

**DEPARTMENT OF THE ARMY**  
**Wilmington District, Corps of Engineers**  
**Asheville Regulatory Field Office**  
**151 Patton Avenue Room 208**  
**Asheville, North Carolina 28801-5006**  
(<http://www.saw.usace.army.mil/wetlands/notices.html>)

Action ID No. 200430863

June 28, 2004

**PUBLIC NOTICE**

**DUKE ENERGY CORPORATION, REPRESENTED BY MR. ROBERT CACCIA, POST OFFICE BOX 1006, MAIL CODE: EC11E, CHARLOTTE, NORTH CAROLINA 28201-1006** has applied on behalf of Mr. William V. Cansler for a Department of the Army (DA) permit **TO CONSTRUCT A PRIVATE BOAT RAMP ON THE WEST SHORELINE OF LAKE EMORY (LITTLE TENNESSEE RIVER) OFF OF ARTHUR DRAKE ROAD** in Franklin, Macon County, North Carolina.

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the construction of a 19.5-foot concrete approach apron leading to a 12-foot wide by 50-foot long concrete boatramp. The ramp bed will consist of class B riprap. Approximately 40 cubic yards of riprap and 15 cubic yards of concrete will be discharged below the full pool elevation of Lake Emory (within the FERC project boundary) and into adjacent riparian wetlands within a 15-foot wide easement between the road and water. Dominant wetland vegetation consists of tag alder, elderberry, silky dogwood, Chinese privet, swamp rose, wool-grass, soft rush, cattail, rice cutgrass, and spotted jewelweed. A staging area, used to form the concrete boatramp slabs, will result in 0.014 acre of temporary wetland impact. An additional 0.009 acre of wetlands will be permanently impacted by the project. The work is to be completed during the late September-early October time frame while the lake is scheduled to be drawn down 7-8-feet for required repairs to the Lake Emory dam. The purpose of the work is to honor a commitment between Mr. Cansler and Nantahala Power and Light for the granting of a transmission line easement in 1998. Plans showing the work are 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 River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this 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, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

Pursuant to the Endangered Species Act of 1973, several Federally listed species occur in the Lake Emory/Little Tennessee River downstream of the Lake Emory Dam. The endangered little-wing pearl mussel (*Pegias fibula*) and the Appalachian elktoe (*Alasmidonta raveneliana*) and its critical habitat occur within the Little Tennessee River just below Lake Emory. The threatened spotfin chub (*Erimonax monachus*) and its critical habitat also occur in this reach of the river. In addition, a survey for the threatened Virginia spirea (*Spiraea virginiana*) was conducted and no individuals were identified in the area of the proposed boat ramp. Provided the proposed work occurs during the time when the lake is drawn down for necessary repairs to the existing dam, the DE has determined that No Effect on the above listed species shall occur provided the work is undertaken as described in the application.

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 that 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 Agencies' 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 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 Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd, Suite 250, Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

The North Carolina Division of Water Quality (NCDWQ) plans to take final action in the issuance of the Clean Water Act certification on or after July 16, 2004.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, on or before July 16, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: David Baker, until 4:15 p.m., July 28, 2004, or telephone (828) 271-7980, Extension 225.

**BILL CANSLER  
BOAT RAMP  
LAT 35 12 08 N  
LONG 83 23 07 W  
(REF USGS FRANKLIN  
NC QUAD)**

**BILL CANSLER BOAT RAMP**

**MACON COUNTY NC**

**FILED ON BEHALF OF BILL CANSLER BY  
DUKE ENERGY CORPORATION**

**MARCH 2004**

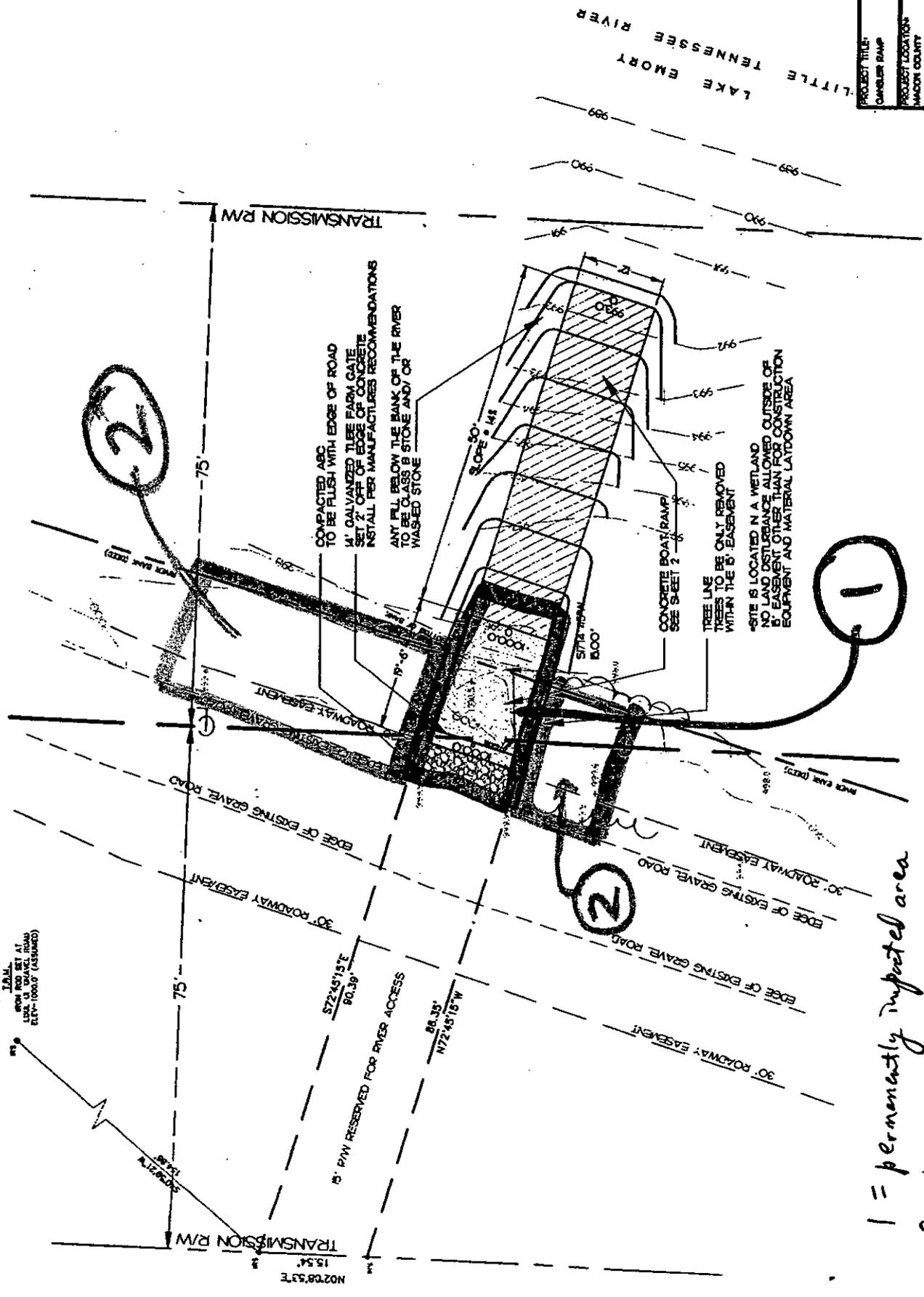
**REVISIONS  
DATE INITIALS**

**APPLICATION #**

**SHEET #**

PROJECT TITLE:	CANAL RAMP
PROJECT LOCATION:	LITTLE TENNESSEE RIVER
APPLICANT:	MAHON COUNTY
DATE:	8/26/03
DESIGNER:	GLUE ENERGY CORPORATION
DATE:	8/26/03
PROJECT NO.:	0304
SHEET NO.:	1 OF 4

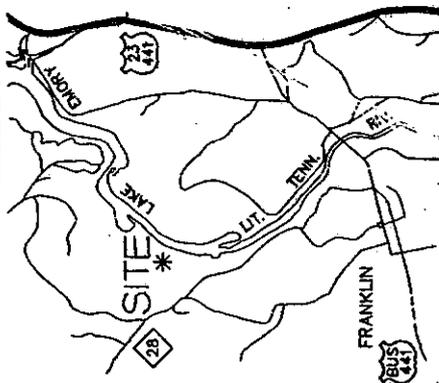
WATER LEVEL  
8/26/03 9:25am



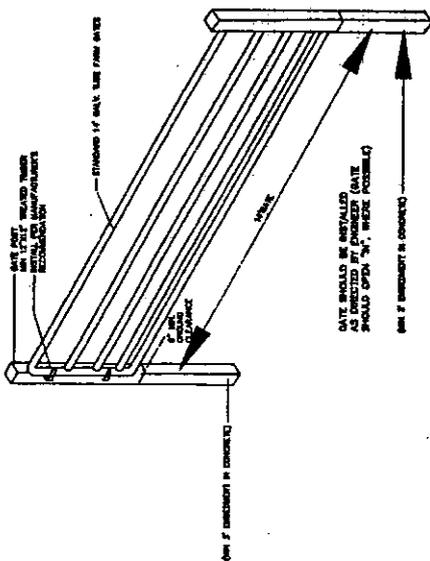
1 = permanently impacted area  
2 = temporarily impacted area

T.M.L.  
IRON ROD SET AT  
1500.00' (ASSUMED)  
ELEV. = 1000.00' (ASSUMED)

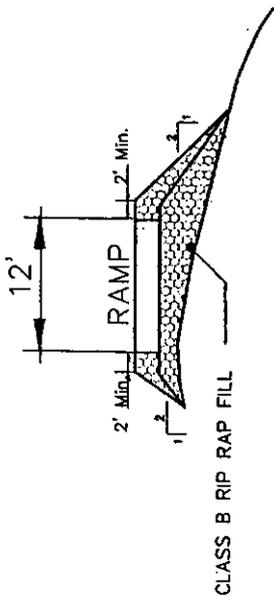
FR



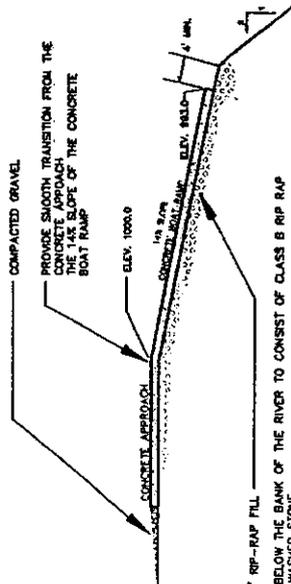
VICINITY MAP  
N.T.S.



3 TUBULAR FARM GATE



1 CLASS B RIP RAP FILL



2 CLASS B RIP-RAP FILL  
ANY FILL BELOW THE BANK OF THE RIVER TO CONSIST OF CLASS B RIP RAP AND/OR WASHED STONE

CONCRETE NOTES:

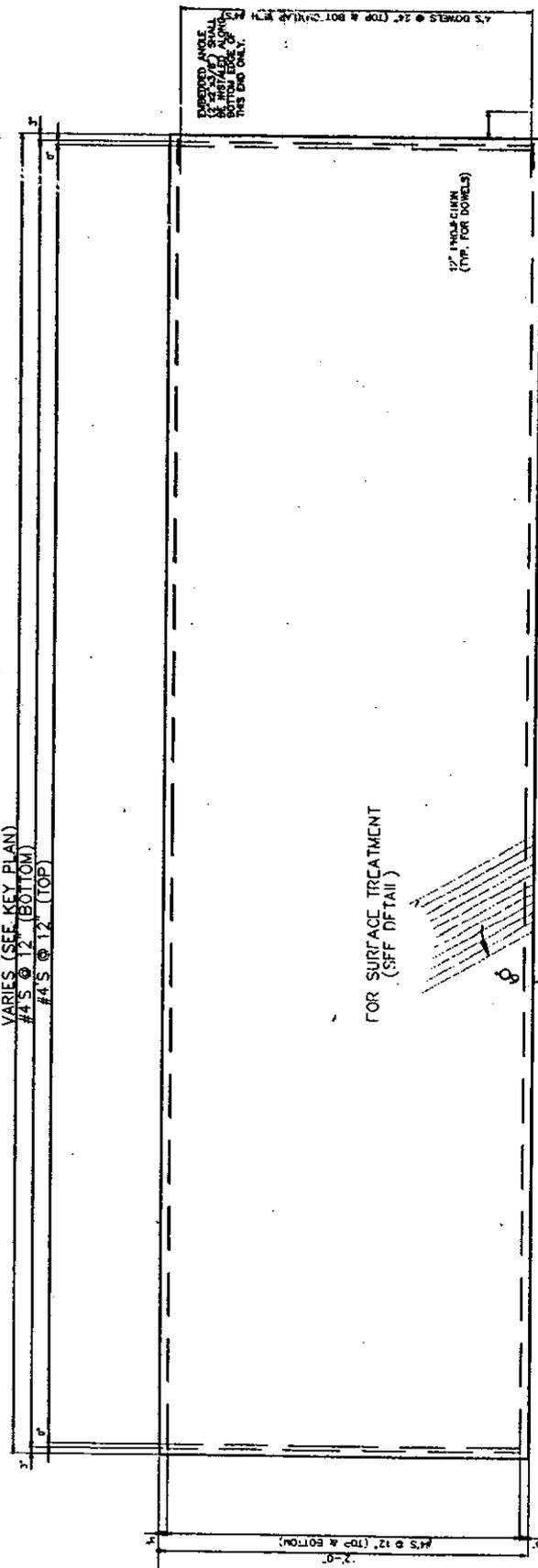
1. Concrete ramp shall have a minimum 28-day compression strength of 5000 psi.
2. Rebar shall be ASTM A615, grade 60 rebar with steel bars (unless otherwise noted on drawings).
3. Concrete shall be supported on Natural ground or fully-compacted backfill, as applicable. Subgrade shall be compacted until uniform with all organic matter, water, or other deleterious material removed.
4. Concrete shall be cured a minimum of 7 days before any backfilling or supportive structure erection is begun.
5. Contractor shall field-verify that all foundation soils have a minimum allowable bearing capacity of 2000 lb/ft squared.
6. Fill all expansion/construction joints with Type III, cold applied vinyl joint filler.
7. All concrete construction shall be performed in accordance with current edition of ACI 318-95.
8. Concrete mix shall have a 6% air entrainment.

2 BOAT APRON/ RAMP SECTION

PROJECT TITLE	CANDLER RAMP
PROJECT LOCATION	MADISON COUNTY
APPLICANT	INDUCE ENERGY CORPORATION
DATE	FEBRUARY 2004
SCALE	NONE
APPLICANT'S #	SHEET
	1 OF 4

SURVEY BY:  
**SPRINKLE SURVEYING, P.A.**  
 PROFESSIONAL LAND SURVEYORS  
 464 WEST PALMER STREET  
 FRANKLIN, NORTH CAROLINA 28734  
 TEL: 828-524-5867 & 828-348-0917  
 & 828-389-3048 FAX: 828-524-7994  
 SURVEY BY MWR PLAT BY BSB

VARIES (SEE KEY PLAN)  
 #4'S @ 12" (BOTTOM)  
 #4'S @ 12" (TOP)



AS BONES @ 24" TOP & BOT (VIA 2" MIN. CONC. CURB) SHALL BE INSTALLED AS SHOWN THIS END ONLY.

FOR SURFACE TREATMENT  
 (SEE DETAIL)

12" INSIDE CIRCUM  
 (TOP FOR DETAILS)

**PLAN**

VERT. SCALE: 1/2" = 1'-0"  
 HORIZ. SCALE: NONE

PROJECT TITLE		CANDLER RAMP	
PROJECT LOCATION		MAHON COUNTY	
DESIGNER	DATE	SCALE	SHEET
INTITLE	DATE	SCALE	3 OF 4
CLIENT	DATE	SCALE	
PROJECT	DATE	SCALE	

