



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 23, 2021
Comment Deadline: January 24, 2022
Corps Action ID Number: SAW-2015-02177

The Wilmington District, Corps of Engineers (Corps) received an application from Seefried Industrial Properties seeking Department of the Army authorization to discharge fill material into 230 linear feet of intermittent stream channel and 0.014 acre of adjacent wetlands, associated with the construction of a 1,080,225 square foot fulfillment center with associated truck/employee parking (Project), in Linwood, Davidson 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: Seefried Industrial Properties
Mr. Joseph Scarborough
333 Riverwood Parkway, Suite 200
Atlanta, Georgia 30339

AGENT (if applicable): Pilot Environmental, Inc.
Mr. Brad Luckey
Post Office Box 128
Kernersville, NC 27285

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 consists of Lots 2 and 3, south of Belmont Road, within the I-85 Corporate Center Industrial Park, in Linwood, in Davidson County, North Carolina.

Project Area (acres): 92

Nearest Town: Lexington

Nearest Waterway: North Potts Creek

River Basin: Yadkin-Pee Dee

Latitude and Longitude: 35.745220 N, -80.336435 W

Existing Site Conditions

The proposed project is located south of Belmont Road, approximately 1 mile southeast of Interstate-85, in Linwood, North Carolina. The project area consists of Lots 2 and 3, 92 acres, in the I-85 Corporate Center Industrial Park. The project area is located in the Yadkin-Pee Dee watershed (Hydrologic Unit Code-HUC- 03040103). The site consists predominantly of undeveloped pastureland and agricultural fields, with limited wooded areas. The site contains 640 linear feet of intermittent stream and its adjacent wetlands (0.014 acre).

Areas of pastureland, agricultural fields and disturbed land (sediment and erosion control basin, areas near compacted soil roads and areas near easements) contain the following dominant species: fescue-Kentucky 31 (*Schedonorus arundinaceus*), meadow fescue (*Schedonorus pratensis*), bermudagrass (*cynodon dactylon*), Bahiagrass (*Papsalum notatum*), Crabgrass (*Digitaria sp.*), Common Dandelion (*Taraxacum officinale*), broomsedge (*Andropogon virginicus*), white clover (*Trifolium repens*), horsenettle (*Solanum carolinense*), horseweed (*Conyza canadensis*), common ragweed (*Ambrosia artemisiifolia*), wild garlic (*Allium canadense*), common lespedeza (*Lespedeza cuneata*), common pokeweed (*Phytolacca americana*), dogfennel (*Eupatorium capillifolium*), broadleaf plantain (*Plantago major*), purple deadnettle (*Lamium purpureum*), common chickweed (*Stellaria media*) and Virginia cudweed (*Gamochaeta purpurea*).

The wooded land located on the site contains immature mixed hardwood/pine species that are dominated by various oak (*Quercus sp.*), hickory, (*Cayra sp.*), maples (*Acer sp.*) eastern red cedar (*Juniperus virginiana*), sweet gum (*Liquidambar styraciflua*), slash pine (*Pinus virginiana*), common hackberry (*Celtis occidentalis*), China berry (*Melia azedarach*) and Tree of Heaven (*Ailanthus altissima*) in the tree/sapling stratum. Understory vegetation includes Christmas fern (*Polystichum acrostichoides*), sawtooth blackberry (*Rubus argutus*), Japanese honeysuckle (*Lonicera japonica*), green briar species (*Smilax sp.*), muscadine grape (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*) and ebony spleenwort (*Asplenium platyneuron*).

The canopy of the wetlands is dominated by red maple (*Acer rubrum*) and sweetgum, with the midstory dominated by black willow (*Salix nigra*), Chinese privet (*Ligustrum sinense*). Japanese honeysuckle, muscadine grape, and green briar (*Smilax rotundifolia*).

The herbaceous understory is dominated by southern waxy sedge (*Carex glaucescens*), slender woodoats (*Chasmanthium laxum*), sawtooth blackberry (*Rubus argutus*), common rush (*Juncus effusus*), Japanese stilt grass (*Microstegium vimineum*), Fescue grass (*Schendonorus* sp.), horseweed (*Conyza canadensis*), dog fennel (*Eupatorium capillifolium*), and bluestem broomsedge (*Andropogon virginicus*).

The USDA Web Soil Survey of Davidson County identifies the following soil mapping units within the project area: Armenia loam, Davidson loam, Iredell loam, Mecklenburg loam, udorthents, and urban land. Out of the six soil types found on the site, the Armenia soil mapping unit is the only one identified on the Davidson County Hydric Soils List. In addition, the latest published United States Department of Agriculture Soil Survey of Davidson County depicts an intermittent stream crossing the central portion of the site.

The Federal Emergency Management Agency Federal Insurance Rate Maps depicts the site as being located outside of the 100-year and 500-year floodplains and regulated floodway.

404/401 Permit History

An aquatic resources delineation was completed within the project site and was verified by the U.S. Army Corps of Engineers (Corps) on September 29, 2021. The project area contains 640 linear feet of intermittent stream and its adjacent wetlands (0.014 acre), and no open waters.

The project site consists of Lots 2 and 3 in the I-85 Corporate Center Industrial Park, which consists of approximately 432 acres. In January of 2017, Davidson County, the owner of the I-85 Corporate Center Industrial Park, requested Nationwide Permit (NWP) 12 verification (ID: SAW-2017-02504) associated with providing municipal sanitary sewer improvements to service the park. In May of 2017, the Corps verified use of NWP 12 to permanently impact 43 linear feet of stream and 0.22 acre of wetland through conversion from forested to herbaceous wetland. In addition, the permit verified temporary impacts to 541 linear feet of stream and 0.62 acre of wetlands.

Subsequently, in December of 2017, the owners of Lots 4 and 5 requested a standard permit from the Corps to permanently impact 0.238 acre of wetland, 49 linear feet of stream channel and 1 acre of open water to construct an industrial facility that processed wood products for furniture construction.

Therefore, to date, cumulative impacts associated with the I-85 Corporate Center Industrial Park total a loss of 1.0 acre of open water and 92 linear feet of stream channel, along with temporary impacts to 541 linear feet of stream channel. Cumulative impacts to wetlands have been a permanent loss of 0.238 acre from fill, 0.22 acre from conversion from forested to herbaceous, along with temporary impacts to 0.62 acre.

Applicant's Stated Purpose

The purpose of the proposed project is to develop the site with a 1,080,225 square foot fulfillment center and associated truck/pedestrian parking areas associated with an e-commerce retailer to service the Greensboro/Winston Salem/High Point (Triad) market.

Project Description

The proposed Project would impact 230 linear feet of intermittent stream channel and 0.014 acre of adjacent wetlands. The proposed project includes the construction of a multi-level fulfillment center and associated parking and landscaped areas. The fulfillment center consists of an approximately 1,080,225 square foot building that contains an approximately 250,028 square foot suspended mezzanine and 35,241 square feet of general office space. The applicant has designed the proposed Project based upon numerous successful existing fulfillment centers located throughout the United States that have similar dimensions, internal and external layouts, and truck/pedestrian parking requirements to meet business model operational demands and efficiency.

The general office space of the fulfillment center is comprised of the main building entrance, offices, conference rooms, restrooms, and breakrooms.

The mezzanine area is the central staging area of the fulfillment center in which automated conveyors aid in the transfer of inventory through the shipping and packaging process. The central location, size of the mezzanine within the larger fulfillment center, and suspension of the mezzanine between inventory storage areas allows for larger/bulk sized inventory to be staged above and below the mezzanine for more efficient shipping and packaging processes.

The remaining approximate 794,956 square feet of the fulfillment center will be used for high bay rack and floor storage. Automated and personnel transfer of inventory is conducted utilizing powered and non-powered forklifts and pallet jacks. Incoming and outgoing shipments of inventory are received or loaded within this area of the fulfillment center.

The proposed fulfillment center contains 98 trailer docks, 432 trailer parking spaces and 1,253 pedestrian parking places. The proposed fulfillment center is designed to operate up to 24 hours per day utilizing two shifts of up to 550 personnel or more during peak times of the year. The proposed fulfillment center is anticipated to receive and load over 400 trailers per day, of which on average 300 or more are outbound shipping trailers. The remainder of the proposed project consists of landscaped areas and a proposed stormwater pond.

The proposed Project would be accessed from the existing Egger Parkway and Belmont Road. The Intersection of Interstate I-85 is proximate to the proposed Project. Egger Parkway borders a portion of the eastern site boundary and is proposed to be extended

onto the site. Belmont Road borders the northern site boundary. Easements associated with overhead electricity lines and sewer lines border the western site boundary. With the exception of the extension of Egger Parkway onto the site, improvements to existing road or utility infrastructure are not proposed or anticipated as a result of the proposed Project.

Avoidance and Minimization

The applicant evaluated 4 off-site alternatives and three on-site alternatives. The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: the proposed project has been designed to avoid both direct and indirect impacts to the remaining 410 linear feet of stream channel. First, the applicant is utilizing a 15foot tall retaining wall to avoid 90 linear feet of stream channel. In addition, the applicant has designed the stormwater features on the property to maintain hydrologic flow to the remaining unimpacted stream to avoid additional indirect impacts.

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 the total permanent direct impacts associated with the proposed project would be mitigated at a 2:1 ratio. The applicant has provided a conditional acceptance letter from the NCDMS for 460 linear feet of warm stream impacts and 0.028 acre of riparian wetland impacts. The letter states that NCDMS proposes to provide the required mitigation credits in the Yadkin-Pee Dee 03040103 HUC.

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 affect 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). The early 19th century farmhouse (Beallmont) was originally located west of the proposed project and was relocated 0.3-mile ENE in 2018 to the north side of Belmont Road. As a result of this action, the Keeper did not require re-nomination as it was mitigation led. The applicant's permit area is located over 700 feet from the relocated structure and is separated by an 8-12-foot-tall earthen berm that would have a vegetated buffer planted with canopy/understory and evergreen species.
- 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 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. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of the date of this public notice. 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 January 17, 2022, 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 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, January 24, 2022. Comments should be submitted to Jean B. Gibby, Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105 Wake Forest, North Carolina 27587, at (919) 554-4884, Extension 24.