



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: October 9, 2007
Comment Deadline: November 8, 2007
Corps Action ID #: 2007-02952-356

The Wilmington District, Corps of Engineers (Corps) has received an application from Duke Energy Corporation, represented by Mr. Joseph W. Carriker, seeking Department of the Army authorization to impact 0.06 acre of waters of the United States in order to construct a boat ramp on the Little Tennessee River in Macon 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: Duke Energy Services
Lake Services
Attention: Mr. Joseph Carriker
Post Office Box 1006
Charlotte, North Carolina 28201

Agent: Davis & Floyd, Incorporated
Attention: Mr. R.L. Powell
Post Office Drawer 428
Greenwood, South Carolina 29648

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Location

The project area is located on the Little Tennessee River on Lakeside Drive in Franklin, Macon County, North Carolina. The Main Street Bridge is located approximately 2200 feet to the east of the project area. Coordinates for the site are 35.1897 north and -83.3783 west.

Existing Site Conditions

The Little Tennessee River is approximately 150-ft wide at the project area. The immediate area is largely undeveloped land along the river, but the project area is surrounded by the City of Franklin.

Applicant's Stated Purpose

To construct this project in order to satisfy Federal Energy Regulatory Commission (FERC) licensing requirements.

Project Description

The proposed project consists of permanently impacting (filling) 0.06 acre of the Little Tennessee River in order to construct a 65' x 16' boat ramp. Approximately 65 feet of the ramp would extend into the river at or below the ordinary high water mark (OHWM) in order to achieve a water depth of approximately 9 feet at the end of the boat ramp. The maximum grade of the boat ramp would be 15 percent. 400 cubic yards of rip rap and 26 cubic yards of cement would be used in construction of the boat ramp.

A gravel entrance road, gravel parking lot, and a 10' x 30' fishing platform would also be constructed as part of this project, but no part of these structures would impact waters of the United States.

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 combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by November 8, 2007.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to Rachel Terrell, 260 Interchange Park Drive, Lenoir City, Tennessee 37772-5664. Questions or comments regarding Section 26a permit requirements should be directed to the above address.

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 (ESA), that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. The project area is located in designated critical habitat for the Spotfin Chub. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

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.

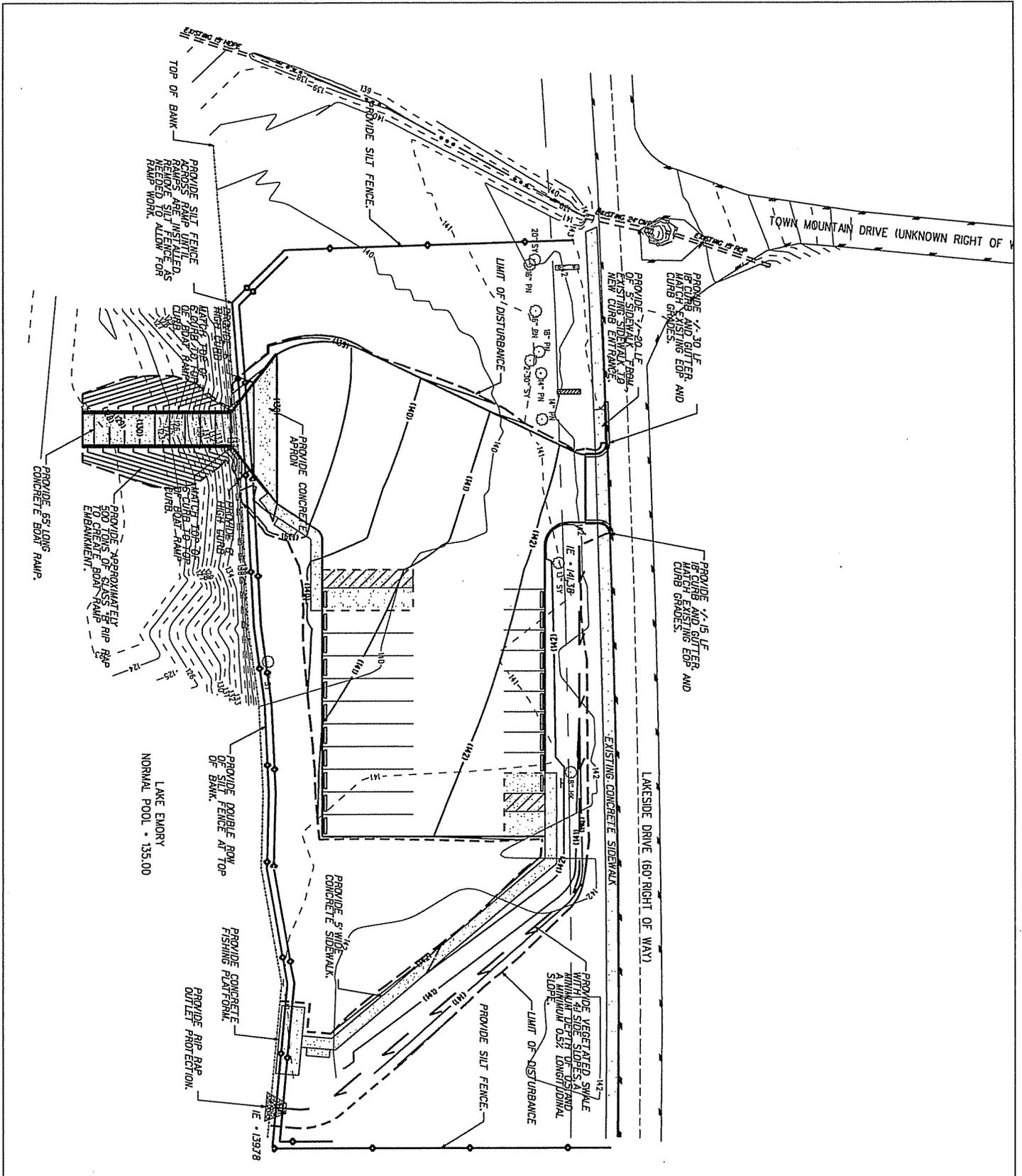
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 8, 2007. Comments should be submitted to Asheville Regulatory Field Office, Attn: Ms. Lori Beckwith, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.



REFERENCE:
 U.S.G.S. 7.5 MIN. TOPOGRAPHIC
 QUADRANGLES: FRANKLIN & CORBIN KNOB

0 2000 4000 FT.

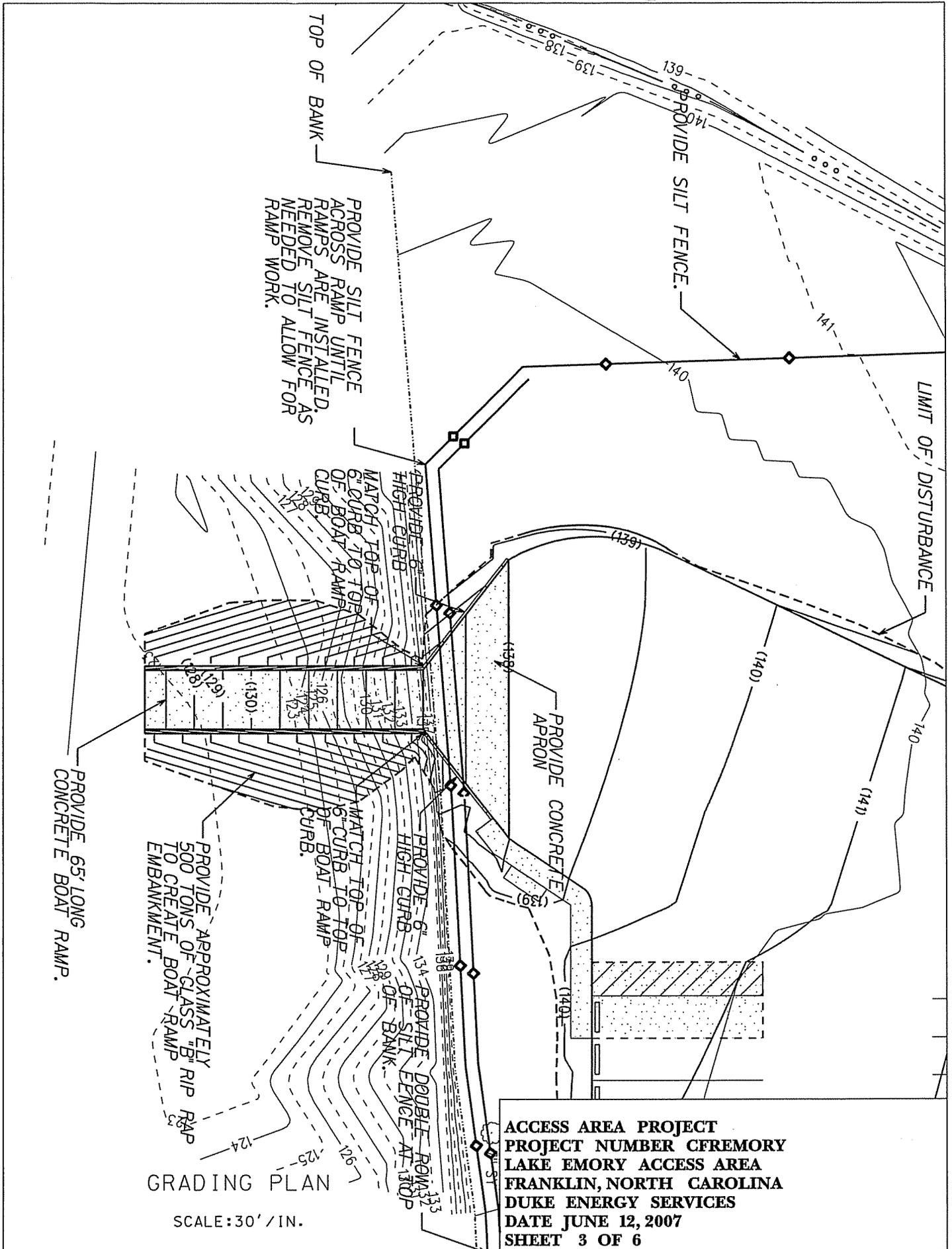
ACCESS AREA PROJECT
PROJECT NUMBER CFREMO
LAKE EMORY ACCESS AREA
FRANKLIN, NORTH CAROLINA
DUKE ENERGY SERVICES
DATE JUNE 12, 2007
SHEET 1 OF 6



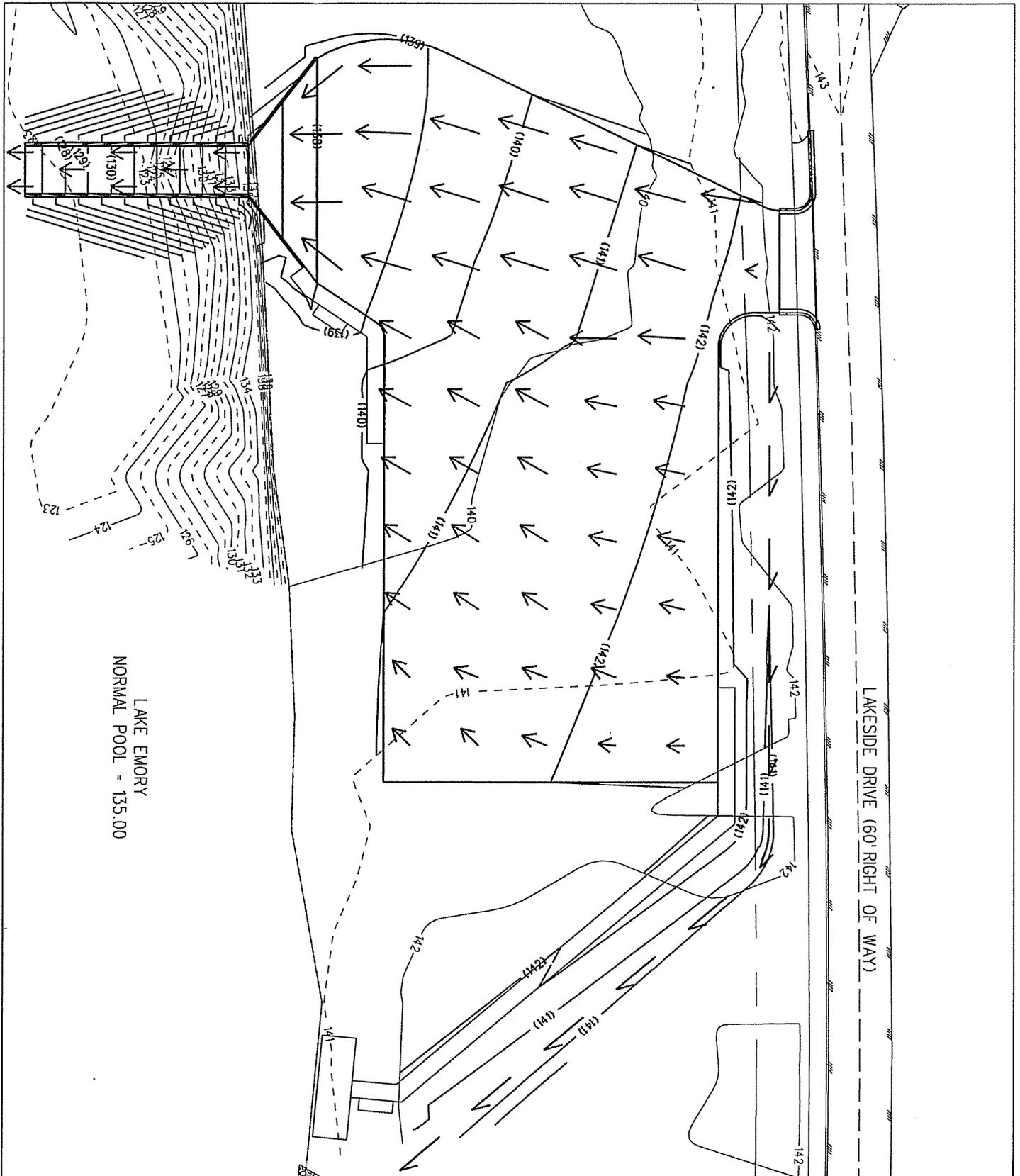
OVERALL PLAN
SCALE: 60' / IN.

ACCESS AREA PROJECT
PROJECT NUMBER CFREMOY
LAKE EMORY ACCESS AREA
FRANKLIN, NORTH CAROLINA
DUKE ENERGY SERVICES
DATE JUNE 12, 2007
SHEET 2 OF 6

2 of 6



3 of 6



LAKE EMORY
NORMAL POOL = 135.00

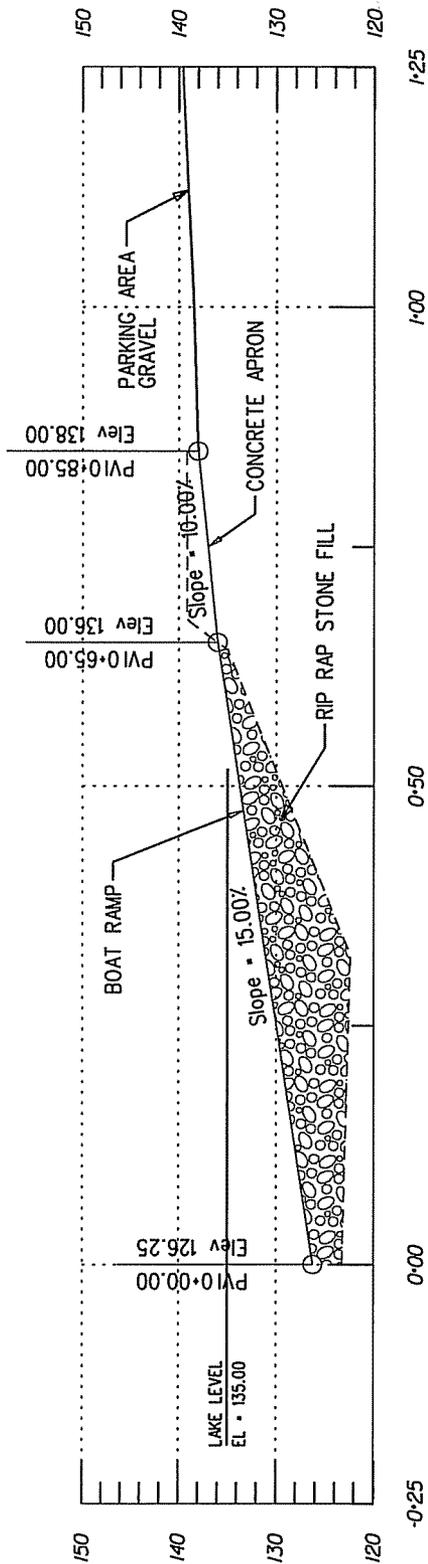
LAKESIDE DRIVE (60' RIGHT OF WAY)

SLOPE VECTORS

SCALE: 40' / IN.

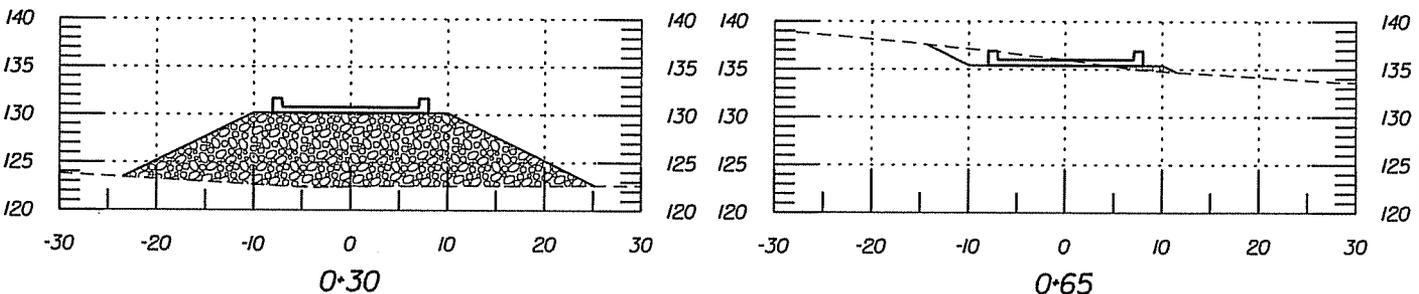
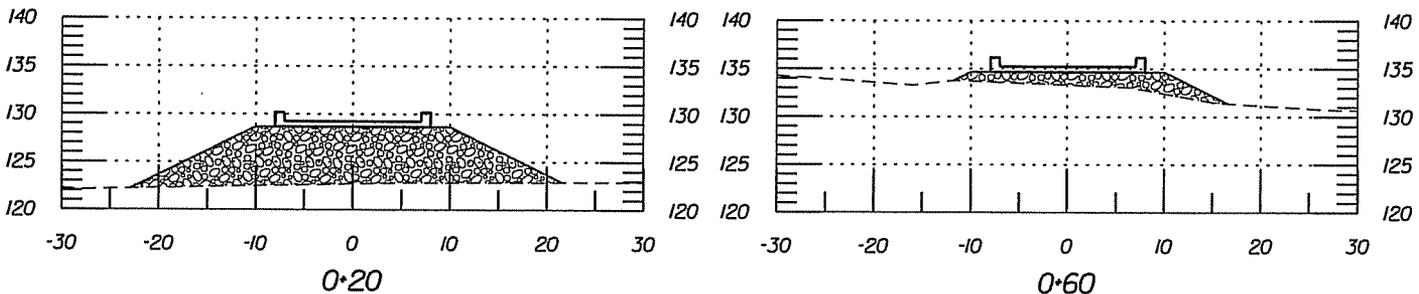
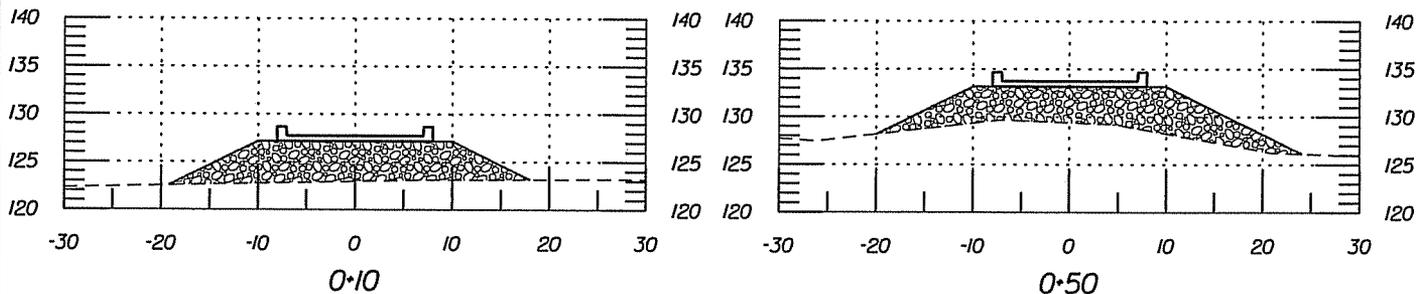
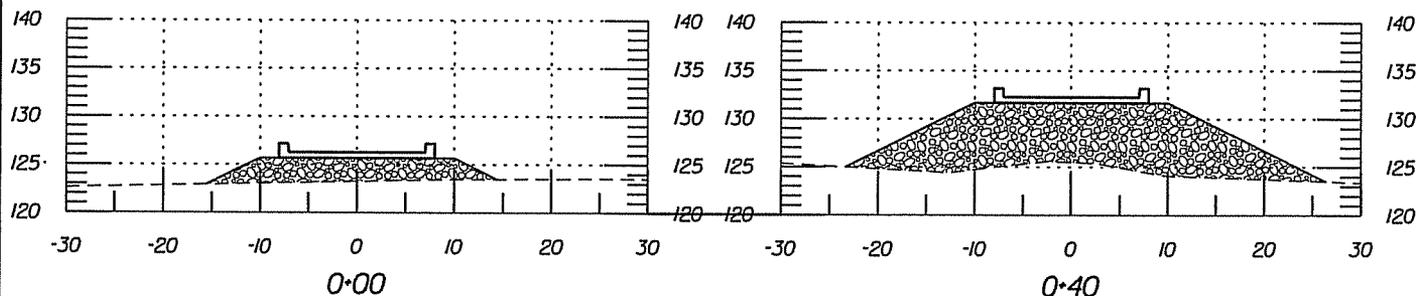
ACCESS AREA PROJECT
PROJECT NUMBER CFEMORY
LAKE EMORY ACCESS AREA
FRANKLIN, NORTH CAROLINA
DUKE ENERGY SERVICES
DATE JUNE 12, 2007
SHEET 4 OF 6

4 of 6



BOAT RAMP PROFILE
SCALE: 20' / IN.

ACCESS AREA PROJECT
PROJECT NUMBER CFREMOY
LAKE EMORY ACCESS AREA
FRANKLIN, NORTH CAROLINA
DUKE ENERGY SERVICES
DATE JUNE 12, 2007
SHEET 5 OF 6



CROSS SECTIONS
SCALE: 20' / IN.

ACCESS AREA PROJECT
PROJECT NUMBER CFREMOY
LAKE EMORY ACCESS AREA
FRANKLIN, NORTH CAROLINA
DUKE ENERGY SERVICES
DATE JUNE 12, 2007
SHEET 6 OF 6

6 of 6