



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 4, 2019
Comment Deadline: March 4, 2019
Corps Action ID Number: SAW-2017-01091

The Wilmington District, Corps of Engineers (Corps or USACE) received an application from Mr. Steven DeFrancis of Kenjack Farms, LLC, (Kenjack Farms) seeking Department of the Army authorization for 1.9 acres of permanent wetland impacts (fill, grading, and conversion) associated with the construction of a 2.1 acre private amenity pond at 1749 Yellow Mountain Road in Cashiers, Jackson County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Mr. Steven DeFrancis
Kenjack Farms, LLC
3424 Peachtree Road, NE
Atlanta, Georgia 30326

AGENT (if applicable): Mr. Ronnie Dilbeck
Creekstone, PLLC
132 Blueberry Lane
Franklin, North Carolina 28734

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

Directions to Site: From the intersection of U.S. Highway 64 and N.C. Highway 107 in Cashiers, proceed north (toward Cullowhee) on N.C. Highway 107 for 1.8 miles. Turn left onto North Norton Road (Road 1145) and proceed 1.9 miles. Take a slight left onto Norton Road (Road 1144) and proceed 1.6 miles. Turn right onto Yellow Mountain Road (Road 1149) and proceed for 1.9 miles. Turn right onto private driveway at 1749 Yellow Mountain Road.

Project Area (acres):	36.9
Nearest Town:	Cashiers
Nearest Waterway:	Unnamed Tributaries (UTs) Norton Creek
River Basin:	Tuckasegee [Hydrologic Unit Code (HUC) 06010203]
Latitude and Longitude:	35.13593 N, 83.17418 W

Existing Site Conditions

Kenjack Farms owns an approximately 36.9 acre tract of land (PIN 7553-20-6376) at 1749 Yellow Mountain Road. The project site is primarily rural developed residential land with maintained open and forested areas. The property historically has been used for residential, agriculture, and silviculture activities for the past 50 years. The project site is surrounded by developed rural residential, agricultural, and undeveloped forested lands.

The project area is situated in the Blue Ridge physiographic province and in the Southern Crystalline Ridges and Mountains Ecoregion of North Carolina. Blue Ridge province is a mountainous zone that extends northeast-southwest from southern Pennsylvania to central Alabama. The physiography of the Jackson County consists of high, intermediate, and low mountains; floodplains; and low stream terraces. The site has sloping to rolling terrain with small valleys and an average elevation of approximately 4,100 feet above mean sea level (msl).

Waters at the project site are part of the Tennessee River system being in the Little Tennessee River Basin and within the Tuckasegee River watershed (HUC 06010203). UTs of Norton Creek and wetlands are located at the project site. Streams at the site generally drain to the northeast and east. UTs Norton Creek flow into a north branch of Norton Creek approximately 0.25 mile downstream of the site. As designated by the North Carolina Department of Environmental Quality (NCDEQ) – Division of Water Resources (DWR), streams at the site are classified as water supply III (WS-III), trout, and special designated waters. Special designated waters in the Little Tennessee Basin are subject to the actions specified in North Carolina statute 15A NCAC 2B .0224, the High Quality Waters (HQW) rule, in order to protect downstream waters designated as HQW.

As noted above, there are wetlands located within the project site. The wetlands at the site are associated with a large contiguous bog-fen wetland type with mostly emergent and shrub vegetation. This wetland is located in the east portion of the site in the lowest topographic area of

the property. The west portion of this wetland area is being maintained as an open area. The proposed project site contains the following amounts of jurisdictional waters of the U.S. (WoUS):

Summary of Jurisdictional Waters

Aquatic Resource	Amount
Stream	750 lf
Wetland	3.84 ac

lf - linear feet; ac - acre

Two soil associations are present on the project site. The Plott-Edenysville-Chestnut-Cullasaja and Whiteside-Tuckasegee-Nikwasi associations are classified as soils that have a loamy surface layer and subsoil which formed in material weathered from high-grade metamorphic rocks, colluvium, or alluvium and can contain areas of rock outcrops. The soil units or series present on the site include, Edenysville-Chestnut complex, Plott fine sandy loam, Sylva-Whiteside complex, and Tuckasegee-Whiteside complex.

Several habitat types are present at the Kenjack Farms project site. The following is a summary of each of the habitat types identified on-site.

Mixed pine/hardwood forest habitat in low uplands. Hardwood trees dominate this habitat type. This habitat type has a dense understory and sparse herbaceous layer. Dominant canopy species include red maple (*Acer rubrum*), sweet birch (*Betula lenta*), mockernut hickory (*Carya tomentosa*), tulip poplar (*Liriodendron tulipifera*), Fraser magnolia (*Magnolia fraseri*), sourwood (*Oxydendrum arboreum*), white pine (*Pinus strobus*), Chestnut oak (*Quercus prinus*), blackjack oak (*Quercus marilandica*), and hemlock (*Tsuga canadensis*). Dominant saplings/shrub species include pignut hickory (*Carya glabra*), chestnut (*Castanea dentata*), witch hazel (*Hamamelis virginiana*), American holly (*Ilex opaca*), buffalo nut (*Pyrolaria pubera*), rhododendron (*Rhododendron maximum*), sassafras (*Sassafras albidum*), and blueberry (*Vaccinium* sp.). Dominant herbaceous species include fly poison (*Amianthium muscitoxicum*), spotted wintergreen (*Chimaphila maculata*), strawberry (*Fragaria* sp.), rattlesnake plantain (*Goodyera pubescens*), little brown jug (*Hexastylis arifolia*), Indian cucumber root (*Medeola virginiana*), partridge berry (*Mitchella repens*), Virginia creeper (*Parthenocissus quinquefolia*), Solomon Seal (*Polygonatum biflorum*), Christmas fern (*Polystichum acrostichoides*), New York fern (*Thelypteris noveboracensis*), poison ivy (*Toxicodendron radicans*), nodding trillium (*Trillium cernuum*), and Halberdleaf violet (*Viola hastata*).

Maintained pasture habitat includes predominantly herbaceous vegetation and land that is mowed at regular intervals. Tree and shrub species present are individuals and are dominated by red maple, dogwood, tulip poplar, red oak (*Quercus rubra*), mountain laurel, and sassafras. Dominant herbaceous species include yarrow (*Achillea millefolium*), ragweed (*Ambrosia artemisiifolia*), virgin's bower, field bindweed (*Convolvulus arvensis*), orchard grass (*Dactylis* sp.), fescue (*Festuca* sp.), strawberry, ground ivy, English ivy (*Hedera helix*), bluets (*Houstonia*

sp.), yellow flag (*Iris pseudacorus*), oxeye daisy (*Leucanthemum vulgare*), sorrel (*Oxalis sp.*), Virginia creeper, pokeweed (*Phytolacca americana*), lanceleaf plantain (*Plantago lanceolata*), broadleaf plantain (*Plantago major*), cinquefoil (*Potentilla sp.*), buttercup (*Ranunculus sp.*), yellow dock (*Rumex crispus*), sage (*Salvia sp.*), dandelion, red clover (*Trifolium pretense*), white clover (*Trifolium repens*), vetch (*Vicia sp.*), sweet white violet, and violet (*Viola sp.*).

Wetland and wetland fringe habitat at the project site is a bog-fen wetland approximately 3.84 acres in size located in the east portion of the site. Dominant saplings/shrubs include tag alder (*Alnus serrulata*), red maple, elderberry (*Sambucus canadensis*), rhododendron (*Rhododendron maximum*), and chokeberry (*Aronia arbutifolia*). Dominant herbaceous species include swamp rose (*Rosa palustris*), jewelweed (*Impatiens capensis*), sedges (*Carex sp.*), cattails (*Typha latifolia*), and smooth rush (*Juncus effusus*).

Freshwater stream habitat include the streambeds and banks of UTs Norton Creek. These streams vary from 2 to 4 feet wide. Permanently rooted aquatic plants can be present in the stream bed of the upper reaches, but are practically non-existent in the stream bed of the lower reaches. The stream bed substrate is predominantly sand and gravel, with some cobble, and few boulder. The wetland and wetland fringe habitat is predominant adjacent to stream channels. Stream banks are dominated by shrub species.

Terrestrial communities at the project site are comprised of forested lands with maintained open habitats that may support a diverse number of wildlife species. Representative mammal, bird, reptile, and amphibian species commonly occurring in the habitats noted above is listed in the following paragraph. Information on these species that typically use the habitats at the project site was obtained from relevant literature, mainly the Biodiversity of the Southeastern United States, Upland Terrestrial Communities (Martin et al. 1993).

Mammal species that commonly occur in these habitats include eastern cottontail (*Sylvilagus floridanus*); gray squirrel (*Sciurus carolinensis*); eastern chipmunk (*Tamias striatus*), southern flying squirrel (*Glaucomys volans*), various vole, rat, and mice species; raccoon (*Procyon lotor*); Virginia opossum (*Didelphis virginiana*); white-tailed deer (*Odocoileus virginiana*), and black bear (*Ursus americanus*). Bird species that commonly use these habitats include indigo bunting (*Passerina cyanea*), prairie warbler (*Dendroica discolor*), northern cardinal (*Cardinalis cardinalis*), field sparrow (*Spizella pusilla*), rufous-sided towhee (*Pipilo erythrophthalmus*), red-eyed vireo (*Vireo olivaceus*), scarlet tanager (*Piranga olivacea*), blue jay (*Cyanocitta cristata*), and Carolina chickadee (*Poecile carolinensis*). Predatory birds may include several hawk and owl species and turkey vulture (*Cathartes aura*). Reptile and amphibian species that may use the terrestrial community include copperhead (*Agkistrodon contortrix*), eastern corn snake (*Pantherophis guttatus*), eastern box turtle (*Terrapene carolina carolina*), eastern fence lizard (*Sceloporus undulatus*), five-lined skink (*Plestiodon fasciatus*), spring peeper (*Pseudacris crucifer*), timber rattlesnake (*Crotalus horridus*), and American bull frog (*Rana catesbeiana*). The dominant species of salamander in these habitats are dusky salamanders (*Desmognathus spp.*).

An evaluation of records maintained by the US Fish and Wildlife Service (FWS) and the North Carolina Natural Heritage Program (NHP) involved a review of the FWS list of protected species in Jackson County and the NHP Element Occurrence Data on which NHP identifies current and historic occurrences of listed species for a specific locale. The FWS lists 10 species as occurring in Jackson County that are subject to Endangered Species Act (ESA) Section 7 consultation (see table below).

Common Name	Scientific Name	Federal Status
Bog turtle	<i>Glyptemys muhlenbergii</i>	T (S/A)
Carolina Northern Flying Squirrel	<i>Glaucomys sabrinus coloratus</i>	E
Gray bat	<i>Myotis grisescens</i>	E
Indiana Bat	<i>Myotis sodalis</i>	E
Northern Long-Eared Bat (NLEB)	<i>Myotis septentrionalis</i>	T
Appalachian elktoe	<i>Alasmidonta raveneliana</i>	E
Rusty-patched bumble bee	<i>Bombus affinis</i>	E
Spruce-Fir Moss Spider	<i>Microhexura montivaga</i>	E
Small Whorled Pogonia	<i>Isotria medeoloides</i>	T
Swamp Pink	<i>Helonias bullata</i>	T
Rock Gnome Lichen	<i>Gymnoderma lineare</i>	E

T – threatened; E – endangered; S/A - threatened due to similarity of appearance. Taxa listed as T(S/A) are not biologically endangered or threatened and are not subject to Section 7 consultation.

Review of the FWS’s NLEB consultation area map for Jackson County indicated the site is not in a HUC identified as having known occurrences of hibernation or maternity sites. The applicant will coordinate the pond construction efforts with the FWS Asheville Field office to comply with the 4(d) rule and/or the Standard Local Operating Procedures for Endangered Species Act Compliance for the NLEB. Percussive activities may be used when excavating for the pond and pond construction will involve remove of trees.

The NHP reviewed the area encompassed by the project site and a 1-mile radius of the site. No known element occurrences of species are documented within this review area. No federally threatened or endangered species are documented at the site or within a 1-mile radius of the project site. The applicant has not conducted a habitat survey and protected species survey of the proposed pond site and work areas to determine the potential for occurrences of animal and plant species listed as endangered or threatened by current federal regulations.

A review of the National Park Service National Register of Historic Places (NRHP) GIS Public Dataset and the North Carolina State Historic Preservation Office (SHPO) HPOWEB GIS Web Service indicted no sites/areas on the study list for the NRHP within 1 mile of the Kenjack Farm site.

Applicant's Stated Purpose

The purpose of the project is to build a 2.1 acre pond on private property for the enjoyment of the property owner.

Project Description

The project includes a proposed 2.1 acre pond on private property. The proposed pond is situated within 3.84 acres of existing wetland, which was impacted by a previous owner. Approximately 0.92 acres of the wetland were previously excavated and the applicant maintains a small open area of the wetland by mowing. The proposed pond is to impact approximately 1.9 acres of the existing wetland. The remaining 0.2 acres of proposed pond is outside of the wetland.

The proposed pond is to be contained by an earthen dam/berm with a ten (10) foot wide top and have an outfall structure located in the northeastern portion of the dam which would discharge into a UT of Norton Creek. A dock in the southeastern corner of the pond is also proposed. The earthen dam, outfall structure, final pond construction, and excavation quantities is dependent on obtaining the necessary permits to move forward requiring more detailed designs.

The proposed pond is approximately 360 feet in length, and 300 feet and 130 feet wide in the widest and narrowest areas, respectively. The pond bottom is to have a 2:1 slope and be approximately 12 feet in depth. The pond is to recharge naturally via rainfall and groundwater. The surrounding UTs are to remain in-tact and undisturbed. Double row silt fencing will be utilized to protect the portion of wetland that are to remain undisturbed.

The pond is to be excavated with a backhoe. Excavated material will be dewatered on-site in a stockpiled area, contained by double-rowed silt fence, and turned periodically. Once dry, the material will be disposed of on-site on a flat upland area. Erosion control and water quality protection will be implemented through the use of silt fence. The location of the dewatering area is west of the proposed pond. The excavated area, during pond construction, shall also utilize double-row silt fencing to prevent turbid water from entering the remaining wetlands and UTs. The proposed earthen dam/berm shall be constructed such that the soil is stabilized as quickly as possible following construction. Any additional erosion control measures and techniques may be implemented during detailed design to ensure the remaining wetlands and UTs are protected in accordance with all local, state, and federal laws.

Material suitable for fill in WoUS is proposed to consist of material determined acceptable based on design criteria and will not include any trash, debris, car bodies, asphalt, etc. The fill material used on site is to be clear and free of chemical contamination, and free of toxic pollutants in toxic amounts.

The applicant understands that any construction in jurisdictional streams and wetlands at the site would constitute a jurisdictional impact that is subject to permitting by the Corps and the DWR.

Summary of Proposed Impacts to Jurisdictional Waters

Impact	Aquatic Resource	Type of Impact	Amount
Wetland Impacts			
Pond	Wetland	Permanent	1.9 ac
TOTAL			1.9 ac

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment. Protection of the surrounding tributaries and wetlands is minimized by leaving a 1.94 acre buffer of existing wetlands undisturbed. Additionally, the three surrounding UTs of Norton Creek, also remain undisturbed due to the 1.94 acre wetland buffer and are not proposed to be impacted by construction activities. A summary of the avoidance and minimization is as follows:

Aquatic Resources	On-Site Totals	Proposed Impacts	Percent Avoided and Minimized
Stream	750 lf	0 lf	100%
Wetland	3.84 ac	1.9 ac	51%

Compensatory Mitigation

The proposed project does involve permanent impacts to jurisdictional WoUS. Upon completion and implementation of practical avoidance and minimization efforts, a total of 1.9 acres of permanent impacts to wetlands associated with fill and grading are unavoidable. These impacts to wetlands will result in functional losses to the aquatic environment within these jurisdictional resources and result in a permanent impact of jurisdictional WoUS. Therefore, compensatory mitigation will be required for these impacts.

To compensate for the permanent impact to WoUS and their associated habitat, the applicant proposes, as compensatory mitigation, the purchase of an existing wetland in need of improvement and restoration within the Tuckasegee River watershed (HUC 06010203). The purchased property and wetland restoration shall specifically focus on creating an environment that is ideal for bog turtle. On behalf of the applicant, Creekstone PLLC, shall work with the Highlands Conservancy Land Trust (HCLT) to acquire an ideal piece of property, and once the wetlands is restored, the property will be donated to the HCLT for long-term conservation.

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 affect 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.

SHPO and applicable tribal historic preservation offices (THPO) will be notified via Public Notice about the project and will be given the opportunity to comment on the project and its potential effects on cultural resources.

The District Engineer's final effect determination will consider submitted comments to this public notices from SHPO and/or THPO; and further 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' 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 affect, but not likely to adversely affect 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 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.

The FWS will be notified via Public Notice about the project and will be given the opportunity to comment on the project and its potential effects on threatened and endangered species.

The District Engineer's final effect determination will be centered upon submitted comments to this public notices from FWS; and further coordination with the FWS, as appropriate and required; and with full consideration given to the proposed undertaking's potential direct and indirect effects on federally threatened or endangered listed species and/or their formally designated critical habitat within the Corps' permit area.

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 March 4, 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 shall 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, March 4, 2019. Comments should be submitted to:

Mr. David Brown
USAED, Wilmington
Asheville Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, North Carolina, 28801-5006

NOTE: Due to the backlog of requests and workloads caused by the recent lapse in funding for other Federal agencies that may have an interest in commenting on the proposed action, the District Engineer may extend the comment period to allow such agencies to comment so that the he can complete his required Public Interest Review.

In cases where the proposed action May Effect a listed species or a species proposed for listing pursuant to Section 7 of the Endangered Species Act, and/or In cases where the proposed action will have an Effect on a property listed, or eligible to be listed, on the National Register of Historic Places pursuant to Section 106 of the National Historic Preservation Act, the DE will be unable to make a final decision on the proposed action until the requirements of the appropriate statute have been satisfied.