



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: November 19, 2021  
Comment Deadline: December 6, 2021  
Corps Action ID Number: SAW-2015-01268

The Wilmington District, Corps of Engineers (Corps) received a revised application from the Greensboro-Randolph Megasite Foundation, Inc. seeking Department of the Army authorization to discharge dredged or fill material into waters of the United States, associated with the construction of the Greensboro-Randolph Megasite (GRMS), an approximate 1,000-acre automotive storage battery manufacturing, production, and assembly facility. The proposed project includes off-site transportation and utility improvements. The proposed project site is located adjacent to US Highway 421 in Liberty, Randolph County, North Carolina. The District previously published a public notice for a proposed advanced automotive manufacturing facility at this location/site on December 18, 2018.

Due to the large number of permit drawing plans associated with this proposal, they are not included with this Public Notice. This Public Notice is available on the Wilmington District Web site at <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

**Applicant:** Greensboro-Randolph Megasite Foundation, Inc.  
Mr. Jim Melvin  
324 W. Wendover Ave. Suite 207  
Greensboro, North Carolina 27408

**AGENT (if applicable):** HDR  
Ms. Vickie Miller  
555 Fayetteville St, Suite 900  
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**

Location Description: The project area is composed of the proposed GRMS, and the proposed utility and transportation improvement sites.

The GRMS is located in northern Randolph County approximately two miles northwest of the Town of Liberty and east of the Town of Julian. The site is generally bounded by Old US 421 to the north, Julian Airport Road to the west, Troy Smith Road to the east, and US Highway 421 to the south.

The proposed route for the water and sewer utilities would begin at the Bora Drive, Liberty Road intersection and follow Liberty Road southeast to the northern portion of the GRMS. At the intersection with Julian Airport Road, the water main continues along Old US 421 to the north of the site while the force main sewer alignment continues along Julian Airport Road. The force main alignment proceeds southeast along US 421 to the intersection with Starmount Road. The force main follows Starmount Road to a stream crossing where a proposed pump station would be located.

The proposed route for the electrical transmission line would extend from the existing Duke Energy corridor west of Hockett Road and north of the Hockett Road, Whitt Hunt Road intersection. It would cross Old Climax Road, Hunting Lodge Road, NC 22, Old Red Cross Road and Shiloh Road to the proposed site.

The proposed transportation improvements would be located along US 421 on, and adjacent to, the southwestern portion of the GRMS site. Specifically, the transportation improvements would include roadway widening and new interchanges. These improvements would be located immediately south of the Julian Airport Road, Crutchfield Farm Road intersection and extending southward to Shiloh Road, at the Browns Meadow Road, US 421 intersection and along the Shiloh Road, US 421 intersection, immediately south of Dodsons Lake.

Project Area (acres): 1858  
Nearest Town: Liberty  
Nearest Waterways: Sandy Creek and Dodsons Lake  
River Basin: Cape Fear 03030003 and 03030002  
Latitude and Longitude: 35.894610N, -79.627378W

## Existing Site Conditions

The project area is located in the Cape Fear watershed (HUCs 03030003 and 03030002) and includes perennial and intermittent streams, adjacent wetlands, open water ponds, and Dodsons Lake. Surface waters flow to six named waterbodies that occur within the project area. These waterbodies are: Little Polecat Creek, Sandy Creek, Dodsons Lake, North Prong Stinking Quarter Creek, Climax Creek, and Big Alamance Creek. North Prong Stinking Quarter Creek, Climax Creek, and Big Alamance Creek drain to the Haw River (HUC 03030002). Polecat Creek, Sandy Creek, and Dodsons Lake drain to the Deep River (HUC 03030003).

The project area contains approximately 59,747 feet of perennial streams and approximately 16,659 feet of intermittent streams. Substrate in these streams ranged 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. Open water within the project area consists of ponds (totaling approximately 34 acres) and Dodsons Lake (approximately 53 acres). All but two ponds within the project area are hydrologically connected by unnamed tributaries to named waterbodies.

Water Quality Classifications for the named tributaries are as follows:

Little Polecat Creek: WS-III; HQW

Sandy Creek: WS-III

Dodsons Lake: WS-III

North Prong Stinking Quarter Creek: WS-IV; NSW

Climax Creek: WS-IV; NSW

Big Alamance Creek: WS-IV; NSW

Water Quality Classification referenced above and pertinent to the waters listed above are defined as the following:

- Class C (C) refers to 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;
- Water Supply III (WS-III) refers to waters used as sources of water supply for drinking, culinary or food processing purposes where a more protective WS-I or WS-II classification is not feasible. These waters are also protected for Class C uses. WS-III waters are typically in low to moderately developed watersheds;
- Water Supply IV (WS-IV) refers to waters used as sources of water supply for drinking, culinary or food processing purposes where a WS-I, WS-II or WS-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;

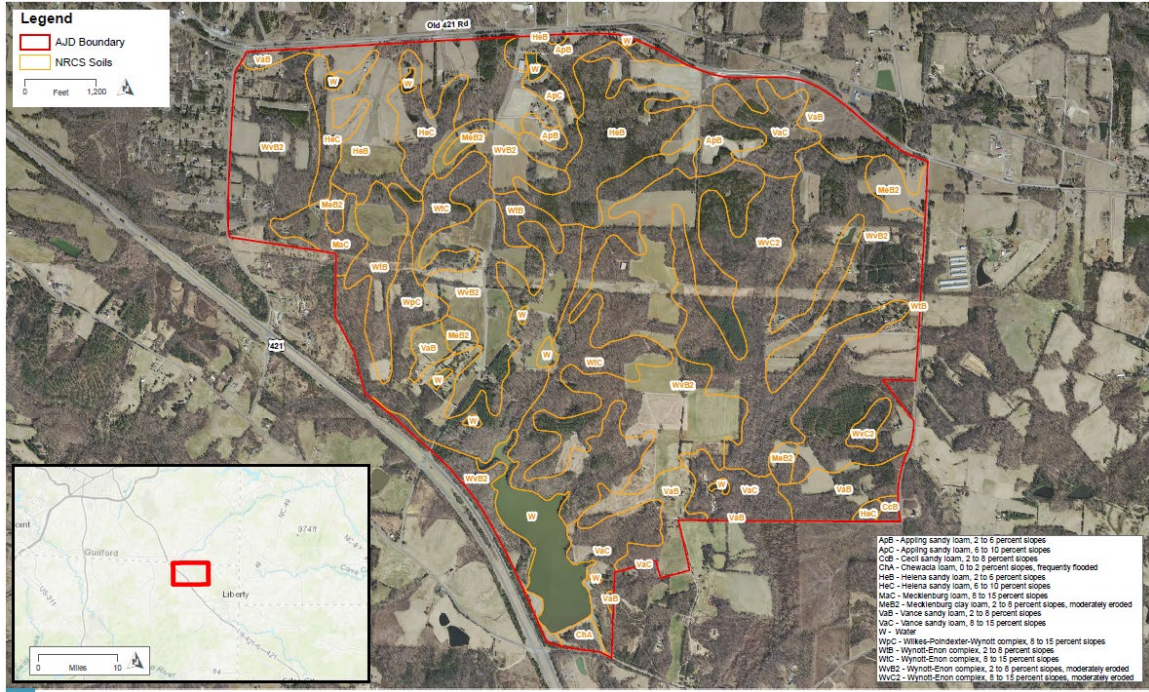
- High Quality Waters (HQW) is a supplemental classification intended to protect waters which are rated excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, primary nursery areas designated by the Marine Fisheries Commission, and other functional nursery areas designated by the Marine Fisheries Commission;
- Nutrient Sensitive Waters (NSW) is a supplemental classification intended for waters needing additional nutrient management due to being subject to excessive growth of microscopic or macroscopic vegetation;

The project area contains approximately 23.7 acres of wetlands. Differences in jurisdictional areas listed in the December 2018 Public Notice and this Public Notice result from additional site visits and a revised waters/wetlands delineation for the development site. The revised waters/wetlands delineation has been reviewed by the Corps.

The North Carolina Wetland Assessment Method (NC WAM) and the North Carolina Stream Assessment Method (NC SAM) were used to assess the functions and values of a representative sampling of wetlands and streams throughout the project area. Common NC WAM wetland types within the project area include Riverine Swamp Forest, Non-Tidal Freshwater Marsh, Headwater Forest and Bottomland Hardwood Forest. Most of the streams within the project area received a medium overall NC SAM rating. Wetlands within the project area are small (average wetland size is 0.3 acre). Most of these wetlands are headwater forests located adjacent to first order tributaries. Overall NC WAM ratings were medium for the majority of wetlands onsite.

Land use within the site and along the associated infrastructure improvements consists predominately of agricultural fields, residential property, and forested land.

Soils on the GRMS are classified as indicated by the map and table below:



Map Unit Symbol	Map Unit Name	Percent of Property (approximate)	Farmland Rating	Hydric Rating (%)
ApB	Appling sandy loam, 2 to 6 percent slopes	3.0%	All areas are prime farmland	0
ApC	Appling sandy loam, 6 to 10 percent slopes	1.0%	Farmland of statewide importance	0
CcB	Cecil sandy loam, 2 to 8 percent slopes	0.2%	All areas are prime farmland	0
ChA	Chewacla loam, 0 to 2 percent slopes, frequently flooded	0.4%	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	5
HeB	Helena sandy loam, 2 to 6 percent slopes	9.9%	All areas are prime farmland	0
HeC	Helena sandy loam, 6 to 10 percent slopes	3.3%	Farmland of statewide importance	0
MaC	Mecklenburg loam, 8 to 15 percent slopes	1.2%	Farmland of statewide importance	0
MeB2	Mecklenburg clay loam, 2 to 8 percent slopes, moderately eroded	1.9%	All areas are prime farmland	0
VaB	Vance sandy loam, 2 to 8 percent slopes	7.3%	All areas are prime farmland	0
VaC	Vance sandy loam, 8 to 15 percent slopes	5.0%	Farmland of statewide importance	0
W	Water	3.6%		0
WpC	Wilkes-Poindexter-Wynott complex, 8 to 15 percent slopes	7.9%	Not prime farmland	0
WtB	Wynott-Enon complex, 2 to 8 percent slopes	3.2%	Farmland of statewide importance	0
WtC	Wynott-Enon complex, 8 to 15 percent slopes	8.3%	Farmland of statewide importance	0
WvB2	Wynott-Enon complex, 2 to 8 percent slopes, moderately eroded	34.2%	Farmland of statewide importance	0
WvC2	Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded	9.6%	Farmland of statewide importance	0
<b>Totals for Area of Interest</b>		<b>100.0%</b>		

Source: USDA-NRCS 2017b

## Applicant's Stated Purpose

The applicant's stated purpose is to establish an automotive storage battery manufacturing, production, and assembly facility with utilities (electricity, water, sewer, roads, and rail) that is expected to generate employment and economic benefits for the Project Region, including roughly 2,000-4,000 mostly skilled and semi-skilled manufacturing jobs, an increase in the local tax base, and new payroll to circulate within Randolph County and the City of Greensboro.

## Project Description

The overall project involves the construction of a ~1,000 acre development site, with plans for the construction of buildings, parking lots and utilities. The overall project includes roadway interchanges, rail, water, sewer and powerline infrastructure. Implementation of the proposed project would result in direct and indirect impacts to streams, wetlands, and open water. The development site

would result in permanent impacts to 6,626 linear feet of intermittent stream, 30,426 linear feet of perennial stream, 9.07 acres of wetlands, and 21.54 acres of open water. Approximately, 1,686 linear feet of perennial and intermittent streams, 0.37 acre of wetlands and 0.78 acre of open waters would be indirectly impacted. The development site would also result in temporary impacts to 332 linear feet of perennial stream and 109 linear feet of intermittent stream. No buffer impacts would result from the development site because streams impacted by the site are in the Deep River watershed and are not subject to Jordan Lake Buffer Rules. Transportation and utility improvements associated with the project would result in permanent impacts to an additional 0.575 acre of wetlands, 0.50 acres of open water, 1,400 linear feet of intermittent stream, and 2,692 linear feet of perennial stream. Transportation and utility improvements associated with the project would result in temporary impacts to an additional 165 linear feet of intermittent stream and 126 linear feet of perennial stream and 0.45 acre of wetlands. Zone 1 and Zone 2 buffer impacts associated with offsite utilities are anticipated along streams subject to the Jordan Lake Buffer Rules; however, these impacts are anticipated to be exempt because buffer impacts are equal to or less than 40 linear feet with a proposed maintenance corridor equal to or less than 10 feet in width at jurisdictional crossings (See table below).

Project Component	Temporary Stream (LF)			Permanent Stream (LF)			Wetland (AC)		Open Water (AC)
	I	P	Total	I	P	Total	Temporary	Permanent	Permanent
Main Site	109	332	441	6626	30426	37052	0	9.07	21.54
Transportation	0	0	0	1290	2609	3899	0	0.305	0.5
Water/Sewer	165	126	291	110	83	193	0.33	0.19	0
Electric Utilities	0	0	0	0	0	0	0.12	0.08	0
<b>Total</b>	274	458	732	8026	33118	41144	0.45	9.645	22.04
<b>Total Stream Impacts</b>	41,876								
<b>Total Wetland Impacts</b>	10.095								
<b>Total Open Water Impacts</b>	22.04								
Indirect Impacts	0	0	0	1478	208	1686	0	0.37	0.78

## 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 developer has attempted to avoid and minimize impacts to water resources by designing perpendicular road and utility 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: Mitigation for impacts to streams/wetlands would be accomplished through payment to the North Carolina Division of Mitigation Services (NCDMS). The applicant has stated that total permanent direct and indirect impacts associated with the proposed project development (including utilities and transportation improvements) would be mitigated at ratios of 1:1 or 2:1 depending upon the stream/wetland qualitative assessment scores of the waters using the North Carolina Stream Assessment Method (NCSAM) and North Carolina Wetland Assessment Method (NCWAM). The applicant has provided a conditional acceptance letter from the NCDMS for 42,639 lf of warm stream impacts and 9.75 acre of riparian wetland impacts. The letter states that NCDMS proposes to provide the required mitigation credits in the Cape Fear 03030002 and 03030003 Hydrologic Unit Codes (HUCs) .

## Essential Fish Habitat

The Corps' 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.

- This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would not impact marine substrate, estuarine substrate, water columns, emergent wetlands, submerged aquatic vegetation, artificial reefs, hardbottoms utilized by various life stages of the following species: coastal migratory pelagics, corals, golden crab, shrimp, snapper grouper, spiny lobster, Atlantic highly migratory species. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.
- The Corps will consult under the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.
- The Corps has initiated consultation the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.



## 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.
  - By copy of this public notice, 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 applicant did not provide or satisfy all 9 elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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 NCDWR received a complete application for this project on July 28, 2021. 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 December 10, 2021 to:

NCDWR Central Office  
Attention: Mr. Paul Wojowski, 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 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, December 6, 2021. Comments should be submitted to Andrew Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884 extension 26 or at [andrew.e.williams2@usace.army.mil](mailto:andrew.e.williams2@usace.army.mil).