

Executive Summary- Village of Bald Head Island CZMA Comments

Bald Head Island sits at the mouth of the Cape Fear River. The U.S. Army Corps of Engineers navigation channel has over the years damaged the island, costing the Village of Bald Head Island over \$70 million in the past twenty-five years. The proposed channel deepening/widening is a fifty-year project that could cause the Village to incur at least \$150 million or more in mitigation costs.

Prior to the Corps project in 2000, which deepened, widened and moved the channel closer to the Island, the Island's coastal engineer conducted a detailed study of how the navigation projects were impacting the island and shared it with both DCM and the Corps of Engineers. He predicted the 2000 project would result in devastating impacts to the Island (and those predictions came true). As a result of his studies, DCM objected to the project during the CZMA consistency review and proposed specific conditions that would protect the sand sharing system and beaches at the mouth of the river. The Corps agreed to those and adopted the Sand Management Plan ("SMP"), which provides a schedule for depositing maintenance dredged sand on BHI and Caswell Beach. The stated specific purpose of the SMP was to retain sand in the same littoral cell and not remove it to non-adjacent beaches or offshore sites—*i.e.*, sand will erode from those beaches back into the Channel and be returned to the beach during periodic maintenance dredging. The proposed sharing ratio was 2/3 BHI, 1/3 Caswell Beach, with a proviso to monitor the actual erosion rates and adjust that ratio. Twenty+ years of monitoring have shown the ratio is closer to 7 to 1 and the resulting deficit to BHI has been tremendous, costing VBHI over \$70 million to offset the deficit. However, after that project was constructed, the Corps abandoned its assurances and took the position in court that it could not be forced to honor them. The court agreed. The Corps is now removing sand from the Channel and placing it outside the littoral cell.

The proposed Wilmington Harbor Project would cause further damage and continues to ignore the predicted erosion. The shoal that supports BHI beaches is clearly an area of environmental concern ("AEC") protected under CAMA, as are the BHI beaches. The Draft Environmental Impact Statement ("DEIS") did not study the impacts to the shoal or the operation of the sand management system despite specific requests to do so and years of specific monitoring data, which were rejected by the Corps' consultant. The studies that were done by the Corps' consultant are inaccurate and unreliable. The DEIS does not assure compliance with the State's coastal management policies or protection of its AECs.

In 2000, DCM was the only stakeholder who could get the Corps to discuss meaningful mitigation to protect AECs. Mitigation for these valuable AECs is therefore imperative and they must be structured in a way that is legally enforceable.