



February 24, 2020

Colonel Robert J. Clark
Commander, Wilmington District
U.S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403

Dear Colonel Clark:

The State of North Carolina (State), in collaboration with the North Carolina Department of Environmental Quality (NCDEQ) and North Carolina Department of Transportation (NCDOT), is willing and able to acquire ownership of and accept maintenance responsibility for the Cape Fear River Locks and Dams (CFRLD) in the Cape Fear River between Wilmington and Fayetteville, North Carolina. The purpose of ownership would be to protect water quality, water supply, fish passage, aquatic habitat, and recreational opportunities on the Cape Fear River. More specifically, we value this opportunity to maintain public trust resources to protect public water supply as well as, improve fish passage, and enhance flood mitigation and resiliency. Many stakeholders depend on the ongoing operation and maintenance of these locks and dams and state ownership ensures all interests are represented moving forward. NCDEQ staff have held several meetings with federal, state and local officials since April of 2019 to ensure all interests and concerns were addressed should the state take over the locks and dams. On December 18, 2019, NCDEQ hosted a meeting with community organizations, local utilities and leaders in the area to gather input and assess their priorities and concerns. The State will ensure that all stakeholder interests are represented and continue to protect these environmental and cultural resources for the use of our citizens.

This decision is the result of Session Law 2008-186, which recognizes there is no federal interest in maintaining and operating the locks and dams and allows the State to acquire them. The State recognizes that commercial barge traffic using the CFRLD has ceased and the U.S. Army Corps of Engineers (USACE) continues to incur annual operation and maintenance costs. USACE has prepared the Section 216 Disposition Study Draft Report for the CFRLD, and this Study evaluates the current and future usage of the locks and dams. It also provides the recommended plan to de-authorize the CFRLD and transfer all real estate, operations and maintenance of the structure. If Congress approves the deauthorization of the CFRLD, the State understands the disposal and transfer is typically through the United States General Services Administration (GSA) and they would look to other federal entities before looking to the State. The State recognizes that Congress may name a transferee and approve disposal of the property to the State, and then the State would proceed to accept all real estate, operations and

maintenance of the structures. Should transfer occur, the State could acquire ownership of the CFRLD and associated facilities, including recreation areas, with no cost or fees.

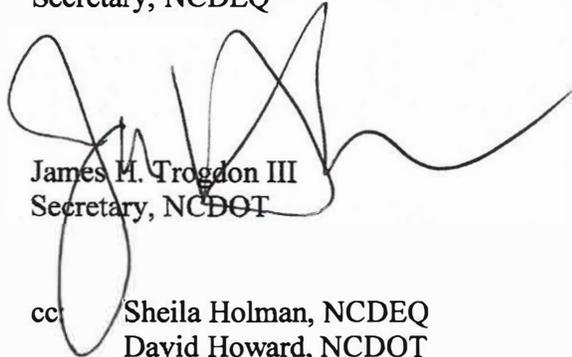
The State is aware this letter constitutes an expression of intent to initiate the disposal process and become the landholding agency, and that it is not a contractual obligation. We understand that a transfer of real estate cannot commence until a Report and Recommendation of Excess (RROE) is prepared and submitted, the property has been screened for other needs, unless otherwise directed by Congress.

Please contact Coley Cordeiro at (919) 707-9013 or Coley.Cordeiro@ncdenr.gov if you have any questions regarding this letter. We look forward to continued collaboration USACE on the transfer of the CFRLD.

Sincerely,



Michael S. Regan
Secretary, NCDEQ



James M. Trogdon III
Secretary, NCDOT

cc: Sheila Holman, NCDEQ
David Howard, NCDOT
Danny Smith, NCDWR
Christine Brayman, Wilmington District, USACE
Brennan Dooley, Wilmington District, USACE
Elden Gatwood, Wilmington District, USACE