



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 01, 2023
Comment Deadline: June 01, 2023
Corps Action ID #: SAW-2021-01535
STIP Project No. HE-0001

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 discharge fill material into waters of the United States associated with the construction of a new interchange on Interstate 26 (I-26) to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth in Buncombe County, North Carolina (STIP Project No. HE-0001). The proposed project also includes construction of a 2-lane roadway that would connect the new interchange to East Frederick Law Olmsted Way, which connects to NC 191 (Brevard Road). The proposed project would permanently impact 981 linear feet of stream and 0.103 acre of wetland.

Specific project and location information is described below and shown on the attached figures. This Public Notice and attachments are also available on the Wilmington District Web Site at

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

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 at <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

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

The Federal Highway Administration (FHWA) is the lead federal agency for this project. A Type III Categorical Exclusion Action Classification Form was completed in August 2022 and is available at https://xfer.services.ncdot.gov/pdea/EnvironmentalDocs/Documents/STIP_HE-Projects/HE-0001_CE.pdf

Applicant: North Carolina Department of Transportation
Environmental Coordination and Permitting
Mr. Michael A. Turchy, Group Leader
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

Nearest Town: Asheville
Nearest Waterway: French Broad River
River Basin: French Broad
Latitude and Longitude: 35.50378, -82.57796

The proposed project/project study area (PSA) is located approximately 6 miles south of Asheville along I-26. As shown on Figures 1 and 2, the proposed project is located north of the Blue Ridge Parkway and south of the French Broad River bridge. Due to the French Broad River's meandering/sinuuous channel in the project vicinity, the proposed project is located to the south, east, and north of the river.

The I-40 system interchange is located approximately 4 miles to the north of the project location and the Asheville Regional Airport is located approximately 5 miles to the south.

The Biltmore Estate property is located east of I-26 at the site of the proposed interchange.

NC 191 (Brevard Road) is a north-south roadway connecting Hendersonville in Henderson County to Asheville in Buncombe County. NC 191 generally parallels I-26 south of Asheville and interchanges with I-26 (Exit 33) approximately 3 miles north of the project area. NC 146 (Long Shoals Road) is an east-west roadway

connecting NC 191 to US 25 (Hendersonville Road), with an I-26 interchange (Exit 37) approximately 2 miles south of the project area (Figure 4).

Existing Site Conditions

I-26 is an east-west freeway facility connecting Charleston, South Carolina to Kingsport, Tennessee. In North Carolina, I-26 is included in the NC Strategic Transportation Corridors (STC) Network as Corridor C (I-26/US 23). This section of I-26 also carries the US 74 designation. The portion of I-26 that is located in the project area for the proposed project is currently under construction for widening to eight lanes (four lanes in each direction of travel) and includes the widening/replacement of the I-26 bridges over the French Broad River and the replacement of the Blue Ridge Parkway bridge on new alignment under the NCDOT STIP No. I-4400/4700 project. Note that the Blue Ridge Parkway has a grade separated crossing but no direct access to I-26.

Land use in the project vicinity is mixed and includes manufacturing/distribution facilities, single- and multi-family residential neighborhoods, open space, and commercial and recreational uses. North of the Clayton Road (SR 3501) and NC 191, the corridor is characterized by preserved open space in proximity to the French Broad River, Pisgah National Forest, and the Blue Ridge Parkway. The Blue Ridge Parkway crosses over NC 191 on a bridge and is accessible via an access road at the signalized intersection with NC 191.

The Biltmore Estate National Historic Landmark (NHL) east of I-26, the Blue Ridge Parkway bridge (currently being replaced by NCDOT and the National Park Service [NPS] under NCDOT STIP Project Nos. I-4400/I-4700), and the French Broad River are among the major resources in this area of the County.

The PSA contains mature Hardwood Forest, I-26 right-of-way, a portion of the Biltmore Estate NHL, and a portion of the Biltmore Farms LLC's planned Biltmore Park West mixed-use development that will consist of industrial, institutional, commercial, and residential land uses. Adjacent to the project area, approximately 100 acres have been developed by Pratt & Whitney as a one million square-foot advanced manufacturing center, which is part of the Biltmore Park West mixed-use development (Figure 3).

Water Resources

Water resources in the PSA are part of the Bent Creek–French Broad River Basin (USGS Hydrologic Unit 060101050705). The PSA was delineated by the applicant to determine the presence or absence of jurisdictional waters of the U.S. on July 13-15, 2021. The jurisdictional waters in the portion of the I-4400/I-4700 study area that lie within the PSA of the HE-0001 project were not re-

delineated for the proposed project; however, these jurisdictional features were spot checked to ensure that the delineation for those waters was still accurate, as recorded in the previous jurisdictional determination for the I-4400/I-4700 project. Field delineation resulted in the identification of one Section 10 water (the French Broad River) totaling 300 linear feet, fifteen (15) tributaries (streams) totaling 10,970 linear feet, and twenty-one (21) non-tidal wetlands totaling 2.362 acres (102,953 sq. ft.) in the PSA (Figure 6). The Corps conducted a field review of the delineated waters on August 27, 2021 and concurred with the delineation for this project.

There are no designated anadromous fish waters or Primary Nursery Areas (PNA) present in the project study area. There are no Outstanding Resource Waters (ORW), High Quality Waters (HQW), or water supply watersheds. The PSA adjacent to the French Broad River (Class B, SEC 10/404) is located within a designated mountain trout watershed (Tr). The North Carolina 2020 Final 303(d) list of impaired waters identifies the French Broad River from Mud Creek to NC 146 for fecal coliform (recreation). The PSA is not located within any North Carolina Buffer Rule River Basins.

STIP project HE-0001 overlaps three other STIP projects:

STIP Project No.	Description	Schedule (Fiscal Year)
I-4700	I-26. NC 280 (Exit 40) to I-40 at Asheville. Add additional lanes.	<i>Under Construction</i>
U-3403B	NC 191 (Brevard Road-Old Haywood Road). SR 3498 (Ledbetter Road) to North of Blue Parkway. Widen roadway	R/W 2029 Const. Post Year
HO-0002A	I-40 in Asheville to I-77 at I-485 (South) in Charlotte. Install Broadband.	<i>Under Construction</i>
Source: NCDOT, 2020-2029 Current State Transportation Improvement Program (May 2022)		

Applicant’s Stated Needs and Purpose

➤ Applicant’s stated need:

The proposed project is needed to address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County to accommodate current and planned growth.

➤ Applicant’s stated purpose:

The purpose of the proposed project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth.

Other Desirable Outcomes:

The Applicant included the following as other desirable outcomes of the proposed project:

- improved traffic safety due to greater separation of local traffic from interstate traffic;
- improved emergency response times to the area including Pratt & Whitney Manufacturing Center, Biltmore Park West property, and sections of NC 191 and I-26;
- consistency with local and regional economic development initiatives in the project vicinity;
- improved access to current and anticipated regional employment opportunities and improved access to tourist destinations.

Project Description

To address the lack of network connectivity between NC 191 and I-26 in southern Buncombe County, and to accommodate current and planned growth, NCDOT proposes to construct a new interchange on I-26 (future exit 35). The proposed project is located approximately 6 miles south of Asheville along I-26, north of the Blue Ridge Parkway and south of the French Broad River bridge. The proposed interchange would be constructed primarily within the existing right-of-way of I-26, which currently is under construction to be widened from 2 lanes in each direction to 4 lanes in each direction as part of TIP project I-4700. A new 2-lane connecting road would also be constructed as part of the proposed project. This new road would connect the new interchange to East Frederick Law Olmsted Way (East FLOW), a 2-lane road that was constructed by a private developer (Biltmore Farms, LLC), which connects to NC 191 (Figure 5). East FLOW is currently open to traffic and is now a State-maintained facility.

In order to construct the proposed project, NCDOT proposes to impact waters of the U.S. as follows:

- Permanently impact 0.103 acre of wetlands (fill, mechanized land clearing, excavation).
- Permanently impact 981 lf of streams (installation and/or extension of pipes and culverts, relocations).
- Temporarily impact 190 lf of stream (dewatering).

Section 404/NEPA Merger Process

The project was processed through the Section 404/National Environmental Policy Act (NEPA) Merger Process. This process engaged federal and state agencies throughout project development.

Merger Team concurrence was achieved for each of the following concurrence points (CPs) on the dates listed below:

- 07/15/2021 - CP 1 Purpose and Need and Study Area
- 07/15/2021 - CP 2 Alternatives to be Studied in Detail
- 09/16/2021 - CP 2A Bridging Decisions and Alignment Review
- 02/09/2022 - CP 3 Least Environmentally Damaging Practicable Alternative (LEDPA)
- 06/15/2022 - CP 4A Avoidance and Minimization Measures
- 08/17/2022 - CP 4B Hydraulic Review
- 01/25/2023 - CP 4C Hydraulic Permit Plan Review - Merger Process complete.

The Corps issued a Merger Public Notice for this project on September 2, 2021.

Avoidance and Minimization Measures Implemented By NCDOT in Preliminary Design:

According to the Applicant, avoidance and minimization measures were incorporated into the planning and NEPA processes and these measures were incorporated into concept/project development and/or project design.

Listed below are the measures that have been implemented:

Concept/ Project Development:

Eliminated concepts from consideration during the scoping phase of the project for a variety of factors and feasibility concerns, including avoiding and minimizing potential impacts to the French Broad River (FBR) floodplain/wetland complex, residential and commercial developments north of the FBR, and the Biltmore Estate NHL property.

Project Study Area:

Reduced Project Study Area to avoid and minimize potential impacts to the FBR floodplain and known potential jurisdictional resources.

Detailed Study Alternatives:

- Did not consider alternatives with the potential to have direct effects to the Blue Ridge Parkway.
- Considered and eliminated alternatives with the potential to have direct effects to the Biltmore Estate NHL.

Two-lane -Y-Line Typical Section:

Two-lane roadway with curb and gutter typical section (opposed to 4-lane divided with grassed shoulder typical section) to accommodate future traffic volumes, noting auxiliary lanes will likely be required at intersection approaches. This results in less ROW requirements and will minimize impacts at proposed stream crossings and reduce tree clearing requirements.

-Y-Line Alignment:

Shifted the roadway alignment to the southeast to minimize potential impacts to Stream SA.

Following CP 3, per NCDWR request, NCDOT shifted -y-line alignment to:

- improve Stream SA crossing skew, reducing potential impacts by approx. 100 ft,
- avoid 0.03 ac impact to Wetland WD, and
- avoid 0.01 ac impact to Wetland WH.

Ramp -C-Retaining Walls:

Following CP 3, retaining walls were refined in conjunction with the DDI design and Ramp-C- Alignment shift (described below) in the same general locations.

Ramp -C-Alignment:

Following CP 3, shift ramp alignment between <1 ft to about 18 ft to the east (closer to I-26 westbound travel lanes) to:

- improve constructability of the proposed retaining walls,
- avoid approx. 120 ft of impacts to Stream SDY and Stream SDZ,
- avoid approx. <0.1 ac impacts to Wetland WCR,
- minimize impact to Stream SDX by approx. 175 ft, and
- minimize impacts to Wetland IDs WCS and WCN by approx. <0.1 ac.

Channel Change (Stream SDX):

Following CP 4B, NCDOT determined that the Ramp-D- Retaining Wall (described below) was not feasible. A stream channel relocation was designed for Stream SDX. Though this does not avoid required compensatory mitigable impacts to a jurisdictional aquatic resource, daylighting a stream channel is preferable to enclosing in a pipe or structure. In total, approx. 225 feet of Stream SDX will be daylighted.

Ramp -A-Headwall:

A headwall is included on the upstream side of the 54-inch pipe that will convey Stream SA under Ramp -A-. The inclusion of the headwall minimizes stream channel impacts and avoids impacts to the adjacent Wetland WQ.

Ramp -B-Retaining Wall:

An approximately 225-ft retaining wall is used along Ramp -B- to avoid fill impacts to the perpendicular Stream SH.

Culvert Extension:

Following CP 4C, the proposed culvert extension was shortened by approx. 60 feet due to revisions to the Ramp -D- design slope stakes. As a result:

- Approx. 60 feet more of stream SDX is daylighted (this is included in the approx. 225 feet of Stream SDX that will be daylighted with the channel change described above),
- A stormwater control device was removed from the culvert extension and will now receive treatment before entering Stream SDX

Compensatory Mitigation

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

For this project, the Applicant proposes to provide compensatory mitigation through credits obtained from the NC Division of Mitigation Services (NCDMS) (for wetlands) and an approved mitigation bank (for streams).

- Wetlands - the Applicant proposes to mitigate for functional wetland losses as follows: 0.103 acre of wetland loss @ 2:1 ratio = 0.206 acre of mitigation credits would be purchased from NCDMS.
- Streams - the Applicant proposes to mitigate for functional stream losses as follows: 469 lf of stream loss @ 2:1 ratio and 512 lf of stream loss @ 1:1 ratio for a total of 1,450 linear feet of stream mitigation credit. NCDOT has acquired this stream mitigation credit from the Dead Oak Mitigation Site, which is part of the RES French Broad 05 Umbrella mitigation bank. This mitigation site is 41.58-acre in-size and is located approximately one mile northwest of Alexander in Buncombe County, North Carolina.

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 FHWA is the lead federal agency for this project and for compliance with Section 106 of the National Historic Preservation Act (NHPA).

Historic Architecture and Landscape Resources

The NCDOT architectural historian identified the following National Register (NR)-eligible or NR-listed properties in the project area of potential effects (APE):

- Biltmore Estate (BN1835) – National Historic Landmark (NHL)
- Blue Ridge Parkway (NC0001) – Determined NR eligible, NHL pending
- French Broad River Gaging Station (BN6468) – Determined NR eligible
- Bent Creek Campus (BN0898) – Determined NR eligible

NCDOT recommended an effects assessment for the above-listed historic properties on June 15, 2021.

Archaeological Resources

The NCDOT archaeologist determined that an archaeological resource survey was required for the project APE on May 20, 2021. An intensive archaeological survey and evaluation was conducted for the APE from August to October 2021. Of the 13 resources identified or revisited by the survey, one site was recommended eligible. NCDOT submitted the Archaeological Effects Required Form to NC Historic Preservation Office (NC HPO) and federally-recognized and interested Tribes on December 10, 2021. On January 18, 2022, NC HPO concurred with NCDOT's Determination of Eligibility.

Effects Assessment

In accordance with Section 106 of the NHPA, NCDOT and FHWA consulted with appropriate parties in the determination of effects to the four above-ground historic architectural properties and one archaeological property at a series of meetings:

October 7, 2021 - NCDOT and FHWA hosted a Pre-effects Meeting with the NC HPO and the National Park Service-Blue Ridge Parkway (NPS). The Blue Ridge Parkway was the topic of discussion.

February 4, 2022 - NCDOT and FHWA hosted an Effects Meeting with NC HPO, NC Office of State Archaeology (OSA), NPS, and Biltmore Estate. All historic properties were reviewed for potential effects. Concurrence was reached on all historic properties except the Blue Ridge Parkway.

- Following the selection of the Least Environmentally Damaging Practicable Alternative (LEDPA)/Preferred Alternative at Concurrence Point 3 on February 9, 2022, NCDOT submitted the No National Register of Historic Places Eligible or Listed Archaeological Sites Form to NC HPO on March 10, 2022. NC HPO concurred by letter dated June 20, 2022, that HE-0001 will have no effect on eligible archaeological resources, including the eligible archaeological site.

March 18, 2022 - NCDOT and FHWA hosted a follow-up Effects Meeting for the Blue Ridge Parkway with NC HPO, NPS, Buncombe County, and Biltmore Farms, LLC (landowner).

May 11, 2022 - NCDOT and FHWA hosted a second follow-up Effects Meeting for the Blue Ridge Parkway with NC HPO, NPS, Buncombe County, and Biltmore Farms, LLC.

June 29, 2022 - NCDOT and FHWA hosted a final Effects Meeting for the Blue Ridge Parkway with NC HPO, NPS, Buncombe County, and Biltmore Farms, LLC. A No Adverse Effect, with conditions determination, was concurred to for the Blue Ridge Parkway.

The following effects determinations were made for the proposed project (Preferred Alternative):

Historic Property (State ID)	Status	Effect
Biltmore Estate (BN1835)	NHL	No Effect
Blue Ridge Parkway (NC0001)	NR eligible; NHL pending	No Adverse Effect, with conditions
French Broad River Gaging Station (BN6468)	NR eligible	No Effect
Bent Creek Campus (BN0898)	NR eligible	No Effect
Archaeological site (31BN1119)	NR eligible	No Effect

Tribal Coordination

NCDOT initiated contact with the following tribal governments consistent with the current NCDOT protocol on September 9, 2021:

- Eastern Band of Cherokee Indians (EBCI)
- United Keetoowah Band of Cherokee Indians
- Cherokee Nation
- Catawba Indian Nation
- Muscogee (Creek) Nation

NCDOT transmitted the Archaeological Effects Form and details regarding the results of the archaeological survey investigations to the above-listed tribal governments and NC HPO on December 10, 2021.

Following selection of the LEDPA/ Preferred Alternative on February 9, 2022, NCDOT transmitted updated information based on the No National Register of Historic Places Eligible or Listed Archaeological Sites Affected Form to the above-listed tribal governments on March 10, 2022. NCDOT and FHWA met with Eastern Band of Cherokee Indians on March 21, 2022, and provided additional information.

In addition to the Tribal coordination conducted by the FHWA and NCDOT, the Corps coordinated the Merger Public Notice for this project with the five Tribes noted above on September 2, 2021.

Section 4(f) of the Department of Transportation Act of 1966

NCDOT and FHWA considered the potential use of Section 4(f) properties by STIP project HE-0001. Section 4(f) properties in and adjacent to the PSA include the properties listed in the table above and recreational resources (i.e., Mountains-to Sea Trail). The Blue Ridge Parkway is a historic site and a public park adjacent to the PSA.

No right of way acquisition is required from Section 4(f) properties; thus, a permanent incorporation or permanent easement use is not applicable. No temporary easement will be required from Section 4(f) properties; thus, a temporary occupancy use is not applicable.

Constructive use involves an indirect impact to a Section 4(f) property of such magnitude as to effectively act as a permanent incorporation. In such a scenario, a project does not physically incorporate the property but is close enough to it to severely impact important features, activities or attributes associated with it, and to substantially impair it. Proximity effects to the Blue Ridge Parkway were considered through Section 106 Consultation. However, it was determined that visual effects do not severely impact important features, activities or attributes associated with the Parkway, nor will visual impacts substantially impair the property. NCDOT evaluated future potential noise impacts to the Parkway as well. This project would not substantially alter future sound levels along the studied portion of the Blue Ridge Parkway adjacent to the proposed project. The traffic analyses concluded that construction of HE- 0001 would not attract additional trips to the Parkway.

As a result, the FHWA and NCDOT determined that no Section 4(f) constructive uses would result from STIP project HE-0001.

Endangered Species

The FHWA is the lead federal agency for this project, which includes compliance with Section 7(a)2 of the Endangered Species Act (ESA). As such, the FHWA has made determinations of effect to federally listed species and received concurrence with these determinations from the USFWS. The table below contains the federally listed species in the project area from the USFWS's Information for Planning and Consultation (IPaC) tool:

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Myotis grisescens</i>	Gray bat	Endangered	Yes	MANLAA
<i>Myotis septentrionalis</i>	Northern long-eared bat	Threatened	Yes	MANLAA
<i>Perimyotis subflavus</i>	Tricolored bat	Proposed Endangered	Yes	MANLAA
<i>Glyptemys muhlenbergii</i>	Bog turtle	T(S/A)	No	Not Required
<i>Alasmidonta raveneliana</i>	Appalachian elktoe	Endangered	No	MANLAA
<i>Sarracenia rubra ssp. jonesii</i>	Mountain sweet pitcher plant	Endangered	No	No Effect
<i>Gymnoderma lineare</i>	Rock gnome lichen	Endangered	No	No Effect
T(S/A) - Threatened due to similarity of appearance; MANLAA - May Affect–Not Likely to Adversely Affect.				

NCDOT, for the FHWA, submitted informal concurrence requests or information to the USFWS on the following dates for this project: November 18, 2021; March 16, 2022; July 22, 2022; and November 21, 2022.

By letter dated January 13, 2023, the USFWS concurred with FHWA/NCDOT's determinations of MANLAA for the Northern long-eared bat (uplisted since the previous letter) and the Tricolored bat (a proposed endangered species). This concurrence is dependent on NCDOT's compliance with the "...previously established conservation measures, including the commitment to remove trees in the winter...".

By letter dated July 22, 2022, the USFWS concurred with FHWA/NCDOT's determinations of MANLAA for the Appalachian elktoe and the Gray bat. This concurrence is dependent on NCDOT's compliance with the conservation measures outlined in the letter.

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 at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. 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 May 22, 2023 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 (NCDWM):

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, June 01, 2023. 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.