



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: October 13, 2021  
Comment Deadline: November 12, 2021  
Corps Action ID Number: SAW-2021-00535

The Wilmington District, Corps of Engineers (Corps) received an application from North Carolina Acquisitions, LLC seeking Department of the Army authorization to impact, 1,995 linear feet (lf)/ 0.129 acres of Unnamed Tributary (UT) to I-L Creek associated with the construction of two distribution facilities at 782 Perry Road, near Troutman, Iredell 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:** North Carolina Acquisitions, LLC  
Attn: Matt Prince  
1776 Peachtree Street, NW, Suite 100  
Atlanta, Georgia 30309  
[mprince@tpa-grp.com](mailto:mprince@tpa-grp.com)

**AGENT (if applicable):** Kimley-Horn and Associates, Inc  
Attn: Chris Tinklenberg  
200 South Tryon Street, Suite 200  
Charlotte, North Carolina 28202  
[chris.tinklenberg@kimely-horn.com](mailto:chris.tinklenberg@kimely-horn.com)

## 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: Location Description: The project site is located at the NW corner of I-77 and OswaltAmity Road, near the municipality of Troutman, in Iredell County, North Carolina.

Project Area (acres): 158.83                      Nearest Town: Troutman  
Nearest Waterway: I-L Creek                      River Basin: Yadkin-Pee Dee  
Latitude and Longitude: 35.689908N, -80.861081W

## Existing Site Conditions

### Facility Site

The proposed project is located approximately 1.5 miles from I-77, 12 miles from I-40, and 11 miles from the Charlotte Douglas International Airport (CLT). The project area totals approximately 158.83 acres located at the NW corner of I-77 and Oswalt Amity Road in the Town of Troutman, Iredell County, North Carolina. The proposed site is located in the Yadkin-Pee Dee River Basin (030401020303) and consists of undeveloped forested land and an open field.

The current vegetation community consists predominately of American Beech (*Fagus grandifolia*), willow oak, (*Quercus phellos*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer Rubrum*), loblolly pin (*Pinus taeda*) and white oak, (*quercus Alba*).

The USDA Web Soil Survey of Iredell County identifies the following soil mapping units within the project area:

**Table 1: Project Area Soils**

Soil Type	Soil Description
The Cecil Series – Sandy Clay Loam (CeB2)	The Cecil series consists of well-drained, moderately permeable soils that occur on ridges and side slopes.
CeC2	
Cecil Bethlehem Spartanburg complex (CfB)	2 to 8 percent slopes

Madison-Udorthents Complex (MaD4), (MaF4)	2 to 15 percent slopes: Udorthents consist of gullied areas where erosion has removed all the topsoil and most of the subsoil, consists of very small channels with steep sides cut by running water
MaF4	15 to 25 percent slopes, gullied
Pacolet Sandy Clay Loam (PcB2)	2 to 6 percent slopes: Gently sloping to moderately steep, well drained soils, on uplands and side slopes
PcC2	6 to 10 percent slopes, moderately eroded
PcD2	10 to 15 percent slopes, moderately eroded
PcE2	15 to 25 percent slopes, moderately eroded
Riverview and Toccoa Soils (RtA)	0 to 2 percent slopes, occasionally flooded River and stream valley location
Spartanburg-Cecil-Bethlehem complex (ScD)	8 to 15 percent slopes, stony

The Riverview and Toccoa Soils (RtA) soil mapping units are identified on the Iredell County Hydric Soils List. The remainder of the soils located within the project area are not identified on the Iredell County Hydric Soils List.

The FEMA FIRMs mapping identifies all the project area outside of the 100-year and 500-year floodplains. Impacts to floodplains are not anticipated by the proposed project area.

Iredell County is primarily located in the Piedmont physiographic province. Most of the area is generally characterized by gently sloping to moderately steep landscapes. The dominant soils are well drained, red, and clayey. The Brushy Mountains, located in the northwest part of the county, are monadnocks or outliers (isolated from the Blue Ridge mountains farther west) that have resisted erosion. This area is characterized by sloping to steep landscapes. The dominant soils are well drained and moderately deep or deep.

#### 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 (USACE) on March 22, 2021. The project area contains 6,863 LF of streams, no wetlands, and no open waters. No permits are

currently existing within the project boundary. The proposed project contains 7 Streams (Table 2).

**Table 2. Aquatic Resource Table**

Stream Name	Stream Classification	Approximate Length of Intermittent Stream (Linear Feet)	Approximate Length of Perennial Stream (Linear Feet)
Stream 1	Perennial		4,026 linear feet
Stream 2	Perennial		1,660 linear feet
Stream 3	Perennial		360 linear feet
Stream 3B	Intermittent	430 linear feet	
Stream 4	Intermittent	59 linear feet	
Stream 5	Intermittent	272 linear feet	
Stream 6	Intermittent	56 linear feet	

The site is located within the Pee Dee River Basin. The waters on the site drain to I-L Creek, a named tributary within the 030401020303 USGS HUC. Specific streams that will be impacted were qualitatively assessed using the North Carolina Stream Assessment Methodology (NCSAM). Table 3.

**Table 3: Current Stream Quality Rating**

Aquatic Feature	Quality Rating
Stream 2	medium
Stream 3B	medium
Stream 4	medium
Stream 5	medium

### **Applicant's Stated Purpose**

**Basic:** The basic purpose is to provide warehousing and supply-chain distribution space to service Charlotte and the Southeastern US and consumers within those areas.

### **Project Description**

According to the applicant, their preferred project alternative involves grading impacts to 1,995 LF of Unnamed Tributaries to I-L Creek for mass grading. The proposed fill encompasses the construction of two (2) distribution warehouse buildings, totaling 1,700,000 SF. The proposed project includes the construction of access road, parking, utilities, and stormwater management facilities. Trailer and employee parking are

required. While the stormwater plan has not been finalized, it is anticipated that three or four ponds will be required to satisfy the stormwater management needs of the site and are strategically positioned within the western portion of the site where the construction of warehouse facilities is not feasible without additional stream impacts. Permit drawings depicting the proposed project are included in Appendix C. Due to the size of the warehouse buildings and the north/south orientation of the project site, the

location and layout of the facilities were limited to the eastern portion of the property where a larger, contiguous development cluster could be created. The applicant chose the eastern portion of the property to maximize the use of uplands and minimize impacts to streams to the greatest extent practicable. As shown in the attached permit drawings, the proposed site plan requires impacts to aquatic resources totaling 1,995 LF of stream. The applicant has been in coordination with the owner of an approximately 10-acre parcel located between the project site and Perry Road, to establish a purchase agreement for this property; however, the sale of the property is not feasible at this time due to continuing legal issues.

### **Avoidance and Minimization**

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

During the design of the proposed project, the applicant evaluated five off-site and three on-site alternatives. Impacts to streams and wetlands of the five off-site and three on-site alternatives are detailed in Table 1, Section 6.0, Alternative Analysis (See page 9 of the Standard Permit Application; Table 1: Summary Table for Practicability and Reasonableness Screening Selection Criteria) On-site Alternative 1 proposes to impact 3,100 linear feet of stream and On-site Alternative 2 proposes to impact 2,400 linear feet of streams. Based on a comparison of alternatives to the practicability/reasonability screening criteria, the Preferred On-Site Alternative was determined least damaging to the environment while still meeting the needs of the applicant and community that the project would serve.

### **Compensatory Mitigation**

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

The applicant has attempted to avoid and minimize impacts where possible and will compensate to the extent practicable, for the remaining unavoidable losses with mitigation. The applicant proposes the following mitigation for the unavoidable impacts to Waters of the United States (Table 4).

**Table 4: Applicant Mitigation Proposal**

Feature impacted	Type of impact	Proposed mitigation ratio	Impact amount	Proposed credits to be purchased
<b>Stream Impacts</b>				
Stream 2	fill	2: 1	1,407 linear Feet	2,814 linear feet
Stream 3B		1.5:1	257 linear feet	882 linear feet
Stream 4		1.5:1	59 linear feet	
Stream 5		1.5:1	272 linear feet	
<b>Total Stream Credits Proposed</b>				<b>3,696 linear feet</b>

The applicant has conducted a qualitative assessment of the streams within the proposed project area using NCSAM. Their findings are listed above in Table 3: Current Stream Quality Rating. The applicant proposed to compensate for impacts associated with the proposed project by offering payment into the North Carolina Department of Environmental Quality-Division of Mitigation Services (DMS) in-lieu fee program.

### 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 property.
- 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.
- 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 will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- 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. 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 120 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 December 11, 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 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, November 12, 2021. Comments should be submitted to Ms. Krysta Stygar, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at 252-545-0507.