

response to concerns of the resource agencies the applicant modified Borrow Area X to relocate the landward edge of the borrow area further seaward to minimize any potential modification to the ebb tidal delta of New Topsail Inlet and the adjacent oceanfront and estuarine shorelines. The modified impact area within Borrow Area X was reduced to 127 acres, and minimized the proposed EFH impacts by 24 acres.

A summary of the modifications to Borrow Area X include: (1) The landward cuts (cuts one (1) and two (2)) have been eliminated, (2) the landward edge of cut three (3) has been moved 100 feet seaward in order to further avoid and minimize potential impacts to the ebb-tidal delta, and (3) cut six (6) has been added seaward of cut three (3) to account for the loss of volume. Cut six contains 126,950 cy of beach compatible sand which would result in a net loss of 42,566 cy from Borrow Area X. The total volume of material in Borrow Area X once modifications are taken into account totals 1,583,236 cy. However, the volume needed to maintain the design beach fill totals 1,286,000 cy.

Geotechnical Investigations. The offshore sand search investigations included bathymetric surveys, sidescan sonar surveys, seismic surveys, cultural resource surveys, vibracore collection and analysis, and ground-truth diver surveys to verify existence or non-existence of hard bottoms. The results of the offshore investigations coupled with the compatibility of the sand resource area, native beach sand, and Essential Fish Habitat (EFH) were used to define the selected borrow area. The applicants preferred borrow area, Borrow Area X, was further modified to reflect resource agency comments. All sediment compatibility assessments were based on State of North Carolina sediment compatibility standards that went into effect in February 2007.

Beach Fill Surveys & Design. Typical cross-sections of the beach along the Topsail Beach project area was surveyed. Nearshore profiles will extend seaward to at least the 30-foot NAVD depth contour. The total volume of beach fill to be placed in front of the existing development and infrastructure will be based on an evaluation of erosion of the project area from 2002 through the expected construction date of the Federal project. Additional offshore and inshore data for Lea/Hutaff Island were also obtained along the northern 5,000 feet of the island. This data was used in the evaluation of possible impacts associated with the removal of sediment from the selected offshore borrow area and for future

impact evaluations following project implementation through the use of numerical modeling.

ENVIRONMENTAL RESOURCE COORDINATION & PERMITTING. The USACE prepared a General Reevaluation Report—Environmental Impact Statement (GRR-EIS) for the larger Federal shore protection project (June 2006). The Final GRR and EIS were released for public and agency review and comment in the summer of 2008. The interim beach fill project will be subject to Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act and the North Carolina's State Environmental Policy Act (SEPA).

Preliminary coordination with the USACE—Wilmington District resulted in a determination that a Department of the Army Individual Permit will be needed for project compliance with Sections 10 and 404. Similarly, coordination with the North Carolina Division of Coastal Management (NCDCM) determined that the project would require evaluation through SEPA. A Major Permit under the Coastal Area Management Act was issued by the North Carolina Division of Coastal Management on February 27, 2009.

2. Issues of particular concern. There are several potential environmental issues that are addressed in the FSEIS. Additional issues may be identified during the public review process. Issues initially identified as potentially significant include:

a. Potential impact to marine biological resources (benthic organisms, passageway for fish and other marine life) and Essential Fish Habitat (EFH), particularly hardbottoms.

b. Potential impact to Federally threatened and endangered marine mammals, birds, fish, and plants.

c. Potential impacts to water quality.

d. Potential increase in erosion rates to adjacent beaches.

e. Potential impacts to navigation, commercial and recreational.

f. Potential impacts to private and public property.

g. Potential impacts on public health and safety.

h. Potential impacts to recreational and commercial fishing.

i. The compatibility of the material for nourishment.

j. Potential economic impacts.

4. Alternatives. Several alternatives were considered for the proposed project. These alternatives were further formulated and developed during the scoping process and an appropriate range of alternatives, including the No Action and Non Structural alternative,

are considered in the Final Supplemental EIS.

5. Scoping Process. Project Delivery Team meetings were held to receive comments and assess concerns regarding the appropriate scope and preparation of the FSEIS. Federal, State, and local agencies and other interested organizations and persons participated in these Project Delivery Team meetings.

The COE also consulted with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act and Endangered Species Act. The FSEIS has been revised in accordance with the comments submitted by these agencies. Additionally, the FSEIS has assessed the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and is being coordinated with NCDCM to determine the projects consistency with the Coastal Zone Management Act.

6. Availability of the Final Supplemental EIS (FSEIS). The FSEIS has been published and circulated, and is available for review at the office of U.S. Army Corps of Engineers, Wilmington District, Regulatory Division Office located at 69 Darlington Avenue, Wilmington, North Carolina.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Cancellation of Partially Closed Meeting of the Secretary of the Navy Advisory Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Secretary of the Navy Advisory Panel hereby cancels its notice to receive ethics training and discuss top areas of concern that the Secretary of the Navy should address, as published in the **Federal Register**, March 18, 2009 (74 FR number 50), page 11358.

FOR FURTHER INFORMATION CONTACT:

Colonel Caroline Simkins-Mullins, SECNAV Advisory Panel, Office of Program and Process Assessment, 1000 Navy Pentagon, Washington, DC 20350, telephone: 703-697-9154.

Dated: March 27, 2009.

A.M. Vallandigham,

*Lieutenant Commander, Judge Advocate
General's Corps, U.S. Navy, Federal Register
Liaison Officer.*

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DELAWARE RIVER BASIN COMMISSION

Proposal To Amend Fees for the Review of Projects in Accordance With Section 3.8 and Article 10 of the Delaware River Basin Compact

AGENCY: Delaware River Basin
Commission (DRBC).

ACTION: Notice of public hearing.

SUMMARY: The DRBC will hold a public hearing during its regularly scheduled business meeting to hear comment on a proposal to amend the Commission's fees for the review of projects in accordance with Section 3.8 and Article 10 of the Delaware River Basin Compact. Existing project review fees are proposed to be increased, effective July 1, 2009, for the first time since June of 2003. The increases are needed in order to partly close a significant gap between annual project review fee revenue and the cost of the Commission's project review function.

DATES: All comments must be received on or before the close of the public hearing on May 6, 2009. The hearing will commence at 1:30 p.m. and is expected to end by 2:30 p.m., but will continue until all those who wish to comment have had an opportunity to do so. The Commission would appreciate receiving written comments in advance of the hearing date in order to have an opportunity to review them prior to the hearing.

ADDRESSES: The public hearing will be held in the Goddard Room of the Commission's office building at 25 State Police Drive in West Trenton, New Jersey. Mail written comments to Ms. Paula Schmitt, Delaware River Basin Commission, P.O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628-0360; fax to Attn: Paula Schmitt, Delaware River Basin Commission, 609-883-9500 ext. 224; or send electronic submissions to paula.schmitt@drbc.state.nj.us. See **SUPPLEMENTARY INFORMATION** for proper labeling of submissions.

SUPPLEMENTARY INFORMATION:

Current Fee Schedule. The Commission's current fee schedule for the review of projects in accordance with Section 3.8 and Article 10 of the

Delaware River Basin Compact is set forth in Resolution No. 2005-1 as amended (also, "schedule" or "current fee schedule"), which is posted on the Commission's Web site at <http://www.state.nj.us/drbc/Res2005-1rev.pdf>. Numbered paragraph 3 of the schedule ("paragraph 3") contains a matrix that establishes review fees based on total project cost. Fees set forth in the matrix range from \$250 for publicly sponsored projects costing \$250,000 or less to a maximum of \$50,000 for a public or private project costing over \$10,000,000. Project review fees calculated in accordance with the matrix are doubled for projects resulting in out-of-basin diversions. In addition to the fees calculated in accordance with the matrix in paragraph 3, the current fee schedule provides in relevant part for the following: (a) Fees of \$250 and \$500 respectively for the review of project renewals involving no substantial revisions or modifications (par. 4); (b) a fee of \$500 for the transfer of a docket upon a change of ownership (par. 6); (c) and an incremental charge of \$1,000 for the review of any renewal application submitted less than 120 calendar days in advance of the docket expiration date (or after such other date specified in the docket or permit for filing a renewal application) (par. 12).

Proposed Fee Schedule. The matrix in paragraph 3 of the current schedule is proposed to be revised as follows: For projects costing \$250,000 or less, the proposed fee is \$500 for publicly sponsored projects (increased from \$250) and \$1,000 for privately sponsored projects (increased from \$500). For all projects costing between \$250,001 and \$10,000,000, the proposed fee is 0.4 percent (increased from 0.2 percent) of project cost. The review of projects costing over \$10,000,000 is proposed to carry a revised fee of 0.4 percent of project cost (increased from 0.2 percent) up to the first \$10,000,000 plus 0.12 percent of project cost (increased from 0.06 percent) above \$10,000,000, not to exceed \$75,000 (increased from \$50,000). Fees calculated in accordance with the revised matrix will continue to be doubled for projects resulting in out-of-basin diversions. In addition to the fees calculated in accordance with the matrix in paragraph 3 as revised, the proposed revised fee schedule includes: (a) Fees of \$500 and \$1,000 respectively for the review of public and private project renewals involving no substantial revisions or modifications (increased from \$250 and \$500 respectively) (par. 4); (b) a fee of \$1,000 for the transfer of a docket upon a

change of ownership (increased from \$500) (par. 6); and (c) an incremental charge of \$2,000 for the review of any renewal application submitted less than 120 calendar days in advance of the docket expiration date (or after such other date specified in the docket or permit for filing a renewal application) (increased from \$1,000) (par. 12).

Other Aspects Unchanged. With minor exceptions, including the deletion of paragraphs for which the applicable dates have passed, other aspects of the Commission's current project review fee schedule will remain unchanged, including but not limited to provisions of current paragraph 4 allowing the Executive Director to determine the fee for review of a project revision not involving an increase in costs; and paragraph 8, authorizing the Executive Director to impose, in addition to the initial project review fee, a fee in an amount equal to up to 100 percent of project review costs deemed by the Executive Director to be exceptional.

Basis for Proposed Increases. The proposed fee increases are needed to address significant revenue shortfalls and maintain adequate levels of service in reviewing projects in accordance with Section 3.8 and Article 10 of the Delaware River Basin Compact. The annual average sum of project review fees collected by the DRBC in Fiscal Years 2005 through 2008 was approximately half the annual cost of the project review function to the agency.

Copy of Proposed Revised Fee Schedule. A copy of this notice, along with the proposed revised fee schedule with changes noted, can be viewed on the Commission's Web site, drbc.net.

Effective Date. The revised fee schedule is proposed to become effective on July 1, 2009, the first day of the Commission's 2010 fiscal year.

Labeling of Written Submissions. Please use "Project Review Fee Changes" in the subject line for all written submissions.

FOR FURTHER INFORMATION CONTACT:

Pamela M. Bush, Commission Secretary and Assistant General Counsel, DRBC, 609-883-9500 ext. 203, pamela.bush@drbc.state.nj.us, or Chad Pindar, Project Review Supervisor, 609-883-9500 ext. 204, chad.pindar@drbc.state.nj.us.

Dated: March 27, 2009.

Pamela M. Bush,

Commission Secretary & Assistant General Counsel.

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