



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 30, 2007
Comment Deadline: November 30, 2007
ORM Action ID #: 2007-03309

The Wilmington District, Corps of Engineers (Corps) has received an application from **The United States Fish and Wildlife Service** seeking Department of the Army authorization to impact **2.675 acres of jurisdictional waters of the United States** associated with **restoring hydrology to approximately 1,100 acres of the Roanoke River floodplain, in the Broadneck Swamp Tract of the Roanoke River National Wildlife Refuge, in Bertie 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

Applicant: United States Fish and Wildlife Service
c/o: Ms. Jean Richter
P.O. Box 430
Windsor, North Carolina 27983

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The project area is located in the Broadneck Swamp Tract of the Roanoke River National Wildlife Refuge which includes 1,100 acres of bottomland hardwood forests adjacent to the Roanoke River, approximately 10 miles southwest of Windsor, Bertie County, North Carolina (35.9432N, 77.1816W)

Existing Site Conditions

The project area involves 1,100 acres of bottomland hardwood and cypress/tupelo swamp forest consisting of several man-made canals and small tributaries of the Roanoke River. There are three man-made canals located within the tract which provide navigable water access to the Roanoke River. These canals were dug through the bottomland swamp forest for the purpose of harvesting timber in the 1960's. Associated with the man-made canals, Black Gut Ditch was also constructed during this time period for the purpose of providing fill material to construct a logging road through the bottomland swamp. Indian Creek is also located within the Broadneck Swamp Tract and influences hydrology within the project area.

Applicant's Stated Purpose

The purpose of this project is to attempt to restore hydrology within approximately 1,100 acres of bottomland hardwood and cypress/tupelo swamp forest. The project will eliminate the flow of water into three man-made canals by installing earthen plugs near the entrance of each canal. The canals in their current state alter the hydrology by flooding the back swamps pre-maturely at discharge rates of greater than 8,000 cubic feet per second and during natural high flow events. Installation of the plugs in the canals would restore the historic natural hydrology of the Roanoke River floodplain.

Project Description

The project would include the filling of section 404 waters of the United States by placing a total of 5,080 cubic yards of earthen fill within the three man-made canals and Black Gut ditch. Fill in canal #1 will consist of approximately 100 cubic yards (0.0123 acres), plug for canal #2 will be 210 cubic yards (0.0178 acres), canal #3 will be 170 cubic yards (0.0114 acres) and Black Gut ditch will be filled with approximately 4,500 cubic yards (2.6342 acres) of fill from the existing logging road. Clean fill with a high clay consistency will be barged in for plugs #1 and #2 while fill for plug #3 will be brought in by utilizing the existing logging road. Black Gut ditch will be filled using material from the existing logging road and the swamp forest floodplain will be restored to pre-project elevations and contours.

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: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by March 23, 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.

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 is not aware of the presence of the 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.

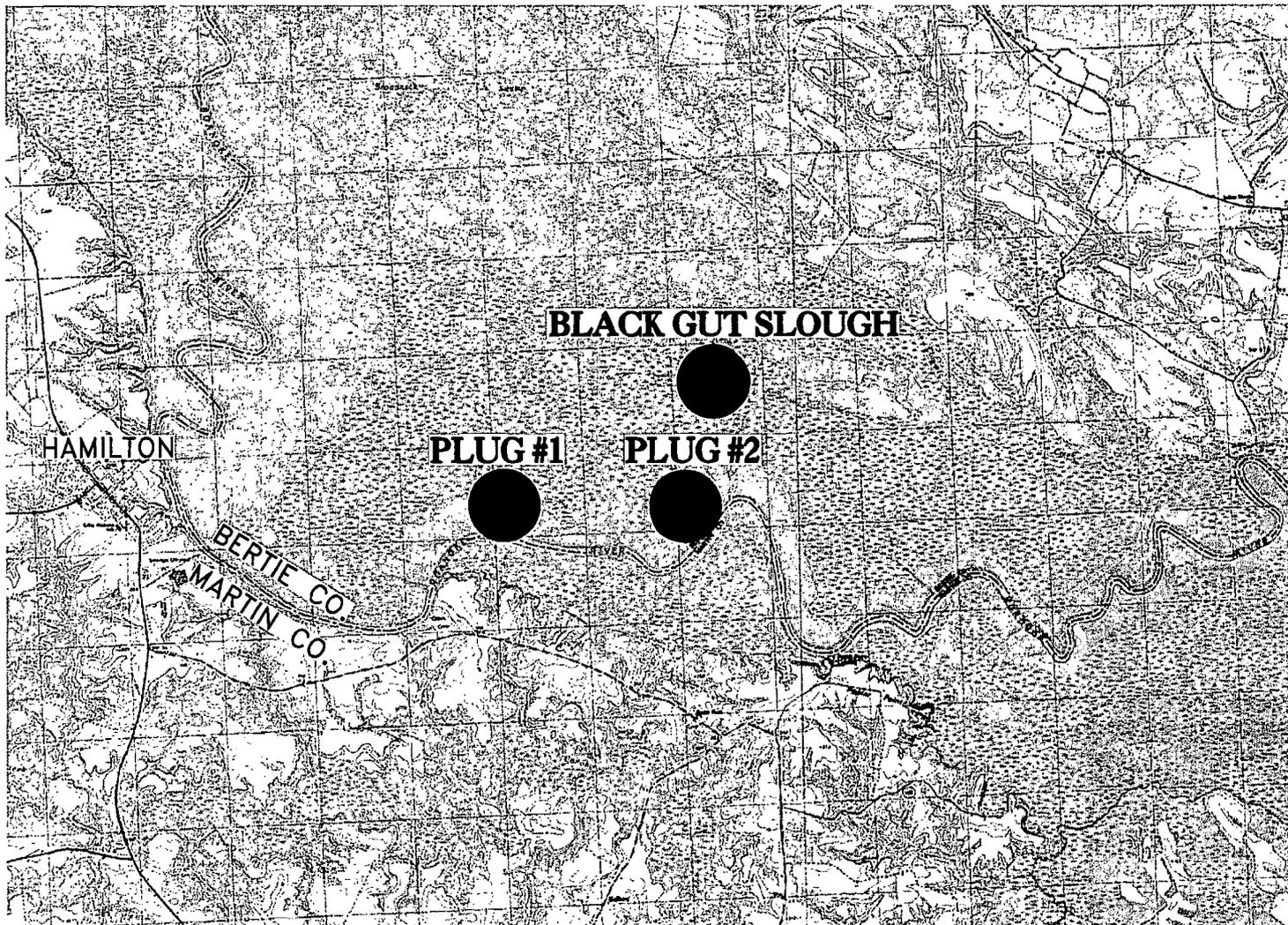
Commenting Information

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 5pm, March 24, 2006. Comments should be submitted to Josh Pelletier, Washington Regulatory Field Office, US Army Corps of Engineers, Post Office Box 1000, Washington, North Carolina 27889, or telephone (252) 975-1616 extension 34.

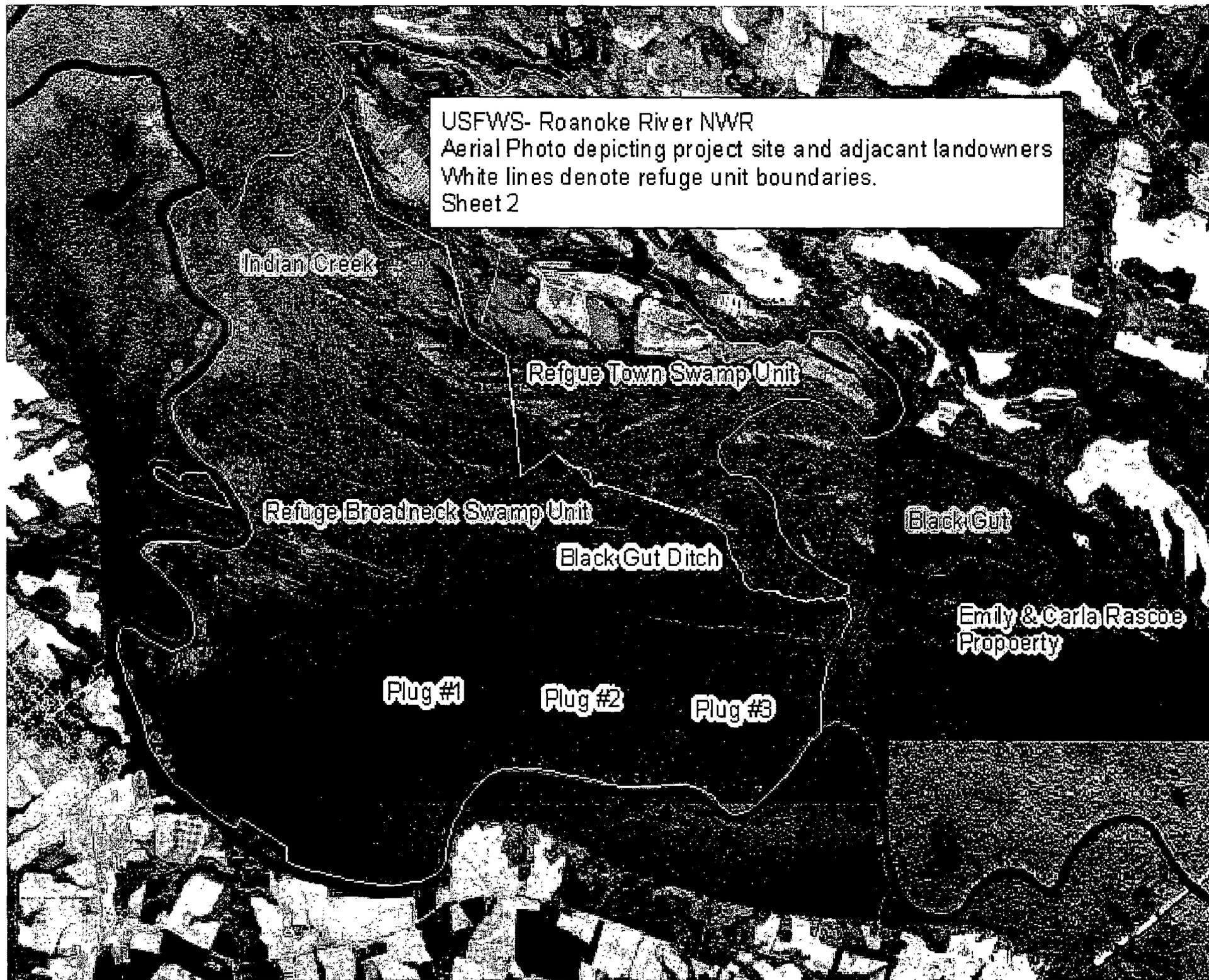
BROADNECK BERTIE COUNTY, NC

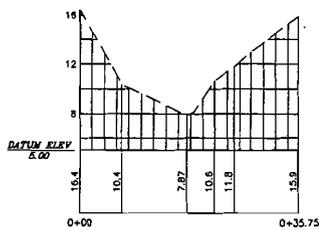


VICINITY MAP

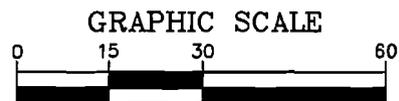
NORTH CAROLINA WRC	
DUCKS UNLIMITED INC.	PROJECT NO. DU-NC-0043-002
 SOUTHERN REGIONAL OFFICE 163 Sandhills Park Drive Suite E Raleigh, NC 27617 Certificate of Authorization No. F-0073	BROADNECK LOCATION
PERMIT APPLICANT - SHEET 1	

USFWS- Roanoke River NWR
Aerial Photo depicting project site and adjacent landowners
White lines denote refuge unit boundaries.
Sheet 2

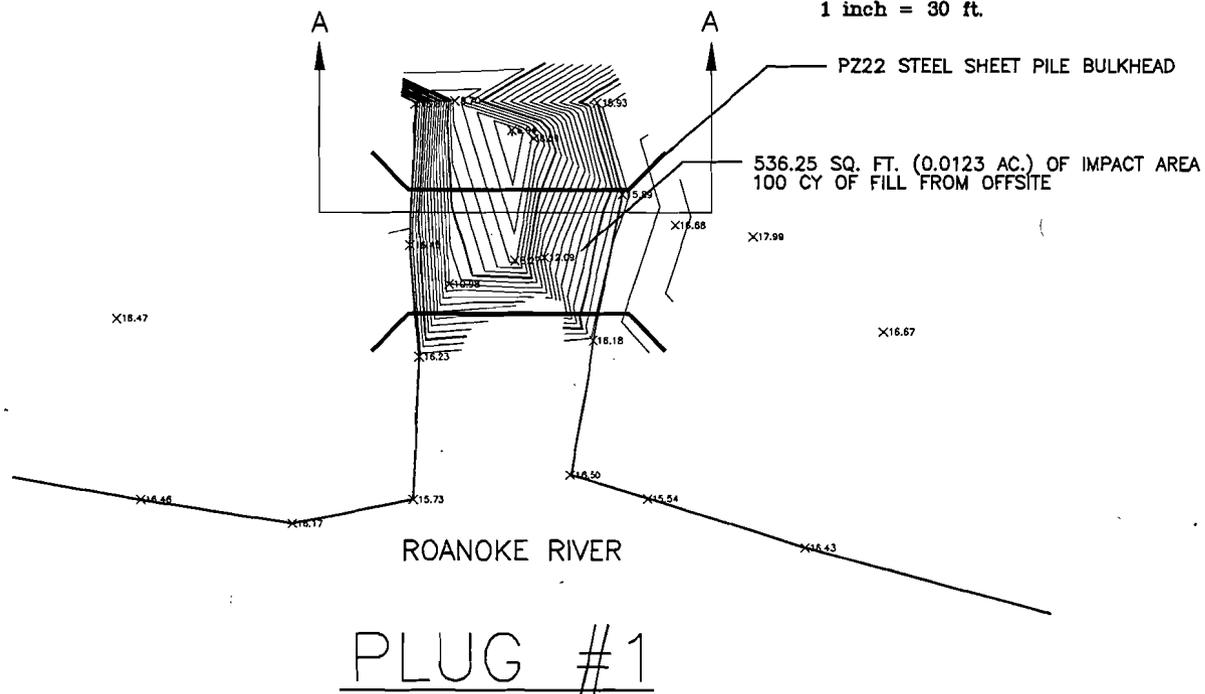




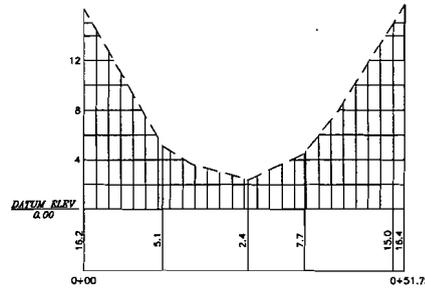
SECTION A-A



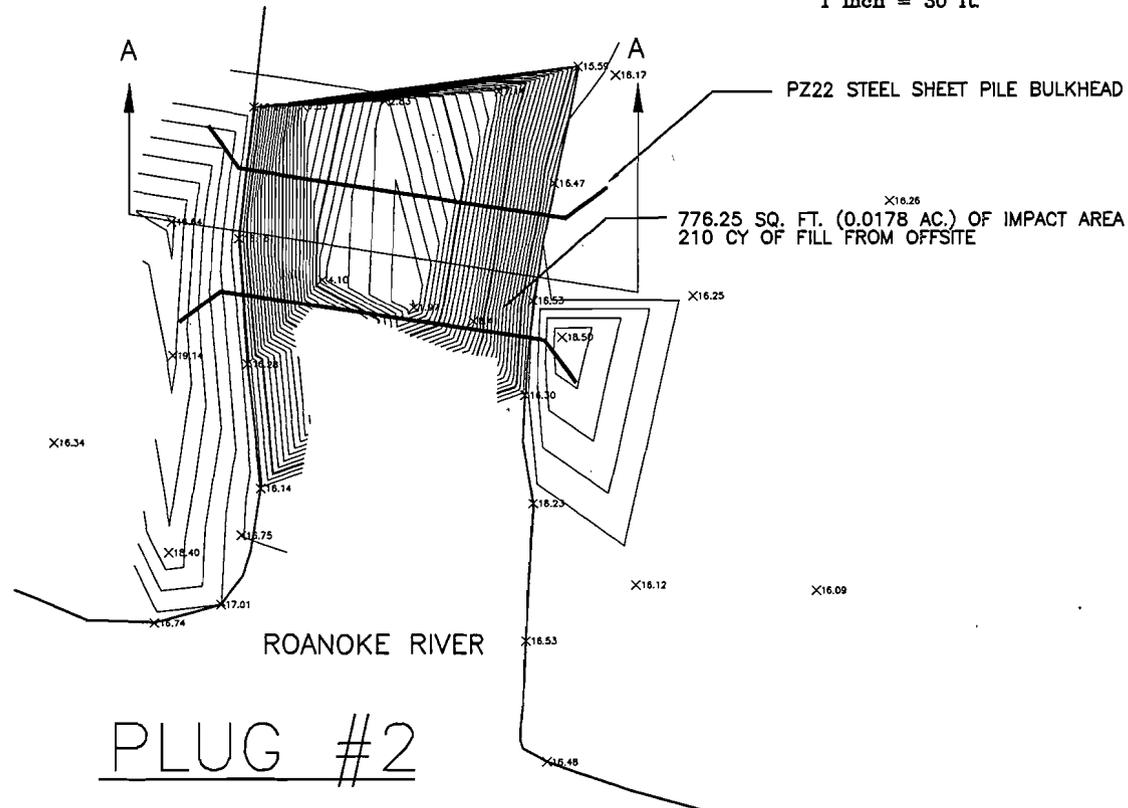
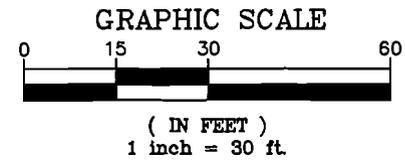
(IN FEET)
1 inch = 30 ft.



NORTH CAROLINA WRC	
DUCKS UNLIMITED INC.	PROJECT NO. DU-NC-0043-002
SOUTHERN REGIONAL OFFICE 193 Business Park Drive, Suite E Raleigh, NC 27617 Certificate of Authorization No. F-5873	BROADNECK PLUG #1
PERMIT APPLICANT - SHEET 23	

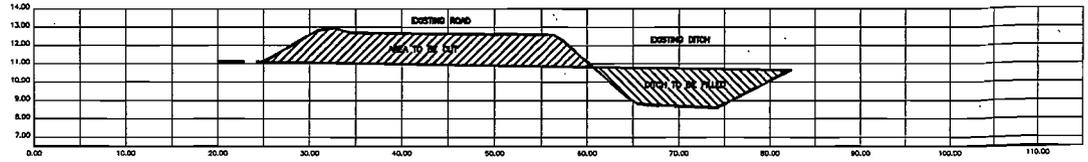


SECTION A-A



PLUG #2

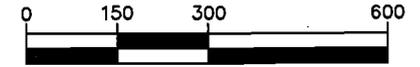
NORTH CAROLINA WRC	
DUCKS UNLIMITED INC.  <small>SOUTHERN REGIONAL OFFICE 183 Business Park Drive, Suite E Rockland, MS 39157 Certificate of Authorization No. F-1072</small>	PROJECT NO. DU-NC-0043-002
	BROADNECK PLUG #2
PERMIT APPLICANT - SHEET 34	



BLACK GUT SLOUGH DITCH SECTION



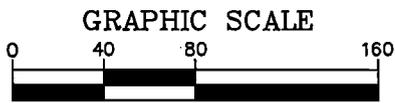
GRAPHIC SCALE



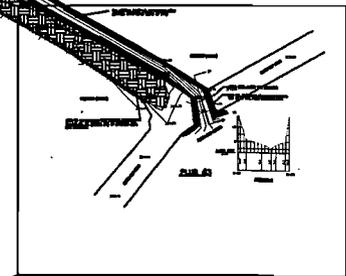
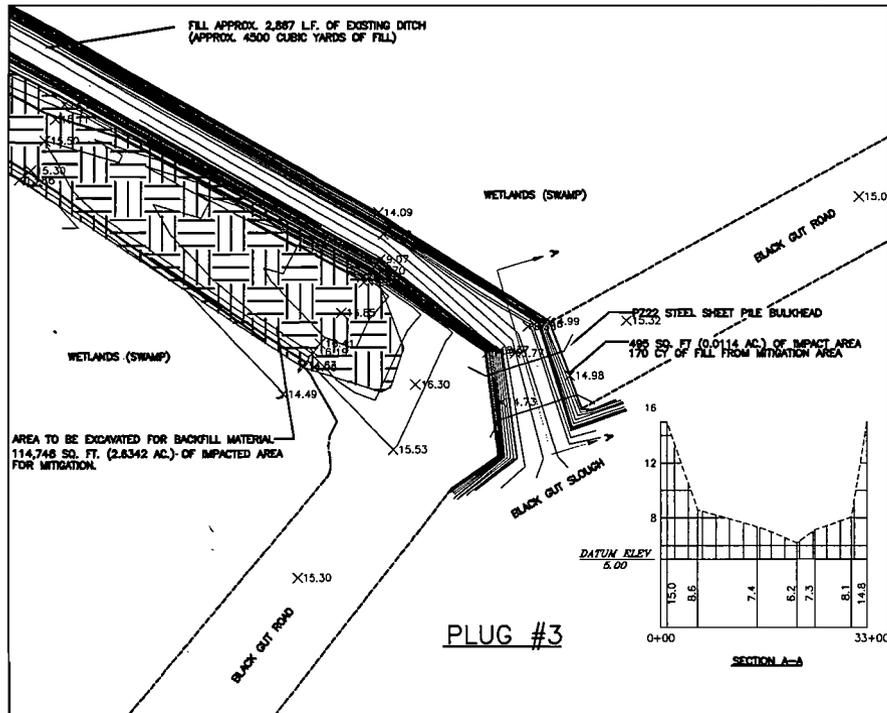
(IN FEET)
1 inch = 300 ft.

DATUM ELEV
7.00

BLACK GUT DITCH
PLUG #3



(IN FEET)
1 inch = 80 ft.



NORTH CAROLINA WRC	
DUCKS UNLIMITED INC. SOUTHERN REGIONAL OFFICE 183 Bushmore Park Drive, Suite E Ridgeland, MS 39157 Certificate of Authorization No. T-1873	PROJECT NO. DU-NC-0043-002
	BROADNECK BLACK GUT SLOUGH
	PERMIT APPLICANT - SHEET <i>AS</i>