Island Shoreline Management Project in New Hanover County North Carolina. We have the following comments for the USACE's consideration as it moves forward with the FEIS:

- The FEIS does not adequately address potential impacts to the piping plover (*Charadrius melodus*) or the red knot (*Calidris canutus rufa*); and
- The Department continues to support Alternative 3 (Rich Inlet Management with Beach Fill) or Alternative 4 (Beach Fill without Inlet Management) as alternatives that meet the purpose and need of the project and are anticipated to have lesser impacts to the Department's trust resources, the piping plover and red knot, than the preferred alternative.

In addition to the National Environmental Policy Act (NEPA) process, on April 20, 2016, the U.S. Fish and Wildlife Service (FWS) and the USACE entered into formal Section 7 of the Endangered Species Act (ESA) consultation on the Figure Eight Island Shoreline Management Project (SAW-2006-41158). The comments in this letter are provided on the FEIS but also give the USACE an early indication of FWS evaluation of the potential impacts on listed species if the preferred alternative is selected for permit. The comments do not represent the results of formal consultation currently underway.

Incomplete information

The FWS previously provided comments to the USACE on the draft EIS and the draft Supplemental EIS on July 3, 2012, and September 9, 2015, respectively. The FWS's comment letters have been enclosed for your reference. In the comments, FWS requested additional information on the piping plover, the seabeach amaranth, sea turtles, and the red knot. After reviewing the FEIS, the Department has determined that there is not adequate information presented on the piping plover and the red knot. Nor was adequate information provided by the USACE in the Biological Assessment (BA) that was provided to FWS through the Section 7 consultation process.

In a review of data provided by the applicant, the North Carolina Wildlife Resources Commission (NCWRC), and others, indicated a very high usage of the project area by piping plovers and red knots over multiple seasons.

On July 15, 2016, additional data concerning the piping plover wintering population in the project area was brought to our attention by FWS staff who work with the Great Lakes population of piping plover. Specifically, FWS received data indicating that nine individual banded piping plovers from the Great Lakes population, an endangered species, have overwintered at Rich Inlet in the past two to three years. This number represents as much as six percent of the entire known population. Neither the FEIS nor the BA provided information on banded piping plover records at Rich Inlet nor did the documents discuss the presence of individuals from the Great Lakes population in the project area.

The Department finds that the additional data is significant information that meets the requirements of Section 1502.9 (C)(1)(ii) of the NEPA Regulations that require agencies to develop supplemental environmental documents when: "There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." Therefore, the Department requests that the USACE either develop a supplemental environmental document or reopen the FEIS to evaluate the potential impacts to the piping plover and red knot. Additional information on the piping plover and red knot that was brought to FWS attention is provided below for the USACE evaluation.

Piping Plover

There were as many as 40 piping plover observations on one day in March 2015, in and near the project area. This number of observations is greater than any other beach in North Carolina outside of Cape Hatteras and Cape Lookout National Seashores (Seashores). Particularly during spring and fall migration, Rich Inlet has more observations of piping plover than any other North Carolina inlet south of Cape Lookout. Birds from all three piping plover populations (Great Plains, Great Lakes and Atlantic) utilize Rich Inlet and the project area. The Department is concerned about potential impacts to the Great Lakes population of piping plovers. The Great Lakes population was listed as endangered under the ESA on December 11, 1985. In 2016, there were 68 pairs of piping plovers nesting throughout the Great Lakes.

North Carolina is one of the only states in which piping plovers both overwinter and breed. The project area has supported a breeding population of piping plovers for each of the past three

years. This year, three chicks hatched (two have recently died), although it is still unknown if the remaining chick will successfully fledge. South Carolina has historically been the most southern Atlantic state where piping plover nesting occurs. Nesting habitat for piping plovers is being lost incrementally in the Carolinas. In recent years, no piping plover nests have been observed in South Carolina, and the nests on Figure Eight Island at Rich Inlet represent the southernmost documented nests in recent years. Due to the relatively undisturbed nature of Figure Eight Island at Rich Inlet, the project area provides one of the last best nesting habitats outside of the Seashores.

The Department is concerned about the potential loss of critical habitat due to the preferred alternative, particularly north of the proposed terminal groin. Critical habitat, including intertidal flats and shoals and unvegetated dry beach, is important for foraging and resting of migratory and overwintering piping plovers. Loss of critical habitat from construction and maintenance of the terminal groin would be an adverse impact to critical habitat and to piping plovers.

Data from NCWRC and the Audubon Society of North Carolina indicate that at least nine individual plovers from the Great Lakes breeding population have been documented at Rich Inlet in the winters of 2014 and 2015, and there have been anywhere from five to seven individuals from the Great Lakes population present in winter between 2009 to 2013. Nine birds represent approximately six percent of the entire population. Some of the individual plovers documented at Rich Inlet have made significant contributions to the recovery of the overall population: one banded female has successfully produced 18 chicks since 2009, including two that fledged this summer. The loss or substantial degradation of the wintering critical habitat at Rich Inlet is likely to have severe consequences for the piping plovers that consistently use the area for foraging and roosting habitat.

Red Knot

The Department also remains concerned for potential impact to migrating and overwintering red knots from the project and finds that the FEIS lacks adequate evaluation of the potential impacts. There were as many as 189 red knot observations in May 2014, in the project area. According to the BA, personnel from the University of North Carolina at Wilmington have monitored Figure Eight Island for red knots since 2010. Red knots have been documented every year. Approximately 100 red knots were observed on Figure Eight Island migrating northward on April 17, 2012, and approximately 300 red knots were observed migrating southward on October 21, 2012, (including one banded individual).

The red knot has one of the longest distance migrations known in the animal kingdom, traveling up to 19,000 mi (30,000 km) annually between breeding grounds in the Arctic Circle and wintering grounds. Red knots undertake long flights that may span thousands of miles without stopping. Because there is so much distance between migration stops, the red knot depends upon known, reliable foraging and resting habitats, with adequate amounts of high calorie prey. Red knots are vulnerable to loss of foraging and nesting habitat, particularly at highly-utilized migration stopover sites, such as Rich Inlet and Figure Eight Island. Rich Inlet and Figure Eight Island appears to be highly-utilized overwintering sites.

Evaluation of Alternatives

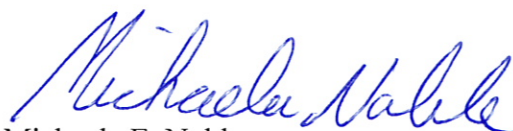
As highlighted in the previous comments provided to the USACE by FWS, in review of the alternatives, the Department finds that Alternative 5D (the preferred alternative) has the potential to have more impacts on the Department's trust resources than other alternatives. The applicant states that the Rich Inlet management with beach fill alternative (Alternative 3) meets the purpose and needs of the project, and that it is practicable. According to the FEIS, Alternative 4 (Beach Nourishment without Inlet Management) would also provide adequate protection of homes from erosion even under the high-erosion scenario.

The FEIS discusses the results of a Generalized Model for Simulating Shoreline Change (GENESIS) model run for Alternative 4. The FEIS states that under simulated erosion conditions based on those in 2007 (high-erosion scenario), "the model suggests that by Year 4, erosion into the preconstruction shoreline would occur north of profile 90+00. However, the risk of losing upland buildings due to erosion appears to be low. Given conditions similar to those in 2012 [low-erosion scenario], the model suggests that erosion into the pre-construction shoreline over the first 4 years would be limited to the taper sections at either end of the fill area." Alternative 4 also includes a maintenance beach fill once every four years, along with the maintenance of a 1,400-foot segment of the Nixon Channel shoreline with a 50-foot wide beach fill. According to Page 358 of the FEIS, the Delft3D model simulation indicates that homes and infrastructure along Nixon Channel would remain "relatively protected with the addition of the 50-foot wide beach fill."

Based upon potential impacts, particularly to the Great Lakes population of piping plovers and piping plover critical habitat, from inlet management and from construction of a terminal groin, the Department recommends that Alternative 3 or Alternative 4 be further evaluated for implementation in a supplemental environmental document or upon reopening the FEIS.

Thank you for the opportunity to review and comment on the FEIS. If you have any questions concerning our comments, please contact Kathy Matthews of the FWS at 919-856-4520, ext. 27, or by email at kathryn_matthews@fws.gov.

Sincerely,



Michaela E. Noble
Director, Office of Environmental Policy
and Compliance

Enclosures

cc: Joyce Stanley, Department of the Interior, Atlanta, joyce_stanley@ios.doi.gov
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