



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: January 23, 2020
Comment Deadline: February 24, 2020
Corps Action ID Number: SAW-2002-00036

The Wilmington District, Corps of Engineers (Corps) received an application from Martin Marietta Materials, Inc. (MMM) seeking Department of the Army authorization to permanently impact 63.05 acres of wetlands, 6,497 linear feet of stream channel, 7,225 linear feet of relatively-permanent waters, and 1.07 acres of open water ponds associated with the expansion of the existing Rocky Point Quarry in Rocky Point, Pender 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 <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Martin Marietta Materials, Inc.
c/o Larry Roberts
413 South Chimney Rock Road
Greensboro, North Carolina 27409

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)

And,

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Location

Location Description: From Wilmington, NC, traveling north on Interstate 40, take exit 408 and turn right onto Highway 210. Then, travel approximately 0.17-mile and turn right onto Martin Marietta Access Road. From Highway 210, the Martin Marietta Materials (MMM) office is located approximately 1.94 miles on the left at address 1635 Martin Marietta Access Road. The project area is located south of the existing mine, as shown on the attached Vicinity Maps (Attachment 1, Figures 1 and 2).

Project Area (acres): 511

Nearest Town: Rocky Point

Nearest Waterway: Northeast Cape Fear River River Basin: Cape Fear River

Latitude and Longitude: 34.3962N, -77.86023W

Existing Site Conditions

The project area is located south-adjacent to an existing limestone quarry operated by MMM, which has been active since 1983. The 511-acre expansion area predominately consists of uplands and pine flat and headwater forest wetland types and has historically been managed for silviculture operations. Dominant vegetation is comprised of loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), red bay (*Persea borbonia*), laurel greenbrier (*Smilax laurifolia*), wax myrtle (*Morella cerifera*), loblolly bay (*Gordonia lasianthus*), fetterbush (*Lyonia lucida*), bald cypress (*Taxodium distichum*), giant cane (*Arundinaria gigantea*), water oak (*Quercus nigra*), and chainfern (*Woodwardia virginica*). Soils primarily consist of fine sand or loamy fine sand of the mapped Baymeade, Woodington, Leon, and Foreston series, as well as Torhunta mucky fine sandy loam. The project area drains south to the Northeast Cape Fear River, a Section 10 Navigable Water of the U.S., via overland sheetflow and the headwaters of several unnamed tributaries that originate in the western part of the project area (Attachment 2, Figure 3). The Northeast Cape Fear River discharges directly into the Cape Fear River, and finally into the Atlantic Ocean.

A previous Department of the Army permit issued to MMM on September 29, 2004, authorized impacts to 6.92 acres of wetlands for the expansion of the existing mining site to the north for which MMM has provided compensatory mitigation.

Applicant's Stated Purpose

The applicant's stated purpose is to cost-effectively mine construction-grade aggregate reserves to meet the short- and medium-term market demand in the Wilmington, North Carolina, area.

Project Description

The project proposes to expand existing mining operations at the Rocky Point mine by excavating two new limestone quarry pits, as shown on Attachment 3, Figure 6. Pit construction would be conducted using large excavators, drag lines and/or front-end loaders, and large off-road trucks. Initially, a small pit will be excavated by removing the overburden or soil from the area. The exact size and location of the initial pit will be field determined by the mining manager and engineer. As the overburden is removed, any disturbed land will be sloped to drain back into the pit. All discharged water will meet the water quality standards set forth by the existing NPDES Industrial General Permit Number NCG020166 issued by NC Department of Environment and Natural Resources'

(NCDENR) Division of Water Resources. The current location of the discharge and flow path is also shown on Attachment 3, Figure 6. Any changes to this location will be permitted through a modification of the NPDES permit.

An unexcavated buffer will be maintained around the outside of the overburden removal area (Attachment 4, Figure 7). This buffer will act to support vehicular and equipment traffic around the pit. Inside the unexcavated buffer, the overburden will be sloped to the top of the rock and pit wall. As the pit expands, the unexcavated buffer and overburden slope will expand until the outer limits of the pit have been reached. A minimum of 50 feet of undisturbed, wooded buffer will be maintained around the unexcavated buffer and along all property lines and undisturbed wetlands within the project area.

To connect the existing northern mine to the new pits, an approximately 4,000-foot long by 100-foot wide haul road will be constructed along the eastern property boundary (Attachment 5, Figures 5, 6, 8, and 9). Overburden material will be hauled via this road to the north and used to backfill existing pits or stockpiled in an area approved by NCDENR's Division of Energy, Mineral, and Land Resources mining permit. Once the overburden has been removed, limestone will be drilled and blasted and then hauled to the plant site for processing. After all of the material has been extracted from Area 2-Pit A, mining operations will expand south into Area 2A-Pit A. The construction and mining of Area 3-Pit B will be achieved in a similar manner to that of Pit A. Existing roads will be utilized to haul material from Pit B to the plant site for storage or processing.

The depth of each pit depends on the depth of the limestone deposit; however, they are anticipated to be ± 40 feet deep. An estimated 22 and 6.5 million cubic yards of material, including product and overburden, is expected to be removed from Pit A and Pit B, respectively.

The proposed project consists of impacting approximately 63.05 acres of non-riparian wetlands, 6,497 linear feet of stream channel, 7,225 linear feet, or 0.33-acre, of jurisdictional ditches, and 1.07 acres of open water ponds, which is necessary to expand the existing MMM Rocky Point Quarry (Attachment 6, Figures 3 and 4). As previously stated, the applicant also proposes to construct a 100-foot wide crossing for a haul road in order to transport extracted materials to the processing area within the existing mine site. Construction of the haul road will require impacts to a jurisdictional ditch.

Avoidance and Minimization

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

After extensive investigations, MMM has determined that the property just south of Area 3 contains a significant amount of wetlands, and therefore, proposes to avoid these impacts (Attachment 7, Figure 10). Although this area contains available resources that would provide product to the market for about one year, approximately 22 acres of wetlands would be avoided. Furthermore, MMM is avoiding Area 6, located between

Areas 2/2A and 3, despite the presence of a substantial amount of reserves. Although it is not protected from development or other types of impacts, this area has been identified as a significant natural heritage area by the NC Natural Heritage Program. Additionally, considerable wetland impacts would be required to access the reserves. Based on aerial photography and other spatial-based tools, MMM estimates that approximately 200 acres of wetlands will be avoided by not mining this area. It is MMM's opinion that these wetlands are likely of a higher quality and significance due to their connection to the Northeast Cape Fear River and the natural heritage designation of this area. Finally, approximately 34 acres of wetlands and 650 linear feet of stream exist in Areas 4 and 5 (Attachment 7, Figures 10 and 11). Mining these areas would require hauling or conveying material across Rebecca Kennedy Road to the plant site. Also, the existing power line would need to be avoided or relocated. After assessing the cost of relocating the power line, additional cost of handling the material extracted from these areas, and the limited amount of reserves, MMM determined that Areas 4 and 5 are not practicable alternatives, and thus, proposes to avoid these impacts.

To minimize impacts to wetlands and other waters within the project area, MMM proposes to use stormwater management and erosion control techniques that preserve downstream water quality. Additionally, MMM proposes to employ stripping techniques that will not allow the loss of material downstream or into adjacent wetlands. As the overburden is removed or stripped from the site, all runoff will be directed to the pit or other erosion control structures. As previously stated, a minimum 50-foot forested buffer will be maintained around all wetlands and waters not directly impacted by the proposed project.

Compensatory Mitigation

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

MMM proposes to provide compensatory mitigation for 4,610 linear feet of perennial stream impacts at a 2:1 ratio and at a 1:1 ratio for 1,887 linear feet of intermittent stream for a total of 11,107 stream credits. Additionally, MMM proposes to mitigate for 63.05 acres of non-riparian wetland impacts at a 2:1 ratio for a total of 126.1 non-riparian wetland credits.

MMM is seeking a ten year permit to complete the proposed impacts. Due to the lack of available mitigation credits, MMM proposes to phase the purchase of credits with the phasing of the impacts. MMM predicts they will begin mining Area 2 in 2021, Area 2A in 2026, and Area 3 in 2029. Prior to conducting permitted impacts in each phase, MMM will complete the mitigation requirements for that phase. MMM proposes to mitigate with the Northeast Cape Fear Umbrella Mitigation Bank; however, in the event the Bank does not have available credits, MMM has obtained an acceptance letter from NCDENR Division of Mitigation Services.

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:

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.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO 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 February 24, 2020 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 requests, via this Public Notice, concurrence or objection from the NCDCM.

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, February 24, 2020. Comments should be submitted to Ms. Emily Greer, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403 , at emily.c.greer@usace.army.mil.