



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 9, 2018
Comment Deadline: June 8, 2018
Corps Action ID Number: SAW-2016-00032

The Wilmington District, Corps of Engineers (Corps or USACE) received an application from Ms. Roseanne Giordani of Cashiers Canoe Club Development, LLC, (Cashiers Canoe Club) seeking Department of the Army authorization for 30 linear feet (lf) of temporary stream impacts (utility crossing); 100 linear lf of permanent stream impacts (stream crossings for roads); 6.96 acres (ac) of permanent wetland impacts (fill and dredging); and 18.78 acres permanent open water impacts (fill and dredging), associated with the Cashiers Lake Dredge and Development Project in Cashiers, Jackson County, North Carolina.

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

Applicant: Ms. Roseanne Giordani
Cashiers Canoe Club Development, LLC
P.O. Box 300849
Austin, Texas 78703

AGENT (if applicable): Mr. Clement Riddle
ClearWater Environmental Consultants, Inc.
32 Clayton Street
Asheville, North Carolina 28801

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Directions to Site: From the intersection of NC Highway 107 and U.S. Highway 64 in Cashiers, go south on NC Highway 107. After 0.2 mile, turn right onto Frank Allen Road. Cashier Lake is immediately south of Frank Allen Road.

Project Area (acres): 89
Nearest Town: Cashiers
Nearest Waterway: Unnamed Tributaries (UTs) Chattooga River and Cashiers Lake
River Basin: Tugaloo (03060102)
Latitude and Longitude: 35.1072 N, 83.1008 W

Existing Site Conditions

Cashiers Canoe Club owns approximately 89 acres, including Cashiers Lake located in the north central portion of the property. Cashiers Lake has been in existence since approximately 1920, when a group of developers built the lake with the intention of selling lots surrounding it for homes. The development of homes was unsuccessful at the time, but the lake remained.

The Cashiers Lake Development project boundary contains Cashiers Lake, several existing developed residential and commercial properties and undeveloped properties. The project includes development associated with a resort hotel and residential community; the lake/wetland areas proposed for dredging; and the dredge spoil disposal area. The project site is surrounded by commercial development, developed rural residential, public open space, and forested undeveloped lands.

The project area is situated in the Blue Ridge physiographic province and in the Southern Crystalline Ridges and Mountains Ecoregion of North Carolina. Blue Ridge province is a mountainous zone that extends northeast-southwest from southern Pennsylvania to central Alabama. The physiography of the Jackson County consists of high, intermediate, and low mountains; floodplains; and low stream terraces. The site is relatively flat with an average elevation of approximately 3,520 feet above mean sea level (msl).

Waters at the project site are part of the Savannah River system and are within the Tugaloo River watershed (HUC 03060102). UTs of the Chattooga River and Cashiers Lake (an impoundment of a UT Chattooga River) are located at the project site. Streams at the site generally drain to the south.

Tributaries of the Chattooga River merge approximately 1.3 miles downstream of the site to form the Chattooga River. The Chattooga River and its tributaries contain some of the most pristine and high-quality waters in the North Carolina, South Carolina, and Georgia. As designated by the North Carolina Department of Environmental Quality (NCDEQ) – Division of Water Resources (DWR), streams at the site are classified as outstanding resource waters, primary recreation class B, and trout waters.

There are wetlands located within the Cashiers Lake Development project boundary. The majority of wetlands are associated with one large, contiguous scrub-shrub wetland located at the head of Cashiers Lake. Other wetlands identified on site are small and abutting associated stream channels. The proposed project boundary contains the following amounts of jurisdictional waters of the U.S. (WoUS):

Summary of Jurisdictional Waters

| Aquatic Resource | Amount |
|------------------|----------|
| Stream | 5,332 lf |
| Wetland | 12.31 ac |
| Open Water | 18.99 ac |

One soil association is present on the project site, the Whiteside-Tuckasegee-Nikwasi association, which is classified as nearly level to strongly sloping, well drained to very poorly drained soils that are very deep to moderately deep. This association is found in coves and on floodplains along small streams. Soil series present on-site include the Edneyville-Chestnut complex, Nikwasi, Sylva-Whiteside complex, and Whiteside-Tuckasegee complex.

During site visits in 2016 and 2017, ClearWater Environmental Consultants, Inc., (CEC) identified several habitat types at the Cashiers Lake Development project site. The following is a summary of each of the habitat types identified on-site.

Greater than 50% of the site is comprised of mixed pine/hardwood forest habitat. Hardwood trees dominate this habitat type except in one small area in the eastern portion of the site (southeast of the lake) where white pine is dominant. This habitat type has a dense understory and sparse herbaceous layer. Dominant canopy species include red maple (*Acer rubrum*), sweet birch (*Betula lenta*), mockernut hickory (*Carya tomentosa*), tulip poplar (*Liriodendron tulipifera*), Fraser magnolia (*Magnolia fraseri*), sourwood (*Oxydendrum arboreum*), white pine (*Pinus strobus*), Chestnut oak (*Quercus prinus*), blackjack oak (*Quercus marilandica*), and hemlock (*Tsuga canadensis*). Dominant saplings/shrub species include pignut hickory (*Carya glabra*), chestnut (*Castanea dentata*), witch hazel (*Hamamelis virginiana*), American holly (*Ilex opaca*), buffalo nut (*Pyralia pubera*), rhododendron (*Rhododendron maximum*), sassafras (*Sassafras albidum*), and blueberry (*Vaccinium* sp.). Dominant herbaceous species include fly poison (*Amianthium muscitoxicum*), spotted wintergreen (*Chimaphila maculata*), strawberry (*Fragaria* sp.), rattlesnake plantain (*Goodyera pubescens*), little brown jug (*Hexastylis arifolia*), Indian cucumber root (*Medeola virginiana*), partridge berry (*Mitchella repens*), Virginia creeper (*Parthenocissus quinquefolia*), Solomon Seal (*Polygonatum biflorum*), Christmas fern (*Polystichum acrostichoides*), New York fern (*Thelypteris noveboracensis*), poison ivy (*Toxicodendron radicans*), nodding trillium (*Trillium cernuum*), and Halberdleaf violet (*Viola hastata*).

Ruderal corridors habitat consists of road edges. It is considered a disturbed and/or transitional community type. These areas are dominated by early successional saplings, shrubs, and herbaceous plants. Dominant canopy species include red maple, tulip poplar, Fraser magnolia, white pine, and black locust (*Robinia pseudoacacia*). Dominant saplings/shrubs include devil's walking stick (*Aralia spinosa*), sweet birch, dogwood (*Cornus florida*), witch hazel, mountain

laurel (*Kalmia latifolia*), rhododendron, multiflora rose (*Rosa multiflora*), blackberry (*Rubus sp.*), sassafras, and blueberry. Dominant herbaceous species include broomsedge (*Andropogon virginicus*), solitary pussy toes (*Antennaria plantaginifolia*), southern lady fern (*Athyrium filix-femina*), false nettle (*Boehmeria cylindrica*), virgin's bower (*Clematis virginiana*), hay scented fern (*Dennstaedtia punctilobula*), deer tongue (*Dichanthelium clandestinum*), trailing arbutus (*Epigaea repens*), strawberry, galax (*Galax urceolata*), ground ivy (*Glechoma hederacea*), hawkweed (*Hieracium sp.*), jewelweed (*Impatiens capensis*), dwarf dandelion (*Krigia sp.*), whorled loosestrife (*Lysimachia quadrifolia*), false Solomon Seal, Indian cucumber root, Japanese stiltgrass (*Microstegium vimineum*), partridge berry, Virginia creeper, Soloman Seal (*Polygonatum biflorum*), Christmas fern, greenbriar (*Smilax sp.*), goldenrod (*Solidago sp.*), dandelion (*Taraxacum sp.*), poison ivy, nodding trillium, sweet white violet (*Viola blanda*), and Halberdleaf violet.

Maintained lawn habitat includes predominantly herbaceous vegetation and land that is mowed at regular intervals. Tree and shrub species present are individuals and are dominated by red maple, dogwood, tulip poplar, red oak (*Quercus rubra*), mountain laurel, and sassafras. Dominant herbaceous species include yarrow (*Achillea millefolium*), ragweed (*Ambrosia artemisiifolia*), virgin's bower, field bindweed (*Convolvulus arvensis*), orchard grass (*Dactylis sp.*), fescue (*Festuca sp.*), strawberry, ground ivy, English ivy (*Hedera helix*), bluets (*Houstonia sp.*), yellow flag (*Iris pseudacorus*), oxeye daisy (*Leucanthemum vulgare*), sorrel (*Oxalis sp.*), Virginia creeper, pokeweed (*Phytolacca americana*), lanceleaf plantain (*Plantago lanceolata*), broadleaf plantain (*Plantago major*), cinquefoil (*Potentilla sp.*), buttercup (*Ranunculus sp.*), yellow dock (*Rumex crispus*), sage (*Salvia sp.*), dandelion, red clover (*Trifolium pretense*), white clover (*Trifolium repens*), vetch (*Vicia sp.*), sweet white violet, and violet (*Viola sp.*).

Wetland and lake fringe habitat at the project site is one large shrub/scrub wetland approximately 11.1 acres in size located at the north end of Cashiers Lake. Dominant saplings/shrubs include tag alder (*Alnus serrulata*), red maple, elderberry (*Sambucus canadensis*), and chokeberry (*Aronia arbutifolia*). Dominant herbaceous species include swamp rose (*Rosa palustris*), jewelweed (*Impatiens capensis*), sedges (*Carex sp.*), cattails (*Typha latifolia*), and smooth rush (*Juncus effusus*). Smaller pocket wetlands were also observed next to UTs of the Chattooga River.

Freshwater stream habitat include the streambeds and banks of UTs to the Chattooga River. These streams are narrow and vary from 3 to 6 feet wide. Permanently rooted aquatic plants are practically non-existent in on-site streams. The stream bed substrate is predominantly sand. The mixed pine/hardwood forest type is predominant adjacent to stream channels. Stream banks are dominated by dense rhododendron. Also, Cashiers Lake has approximately 18.99 acres of open freshwater habitat.

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

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

CEC conducted a file review of records maintained by the US Fish and Wildlife Service (FWS) and the North Carolina Natural Heritage Program (NHP). The desktop literature review involved a review of the FWS list of protected species in Jackson County and the NHP Element Occurrence Data on which NHP identifies current and historic occurrences of listed species for a specific locale. The FWS lists 8 species as occurring in Jackson County that are subject to Endangered Species Act (ESA) Section 7 consultation (see table below). The NHP database identifies 102 element occurrences (EO) within a 2-mile radius of the project site; 3 EOs comprised of 2 species which hold Federal status and are subject to Section 7 consultation. An additional NHP database scan was conducted on January 31, 2018. No EOs holding a Federal status were identified within a 1-mile radius of the project.

| Common Name | Scientific Name | Federal Status |
|-----------------------------------|-------------------------------------|----------------|
| Carolina Northern Flying Squirrel | <i>Glaucomys sabrinus coloratus</i> | E |
| Indiana Bat | <i>Myotis sodalis</i> | E |
| Northern Long-Eared Bat (NLEB) | <i>Myotis septentrionalis</i> | T |
| Appalachian elktoe | <i>Alasmidonta raveneliana</i> | E |
| Spruce-Fir Moss Spider | <i>Microhexura montivaga</i> | E |
| Small Whorled Pogonia | <i>Isotria medeoloides</i> | T |
| Swamp Pink** | <i>Helonias bullata</i> | T |
| Rock Gnome Lichen** | <i>Gymnoderma lineare</i> | E |

**Species with a Federal status subject to Section 7 Consultation and within 2 miles of the project sites.

E - Endangered. A taxon “in danger of extinction throughout all or a significant portion of its range.”

T - Threatened. A taxon “likely to become endangered within the foreseeable future throughout all or a significant portion of its range.”

CEC reviewed the National Park Service National Register of Historic Places (NRHP) GIS Public Dataset and the North Carolina State Historic Preservation Office (SHPO) HPOWEB GIS Web Service. This review indicted four historic properties within 3 miles of Cashiers Lake, High Hampton Historic District (JK0006) located approximately 1 mile from the proposed project site, Church of the Good Shepard (JK0008) located approximately 1 mile from the proposed project site, the Mordecai Zachary House (JK0024) located approximately 1.5 miles from the project site, and the Thorpe Dam Complex (JK0382) located approximately 2.5 miles from the project site.

Applicant's Stated Purpose

The project purpose is to remove accumulated sediment and debris from Cashiers Lake and construct roads for a resort hotel and residential community. More specifically, the overall project purpose is to conduct maintenance dredging of Cashiers Lake to restore historic open water conditions.

Project Description

The applicant proposes to maintenance dredge Cashiers Lake to restore the historic open water conditions and the project also includes the development of a resort hotel and residential community. The applicant is requesting a 25-year permit that will allow for future maintenance dredging.

The applicant proposes to dredge a total of 6.54 acres of wetlands associated with the proposed project. Using aerial photographs, CEC was able to determine the extent of wetlands in 1951, 1998, and 2015. The wetland impacts associated with proposed dredging have been divided into two categories, sediment accumulated from 1998 to 2015 and sediment accumulated prior to 1998. Approximately 1.7 acres of sediment and wetland has accreted in Cashiers Lake from 1998 to 2015. The Corps has determined that excavation of this 1.7 acres would constitute a jurisdictional impact, however the impacts would not require mitigation. The applicant proposes to dredge 1.33 acres of this area to an average depth of 3 feet. The total volume of material removed from this area is estimated to be 10,000 cubic yards.

Significant sediment has accumulated and areas naturalized into wetlands at Cashiers Lake prior to 1998. The Corps has determined that excavation of this area would constitute a jurisdictional impact and these impacts would require mitigation. The applicant proposes to dredge approximately 5.21 acres of these wetlands to an average depth of 3 feet. The total volume of material removed from this area is estimated to be 26,000 cubic yards.

The applicant proposes to dredge a total of 17.37 acres of the lake bottom which will deepen the lake bed on average approximately 3 feet. The total volume of material removed from this area is estimated to be 77,000 cubic yards. The lake water level would be drawn down using a pump or siphon. An area adjacent to the existing lake outlet would retain approximately 3 feet of water and be maintained as a temporary sediment basin. The basin would include baffles as necessary to

maintain a 3:1 length to width ratio. The stream channel would be diverted through the lake bed as necessary to accommodate dredging and maintain an exit through the sediment basin. Access to the dredging area would be provided by a constructed gravel drive from Cashiers Lake Road. Once in the lake, timber mats or rip-rap causeways would be utilized to access dredging areas, as needed.

The proposed dredge spoils disposal area is located on-site between Zeb Alley Road and Cashiers Lake Road. Dredge spoil material would be transported by dump truck to the site. There will be no stream or wetland impacts associated with the dredged spoil location.

The applicant proposes to construct three bulkheads. Approximately 0.18 acre of wetland and 1.41 acres of open water would be impacted by using suitable dredged material within the lake bed to create upland areas. Two docks would be constructed in a manner that would not cause impact to the open water (driven or jetted piles). The final dock design and location would be finalized at a later date.

The applicant proposes the development of a mixed-use community with approximately 55 residential lots and a hotel. The final design for the hotel is not complete, however, the facility is expected to have 90-100 rooms. Additional amenities associated with the hotel include bike paths, a boardwalk, pedestrian paths, fitness center, swimming pool, spa, chapel, and a sales and rental center.

The applicant is proposing one temporary impact associated with a sewer line. The utility corridor is 30 feet wide. The utility line will be installed in the dry. There is an existing sewer line on-site already that is connected to the existing waste water treatment plant, which is located adjacent to the Cashiers Canoe Club property.

The proposed project would provide secondary benefits to any future residential or commercial development at Cashiers Lake. Future additional development plans have not been finalized, however impacts associated with residential and commercial development are limited to 100 linear feet of stream and 0.01 acre of wetland strictly for the purposes of access via road crossings. The culvert stream crossings will be installed in the dry. The applicant understands that any construction in streams or wetlands would constitute a jurisdictional impact that is subject to permitting by the Corps and the DWR. Based on NCDEQ, high quality water (HQW) rules, a storm water management plan would be required for additional development on the Cashiers Canoe Club property regardless of whether or not stream and wetland impacts occur.

Summary of Proposed Impacts to Jurisdictional Waters

| Impact | Aquatic Resource | Type of Impact | Amount |
|---------------------------|--------------------|---------------------------------------|----------|
| Stream Impacts | | | |
| Sewer Line | UT Chattooga River | Temporary (trench) | 30 lf |
| Road Stream Crossings | UT Chattooga River | Permanent (culverts) | 100 lf |
| TOTAL | | | 130 lf |
| Wetland Impacts | | | |
| Fill | Cashiers Lake | Permanent (bulkhead) | 0.42 ac |
| Dredge | Cashiers Lake | Permanent (conversion to open waters) | 6.54 ac |
| TOTAL | | | 6.96 ac |
| Open Water Impacts | | | |
| Fill | Cashiers Lake | Permanent (bulkhead) | 1.41 ac |
| Dredge | Cashiers Lake | Permanent | 17.37 ac |
| TOTAL | | | 18.78 ac |

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment. Pre-project site planning was conducted to delineate and field verify jurisdictional WoUS within the proposed project area. These features were used to select a viable alternative to avoid and minimize impacts to aquatic resources.

Impacts from dredging activities would be minimized by slowly lowering the water level in the lake by draining water using a pump and hose or siphon. During dredging, the stream will be diverted to the edge of the lake and isolated from the lakebed by the construction of a topping berm. A summary of the avoidance and minimization is as follows:

| Aquatic Resources | On-Site Totals | Proposed Impacts | Percent Avoided and Minimized |
|-------------------|----------------|------------------|-------------------------------|
| Stream | 5,332 lf | 130 lf | 98% |
| Open Water | 18.99 ac | 18.78 | 0.99% |
| Wetland | 12.31 ac | 6.96 AC | 43% |

The project will impact streams, open water, and wetlands resources. The total area of proposed impacts to aquatic resources is 26.22 ac (estimated area of streams is 0.48 ac, area of proposed stream impacts 0.01 ac).

Compensatory Mitigation

The proposed project does involve temporary and permanent impacts to jurisdictional WoUS. The temporary impacts to streams and permanent impacts to open waters will not result in functional losses to the aquatic environment within these jurisdictional resources and will not result in a permanent loss of jurisdictional WoUS.

Upon completion and implementation of practical avoidance and minimization efforts, a total of 6.96 acres of wetland impacts associated with dredging of Cashiers Lake and site development are unavoidable. Based on previous conversations with the Corps, additional wetlands appearing from 1998 to 2018 (approximately 1.7 acres) would not require mitigation. Therefore, the total wetland mitigation required for the proposed project is 5.26 acres of wetlands.

CEC completed North Carolina Wetland Assessment Method (NCWAM) for the wetland that will be dredged and this information was submitted to the Corps for review. NCWAM calculated an Overall Wetland Rating of “Low.” Unavoidable wetland impacts would be mitigated for at a compensatory mitigation ratio of 1:1.5 based upon NCWAM results and conversations during per-application meetings with the Corps (Spring 2016).

The applicant is proposing to mitigate for wetland impacts at a 1:1.5 ratio through NC Division of Mitigation Services (DMS). By letter dated January 12, 2018, DMS has indicated they are willing to accept payment for wetland impacts that may require compensatory mitigation up to 5.15 acres associated with the dredging at Cashiers Lake.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps’ initial determination is that the proposed project would not affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

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

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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

The District Engineer's final effect determination will be based upon submitted comments to this public notices from SHPO and/or THPO; and further coordination with the SHPO and/or THPO, as appropriate and required; and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect, but not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

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

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

Wild and Scenic Rivers

Pursuant to the Wild and Scenic Act of 1968, the Corps will review the proposed project activities for potential impacts to designated Wild and Scenic Rivers. The project area is not located in a component of the National Wild and Scenic River system or in a river officially designated by Congress as a "study river" for possible inclusion in the system.

The Chattooga River located 1.3 miles downstream and to southwest of the project area is a designated Wild and Scenic River. The U.S. Forest Service (USFS) is the federal agency which has the direct management responsibilities of the Wild and Scenic River portion of this river.

The USFS will be notified via Public Notice about the project and will be given the opportunity to comment on the project and its potential effects on designated Wild and Scenic Rivers.

The District Engineer's final effect determination will be based upon submitted comments to this public notices from USFS; and further coordination with the USFS, as appropriate and required; and with full consideration given to the proposed undertaking's potential direct and indirect effects on Wild and Scenic River portion of the Chattooga River within the Corps' permit area.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by June 8, 2018 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.
- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit

which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 8, 2018. Comments should be submitted to:

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