



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 28, 2019
Comment Deadline: March 30, 2019
Corps Action ID Number: SAW-2018-00240

The Wilmington District, Corps of Engineers (Corps) received an application from Publix Super Markets, Inc. and the North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to discharge dredged or fill material into a total of 4,800 linear feet of stream channel, 0.91 acre of riparian non-riverine wetlands, and 1.8 acres of open water impoundments, associated with developing a grocery distribution center in Guilford 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:

Mr. Randy Barber
Publix Super Markets, Inc.
501 North Galloway Road
Lakeland, Florida 33815

Mr. Philip S. Harris III, P.E., C.P.M.
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

AGENT:

Mr. Brian Breissinger
Timmons Group
1001 Boulders Parkway, Suite 300
Richmond, Virginia 23225

The project area has moderate slopes along a north-south ridgeline that bisects the center of the property. Elevations range from 628 feet above mean sea level (MSL) to 726 feet MSL within project area boundaries. Soils mapped on site are presented in the table below:

Soil Type	Map Unit Symbol	Hydric / Non-hydric
Appling sandy loam, 2-6% slopes	ApB	Non-hydric
Appling sandy loam, 6-10% slopes	ApC	Non-hydric
Cecil sandy loam, 2-6% slopes	CcB	Non-hydric
Chewacla loam, 0-2% slopes, frequently flooded	ChA	Hydric
Coronaca clay loam, 2-6 % slopes	CrB	
Enon fine sandy loam, 2-6% slopes	EnB	Non-hydric
Enon fine sandy loam, 6-10% slopes	EnC	Non-hydric
Enon fine sandy loam, 10-15% slopes	EnD	Non-hydric
Enon clay loam, 6-10% slopes, moderately eroded	EoC2	Non-hydric
Mecklenburg sandy clay loam, 2-6% slopes, moderately eroded	MhB2	Non-hydric
Vance sandy loam, 2 to 6 percent slopes	VaB	Non-hydric
Wilkes-Poindexter-Wynott complex, 10-15% slopes	WkD	Non-hydric
Wilkes-Poindexter-Wynott complex, 15-45% slopes	WkE	Non-hydric
Wynott-Wilkes-Poindexter complex, 2-10% slopes	WwC	Non-hydric

Among the 14 soil types that occur within the project area, only one (ChA) is listed as a hydric map unit. This hydric map unit occurs along the two larger stream valleys flanking the east and west project area extents. Average annual precipitation for Guilford County is 41.99 inches.

The entirety of the grocery distribution facility site was delineated by Soil & Environmental Consultants, P.A. in November 2017, to identify the presence and location of jurisdictional waters of the US. The wetland delineation was performed in accordance with the U.S. Army Corps of Engineers 1987 Delineation Manual and subsequently-issued Regional Supplement to the 1987 Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). The delineation was field verified by David Bailey on February 1, 2018, and included 12 streams, 38 wetlands, and 2 open water impoundments; an Approved Jurisdictional Determination (AJD) was issued on July 3, 2018 (Corps Action ID: SAW-2018-00240).

Waters of the US along the US Highway 70 improvements corridor portion of the project area were delineated by The Catena Group and field verified by John Thomas (Corps) on May 22, 2012, as part of a larger NCDOT US Highway 70 widening project study (Transportation Improvement Project No. U-2581B/R-2910). An AJD was issued for this review area on September 25, 2012 (Corps Action ID: SAW-2012-01543). According to NCDOT, the delineation on this section was revisited by NCDOT representatives on November 17, 2018; the location and extent of waters have not changed since the AJD was issued. However, two additional streams were noted in areas that were outside of the 2012 AJD; those features are noted as Sites 1 and 6.

All streams in the project area are considered Relatively Permanent Waters, which flow via Little Alamance Creek and Big Alamance Creek to the Haw River, a Traditionally Navigable Water (Hydrologic Unit Code [HUC] 03030002). These streams all carry the North Carolina Division of Water Resources (NCDWR) best usage classification of “WS-IV NSW”; this classification refers to waters used as sources of water supply for drinking, culinary, or food processing purposes where a WS-I, II or III classification is not feasible. These waters are also protected for Class C uses. WS-IV waters are generally in moderately to highly developed watersheds or Protected Areas. The supplemental classification “NSW” refers to waters needing additional nutrient management due to being subject to excessive growth of microscopic or macroscopic vegetation. There are no designated Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply I (WS-I), or Water Supply (WS-II) waters within 1.0 mile of the project area.

The wetlands within the project area are primarily of the Headwater Forest wetland type, with Bottomland Hardwood Forest wetland types occurring along the two larger stream valleys flanking the east and west grocery distribution facility site extents, according to the North Carolina Wetland Assessment Method (NCWAM). These features contain a mix of plant assemblages, with forested wetland areas generally dominated by an overstory of river birch (*Betula nigra*), tulip poplar, and red maple. Saplings and shrubs of the same species, as well as Chinese privet occur in the understory. The vegetation in the non-forested wetlands are dominated by herbaceous species due to the disturbance activities within the maintained golf course and pond-edge areas which prevents development of the canopy and shrub strata; common species include soft rush (*Juncus effusus*) and cattail (*Typha latifolia*). Soils within these features are primarily loamy with a low chroma (2.5Y 6/2) matrix and bright (2.5Y 6/6) redoximorphic concentrations. Typical of wetlands in topographic drainages, these wetlands display hydrology indicators such as water-stained leaves, seasonal saturation, and oxidized rhizospheres on living roots.

Additional details regarding existing site conditions can be found on the District Website at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>.

Applicant’s Stated Purpose

The purpose of the proposed project, as stated by the applicant, is to establish a secure corporate campus which: (1) includes the following components arranged in a contiguous, functional, efficient manner: refrigerated warehouse, dry warehouse, return center, food manufacturing facility, parking and staging for tractor trailers, parking for associates and ancillary support facilities; and (2) is located at a site that will efficiently serve its current and future grocery stores within North Carolina, South Carolina, and Virginia. The proposed distribution center is intended to meet the retailer’s 50-year plan and is to be constructed in two phases to match the timing of expenditures to the increasing need as well as satisfy the current minimum site criteria. Additionally, the proposed project is designed to reduce project-related congestion along US Highway 70.

Project Description

Grocery Distribution Facility:

The proposed grocery distribution facility components would include a 1.1 million square foot refrigerated warehouse, 1.3 million square foot dry warehouse, return center, 120,000 square foot food manufacturing facility, parking and staging areas for tractor trailers, parking for associates, and ancillary support buildings (i.e. fleet maintenance, fleet fueling, dispatch and site security). The applicant states that the facility is designed and managed to ensure food and employee safety. The distribution warehouses are designed with a center support core to house employee comfort needs, including break areas, locker rooms, restrooms, a cafeteria, and office space, as well as support functions for distribution center operations. These areas are concentrated in the center core to maximize efficiencies by minimizing travel time and walking distance to these essential service areas from any point within the distribution center. Further, the distribution warehouses are aligned parallel to each other, enabling the center core areas of each building to share resources while maintaining a compact footprint to minimize employee walking distances between the two buildings. This also minimizes the opportunities for employees to be in contact with rolling equipment such as forklifts and tractor trailers. The facility is also designed to separate employee parking areas from all tractor trailer and forklift movement.

Based on the proposed distribution center layout, approximately 4,502 linear feet of intermittent and perennial stream channel, 0.8 acre of riparian non-riverine wetlands, and 1.8 acres of open water impoundments would be permanently impacted by the proposed project. No temporary impacts are proposed. Impacts would result from the required grading and proposed road crossings. The applicant states that the proposed layout would provide sufficient area to construct the approximately 2.5 million square feet facility along the existing ridgeline, thereby minimizing impacts to 2nd order streams. Fill slopes would be graded to 3:1 slopes, hydro seeded, and matted to stabilize the site and prevent secondary impacts from sediment discharges.

Storm runoff from the proposed distribution center would be managed and treated on-site, and ultimately directed into off-site waters; the applicant states that the drainage area of the off-site receiving waters would thereby not be significantly reduced. The project would meet all relative requirements of Best Management Practices and Engineered Stormwater Control Structures as outlined through State and Local Stormwater Rules. Stormwater management on-site would be managed and treated before discharging into down gradient waters in order to protect waters from degradation; as such, the applicant states that the project should have minimal effect on downstream waters, shellfish or other aquatic species. Rip-rap dissipater pads would be installed flush with the existing grade of the stream bed to allow for aquatic life passage.

US Highway 70 Improvements:

Improvements to approximately 1.5 miles of US Highway 70, to be completed by NCDOT, would result in permanent impacts to approximately 298 linear feet of intermittent and perennial stream channel, 0.11 acre of riparian non-riverine wetlands (fill and mechanized clearing), and temporary impacts to 93 linear feet of stream channel. This portion of the proposed project would widen the existing cross section of three 10-foot travel lanes, to four 12-foot travel lanes and two 6-foot turn lanes with curb and gutter and a 10-foot sidewalk, from approximately Mt. Hope Church Road to Sun Lake Road. An existing 10 X 6 foot reinforced box culvert (RCBC) with headwall would be replaced with a 10 X 8 foot RCBC with beveled headwall. The invert of the culvert would be buried 1 foot and sills would be included. The culvert design includes rip rap both upstream and downstream of the new culvert in order to stabilize the existing bed and banks of the stream. Whenever possible proposed drainage systems were stubbed into the side of the proposed culvert in order to dissipate energy and avoid erosion along the fill slope. Additional impacts related to the proposed road improvements are related to widening fill slopes into wetland areas and small culverts into stream channels to accommodate the widened road footprint, as well as a rip rap outlet pad at a proposed stormwater outfall to provide energy dissipation and lessen erosive velocities.

The applicant submitted additional descriptive information about the proposed project, including an Alternatives Analysis for three off-site and two additional on-site alternatives. This supplemental information, as well as a project proposal narrative and plans, can be found on the District Website at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>.

Avoidance and Minimization

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

Grocery Distribution Facility:

Impacts to jurisdictional features were avoided and minimized to the maximum extent practicable by incorporating resourceful site planning, including the utilization of the wetland delineation to adjust the layout to avoid and minimize impacts. After the wetlands were delineated, an engineering plan was developed to meet all needs at the proposed distribution center, while minimizing impacts to Waters of the U.S. The proposed location results in the least impacts to waters of the U.S. while meeting the needs of the industry. The current proposed layout provides sufficient area to construct the approximately 2.5 million square feet facility as well as position the facility along the existing ridgeline which would serve to minimize impacts to 2nd order streams.

Fill slopes would be graded to 3:1 slopes and hydro seeded and matted to stabilize the site. Incorporating steeper slopes (i.e. 2:1 or 2.5:1) was analyzed for the project. However, given the high level of traffic anticipated for the proposed roadways (i.e.

tractor trailer, forklift, etc.), 3:1 slopes were utilized for the project in order to safeguard the site from any potential slope failures which could result in massive and costly disruption to operations. Based on preliminary geo-technical reports, 3:1 slopes were selected to ensure the site grading would work within the impact envelope, given that the soils may not be able to structurally withstand steeper slopes. Furthermore, it was determined that a 3:1 slope provides an increased level of safety for vehicles and pedestrians in the event that either leave the travel way.

The use of retaining walls was also reviewed for the project to reduce potential impact to waterways. However, retaining walls along the eastern access road would inhibit the relocation of power and communications lines that are being relocated from the vacated Birch Creek right-of-way. Given the importance of these lines, placement behind walls or within the geogrid system would not be allowed by the utility companies. As these lines cannot be located within the secure limits of the distribution center, placement along the access road is the only option for relocation. Furthermore, in areas where walls could be utilized to reduce impacts, the benefit of the impact reduction would be substantially offset by the cost of the wall. In order to preserve the stream section at the southeast corner of the dry warehouse building, a 20- to 30-foot, four-sided wall would be required. It was determined that while there would be guardrail along the walls, they still create a safety concern for a facility that would experience continuous and very high volumes of employee and truck traffic. Given this traffic, any large vertical drop is to be avoided as it represents some level of safety risk no matter how well protected.

Dissipater pads associated with each culvert would be installed flush with the existing grade of the streambed to allow for aquatic life passage. Measures would be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent jurisdictional streams and wetlands. Any excess excavated materials not utilized as back fill would be placed and contained within upland areas and permanently stabilized to prevent erosion into adjacent jurisdictional streams and wetlands. Therefore, stockpiling of excavated material within jurisdictional streams and wetlands would be strictly prohibited as part of the construction of this project. All project construction activities initiated within jurisdictional streams and wetlands would be carried to completion in an expeditious manner in order to minimize the period of disturbance within the jurisdictional streams and wetlands.

The proposed project has minimized the possibility of indirect impacts through implementation of planning practices which reduce the influence of direct impacts on downstream water quality. Efforts to reduce indirect impacts generally include:

1. Avoidance/minimization of direct wetlands/waters impacts through innovative site planning and utilization of confirmed wetland delineation;
2. Minimization of partial wetland/stream impacts;
3. Minimization of impacts to primary drainage ways and floodplains;
4. Strict adherence to all state and local stormwater and sediment control measures.

Based on the current layout, potential indirect impacts to downstream waters may still occur to the stream located along the southernmost boundary. Quantification of indirect impacts can be completed upon request. For the purpose of this application however, the project water management system would be designed to detain the 1-year, 24-hour storm to pre-development discharge levels. Stormwater ponds have been located to disperse run-off to both the eastern and western large stream features in a manner that is consistent with predevelopment drainage patterns. As the ponds would be detention facilities, run-off would still be discharged during smaller rain events with volumes similar to pre-development rates. Pond outlets would be designed to hydrate the remaining stream “tails” that are not impacted so as to keep these segments as viable streams. The pond drawdown outlets would also have mechanisms for diffuse flow to prevent erosion due to point discharge.

An Erosion and Sediment Control (E&S) Plan that meets the latest state and local regulations and adheres to the methodology prescribed in the North Carolina Sedimentation and Pollution Control Act of 1973 would be utilized. All erosion and sediment control measures would be checked for stability and operation following every runoff producing rainfall, but in no case less than once every week. Any needed repairs would be made immediately to maintain all measures designed. The project would meet all relevant requirements of Best Management Practices and Engineered Stormwater Control Structures as outlined through State and Local Stormwater Rules. Stormwater management facilities have been strategically placed adjacent to streams within natural drainage ways to manage and treat runoff before discharging into down gradient waters in order to protect waters from degradation. Therefore, the project should have no effect on downstream waters, shellfish, or other aquatic species.

US Highway 70 Improvements:

For the proposed US Highway 70 improvements, NCDOT stated that impacts to a wetland and stream within the project area would be avoided and roadway fill slopes would be steepened to reduce wetland impacts. Further, the existing 46-foot long culvert under US Highway 70 is perched, and does not allow for aquatic passage at normal stream flow; this culvert would be replaced with a 127-foot long, 10' x 8' box culvert containing alternating sills intended to retain natural streambed material and approximate natural stream velocities. This new structure would also be buried to allow for aquatic passage.

Compensatory Mitigation

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

Grocery Distribution Facility:

Compensatory mitigation for unavoidable stream, wetland, and buffer impacts can be satisfied by a combination of purchasing credits from a United States Army Corps of Engineers approved private mitigation bank or through payment into the North Carolina Division of Mitigation Services (NCDMS) in-lieu fee program. Currently, only 525.30 stream mitigation credits can be purchased from the Cape Fear 02 Umbrella Mitigation Bank (Dairyland Site). The remainder of compensatory mitigation requirements for unavoidable stream and wetland impacts would be satisfied through payment to NCDMS. Both the Cape Fear 02 Umbrella Mitigation Bank and NCDMS have provided acceptance letters stating that they are willing to provide stream and/or wetland compensatory mitigation requirements.

US Highway 70 Improvements:

Compensatory mitigation for unavoidable stream, wetland, and buffer impacts associated with the proposed project-related US Highway 70 corridor improvements can be satisfied through payment into the NCDMS. NCDOT has received a NCDMS mitigation acceptance letter associated with the proposed US Highway 70 corridor improvements.

Additional details regarding the applicant's compensatory mitigation plan can be found on the District Website at

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

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:

- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

Per a letter to the applicant dated April 13, 2017, the North Carolina Division of Natural and Cultural Resources (NCDNCR) recommended that a majority of the project area be systematically surveyed for archaeological resources. The applicant indicated that a systemic archeological survey of the entire 342.5 acre site is currently being conducted by Terracon Consultants, Inc.

Note also that NCDOT stated that the US Highway 70 portion of the project would have no effect on property or sites listed on the National Register of Historic Places or require additional right-of-way from publicly owned parkland or recreational area

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 would not affect federally listed endangered or threatened species or their formally designated critical habitat.

This determination is made specific to the Cape Fear shiner (*Notropis mekistocholas*), Roanoke logperch (*Percina rex*), Atlantic pigtoe (*Fusconaia masoni*), Schweinitz's sunflower (*Helianthus schweinitzii*), and small whorled pogonia (*Isotria medeoloides*), based on correspondence between the applicant and U.S. Fish and Wildlife Service (USFWS) via letter dated September 20, 2018, and via email on December 12 and 13, 2018. Further, NCDOT provided information for the US Highway 70 improvements corridor that stated that surveys for Schweinitz's sunflower had been conducted in October 2018, with no individuals being found. NCDOT also states that limited habitat for small whorled pogonia is found in the road corridor but that surveys will be updated during the appropriate survey season in 2019; however, note that the majority of the potentially suitable habitat for this species occurs on the 342.5-acre grocery distribution center site, indicating that the above-referenced USFWS correspondence should apply for this species.

- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.

The Corps reviewed this project in accordance with (IAW) the NLEB Standard Local Operating Procedures for Endangered Species (SLOPES) between the USACE, Wilmington District, and the Asheville and Raleigh USFWS Offices,

and determined that the action area for this project is located outside of the highlighted areas/red 12-digit HUCs and activities in the action area do not require prohibited incidental take; as such, this project meets the criteria for the 4(d) rule and any associated take is exempted/excepted.

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 21, 2019 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):

- The application did not include a certification that the proposed work complies with and would 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 cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the 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 will 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 30, 2019. Comments should be submitted to David E. Bailey, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884 extension 30, or David.E.Bailey2@usace.army.mil.