



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: April 30, 2020
Comment Deadline: May 29, 2020
Corps Action ID Number: SAW-2008-02857
STIP No. R-2233 B (Sections BB and BA)

The Wilmington District, U.S. Army Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to permanently impact 10,400 linear feet of stream and 0.72 acre of wetland to construct the US 221 Bypass of Rutherfordton in Rutherford County North Carolina (STIP No. R-2233 B). The proposed Rutherfordton Bypass would extend along existing US 221 from north of 74 Bypass to north of US 74 Business (R-2233 BA) and on new location from north of US 74 Business to US 221 just north of SR 1366, (R-2233 BB). The proposed bypass would be constructed as a four-lane roadway with a 46-foot median and would be approximately 8.5 miles long.

Specific location information is detailed on the following pages of this Public Notice.

Construction plans are not attached to this Public Notice due to the large number of pages; however, all construction plans can be found at the Wilmington District Web Site along with this Public Notice: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

You can also view the construction plans at:
https://xfer.services.ncdot.gov/pdea/Temp/R-2233BB_BA.pdf

If you wish to obtain or view a paper copy of this Public Notice and/or the plans, please contact the individual identified at the end of this Notice.

NCDOT's State Final Environmental Impact Statement (state FEIS) (May 2011) and State Record of Decision (state ROD) (October 2013) for this project (R-2233 B) are available on the NCDOT website at <https://xfer.services.ncdot.gov/pdea/Temp/R-2233/>. You can also view project maps and other project-related information on this website.

Applicant: North Carolina Department of Transportation
Environmental Analysis Unit
Philip S. Harris III, P.E., C.P.M., Unit Head
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Authority

The Corps will evaluate this application and decide 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

The proposed project, the Rutherfordton Bypass (R-2233 B), is located in Rutherford County in western North Carolina. The Town of Rutherfordton is located to the northwest of Forest City, near the center of Rutherford County. Existing US 221 passes through downtown Rutherfordton. US 221 is the primary north-south corridor east of I-26 serving the mountain region of North Carolina.

R-2233 B is divided into two sections for permitting and construction - R-2233 BA and R-2233 BB. The proposed bypass would extend along existing US 221 from north of 74 Bypass to north of US 74 Business (R-2233 BA) and on new location from north of US 74 Business to US 221 just north of SR 1366, (R-2233 BB). The project is approximately 8.5 miles long

This project is included in the 2020-2029 State Transportation Improvement Program (STIP) as R-2233 B but has been broken up into two sections (R-2233 BA and R-2233 BB) for permitting and construction purposes.

Nearest Towns: Rutherfordton, Spindale, Ruth, and Forest City.

Nearest Waterways: Cleghorn Creek, Stonecutter Creek, Hollands Creek, unnamed tributaries (UTs) to these streams, and UTs to Long Branch, Mountain Creek, and Cathey's Creek.

River Basin: Broad River Basin (HUC 03050105)

Latitude and Longitude: N 35.37867, W 81.94998

The project is located in Rutherford County, North Carolina.

The length of the project is approximately 8.5 miles.

Existing Site Conditions

US 221 from the South Carolina State Line to Linville has been designated part of the North Carolina Intrastate System. The Intrastate System was established by the North Carolina General assembly in 1989. The System is designed to support statewide growth and development objectives and to connect to major highways of adjoining states. US 221 connects Rutherfordton with Spartanburg, South Carolina to the south, and to Marion to the North.

US 221 in the project area is a two-lane highway. There is no control of access along US 221; numerous residential and commercial driveways tie into the existing facility. Portions of US 221 in the project area have narrow lanes and shoulders and vertical alignments which do not meet a 60 miles per hour (MPH) design speed.

Existing US 221 passes through the center of downtown Rutherfordton. Speed limits on US 221 within Rutherfordton vary between 20-45 MPH. US 221 through Rutherfordton is the only portion of US 221 between the South Carolina State Line and I-40 with a speed limit lower than 55 MPH.

Lane widths along US 221 in the project area vary from ten to twelve feet wide. Shoulder widths also vary. The horizontal alignment of existing US 221 is good, and for the most part meets a 60 MPH design speed along sections of the roadway signed 55 MPH. The vertical alignment of existing US 221 south of Rutherfordton does not meet a 60 MPH design speed. Many of the vertical curves along the roadway have a 40 or 45 MPH design speed. Several areas along US 221 have grades above six percent; these steep grades, however, are fairly short.

Rutherford County is predominantly rural. The towns of Rutherfordton and Spindale are two of the largest towns in the county. Existing land use in the project study area varies from undeveloped forested or agricultural land to intensively developed commercial or industrial uses. Most of the land in the study area is residential.

Development activity is minimal in the project area. Most of the new residential development is taking place northwest of Rutherfordton along the US 64 corridor. Most of the commercial development in the area is along US 74A around Forest City.”

The proposed bypass would cross the portion of US 64 which is designated a part of the commemorative motor route for the Overmountain Victory National Historic Trail (OMVNHT). Although there is no trail currently in place along Cleghorn Creek, the primary historic route of the OMVNHT crosses US 64 near US 74A (Railroad Avenue) and follows Cleghorn Creek toward Rutherfordton. See the Cultural Resources Section in this Public Notice for additional information about the OMVNHT.

Water resources within the project area are located in the Broad River Basin (HUC 03050105), within Sub basins 03-07-08, 03-07-10, and 03-07-15).

There are no Outstanding Resource Waters (ORW) or High-Quality Waters (HQW) within the project area. No Water Supply Waters (WS-I or WS-II) waters occur within 1.0 mile of the project area.

Wetland and stream determinations for sections R-2233 BB and R-2233 BA were initially verified in 2004 and 2010, and reverified by the Corps and the NC Division of Water Resources on in 2017.

No streams in the project footprint or within 1 mile of the project area are currently listed on the North Carolina 2018 Final 303(d) list of impaired waters.

Two adjacent projects on US 221 are located on each end of the proposed R-2233 B project:

STIP Project R-2233 A widened US 221 from the South Carolina State Line to north of US 74. R-2233 A and R-223 B were originally considered to be one project, but they were separated 2003. R-2233 A was constructed in 2014.

STIP Project R-2597 would widen existing US 221 from north of SR 1366 (Roper Look Road) to SR 1153 in McDowell County.

Applicant's Stated Purpose

The purpose of the proposed project is to reduce congestion, improve safety, and improve travel time for traffic using the US 221 corridor in the vicinity of Rutherfordton.

Project Description

NCDOT proposes to construct a Bypass of Rutherfordton in Rutherford County. The proposed Rutherfordton Bypass consists of two sections: Section R-2233 BA would extend along existing US 221 from north of 74 Bypass to north of US 74 Business, and the R-2233 BB section would be constructed on new location from north of US 74 Business to rejoining US 221 just north of SR 1366. The proposed bypass would be constructed as a four-lane roadway with a 46-foot median and is approximately 8.5 miles long. Full control of access would be obtained for new location sections of the bypass. Partial control of access (one access per parcel with no other access) would be obtained for portions of the project along existing roadways.

As noted previously, this project would be permitted and constructed in phases. Section R-2233 BB (Phase 1) is currently scheduled to let to construction on July 21, 2020. Section R-2233 BA (Phase 2) is currently scheduled to let on June 20, 2023.

The impacts to waters of the U.S. noted below for construction of Section R-2233 BB are based on final design. Because Section R-2233 BA would be constructed later, preliminary designs have been completed and impacts noted below are estimated based on design slope stake limits plus a 25-foot buffer.

Construction on R-2233 BA would not be authorized until final design is complete, compensatory mitigation has been approved, and the permit is modified to reflect any additional avoidance and minimization efforts.

Section R-2233 BB – Phase 1 (final design)

In order to construct R-2233 BB, the applicant proposes to impact waters of the U.S. as follows:

- Permanently impact 4,736 linear feet (lf) of streams – 115 lf of this is for bank stabilization
- Temporarily impact 382 lf of stream
- Permanently impact 0.11 acre of wetland

Section R-2233 BA – Phase 2 (preliminary design)

Based on preliminary design, the applicant estimates the following impact waters of the U.S. to construct R-2233 BA:

- Permanently impact 5,664 lf of streams
- Permanently impact 0.61 acre of wetland

Permanent impacts for both sections would result from the replacement or extension of culverts and pipes; bank stabilization; other placement of rip rap; embankment/road fill, and; stream realignment/relocations.

Section 404/NEPA Merger Process

Section R-2233 BB has completed the Section 404/National Environmental Policy Act (NEPA) Merger Process. This process engaged federal and state agencies throughout project development. Section R-2233 BA has completed all but the final step (final design/concurrence point 4C) of the Merger Process.

Avoidance and Minimization

According to the Applicant, avoidance and minimization measures were incorporated into the planning and NEPA processes, and these measures were incorporated as part of the project design.

Listed below are the measures that would be implemented:

Avoidance and Minimization

- BMPs were used throughout the project for stormwater treatment and to minimize erosion.
- The design of the proposed interchange with existing US 221 south of Rutherfordton was changed from a diamond interchange to a half-cloverleaf interchange. No ramps are proposed in the northern quadrants of the interchange, which will reduce stream impacts.
- 2:1 side slopes are proposed in jurisdictional areas and in areas containing the federally protected dwarf-flowered heartleaf.
- The design of the ramp in the northeast quadrant of the proposed US 64 interchange was changed. The ramp will more closely follow the alignment of the proposed which will reduce stream impacts.
- Roadway runoff flows to grass shoulders in fill sections and is collected in median and grass side ditches in cut sections to pipe systems. Pipe systems include riprap pads or energy dissipator basins at outfalls.
- Two dry detention ponds will be installed to reduce post construction runoff to the levels of preconstruction discharge.
- Ditches include riprap lining where shear stress exceeds allowable for grass.

Compensatory Mitigation

The purpose of compensatory mitigation is to offset unavoidable functional losses to the aquatic environment resulting from project impacts to waters of the U.S.

For Phase 1 of this project (R-2233 BB), NCDOT proposes to permanently impact 4,736 lf of stream and 0.11 acre of wetland. Of this 4,736 lf of stream impact, 115 lf is for bank stabilization which would not require mitigation. In order to mitigate for these impacts, NCDOT proposes to purchase credits from the NC Division of Mitigation Services (NCDMS) as compensatory mitigation to offset the unavoidable functional losses to the aquatic environment that would result from construction of R-2233 BB. NCDOT proposes to mitigate for the permanent impacts at a 2:1 ratio.

For Phase 2 of the project (R-2233 BA), which is still in the preliminary design phase, NCDOT estimates permanently impacting 5,664 lf of stream and 0.61 acre of wetland. In order to mitigate for these impacts, NCDOT proposes to purchase credits from NCDMS.

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

The Corps is the lead federal agency for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, for this project.

Archaeological Resources:

The Corps' NHPA permit area for archaeological resources is the proposed construction limits of the project. NCDOT conducted an intensive archaeological survey within the study corridor for the selected alternative during 2010. Subsurface shovel testing was conducted in areas of high probability within the proposed construction limits. As a result of the Phase I archaeological survey along US 221 conducted in 2010, seven new archaeological sites were recorded within the NHPA permit area. These cultural resources are one multicomponent (prehistoric and historic) artifact scatter (31RF196/196), five isolated finds of prehistoric lithic material (31RF197-31RF201) and one sparse prehistoric lithic scatter (31RF202). As noted in the report titled, Final Report Archaeological Survey and Evaluations: US 221 Rutherfordton Bypass from US 74 Bypass to SR 1366 (Roper Look Road) Rutherford County, North Carolina, dated May 29, 2011, "None of these site is being recommended as being eligible for the a National Register of Historic Places. No further work is recommended for the project as it is currently planned. These archaeological resources are recommended as not eligible for listing on the National Register of Historic Places."

By letter dated July 21, 2011, the NC-HPO provided concurrence that there were no NRHP eligible archaeological sites present and recommended no further work.

Historic Architectural Resources:

A preliminary survey for Historic Architectural Resources was conducted in the NHPA permit area by NCDOT in 1999. The survey consisted of a cursory field survey and limited historical background research. USGS maps were used as guides in the field to identify historic resources and evaluate their potential for National Register of Historic Places eligibility.

Below is a summary of the effect determinations for the R-2233B project. Alternative 3 represents the proposed project (Alternative 3).

R-2233 B Historic Resources Effects Determination Summary

	Alt. 3 (Selected)	Alt. 4	Alt. 6	US 74A Alt.
Rutherfordton-Spindale Central High School	No Adverse Effect	No Effect	No Adverse Effect	No Adverse Effect
Gilbert Town	No Effect	No Effect	No Adverse Effect	No Effect
Rutherfordton's Main Street HD Expansion	No Effect	No Adverse Effect	No Effect	No Effect
Dunkard's Creek Baptist Church	No Effect	No Adverse Effect	No Effect	No Effect
Homer & Bertha Sparks House	No Effect	No Effect	No Effect	No Adverse Effect
Robert J. Norris House	No Adverse Effect	No Effect	No Effect	No Adverse Effect
Ruth Elementary School	ADVERSE EFFECT	ADVERSE EFFECT	No Effect	No Adverse Effect
Washington Greer House	No Effect	No Effect	No Adverse Effect	No Effect
Gilboa United Methodist Church	No Effect (Outside APE)	No Effect (Outside APE)	No Effect (Outside APE)	No Effect (Outside APE)
Yelton's Flour Mill	No Effect	No Effect	No Effect	No Adverse Effect

Table excerpted from the "Finding of Adverse Effect Documentation for US 221 Bypass, TIP R-2233 B," dated November 2011.

Rutherfordton-Spindale Central High School:

Effect Determination: No Adverse Effect

Based on concurrence from SHPO on August 15, 2008, there will be "No adverse effect" for the proposed project (Alternative 3) because the school is not negatively affected as a noise receptor and does not require noise abatement measures.

Robert J. Norris House:

Effect Determination: No Adverse Effect

Based on concurrence from SHPO on August 15, 2008, there will be "No adverse effect" No adverse effect for the proposed project (Alternative 3) because access to the property will not be impaired. For #3, the service road will pull away from the existing property and meet the ramp for the bypass at a T-intersection.

Ruth Elementary School:

Effect Determination: Adverse Effect

Based on concurrence from SHPO on August 15, 2008, there will be an Adverse Effect for proposed project (Alternative 3) because the preferred alternative requires land from the school's boundary, eliminates one historic entrance to the property, and requires large cut and fill areas along the boundary and in the view shed of the school.

Ruth School is located on R-2233 BB Roadway Drawings Sheet 27 (primarily) and Sheet 11 (or page 88 and 72 of the .pdf of the application package, respectively).

A Memorandum of Agreement (MOA) titled, “MEMORANDUM OF AGREEMENT AMONG THE US ARMY CORPS OF ENGINEERS, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, THE NORTH CAROLINA STATE HISTORIC PRESERATION OFFICER AND THE OVERMOUNTAIN VICTORY NATIONAL HISORIC TRAIL FOR US 221 BYPASS OF RUTHERFORDTON, RUTHERFORD COUNTY, NC, TIP PROJECT R-2233B” was executed in 2013. This MOA addresses the Adverse Effects of the proposed bypass of US 221 around Rutherfordton on the Ruth Elementary School.

Pursuant to the MOA dated July 17, 2013, the Corps will incorporate the following conditions as part of any permit that may be issued in order to mitigate adverse effects to the Ruth Elementary School:

1. Ruth Elementary School Photo documentation

Prior to the initiation of construction, NCDOT will record the existing condition of Ruth Elementary School in accordance with the attached Historic Structures and Landscape Recordation Plan (Appendix). Copies of the documentation will be deposited in the files of the State Historic Preservation Office and the files of the Historic Architecture Group of NCDOT.

This task was completed in July of 2015, per NCDOT.

2. Ruth Elementary School Adaptive Use Plan

The Rutherford County Manager will establish a committee to oversee the development of an adaptive use plan for the campus and buildings of Ruth Elementary School within six months of the filing of this MOA. Members of the committee shall include representatives from the State Historic Preservation Office and the Historic Architecture Group of NC DOT along with municipal staff and local citizens with a demonstrated interest in the school and its potential redevelopment. NCDOT will provide funds not to exceed \$10,000 for use by the committee to accomplish the following tasks: identify and analyze the issues associated with reusing the structures and campus, develop alternatives for consideration, and produce an adaptive reuse plan for the site. If the Rutherford County Manager chooses not to establish the committee, no funds will be available for this study.

The Ruth School Adaptive Reuse Plan was completed in January of 2014, per NCDOT.

3. Ruth Elementary School Historic Context

NCDOT will compile a historic context documenting the history of Consolidation-Era public schools within Rutherford, Polk, and Cleveland counties. The context will be used to evaluate other Consolidation-Era public schools in the future and provide a model for researching and evaluating Consolidation-Era public schools in the state's southwestern foothills.

The context will compile documentary materials, bibliographical sources, National Register eligibility considerations, and digital images. The final report will be in a digital format and will be provided on a CD-ROM to the State Historic Preservation Office. Another copy of the report will be deposited in the files of the Historic Architecture Group of NCDOT. The final digital product shall be completed and distributed within three (3) years of the execution of this MOA.

This task was completed in July of 2015, per NCDOT.

Overmountain Victory National Historic Trail (OMVNHT):

The OMVNHT was not part of the effects form, but effects were assessed at a later date with the Corps, NCDOT, HPO, National Park Service (NPS), and the trail's advocacy group. The proposed bypass will cross the portion of US 64 which is designated a part of the commemorative motor route for the OMVNHT. Although there is no trail currently in place along Cleghorn Creek, the primary historic route of the OMVNHT crosses US 64 near US 74A (Railroad Avenue) and follows Cleghorn Creek toward Rutherfordton. NCDOT has coordinated with the NPS and local agencies regarding how the proposed bypass can accommodate the OMVNHT. The selected alternative will carry US 64 over the proposed bypass on a bridge. A sidewalk and 42-inch handrails will be provided on the south side of this bridge to allow pedestrians using the OMVNHT to cross the proposed bypass.

Effect Determination

Pursuant to the MOA dated July 17, 2013, the Corps will incorporate the following conditions as part of any permit that may be issued in order to mitigate adverse effects to the Trail

1. NCDOT will provide ADA-compliant pedestrian crossings at the intersection of US 64 with US 74A (Railroad Avenue) and at the trail crossing of the proposed Rock Road realignment. In addition, NCDOT will construct a sidewalk on the south side of US 64 from the intersection of US 64 with US 74A to the proposed driveway to Ruth and Trinity Schools. A sidewalk and 42-inch handrails will be provided on the south side of the proposed bridge carrying US 64 over the bypass, in order to accommodate the Trail.

The above stated locations have ADA compliant pedestrian crossings incorporated into the plans for this project.

2. NCDOT will provide access to Southern Street via a pathway from the vicinity of the relocated driveway for Ruth and Trinity schools in order to accommodate pedestrians who wish to follow the historic route of the OMVNHT. NCDOT will design this pathway for pedestrian use and construct it in a manner that is ADA compliant to the greatest extent possible.

A pathway connecting Ruth and Trinity schools to the OMVNHT has been included in the plans and is sufficient to accommodate pedestrians.

3. NCDOT will continue to coordinate with the NPS and the SHPO regarding the OMVNHT by providing post-hydraulic design plans to the parties with a 30-day review and comment period.

NCDOT's intent is to provide these plans to the NPS and the Trail Association for review at their annual meeting in May 2020.

4. NCDOT will install signage provided by the OMVNHT to mark and indicate the status of the pathway as a certified portion of the OMVNHT. The number of signs and their location will be determined in consultation with the OMVNHT and in accordance with NCDOT policy.

Coordination is ongoing regarding this commitment. Currently there are 10 signs within the project limits that would be applicable to the OMVNHT. Based off the original drawings and field investigation, NCDOT should not be affecting the existing sign locations. The Rutherford County sign locations are at the East/West Mountain St interchange with existing US 221 (Main St.) and at the intersection of Charlotte Rd/Maple St and existing US 221 (Main St).

Endangered Species

The Corps is the lead federal agency for compliance with Section 7(a)(2) of the Endangered Species Act (ESA), and will consult with the U.S. Fish and Wildlife Service (USFWS) as noted below.

As of March 26, 2020, there are seven federally listed species on the USFWS's list for Rutherford County:

- Bog turtle (*Glyptemys muhlenbergii*) – Threatened for similarity of Appearance
- Dwarf-flowered heartleaf (DFHL) (*Hexastylis naniflora*) – Threatened
- Small whorled pogonia (*Isotria medeoloids*) – Threatened
- White irisette (*Sisyrinchium dichotomum*) – Endangered
- Rock gnome lichen (*Gymnoderma lineare*) – Endangered
- Indiana bat (*Myotis sodalis*) – Endangered
- Northern long-eared bat (NLEB) (*Myotis septentrionalis*) – Threatened

Bog turtle - the Bog turtle is not subject to Section 7 consultation.

DFHL – DFHL is present in the project footprint. Consultation on this species previously occurred at the same time for the R-2233A and R-2233B projects, and the USFWS issued a Biological Opinion (BO) in 2009. Since that time, however, NCDOT resurveyed the R-2233B action area and found three new populations of plants on R-2233BA (no plants were discovered on R-2233BB on past or current surveys).

This discovery of new DFHL populations on R-2233BA requires the submission of a revised Biological Assessment (BA), which NCDOT is currently preparing. Once NCDOT submits the BA to the Corps and the Corps determines that it is sufficient, the Corps will submit it to the USFWS and will reinitiate consultation for this species.

Small whorled pogonia - In 2004 and 2011, NCDOT conducted a survey for this species - suitable habitat was found but no plants were. An updated survey will be performed in Spring 2020.

White irisette – In 2011, NCDOT conducted a survey for this species - no habitat was found.

Rock gnome lichen - In 2011, NCDOT conducted a survey for this species - no habitat was found.

Indiana bat - Based on the presence of suitable roost trees, NCDOT recommended a determination of May Affect Not Likely To Adversely Affect. The BA referenced above will also include information about the Indiana bat and the Corps will consult with the USFWS on this species as well.

NLEB - the Corps will follow the procedures for the NLEB in accordance with the SLOPES between Wilmington District and the USFWS.

As noted above, the Corps has determined that the proposed project may affect federally listed endangered or threatened species. The Corps will consult under Section 7(a)(2) of the ESA and will not make a permit decision until the consultation process is complete.

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, Transportation 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 May 20, 2020 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation 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):

Based upon all available information, the Corps has determined that this application for a Department of Army 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 on May 29, 2020. Comments should be submitted to Lori Beckwith, Regulatory Project Manager, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980, ext. 4223. Comments can also be emailed to loretta.a.beckwith@usace.army.mil.