US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 24, 2019
Comment Deadline: October 23, 2019
Corps Action ID Number: SAW-2019-01616

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Alan Shuping of the Grandfather Golf and Country Club seeking Department of the Army authorization to dredge accumulated sediment and to conduct stream bank/shoreline stabilization activities, along with other improvements on infrastructure in an existing impoundment known as Loch Dornie, at the Grandfather Golf and Country Club, on NC Highway 105, in Linville, Avery County, North Carolina.

Specific plans and location information are described below. Due to the large size/amount of plans, they can be accessed at the following link along with this Public Notice.
http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx

Applicant:
Mr. Alan Shuping
Grandfather Golf and Country Club
Post Office Box 368
Linville, North Carolina 28646

AGENT (if applicable):
Ms. Keven Arrance
Hazen and Sawyer
4011 West Chase Blvd. Suite, 500
Raleigh, North Carolina 27513

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344)

☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Location Description:

Project Area (acres):	23	Nearest Town: Linville, NC
Nearest Waterway:	Linville River	River Basin: Catawba (03050101)
Latitude and Longitude:	36.101170 N, -81.852862 W	

Existing Site Conditions

The project is located within the existing Grandfather Golf and Country Club residential development. Existing site conditions are comprised of an approximately 38-acre man made impoundment (Loch Dornie) with a surrounding golf course and residential homes. There are six uninhabited islands and one inhabited island within the lake. Land use within the project vicinity includes the golf course, administrative and recreational buildings associated with the golf course and country club, other recreational areas, residential properties (both single and multi-family), and undeveloped forested areas. Recreational facilities and areas include a clubhouse, maintained lawn areas, a beach adjacent to the lake, a walking path, and pedestrian bridges. The lake impounds a reach of the Linville River which ultimately drains to the Catawba River.

Applicant's Stated Purpose

The project consists of numerous enhancements on the site to improve the usability and the safety of the lake which is a primary recreational feature of this existing development. The primary purposes are: 1) to dredge accumulated sediments from the Linville River and Loch Dornie; 2) to improve unstable river banks and lake shoreline areas; 3) to replace pedestrian bridges that have become unsafe and hazardous; 4) and, to protect sanitary sewer assets.

Project Description

The proposed project consists of numerous enhancements within the Grandfather Golf and Country Club (GGCC) property. The primary goal of the project is to remove accumulated sediments from within Loch Dornie and the Linville River channel while providing bank and shoreline stabilization. The project components include dredging accumulated sediments, reconstruction of uninhabited islands in Loch Dornie, removal of seven pedestrian bridges and replacement of five of the seven bridges, sanitary sewer replacement and protection, bank and shoreline stabilization, construction of a new event lawn and pedestrian path, and erosion and sediment control measures in the environmental release channel.

Loch Dornie has received sediments from areas upstream of the GGCC property that have been transported by the Linville River and deposited in the lake when water flows slowed. The sediments are proposed to be dredged from the lake and reused onsite for shoreline stabilization. Additionally, in the upper portion of the lake, Loch Dornie is split into narrow lake canals that are referred to as the "east channel" and the "west channel". At the split, a large amount of

cobble has been deposited by the river and is altering the flow patterns in the two lake channels, occasionally eliminating flows in the east channel. The cobble is proposed to be removed by dredging and reused onsite for shoreline stabilization.

Currently, there are six uninhabited islands in Loch Dornie. These islands are proposed to be removed or modified as part of the project. The uninhabited islands are characterized by deteriorating shorelines. Four of the six islands are currently connected by pedestrian footbridges (Bridges A through E). GGCC proposes to remove or modify the six uninhabited islands and construct two new uninhabited islands in approximately the same location in Loch Dornie. The two new, larger islands will be connected by three new pedestrian footbridges (Proposed Bridge #1, #2, and #3). The footbridges will be made of fiber reinforced plastic (FRP) with concrete bridge abutments at each end. Bridges #1 and #2 will span the waterway and avoid permanent impacts to the lake and lakebed. Bridge #3 will consist of three 60-foot long sections that will require two support piers to be constructed in the lake. Three options for the piers have been designed; the option selected shall depend on the foundation conditions encountered during construction. Dependent upon geotechnical conditions, the piers will consist of either treated wooden piles driven to depth adequate for support, or concrete supports or wooden piles anchored into a cast-in-place concrete. The two piers are assumed to be 15 feet tall and 2.5 to 2.5 feet wide. The long dimension will be 9.5 feet at the top and roughly 18 feet at the base. The dimensions of two cast-in-place concrete bases to establish a level foundation for each pier are assumed to be 22 feet long, 7 feet wide, and 2 feet deep.

The new islands will be constructed with gentler sloping shorelines that are designed to be more stable and withstand greater sheer stresses than the current shorelines. Fill materials used to construct the two new islands are anticipated to consist of suitable dry borrow material, dredged lakebed and cobble materials from within the project area. The shorelines will be landscaped and planted to improve the resiliency and stability of the new land surface. The large island is proposed to be 0.61 acre in size, and the small island is proposed to be 0.26 acre in size.

Within the project area, there are a total of seven existing pedestrian bridges (Bridges A through G). Five of the existing bridges (Bridges A through E) connect land on either side of Loch Dornie with the aforementioned five uninhabited islands. Bridge F connects land along the western shore of Loch Dornie with the inhabited island that is situated between the west and east channels of the upper Loch Dornie. Bridge G spans the Linville River immediately upstream of the west and east channel split. Bridge G has been closed to users due to its lack of structural integrity and severe risk of structural failure. Bridges F and G are proposed to be replaced. Bridge F is proposed to be replaced in place with Bridge #4. Bridge G is proposed to be replaced by Bridge #5 and will be adjusted slightly from the alignment of the existing bridge in order to simplify sanitary sewer reconnection.

There are three segments of sanitary sewer pipes that need replacement or protection. Two segments are currently attached to the substructure of Bridges F and G described in the preceding paragraph. These two sanitary sewer pipes will be replaced in-kind and in similar fashion. The new sewers will be attached to the substructure of the new bridges. As the alignment and length of Bridge F is to remain unchanged, the associated 6-inch diameter sewer will also be replaced with the same length of pipe as is present. As Bridge G will be realigned from its current

position, the associated 8-inch diameter sewer will likewise be extended. With 96 feet of existing sewer being replaced with 105 feet of new sewer. The third sanitary sewer segment is proposed to be protected. The third segment consists of an exposed pipe crossing the Linville River in the northern most portion of the project area. Protection of the sewer is proposed to be accomplished by construction of a grade control sill (GCS) around the pipe. The GCS consists of rock that will be placed to protect the 8-inch diameter pipe across the full width of the river.

Bank and shoreline stabilization measures are proposed along reaches of the Linville River, the east and west lake channels of Loch Dornie, and Loch Dornie. A total of eight locations are proposed for bank or shoreline stabilization, not including the previously described island construction and associated shoreline stability design. Bank stabilization (BS) #1 is located within the Linville River in the upstream most portion of the project area. BS #1 consists of construction of a 208 foot long imbricated rock wall along the west bank of the river, regrading the east bank of the river to create a floodplain bench, and installation of 5 GCSs in the bed of the river. BS #2 is located along the west bank of the Linville River immediately downstream of Bridge G. The BS #2 location is immediately upstream of the transition from flowing river to impounded open water area. Stabilization of the BS #2 site consists of constructing an imbricated rock wall along 80 feet of the west bank of the river that will tie into an existing stacked rock wall and will match the existing bank surface. The imbricated rock wall is needed to provide structural support to a very steep bank adjacent to a building. BS #2 will also protect the new bridge and sanitary sewer manhole from hazards associated with future erosion of the stream bank.

BS #3 and #4 are associated with the shoreline along the inhabited island in Loch Dornie. BS #3 is located along the west bank of the east lake channel. The BS #3 site has nearly vertical banks and is at high risk of undermining the structural integrity of private residences on the island if left in its current condition. BS #4 is located along the south bank of the inhabited island and is located where the east and west lake channels converge in Loch Dornie. Due to the current geometry and location of the bank at the BS #4 site, the conditions are appropriate to allow the development of eddies during times of high flows. BS #4 is needed to protect private residential structures, provide increased shoreline stability, and improve accessibility and safety along the south end of the inhabited island.

BS #5 and #6 are located along the western shore of Loch Dornie. BS #5 consists of construction of a littoral shore and retention of the existing location of the lake's edge of water. BS #6 includes backfilling the site to smooth the line of the shore and reduce shoreline slope to reduce the risk of future erosive forces along the segment of shoreline. BS #6 involves shifting the edge of water eastward.

BS #7 and #8 are located along the eastern shore of Loch Dornie. BS #7 is located near the downstream end of the east lake channel of upper Loch Dornie. BS #7 is triangular in shape and shows evidence of ongoing erosion of the existing shoreline. The area has a history of maintenance issues, primarily related to the steep slope above normal pool elevation and the frequent sediment deposition. The area is proposed to be backfilled, shifting the edge of water to the southwest. Within the BS #7 area, an existing stormwater pipe discharges into Loch Dornie. The pipe is proposed to be extended by 105 feet through the area to be backfilled in order to

retain the existing discharge into the lake. BS #4, #6, and #7 have been designed to encourage water movement that is anticipated to promote self-maintenance of the newly dredged areas, thereby reducing future maintenance needs.

BS #8 is located adjacent to the existing clubhouse on the eastern shore of the lake. The shoreline at the BS #8 site is proposed to be extended into the lake. The northern portion of the BS #8 site is to be graded with gentler slopes than are currently present, and the southern section of BS #8 site is proposed to be stabilized with a concrete retaining wall. The area around BS #8 is often used by residents and visitors to GGCC and presents a hazard due to the steep, abrupt slopes and ongoing erosion. The design of BS #8 provides for shoreline stabilization and pedestrian safety as well as the construction of an event lawn. The event lawn will provide an outdoor space for recreation and gatherings with the scenic lake as a backdrop.

The proposed enhancements of the GGCC property include path improvements for an approximately 1,300-foot long, 6-foot wide pedestrian path along the west side of Loch Dornie. The current path is maintained grass, follows the existing sanitary sewer alignment and is occasionally used for maintenance access. The proposed pedestrian path improvements will connect the club's administrative offices, fitness center and recreation area to multiple residences and condos surrounding upper Loch Dornie as well as the island bridges that connect over to the clubhouse. An additional 200 feet of pedestrian path improvements will connect Loch Dornie Drive to proposed Bridge#4 and extend briefly east of Bridge #4 on the inhabited island. The path is proposed to consist of compacted subgrade with 4-inch deep compacted aggregated base topped with 4-inch thick granite screenings. The edges of the path will be maintained in perpetuity by 6-inch tall aluminum edging that will be held in place by 12-inch long aluminum stakes. Presently, pedestrians share the paved roadways with vehicular traffic. The roads are two-lane facilities with narrow, vegetated shoulders, presenting a safety concern for pedestrians. The proposed pedestrian path will provide a safe alternative to sharing the road as well as a more scenic, aesthetically pleasing route.

Loch Dornie discharges water over the spillway, located at the southeastern corner of the lake, and through an environmental release pipe. GGCC is required to maintain a minimum flow through the environmental release pipe to support aquatic life in the Linville River downstream of the Loch Dornie dam. To accommodate the proposed in-water work of the project, the lake will be drawn down to establish dry work areas, which will result in no water passing over the spillway and the only flows from the lake being through the environmental release pipe. Water diversion and erosion and sedimentation control measures will be in place to protect water quality. During large storm events, however, water in the lake is expected to rise and be characterized in higher than normal turbidity due to suspended sediments. In order to protect downstream water quality during the lake draw-down period, the project also includes an additional level of treatment that is the placement of erosion and sediment control measures below the dam in the environmental release channel. These measures consist of floc logs or blocks to introduce polyacrylamide and coir log rolls to trap suspended sediments.

Erosion and sediment control measures will be implemented and maintained in good condition throughout the construction period. Measures shall include silt fencing along the downgradient limits of disturbance, turbidity curtains in Loch Dornie immediately downstream of the work

areas and immediately upstream of the spillway, and floc logs and coir log rolls in the environmental release channel. Additionally, all work conducted in the river or lake will be performed in dry work conditions. The river will be diverted away from active construction areas and will be conveyed via gravity diversion pipes as needed to ensure dry work zones. The lake will be drawn down at the commencement of construction in order to establish dry work areas to accommodate the proposed lake dredging, island reconstruction, and shoreline stabilization.

Construction access to the construction area will be provided by the existing roads at the GGCC. Vehicular and equipment access within the limits of disturbance shall be provided via existing access paths, stabilized construction entrances, and temporary access paths. The temporary access paths are proposed to be constructed of Geoterra structural mats or similar construction matting. The access paths will generally be 12 feet wide and located in upland areas. Four points of direct stream or lake access or crossing are proposed along the access paths, and all other stream crossings coincide with existing site access paths and existing culverts. Stabilized construction entrances shall be installed where temporary access paths intersect the existing paved roadways. Stabilized construction entrances will consist of a gravel pad measuring at least 50 feet in length, 12 feet in width, and 6 inches in depth. The gravel will be placed on filter fabric. The construction entrance is to be inspected weekly and following each rainfall producing 0.5 inch or more of rain.

Indirect impacts may result from the proposed project. Potential indirect impacts include alterations of downstream water quality, temporary alteration of the aesthetic quality of the site, and increased traffic within the GGCC property during construction. Downstream water quality will be protected by implementation of suitable stormwater Best Management Practices (BMPs) and a project-specific approved erosion and sedimentation plan. The environmental release channel, which maintains minimum flows from the lake to the downstream reach of Linville River, will provide protection to Linville River from suspended sediments and turbidity via temporary placement of flocculent blocks and coir logs/wattles at the outfall pipe inlet and within the environmental release channel. The visual character of the GGCC will be temporary altered during construction. The aesthetic impact is part of the reason behind scheduling construction during the off-season, allowing the number of residents and guests to be affected by the visual impact to be reduced in comparison to the number of people onsite during GGCC's season. Winter scheduling also minimizes the effects of increased traffic associated with construction as there are fewer vehicles onsite during the winter months. The proposed construction schedule was developed, giving consideration to restrictions associated with encroachment into trout waters and buffers along trout waters as well as the dates of the GGCC off-season. The trout waters and buffer time-of-year restriction is herein requested to be adjusted via WRC variance to allow in-water work and land disturbance within the protected buffer beginning on January 1. Work is proposed to begin in November and be completed by April 30.

During the months of November and December, work is proposed to consist of site preparation and other activities upgradient of the landward limit of the trout buffer, which is 25 feet wide and abuts the top of bank of the Linville River and Loch Dornie. These activities include installation of stabilized construction entrances and staging areas in high ground, disassembling of existing wood bridge structures, replacement of existing Bridge G with proposed Bridge #5, and construction of a retaining wall section in high ground by the clubhouse. Bridge #5 will be

assembled on high ground immediately adjacent to the proposed location then lifted into place using a crane. January 1, in-water work and buffer-disturbing work is proposed to commence. This work shall consist of major grading, dredging, and wall construction, and is expected to occur over a three-month period, ending on or about March 31. Final stabilization measures, bridge construction, and landscaping is one month, occurring from April 1 to April 30.

Construction equipment is anticipated to include large excavators, bulldozers, and dump trucks. Small skid steer loaders are expected to be utilized onsite as well. A crane is proposed to be used for placing some of the bridge structures. Additionally, jackhammers or similar equipment may be used, if found to be necessary, where bedrock is encountered. A pile driver may be used to install proposed bridge piers.

Below is a table summarizing the proposed impacts described above.

Site #	**Impact Type**	**Type of Impact**	**Waterbody Name**	**Stream Impact Length (linear feet)**
S1	Sanitary Sewer Protection	Permanent	Linville River	6
S2	Bank Stabilization #1	Permanent	Linville River	208
S3	Construction Access for S2	Temporary	Linville River	12
S4	Grade Control Sills (4)	Permanent	Linville River	65
S5	Bank Stabilization #2	Temporary	Linville River	54
S6	Bridge and sewer replacement	Temporary	Linville River	5
				Area Impact (acres)
L1	Dredging Accumulated Sediments	Permanent	Loch Dornie	5.92
L2	Island Construction	Permanent	Loch Dornie	1.07
L3*	Shoreline Stabilization	Permanent	Loch Dornie	1.12
L4	Dewatering and turbidity curtain	Temporary	Loch Dornie	4.60
L5**	Bridge Pier Footing	Permanent	Loch Dornie	0.01

*Impact site L3 includes BS#3 through BS#8
**Impact site L5 includes 308 square feet (0.007 acre)

As noted in the table above, a total of 279 linear feet of stream channel/stream bank will be permanently impacted from bank stabilization activities along with 71 linear feet of temporary impacts. Approximately 8.12 acres of open water will be permanently impacted by dredging activities along with 4.6 acre of temporary impacts to open water.

With regards to volume of material that will be dredged, approximately 25,118 cubic yards will be dredged from Impact Site L1. Of that dredged material, approximately 7,238 cubic yards of material will used for island reconstruction and bank/shoreline stabilization at Impact Sites L2 and L3.

Also for additional reference, a previous Department of the Army permit requested was submitted in 2017 but withdrawn pending project revisions. Design elements that were added between 2017 and 2019 include the island reconstruction, grade control sills, sanitary sewer protection, bridge replacement, and the extent of temporary dewatering.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment. As stated by the applicant, full avoidance of impacts can only be accomplished with a no-build alternative, which leaves bridges in imminent danger of collapse, risks a failure of sanitary sewer pipelines and associated spillage of raw sewage into the Linville River, and allows the effects of accumulated sediments to remain and continue to increase. The effects of accumulated sediments include restriction of flow, potential increase in water temperature, excessive growth of vegetation in shallow lake areas, and possibly increased sedimentation downstream during high flows.

Stormwater Best Management Practices (BMPs) have been included in the project design to ensure that water quality is protected during construction. BMPs include silt fencing with stone outlets, turbidity curtains downstream of work area and upstream of the lake spillway, and routine inspection and maintenance of erosion and sediment control measures.

Shoreline stabilization has been designed to be resilient to high flows that are characteristic of the project vicinity. Shoreline and bank stabilization measures will protect downstream water quality by reducing eroded sediments in the waterway and by providing vegetated shore areas that will facilitate nutrient and sediment removal from stormwater prior to entering the waterways. Additionally, the island reconstruction and shoreline stabilization components have been designed to improve flow patterns through the lake and encourage more favorable sediment transport and sediment deposition patterns, which will help to minimize future maintenance dredging needs and eliminate offsite disposal of dredged materials.

The construction schedule has been set to restrict in-water work during trout spawning period, allowing in-water work and land disturbance within the 25-foot trout waters buffer to commence no earlier than January 1. The construction schedule requires a variance from the NC Wildlife Resources Commission (WRC), which is being requested for concurrent review. As a variance was previously authorized by WRC for the project, it is anticipated that construction will be permitted to begin in January.

Lake and river access points and/or crossings will be provided by existing access paths and four temporary construction access paths. The access plan strikes a balance between minimizing the number of access points and crossings and minimizing excessive vehicular and equipment movements within the lake and river beds. All in-water work will be performed under dry conditions. Dry work areas will be established using stream diversions to direct river flows into the west or east channel as needed, draw-down of the lake by 8 feet, gravity-fed piped

conveyance of river flows through work areas, and a siphon and pump system to maintain the lake drawdown. The siphon and pump system will be installed at the downstream end of the lake and will be used to temporarily dewater the lake, pumping water over the lake spillway as needed to maintain the lake drawdown.

All cast-in-place concrete work shall be performed in dry conditions. All necessary measures will be taken to ensure that surface waters do not contact wet concrete.

Turbidity curtains will be installed at two locations in the lake. A pair of turbidity curtains will be installed immediately upgradient of the northern edge of water during lake drawdown to capture suspended sediments at the downgradient edge of the work area associated with the dredging and island reconstruction. A turbidity curtain will be installed between the edge of water during lake drawdown and the siphon and pump system that will be placed at the lake spillway.

Silt fencing with stabilized outlets will be installed along the downgradient edge of upland work areas. The silt fence will be inspected regularly and maintained as needed to ensure efficacy.

Dredging methods were evaluated for the proposed project. Hydraulic dredging of the lake and river bed was considered but determined to not meet the needs of the project. The time required to remove the necessary volume of material and the cost associated with hydraulic dredging would result in extending the construction schedule into the GGCC's in-season time and roughly doubling the cost for the dredging.

Compensatory Mitigation

The applicant did not propose any compensatory mitigation.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

☐ Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.

☒ No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

☐ Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).

☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).

☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).

☐ The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-indentified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

☒ The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

☐ The Corps determines that the proposed project may effect federally listed endangered or threatened species or their formally designated critical habitat.

☐ The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☐ The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☐ The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

☐ The Corps determines that the proposed project may effect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.

☐ The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by October 15, 2019 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

☐ The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b) (2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.

☒ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, October 23, 2019. Comments should be submitted to Ms. Amanda Jones, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801, at (828) 271-7980, extension 4225.