



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: April 12, 2021
Comment Deadline: May 12, 2021
Corps Action ID Number: SAW-2018-00217

The Wilmington District, Corps of Engineers (Corps) received an application from the City of High Point seeking Department of the Army authorization to discharge fill material into 82 linear feet (0.006 acre) of stream channel and 0.01 acre of wetlands, associated with relocating Kersey Valley Road (SR 1154) to allow for the expansion of the Kersey Valley Landfill in High Point, in 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:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Mr. Robby Stone
City of High Point
Post Office Box 230
High Point, North Carolina 27261

AGENT (if applicable): Mr. Troy Beasley
WithersRavenel, Inc.
219 Station Road, Suite 101
Wilmington, North Carolina 28405

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): ~3 Nearest Town: High Point
Nearest Waterway: Unnamed Tributary to Richland Creek
River Basin: Cape Fear
Latitude and Longitude: 35.946100 N, -79.931305 W

Existing Site Conditions

The proposed approximately 3-acre project area extends from near the intersection of Kersey Valley Road and Cashatt Road, northwest to Jackson Lake Road, on the east side of High Point, in Guilford County, North Carolina. The project area also contains a small area along the west side of Kersey Valley Road just south of the existing Kersey Valley Landfill.

The site is located in the Piedmont Physiographic Province and includes moderate to steep slopes along and slightly south of a ridgeline. Two small topographic drainages begin within the project area and continue generally south. Elevations range from 808 feet above mean sea level (MSL) to 744 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	Partially hydric
Pits quarry	Pt	Non-hydric
Wilkes-Poindexter-Wynott complex, 2-10% slopes	WwC	Non-hydric
Wilkes-Poindexter-Wynott complex, 10-15% slopes	WkD	Non-hydric
Wilkes-Poindexter-Wynott complex, 15-45% slopes	WkE	Non-hydric

Among the 5 soil types that occur within the project area, Enon fine sandy loam is the only one listed as partially hydric due to minor components of the Picture soil series. Average annual precipitation for Guilford County is 41.99 inches of rainfall and 10.3 inches of snowfall.

Although portions of the project area were historically used for farming, the southeastern half of the project area has been forested since at least 1955, likely due to relatively steep slopes. The northwestern half of the study area has been used as a quarry and related activities, with more recent usage following reclamation including equipment storage, and electrical utilities. Current land use in the proposed project area includes both forested and maintained areas.

Forested areas extend from Kersey Valley Road northwest approximately 0.35 mile. These areas are primarily characterized as mixed mature hardwood communities, with canopy species such as American beech (*Fagus grandifolia*), white oak (*Quercus alba*),

and tulip poplar (*Liriodendron tulipifera*). Early successional areas occur in the area surrounding the existing Jackson Lake power substation, and include primarily eastern red cedar (*Juniperus virginiana*), Virginia pine (*Pinus virginiana*) in the mid-story and black berry (*Rubus sp.*) and greenbriar (*Smilax rotundifolia*) in the understory. Maintained areas occur within an existing transmission line corridor, the Kersey Valley Road and Jackson Lake Road corridors, and a gravel road extending from Jackson Lake Road to the Jackson Lake power substation; 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 primarily features industrial and warehousing uses with low-density residential concentrated in the southeastern section of the project area and south of the Kersey Valley Landfill. Much of the land west of Kersey Valley Road is owned by the City of High Point. Notable land uses in the area, relative to the project area include: the existing Kersey Valley landfill to the north, a Martin Marietta Materials quarry to the northeast, the Jackson Lake Substation bordering to the south near the midpoint, a City-owned construction equipment yard bordering to the south near the western end, and OFS Brands Holdings, Inc. just to the west. A transmission line runs from the substation perpendicular to Kersey Valley Road. Distribution lines are also present in the project area.

Site reconnaissance for the project area was conducted by the applicant's agent on October 26, 2017, 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 delineation was field verified by Mr. David Bailey of the Corps on July 10, 2018, confirming the locations of five streams and two wetlands. A Preliminary Jurisdictional Determination (PJD) was issued to document these findings on June 10, 2019 (Corps Action ID: SAW-2018-00217).

The project area is located in the Cape Fear River Basin, Hydrologic Unit Code (HUC) 03030003. Streams within the project area range from 1st to 2nd order and are all generally stable with normal pattern and profile for this ecoregion. These streams all 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 are small, occur within narrow topographic drainages, and contain a sparse assemblage of primarily herbaceous species, including smallspike false nettle (*Boehmeria cylindrica*), Nepalese browntop (*Microstegium vimineum*), and netted chainfern (*Woodwardia areolata*). Soils within these features are primarily loamy with a low chroma (10YR 4/2) matrix and bright (10YR 6/8) redoximorphic concentrations. Typical of wetlands in topographic drainages, these wetlands display hydrology indicators such as seasonal high-water table, saturation, and drainage patterns.

Background

The Kersey Valley Landfill, owned and operated by the City of High Point, was originally authorized via Nationwide Permit 26 verification on November 29, 1990 (Corps Action ID: SAW-1991-00858). This authorization included permanent impacts to 7.4 acres of jurisdictional waters and wetlands associated with unnamed tributaries of Richland Creek. A landfill expansion was authorized via Individual Permit on October 13, 2000, including permanent impacts to 0.2 acre of wetlands (Corps Action ID: SAW-1999-20165); compensatory mitigation for these impacts included the preservation of 2.2 acres of stream and associated forested wetlands with high ground buffers. An additional landfill expansion was authorized on November 6, 2007, including permanent impacts to 0.35 acre of jurisdictional wetlands, 129 linear feet of perennial streams, 1,983 linear feet of intermittent streams. Compensatory mitigation for these impacts included payment to the North Carolina Ecosystem Enhancement Program (now the North Carolina Division of Mitigation Services [NCDMS]) for restoration of 0.37 acre of riparian wetlands and 740 linear feet of stream channel within the Cape Fear River Basin (HUC 03030003). This authorization expired on June 29, 2017, and therefore cannot be modified.

The above referenced authorizations included all impacts associated with the construction and expansion of the Kersey Valley Landfill. This facility, the expansion of which is integral to the continued operation of the Kersey Valley Landfill, is considered part of one single and complete project. As such, the currently proposed project component lacks independent utility and is subject to Individual Permit review as part of the Kersey Valley Landfill single and complete project.

Authorization	Project Description	Permanent Wetland Impacts (acre)	Permanent Stream Impacts (linear feet)	Compensatory Mitigation Required?
SAW-2004-20798 - IP November 6, 2007	Kersey Valley Landfill expansion	0.35	2,112	Yes
SAW-1999-20165 - IP October 13, 2000	Kersey Valley Landfill expansion	0.2	-	Yes
SAW-1991-00858 - NWP 26 November 29, 1990	Initial Kersey Valley Landfill construction	7.4*	-	No

*Note that all impacts to waters of the US were reported in acreage at the time per regulations and policy, and therefore stream channel impacts were not typically calculated in terms of linear feet.

Applicant's Stated Purpose

The purpose of the proposed project (Project) is to relocate Kersey Valley Road (SR 1154) out of the Kersey Valley Landfill to improve commuter safety, allow for more efficient and safe internal travel/access within the landfill for landfill users and staff, and allow for expansion of the landfill.

Project Description

The applicant provided the following project description:

The Project consists of construction of $\pm 4,000$ linear feet of new two-lane roadway for the realignment of Kersey Valley Road. The realignment begins approximately 775 linear feet south of the intersection of Kersey Valley Road and Cashatt Road (35.944001 N; -79.931236 W) and would run north and west to tie into Jackson Lake Road (35.949963 N; -79.939328 W) across from the entrance to the OFS Brands campus.

The Project also consists of improvements at the existing driveway just south of Stream 1 and improvements (riprap lining) to an existing drainage ditch along the Kersey Valley Road into Stream 1. The existing Kersey Valley Road would be abandoned and blocked north of the last residence, just south of Stream 1. This portion of Kersey Valley Road south of Stream 1 would remain to provide access to the residences south of the landfill to the new alignment of Kersey Valley Road. The driveway entrance at the last residence would be improved to provide a turnaround.

As part of driveway entrance improvements to provide a turnaround, the existing culvert would be relocated, and the existing roadside drainage ditch would be relocated and stabilized with riprap. Kersey Valley Road currently bifurcates the Kersey Valley Landfill. Currently, motorists are required to drive through the active landfill to the intersection with Kivett Drive to reach northern destinations, including I-85. The mingling of commuter traffic and landfill traffic causes considerable issues with both commuter and landfill staff safety and is problematic to the logistics of the operation of the landfill as stated by the applicant to the Corps. Currently, when landfill customers bring in non-treated wood products, the customer is directed to transport the material to the "wood yard". Customers seeking to dispose of this material drive past the scales, make a U-turn on the landfill site, turn left onto SR 1113 (Kivett Drive), turn left into the "old landfill" driveway and follow the drive to the wood yard. Once the product is off-loaded, the customer then exits the facility by following the drive, turning right on SR 1113 (Kivett Drive), and then turning back into the new landfill scalehouse location to weigh and make payment. Relocation of SR 1154 (Kersey Valley Road) would allow customers to enter at the primary landfill entrance while commuting to the woodyard on the private landfill road. The relocation project would eliminate turning and re-entry movements to the traffic system on public streets.

Furthermore, when landfill staff need to transport equipment from one site (westside) to another (eastside) it requires travel across Kersey Valley Road and flagging operations, road plates, and other safety measures are implemented to assure staff and commuters are protected. The absence of the roadway further eliminates crossing traffic conflicts and increases safety for landfill staff as well as commuters.

The relocation of Kersey Valley Road would provide a roadway constructed to North Carolina Department of Transportation (NCDOT) standards that meets or exceeds existing posted speed limit (45 mph) and traffic volumes while creating a more direct access to Interstate 85 and Business 85 and eliminating commuter traffic through the landfill.

The project would result in the permanent discharge of fill material into 65 linear feet (0.004 acre) of stream channel and the temporary discharge of fill material into 17 linear feet (0.002 acre) of stream channel and 0.01 acre of riparian non-riverine wetlands.

Avoidance and Minimization

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

Prior to site plan design, the applicant requested that a detailed wetland delineation be conducted so that impacts to wetlands and “waters” could be minimized. The original alignment would have resulted in 280 linear feet of permanent stream impacts to two streams (Streams 2 & 4) and 0.01 acre of permanent wetland impacts (Wetland B). The revisions to the proposed road alignment shifted the road as far east as possible while being able to maintain a minimum curve radius as the road transitions to the west to meet NCDOT requirements for 50 mph design speed (45 mph posted speed limit). The Project would result in 65 linear feet of permanent stream impacts from one stream crossing (Stream 2) and no wetland impacts. The revisions to the proposed alignment results in a minimization of 215 linear feet of permanent stream impacts and 0.01 acre of permanent wetland impacts.

The Project has been designed to only impact the extreme upper reach of Stream 4 to minimize impacts. The Project has also minimized riparian buffer impacts and would result in perpendicular crossings of the buffers associated with Stream 2 (Deemed Allowable) and Stream 4 (Allowable Upon Authorization). The realignment of the existing roadside drainage ditch has been designed to cross the buffers perpendicularly (Allowable Upon Authorization). Installation of the culvert for the Stream 4 crossing (Site 2) would be completed “in the dry” by constructing temporary coffer dams and pumping flow around the project area during construction. Additionally, the culvert construction would be scheduled during a period with no forecasted rain. Once construction is complete, the temporary coffer dams would be removed and the temporarily impacted stream restored to natural grades, lined with biodegradable matting and seeded with rye grass to provide temporary stabilization until regrowth of

native vegetation permanently stabilizes the stream banks. Matting would not be placed on the stream bed.

During construction, silt fencing would be installed around all areas to be disturbed to prevent sediment from escaping into downstream waters. Access during construction would be in uplands.

Compensatory Mitigation

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

The applicant proposes to mitigate for the 65 linear feet of permanent stream impacts through the purchase of offsite mitigation credits at a 2:1 ratio, resulting in the purchase of 130 linear feet of stream mitigation credits. WithersRavenel checked with mitigation banks within the Cape Fear 0303003 basin, and there were no stream mitigation credits available. Therefore, the applicant proposes to provide the 130 linear feet of stream mitigation through the purchase of credits from the NCDMS. A copy of the NCDMS letter of acceptance has been provided.

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.

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 would not affect federally listed endangered or threatened species or their formally designated critical habitat.

The applicant provided the following information in their application:

Pedestrian surveys were conducted in September 2020 for Schweinitz's sunflower and were focused along the existing ROWs for Kersey Valley Road and the driveways to the Jackson Lake Substation and City's construction equipment storage yard in September 2020. The pedestrian survey did not identify any populations of Schweinitz's sunflower. Additionally, the review of the NCNHP GIS data did not identify any known occurrences of Schweinitz's sunflower within 1.0 mile of the project area.

Pedestrian surveys of the proposed road alignment did not identify any potential habitat for small whorled pogonia, as the canopy within the forested areas were too dense to allow sufficient sunlight penetration, and the vegetation within the non-forested areas were extremely dense to be considered potential habitat. Additionally, review of the NCNHP GIS data did not identify any known occurrences of small whorled pogonia within 1.0 mile of the project area.

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 May 3, 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 (NCDWM):

- 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 12, 2021. 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 / (919) 817-2436, or David.E.Bailey2@usace.army.mil.