



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 14, 2018
Comment Deadline: January 14, 2019
Corps Action ID Number: SAW-1993-02466
TIP Project No. R-1015

The Wilmington District, Corps of Engineers (Corps) received an application from the North Carolina Department of Transportation, Mr. Philip S. Harris, III, Natural Environment Section Head, seeking Department of the Army authorization to impact jurisdictional areas consisting of 114.15 acres of permanent wetland impacts, 2,870 linear feet of permanent stream impacts (including 936 feet of intermittent streams and 1,934 of perennial streams), and 0.55 acres of permanent surface water impacts. The wetland impacts include 98.33 acres of non-riparian wetlands and 15.82 acres of riparian wetlands that will require mitigation. Additionally, there will be 7.43 acres of hand clearing in wetlands due to roadway construction. The proposed impacts are associated with construction of a new bypass (US 70 Havelock Bypass/R-1015) around the Town of Havelock, Craven County, North Carolina.

Due to the large number of permit drawing plans associated with this proposal, they are not included with this Public Notice. This Public Notice is available on the Wilmington District Web site at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>.

Related maps for this project are available on the NCDOT website click on this link: <https://xfer.services.ncdot.gov/pdea/PermApps>, you can scroll down and click on the R-1015 links or do CTRL+F and type R-1015. There are two PDF files, click on the first PDF file.

If you wish to review these plans in person, or to obtain additional information about the proposed project, please visit the U.S. Army Corps of Engineers Regulatory Field Office at 2407 West 5th Street, Washington, North Carolina 27889 (Call ahead to arrange a time for review at (910)-251-4615).

Applicant:

North Carolina Department of Transportation
Project Development and Environmental Analysis Unit
Attn: Mr. Philip S. Harris III, Section Head
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

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: The proposed project originates at an interchange with existing US 70, just north of SR 1760 (Hickman Hill Loop Road) and extends 10.3 miles to terminate at an interchange with existing US 70 southeast of SR 1824 (McCotter Boulevard).

Project Area (acres): 375 (approximately) Nearest Town: Havelock
Nearest Waterways: Tucker Creek, Slocum Creek and multiple unnamed tributaries of both.

River Basins: Neuse River (HUC 03020204)

Latitude and Longitude:

Begin Project (approximately) 34.836715 N, -76.882150W

End Project (approximately) 34.954187 N, -76.949412W

Existing Site Conditions

The project is located in the Neuse River Basin (Hydrologic Unit 03020204). The project crosses numerous streams, unnamed tributaries, surface waters, and wetlands. Drainages within the northern part of the project study corridors are part of the Tucker Creek watershed and drainages in the southern and central part of the project study corridors are part of the Slocum Creek watershed. There are no Outstanding Resource Waters (ORW), High Quality Waters (HQW), WS-I waters, or WS-II waters within 3 miles upstream or downstream of the project study corridors or within the project study area. No stream that flows through the project study corridors is designated as National Wild and Scenic River or a State Natural and Scenic River. The project is predominately located within the boundary of the Croatan National Forest (CNF) and crosses privately held parcels adjacent to or contained within the CNF.

Applicant's Stated Purpose

The purpose of the project is to improve the traffic operations along the US 70 corridor and enhance regional connectivity in eastern North Carolina.

The separation of local and regional traffic will reduce congestion and thereby increase safety on existing US 70 in Havelock, enhance high speed regional travel and promote US 70 connectivity between the Port of Morehead City to the east and multiple industrial/military complexes located to the west.

Project Description

In order to satisfy the requirements of both NEPA and Section 404 of the Clean Water Act, planning for this proposal has been conducted in accordance with the integrated NEPA/404 Merger Process (Merger) as adopted by the NC Department of Transportation, the Federal Highway Administration (FHWA), and the USACE by MOA dated 1999. The FHWA was lead federal agency throughout the lengthy planning and development of the project. FHWA documented the project in a Final Environmental Impact Statement (FEIS) in October 2015 and Record of Decision (ROD) in December 2016. Both documents are available at: <https://xfer.services.ncdot.gov/pdea/EnvironmentalDocs/Documents/>

The US 70 Havelock Bypass will be constructed as a freeway predominantly on new location. The typical section consists of four 12-foot travel lanes, placed on fill material. The highway has 12-foot outside shoulders (10-feet paved) and grass-lined ditches with slopes ranging from 6:1 to a 3:1 maximum. The inside shoulders are 6-foot shoulders (4-foot full-depth of pavement). The medians are depressed downward to the center of the median at a 6:1 slope. The total depressed-median width (paved and grass) is 46 feet. Two interchanges will connect the bypass to existing US 70 on the north and south ends of the project, and a new interchange will be constructed just west of central Havelock - to provide access from SR 1756 (Lake Road). A minimum of 23 feet of vertical clearance will be held over railroads and a minimum of 17 feet of vertical clearance above intersecting roadways. Full control of access is proposed for the US 70 Havelock Bypass. The total length of the project is approximately 10.3 miles.

Final proposed impacts to jurisdictional wetlands and surface waters associated with road construction for R-1015 are summarized in Tables 1 and 2 respectively. The project is located within sub-basin 030410 of the Neuse River Drainage Basin and is part of USGS hydrologic unit 03020204. Drainages within the northern part of the project are part of the Tucker Creek watershed and drainages in the southern and central part of the project are part of the Slocum Creek watershed.

Table 1. R-1015 Wetland Impacts

Permit Drawing Site Number	2007 NRTR Label	Type	Permanent Impacts (ac.)	Temporary Impacts (ac.)	Mitigation Required*
1	W90	Non-riparian	1.16		Yes
2	W1	Non-riparian	5.06		Yes
3	W2	Non-riparian	29.33		Yes
4	W3	Non-riparian	1.62		Yes
5	W4 & W5	Non-riparian	0.23	0.08	Yes
6	W6	Non-riparian	5.54		Yes
7	W7	Non-riparian	2.89		Yes
8	W7	Riparian	0.03		Yes
9	W7	Riparian	5.54	3.95	Yes
10	W7	Non-riparian	7.24		Yes
11	W7	Non-riparian	3.03		Yes
12	W8	Non-riparian	2.62		Yes
13	W9	Non-riparian	7.22		Yes
14	W9	Riparian	0.99		Yes
15	W9	Riparian	0.35		Yes
16	W9	Riparian	2.64		Yes
17	W10	Riparian	0.06		Yes
17A	W10	Riparian		0.05	Yes
18	W10	Non-riparian	1.10		Yes
18A	W10	Non-riparian		0.15	Yes
19	W10	Riparian	0.14		Yes
20	W9	Non-riparian	1.74		Yes
21	W10	Non-riparian	0.85		Yes
21A	W10	Non-riparian	0.11	0.25	Yes
22	W12 & W13	Riparian	0.98		Yes
23	W13	Riparian	1.18		Yes
24	W4	Non-riparian	0.84		Yes

Permit Drawing Site Number	2007 NRTR Label	Type	Permanent Impacts (ac.)	Temporary Impacts (ac.)	Mitigation Required*
25A	W42	Non-riparian	2.02		Yes
25B	W42	Non-riparian	0.01		Yes
26	W44	Non-riparian	0.58		Yes
27	W42 & W45	Non-riparian	0.91		Yes
28A	W47	Non-riparian	0.03		Yes
28B	W47	Non-riparian	0.03		Yes
29	W49	Non-riparian	0.14		Yes
30	W48	Non-riparian	0.31		Yes
31	W50 & W51	Non-riparian	2.61		Yes
32	W62	Non-riparian	0.71		Yes
33	W65	Non-riparian	0.02		Yes
34	W66	Non-riparian	0.19		Yes
35A	W67	Non-riparian	6.26		Yes
35B	W67	Non-riparian	0.82		Yes
36A	W67	Non-riparian	0.94		Yes
36B	W67	Non-riparian	0.57		Yes
37	W69	Non-riparian	3.94		Yes
38A	W70	Non-riparian	0.52		Yes
38B	W70	Non-riparian	0.36		Yes
39	W74	Non-riparian	0.01		Yes
39	W76 & W77	Riparian	3.26		Yes
40	W83	Non-riparian	6.28		Yes
41	W87, W88, W91	Riparian	0.15		Yes
42	W38	Riparian	0.11		Yes
43	W37	Riparian	0.06		Yes
44	W41	Non-riparian	0.35		Yes
45	W36	Riparian	0.47		Yes
45A	W36	Riparian		0.51	Yes
Total:			114.15	0.96	

Note: *- for permanent impacts

Table 2. R-1015 Surface Water Impacts

Permit Drawing Site Number	2007 NRTR Label	Stream Name	Type	Perm. (lf)	Temp. (lf)	Perm. (ac.)	Temp. (ac.)	Mitigation Required
14	S6	UT to SW Prong Slocum Creek	P	338	56	0.05	< 0.01	Yes
16	S6	UT to SW Prong Slocum Creek	P	201	59	0.03	< 0.01	Yes
17	S6	UT to SW Prong Slocum Creek	P	130	89	0.03	0.02	Yes
19	S7	UT to SW Prong Slocum Creek	P	261	44	0.06	< 0.01	Yes
22	S9	UT to SW Prong Slocum Creek	I	584	61	0.05	0.01	Yes
39	S22	Tucker Creek	P	655	116	0.22	0.03	Yes
39	S23	UT to Tucker Creek	I	330				Yes
41	S30a, b & c	Tucker Creek	P	49	57	0.05	0.08	Yes
42	S20b	UT to SW Prong Slocum Creek	P	20	12	< 0.01	< 0.01	Yes
43	S20a	UT to SW Prong Slocum Creek	P	42	10	< 0.01	< 0.01	Yes
44	S19b	UT to SW Prong Slocum Creek	P	122	11	0.02	< 0.01	Yes
45	S19a	UT to SW Prong Slocum Creek	P	116	99	0.04	0.02	Yes
46	S24	UT to Tucker Creek	I	10	16	< 0.01	< 0.01	Yes
47	S29	UT to Goodwin Creek	I	12	10	< 0.01	< 0.01	Yes
Total:				2,870	640	0.55	0.19	

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

- Methods to minimize impacts on wetlands, streams, and other environmentally sensitive areas:
 - Carefully design outlet of stormwater pipes to areas just outside wetlands and buffers to minimize impacts from fill footprint and to provide for energy dissipation to reduce erosion potential, provide additional hydrology to help maintain wetland function, and allow the natural buffer to help treat the stormwater.
 - Minimize the number of outlet pipes at jurisdictional features.
 - Retain ditch discharges to existing wetlands.
 - Align channels at confluences to reduce energy of discharges into receiving water and limit stabilization needs.
 - Provide for fish passage needs in perennial channels in appropriate culvert designs in locations where fish passage is feasible and likely.
 - Eliminate existing direct discharges into jurisdictional features, where feasible.
 - Identify access routes at construction crossings that minimize jurisdictional impacts and clearing of buffers.
 - Ensure construction in jurisdictional areas is in strict compliance with all permits.
 - Use BMPs, including grass swales, preformed scour holes, dry detention basins, and riprap energy dissipaters, to minimize impacts.
 - Develop a project-specific Environmental and Permit Monitoring Plan.
- Select service road alignments that minimize stream and wetland crossings while meeting design criteria and minimize property impacts.
- Whenever possible place utilities into proposed road alignment rather than separate corridor that would have impacts to additional jurisdictional features. Only one utility, an overhead powerline, requires minor impacts solely for the utility relocation.
- Design pond dewatering activities to create stable remnant channels in pond footprint and require minimal impacts to tie into existing jurisdictional waters.
- When appropriate and feasible relocate channels using natural stream channel design methods.
- Drainage would be designed to minimize impacts to jurisdictional features and water quality.
- When feasible use construction methods that revise permanent impacts to be temporary impacts in instances such as construction access locations and utility relocations and employ appropriate restorative techniques at those locations to return conditions to pre-construction functions. Other techniques such as use of mats, temporary bridges for stream crossings are identified for construction methods.
- Many others as noted in the CP 4B and 4C meetings.

Compensatory Mitigation

The project has been designed to avoid and minimize impacts to jurisdictional areas throughout the National Environmental Policy Act (NEPA) and design processes. The applicant has requested compensatory mitigation credit via the North Carolina Division of Mitigation Services (DMS) to offset permanent impacts associated with the proposed project. The Corps will request that compensatory mitigation will be debited from the Croatan Wetland Mitigation Bank (CWMB) owned by NCDOT and located immediately adjacent to the proposed highway corridor.

The CWMB is also contiguous to land currently owned by the National Forest System/Croatan National Forest. The USACE, NCDOT and the U.S. Forest Service have been planning the development, use, and long term management of the CWMB. Discussions are underway to develop an instrument to convey the CWMB property from NCDOT to the U.S. Forest Service for inclusion in the Croatan National Forest (CNF) as an element of compensatory mitigation for the loss of CNF property within the project corridor.

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 will not impact any Essential Fish Habitat (EFH) identified by the National Marine Fisheries Service (NMFS), and NMFS has not requested further consultation regarding EFH.

Cultural Resources

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

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).

- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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

Throughout the planning phases of this proposed project, the NCDOT, the Federal Highways Administration (FHWA) and the SHPO have coordinated potential effects to historic resources. During NEPA documentation, it was determined that no properties listed in or eligible for listing in the National Register of Historic Places (NRHP) will be impacted by the proposed bypass (ROD, p. 7; FEIS, p. 4-18). Project commitments have been generated to ensure that Site 31CV302, an archaeological site recommended eligible for the NRHP per Criterion D, is avoided and protected throughout the duration of the project's construction (ROD, Appendix C [Sheets 2 & 3 of 7]).

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 federally listed endangered or threatened species or their formally designated critical habitat. Specifically, suitable habitat for the Red-Cockaded woodpecker (*Picoides borealis*) is present adjacent to the project corridor in the form of mature pine stands that may present opportunities for nesting habitat. Additionally, suitable habitat for the Northern Long-eared Bat (*Myotis septentrionalis*) is present within the project corridor. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (BO) titled "Northern Long-eared Bat (NLEB) Programmatic Biological Opinion for North Carolina Department of Transportation (NCDOT) Activities in Eastern North Carolina (Divisions 1-8)," dated March 25, 2015, and adopted on April 10, 2015, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the BO. Any permit issued for this project would be conditioned to require compliance with the mandatory terms and conditions associated with incidental take of the BO.
- 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.

Table 3 lists the federally protected species for Craven County as of April 25, 2018. These species are discussed extensively in Section 4.14.4 of the FEIS. Species with the federal classification of Endangered (E), Threatened (T), or officially Proposed (P) for such listing, are protected under Section 7 of the Endangered Species Act (ESA) of 1973, as amended. Species listed as Threatened due to Similarity of Appearance [T(S/A)], such as the American alligator, are not subject to Section 7 consultation. The Bald Eagle is protected by the Bald and Golden Eagle Protection Act and is not subject to Section 7 consultation.

Table 3. Federally Protected Species Listed for Craven County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion	County
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect	Craven
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	E	No	No Effect	Craven
<i>Aeschynomene virginica</i>	Sensitive joint-vetch	T	No	No Effect	Craven
<i>Alligator mississippiensis</i>	American alligator	T(S/A)	Yes	Not Required	Craven
<i>Chelonia mydas</i>	Green sea turtle	T	No	No Effect	Craven

<i>Dermochelys coriacea</i>	Leatherback sea turtle	E	No	No Effect	Craven
<i>Haliaeetus leucocephalus</i>	Bald Eagle	NA	Yes	NA	Craven
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes	MA-LAA	Craven
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	Yes	MA-NLAA	Craven
<i>Calidris canutus rufa</i>	Red knot	T	No	No Effect	Craven
<i>Trichechus manatus</i>	West Indian manatee	E	No	No Effect	Craven
<i>Lysimachia sperulaefolia</i>	Rough-leaved loosestrife	E	Yes	No Effect	Craven

E – Endangered , T – Threatened, T(S/A) – Threatened due to Similarity of Appearance, MA-LAA - May Affect, Likely to Adversely Affect, MA-NLAA – May Affect, Not Likely to Adversely Affect, NA- Not applicable.

Biological Conclusions for ESA Listed Species

The FEIS addressed the analysis of potential effects on this species on pp. 4-59 through 4-74, which concluded that the Biological Conclusion for the red-cockaded woodpecker (RCW) is May Affect, Not Likely to Adversely Affect. The USFWS concurred with that conclusion by letter dated November 19, 2013. This concurrence was based in part on NCDOT’s agreement to allow periodic closures of the Bypass in order for Croatan National Forest Staff to conduct prescribed burns as management for the RCW. Additional coordination has taken place with USFWS as the project has continued to develop. Based on the latest information, NCDOT requested an updated concurrence from the USFWS by letter dated October 4, 2018, and the FWS concurred that the project may affect, but is not likely to affect the RCW, in a response letter dated October 10, 2018.

The USFWS has developed a programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. The programmatic determination for NLEB for the NCDOT program is "May Affect, Likely to Adversely Affect." The PBO provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for five years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Craven and Carteret Counties where R-1015 is located.

Since the PBO does not include the USFS, NCDOT conducted surveys to further investigate potential effects on the NLEB. As discussed on pp.4-57 & 4-58 of the FEIS, these surveys concluded that the project will not affect the viability of NLEB on Croatan National Forest.

For the remaining ESA listed species, NCDOT has concluded the projects will have No Effect (see Table 3), and Section 4.14.4.1 of the FEIS.

Bald and Golden Eagle Protection Act (BGPA)

In the July 9, 2007 Federal Register (72:37346-37372), the bald eagle was declared recovered, and removed (de-listed) from the Federal List of Threatened and Endangered wildlife. This delisting took effect August 8, 2007. After delisting, the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668d) became the primary law protecting bald eagles. Surveys conducted in 2011 concluded that the proposed project will have no impact on the bald eagle due to the absence of nest sites, communal roost sites, or foraging areas for this species (FEIS, p. 4-56).

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 January 14, 2019 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):

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, January 14, 2019**. Comments should be submitted to Thomas Steffens, Washington Regulatory Field Office, 2407 West 5th Street, Washington, North Carolina 27889, at (910) 251-4615.