



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 18, 2019
Comment Deadline: May 18, 2019
Corps Action ID Number: SAW-2016-02169

The Wilmington District, Corps of Engineers (Corps) received an application from the Koury Corporation seeking Department of the Army authorization to permanently discharge dredged or fill material into 144 linear feet of stream channel, 0.15 acre of riparian non-riverine wetlands, and 0.011 acre of open waters, and temporarily discharge dredged or fill material into 10 linear feet of stream channel and 0.023 acre of open waters, associated with constructing the Grandover West development in Greensboro, 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. Richard Vanore
Koury Corporation
2275 Vanstory Street, Suite 200
Greensboro, North Carolina 27403

Agent: Mr. Paul Stephens IV, E.I.
ECS Southeast, LLP
3820 Faber Place Drive, Suite 200
North Charleston, South Carolina 29405

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:

Project Area (acres): 41.71 Nearest Town: Greensboro
Nearest Waterway: Unnamed Tributary to Reddicks Creek
River Basin: Cape Fear
Latitude and Longitude: 35.998616 N, -79.904032 W

Existing Site Conditions

The proposed project area is located in the northeast quadrant of the intersection of Guilford College Road and High Point Road, on the southwest side of Greensboro, Guilford County, North Carolina. The project area encompasses approximately 41.71 acres of the overall approximately 1,500 acre Grandover Development property. The proposed project area is bordered to the south by Guilford College Road, to the west by High Point Road, and to the north and east by the Grandover Resort Golf Club.

The site is located in the Piedmont Physiographic Province, which has moderate slopes along a hilltop in the northwest of the project area, and topographic drainages that generally form the eastern and southern boundaries of the site. Elevations range from 859 feet above mean sea level (MSL) to 780 feet MSL within project area boundaries. The soils encountered in this area are the residual product of in-place chemical weathering of rock presently underlying the site.

Soils mapped on site are presented in the table below:

Soil Type	Map Unit Symbol	Hydric / Non-hydric
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
Mecklenburg sandy clay loam, 2-6% slopes, moderately eroded	MhB2	Non-hydric
Mecklenburg sandy clay loam, 6-10% slopes, moderately eroded	MhC2	Non-hydric

Among the 5 soil types that occur within the project area, none are listed as a hydric map unit. Average annual precipitation for Guilford County is 41.99 inches of rainfall and 10.3 inches of snowfall.

Historically, the site was used primarily for farming, with forested areas on the steeper slopes and bottomlands. Current land use in the proposed project area includes both forested and maintained areas. Forested upland areas primarily border the golf course on the east side of the project area and Guilford College Road in the southeast corner of the project area; these areas are characterized as mixed pine-hardwood communities, with canopy species such as loblolly pine (*Pinus taeda*), red maple (*Acer rubrum*), white oak (*Quercus alba*), and tulip poplar (*Liriodendron tulipifera*).

Understory species consist of Christmas fern (*Polystichum acrostichoides*), green-briar vine (*Smilax rotundifolia*), muscadine grape (*Vitis rotundifolia*), and blackberry (*Rubus sp.*). Maintained areas occupy the remainder of the proposed project areas, and include recently cleared and graded areas under construction for commercial development and upland grass areas maintained for future commercial development. These areas contain various grass and weed species including Fescue (*Festuca sp.*), Bermudagrass (*Cynodon dactylon*), Crabgrass (*Digitaria sp.*), Broomsedge (*Andropogon virginicus*), Ragweed (*Ambrosia artemisiifolia*), Lespedeza (*Lespedeza cuneata*), and Dogfennel (*Eupatorium capillifolium*). Land use surrounding the project area is comprised of the Grandover residential development to the east, commercial and institutional developments to the west and north along High Point Road, and maintained grassed areas and early successional forest to the south.

Site reconnaissance for the project area was conducted by the applicant's agent in 2016 and 2018, to determine and delineate the presence and location of potentially jurisdictional waters of the US. The wetland delineations were 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 delineations were field verified by Mr. David Bailey and Ms. Jean Gibby of the Corps on October 27, 2016, and August 10, 2018, respectively. These site visits verified two streams, three wetlands, and one open water impoundment; Preliminary Jurisdictional Determinations (PJDs) were issued to document these findings on January 30, 2017, (SAW-2016-02169) and September 18, 2018 (Corps Action ID: SAW-2018-01827).

The project area is located in the Cape Fear River Basin, Hydrologic Unit Code (HUC) 03030003. All streams in the project area carry the North Carolina Division of Water Resources (NCDWR) best usage classification of "WS-IV"; 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. 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 of the Headwater Forest wetland type, 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 ironwood (*Carpinus caroliniana*) and American elm (*Ulmus americana*). Saplings and shrubs of the same species, as well as green ash (*Fraxinus pennsylvanica*) and black cherry (*Prunus serotina*) occur in the understory. Soils within these features are primarily loamy with a low chroma (7.5YR 4/2) matrix and bright (7.5YR 5/6) redoximorphic concentrations. Typical of wetlands in topographic drainages, these wetlands display hydrology indicators such as seasonal high water table and saturation, and drainage patterns.

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

Background

The Grandover Development, a mixed-use development comprising approximately 1,500 acres, was originally authorized via an Individual Permit issued August 6, 2001 (Corps Action ID: SAW-1997-00557). This authorization included impacts to 2.67 acres of jurisdictional waters and wetlands associated with unnamed tributaries of Reddick's Creek, including 3,690 linear feet of stream channel impacts. These stream impacts included the loss of 1,760 linear feet of stream channel by discharge of fill material to install culverts and construct earthen dams, and 1,300 linear feet of stream channel by flooding. Compensatory mitigation for these impacts included 2.1 acres of on-site wetland creation and 4 acres of on-site wetland enhancement, as well as approximately 3,060 linear feet of off-site stream restoration and enhancement. This authorization expired on December 31, 2004, and therefore cannot be modified.

The above referenced authorization included all impacts associated with the construction of a regional commercial retail center and office complex centers included in the Grandover Development master plan. This master plan, which included the areas currently proposed for the below-described residential and commercial sections of Grandover West, is considered as having cumulative impacts as part of the same single and complete project. Further, the currently proposed residential and commercial sections of Grandover West are designed to tie into the existing stormwater facilities of the larger Grandover Development, thereby sharing infrastructure with this previously approved project; as such, the currently proposed project lacks independent utility and is subject to Individual Permit review as part of the Grandover Development.

Applicant's Stated Purpose

The purpose of the proposed project, as stated by the applicant, is the following:

Grandover 8 West Apartments & Sewer line (Multifamily/Residential Community Development):

The project purpose is to develop a multifamily/residential community to meet the housing demand of the local market and compliment the neighboring commercial development. The project is located south of Gate City Boulevard and east of Guilford College Road, and consists of a proposed multifamily/residential community and associated sanitary sewer outfall utility, all of which account for approximately 13.33 acres of the approximate 1,500-acre Grandover Development. Upon completion, the development would be owned and managed by the Koury Corporation and the sewer outfall utility by the City of Greensboro.

Grandover West Commercial Sewer line & Road Crossing (Commercial/Retail Development):

The project purpose is to provide the necessary sanitary sewer infrastructure and road crossing access for the adjacent commercial/retail development on Guilford College Road and Grandover Village Road. The project area consists of a sanitary sewer outfall utility to serve a proposed commercial and retail development, all of which account for approximately 41.71 acres of the approximate 1,500-acre Grandover Development. Upon completion, the development would be owned and managed by the Koury Corporation and the sewer outfall utility by the City of Greensboro.

Project Description

Grandover 8 West Apartments & Sewer line (Multifamily/Residential Community Development):

The proposed development components would include five apartment buildings, specifically:

- Building 1 – 32,211 ft², 24 units, 3 story
- Building 2 – 32,211 ft², 24 units, 3 story
- Building 3 – 51,763 ft², 136 units, 5 story
- Building 4 – 32,211 ft², 24 units, 3 story
- Building 5 – 42, 840 ft², 30 units, 3 story

The apartments would have 238 units total, consisting of a mixture of 1, 2, and 3 bedroom layouts. The proposed total amount of parking is 448 spaces and the buildings would have 40 garages. Upon completion, the total proposed development would be approximately 7.65 acres with a built upon area of 57.4%. The applicant proposes to permanently fill a total of 0.15 acre of riparian, non-riverine wetlands for building pad and grading activities for apartment building infrastructure. Temporary impacts to 10 linear feet (0.0007 acre) of stream are also proposed to install an 8 inch sanitary sewer line to serve the residential development. The 0.08 acre of temporary wetland impacts reported in the application appear to be completely within the proposed 0.15 acre permanent wetland fill footprint.

Grandover West Commercial Sewer line & Road Crossing (Commercial/Retail Development):

The project proposes to install a sanitary sewer line easement approximately 2,335 feet long by 60 feet wide, as well as a roadway crossing for ingress/egress access for commercial development. The proposed culvert and roadway crossing would extend east of Guilford College Road into approximately 144 linear feet of stream. Approximately 110 linear feet (0.013 acre) of stream would be permanently impacted as a result of the installation of the sanitary sewer line.

The applicant states that placing 110 linear feet of stream in a culvert (as opposed to temporarily trenching the sewer crossing through the stream) would allow for the proper installation and grading activities around and over the new sanitary sewer line, improve the permanent water management of storm water flowing from Guilford College Road and the adjacent future commercial development, as well as prevent stormwater erosion and providing increased stability for the future development and roadway shoulders.

The additional 34 linear feet (0.004 acre) of permanent stream impacts, as well as 0.011 acre of permanent open water (i.e. pond) impacts and 0.023 acre of temporary open water impacts, would be constructed to allow for construction of road access for the future development of Parcel F. The applicant states that the roadway crossing would allow the construction of an adjacent commercial/retail entry/exit access point and adjacent parking structures, while also meeting the City of Greensboro standards for multiple access entrances/exits to a development. Additionally, the applicant states that this roadway crossing allows for improved traffic flow and emergency ingress and egress. The existing roadway curb cut for this ingress/egress location was installed by NCDOT during the original construction of Guilford College Road anticipating ingress/egress into this future parcel.

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:

Grandover 8 West Apartments & Sewer line (Multifamily/Residential Community Development):

Avoidance and minimization of waters was performed to the greatest extent possible with respect to the waters on-site and the space needed to allow successful installment of the sewer line and parking lot. The sewer line easement as proposed has been designed in an effort to minimize the impacts to the remaining waters and the stream buffers on site. The sewer line as proposed remains outside of the areas proposed for grading and remains on the property, while also limiting additional impacts to other wetland areas and incurring additional buffer impacts. The sewer line would cross the stream at a 90-degree angle, which greatly minimizes the amount of temporary stream impacts.

The project proposes 0.15 acre of permanent wetland impacts for the apartment building pad, as well as permanently maintained sewer right of way. The wetland area is proposed to be graded and filled in order to construct the appropriate parking needed to support needs of the residential development and future tenants.

The placement of a retaining wall was analyzed; however, after several design and engineering attempts, it was determined not to be feasible due to topography, logistics, and the size of the retaining wall. Additionally, the estimated cost to install the wall would be approximately \$358,000.

Grandover West Commercial Sewer line & Road Crossing (Commercial/Retail Development):

Avoidance and minimization of waters was performed to the greatest extent possible with respect to the waters on-site and the space needed to allow successful installment of the sewer line. The proposed sewer line location was determined to be the most feasible and cost effective design. All other design attempts to move the sewer line into a different location were either not feasible due to design and construction constraints, maintenance issues, and/or would incur additional impacts to waters of the U.S.

No other impacts to waters are proposed for the remainder of the project.

Compensatory Mitigation

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

The applicant provided wetland and stream quality assessment forms using the North Carolina Wetland Assessment Method (NCWAM) and North Carolina Stream Assessment Method (NCSAM) protocols, by which they determined scores of “Low” for both the wetland and stream where permanent impacts are proposed. The applicant proposes to purchase riparian wetland credits and warm water stream credits at a 1:1 credit to impact ratio for proposed permanent wetland and stream impacts from the North Carolina Division of Mitigation Services (NCDMS) in the Cape Fear River Basin, HUC 03030003; an acceptance letter from NCDMS was included in the application, dated April 2, 2019. No compensatory mitigation is proposed for permanent open water impacts or temporary impacts to wetlands or streams.

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:

- 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).

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, not likely to adversely 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.

This determination is made specific to the Schweinitz's sunflower (*Helianthus schweinitzii*) and small whorled pogonia (*Isotria medeoloides*). The nearest known populations for small whorled pogonia and Schweinitz's sunflower are greater than 20 miles to the northeast and greater than 15 miles to the southeast, respectively. Further, the applicant's agent stated that they did not observe the small whorled pogonia or Schweinitz's sunflower, or potential habitat for these species, during multiple visits to the site.

- 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 May 10, 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, **May 20, 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.