



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 7 April 2016
Comment Deadline: 6 May 2016
Corps Action ID Number: SAW-2010-01336

The Wilmington District, Corps of Engineers (Corps) received an application from the Town of Hope Mills seeking Department of the Army authorization to impact waters and wetlands of the US, associated with the demolition of an existing, failed dam and construction of a new, smaller spillway within the existing project footprint in Hope Mills, Cumberland 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:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Town of Hope Mills
c/o Mr. John Ellis
5770 Rockfish Road
Hope Mills, North Carolina 28348

AGENT (if applicable): RJ Goldstein & Associates
c/o Mr. Gerald Pottern
1221 Corporation Parkway
Raleigh, North Carolina 27610

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

within construction areas and the stream diverted during the four stages of demolition and new dam construction. Permanent fill will be required for the new right and left abutments (0.21 acres and 0.45 acres of open water impacts, respectively) and for the construction of the new spillway and foundation, which is needed to structurally separate the dam from Lakeview Road. The new spillway will be smaller than the existing structure, and therefore, constructed entirely within the existing footprint of the failed spillway. Once the lakebed refills, the dam will have impounded water to its historical level of 105 to 106 feet in elevation, impacting 4.72 acres of open water, 11,400 linear feet of streambed, and 23.70 acres of wetlands that have established since the 2010 spillway failure.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project footprint will be entirely within the existing footprint of the failed spillway. Because the replacement spillway will be smaller than the existing structure, no additional impacts are needed for the proposed structure. Stream and wetland impacts as a result of impounding Little Rockfish Creek are unavoidable; however, impacts will not exceed the historical limits of inundation or impact the tree canopy of forested wetlands present prior to 2003.

Compensatory Mitigation

Unusual circumstances that were beyond the control of the Town of Hope Mills prevented the Town from replacing the failed structure within the time limits allowed by the Nationwide Permit 3 conditions for replacing serviceable structures. Had the Town been able to utilize Nationwide Permit 3, mitigation would likely not have been required. Additionally, wetlands that have naturalized as a result of the lakebed having been drained since 2010 support only young, pioneer and weedy species in the herbaceous and shrub layers. Based on this information, the Corps has agreed to waive the mitigation requirement for the loss of wetlands from re-flooding the lakebed.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that no historic properties, nor properties eligible for inclusion in the National Register, are present

within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps 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. The Corps will make a final determination on the effects of the proposed project 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.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so in writing to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or to,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity that would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

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 consolidated 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, 6 May 2016. Comments should be submitted to Ms. Emily Greer, Wilmington Regulatory Field Office,, 69 Darlington Avenue, Wilmington, North Carolina 28403 , or at emily.c.greer@usace.army.mil.



Lakeview Road

Main Street NC-59

Legend

-  Construction Limits
-  New Dam Embankment
-  New Spillway

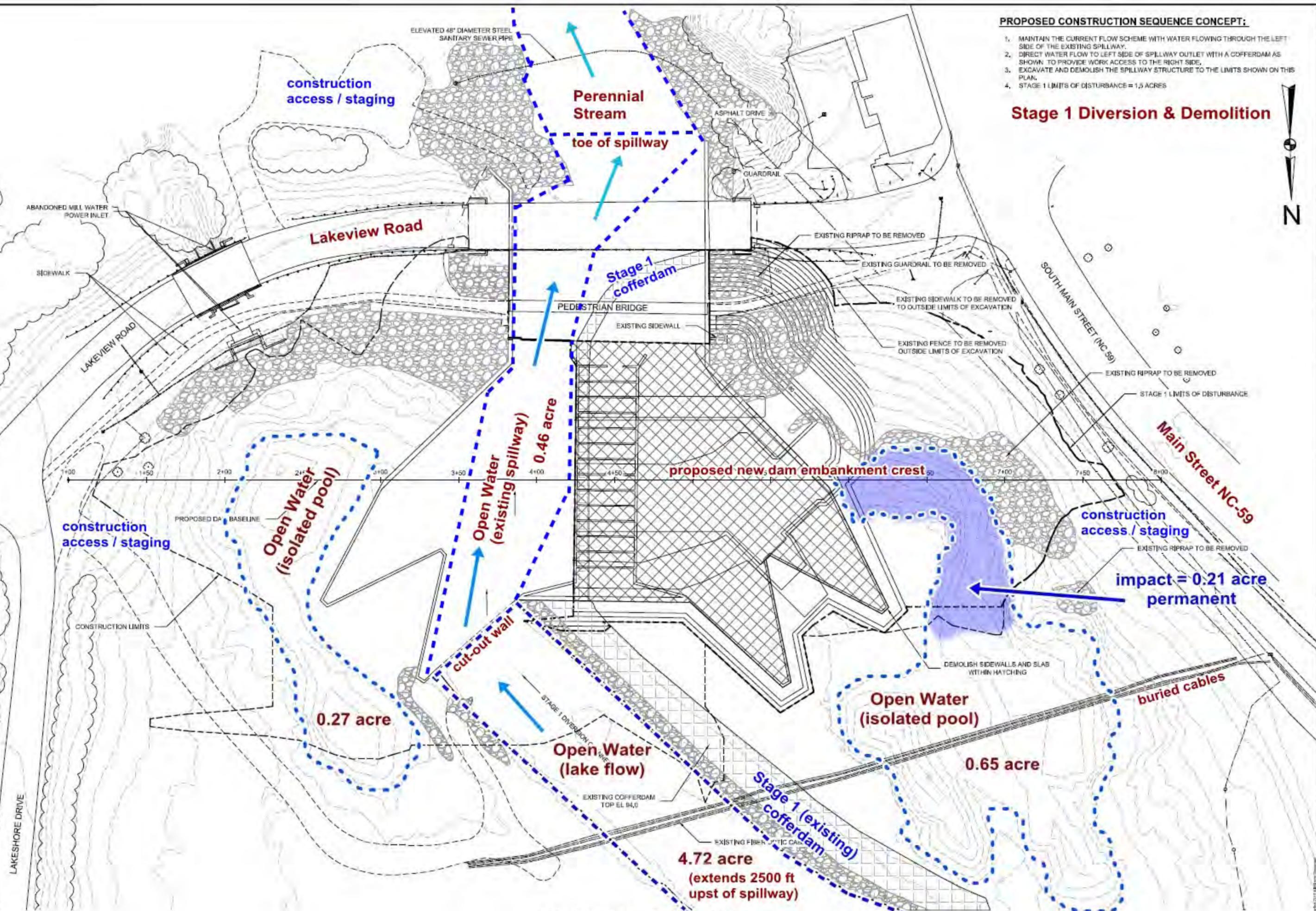
400 feet

Hope Mills Dam proposed construction limits, replacement spillway, and new embankment lateral tie-ins, on 2013 Google Earth aerial image.

PROPOSED CONSTRUCTION SEQUENCE CONCEPT:

1. MAINTAIN THE CURRENT FLOW SCHEME WITH WATER FLOWING THROUGH THE LEFT SIDE OF THE EXISTING SPILLWAY.
2. DIRECT WATER FLOW TO LEFT SIDE OF SPILLWAY OUTLET WITH A COFFERDAM AS SHOWN TO PROVIDE WORK ACCESS TO THE RIGHT SIDE.
3. EXCAVATE AND DEMOLISH THE SPILLWAY STRUCTURE TO THE LIMITS SHOWN ON THIS PLAN.
4. STAGE 1 LIMITS OF DISTURBANCE = 1.5 ACRES

Stage 1 Diversion & Demolition

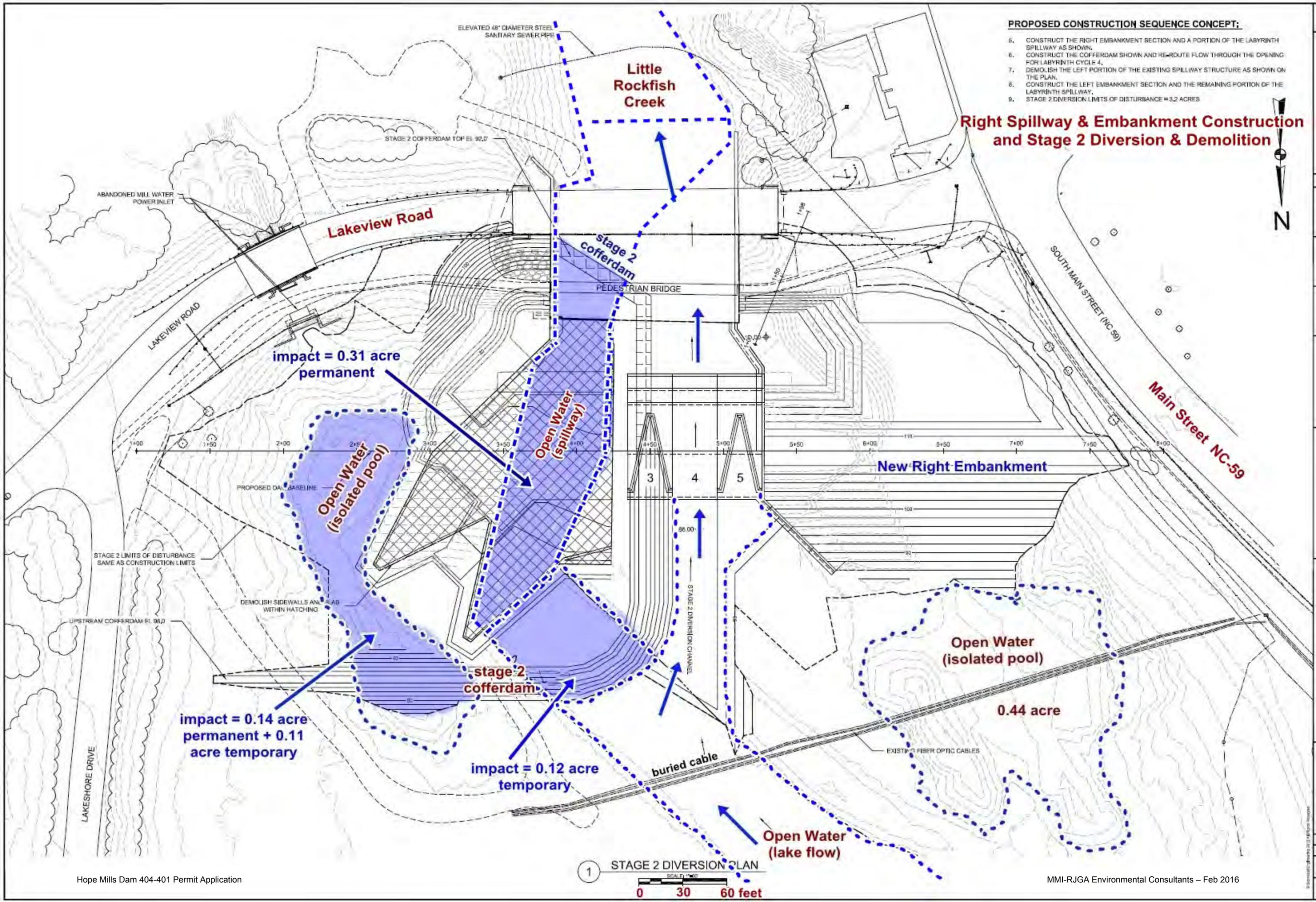


1 STAGE 1 DIVERSION PLAN
 SCALE: 1"=30'
 0 30 60 feet

PROPOSED CONSTRUCTION SEQUENCE CONCEPT:

5. CONSTRUCT THE RIGHT EMBANKMENT SECTION AND A PORTION OF THE LABYRINTH SPILLWAY AS SHOWN.
6. CONSTRUCT THE COFFERDAM SHOWN AND RE-ROUTE FLOW THROUGH THE OPENING FOR LABYRINTH CYCLE 4.
7. DEMOLISH THE LEFT PORTION OF THE EXISTING SPILLWAY STRUCTURE AS SHOWN ON THE PLAN.
8. CONSTRUCT THE LEFT EMBANKMENT SECTION AND THE REMAINING PORTION OF THE LABYRINTH SPILLWAY.
9. STAGE 2 DIVERSION LIMITS OF DISTURBANCE = 3.2 ACRES

Right Spillway & Embankment Construction and Stage 2 Diversion & Demolition



1 STAGE 2 DIVERSION PLAN
SCALE 1" = 30'
0 30 60 feet

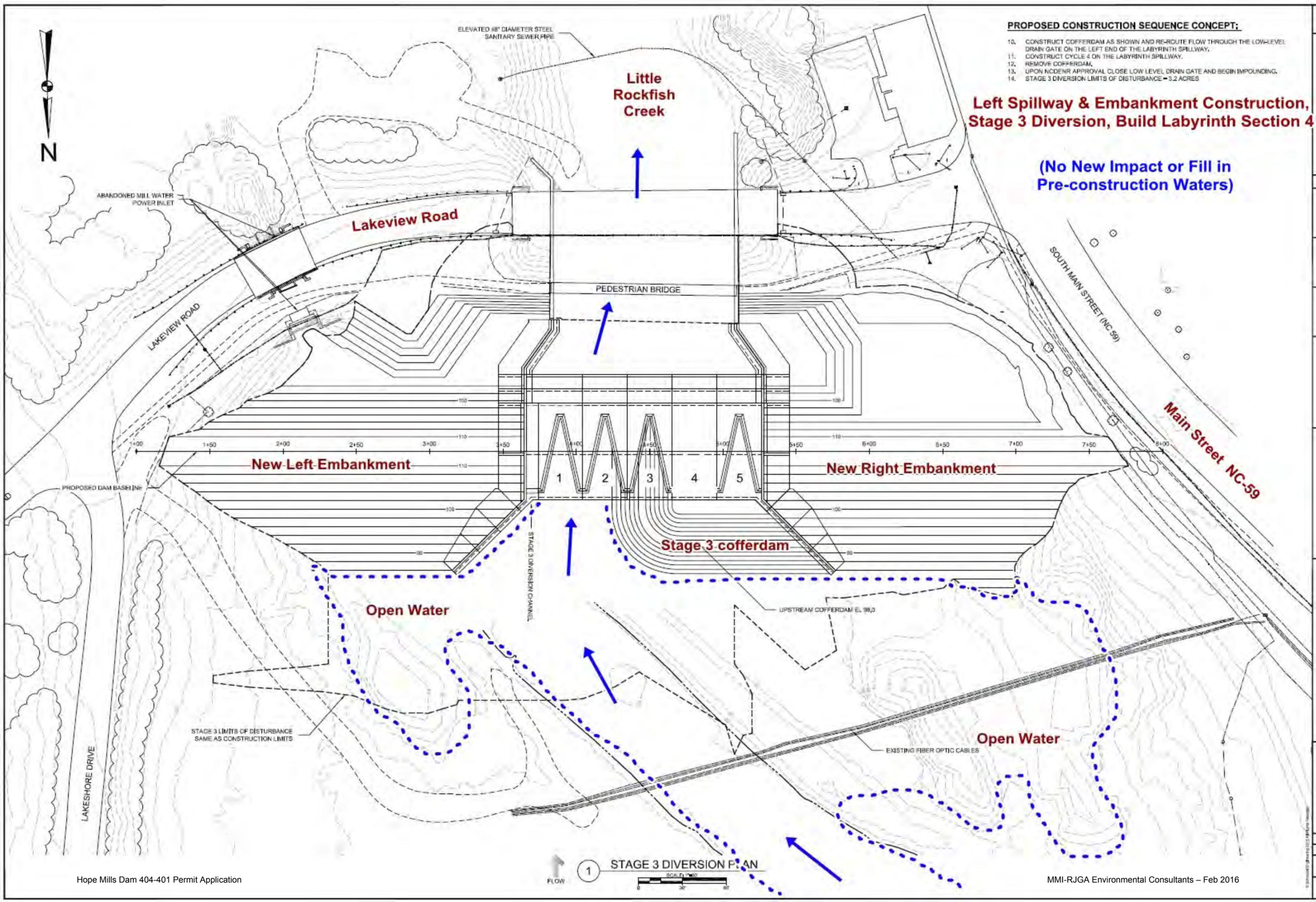


PROPOSED CONSTRUCTION SEQUENCE CONCEPT:

- 10. CONSTRUCT COFFERDAM AS SHOWN AND RE-ROUTE FLOW THROUGH THE LOW-LEVEL DRAIN GATE ON THE LEFT END OF THE LABYRINTH SPILLWAY.
- 11. CONSTRUCT CYCLE 4 ON THE LABYRINTH SPILLWAY.
- 12. REMOVE COFFERDAM.
- 13. UPON NCDENR APPROVAL CLOSE LOW LEVEL DRAIN GATE AND BEGIN IMPOUNDING.
- 14. STAGE 3 DIVERSION LIMITS OF DISTURBANCE = 3.2 ACRES

Left Spillway & Embankment Construction, Stage 3 Diversion, Build Labyrinth Section 4

(No New Impact or Fill in Pre-construction Waters)

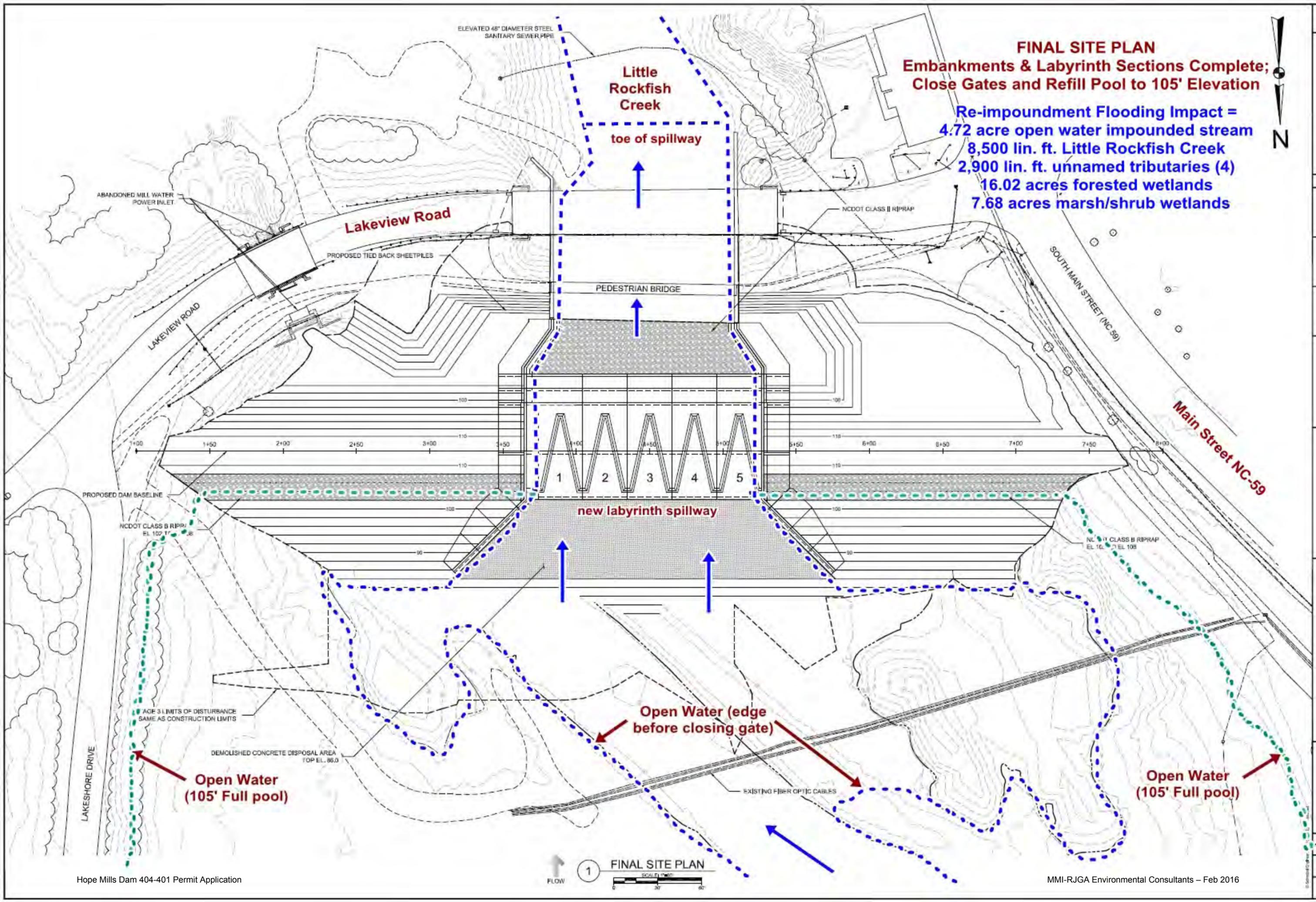


1 STAGE 3 DIVERSION PLAN
SCALE: 1"=50'

FINAL SITE PLAN

Embankments & Labyrinth Sections Complete;
Close Gates and Refill Pool to 105' Elevation

Re-impoundment Flooding Impact =
4.72 acre open water impounded stream
8,500 lin. ft. Little Rockfish Creek
2,900 lin. ft. unnamed tributaries (4)
16.02 acres forested wetlands
7.68 acres marsh/shrub wetlands



1 FINAL SITE PLAN
SCALE 1" = 100'