



PUBLIC NOTICE

Issue Date: 7/13/17

Comment Deadline: 8/12/17

Corps Action ID Number: SAW-2017-00550

The Wilmington District, Corps of Engineers (Corps) received an application from Smithfield Foods, Inc. seeking Department of the Army authorization to discharge fill material into 2.83 acres of wetlands in order to expand a distribution center in Tar Heel, Bladen 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: Smithfield Foods, Inc.
Attn: Corey Ragole
11500 North Ambassador Drive
Kansas City, Missouri 64153

Agent: Kimley-Horn and Associates, Inc.
Attn: Beth Reed
421 Fayetteville Street, Suite 600
Raleigh, North Carolina 27601

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 address of the site is 15855 NC Highway 87 West, Tar Heel, Bladen County, NC. From the town of Tar Heel, travel west-northwest on NC Highway 87 for approximately 0.75-mile. The project area is located on the left behind the existing Smithfield Foods plant, as shown in the attached Vicinity Map.

Project Area (acres): 154 Nearest Town: Tar Heel
Nearest Waterway: Goodman Swamp River Basin: Lumber River
Latitude and Longitude: 34.749681 N, 78.807055 W

Existing Site Conditions

The 154-acre project area has historically been used for silviculture. The site is currently forested and contains approximately 6.35 acres of jurisdictional wetlands. The wetlands are characterized as basin wetlands (W1 and W6), pocosin wetland (W4), and headwater wetlands (W2, W3, and W5). The tree canopy is generally dominated by loblolly pine (*Pinus taeda*), red maple (*Acer rubrum*), sweet bay (*Magnolia virginiana*), and sweetgum (*Liquidambar styraciflua*). The understory is generally dominated by common greenbrier (*Smilax rotundifolia*), fetterbush (*Lyonia lucida*), and gallberry (*Ilex glabra*). The site appears to drain west-southwest toward Goodman Swamp which is located approximately 0.5-mile west of the project area. Goodman Swamp discharges into the Lumber River, a Traditionally Navigable Water of the US. Soils within the project area are well drained (Norfolk, Udorthents, and Wagram soil series), moderately well drained (Goldsboro soil series), somewhat poorly drained (Lynchburg and Ocilla soil series), poorly drained (Rains and Woodington soil series), or very poorly drained mineral (Pantego soil series) soils.

Applicant's Stated Purpose

The purpose of the project is to construct a finished goods cold storage distribution center in order increase product distribution efficiency for the region by consolidating distribution operations.

Project Description

The project proposes to permanently impact 2.83 acres of freshwater, forested wetlands and 0.01-acre of relatively permanent waters. Project impacts would result from the construction of an approximately 495,175 square foot cold storage distribution center, truck staging areas, and stormwater dissipation.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Through site redesign, several wetlands (W2, W4, W5, and W6) were not impacted which resulted in the avoidance of 4.63 acres

of impacts. Also, 1.3 acres of impacts to W1 were avoided by reducing the truck driveway isles from 420 feet to 410 feet and by reutilizing developed, upland space. Additionally, proper deployment of best management practices will ensure avoidance of inadvertent wetland impacts.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to offset the loss of wetland functions that are eliminated as a result of the proposed fill of 2.81 acres of wetlands, by making payment to the North Carolina Division of Mitigation Services In-Lieu Fee program that calculates mitigation in quarter-acre increments at a 2:1 ratio for 5.75 acres of non-riparian wetland restoration credits and 0.25-acre of riparian wetland restoration credits for a total of 6.0 acres of restoration. Mitigation is not proposed to offset impacts to 0.01-acre of relatively permanent waters.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. Because no EFH resources are present within the project area, 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 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 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 **8/12/2017**.

North Carolina Division of Coastal Management (NCCDM):

- ☐ 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 NCCDM, and the NCCDM 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 NCCDM.
- ☒ 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

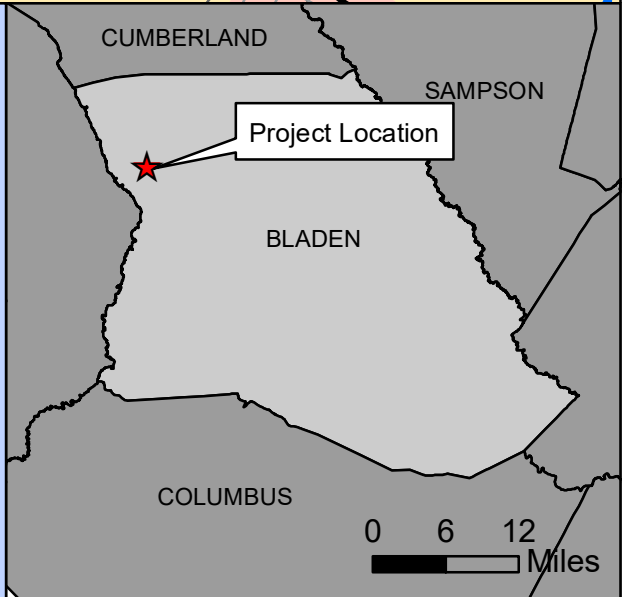
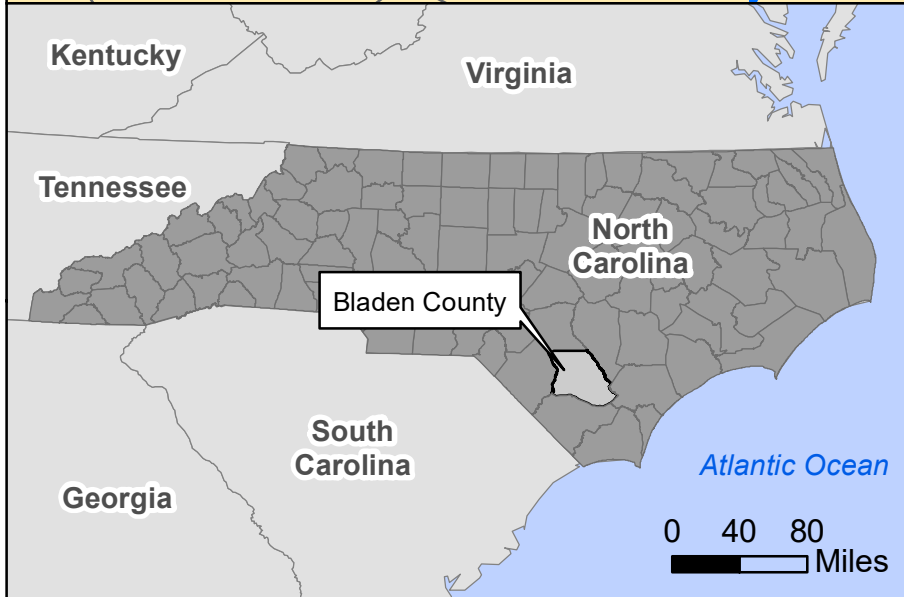
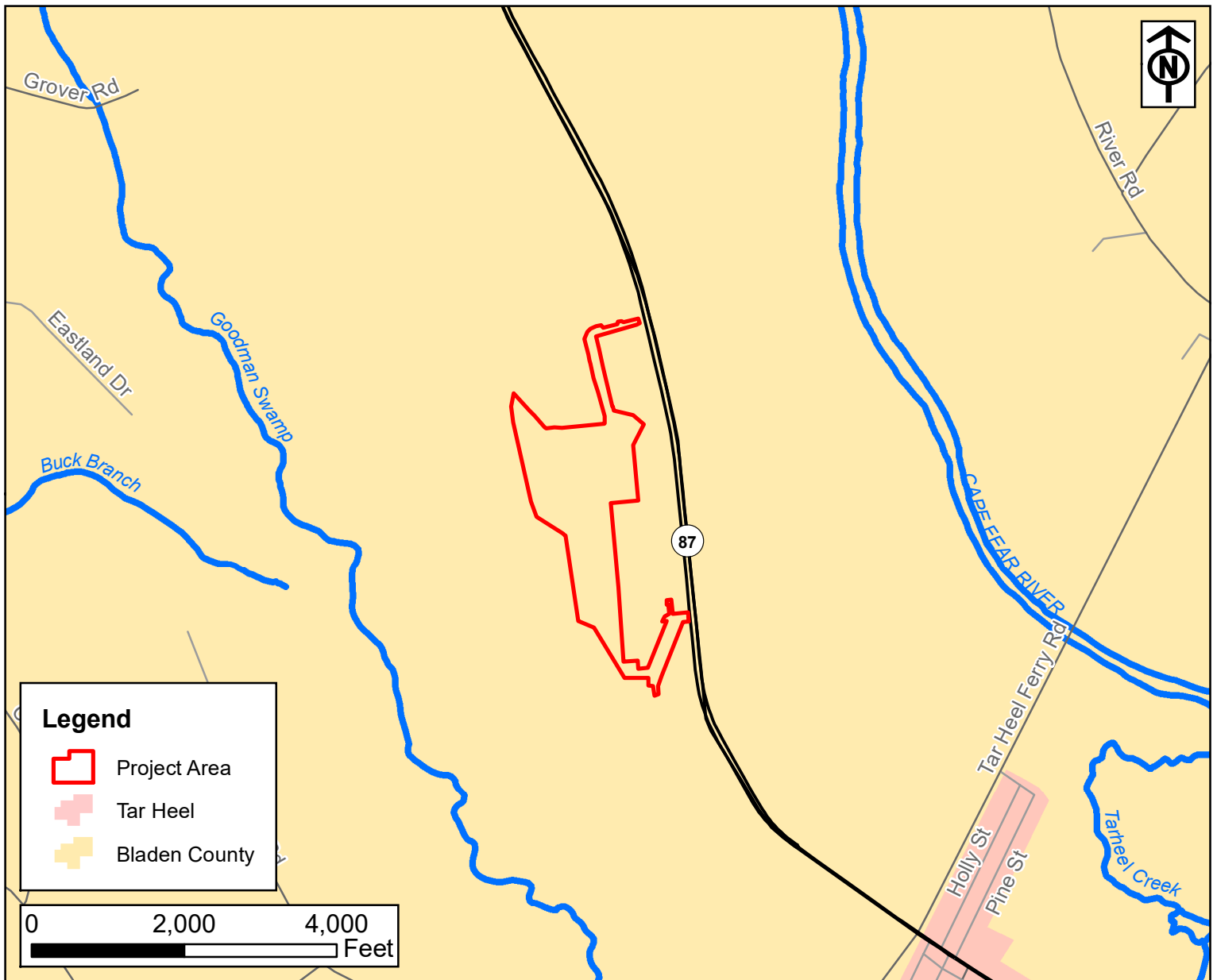
needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

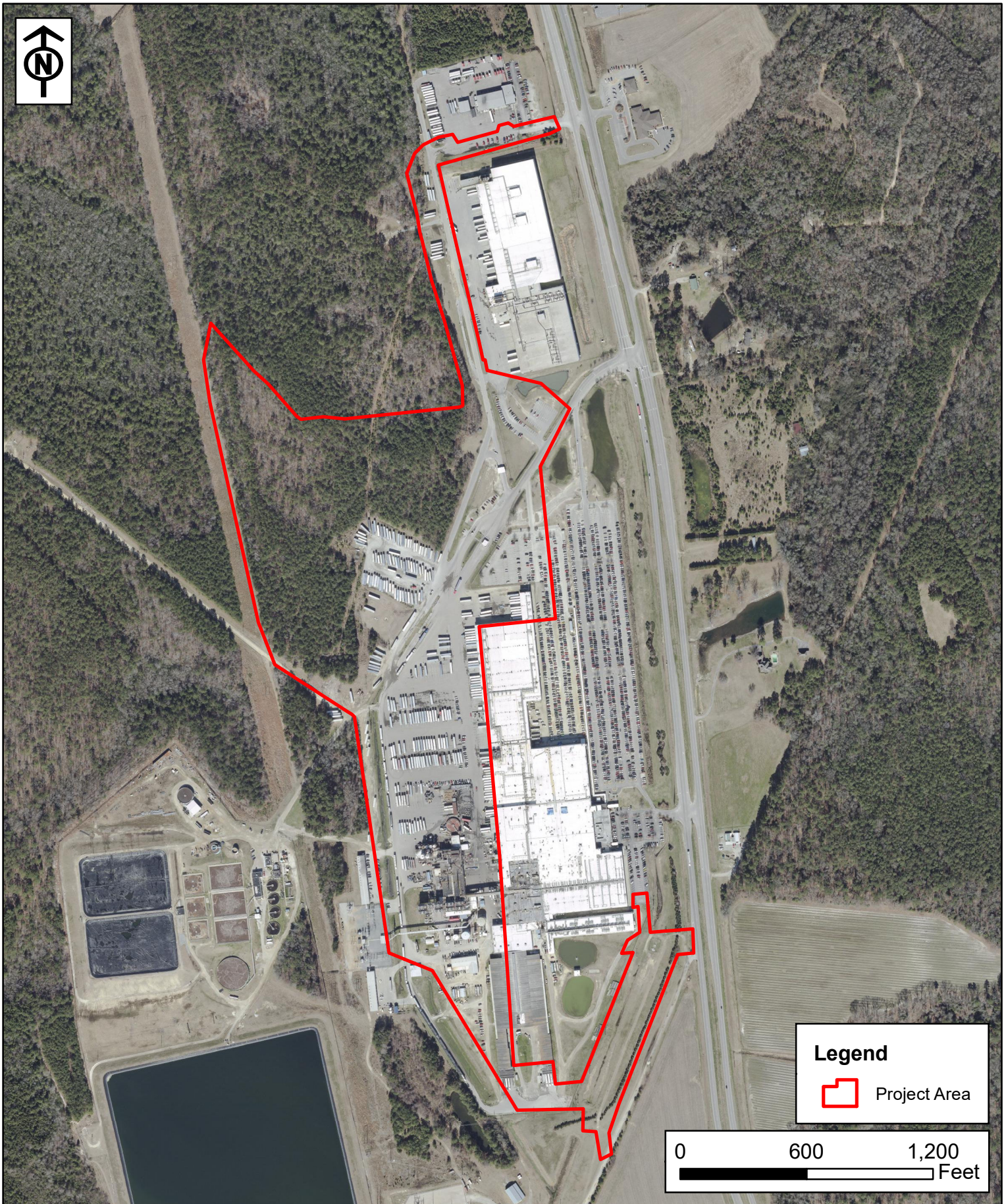
Commenting Information

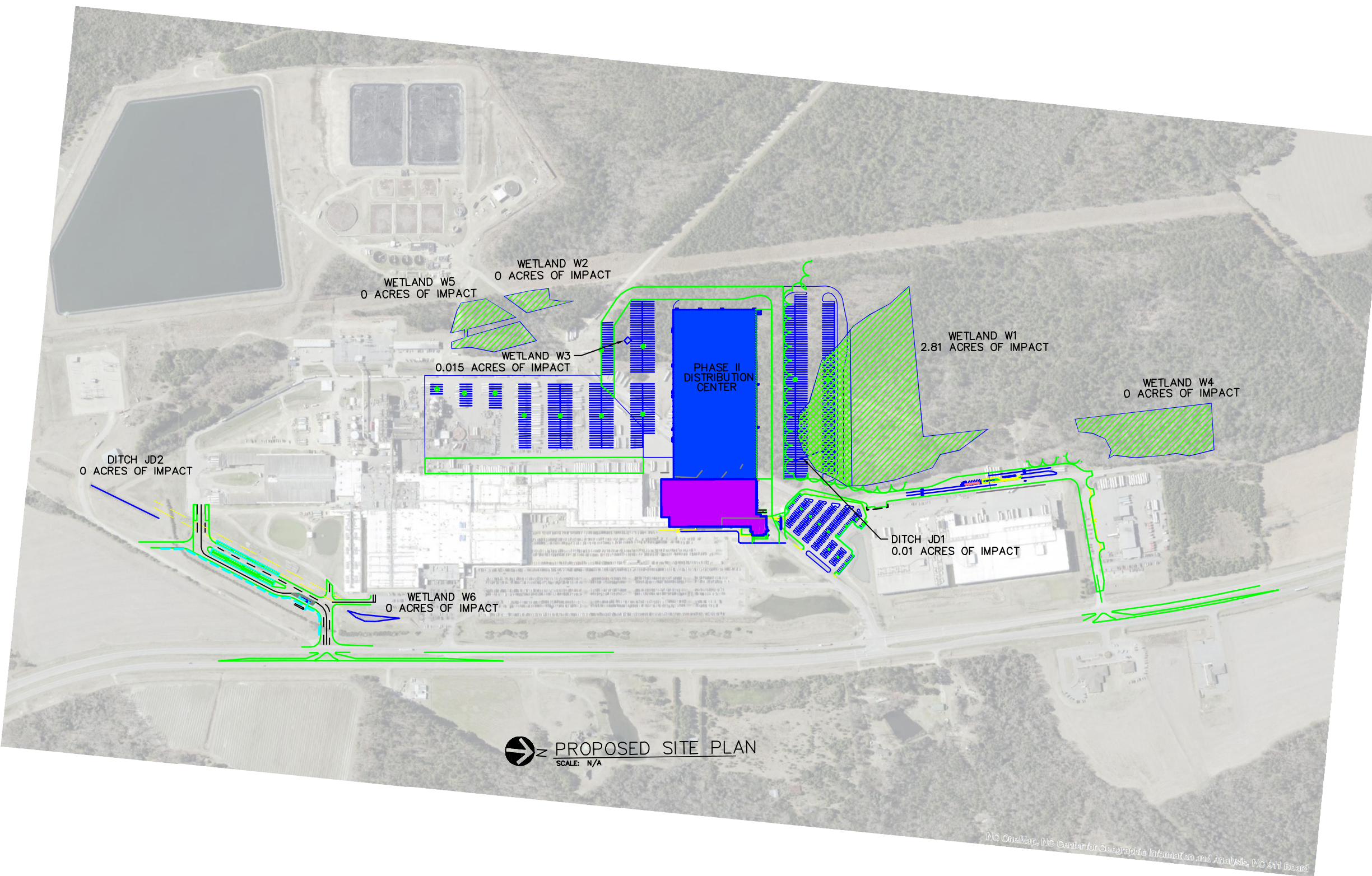
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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, 8/12/2017**. Comments should be submitted to Thomas Charles, Wilmington Regulatory Field Office
69 Darlington Avenue, Wilmington, North Carolina 28403; or via e-mail at thomas.p.charles@usace.army.mil.







 **PROPOSED SITE PLAN**
SCALE: N/A

NC OneMap, NC Center for Geographic Information and Analysis, NC s11 Board

CERTIFICATION:	
TIPPMANN CONSTRUCTION a Tippmann Group Company 1000 COUNTRY ROAD, SUITE 3000 FORT WYOMING, NC 28034 PHONE: (202) 482-3000 FAX: (202) 482-8755	
WETLAND DOCUMENTS	DATE: 6/12/17
PROJECT FACILITY EXPANSION FOR: 15855 NC-87 TAR HEEL, NC 28392	Smithfield
SHEET TITLE PREFERRED ALTERNATIVE	
REVISIONS:	
DRAWN BY: -	
DATE: 00-00-00	
JOB NO. -	
CAD FILE: 60 SCALE	
SHEET	C0.0