



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: June 13, 2005  
Comment Deadline: July 12, 2005  
Corps Action ID #: 200500343

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Mike Benteen  
North Carolina Wildlife Resources Commission  
5031 Cambridge Oaks Drive  
Matthews, North Carolina 28104

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

## Location

Project is located at the Grassy Island Boating Access Area, adjacent to Mountain Creek, on the north side of Grassy Island Road, west of Cagle Grave Road, east of McRea Road, west of Ellerbe, in Richmond County, North Carolina. (35.0551 N, 79.8767 W)

## Existing Site Conditions

The North Carolina Wildlife Resource Commission (NCWRC) currently maintains a small boating access at this location with a small parking area.

## Applicant's Stated Purpose

The NCWRC purpose is to remove the silt and sand that obstructs the boating navigation channel (aggravated by the new bridge construction) and to remove the stumps and fallen trees from the channel that is making boating on the stream unsafe.

## **Project Description**

The NCWRC has applied for a permit to dredge approximately 300 linear feet of stream channel adjacent to the boat ramp in order to remove 370 cubic yards of silt and sand (300 CY below Normal High Water) that has accumulated in the navigational channel. The existing channel will not be deepened, just cleared of excess material. The existing channel will be widened to a uniform width of 10 feet, which will allow boat navigation at low water. The excavation will not exceed the existing bottom of the channel but to widen the channel, up to 2.6 feet in depth of material below Mean High Water (MHW) may be removed from the sides of the channel. In order to minimize water quality impacts, the NCWRC plans to do the work when the water level is 3 feet below Normal High Water. The dredged material will be trucked to an upland site owned by the NCWRC, located approximately 8 miles away. This material will be used as upland fill. Stumps and fallen trees within the navigational channel will also be removed to ensure safe boating practices. Cutting of fallen trees will be done with a chainsaw and stumps within the channel will be removed by using logging chains and a trackhoe. This vegetative material will also be trucked to an upland site for disposal.

## **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by July 5, 2005.

## **Essential Fish Habitat**

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

## **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has 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 has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

## **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 is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate 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 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5 pm, July 12, 2005. Comments should be submitted to Josh Pelletier at (910) 251-4725.

**North Carolina Wildlife Resources Commission  
Division of Engineering Services**



**Mountain Creek  
Clearing & Dredging**

**Site**



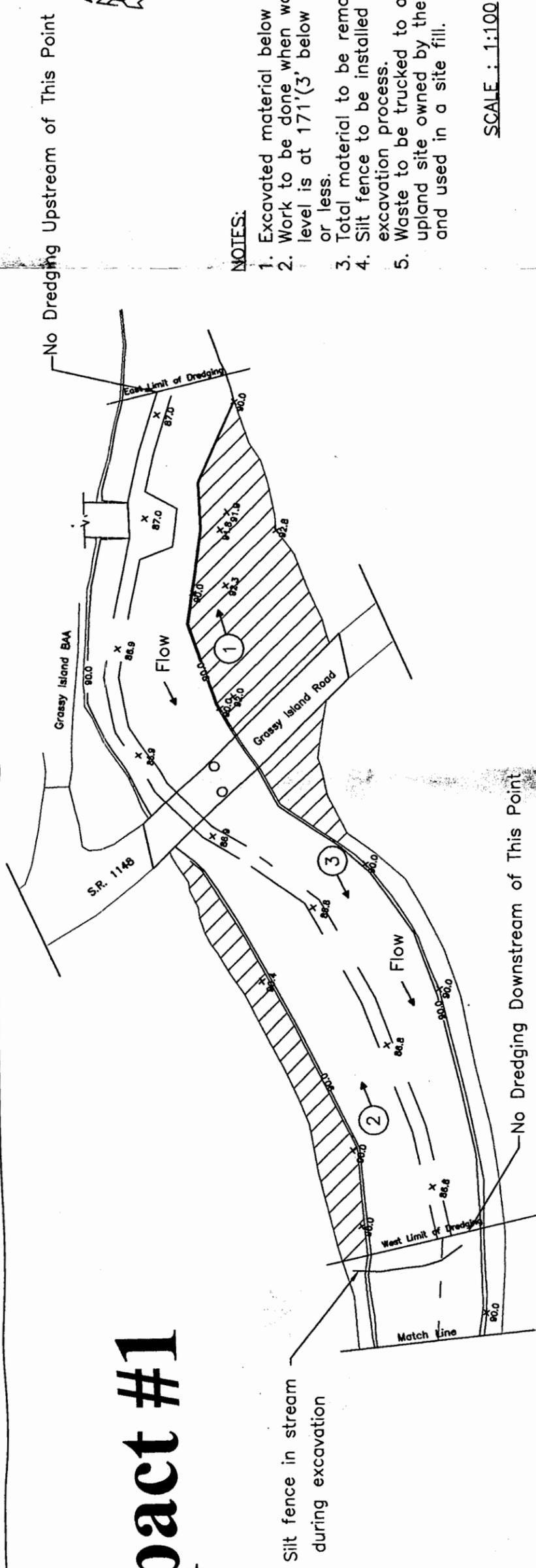
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**Vicinity Map**

**NTS**

# Impact #1

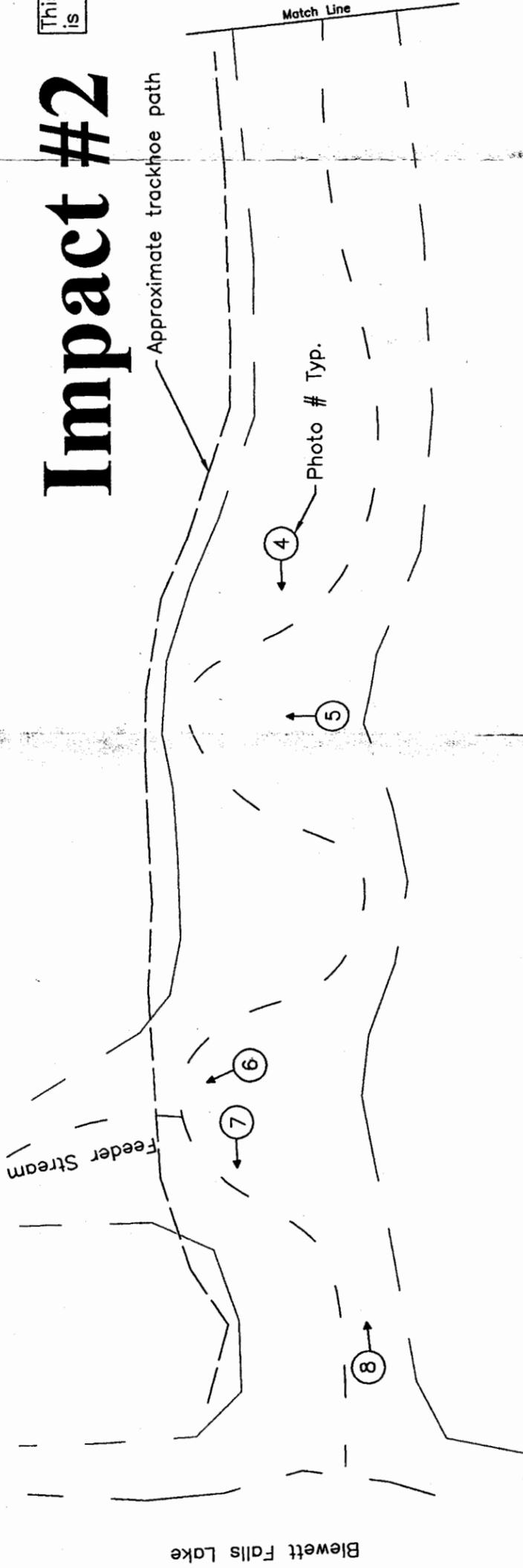


**NOTES:**

1. Excavated material below NWL - 300CY
2. Work to be done when water level is at 171'(3' below NWL) or less.
3. Total material to be removed - 370CY
4. Silt fence to be installed during excavation process.
5. Waste to be trucked to an upland site owned by the NCWRC and used in a site fill.

SCALE : 1:100

# Impact #2



This portion of drawing is schematic only. NTS.

# Permit

North Carolina Wildlife Resources Commission  
 Division of Engineering Services  
 1720 Mail Service Ctr. Raleigh, NC 27699 (919) 715-3155

Mountain Creek Clearing  
 Blewett Falls Lake  
 Richmond County, North Carolina

Drawn By: Mike Benteen  
 Date: 9/14/04  
 Sheet # 1 of 1  
 Revision: Proposed Work