



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: January 30, 2006  
Comment Deadline: March 1, 2006  
Corps Action ID #: 200610086

The Wilmington District, Corps of Engineers (Corps) has received an application from the Tyrrell County Board of Commissioners seeking Department of the Army authorization to impact approximately 8,200 linear feet of waters of the United States and approximately 5.64 acres of high quality swamp forest wetlands associated with the reconstruction of Riders Creek Canal and "Lateral A" off of Riders Creek Canal in Tyrrell County, North Carolina.

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:** Tyrrell County Board of Commissioners  
C/o Mr. Willie Mac Carawan, Jr.  
Assistant County Administrator  
Post Office Box 449  
Columbia, North Carolina 27925

## 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 (33 U.S.C. 1344).

## Location

The project is located approximately 2.5 miles southeast of Columbia, in Tyrrell County, North Carolina. Specifically, the work will be undertaken south from Columbia approximately 2.0 miles on Highway 94, turn east on State Road 1301 (Levels Road) and travel approximately 1.0 mile to reach the culverts for Riders Creek Canal. The project will commence approximately 1,000 feet south of Levels Road, at the intersection of "Lateral A" and Riders Creek Canal.

a. Riders Creek Canal section starting point is N 35.893954 by W 76.213543 and heads 4,400 feet south terminating at N 35.884996 by W 76.208016.

b. "Lateral A" section starting point is N 35.893954 by W 76.213543 and heads 3,800 feet east terminating at N 35.895179 by W 76.201795.

### **Existing Site Conditions**

Site conditions along the entire length of the project consists of high quality, bottomland hardwood swamp, primarily vegetated in the overstory with Bald Cypress (Taxodium distichum), Red Maple (*Acer rubrum*), Black Gum (*Nyssa biflora*), and Sweetgum (*Liquidambar styraciflua*). In the understory, the dominant vegetation is Lizards Tail (*Saururus cernuus L.*), Royal Fern (*Osmunda regalis*), Marsh Pennywort (*Hydracotyle umbellata*), Laurel Leaved Greenbriar (*Smilax laurifolia*) and Poison Ivy (*Toxicodendron radicans*). In the flooded areas, Alligator Weed (*Alternanthera philoxeroides*), and Duck Weed (*Spirodela polyrhiza*) are prevalent.

The majority of the project area has silted in and shallow emergent, herbaceous vegetation has reestablished within both of the channels. Heavy growth of submerged aquatic vegetation exists throughout the downstream reaches of the project area. Discontinuous spoil piles exist along the project sections. Due to the mucky nature of the swamp substrate, a majority of the historic spoil piles have subsided into the adjacent wetland floodplain.

### **Applicant's Stated Purpose**

The applicant states that the purpose of the project is to restore community and agricultural drainage. The applicant states that there is a need for better drainage to allow excessive surface water from heavy rains to recede quicker to prevent ponding of water around homes and agricultural land.

### **Project Description**

The Riders Creek Canal project was originally constructed in 1914 and "Lateral A" was constructed in the mid-1920s. No maintenance dredging of either Riders Creek Canal or "Lateral A" has been undertaken since the original construction. Evidence exists that storm-damaged vegetation was manually cleared within the last few years.

The applicant proposes to reconstruct the original drainage project by excavating 4,400 linear feet of Riders Creek Canal and 3,800 linear feet of "Lateral A" impacting a total of 8,200 linear feet of waters of the United States. The applicant proposes to utilize track hoe equipment and mats. Proposed project dimensions are an average of 20 feet wide top width by approximately 5 feet deep. Approximately 28,152 cubic yards of fine, silty spoil material will be generated by this work. The spoil material will be side cast into the adjacent floodplain wetlands constructing an elevated berm approximately 4 feet high by 30 feet wide. Trees and vegetation removed during the side casting process will be placed at the landward toe of the berm to facilitate spoil retention. The applicant proposes to install culverts and openings 20 feet wide every 200 feet to facilitate the transmission of floodwater into the adjacent floodplain.

### **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 17 February 2006.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will 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 can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

### **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 may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

The project may adversely impact resource areas used for the reproductive success of anadromous fish species such as the Blueback Herring (*Alosa aestivalis*), and Alewife (*Alosa pseudoharengus*). Riders Creek is also a resource area for recreational fisheries targeting Flyer (*Centrarchus macropterus*), Largemouth Bass (*Micropterus salmoides*), and Bluegill (*Lepomis macrochirus*).

### **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 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. A final determination on the effects of the proposed project will be made 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.

### **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**

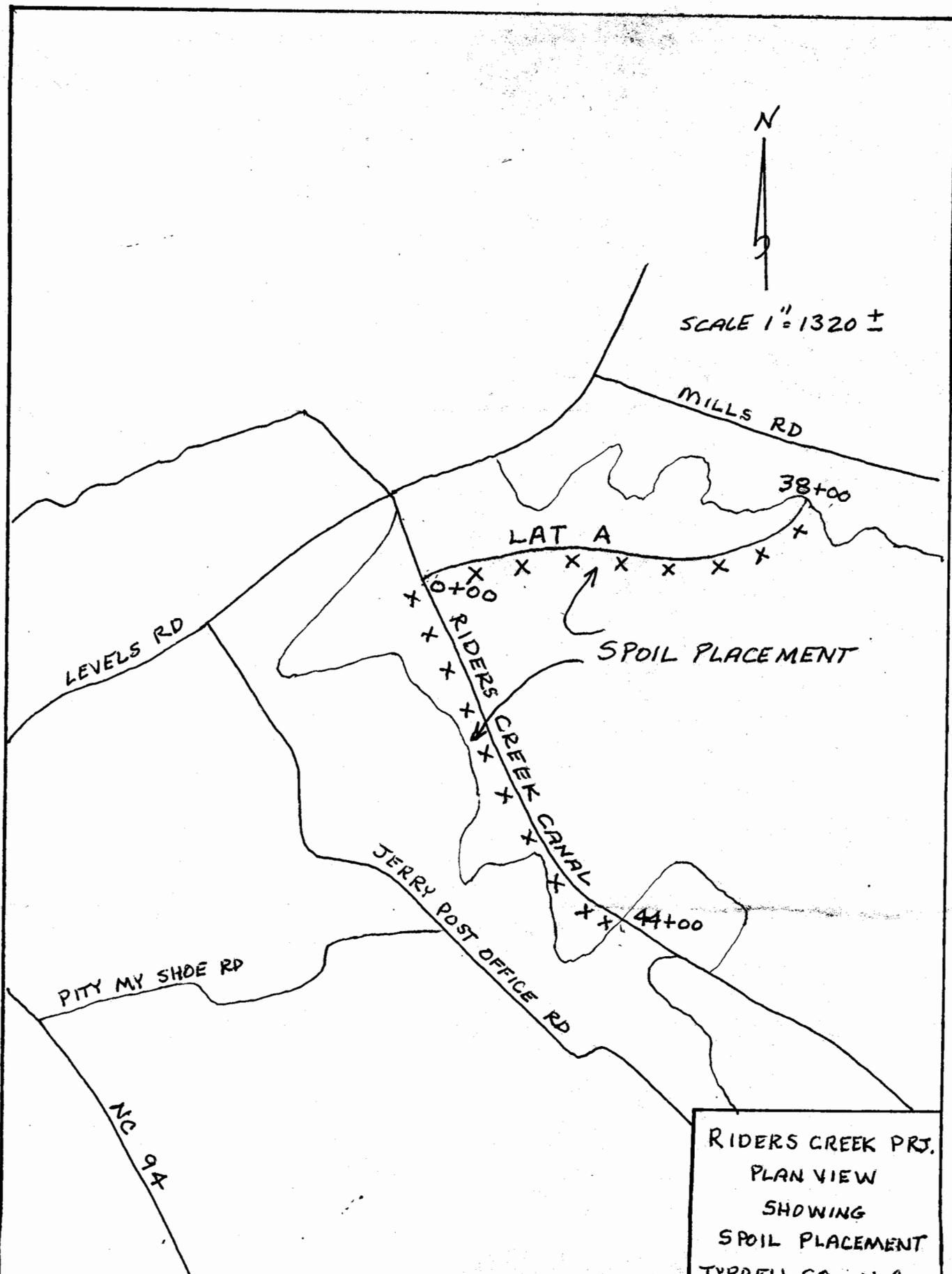
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps 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.

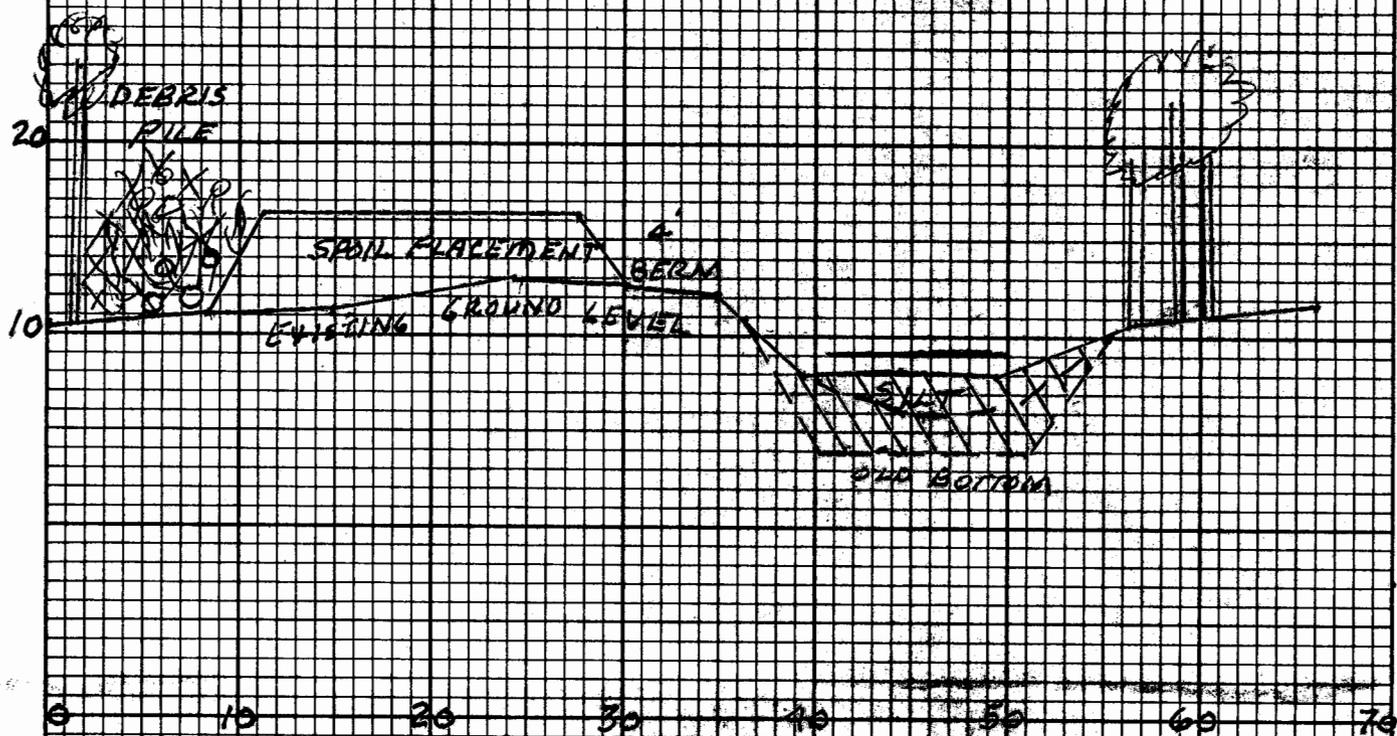
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless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

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5 p.m., 01 March 2006. Comments should be submitted to Mr. Tom Steffens, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889-1000, telephone (252) 975-1616, extension 25.





RIDERS CREEK MAIN CANAL  
TYPICAL CROSS SECTION  
APPROX. STA. 18400



PER LOW-10 X 10 TO 1 INCH  
5TH LINE ACCENTED WITH HEAVY

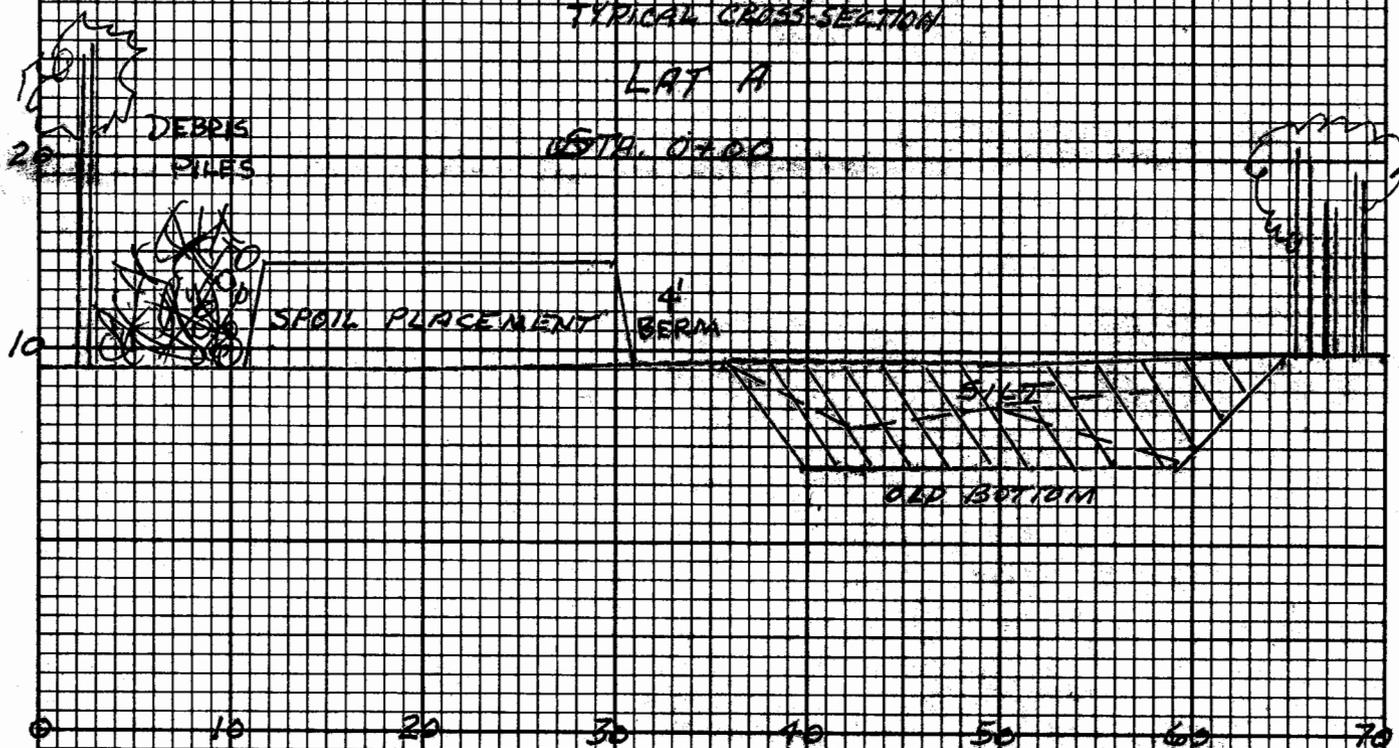
RIDERS CREEK PRT  
TYPICAL CROSS-SECTION  
MAIN CANAL  
TYRRELL CO. N.C.

RIDERS CREEK CANAL

TYPICAL CROSS-SECTION

LAT A

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RIDERS CREEK PRT  
TYPICAL CROSS-SECTION

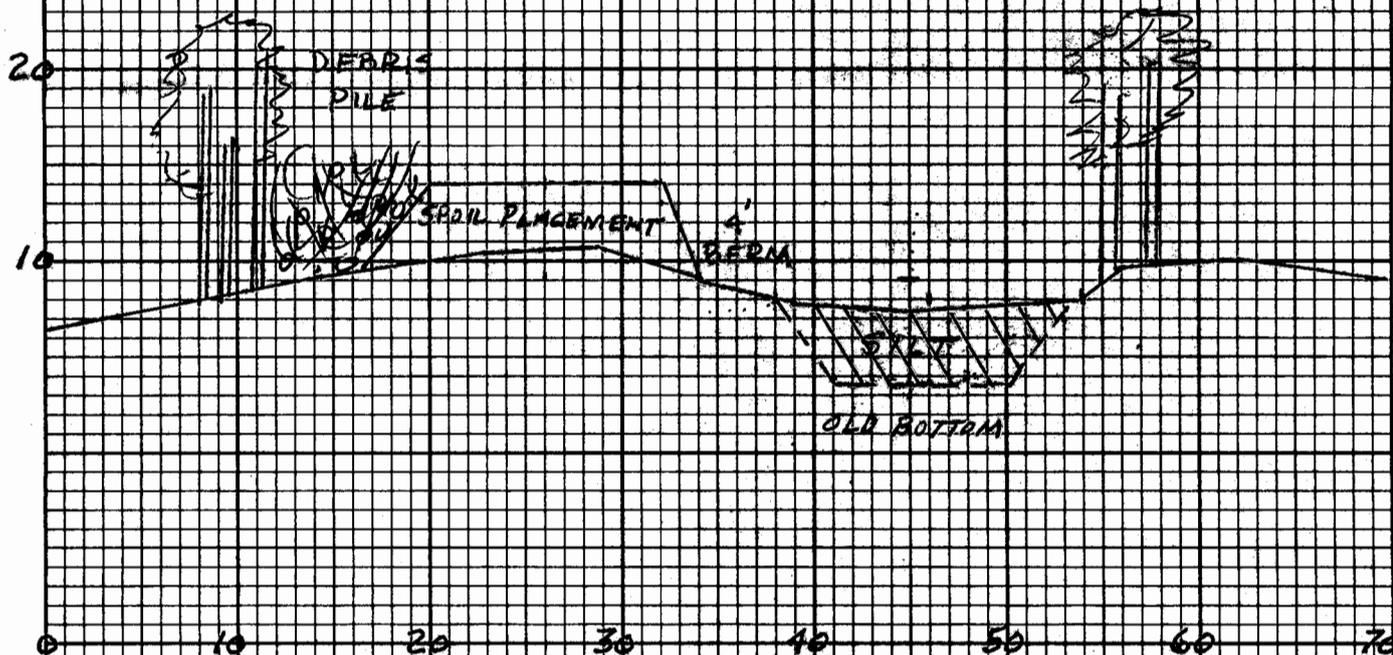
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RIDERS CREEK CANAL  
TYPICAL CROSS-SECTION

LAT A

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5TH LINE ACCENTED, WITH HEAVY

RIDERS CREEK PROJ.

TYPICAL CROSS-SECTION

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TYBELL CO. INC.