



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: September 5, 2024  
Comment Deadline: October 7, 2024  
Corps Action ID #: SAW-198200031

The DISTRICT ENGINEER, WILMINGTON DISTRICT, 69 Darlington Avenue, Wilmington North Carolina 28403, hereby proposes to renew, with modifications, **Regional General Permit SAW-198200031 (RGP 31)** pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C 1344). This general permit (RGP 31) authorizes the discharge of dredged or fill material in waters of the United States associated with best-fit widening projects, or phases of “phased” best-fit widening projects, that (1) have undergone interagency review and completed the interagency Merger Process, and (2) would cause only minimal individual and cumulative adverse environmental effects. These projects are conducted by the various divisions of the North Carolina Department of Transportation (NCDOT), including the NCDOT Division of Highways, Rail, Bicycle/Pedestrian, etc.

Title 33, Code of Federal Regulations (CFR), Paragraph 325, authorizes issuance of general (regional) permits for activities, which are substantially similar in nature and cause minimal individual and cumulative environmental impacts. Please review the existing general permit and the proposed modifications at the following web address: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/> Note that the proposed modifications to RGP 31 are shown in the attached document in Track Changes.

Please contact the Corps by email, telephone, or mail if you wish to receive a hard copy of the general permit and proposed modifications. Contact information is listed at the end of this public notice.

This proposal will be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certificate under Section 401 of the Clean Water Act by the North Carolina Division of Water Resources (NCDWR).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by North Carolina Division of Coastal Management (NCDCM).

- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the NCDCCM or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Energy, Minerals and Land Resources, Land Quality Section (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

This general permit will not be modified and renewed if any required State or local authorization and/or certificate are denied. Issuance of the authorization will not occur until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to that agency, with a copy furnished to the Corps of Engineers.

This proposal is being considered pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this proposal. 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.

### **Essential Fish Habitat**

In the event that the Corps determines an activity proposed under this general permit may affect Essential Fish Habitat resources, the Corps will initiate consultation with the National Marine Fisheries Service (NMFS) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, unless another federal agency is lead federal agency for a particular project and is in the process or has completed consultation with the NMFS.

### **Cultural Resources**

Any proposed activity that would, or has potential to, affect any sites that are listed, or eligible for inclusion, in the National Register of Historic Places, will require consultation with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and any interested, federally recognized Tribes. In the event an activity proposed under this general permit is determined

to have the potential to affect those properties, or if a project may or will have an adverse effect on those properties, the Corps will initiate consultation pursuant to Section 106 of the National Historic Preservation Act with the aforementioned parties, unless another federal agency is the lead federal agency for a particular project and is in the process, or has completed, Section 106 consultation with the SHPO or the THPO, and any interested, federally recognized Tribes.

### **Endangered Species**

Any proposed activity that may affect any federally listed threatened or endangered species, or federally designated critical habitat, protected by the Endangered Species Act, will require consultation with the United States Fish and Wildlife Service (USFWS) or NMFS.

In the event that the Corps determines an activity proposed under this general permit may affect those resources, the Corps will initiate consultation with the USFWS or NMFS pursuant to Section 7 of the Endangered Species Act, unless another federal agency is lead federal agency for a particular project and is in the process or has completed Section 7 consultation with the USFWS and/or the NMFS.

### **Comments and Decision**

The decision whether to modify and renew this general permit, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activities and their intended use on the public interest. Evaluation of the probable impacts that the proposed activities may have the public interest requires a careful weighing of all those factors that become relevant in each case. The benefits that may be expected to accrue from the proposals must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, permits will be granted unless the District Engineer decides that they would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of these activities. Any comments received will be considered by the Corps of Engineers to decide 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 preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to decide the need for a public hearing and to decide the public interest for the proposed activity.

Generally, the decision whether to issue Department of the Army (DA) permits will not be made until the NCDWR issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWR considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act.

Additional information regarding the Clean Water Act certification may be reviewed at the NCDWR Central Office, Transportation Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of this public notice by emailing comments to [publiccomments@deg.nc.gov](mailto:publiccomments@deg.nc.gov) with the subject line of "401 Water Quality Certification", or by mail to:

NCDWR Central Office Attention: Susan Locklear Transportation  
Permitting Branch (USPS mailing address): 1617 Mail Service Center,  
Raleigh, NC 27699-1617

-OR-

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

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposal to modify and renew RGP 31, as outlined above, until 5pm, October 7, 2024. Written comments should be submitted to Lori Beckwith, Regulatory Project Manager, WRDA/Transportation Permitting by either email or mail.

By email: [loretta.a.beckwith@usace.army.mil](mailto:loretta.a.beckwith@usace.army.mil)

By mail: Asheville Regulatory Field Office  
Attention: Lori Beckwith  
151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006

Phone: 828-230-0483