



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 17, 2017
Comment Deadline: March 17, 2017
Corps Action ID Number: SAW-2010-00061

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Jeff Richardson, Cleveland County Government, seeking Department of the Army authorization to place fill material in 1,792 linear feet of stream and 0.062 acre of wetlands, associated with the expansion of a tissue products manufacturing facility in Cleveland 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: Cleveland County Government
Mr. Jeff Richardson, County Manager
Post Office Box 1210
Shelby, North Carolina 28151

Agent: Clearwater Environmental Consultants, Inc.
Mr. R. Clement Riddle, P.W.S
224 South Grove Street, Suite F
Hendersonville, North Carolina 28792

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

Directions to Site: The Clearwater Paper Corporation expansion site is located in Shelby, Cleveland County, North Carolina. To access the site from Asheville, take 1-26 East to Exit 67 (US Highway 74 to Columbus/Rutherfordton/NC Highway 108). Continue onto US Highway 74 and travel approximately 37 miles. Turn left on to Washburn Switch Road. The proposed Clearwater Paper facility is on the east side of the railroad tracks (and across from the existing Clearwater Paper facility). In general, the site is bordered to the north by an unnamed tributary to Brushy Creek, to the east by Brushy Creek, to the west by the railroad tracks, and to the south by an overhead transmission line.

Project Area: approximately 303.9 acres, including utility corridors

Nearest Town: Shelby

Nearest Waterway: Brushy Creek

River Basin: Santee

Latitude and Longitude: 35.3198 N, -81.6026 W

Existing Site Conditions

The proposed project site is largely undeveloped but highly impacted by historical logging and/or farming practices. The project area also contains a warehouse which is currently leased by Clearwater Paper Corporation. Approximately 50 acres of the site is fallow field and another 100 acres has been clear cut. Wooded areas are limited to corridors surrounding streams and wetlands.

Natural communities on site include mixed age loblolly pine forest, riparian forest, mixed pine-hardwood forest, and fallow field. The loblolly pine forest represents the largest habitat type on site and is dominated by loblolly pine stands of different age classes. This habitat type has been substantially disturbed by clearcutting at the site. Riparian forests are adjacent to streams and wetlands on site. This habitat type is generally disturbed and contains numerous invasive species. Many stream banks are highly eroded with limited vegetation on the banks. Mixed pine-hardwood forest is up-gradient from the riparian forest. This habitat type includes younger stands of trees and is dominated by loblolly pine (*Pinus taeda*). A grassed field is present on the eastern side of the site and is surrounded by wooded areas. It appears that this field is mowed at least annually by hunters that utilize the land. Habitats associated within the utility Right-of-Way (ROW) corridors include the shoulders of existing North Carolina Department of Transportation roads, residential lawns, herbaceous wetlands, and existing maintained sewer line ROWs. These habitats are routinely managed through the use of mechanized mowing and/or bush hogging equipment.

Applicant's Stated Purpose

The basic project purpose of the proposed expansion is to make and convert tissue paper into usable products for the home and commercial markets. More specifically, the overall project purpose is to expand tissue paper making and converting capacity to meet market demands.

Project History

A Nationwide Permit 39 was issued to the Clearwater Paper Corporation on March 18, 2010, (SAW-2010-00061) for the construction of their existing tissue converting facility located on the west side of Washburn-Switch Road. A revised Nationwide Permit 39 verification for a secondary access road and minor after-the-fact impacts for the same facility was issued to the Clearwater Paper Corporation on June 1, 2012, (SAW-2010-00061). Not all impacts associated with the revised verification were completed. To date, the following impacts have occurred at the existing Clear Water Paper facility:

Table 1. Existing Impacts

Impact # (Figures 3A and 3B)	Impact Amount	Purpose
3	15 linear feet of stream	Railroad Crossing
4	0.09 acre of wetlands	Railroad Crossing
9	89 linear feet of stream	Entrance Roadway

An Individual Permit for a facility expansion (at the existing facility on the west side of Washburn-Switch Road) was submitted by the Clearwater Paper Corporation on November 3, 2014. An individual Department of the Army Permit was issued by the Corps on June 25, 2015 (Action ID SAW-2010-00061. Impacts associated with the Individual Permit have not been completed. The Clearwater Paper Corporation has determined that a larger expansion is necessary and is now proposing to locate the expansion on the other side of Washburn Switch Road, directly east of the existing facility. The proposed facility would function in the same capacity as the existing facility.

Project Description

Cleveland County is the applicant for the current Clearwater Paper Corporation expansion proposal due to their ownership of the project site and the substantial utility upgrades that are required to make the project possible. The proposed project includes the construction of approximately 2.5 million square feet of manufacturing and warehouse space (Figure 6). Additional manufacturing space would house tissue machines which converts raw material to "parent rolls" of tissue; converting equipment which converts rolls into consumer products such as toilet paper, paper towels, facial tissue, and napkins; a parent roll storage warehouse; a bale storage warehouse; and a warehouse space for finished goods. The proposed project also includes necessary improvements to gas, sewer, and water infrastructure.

The proposed project would result in the permanent loss of 1,578 linear feet of stream and 0.03 acre of wetlands and temporary impacts to 214 linear feet of stream and 0.032 acre of wetlands. The proposed impacts are summarized in Tables 2 and 3 below.

Table 2. Proposed Stream Impacts

Impact	Stream Impact	Purpose	Duration
1 (Figure 6)	200 lf	Entrance Roadway	Permanent, Loss
2 (Figure 6)	910 lf	Facility and Railway	Permanent, Loss
3 (Figure 6)	468 lf	Facility	Permanent, Loss
US1, US2, US3, US4, US5, US8, US10 (Figure 8)	214lf	Gravity Sewer	Temporary

Table 3. Proposed Wetland Impacts

Impact	Wetland Impact	Purpose	Duration
4 (Figure 6)	0.03 acre	Facility	Permanent, Loss
UW1, UW2, UW3, UW4 (Figure 8)	0.032 acre	Gravity Sewer	Temporary

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The project as proposed avoids approximately 5,569 linear feet (78%) of stream and 4.58 acres (99%) of wetlands on the project site. Previously proposed impacts to wetlands associate with stormwater controls have been eliminated. Additionally, the site plan makes use of nearby infrastructure which minimizes impacts and land disturbance on site.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes to purchase compensatory mitigation credits from the North Carolina Division of Mitigation Services as detailed in Table 4 below:

Table 4. Proposed Compensatory Mitigation

Impact #	Total Impact	Proposed Ratio	Proposed Credits	NCSAM
1	200 lf perennial	1:1	200	Low
2	910 lf perennial	2:1	1,820	Medium
3	405 lf perennial	2:1	810	High
3	63 lf intermittent	1:1	63	Medium

The applicant is not proposing compensatory mitigation for wetland impacts at this time due to the minimal amount of wetland impacts and the steps the applicant has taken to avoid high quality wetlands onsite.

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:

- ☒ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and 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 determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

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, by March 17, 2017 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,

(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 which 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.

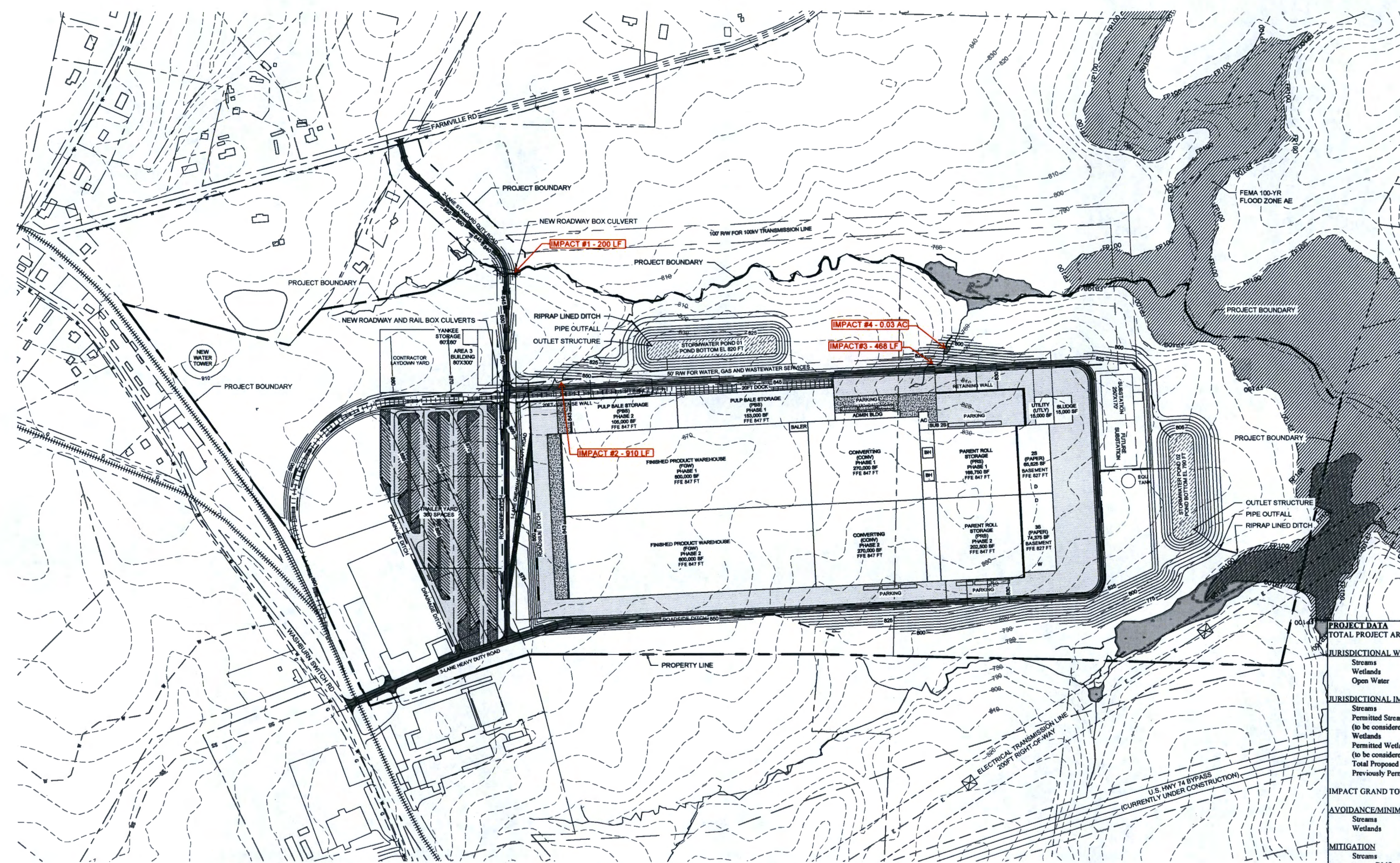
Commenting Information

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.

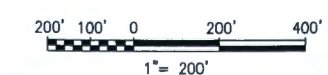
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless 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, March 17, 2017. Comments should be submitted to Mr. David L. Shaeffer, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (704) 510-1437.



- LEGEND**
- EASEMENT
 - PROPERTY LINE
 - +++++ RAIL TRACKS
 - ROAD CENTERLINE
 - STREAM CENTERLINE
 - ELECTRICAL LINE
 - G --- NATURAL GAS LINE
 - SS --- SANITARY SEWER LINE
 - W --- WATER LINE
 - 800 --- EXISTING ELEVATION CONTOUR
 - 800 --- PROPOSED ELEVATION CONTOUR
- PATTERN - EXISTING**
- WETLAND AREA
 - 100-YEAR FLOODPLAIN
- PATTERN - PROPOSED**
- SITE ASPHALT PAVING
 - ROADWAY PAVING
 - CONCRETE PAVING
 - STORMWATER POND BOTTOM

PLAN - ENVIRONMENTAL WETLAND IMPACT
SCALE: AS NOTED



PROJECT DATA	
TOTAL PROJECT AREA	+/- 266 ac
JURISDICTIONAL WATERS OF THE US	
Streams	7,147 lf
Wetlands	4.61 ac
Open Water	0 ac
JURISDICTIONAL IMPACTS	
Streams	1,578 lf
Permitted Stream Impacts (to be considered cumulatively)	104 lf
Wetlands	0.03 ac
Permitted Wetlands Impacts (to be considered cumulatively)	0.09 lf
Total Proposed Impacts	1,578 lf and 0.03 ac
Previously Permitted Impacts	104 lf and 0.09 ac
IMPACT GRAND TOTAL	1,682 lf and 0.12 ac
AVOIDANCE/MINIMIZATION	
Streams	5,569 lf (78%)
Wetlands	4.58 ac (99%)
MITIGATION	
Streams DMS	2,997 lf

FIGURE 6

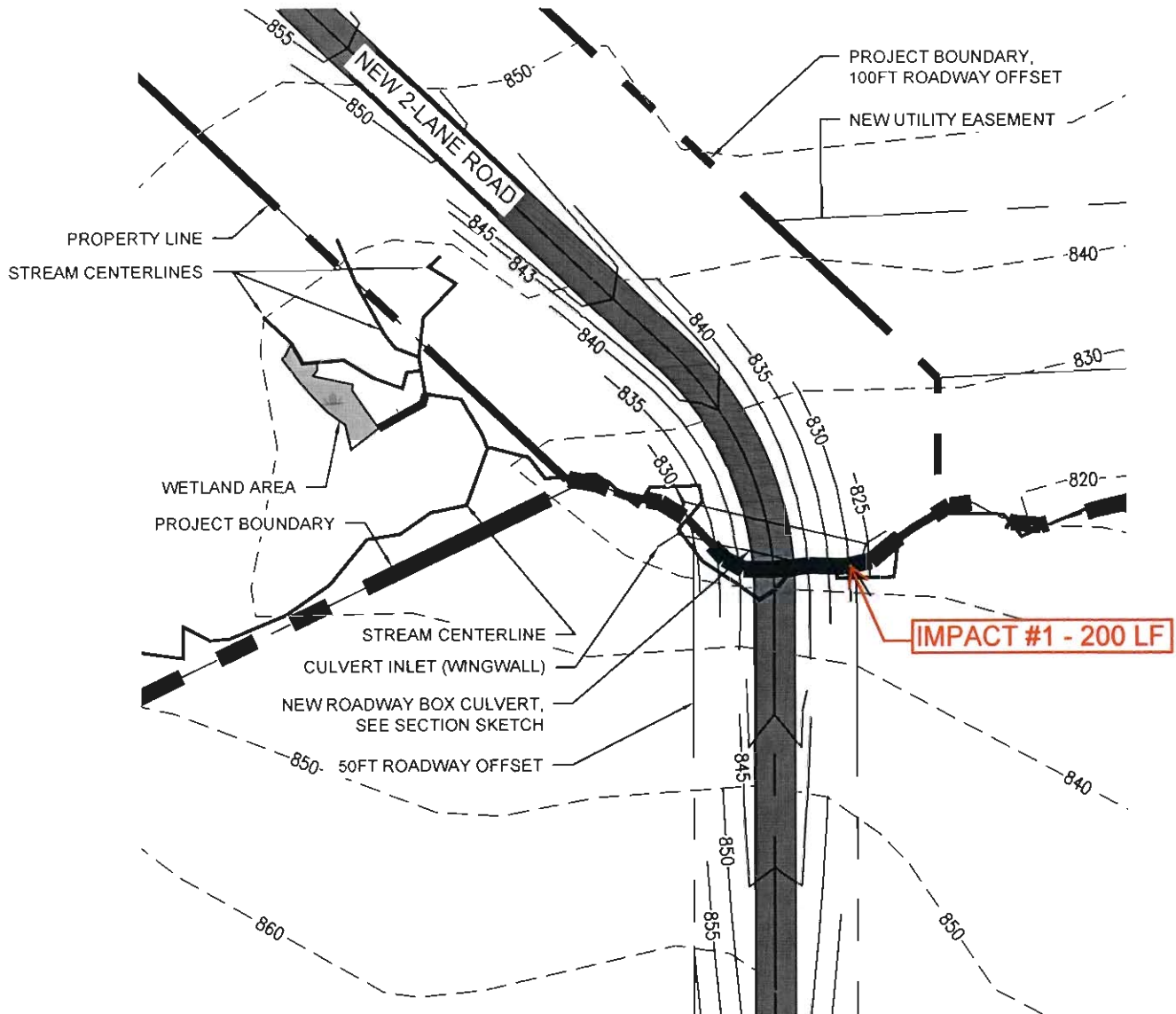
**PRELIMINARY
IN PROGRESS**

PROJECT #: 160506

Jedson
Engineering
jedson.com

1000 Towne Center Blvd
Building 800
Pooler, GA 31322
Phone: 912.330.7800
Toll Free: 866.729.3945

A ISSUE FOR REVIEW		BC 12/20/16
NO.	REVISIONS	BY DATE
PAPER MACHINE 25 & 35 ENVIRONMENTAL WETLAND IMPACT		
DRN: BAC	CHW: CCD	APR: CCD
SCALE: 1" = 250'	SIZE: D	AFCE
DATE	DRAWING NUMBER 302-G-00152	REVISION A



PLAN - ENVIRONMENTAL WETLAND IMPACT

SCALE: 1" = 100'

LEGEND

- PROPERTY LINE / EASEMENT
- ROAD CENTERLINE
- STREAM CENTERLINE
- - 800 - - EXISTING ELEVATION CONTOUR
- 800 — PROPOSED ELEVATION CONTOUR

PATTERN - EXISTING

-  WETLAND AREA
-  ROADWAY PAVING


FIGURE 6A

PRELIMINARY
IN PROGRESS

PROJECT # 160506

1000 Towne Center Blvd
Building 800
Pooler, GA 31322
Phone: 912.330.7800
Toll Free: 866.729.3945

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Engineering
jedson.com

A ISSUE FOR REVIEW		BC	12/20/16
NO	REVISIONS	BY	DATE
 CLEARWATER PAPER			
PAPER MACHINE 2S & 3S ENVIRONMENTAL WETLAND IMPACT NEW ROADWAY PLAN			
DRN	BAC	CHK	CCD
SCALE	SCALE	SIZE	AFCE
DATE	DRAWING NUMBER	REVISION	
12/20/16	302-G-00153	A	

Utility Overview



Cleveland County,
North Carolina

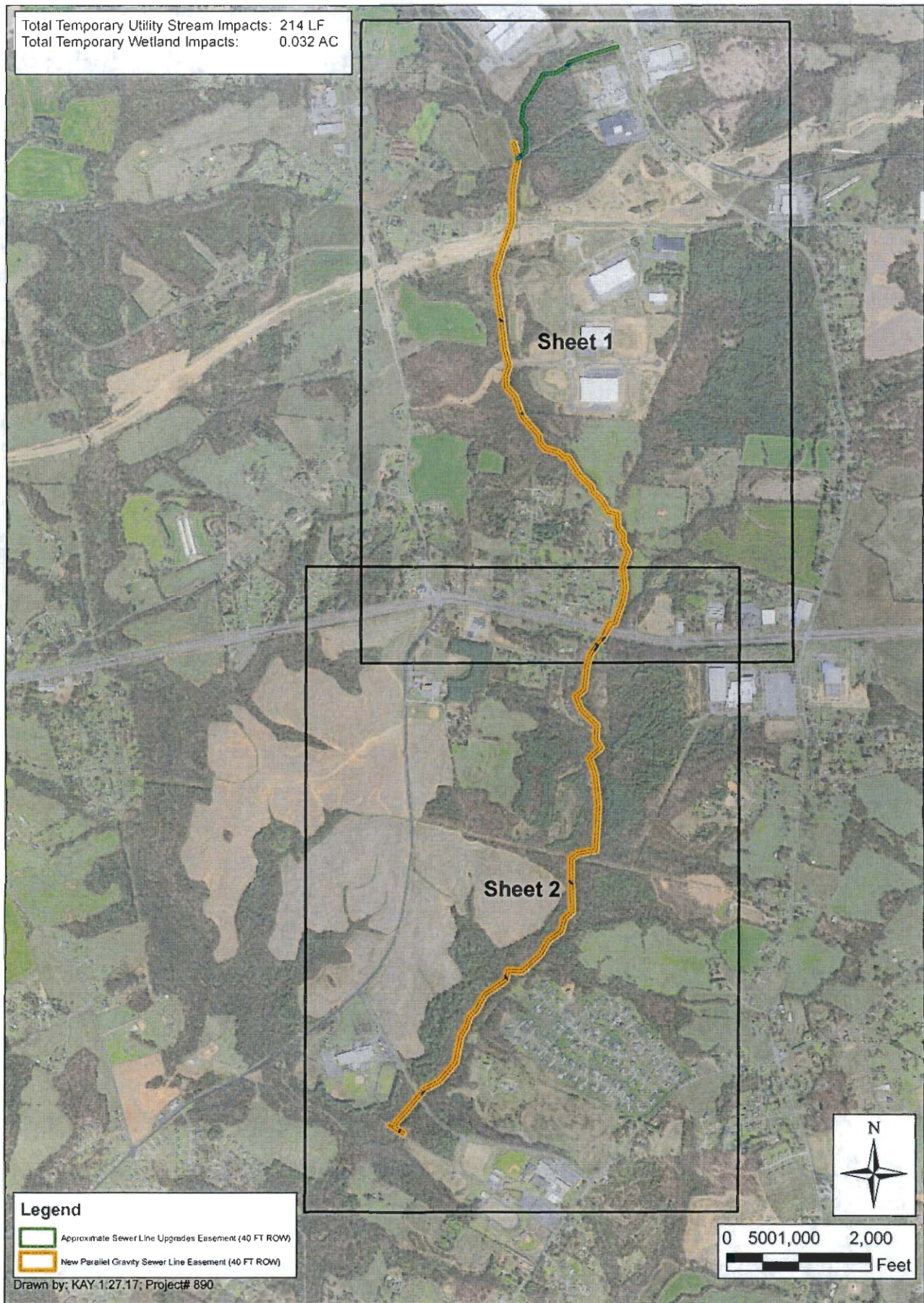
ClearWater
32 Clayton Street
Asheville, North Carolina 28801

Utility Overview

Figure 7

Approximate Sewer Line Upgrades & New Parallel Gravity Sewer Line

Total Temporary Utility Stream Impacts: 214 LF
Total Temporary Wetland Impacts: 0.032 AC

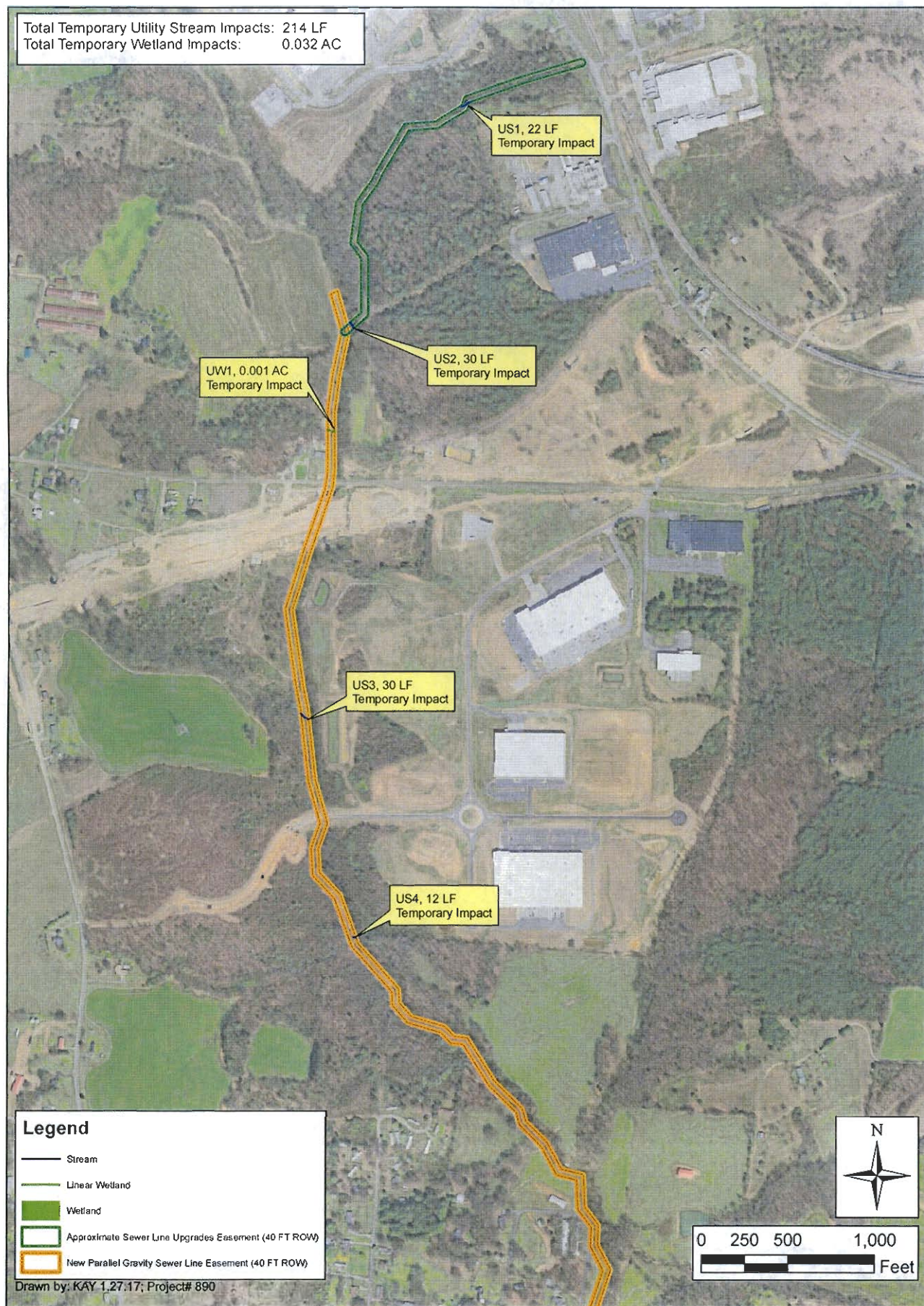


Cleveland County,
North Carolina

ClearWater
32 Clayton Street
Asheville, North Carolina 28801

Approximate Sewer Line Upgrades
New Parallel Gravity Sewer Line
Impact Map
Figure 8

Approximate Sewer Line Upgrades & New Parallel Gravity Sewer Line



Cleveland County,
North Carolina

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32 Clayton Street
Asheville, North Carolina 28801

Approximate Sewer Line Upgrades
New Parallel Gravity Sewer Line
Impact Map
Figure 8, Sheet 1

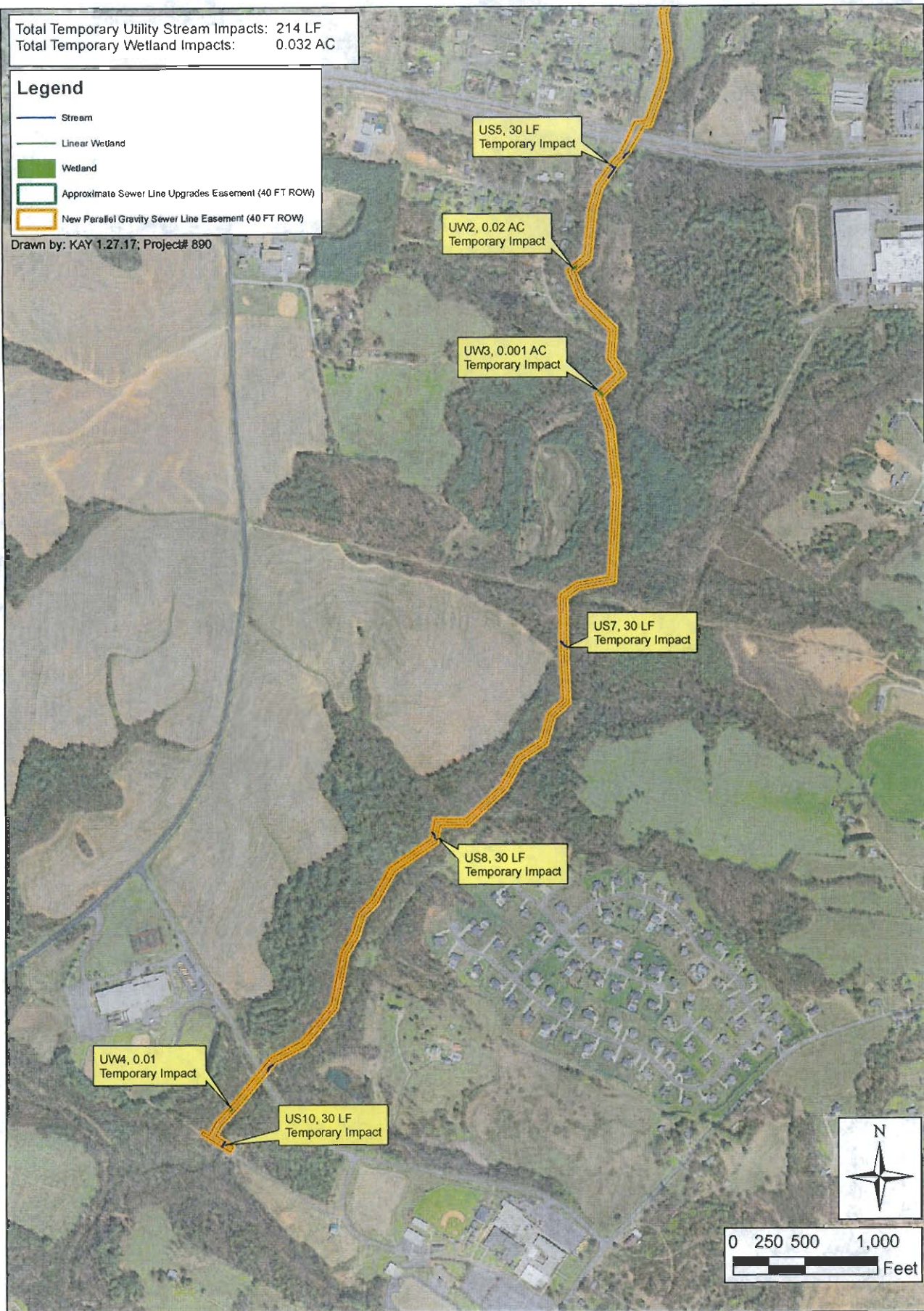
Approximate Sewer Line Upgrades & New Parallel Gravity Sewer Line

Total Temporary Utility Stream Impacts: 214 LF
Total Temporary Wetland Impacts: 0.032 AC

Legend

- Stream
- Linear Wetland
- Wetland
- Approximate Sewer Line Upgrades Easement (40 FT ROW)
- New Parallel Gravity Sewer Line Easement (40 FT ROW)

Drawn by: KAY 1.27.17; Project# 890

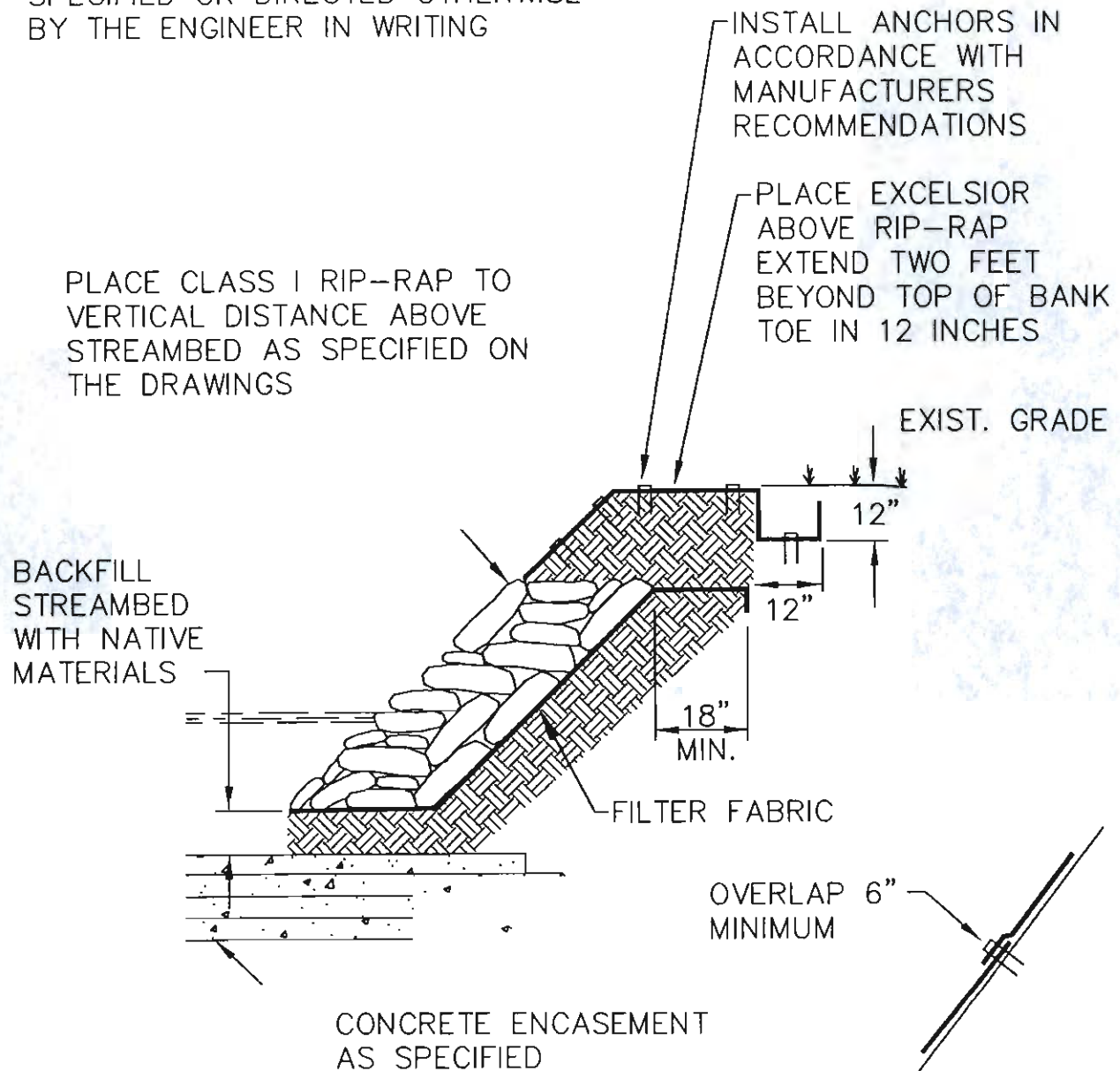


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North Carolina

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Approximate Sewer Line Upgrades
New Parallel Gravity Sewer Line
Impact Map
Figure 8, Sheet 2

NOTE: ALL STREAMBANK RESTORATION AND STABILIZATION SHALL RESULT IN A FINISH GRADE TO ORIGINAL CONTOURS, UNLESS SPECIFIED OR DIRECTED OTHERWISE BY THE ENGINEER IN WRITING

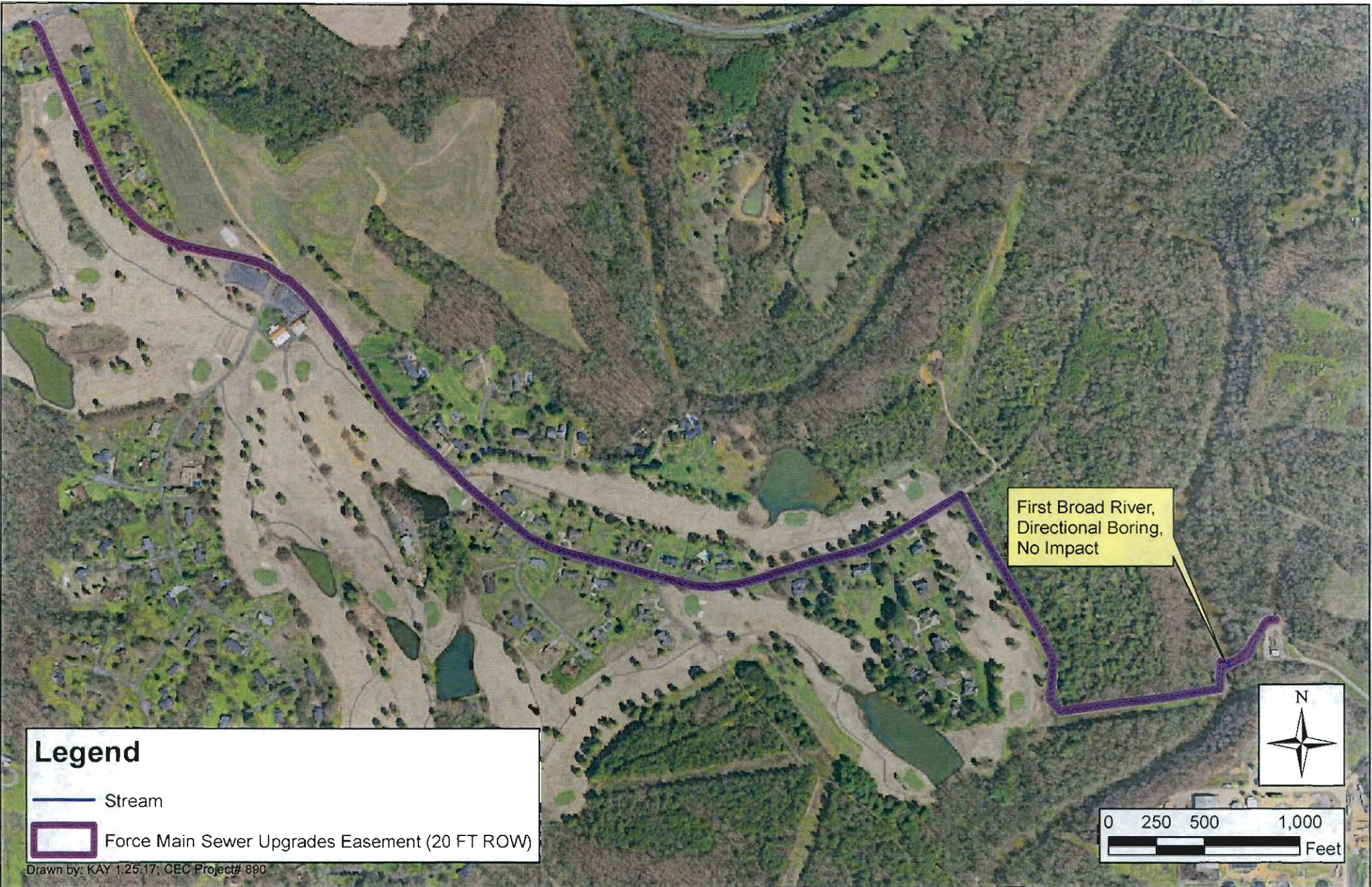


STREAMBANK RESTORATION DETAIL

NOT TO SCALE

Figure 8A

Force Main Sewer Upgrades

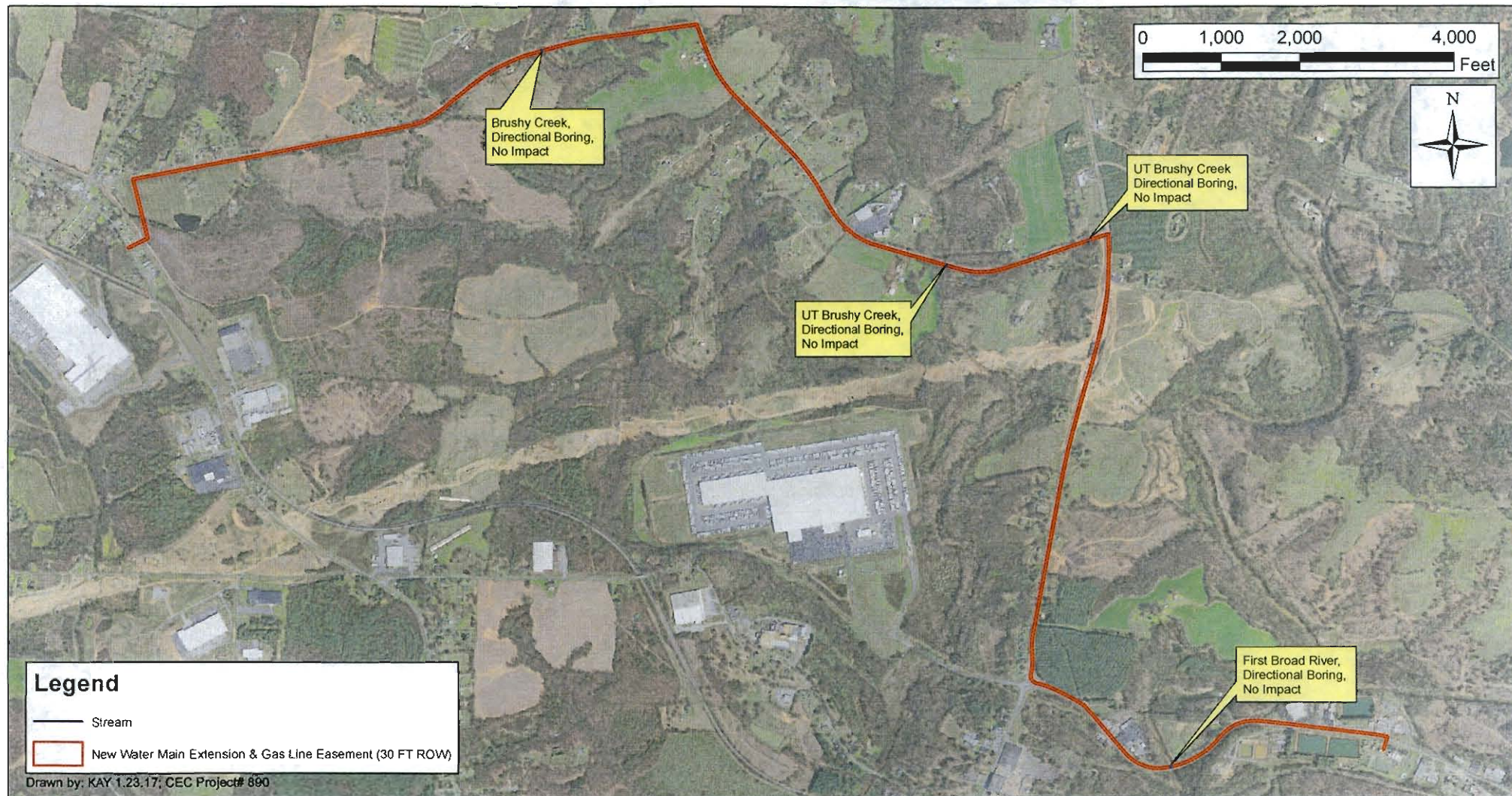


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Force Main Sewer Upgrades
Impact Map
Figure 9

New Water Main Extension & Gas Line



Cleveland County,
North Carolina

ClearWater
32 Clayton Street
Asheville, North Carolina 28801

New Water Main Extension & Gas Line Easment
Impact Map

Figure 10