



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

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Corps Action IDs #: SAW-2019-00155
SAW-2019-02350

This Public Notice is Advisory in Nature.

The DISTRICT ENGINEER, WILMINGTON DISTRICT, 69 Darlington Avenue, Wilmington North Carolina 28403, issued a public notice on July 16, 2019 (July 2019 notice), advertising the proposed renewal, with modifications, of **Regional General Permit 198200031 (i.e., the 2020 version of RGP 31)** pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). In that notice, the Corps solicited 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.

Both the current version of RGP 31 (the 2015 version), and the 2020 version of RGP 31 that was advertised in the July 2019 notice, authorize the discharge of fill material associated with maintenance, repair, and construction projects conducted by the various divisions of the North Carolina Department of Transportation (NCDOT), within all waters subject to regulatory jurisdiction of the Wilmington District, Corps of Engineers. The current version of RGP 31 will expire on April 30, 2020.

As noted in the July 2019 notice, the categories of activities authorized by the proposed 2020 version of RGP 31 are:

a. (1) Road widening, and/or (2) construction, maintenance, and/or repair of bridges. For bridge projects, work can include the approaches.

b. (1) Improvement of interchanges or intersections, or (2) construction of interchanges or intersections over, or on, existing roads.

c. Best-fit widening projects, or phases of “phased” best-fit widening projects, that (1) have undergone interagency review and completed the interagency Merger Process and (2) would cause only minimal individual and cumulative environmental effects.

It has become apparent to the Corps that the different requirements of the activities authorized by RGP 31 in both the 2015 and the proposed 2020 versions, have been, and will continue to be, a source of confusion. This is especially true of “c” in the proposed 2020 version of RGP 31, as “c” requires that a proposed project go through and complete the Merger Process, whereas activities that may be authorized under “a” and/or “b” will typically not be required to go through the Merger Process. In order to resolve this confusion, the Corps has determined that the categories of authorized activities that were proposed in July for the 2020 version of RGP 31 (i.e., “a”, “b”, and “c”), will be separated into two (2) RGPs.

As such, when RGP 31 is renewed in 2020, activities listed under “c” above will remain in RGP 31 and activities listed under “a” and “b” will be placed in a separate and new RGP identified as RGP 50.

- **The separation of “a”, “b”, and “c” into two RGPs will not result in any changes (from the July 2019 notice) to the activities authorized, terms, or impact thresholds of “a”, “b”, and/or “c”.**

Note that this separation of “a”, “b”, and “c” into two RGPs is solely being done to avoid future confusion. The activities detailed under “a” and “b” in the July 2019 notice will simply be moved to the new RGP 50 and “c” will remain in RGP 31. Additionally, the 2020 version of RGP 31 will no longer authorize any activities other than those detailed in “c” and the 2020 version of RGP 50 will not authorize any activities other than those detailed in “a” and “b”.

- **The only changes to the special and general conditions (from the July 2019 notice) that will result from separating “a”, “b”, and “c” into two RGPs are that the conditions in the 2020 version of RGP 31 will reference “RGP 31” and the conditions in the 2020 version of RGP 50 will reference “RGP 50”.**

Note that the 2020 versions of RGP 31 and RGP 50 are not currently approved for use; once they are approved for use by the Wilmington District Commander, we will issue a public notice announcing their availability. Until that time, continue to use the 2015 version of RGP 31 - (<https://www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/Permits/Final2015-04-30-RGP31-signed.pdf>).

Additional Information

As stated previously, the purpose of this public notice is solely advisory in nature and therefore no comments are requested. Because the activities detailed in “a”, “b”, and “c” were previously advertised by public notice on July 16, 2019, separating these activities into two RGPs does not substantively change what was previously proposed (i.e., no change to the activities authorized, terms, or impact thresholds, and no changes to the special or general conditions, with the exceptions noted previously in this notice).. As noted previously, the

activities listed under “c” will remain in RGP 31 and the activities listed under “a” and “b” will now be contained in RGP 50 (a new RGP).

If you have any questions, please contact Lori Beckwith, Regulatory Project Manager, Asheville Regulatory Field Office, at loretta.a.beckwith@usace.army.mil or by phone at 828-271-7980, ext. 4223.