



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 16, 2018

Comment Deadline: June 15, 2018

Corps Action ID Number: SAW-2016-01209

The Wilmington District, Corps of Engineers (Corps) received an application from Martin Marietta Materials, Inc. seeking Department of the Army authorization to discharge fill material into 0.15 acre of wetlands, 104 linear feet of perennial stream and 1,156 linear feet of intermittent stream, associated with the expansion of the existing Onslow Quarry Mine in Onslow 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:

Martin Marietta Materials, Inc.
Attn: Larry Roberts
413 S. Chimney Rock Road
Greensboro, North Carolina 27409

Agent:

Martin Marietta Materials, Inc.
Attn: Thomas Brown
2700 Wycliff Road
Suite 104
Raleigh, North Carolina 27607

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

Location Description: The project area is located immediately north and east of the existing Onslow Limestone Quarry which is situated southwest of the intersection of Union Chapel Church Road and Richlands Highway (Hwy 24), near the town of Richlands, in Onslow County, North Carolina. The address for the Onslow Limestone Quarry is 131 Duffy Field Road, Richlands, North Carolina 28574.

Project Area (acres):	62	Nearest Town:	Richlands
Nearest Waterway:	Unnamed tributary to New River	River Basin:	Cape Fear
Latitude and Longitude:	34.8466 N, -77.5406 W		

Existing Site Conditions

The Onslow Quarry mine expansion site is located in an area of formerly cleared agricultural fields extending into an area of mixed hardwood and pine forest. There are jurisdictional wetlands and waters of the United States within the property boundaries of the mine. The proposed project area includes a jurisdictional stream with intermittent flow that becomes a perennial stream as it continues to the north and flows into an unnamed tributary to the New River. Wetlands exist within the project area adjacent to the unnamed tributary outside of the project area. The other wetland proposed to be impacted is adjacent to a second perennial stream located west of the existing mine that flows north into the same unnamed tributary to the New River. According to the USDA Soil Survey of Onslow County, on-site soils consist mainly of Norfolk loamy fine sand, Pactolus fine sand, and Craven fine sandy loam soil series. The quarry has been in operation since 1995. Land use in the vicinity of the existing quarry operation consists of low density residential neighborhoods, timber operations, and open pasture farm land.

Applicant's Stated Purpose

The applicant's stated purpose of the proposed project is to expand the existing limestone quarry operation at the Onslow Quarry. This project would increase the lifespan of the Onslow Quarry from 5 to 8 years to approximately 11 to 15 years. This project will also increase safety on the mine by eliminating blind turns at two on-site locations.

Project Description

The applicant proposes to discharge fill material into 0.15 acre of wetlands, 104 linear feet of perennial stream and 1,156 linear feet of intermittent stream, in order to expand the existing Onslow Quarry Mine. Impacts to 0.25 acre of open water/tributary associated with the Onslow Quarry Mine were previously authorized by Nationwide Permit (NWP) 39 under the same Corps Action ID (SAW-2016-01209) on April 14, 2017, with an expiration date of March 18, 2022. However, the work authorized under

the NWP 39 has not been completed to date, and this Individual Permit review will include the proposed impacts to 0.25 acre of open water/tributary as well as the newly proposed impacts (0.15 acre of wetlands, 104 linear feet of perennial stream and 1,156 linear feet of intermittent stream).

Avoidance and Minimization

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

Martin Marietta is limited in directions to expand the Onslow Quarry. Expansion without an impact to waters of the U.S. is impossible at this time. Expanding the north-east pit to the north avoids impacts to a larger stream and wetland system. This larger system flows from below our plant site and below our southern pit to converge and flow north. It continues flowing to the north side of Duffy Field Road, bisecting the property until it flows into another unnamed tributary on the north side of our proposed expansion area. In the past this stream was impacted with a crossing but additional impacts were avoided by creating a new pit to the west. The applicant indicated they are avoiding higher quality streams and their adjacent wetlands by expanding through a lower quality channel with no adjacent wetlands.

Martin Marietta currently holds a Nationwide Permit to expand the northeast pit to the north, through a manmade tributary that flows into an intermittent channel. The original plan was to avoid this intermittent channel, leaving it and a 50ft buffer extending into the pit area. Through further planning, the applicant has now determined that this is not practicable due to safety and haul truck logistics, and loss of revenue resulting from not mining below the channel. The applicant is also proposing to expand into a small wetland in order to eliminate a blind turn in the haul road that has caused safety concerns.

The applicant studied three alternatives on their preferred project site. One alternative that was considered was to mine through previously permitted open water only. However, once mining commenced in the area, Stream A would extend into the pit, with a northern and southern slope that reach from the stream buffer to the pit floor. Flow to the stream would be cut off and the stream and its buffer would be essentially on top of a hill. Safety would be an issue with a blind turn and additional travel miles.

The applicant proposed expanding in other directions, but is limited by property boundaries. Connecting eastern and western pits would impact approximately 12 acres of wetland and over 3,000 linear feet of stream and would not extend the life of the quarry.

The applicant states that mining through the entire reach of the intermittent stream would extend the lifespan of the quarry itself and would improve safety by eliminating blind turns. Mining under the stream channel would allow Martin Marietta to recover 375,000 tons of limestone. Impacts to jurisdictional features would be reduced to the minimum amount possible in order to achieve the stated purpose of the expansion.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Martin Marietta proposes to mitigate for 216 linear feet of intermittent stream channel at a 1:1 ratio, 104 linear feet of perennial stream channel at a 2:1 ratio and 0.15 acre of wetland at a 2:1 ratio by purchasing 424 warm water stream credits and 0.3 riparian wetland credits from Bachelors Delight Mitigation Bank. The Corps has received a letter from Bachelors Delight reserving the proposed credits. The Corps has not determined if the compensatory mitigation proposed would fully offset all proposed unavoidable impacts to the aquatic environment.

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:

- ☐ Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- ☐ 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 (or THPO).
- ☐ Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- ☐ 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).

- ☐ Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- ☒ 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.

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.
- ☒ 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.
 - ☐ The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
 - ☐ The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- ☐ The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or

its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.

- ☐ 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, by June 15, 2018 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 NCD CM.

- ☒ 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.

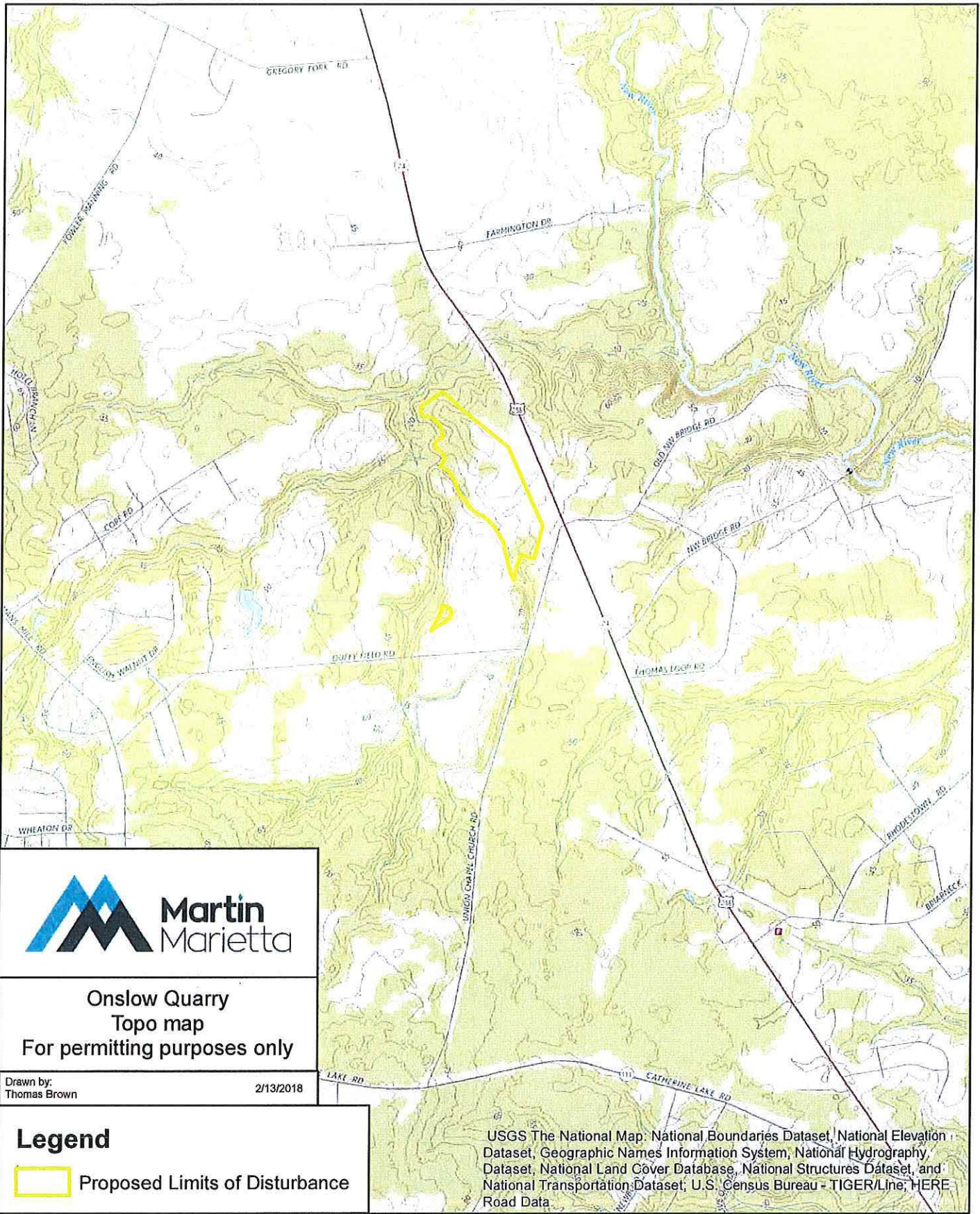
Commenting Information

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, June 15, 2018. Comments should be submitted to Ms. Rachel Capito, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 , at (910) 251-4487.



Onslow Quarry
Topo map
For permitting purposes only

Drawn by:
Thomas Brown

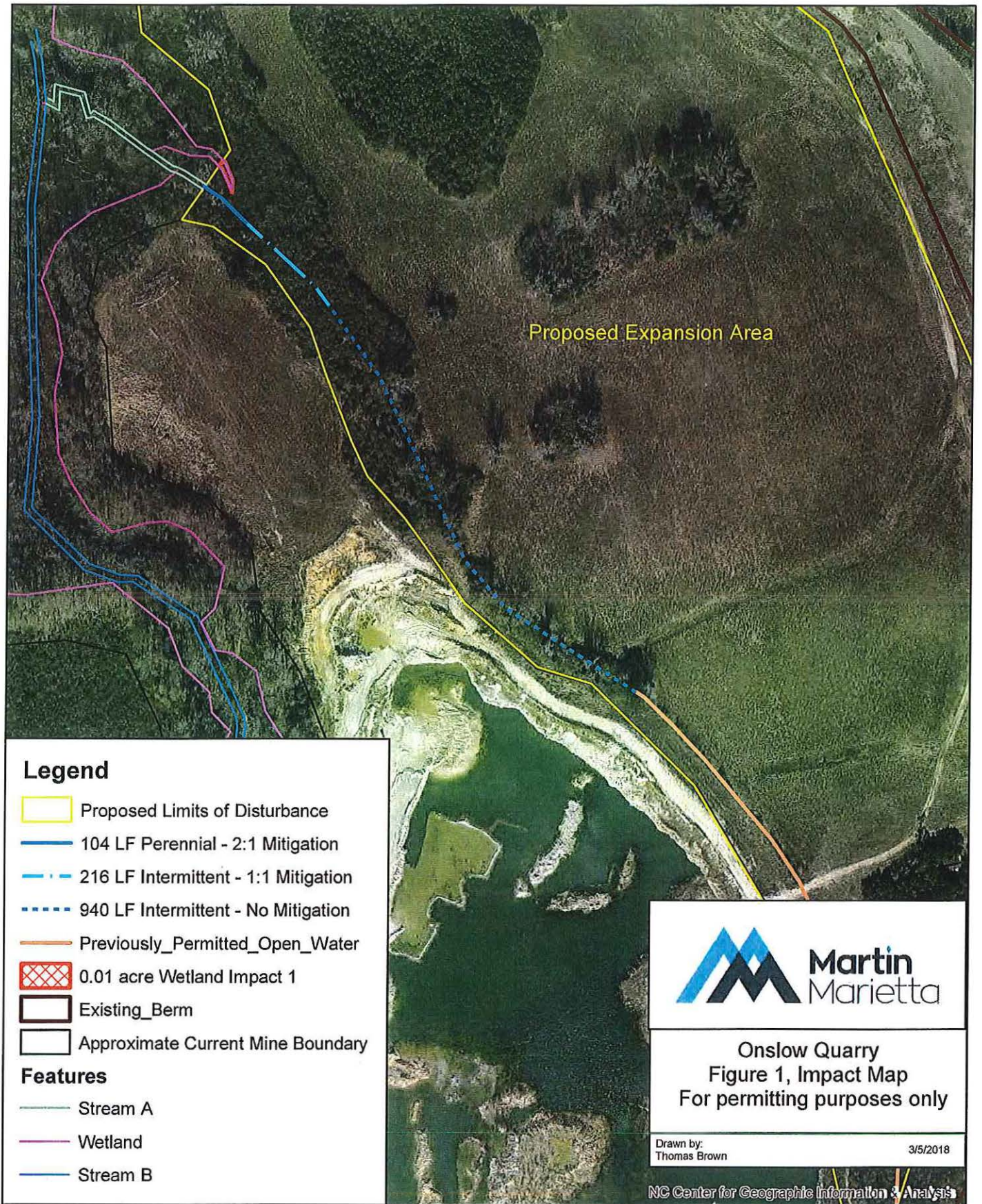
2/13/2018

Legend

 Proposed Limits of Disturbance

USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road Data





300 150 0 300 600 Feet





Legend

- Proposed Limits of Disturbance
- 0.14 acre Wetland_Impact_2
- Approximate Current Mine Boundary

Features

- Stream A
- Wetland
- Stream B



Onslow Quarry Figure 2, Impact Map For permitting purposes only

Drawn by:
Thomas Brown

3/5/2018

NC Center for Geographic Information & Analysis

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