DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200320471 December 17, 2003

PUBLIC NOTICE

Mr. Matthew Naugle of Dockside Adventures, LLC, 916 Welland Court, Raleigh, North Carolina, 27614, has requested a modification of the Department of the Army (DA) permit originally issued TO CONSTRUCT AN 84 FOOT PIER, 118 FOOT ACCESS PIER, AND 20 ADDITIONAL BOAT SLIPS ON LAKE GASTON FOR THE PURPOSES OF A COMMERCIAL MARINA , LOCATED IN THE NORTHWEST CORNER OF EATON'S FERRY BRIDGE (SR 903), NORTHWEST OF LITTLETON, WARREN COUNTY, NORTH CAROLINA. THE MODIFICATION INVOLVES WIDENING THE 84-FOOT LONG PIER FROM THE ORIGINALLY PERMITTED STRUCTURE FROM 3 FOOT TO 5 FOOT WIDE FOR SAFETY PURPOSES. THIS MODIFICATION WOULD EXTEND THE ACCESS PIER FROM 118 FEET TO 121 FEET.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. Plans submitted with the modification request show the proposed location of the pier and additional slips in relation to the existing structures on the property. The additional pier and rental slips will be connected to an existing pier located on the eastern side of the property. The proposed pier will extend approximately 84 feet water ward from the existing pier and approximately 100 feet west of Eaton Ferry's Bridge (SR 903). The 84-foot pier will be increased to 5 foot in width, 2 feet wider than originally proposed. The access pier will extend approximately 121 feet in length instead of originally permitted 118 feet and have approximately 20 covered boat slips attached on both sides of the pier. Neither dredging nor the placement of fill material has been proposed for this project. Also, this proposal did not include a request for a fueling facility. The preliminary site plan showing the proposed work is included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 10 of the Rivers and Harbors Act. Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. Based on the best available evidence, it has been determined that no sites within the vicinity of the project are registered or listed as being eligible for inclusion in the Register. Examination of the National Register of Historic Places constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of other such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with 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 be authorized by such permit 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, a permit will be granted unless the District Engineer determines 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 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.

Generally, the decision whether to issue this Department of the Army (DA) permit modification will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Rivers & Harbor Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for River and Harbors Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before December 24, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Kevin Yates, until 4:15 p.m., January 2, 2004, or telephone (919) 876-8441, extension 30.

ORIGINAL FIGURE

Figure 3. Proposed Construction Plan

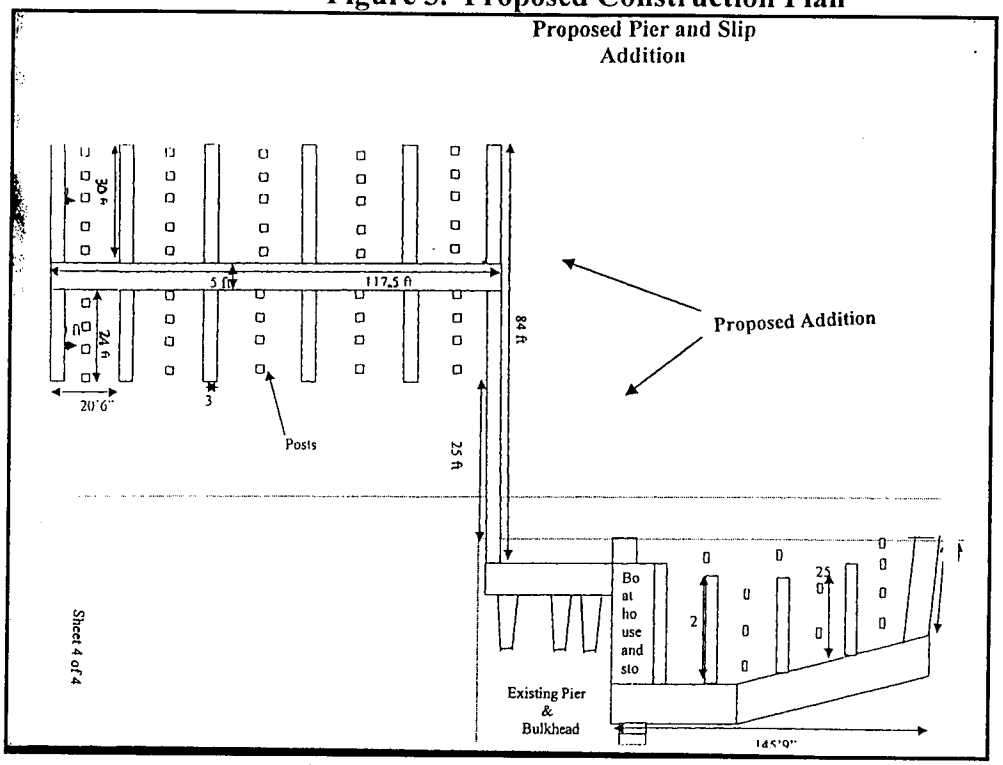
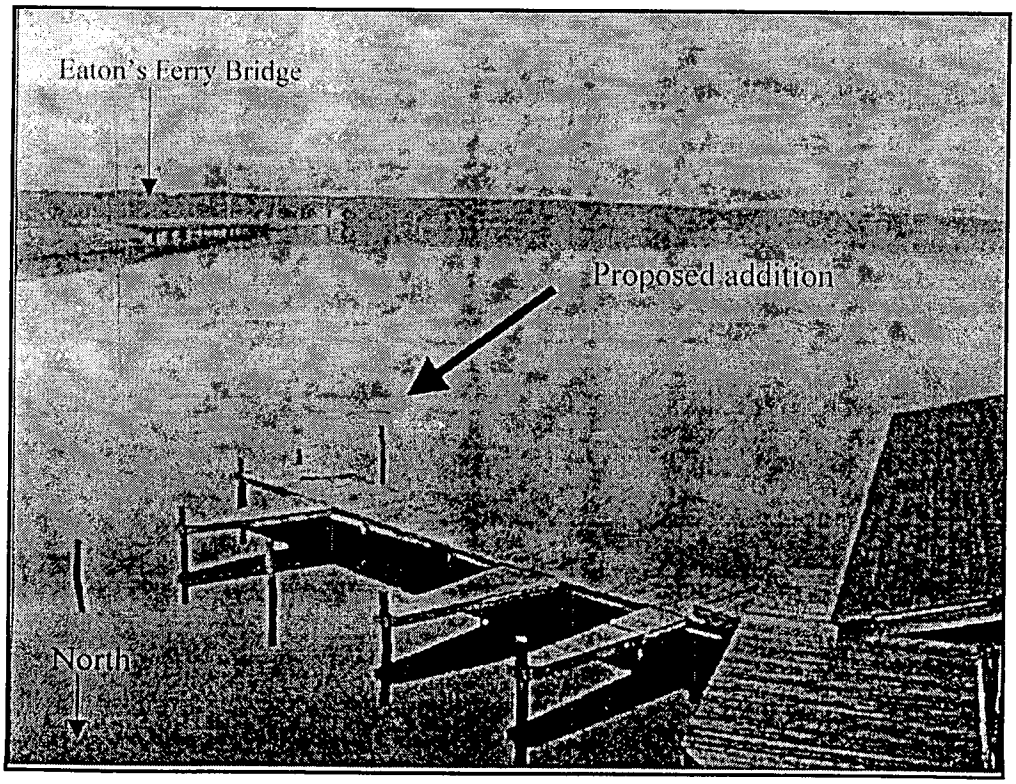


Figure 4. Proposed Location (Photo)



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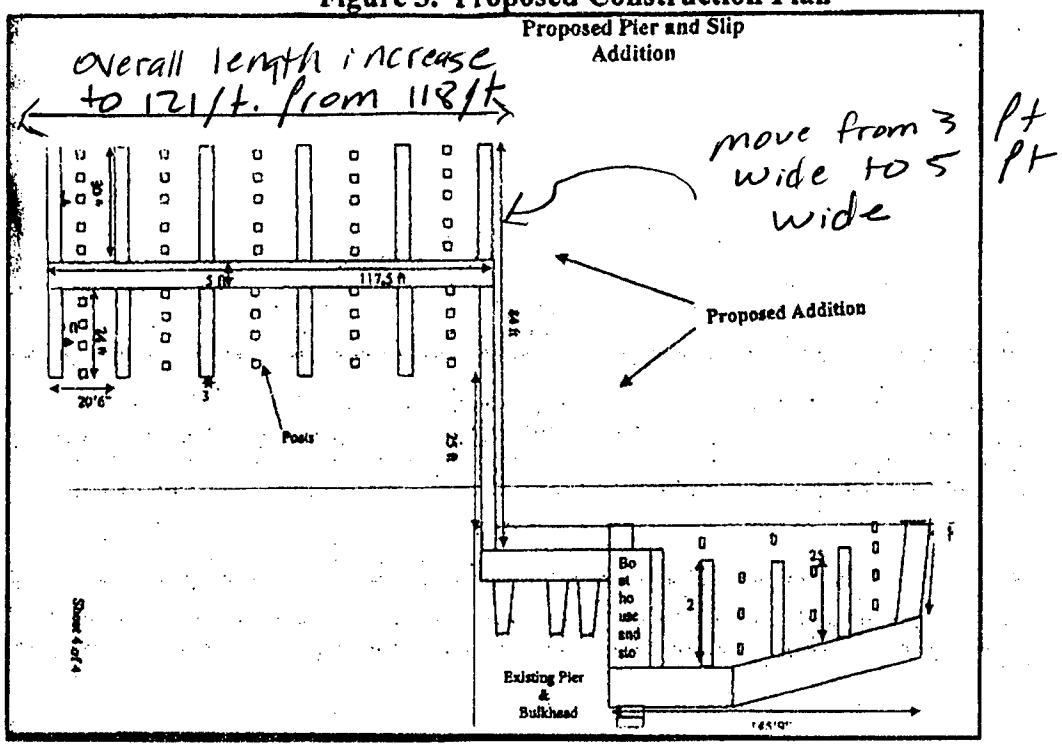
REQUEST FOR 3 ft Extension

Figure 3. Proposed Construction Plan



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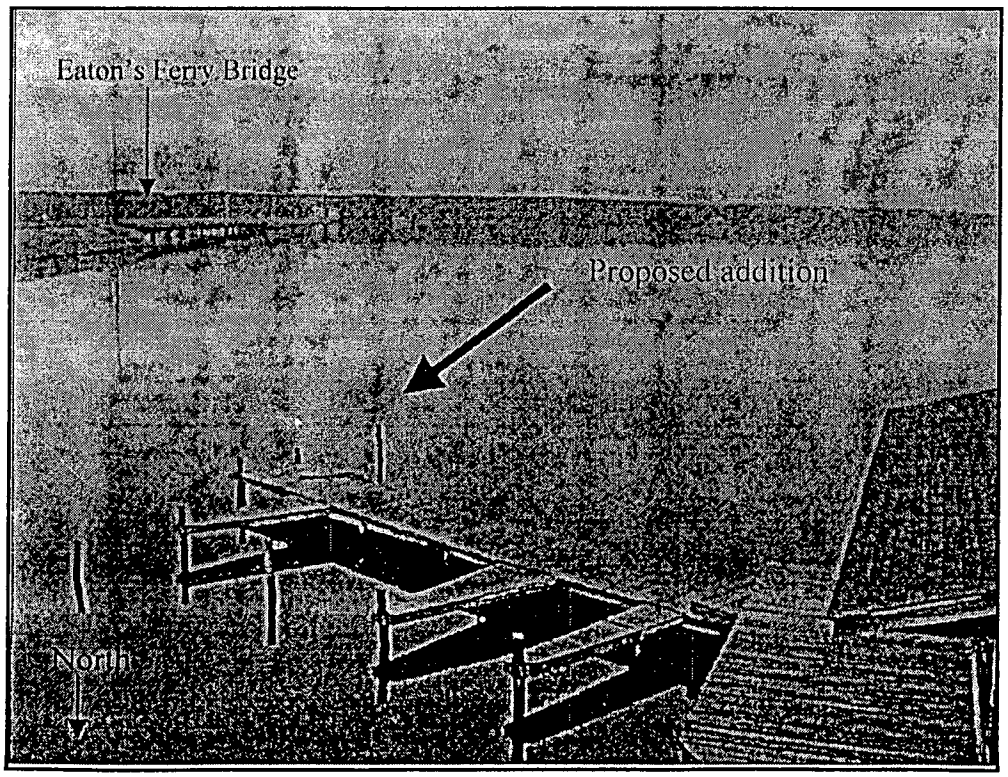

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