



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 26, 2013
Comment Deadline: October 28, 2013
Corps Action ID #: SAW-2013-00537

The DISTRICT ENGINEER, WILMINGTON DISTRICT, 69 Darlington Avenue, Wilmington North Carolina 28403, hereby proposes to modify and reissue one Regional General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C 1344). Title 33, Code of Federal Regulations (CFR), Paragraph 325, authorizes issuance of Regional General Permits for activities, which are substantially similar in nature and cause minimal individual and cumulative environmental impacts. The proposed Regional General Permit is located along with this public notice on our webpage at: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>

Regional General Permit to be Modified and Reissued:

File Number General Permit

SAW 2013-00537 -- GP 198200031 NCDOT Bridges, Road Widening, and Stream Relocations

This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certificate under Section 401 of the Clean Water Act by the North Carolina Division of Water Resources (NCDWR).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of consistency concurrences for the Regional General Permits by the NCDCM under the Coastal Zone Management Act of 1972.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

This Regional General Permit will not be modified and/or reissued if any required State or local authorization and/or certificate are denied. Renewal of the authorization will not occur until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the agency, with a copy furnished to the Corps of Engineers.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that this proposal would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

This proposal is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this proposal. Request for public hearing shall state, with particularity, the reasons for holding a public hearing.

This general permit will not be applicable to work affecting historic, cultural or archeological sites listed in, or eligible for, the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its Codified regulations unless the requirements of Section 106 of the Historic Preservation Act have been satisfied.

This Regional General Permit will not be applicable to work affecting Federally Listed endangered or threatened species in accordance with the Endangered Species Act (16 U.S.C. 1531) unless the requirements of Section 7 of the Endangered Species Act of 1973 are satisfied.

The decision concerning whether to modify and reissue this Regional General Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and the intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, this general permit will be modified and re-issued unless the District Engineer decides that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of activities that may be authorized by this general permit. All comments received in response to this public notice will be considered by the Corps of Engineers to decide whether to issue, modify, or retire this specific Regional General Permit. 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 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 decide the need for a public hearing and to decide the public interest for the proposed activity.

Generally, the decision whether to issue Department of the Army (DA) permits will not be made until the NCDWR issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWR considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. This public notice from the DA for this Regional General Permit will serve as application to the NCDWR for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, NCDWR Central Office, 401 Oversight and Express Permits Unit, 512 N. Salisbury Street, Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment or reproduction cost.

All persons desiring to make comments regarding the application for the Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Resources (NCDWR), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, Attention: Ms. Karen Higgins by October 28, 2013.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 28, 2013. Comments should be submitted to Lori Beckwith, Asheville Regulatory Field Office, US Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006 or by E-mail to Loretta.A.Beckwith@usace.army.mil.