



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: January 23, 2019
Comment Deadline: February 22, 2019
Corps Action ID Number: SAW-2016-02542

The Wilmington District, Corps of Engineers (Corps) received an application from Person County seeking Department of the Army authorization to discharge dredged or fill material into waters of the United States, associated with the construction of a semiconductor chip manufacturing plant on a 318 acre parcel of land that is situated within a larger tract of land (approximately 1,456 acres) designated by Person County as the Person County Mega Park. The proposed project includes off-site transportation and utility improvements. The proposed project site is located south of Edwin Robertson Road, on both sides of Country Club Road, north of the City of Roxboro, Person County, North Carolina.

Specific plans and location information are described below. Due to the large number of permit drawing plans associated with this proposal, they are not included with this Public Notice. 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: Person County
Mr. David Newell
Post Office Box 1824
Roxboro, North Carolina 27573

AGENT (if applicable): Timmons Group
Ms. Anna Reusche
5410 Trinity Road, Suite 102
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 composed of the proposed semiconductor chip manufacturing plant and the proposed utility and transportation improvement sites.

The semiconductor chip manufacturing plant site is located in northern Person County, approximately 1.8 miles north of the City of Roxboro. The site is situated on both sides of Country Club Road, immediately south of its intersection with Edwin Robertson Road.

The proposed route for the water utility would begin in the semiconductor chip manufacturing plant site and follow Country Club Road south to Cavel-Club Lake Road. At the intersection of Country Club Road and Cavel-Club Lake Road, the water utility would follow Cavel-Club Lake Road west and terminate at Kelly Carver Road.

The proposed route for the gas utility would begin at the intersection of Edwin Robertson Road and Country Club Road, following Country Club Road south to its intersection with Community House Road. The route would then follow Community House Road, which turns into McGhees Mill Road, west to its terminus at the intersection of McGhees Mill Road and Concord Ceffo Road.

The proposed transportation improvements would be located along Country Club Road, Edwin Robertson Road, Shiloh Church Road, and at the Country Club Road/Chub Lake Road and Shiloh Church Road/US 501 intersections. The proposed transportation improvements would remove a portion of Country Club Road within the footprint of the proposed semiconductor chip manufacturing facility. Traffic from the new northern terminus of Country Club Road would be rerouted around the semiconductor chip manufacturing plant via new roads spanning to the east and west around the site, both of which would terminate at Edwin Robertson Road. Transportation improvements along Edwin Robertson Road would begin at the semiconductor chip manufacturing plant site and follow Edwin Robertson Road, which turns to Shiloh Church Road at Woodsdale Road, east to US 501 (Boston Road). Intersection improvements are proposed to the Country Club Road/Chub Lake Road and Shiloh Church Road/US 501 intersections.

Project Area (acres): 318 acres

Nearest Town: Roxboro

Nearest Waterways: Marlowe Creek and Story's Creek

River Basin: Roanoke

Latitude and Longitude: 36.478476 N, -78.990137 W

Existing Site Conditions

The 318 acre project area for the semiconductor chip manufacturing facility and associated infrastructure is located in the piedmont physiographic region of North Carolina. The project area has moderate slopes along a ridgeline that bisects the center of the property. Elevations range from 450 feet above mean sea level (MSL) along the boundaries to 500 feet MSL in the center of the Project Site.

Current land use in the project area includes both forested and maintained areas. Forested areas on the site are characterized as pine and mixed hardwood communities. Maintained areas in the project area include agricultural fields used for grazing cattle, one single-family home, and an electrical transmission easement. Land use surrounding the proposed project is predominately undeveloped forestlands interspersed with agricultural fields and single-family residential homes.

The project area is located in the Roanoke River watershed (Hydrologic Unit Code (HUC) 03010104) and includes perennial and intermittent streams and adjacent wetlands. Surface waters on the property drain to three named water bodies that occur within the project area, including Story's Creek, Marlowe Creek, and Castle Creek; these streams all drain to the Hyco River which drains to the Roanoke River.

The project area contains approximately 10,529 linear feet (lf) of streams. Substrate in the streams range from silt/sand to cobble/gravel and Ordinary High Water Mark (OHWM) indicators included natural lines impressed on the banks, shelving, matted down vegetation, disturbed leaf litter, sediment deposition, wrack lines, sediment sorting, and bank scour. All streams in the project area carry the North Carolina Division of Water Resources (NCDWR) surface water classification of "C." The classification C refers to those waters protected for uses such as secondary recreation, fishing, wildlife, fish consumption, aquatic life including propagation, survival and maintenance of biological integrity, and agriculture. Secondary recreation includes wading, boating, and other uses involving human body contact with water where such activities take place in an infrequent, unorganized, or incidental manner.

The project area contains approximately 1.94 acres of wetlands. These wetlands are primarily characterized by the North Carolina Wetland Assessment Method (NCWAM) as headwater forest wetlands and bottomland hardwood forest. Vegetation in the headwater forest wetlands consists of a canopy dominated by black willow (*Salix nigra*), river birch (*Betula nigra*), sweetgum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), and red maple (*Acer rubrum*); a sapling/shrub layer dominated by the same tree species listed for the canopy plus Chinese privet (*Ligustrum sinense*); and a herbaceous and woody vine layer dominated by soft rush (*Juncus effusus*) lizard's tail (*Saururus cernuus*), woolgrass (*Scirpus cyperinus*), common greenbrier (*Smilax rotundifolia*), wild

grape (*Vitis rotundifolia*), and poison-ivy (*Toxicodendron radicans*). Vegetation in the bottomland hardwood forest consists of a canopy dominated by willow oak (*Quercus phellos*), green ash (*Fraxinus pennsylvanica*), tulip poplar (*Liriodendron tulipifera*), and red maple; a sapling/shrub layer dominated by willow oak, green ash, and Chinese privet; and a herbaceous and woody vine layer dominated by Japanese stilt-grass (*Microstegium vimineum*) and poison-ivy.

The entirety of the 1,456-acre Person County Mega Park was delineated to identify the presence and location of potentially jurisdictional waters of the United States. The initial field work for the delineation was conducted in June and August of 2016. The delineation was verified by Eric Alsmeyer of the U.S. Army Corps of Engineers, Wilmington District (Corps) on July 28, August 4, and August 5, 2016. Additional areas associated with roadway improvements were delineated in November 2017 and were reviewed by the Corps and the NCDWR on May 3, 2018.

Applicant's Stated Purpose

The applicant's stated purpose is to develop a semiconductor chip manufacturing plant at the Person County Mega Park, which will serve to bring significant economic relief to the citizens of Person County. To date, the applicant has not identified a tenant or user for the proposed site.

Project Description

The overall proposed project includes a semiconductor chip manufacturing plant, transportation improvements, and the installation of water and natural gas infrastructure. Implementation of the proposed project would result in direct impacts to 10,529 lf of streams and 1.94 acres of wetlands. There are no impacts proposed by either the associated water or gas utility infrastructure projects.

The proposed project would be constructed in two phases. Phase 1 would consist of the construction of the semiconductor chip manufacturing plant and would result in permanent impacts to 6,851 lf of stream and 1.56 acres of wetland. Phase 2 would consist of the associated transportation improvements and utility infrastructure projects and would result in permanent impacts to an additional 3,678 lf of stream and 0.38 acre of wetlands.

The proposed semiconductor chip manufacturing plant would involve the construction of an approximately 318 acre development pad, with plans for the construction of buildings and parking lots. The proposed transportation improvements would consist of road widening, interchange improvements, and additional lanes. The proposed water utility project would be a 30-inch waterline that would be serviced by the City of Roxboro. The applicant did not provide much detail concerning the proposed natural gas utility project other than the

proposed route. The applicant stated that no impacts are proposed as a result of the proposed water or gas utility projects that are associated with the project.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Several alternatives were evaluated during the design process in an effort to avoid and minimize impacts to jurisdictional resources within the site and along the proposed infrastructure extensions. The applicant has attempted to avoid and minimize impacts to water resources by designing perpendicular road crossings, where feasible, and utilizing erosion control Best Management Practices (BMPs) to minimize impacts associated with offsite sedimentation.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Due to the absence of private mitigation banks in the area, compensatory mitigation for these unavoidable impacts would be achieved through payment to the North Carolina Division of Mitigation Services (NCDMS). A conditional letter of approval was provided by NCDMS for the necessary credits. Based on the response from NCDMS, they currently have most of the credits needed in the 03010104 HUC. However, should that change at the time payment is made, NCDMS may propose to use adjacent HUCs to fill the mitigation needs of the proposed project contingent on approval from the regulatory agencies. Because of the rural nature of the Roanoke watershed and the lack of demand for mitigation within this watershed, the North Carolina Interagency Review Team has identified neighboring HUCs within the Roanoke watershed, including 03010103, 03010104 or 03010102, as additional opportunities for mitigation.

The applicant also proposes to explore permittee-responsible mitigation options as part of the permitting process. The applicant states that payment to the NCDMS would be an option; however, flexibility to explore other mitigation opportunities that can better serve the public and environment may be incorporated into the final mitigation package proposed for the project. The applicant suggests that alternative mitigation opportunities would allow them to pursue projects that directly benefit Person County and allow for potential mitigation to occur in close proximity to the impact site. The applicant states that they would use a collaborative watershed planning process to incorporate and solicit input directly from affected stakeholders when developing a mitigation plan. The applicant indicates that planning efforts would identify and prioritize aquatic resource restoration, establishment, and enhancement activities, and preservation of existing aquatic resources that are important for maintaining or improving ecological functions of the watershed within Person County.

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 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 U.S. Fish and Wildlife Service (Service) 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.
- 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 February 15, 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, February 22, 2019. Comments should be submitted to Mr. Ross Sullivan, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554-4884 extension 25 or roscoe.l.sullivan@usace.army.mil.

Due to the current lapse in funding for other Federal agencies that may have an interest in commenting on the proposed action, the District Engineer may extend the comment period to allow such agencies to comment so that the he can complete his required Public Interest Review.

In cases where the proposed action May Effect a listed species or a species proposed for listing pursuant to Section 7 of the Endangered Species Act, and/or In cases where the proposed action will have an Effect on a property listed, or eligible to be listed, on the National Register of Historic Places pursuant to Section 106 of the National Historic Preservation Act, the DE will be unable to make a final decision on the proposed action until the requirements of the appropriate statute have been satisfied.